

APPENDIX A: COMMENTS AND RESPONSES

LIST OF CORRESPONDENCE INCLUDED IN APPENDIX

- October 13, 2023 – NRCS request to USFWS to be a Cooperating Agency
- October 13, 2023 – NRCS request to USACE to be a Cooperating Agency
- October 18, 2023 - NHPA Section 106 consultation initiation letters
- October 25, 2023 – USACE Cooperating Agency Request letter
- November 1, 2023 – Bureau of Reclamation Scoping Letter
- November 3, 2023 – Federal Emergency Management Agency Scoping Letter
- November 20, 2023 – National Park Service Scoping Letter
- December 22, 2023 – Nebraska Department of Natural Resources Scoping Letter
- December 26, 2023 - U.S. Environmental Protection Agency Scoping Response
- December 27, 2023 – Nebraska Game and Parks Commission Scoping Letter
- January 2, 2024 – Scott Wessel, Nebraska Game and Parks Commission Scoping Comment
- June 4, 2024 – Federal Emergency Management Agency Scoping Letter
- September 30, 2024 – Farmland Protection Policy Act Consultation Letter
- December 5, 2024 - P.L. 83-566 Section 12 Consultation Letter
- January 29, 2025 - NHPA Section 106 Consultation Request Letters (11 letters)
- February 6-March 28, 2025 – Email exchanges between Melissa Baier, NRCS and Chelsea Rose, History Nebraska about the Pierce Levee
- March 12, 2025 – Northern Arapaho Tribe NHPA Section 106 Consultation Response
- March 17, 2025 - NHPA Section 106 Consultation Request Letter to USACE
- March 17, 2025 - NHPA Section 106 Consultation Request Follow Up Emails to Consulting Tribes (10)
- April 22, 2025 – Email and letter from History Nebraska to NRCS with questions about Pierce Levee history
- May 1, 2025 –Pawnee Nation Tribal Historic Preservation Office NHPA Section 106 Consultation Response



Natural Resources Conservation Service
Nebraska State Office
Federal Building, Room 152
100 Centennial Mall North
Lincoln, NE 68508-3866
(402) 437-5300

www.NRCS.usda.gov/Nebraska

SENT VIA USPS PRIORITY MAIL: SIGNATURE CONFIRMATION REQUIRED

October 13, 2023

Jeremy Grauf, Nebraska Section Chief
Omaha District, Regulatory Branch
8901 South 154th Street Suite 2
Omaha, Nebraska 68138-3635

RE: Formal Request to be a Cooperating Agency for the North Fork Elkhorn River Watershed
Plan – Environmental Assessment (Plan-EA)

Dear Jeremy Grauf:

In accordance with the Council on Environmental Quality regulations implementing the National Environmental Policy Act (NEPA) at 40 CFR Part 1501.6, Natural Resources Conservation Service (NRCS) is formally requesting that your agency become a cooperating agency in the planning and development of the Watershed Plan-EA for the North Fork Elkhorn River Watershed Improvement Project. The project area is in Pierce, Knox, Antelope, Cedar, and Wayne Counties, Nebraska. The primary project purpose is flood prevention (flood damage reduction). The associated alternatives will be determined as the development of the Plan-EA progresses.

This request is being made because your agency has been identified as having special expertise or jurisdiction by law related to this project. The Plan-EA is being prepared to fulfill NRCS NEPA compliance responsibilities pertaining to the federal financial assistance received through the Watershed Protection and Flood Prevention Act (P.L. 83-566) for this project. As your agency may have permitting authority and NEPA compliance responsibilities concerning the project evaluated in this EA, preparation of this Plan-EA should also assist in fulfilling environmental review requirements for your agency and meet NEPA's intent of reducing duplication and delay between agencies.

If your agency is unable to participate as a Cooperating Agency, please return a written explanation as to why your agency can not participate. Please note that a response declining to be a Cooperation Agency is also required to be submitted to the Council on Environmental Quality per 40 CFR Part 1501.6(c). Upon acceptance of this invitation, roles can be defined in an informal agreement, or a formal memorandum of understanding (MOU) can be established. Please respond within 30 days after the receipt of this letter to help ensure the project continues on-schedule.



Thank you for your timely response and cooperation with this project. If you have any questions or comments please contact Melissa Baier, Watershed Planning Coordinator, by phone at 402.437.4065 or by email at melissa.baier@usda.gov.

Sincerely,

The image shows the official USDA logo, which consists of the letters "USDA" in a bold, serif font. Below the letters is a stylized graphic of a mountain range with a river flowing through it. Overlaid on the right side of the logo is the signature "Robert D. Lawson" in a cursive script.

Digitally signed by ROBERT
LAWSON
Date: 2023.10.13 16:18:02 -05'00'

ROBERT D. LAWSON
State Conservationist

Enclosure: North Fork Elkhorn River Watershed WFPO Project Area Map

cc:

Allen Gehring, State Conservation Engineer, NRCS – Lincoln State Office
Melissa Baier, Watershed Program Coordinator, NRCS – Lincoln State Office
Curt Becker, Projects Manager, Lower Elkhorn NRD
Brian Bruckner, Interim General Manager, Lower Elkhorn NRD



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October 13, 2023

Mark Porath, Field Supervisor
United States Fish and Wildlife Service
9325 South Alda Road
Wood River, NE 68883

RE: Formal Request to be a Cooperating Agency for the North Fork Elkhorn River Watershed
Plan – Environmental Assessment (Plan-EA)

Dear Mark Porath:

In accordance with the Council on Environmental Quality regulations implementing the National Environmental Policy Act (NEPA) at 40 CFR Part 1501.6, Natural Resources Conservation Service (NRCS) is formally requesting that your agency become a cooperating agency in the planning and development of the Watershed Plan-EA for the North Fork Elkhorn River Watershed Improvement Project. The project area is in Pierce, Knox, Antelope, Cedar, and Wayne Counties, Nebraska. The primary project purpose is flood prevention (flood damage reduction). The associated alternatives will be determined as the development of the Plan-EA progresses.

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Digitally signed by ROBERT LAWSON
Date: 2023.10.13 16:19:34 -05'00'

ROBERT D. LAWSON
State Conservationist

Enclosure: North Fork Elkhorn River Watershed WFPO Project Area Map

cc:

Allen Gehring, State Conservation Engineer, NRCS – Lincoln State Office
Melissa Baier, Watershed Program Coordinator, NRCS – Lincoln State Office
Curt Becker, Projects Manager, Lower Elkhorn NRD
Brian Bruckner, Interim General Manager, Lower Elkhorn NRD



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October 18, 2023

The Honorable Alonzo Denney
Chairman
Santee Sioux Nation of Nebraska
108 Spirit Lake Avenue West
Niobrara, NE 68760-7219

Subject: Initiation of National Historic Preservation Act (NHPA) Section 106 Consultation, North Fork Elkhorn River Watershed Plan-Environmental Assessment, Pierce, Knox, Antelope, Cedar, and Wayne Counties, Nebraska

Dear Chairman Denney:

In compliance with 36 CFR 800.3(f), the Natural Resources Conservation Service (NRCS) is inviting the Santee Sioux Nation of Nebraska to participate in the Section 106 process as a consulting party on an undertaking in Pierce, Knox, Antelope, Cedar, and Wayne Counties, Nebraska. The undertaking involves the development of a Watershed Plan-Environmental Assessment (Plan-EA) for the North Fork Elkhorn River.

The watershed plan is being prepared in accordance with the Watershed Protection and Flood Prevention Act (PL 83-566), which authorizes NRCS to cooperate with State and local agencies in planning and carrying out works of improvement for dam safety, soil conservation and flood risk reduction purposes. As part of the planning process, an environmental assessment (EA) will be prepared in accordance with the National Environmental Policy Act (NEPA) to determine the environmental impacts of the proposed alternatives.

NRCS is partnering with the Lower Elkhorn Natural Resources District (LENRD) to develop the watershed plan, and JEO Consulting, LLC. has been retained as the consultant in charge of preparing the Plan-EA. The Plan-EA will evaluate alternatives to address flooding in Pierce and Osmond, Nebraska.

The Plan-EA is in the initial stages of development and as the proposed undertaking may be located within the ancestral lands of your Tribe. NRCS and LPNNRD is inviting you to participate in early coordination and consultation on this undertaking. Specifically, we would like your input regarding the potential to impact culturally significant resources within the project area. Early identification of Tribal concerns will allow NRCS and LPNNRD to consider ways to avoid or minimize impacts to cultural resources. Your comments will be incorporated into the environmental planning process and environmental document as appropriate.



We have enclosed a packet with additional information about the watershed and the types of alternatives that will be evaluated as part of the planning process, as well as a tentative schedule for the development of the Plan-EA. In the packet you will also find a map depicting the location of the project study area. As input is received and additional studies are conducted, we will refine the proposed area of potential effects (APE). Archeological surveys will take place after a preferred alternative is selected and the final APE is determined. NRCS will conduct additional NHPA Section 106 consultation throughout the NEPA process.

You are also invited to an agency scoping meeting hosted by NRCS and LENRD. To accommodate schedules and travel, the agency scoping meeting will be held virtually via Microsoft Teams. Agencies are invited to provide insight, present questions, and discuss the study area with the project team. The project team will present information, answer questions, and receive comments. Agency meeting information is below:

Agency Meeting Details

Tuesday, November 28, 2023

2:30 p.m. – 4:00 p.m.

Virtual Meeting via Microsoft Teams

Call in: +1 531-205-2205

Toll free: (833) 798-7807

Conference ID #: 425 483 627#

<https://bit.ly/46usgRx>

If you would like to attend the agency meeting, please RSVP to Brianna Lock, JEO community engagement specialist, by **Monday, November 27, 2023**, at block@jeo.com to receive a calendar invite with the virtual Microsoft Teams meeting log in information. You may also log into the meeting at the website provided above.

Thank you in advance for your consideration of this project. If you have any questions about this undertaking, or if you would like to be a consulting party on this undertaking, please contact Melissa Baier, NRCS Watershed Planning Coordinator, at 402.437.4065 or by email at melissa.baier@usda.gov, OR at the address in the letterhead.

Sincerely,

 *Robert D. Lawson*

Digitally signed by ROBERT
LAWSON
Date: 2023.10.18 08:43:09 -05'00'

ROBERT D. LAWSON
State Conservationist

Enclosure: Study Area Map

cc: Larry Thomas, Tribal Historic Preservation Officer, Santee Sioux Nation of Nebraska
Melissa Baier, Watershed Planning Coordinator, NRCS – Lincoln State Office



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October 18, 2023

The Honorable Candace Schmidt
Chairwoman
Ponca Tribe of Nebraska
P.O. Box 288
Niobrara, NE 68760

Subject: Initiation of National Historic Preservation Act (NHPA) Section 106 Consultation, North Fork Elkhorn River Watershed Plan-Environmental Assessment, Pierce, Knox, Antelope, Cedar, and Wayne Counties, Nebraska

Dear Chairwoman Schmidt:

In compliance with 36 CFR 800.3(f), the Natural Resources Conservation Service (NRCS) is inviting the Ponca Tribe of Nebraska to participate in the Section 106 process as a consulting party on an undertaking in Pierce, Knox, Antelope, Cedar, and Wayne Counties, Nebraska. The undertaking involves the development of a Watershed Plan-Environmental Assessment (Plan-EA) for the North Fork Elkhorn River.

The watershed plan is being prepared in accordance with the Watershed Protection and Flood Prevention Act (PL 83-566), which authorizes NRCS to cooperate with State and local agencies in planning and carrying out works of improvement for dam safety, soil conservation and flood risk reduction purposes. As part of the planning process, an environmental assessment (EA) will be prepared in accordance with the National Environmental Policy Act (NEPA) to determine the environmental impacts of the proposed alternatives.

NRCS is partnering with the Lower Elkhorn Natural Resources District (LENRD) to develop the watershed plan, and JEO Consulting, LLC. has been retained as the consultant in charge of preparing the Plan-EA. The Plan-EA will evaluate alternatives to address flooding in Pierce and Osmond, Nebraska.

The Plan-EA is in the initial stages of development and as the proposed undertaking may be located within the ancestral lands of your Tribe. NRCS and LPNNRD is inviting you to participate in early coordination and consultation on this undertaking. Specifically, we would like your input regarding the potential to impact culturally significant resources within the project area. Early identification of Tribal concerns will allow NRCS and LPNNRD to consider ways to avoid or minimize impacts to cultural resources. Your comments will be incorporated into the environmental planning process and environmental document as appropriate.



We have enclosed a packet with additional information about the watershed and the types of alternatives that will be evaluated as part of the planning process, as well as a tentative schedule for the development of the Plan-EA. In the packet you will also find a map depicting the location of the project study area. As input is received and additional studies are conducted, we will refine the proposed area of potential effects (APE). Archeological surveys will take place after a preferred alternative is selected and the final APE is determined. NRCS will conduct additional NHPA Section 106 consultation throughout the NEPA process.

You are also invited to an agency scoping meeting hosted by NRCS and LENRD. To accommodate schedules and travel, the agency scoping meeting will be held virtually via Microsoft Teams. Agencies are invited to provide insight, present questions, and discuss the study area with the project team. The project team will present information, answer questions, and receive comments. Agency meeting information is below:

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<https://bit.ly/46usgRx>

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Thank you in advance for your consideration of this project. If you have any questions about this undertaking, or if you would like to be a consulting party on this undertaking, please contact Melissa Baier, NRCS Watershed Planning Coordinator, at 402.437.4065 or by email at melissa.baier@usda.gov, OR at the address in the letterhead.

Sincerely,

The image shows the official USDA logo, which includes the letters "USDA" in a bold, serif font. Below the logo is a stylized signature of Robert D. Lawson in a cursive script.

Digitally signed by ROBERT
LAWSON
Date: 2023.10.18 08:44:30 -05'00'

ROBERT D. LAWSON
State Conservationist

Enclosure: Study Area Map

cc: Ricky Wright, Cultural Director / Acting Tribal Historic Preservation Officer, Ponca Tribe of Nebraska
Melissa Baier, Watershed Planning Coordinator, NRCS – Lincoln State Office



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October 18, 2023

The Honorable Durell Cooper III
Chairman
Apache Tribe of Oklahoma
P.O. Box 1330
Anadarko, OK 73005

Subject: Initiation of National Historic Preservation Act (NHPA) Section 106 Consultation, North Fork Elkhorn River Watershed Plan-Environmental Assessment, Pierce, Knox, Antelope, Cedar, and Wayne Counties, Nebraska

Dear Chairman Cooper III:

In compliance with 36 CFR 800.3(f), the Natural Resources Conservation Service (NRCS) is inviting the Apache Tribe of Oklahoma to participate in the Section 106 process as a consulting party on an undertaking in Pierce, Knox, Antelope, Cedar, and Wayne Counties, Nebraska. The undertaking involves the development of a Watershed Plan-Environmental Assessment (Plan-EA) for the North Fork Elkhorn River.

The watershed plan is being prepared in accordance with the Watershed Protection and Flood Prevention Act (PL 83-566), which authorizes NRCS to cooperate with State and local agencies in planning and carrying out works of improvement for dam safety, soil conservation and flood risk reduction purposes. As part of the planning process, an environmental assessment (EA) will be prepared in accordance with the National Environmental Policy Act (NEPA) to determine the environmental impacts of the proposed alternatives.

NRCS is partnering with the Lower Elkhorn Natural Resources District (LENRD) to develop the watershed plan, and JEO Consulting, LLC. has been retained as the consultant in charge of preparing the Plan-EA. The Plan-EA will evaluate alternatives to address flooding in Pierce and Osmond, Nebraska.

The Plan-EA is in the initial stages of development and as the proposed undertaking may be located within the ancestral lands of your Tribe. NRCS and LPNNRD is inviting you to participate in early coordination and consultation on this undertaking. Specifically, we would like your input regarding the potential to impact culturally significant resources within the project area. Early identification of Tribal concerns will allow NRCS and LPNNRD to consider ways to avoid or minimize impacts to cultural resources. Your comments will be incorporated into the environmental planning process and environmental document as appropriate.



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You are also invited to an agency scoping meeting hosted by NRCS and LENRD. To accommodate schedules and travel, the agency scoping meeting will be held virtually via Microsoft Teams. Agencies are invited to provide insight, present questions, and discuss the study area with the project team. The project team will present information, answer questions, and receive comments. Agency meeting information is below:

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Thank you in advance for your consideration of this project. If you have any questions about this undertaking, or if you would like to be a consulting party on this undertaking, please contact Melissa Baier, NRCS Watershed Planning Coordinator, at 402.437.4065 or by email at melissa.baier@usda.gov, OR at the address in the letterhead.

Sincerely,

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Digitally signed by ROBERT
LAWSON
Date: 2023.10.18 08:45:58
-05'00'

ROBERT D. LAWSON
State Conservationist

Enclosure: Study Area Map

cc: Darrin Cisco, NAGPRA Contact, Apache Tribe of Oklahoma Cultural Department
Melissa Baier, Watershed Planning Coordinator, NRCS – Lincoln State Office



Natural Resources Conservation Service
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October 18, 2023

The Honorable Leander Merrick
Chairman
Omaha Tribe of Nebraska
P.O. Box 368
Macy, NE 68039

Subject: Initiation of National Historic Preservation Act (NHPA) Section 106 Consultation, North Fork Elkhorn River Watershed Plan-Environmental Assessment, Pierce, Knox, Antelope, Cedar, and Wayne Counties, Nebraska

Dear Chairman Merrick:

In compliance with 36 CFR 800.3(f), the Natural Resources Conservation Service (NRCS) is inviting the Omaha Tribe of Nebraska to participate in the Section 106 process as a consulting party on an undertaking in Pierce, Knox, Antelope, Cedar, and Wayne Counties, Nebraska. The undertaking involves the development of a Watershed Plan-Environmental Assessment (Plan-EA) for the North Fork Elkhorn River.

The watershed plan is being prepared in accordance with the Watershed Protection and Flood Prevention Act (PL 83-566), which authorizes NRCS to cooperate with State and local agencies in planning and carrying out works of improvement for dam safety, soil conservation and flood risk reduction purposes. As part of the planning process, an environmental assessment (EA) will be prepared in accordance with the National Environmental Policy Act (NEPA) to determine the environmental impacts of the proposed alternatives.

NRCS is partnering with the Lower Elkhorn Natural Resources District (LENRD) to develop the watershed plan, and JEO Consulting, LLC. has been retained as the consultant in charge of preparing the Plan-EA. The Plan-EA will evaluate alternatives to address flooding in Pierce and Osmond, Nebraska.

The Plan-EA is in the initial stages of development and as the proposed undertaking may be located within the ancestral lands of your Tribe. NRCS and LPNNRD is inviting you to participate in early coordination and consultation on this undertaking. Specifically, we would like your input regarding the potential to impact culturally significant resources within the project area. Early identification of Tribal concerns will allow NRCS and LPNNRD to consider ways to avoid or minimize impacts to cultural resources. Your comments will be incorporated into the environmental planning process and environmental document as appropriate.



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Thank you in advance for your consideration of this project. If you have any questions about this undertaking, or if you would like to be a consulting party on this undertaking, please contact Melissa Baier, NRCS Watershed Planning Coordinator, at 402.437.4065 or by email at melissa.baier@usda.gov, OR at the address in the letterhead.

Sincerely,


Robert D. Lawson

Digitally signed by ROBERT
LAWSON
Date: 2023.10.18 08:46:40 -05'00'

ROBERT D. LAWSON
State Conservationist

Enclosure: Study Area Map

cc: Jarell Grant, Tribal Historic Preservation Officer, Omaha Tribe of Nebraska
Melissa Baier, Watershed Planning Coordinator, NRCS – Lincoln State Office



Natural Resources Conservation Service
Nebraska State Office
Federal Building, Room 152
100 Centennial Mall North
Lincoln, NE 68508-3866
(402) 437-5300

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October 18, 2023

The Honorable Lloyd Goggles
Chairman
Northern Arapaho Tribe of the Wind River Reservation, Wyoming
P.O. Box 396
Fort Washakie, WY 82514

Subject: Initiation of National Historic Preservation Act (NHPA) Section 106 Consultation, North Fork Elkhorn River Watershed Plan-Environmental Assessment, Pierce, Knox, Antelope, Cedar, and Wayne Counties, Nebraska

Dear Chairman Goggles:

In compliance with 36 CFR 800.3(f), the Natural Resources Conservation Service (NRCS) is inviting the Northern Arapaho Tribe of the Wind River Reservation, Wyoming to participate in the Section 106 process as a consulting party on an undertaking in Pierce, Knox, Antelope, Cedar, and Wayne Counties, Nebraska. The undertaking involves the development of a Watershed Plan-Environmental Assessment (Plan-EA) for the North Fork Elkhorn River.

The watershed plan is being prepared in accordance with the Watershed Protection and Flood Prevention Act (PL 83-566), which authorizes NRCS to cooperate with State and local agencies in planning and carrying out works of improvement for dam safety, soil conservation and flood risk reduction purposes. As part of the planning process, an environmental assessment (EA) will be prepared in accordance with the National Environmental Policy Act (NEPA) to determine the environmental impacts of the proposed alternatives.

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Call in: +1 531-205-2205

Toll free: (833) 798-7807

Conference ID #: 425 483 627#

<https://bit.ly/46usgRx>

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Thank you in advance for your consideration of this project. If you have any questions about this undertaking, or if you would like to be a consulting party on this undertaking, please contact Melissa Baier, NRCS Watershed Planning Coordinator, at 402.437.4065 or by email at melissa.baier@usda.gov, OR at the address in the letterhead.

Sincerely,


Robert D. Lawson

Digitally signed by ROBERT
LAWSON
Date: 2023.10.18 08:47:35
-05'00'

ROBERT D. LAWSON
State Conservationist

Enclosure: Study Area Map

cc: Ben Ridgley, Tribal Historic Preservation Officer, Norther Arapaho Tribe of the Wind River
Reservation, Wyoming
Melissa Baier, Watershed Planning Coordinator, NRCS – Lincoln State Office



Natural Resources Conservation Service
Nebraska State Office
Federal Building, Room 152
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(402) 437-5300

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SENT VIA USPS PRIORITY MAIL: SIGNATURE CONFIRMATION REQUIRED

October 18, 2023

The Honorable Misty M. Nuttle
President
Pawnee Nation of Oklahoma
P.O. Box 470
Pawnee, OK 74058

Subject: Initiation of National Historic Preservation Act (NHPA) Section 106 Consultation, North Fork Elkhorn River Watershed Plan-Environmental Assessment, Pierce, Knox, Antelope, Cedar, and Wayne Counties, Nebraska

Dear President Nuttle:

In compliance with 36 CFR 800.3(f), the Natural Resources Conservation Service (NRCS) is inviting the Pawnee Nation of Oklahoma to participate in the Section 106 process as a consulting party on an undertaking in Pierce, Knox, Antelope, Cedar, and Wayne Counties, Nebraska. The undertaking involves the development of a Watershed Plan-Environmental Assessment (Plan-EA) for the North Fork Elkhorn River.

The watershed plan is being prepared in accordance with the Watershed Protection and Flood Prevention Act (PL 83-566), which authorizes NRCS to cooperate with State and local agencies in planning and carrying out works of improvement for dam safety, soil conservation and flood risk reduction purposes. As part of the planning process, an environmental assessment (EA) will be prepared in accordance with the National Environmental Policy Act (NEPA) to determine the environmental impacts of the proposed alternatives.

NRCS is partnering with the Lower Elkhorn Natural Resources District (LENRD) to develop the watershed plan, and JEO Consulting, LLC. has been retained as the consultant in charge of preparing the Plan-EA. The Plan-EA will evaluate alternatives to address flooding in Pierce and Osmond, Nebraska.

The Plan-EA is in the initial stages of development and as the proposed undertaking may be located within the ancestral lands of your Tribe. NRCS and LPNNRD is inviting you to participate in early coordination and consultation on this undertaking. Specifically, we would like your input regarding the potential to impact culturally significant resources within the project area. Early identification of Tribal concerns will allow NRCS and LPNNRD to consider ways to avoid or minimize impacts to cultural resources. Your comments will be incorporated into the environmental planning process and environmental document as appropriate.



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You are also invited to an agency scoping meeting hosted by NRCS and LENRD. To accommodate schedules and travel, the agency scoping meeting will be held virtually via Microsoft Teams. Agencies are invited to provide insight, present questions, and discuss the study area with the project team. The project team will present information, answer questions, and receive comments. Agency meeting information is below:

Agency Meeting Details

Tuesday, November 28, 2023

2:30 p.m. – 4:00 p.m.

Virtual Meeting via Microsoft Teams

Call in: +1 531-205-2205

Toll free: (833) 798-7807

Conference ID #: 425 483 627#

<https://bit.ly/46usgRx>

If you would like to attend the agency meeting, please RSVP to Brianna Lock, JEO community engagement specialist, by **Monday, November 27, 2023**, at block@jeo.com to receive a calendar invite with the virtual Microsoft Teams meeting log in information. You may also log into the meeting at the website provided above.

Thank you in advance for your consideration of this project. If you have any questions about this undertaking, or if you would like to be a consulting party on this undertaking, please contact Melissa Baier, NRCS Watershed Planning Coordinator, at 402.437.4065 or by email at melissa.baier@usda.gov, OR at the address in the letterhead.

Sincerely,


Robert D. Lawson

Digitally signed by ROBERT
LAWSON
Date: 2023.10.18 08:48:15 -05'00'

ROBERT D. LAWSON
State Conservationist

Enclosure: Study Area Map

cc: Joseph Reed, Tribal Historic Preservation Officer, Repatriation Committee, Pawnee Nation of Oklahoma
Melissa Baier, Watershed Planning Coordinator, NRCS – Lincoln State Office



Natural Resources Conservation Service
Nebraska State Office
Federal Building, Room 152
100 Centennial Mall North
Lincoln, NE 68508-3866
(402) 437-5300

www.NRCS.usda.gov/Nebraska

SENT VIA USPS PRIORITY MAIL: SIGNATURE CONFIRMATION REQUIRED

October 18, 2023

The Honorable Oliver Little Cook
Chairman
Ponca Tribe of Indians of Oklahoma
20 White Eagle Drive
Ponca City, OK 74601

Subject: Initiation of National Historic Preservation Act (NHPA) Section 106 Consultation, North Fork Elkhorn River Watershed Plan-Environmental Assessment, Pierce, Knox, Antelope, Cedar, and Wayne Counties, Nebraska

Dear Chairman Little Cook:

In compliance with 36 CFR 800.3(f), the Natural Resources Conservation Service (NRCS) is inviting the Ponca Tribe of Indians of Oklahoma to participate in the Section 106 process as a consulting party on an undertaking in Pierce, Knox, Antelope, Cedar, and Wayne Counties, Nebraska. The undertaking involves the development of a Watershed Plan-Environmental Assessment (Plan-EA) for the North Fork Elkhorn River.

The watershed plan is being prepared in accordance with the Watershed Protection and Flood Prevention Act (PL 83-566), which authorizes NRCS to cooperate with State and local agencies in planning and carrying out works of improvement for dam safety, soil conservation and flood risk reduction purposes. As part of the planning process, an environmental assessment (EA) will be prepared in accordance with the National Environmental Policy Act (NEPA) to determine the environmental impacts of the proposed alternatives.

NRCS is partnering with the Lower Elkhorn Natural Resources District (LENRD) to develop the watershed plan, and JEO Consulting, LLC. has been retained as the consultant in charge of preparing the Plan-EA. The Plan-EA will evaluate alternatives to address flooding in Pierce and Osmond, Nebraska.

The Plan-EA is in the initial stages of development and as the proposed undertaking may be located within the ancestral lands of your Tribe. NRCS and LPNNRD is inviting you to participate in early coordination and consultation on this undertaking. Specifically, we would like your input regarding the potential to impact culturally significant resources within the project area. Early identification of Tribal concerns will allow NRCS and LPNNRD to consider ways to avoid or minimize impacts to cultural resources. Your comments will be incorporated into the environmental planning process and environmental document as appropriate.



We have enclosed a packet with additional information about the watershed and the types of alternatives that will be evaluated as part of the planning process, as well as a tentative schedule for the development of the Plan-EA. In the packet you will also find a map depicting the location of the project study area. As input is received and additional studies are conducted, we will refine the proposed area of potential effects (APE). Archeological surveys will take place after a preferred alternative is selected and the final APE is determined. NRCS will conduct additional NHPA Section 106 consultation throughout the NEPA process.

You are also invited to an agency scoping meeting hosted by NRCS and LENRD. To accommodate schedules and travel, the agency scoping meeting will be held virtually via Microsoft Teams. Agencies are invited to provide insight, present questions, and discuss the study area with the project team. The project team will present information, answer questions, and receive comments. Agency meeting information is below:

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<https://bit.ly/46usgRx>

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Thank you in advance for your consideration of this project. If you have any questions about this undertaking, or if you would like to be a consulting party on this undertaking, please contact Melissa Baier, NRCS Watershed Planning Coordinator, at 402.437.4065 or by email at melissa.baier@usda.gov, OR at the address in the letterhead.

Sincerely,


Robert D. Lawson

Digitally signed by ROBERT
LAWSON
Date: 2023.10.18 08:48:52
-05'00'

ROBERT D. LAWSON
State Conservationist

Enclosure: Study Area Map

cc: Liana Hesler, Tribal Historic Preservation Officer, Ponca Tribe of Indians of Oklahoma
Melissa Baier, Watershed Planning Coordinator, NRCS – Lincoln State Office



Natural Resources Conservation Service
Nebraska State Office
Federal Building, Room 152
100 Centennial Mall North
Lincoln, NE 68508-3866
(402) 437-5300

www.NRCS.usda.gov/Nebraska

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October 18, 2023

The Honorable Reggie Wassana
Governor
Cheyenne and Arapaho Tribes of Oklahoma
P.O. Box 167
Concho, OK 73022

Subject: Initiation of National Historic Preservation Act (NHPA) Section 106 Consultation, North Fork Elkhorn River Watershed Plan-Environmental Assessment, Pierce, Knox, Antelope, Cedar, and Wayne Counties, Nebraska

Dear Governor Wassana:

In compliance with 36 CFR 800.3(f), the Natural Resources Conservation Service (NRCS) is inviting the Cheyenne and Arapaho Tribes of Oklahoma to participate in the Section 106 process as a consulting party on an undertaking in Pierce, Knox, Antelope, Cedar, and Wayne Counties, Nebraska. The undertaking involves the development of a Watershed Plan-Environmental Assessment (Plan-EA) for the North Fork Elkhorn River.

The watershed plan is being prepared in accordance with the Watershed Protection and Flood Prevention Act (PL 83-566), which authorizes NRCS to cooperate with State and local agencies in planning and carrying out works of improvement for dam safety, soil conservation and flood risk reduction purposes. As part of the planning process, an environmental assessment (EA) will be prepared in accordance with the National Environmental Policy Act (NEPA) to determine the environmental impacts of the proposed alternatives.

NRCS is partnering with the Lower Elkhorn Natural Resources District (LENRD) to develop the watershed plan, and JEO Consulting, LLC. has been retained as the consultant in charge of preparing the Plan-EA. The Plan-EA will evaluate alternatives to address flooding in Pierce and Osmond, Nebraska.

The Plan-EA is in the initial stages of development and as the proposed undertaking may be located within the ancestral lands of your Tribe. NRCS and LPNNRD is inviting you to participate in early coordination and consultation on this undertaking. Specifically, we would like your input regarding the potential to impact culturally significant resources within the project area. Early identification of Tribal concerns will allow NRCS and LPNNRD to consider ways to avoid or minimize impacts to cultural resources. Your comments will be incorporated into the environmental planning process and environmental document as appropriate.



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You are also invited to an agency scoping meeting hosted by NRCS and LENRD. To accommodate schedules and travel, the agency scoping meeting will be held virtually via Microsoft Teams. Agencies are invited to provide insight, present questions, and discuss the study area with the project team. The project team will present information, answer questions, and receive comments. Agency meeting information is below:

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Thank you in advance for your consideration of this project. If you have any questions about this undertaking, or if you would like to be a consulting party on this undertaking, please contact Melissa Baier, NRCS Watershed Planning Coordinator, at 402.437.4065 or by email at melissa.baier@usda.gov, OR at the address in the letterhead.

Sincerely,


Robert D. Lawson

Digitally signed by ROBERT
LAWSON
Date: 2023.10.18 08:50:31 -05'00'

ROBERT D. LAWSON
State Conservationist

Enclosure: Study Area Map

cc: Max Bear, Tribal Historic Preservation Officer, Cheyenne and Arapaho Tribes of Oklahoma
Melissa Baier, Watershed Planning Coordinator, NRCS – Lincoln State Office



Natural Resources Conservation Service
Nebraska State Office
Federal Building, Room 152
100 Centennial Mall North
Lincoln, NE 68508-3866
(402) 437-5300

www.NRCS.usda.gov/Nebraska

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October 18, 2023

The Honorable Robert Flying Hawk
Chairman
Yankton Sioux Tribe
P.O. Box 1153
Wagner, SD 57380

Subject: Initiation of National Historic Preservation Act (NHPA) Section 106 Consultation, North Fork Elkhorn River Watershed Plan-Environmental Assessment, Pierce, Knox, Antelope, Cedar, and Wayne Counties, Nebraska

Dear Chairman Flying Hawk:

In compliance with 36 CFR 800.3(f), the Natural Resources Conservation Service (NRCS) is inviting the Yankton Sioux Tribe to participate in the Section 106 process as a consulting party on an undertaking in Pierce, Knox, Antelope, Cedar, and Wayne Counties, Nebraska. The undertaking involves the development of a Watershed Plan-Environmental Assessment (Plan-EA) for the North Fork Elkhorn River.

The watershed plan is being prepared in accordance with the Watershed Protection and Flood Prevention Act (PL 83-566), which authorizes NRCS to cooperate with State and local agencies in planning and carrying out works of improvement for dam safety, soil conservation and flood risk reduction purposes. As part of the planning process, an environmental assessment (EA) will be prepared in accordance with the National Environmental Policy Act (NEPA) to determine the environmental impacts of the proposed alternatives.

NRCS is partnering with the Lower Elkhorn Natural Resources District (LENRD) to develop the watershed plan, and JEO Consulting, LLC. has been retained as the consultant in charge of preparing the Plan-EA. The Plan-EA will evaluate alternatives to address flooding in Pierce and Osmond, Nebraska.

The Plan-EA is in the initial stages of development and as the proposed undertaking may be located within the ancestral lands of your Tribe. NRCS and LPNNRD is inviting you to participate in early coordination and consultation on this undertaking. Specifically, we would like your input regarding the potential to impact culturally significant resources within the project area. Early identification of Tribal concerns will allow NRCS and LPNNRD to consider ways to avoid or minimize impacts to cultural resources. Your comments will be incorporated into the environmental planning process and environmental document as appropriate.



We have enclosed a packet with additional information about the watershed and the types of alternatives that will be evaluated as part of the planning process, as well as a tentative schedule for the development of the Plan-EA. In the packet you will also find a map depicting the location of the project study area. As input is received and additional studies are conducted, we will refine the proposed area of potential effects (APE). Archeological surveys will take place after a preferred alternative is selected and the final APE is determined. NRCS will conduct additional NHPA Section 106 consultation throughout the NEPA process.

You are also invited to an agency scoping meeting hosted by NRCS and LENRD. To accommodate schedules and travel, the agency scoping meeting will be held virtually via Microsoft Teams. Agencies are invited to provide insight, present questions, and discuss the study area with the project team. The project team will present information, answer questions, and receive comments. Agency meeting information is below:

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Toll free: (833) 798-7807

Conference ID #: 425 483 627#

<https://bit.ly/46usgRx>

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Thank you in advance for your consideration of this project. If you have any questions about this undertaking, or if you would like to be a consulting party on this undertaking, please contact Melissa Baier, NRCS Watershed Planning Coordinator, at 402.437.4065 or by email at melissa.baier@usda.gov, OR at the address in the letterhead.

Sincerely,


Robert D. Lawson

Digitally signed by ROBERT
LAWSON
Date: 2023.10.18 08:52:21 -05'00'

ROBERT D. LAWSON
State Conservationist

Enclosure: Study Area Map

cc: Galena Drapeau, Director, Tribal Historic Preservation Office
Melissa Baier, Watershed Planning Coordinator, NRCS – Lincoln State Office



Natural Resources Conservation Service
Nebraska State Office
Federal Building, Room 152
100 Centennial Mall North
Lincoln, NE 68508-3866
(402) 437-5300

www.NRCS.usda.gov/Nebraska

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October 18, 2023

The Honorable Serena Wetherelt
President
Northern Cheyenne Tribe of the Northern Cheyenne Indian Reservation, Montana
P.O. Box 128
Lame Deer, MT 59043

Subject: Initiation of National Historic Preservation Act (NHPA) Section 106 Consultation, North Fork Elkhorn River Watershed Plan-Environmental Assessment, Pierce, Knox, Antelope, Cedar, and Wayne Counties, Nebraska

Dear President Wetherelt:

In compliance with 36 CFR 800.3(f), the Natural Resources Conservation Service (NRCS) is inviting the Northern Cheyenne Tribe of the Northern Cheyenne Indian Reservation, Montana to participate in the Section 106 process as a consulting party on an undertaking in Pierce, Knox, Antelope, Cedar, and Wayne Counties, Nebraska. The undertaking involves the development of a Watershed Plan-Environmental Assessment (Plan-EA) for the North Fork Elkhorn River.

The watershed plan is being prepared in accordance with the Watershed Protection and Flood Prevention Act (PL 83-566), which authorizes NRCS to cooperate with State and local agencies in planning and carrying out works of improvement for dam safety, soil conservation and flood risk reduction purposes. As part of the planning process, an environmental assessment (EA) will be prepared in accordance with the National Environmental Policy Act (NEPA) to determine the environmental impacts of the proposed alternatives.

NRCS is partnering with the Lower Elkhorn Natural Resources District (LENRD) to develop the watershed plan, and JEO Consulting, LLC. has been retained as the consultant in charge of preparing the Plan-EA. The Plan-EA will evaluate alternatives to address flooding in Pierce and Osmond, Nebraska.

The Plan-EA is in the initial stages of development and as the proposed undertaking may be located within the ancestral lands of your Tribe. NRCS and LPNNRD is inviting you to participate in early coordination and consultation on this undertaking. Specifically, we would like your input regarding the potential to impact culturally significant resources within the project area. Early identification of Tribal concerns will allow NRCS and LPNNRD to consider ways to avoid or



minimize impacts to cultural resources. Your comments will be incorporated into the environmental planning process and environmental document as appropriate. We have enclosed a packet with additional information about the watershed and the types of alternatives that will be evaluated as part of the planning process, as well as a tentative schedule for the development of the Plan-EA. In the packet you will also find a map depicting the location of the project study area. As input is received and additional studies are conducted, we will refine the proposed area of potential effects (APE). Archeological surveys will take place after a preferred alternative is selected and the final APE is determined. NRCS will conduct additional NHPA Section 106 consultation throughout the NEPA process.

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Conference ID #: 425 483 627#

<https://bit.ly/46usgRx>

If you would like to attend the agency meeting, please RSVP to Brianna Lock, JEO community engagement specialist, by **Monday, November 27, 2023**, at block@jeo.com to receive a calendar invite with the virtual Microsoft Teams meeting log in information. You may also log into the meeting at the website provided above.

Thank you in advance for your consideration of this project. If you have any questions about this undertaking, or if you would like to be a consulting party on this undertaking, please contact Melissa Baier, NRCS Watershed Planning Coordinator, at 402.437.4065 or by email at melissa.baier@usda.gov, OR at the address in the letterhead.

Sincerely,


Robert D. Lawson

Digitally signed by ROBERT
LAWSON
Date: 2023.10.18 08:52:55 -05'00'

ROBERT D. LAWSON
State Conservationist

Enclosure: Study Area Map

cc: Teanna Limpy, Tribal Historic Preservation Officer, Northern Cheyenne Tribe of the
Northern Cheyenne Indian Reservation, Montana
Melissa Baier, Watershed Planning Coordinator, NRCS – Lincoln State Office



DEPARTMENT OF THE ARMY
CORPS OF ENGINEERS, OMAHA DISTRICT
NEBRASKA REGULATORY OFFICE
8901 SOUTH 154TH STREET, SUITE 2
OMAHA, NEBRASKA 68138-3635

<http://www.nwo.usace.army.mil/Missions/RegulatoryProgram/Nebraska.aspx>

October 25, 2023

Regulatory Branch, Nebraska Section 2023-01589-WEH, North Fork Elkhorn River
Watershed Improvement Project

Mr. Robert Lawson
U.S. Department of Agriculture
Natural Resources Conservation Services
Federal Building, Room 152
100 Centennial Mall North
Lincoln, NE 68508-3866

Dear Mr. Lawson:

We are responding to your October 13, 2023, request for the U.S. Army Corps of Engineers (Corps) to participate as a cooperating agency under the National Environmental Policy Act for the preparation of an Environmental Assessment (EA) for the subject project.

The Corps' jurisdiction over the proposed project is under the authority of Section 404 of the Clean Water Act and/or Section 10 of the Rivers and Harbors Act. In accordance with Title 40 of the Code of Federal Regulations Part 1501.6, the Corps agrees to participate as a cooperating agency in the preparation of the EA.

Please refer to identification number 2023-01589-WEH in any correspondence concerning this project. If you have any questions, please contact Kristina Amato at the address above, by email at Kristina.M.Amato@usace.army.mil, or telephone at (402)-896-0896. For more information regarding our program, please visit our website at <http://www.nwo.usace.army.mil/Missions/RegulatoryProgram/Nebraska.aspx>.

Sincerely,

A handwritten signature in black ink, appearing to read "J. Grauf", is positioned above the printed name.

Jeremy Grauf
Chief, Nebraska Section



United States Department of the Interior

BUREAU OF RECLAMATION
Nebraska-Kansas Area Office
1706 West Third Street
McCook, NE 69001-2159



IN REPLY REFER TO:

NK-Timm
2.1.4.13 GF

NOV 01 2023

VIA ELECTRONIC MAIL ONLY

Ms. Andrea Gebhart
JEO Project Manager
2000 Q Street, Suite 500
Lincoln, NE 68503
agebhart@jeo.com

Subject: North Fork Elkhorn River Watershed and Flood Prevention Operations (WFPO)
Watershed Plan, Nebraska

Dear Ms. Gebhart:

The U.S. Bureau of Reclamation, Nebraska-Kansas Area Office appreciates the request to participate in the North Fork Elkhorn River WFPO Watershed Plan and Environmental Assessment. The North Fork Elkhorn River Watershed is not a tributary for any Reclamation project. Future proposed activities would not affect any Reclamation properties or interests; therefore, we respectfully decline your invitation to comment on the proposed project.

If you have any questions, please contact Jeanette Timm, Natural Resource Specialist, at jtimmm@usbr.gov or (308) 345-1028.

If you are deaf, hard of hearing, or have a speech disability, please dial 7-1-1 to access telecommunications relay services.

Sincerely,

Aaron M. Thompson
Area Manager

From: [Andrea Gebhart](#)
To: [Koch, Martin](#)
Cc: [Tucker, Todd](#); [Reinke, Jamie](#)
Subject: RE: North Fork Elkhorn River WFPO Watershed Plan-EA
Date: Monday, November 20, 2023 11:36:00 AM
Attachments: [image002.png](#)

Martin,

Thank you for reaching out about the North Fork Elkhorn River WFPO Watershed Plan-EA.

Please consider your response received and documented.

Andrea Gebhart, AICP | *Planning and Engagement Department Leader*

o: [402.474.8775](tel:402.474.8775) | **m:** [605.212.0523](tel:605.212.0523) | **e:** agebhart@jeo.com

JEO Consulting Group | 2000 Q St Ste 500 | Lincoln, NE 68503



From: Koch, Martin <martin.koch@fema.dhs.gov>
Sent: Friday, November 3, 2023 4:19 PM
To: Andrea Gebhart <agebhart@jeo.com>
Cc: Tucker, Todd <Todd.Tucker@fema.dhs.gov>; Reinke, Jamie <jamie.reinke@nebraska.gov>
Subject: North Fork Elkhorn River WFPO Watershed Plan-EA

Andrea Gebhart, JEO on behalf of Lower Elkhorn NRD/NRCS
Antelope (CID# 310412), Cedar (CID# 310421), Knox (CID# 310451), Pierce (CID# 310466)
and Wayne (CID# 310484) Counties; Cities of Pierce (CID# 310174) and Osmond (CID# 310395), NE

Thank you for the invitation to attend the North Fork Elkhorn River Watershed Work Plan - Environmental Assessment (Plan-EA) scoping meeting to discuss identifying potential solutions to flooding within the North Fork Elkhorn River Watershed, primarily affecting the areas of Pierce and Osmond, Nebraska as well as Antelope, Cedar, Knox, Pierce, and Wayne Counties (attached).

Within the Plan-EA works (e.g., “development”) may be identified and prioritized for implementation and potential federal funding. Some of these works may be within or in close proximity to the Special Flood Hazard Area (SFHA). Please note that the SFHA has been mapped within Antelope, Knox, Pierce, and Wayne Counties and the Cities of Pierce and Osmond (see [Flood Maps | FEMA.gov](#)). In addition, these Counties and Cities participate in the

National Flood Insurance Program (NFIP). NFIP participating communities are subject to the minimum requirements for participation in the NFIP including, but not limited to, any higher standards adopted in the local NFIP compliant flood hazard protection ordinance. The minimum standards of the NFIP require the local permit authority to issue floodplain development permits for all “development” located within the SFHA to ensure application of all appropriate flood mitigation provisions. “Development” is defined by the NFIP as:

“...(A)ny manmade change to improved or unimproved real estate, including but not limited to building or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations” [[44 CFR 59.1](#)].

These requirements apply to all persons, including any individual or group of individuals, corporation, partnership, association, or any other entity, such as state and local governments and federal agencies (see [44 CFR 60.3](#), [Executive Order 11988](#), [13690](#), and [14030](#)). Therefore, all development to occur within the SFHA would be subject to the provisions of the NFIP-compliant local flood hazard protection ordinance. This would include other flood mitigation standards such as ‘No-Rise certificates’ where development occurs within the Regulatory Floodway, etc.

In consideration of any federally funded works or “development” located within proximity to the SFHA that may result from the Plan-EA, Executive Order 13690/14030 establishes the Federal Flood Risk Management Standard (FFRMS) for all federally funded projects. When developing the Plan-EA, in addition to meeting the minimum standards of the NFIP for development within the SFHA, consideration of the FFRMS may be prudent, where applicable, should the works/development pursue federal funding for implementation.

Please review the following resources to assist in application of appropriate flood mitigation requirements and the FFRMS:

- Flood Maps | FEMA.gov:

<https://www.fema.gov/flood-maps>

- No-Rise Certification for Floodways | FEMA.gov:

<https://www.fema.gov/glossary/no-rise-certification-floodways>

- Letters of Map Revision and Conditional Letters of Map Revision

| FEMA.gov: <https://www.fema.gov/flood-maps/change-your-flood-zone/lomr-clomr>

- Federal Flood Risk Management Standard:

[Federal Flood Risk Management Standard | FEMA.gov](#)

Consistent floodplain management is the citizen's assurance that the general welfare of the public is served by the local government through the equitable application of floodplain regulations for all persons, entities, and development within the community's SFHA.

Please let me know if I can be of assistance. Alternatively, feel free to contact Jamie Reinke with the Nebraska Department of Natural Resources (jamie.reinke@nebraska.gov). For inquiries regarding the Federal Flood Risk Management Standard, please contact Region 7 FFRMS Coordinator Todd Tucker (todd.tucker@fema.dhs.gov).

Thank you,

H. Martin Koch, CFM, AICP

Supervisory Emergency Management Specialist (Mitigation)

FEMA | Region 7 | Floodplain Management and Insurance Branch

martin.koch@fema.dhs.gov

(202) 880-5852

Caution: This email is from an external source and may have malicious content or links. Please take care when clicking links or opening attachments.

From: [Andrea Gebhart](#)
To: [Jarrett, Jordan E](#)
Cc: [Brianna Lock](#)
Subject: RE: North Fork Elkhorn River WFPO Watershed Plan EA
Date: Monday, November 20, 2023 11:46:00 AM
Attachments: [image001.png](#)

Hi Jordan,

Thank you for reviewing the study area and reporting that the National Trails Office of the NPS does not plan to participate in the North Fork Elkhorn River WFPO Watershed Plan EA.

Also, thank you for sharing an update on agency contacts! I'll forward the information along internally and we'll get our contact list updated accordingly.

Take care,

Andrea Gebhart, AICP | *Planning and Engagement Department Leader*

o: [402.474.8775](tel:402.474.8775) | **m:** [605.212.0523](tel:605.212.0523) | **e:** agebhart@jeo.com

JEO Consulting Group | 2000 Q St Ste 500 | Lincoln, NE 68503



From: Jarrett, Jordan E <jordan_jarrett@nps.gov>
Sent: Thursday, October 26, 2023 6:13 PM
To: Andrea Gebhart <agebhart@jeo.com>
Subject: North Fork Elkhorn River WFPO Watershed Plan EA

Good afternoon, Andrea!

Thank you for initiating agency cooperation with the National Trails Office of the NPS, administrator for the California National Historic Trail (NHT), Oregon NHT, Mormon Pioneer NHT, and the Pony Express NHT, regarding the North Fork Elkhorn River WFPO Watershed Plan EA. Upon review of this project, our NHTs are at least 60 miles south of the proposal, and we do not anticipate any effect of this proposal to these trails or to their associated resources. We therefore do not plan to participate in the EA. Thank you so much for consulting with us, and feel free to reach out for consultation on future projects.

I am the current external compliance reviewer for our office. Feel free to send consultation requests directly to me at this email address. This facilitates timely project review and reduces response time and carbon footprint. Also, Lee Kreutzer is no longer with our office as she retired last calendar year, and Aaron Mahr is soon to retire and can be removed from your

contact list as well. Let me know if there is another contact at JEO who I might need reach out to in order to update contact information!

All the best, and thank you for working with us to protect the National Historic Trails!

Jordan

Jordan Jarrett (she/her)
Archeologist
National Park Service
National Trails Office
1100 Old Santa Fe Trail
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DEPT. OF NATURAL RESOURCES

Project Review

DATE: December 22, 2023
TO: Andrea Gebhart, Project Manager
SUBJECT: North Fork Elkhorn River WFPO Watershed Plan-Environmental Assessment Request for Agency Coordination.

Ryan Stastny and Shuhai Zheng attended the agency scoping meeting on November 28, 2023. As requested, the Nebraska Department of Natural Resources (NeDNR) would like to provide the following information for your consideration in developing the watershed plan.

NeDNR's jurisdictional responsibilities are oriented toward water quantity permitting and water supply planning. The review has found that the proposed project may have effects on our agency's programs including jurisdictional dams, floodplain management, registered groundwater wells, stream gages, and surface water rights, and has listed the comments below:

Jurisdictional Dams

According to NeDNR records, Von Rentzell Dam (NE02995) is located within the project area. For more detailed location information please reference the Departments Dam Inventory interactive map at: <https://gis.ne.gov/portal/apps/webappviewer/index.html?id=2aab04a13817421992dc5398ad462e22>. Care should be taken to avoid completing any work within dam embankments or their appurtenances, and measures should be taken to avoid making changes to the reservoir storage areas. Should any work need to be completed within dam embankments, or dam appurtenances, then plans must be submitted to the NeDNR Dam Safety Section for review and approval before construction can begin. If you have any questions concerning work to be completed close to a dam, contact the Chief of Dam Safety, Tim Gokie at (402) 471-6398.

Stream Gages

NeDNR did not identify any active state or federal stream gages within the proposed project area.

Floodplain Management

As we discussed at the scoping meeting, Ryan Stastny will look for flood awareness area information for the watershed and share with JEO. We would also like to coordinate with you on the hydraulic modeling development to possibly incorporate the modeling results into our future flood risk mapping projects.

As empowered by Nebraska Revised Statutes Chapter 31, Article 10, Flood Plain, NeDNR has been given authority by the Nebraska Legislature for all matters pertaining to floodplain

management. NeDNR is responsible for coordinating a program that encourages the wise use of land that is subject to flooding. This is accomplished through several endeavors that include floodplain management, flood risk identification, flood insurance coordination and mitigation planning. The following is a summary of Nebraska Department of Natural Resources' (NeDNR) Floodplain Management Section's comments.

Permitting criteria and considerations for proposed action:

The proposed project is potentially located within a regulated 1% annual chance flood hazard area. All development within flood hazard areas needs to comply with federal, state, and local floodplain regulations and floodplain development permits must be obtained prior to commencement of work. "Development" is defined in 44 CFR 59.1 as, "any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials."

The project is subject to the provisions of Nebraska Administrative Code Title 455 Chapter 1, "Minimum Standards for Floodplain Management":

- Per NAC Title 455 Chapter 1 §004.14, "A watercourse or drainway shall not be altered or relocated in any way which in the event of a base flood or more frequent flood will alter the flood carrying characteristics of the watercourse or drainway to the detriment of upstream, downstream, or adjacent locations. The county, city, village or state agency responsible for any alteration or relocation of a watercourse or drainway or for approving any such alteration or relocation shall notify the Department of Natural Resources and adjacent communities prior to commencing or approving such activity."
- Per NAC Title 455 Chapter 1 §004.01, "No new construction, substantial improvements, or other obstruction (including fill) shall be permitted unless it is demonstrated that the cumulative effect of the proposed new construction, when combined with all other existing and anticipated new construction or substantial improvement, will not increase the water surface elevation of the base flood more than one foot at any location."

Additionally, any alteration of a watercourse is subject to review by FEMA [44 CFR 60.3 (b)(6) and (b)(7)]. There are two requirements for maintaining the flood carrying capacity of an altered watercourse: the altered or relocated watercourse must have the same or greater capacity as the original watercourse; and once the alteration is made, the capacity of the altered or relocated watercourse must be maintained over time. If a water course alteration is proposed, the local official must notify adjacent communities, NeDNR, and provide a copy to the FEMA Regional Office. To ensure FEMA will recognize the project for a map change when construction is completed, it is strongly recommended that the project proponent apply for and receive approval of a Conditional Letter of Map Revision (CLOMR) for large-scale proposals. Within 6 months of project completion, the project proponent must then submit a Letter of Map Revision (LOMR). For information about the CLOMR/LOMR process, please see: Alteration of a Watercourse | FEMA.gov, Letters of Map Revision and Conditional Letters of Map Revision.

Lastly, the project is subject to the provisions of Executive Order 11988 as amended by Executive Order 13690, or Federal Flood Risk Management Standard, and Executive Order 11990, Protection

of Wetlands, as implemented by regulations found within Title 44 CFR Chapter 1 Subchapter A Part 9.

- Portions of the proposed project will likely be located within a wetland and/or the 1-percent-annual-chance (“100 year”) floodplain, and the project has the potential to affect and be affected by floodplain or wetland.
- The project proponent is thereby required to identify and evaluate practicable alternatives to locating the proposed action in a floodplain or wetland (44 CFR 9.9).

Components not practicable to be located outside the floodplain or wetlands are subject to requirements to minimize harm to and within floodplains/wetlands, and restore and preserve floodplains/wetlands, as detailed in 44 CFR §9.11 Mitigation (a) through (f).

Best practices in floodplain management encourage maintaining the natural hydrology of a system. The implementation of natural flood risk reduction measures such as wetlands, stream buffers, cover crops, and terraces would provide water storage at higher elevations in the watershed while simultaneously reducing flood volumes and velocities downstream. Conversely, construction of infrastructure such as dams/levees tends to increase flood velocities and flood water elevations, promote false senses of security, and promote development in hazardous areas. It is strongly recommended that this plan consider actions that restore or enhance the natural functions of the floodplain while minimizing adverse impacts to life, safety, and property.

Best practices in floodplain management also encourage design for future climate conditions. It is recommended that the proposed project(s) accounts for future flood risk scenarios anticipated with increases in precipitation quantity and intensity, and considers feasibility, effectiveness, or long-term sustainability of design for the 100-year evaluated life of the project.

If you have any questions concerning the minimum standards that must be met by the project, please contact Jamie Reinke, NeDNR Head of Floodplain Management, at (402) 471-3957 or jamie.reinke@nebraska.gov.

Public Water Supply Wells and Groundwater Wells in Project Area

According to NeDNR records, there are 24 public water supply wells and over 1,300 other registered groundwater wells within the proposed project area. Please contact the local municipality for more information on public water supply well names and locations. For detailed location information regarding other registered wells, please reference the Departments groundwater interactive map at <https://dnr.nebraska.gov/groundwater/groundwater-interactive-maps>.

Special care should be taken to locate and avoid impacting these wells in any significant way. If the registration status, use, or ownership of a well changes due to the project, one or both of the following forms must be filed with NeDNR: the water well registration modification form and/or the change of ownership form. Furthermore, the appropriate Natural Resources District (NRD), which may have additional rules and regulations regarding such changes, should be notified.

Groundwater Resources

If proposed construction activities include groundwater use, then permits to transfer groundwater may need to be filed with NeDNR and/or the local Natural Resources District (NRD). Each administration should be contacted to discuss permitting requirements.

If you have any questions on groundwater well registration or transfer permit requirements, please contact Mike Thompson at (402) 471-0587 or reference the groundwater links below.

Groundwater Links:

Interactive Map: <https://dnr.nebraska.gov/groundwater/groundwater-interactive-maps>

Groundwater general information: <http://dnr.nebraska.gov/groundwater>

Groundwater well data: <http://nednr.nebraska.gov/dynamic/wells/Menu.aspx>

Groundwater forms: <https://dnr.nebraska.gov/groundwater/forms>

Local NRD Information: <https://www.nrdnet.org/nrds/find-your-nrd>

Surface Water Rights

NeDNR records indicate that there are seven (7) surface water appropriations located within the proposed project area. Detailed location information can be found on the Departments surface water interactive map at: <https://gis.ne.gov/portal/apps/webappviewer/index.html?id=13cdc423f46a48e4aba069632c8f15c8>. If the details of a surface water right are permanently modified in some way by the project, appropriate modification requests will need to be provided to the Department for review. If you have any questions about surface water appropriations, please contact Dan Kloch at (402) 471-2098 or reference the surface water links below.

Surface Water Links:

Interactive Map: <https://gis.ne.gov/portal/apps/webappviewer/index.html?id=13cdc423f46a48e4aba069632c8f15c8>

Surface water general information: <http://dnr.nebraska.gov/surface-water>

Surface water rights: <http://nednr.nebraska.gov/dynamic/waterrights/SelectSearchOptions.aspx>

Surface water rights forms: <http://dnr.nebraska.gov/surface-water/forms>

Ownership Change: <https://dnr.nebraska.gov/sites/dnr.nebraska.gov/files/doc/surface-water/permits/49CHG-OWN2008.pdf>

Relinquishment by landowner: <https://dnr.nebraska.gov/sites/dnr.nebraska.gov/files/doc/surface-water/permits/51IndividualRelinquishmentForm.pdf>

General Comment as it Relates to Land Acquisition

It is essential any review of water projects evaluate appropriate alternatives that minimize impact to stakeholders including producers, residents, businesses, and political subdivisions that may not receive direct benefit from those projects. Projects must include the input of the stakeholders and strive for transactions that are willing seller and willing buyer based.

If you have any questions about this review or need information from our agency, please feel free to contact the Department at (402) 471-2363.

Baier, Melissa - FPAC-NRCS, NE

From: Sedlacek, Michael <Sedlacek.Michael@epa.gov>
Sent: Tuesday, December 26, 2023 9:24 AM
To: Andrea Gebhart
Cc: Baier, Melissa - FPAC-NRCS, NE
Subject: [External Email]EPA Comments - North Fork Elkhorn River WFPO Watershed Plan

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Dear Ms. Gebhart:

The U.S. Environmental Protection Agency (EPA) Region 7 (Iowa, Kansas, Missouri, and Nebraska) has reviewed the project scoping document for the North Fork Elkhorn River WFPO Watershed Plan Project, Antelope, Cedar, Knox, Pierce, and Wayne Counties, Nebraska. The following comments were prepared in accordance with our responsibilities under the National Environmental Policy Act (NEPA) and Section 309 of the Clean Air Act.

NEPAssist

We recommend using NEPAssist as the first step to identify any potential environmental and human health concerns. NEPAssist may be accessed at: <https://www.epa.gov/nepa/nepassist>.

Water Quality

EPA recommends the forthcoming NEPA document identify any nearby impaired waterbodies and describe how the proposed actions may affect those waterbodies under Section 303(d) of the Clean Water Act. A list of impaired waterbodies and points of contact for EPA Region 7 and each state is found at: <https://www.epa.gov/tmdl/impaired-waters-and-tmdls-region-7>.

Wetlands and Waters of the U.S.

In the event that there are jurisdictional Waters and/or Wetlands of the United States impacted by any proposed future action, we advise avoiding and minimizing impacts to wetlands and streams as much as possible before moving towards determining the amount of compensatory mitigation that is required. Jurisdictional Waters of the United States includes navigable waters, their tributaries, interstate waters and adjacent wetlands/waters (33 CFR section 328). We recommend that any mitigation should occur in the same HUC 8 or smaller watershed as the location of the project impacts.

We urge you to contact the appropriate authorities at the US Army Corps of Engineers to determine whether a CWA Section 404 permit may be required for such action. We urge you to contact the appropriate authorities at the U.S. Army Corps of Engineers (USACE) at: <https://www.usace.army.mil/missions/civil-works/Regulatory-Program-and-permits/Obtain-a-Permit/> to determine if a CWA Section 404 permit may be required for the proposed project. To find the appropriate EPA Region 7 contact, see: <https://www.epa.gov/wetlands/forms/contact-us-about-wetlands#r7>.

Air Quality Best Management Practices at Construction Sites

Temporary fugitive dust and diesel exhaust emissions from construction activities, such as use of heavy machinery and material hauling, would occur. In 2012 the International Agency for Research on Cancer concluded that diesel exhaust is carcinogenic to humans. Diesel exhaust can also lead to other serious health conditions and can worsen heart and lung disease. We recommend implementing air quality best management practices (BMP) and mitigation measures for this project. Examples include:

- Use equipment that runs on clean, alternative fuels (e.g., ethanol or ultra-low sulfur diesel) or electric vehicles.
- Minimize engine idling (e.g., 5-10 minutes/hour) or establish an anti-idling policy.
- Use electric starting aids such as block heaters with older vehicles to warm the engine.
- Phase project construction to minimize exposed surface areas.
- Install wind fencing and phase grading operations where appropriate.
- When hauling material and operating non-earthmoving equipment, prevent spillage and limit speeds to 15 miles per hour (mph). Limit speed of earth-moving equipment to 10 mph.
- Stabilize storage piles and disturbed areas by covering and/or applying water or chemical/organic dust palliative, where appropriate.
- Use enclosed, climate-controlled cabs pressurized and equipped with high-efficiency particulate air (HEPA) filters to reduce the operators' exposure to diesel fumes. Pressurization ensures that air moves from inside to outside. HEPA filters ensure that any incoming air is filtered first.
- Per Executive Order 13045 on Children's Health, EPA recommends the lead agency and project proponent pay particular attention to worksite proximity to places where children live, learn, and play, such as homes, schools, and playgrounds.
- Specify how impacts to sensitive receptors (e.g., communities living with environmental justice (EJ) concerns, children, elderly, and the infirm) will be avoided or minimized.

Erosion and Sediment Control

EPA recommends erosion and sediment control methods be implemented into the proposed project. For examples of erosion and sediment control methods, see: <https://www3.epa.gov/npdes/pubs/ch4-3a.htm>.

Climate Change Resiliency and Adaptation

The Fifth National Climate Assessment (<https://www.globalchange.gov/our-work/fifth-national-climate-assessment>) finds that in the Great Plains, extreme heat, drought, severe weather, heavy downpours, and flooding will affect infrastructure, health, air, and water quality. Acute storm events are occurring with increasing frequency and intensity. EPA recommends that the forthcoming NEPA document consider adaptation and mitigation strategies, such as:

- Consider the effect of extreme heat, extreme cold, and wind resistance, on the durability and strength of the construction materials being used. For instance, consider using lighter-colored materials that will help reflect heat and avoid heat absorption on hot days.
- Consider the effect of flooding on the design of any structure(s). For instance, if a project must be located within a 100-year floodplain, consider building any structures on elevated support beams instead of on a concrete foundation.
- Install "green" stormwater management features, such as stormwater retention/detention basins, permeable pavement, rain gardens, rainwater cisterns, and/or over-sized culverts and bridges (see: <https://www.epa.gov/green-infrastructure>)
- Plant additional trees and vegetation to help moderate air temperature, provide shade, and trap and store carbon dioxide.
- Thoroughly insulate new structures.

Additional climate change mitigation and adaptation strategies that may be implemented in this proposed project are available at EPA's Climate Change Resiliency and Adaptation Resource Center: <https://www.epa.gov/arc-x/planning-climate-change-adaptation>. Climate change summaries and adaptation and mitigation strategies are also available for individual states, regions, impact types, and sectors at: <https://www.epa.gov/climateimpacts>.

Environmental Justice and Children's Health

EPA recommends using EJScreen (<https://www.epa.gov/ejscreen>) as the first step to identify communities living with Environmental Justice (EJ) concerns near the project area. EPA recommends that any affected communities living with EJ concerns be identified and given an opportunity to provide input into the remainder of the NEPA process, including proposed mitigation.

EPA recommends the forthcoming NEPA document include information describing what was or will be done to inform these communities about the project and the potential impacts it may have on their communities, what input has been

received to date from the communities, and how that input was or will be used in decision-making. Additional information may be found in: *Promising Practices for EJ Methodologies in NEPA Reviews* (https://www.epa.gov/sites/default/files/2016-08/documents/nepa_promising_practices_document_2016.pdf), and *Community Guide to Environmental Justice and NEPA Methods* (<https://www.energy.gov/sites/default/files/2019/05/f63/NEPA%20Community%20Guide%202019.pdf>). If you have any questions about EJ or would like EPA's help reaching out to the communities that may be affected by this project, see: <https://www.epa.gov/environmentaljustice/environmental-justice-your-community#region7>

Construction, Demolition, and Renovation

EPA recommends reuse and/or recycling of construction debris to the maximum extent possible. For more information, see: <https://www.epa.gov/smm/sustainable-management-construction-and-demolition-materials>. To identify a point of contact for a specific state, see: <https://www.epa.gov/large-scale-residential-demolition/state-demolition-information>.

Energy Efficiency

For new structures associated with the proposed project, EPA encourages the use of energy-efficient and/or sustainable building materials, such as south-facing skylights and windows, motion-sensor lighting, and Energy Star certified windows, doors, and appliances, and adding additional insulation. We also recommend installing renewable energy sources, such as solar panels. See: <https://www.epa.gov/energy/reduce-environmental-impact-your-energy-use> and Section 438 of the Energy Independence and Security Act (EISA) for examples of how to integrate energy efficiency into Federal projects.

Pollinators and Native Plant Species

Pollinators are critical contributors to our nation's economy, food system, and environmental health. Vegetation within the project area can provide vital habitat for pollinators, providing food, shelter, and connections to other patches of habitat. Where feasible, EPA recommends planting native species and pollinator-friendly plants within the project footprint. For more information, see: <https://www.epa.gov/pollinator-protection/find-best-management-practices-protect-pollinators> and <https://extension.missouri.edu/publications/m405>

Consultation Documentation

EPA recommends attaching to the forthcoming NEPA document interagency consultation documents regarding historic and cultural resources (Nebraska State Historic Preservation Office), wetlands and streams (U.S. Army Corps of Engineers), Federal and state threatened and endangered species (U.S. Fish and Wildlife Service and Nebraska Department of Natural Resources), and any potentially affected Tribal governments.

Tribal Consultation

Tribal lands and/or Indigenous peoples may be impacted by the proposed project. EPA recommends the forthcoming NEPA document disclose all potential impacts to Federally and state recognized Tribes, including impacts on-reservations, within off-reservation indigenous communities, and within lands where Tribes hold Treaty rights. If you have any questions about tribal consultation or would like EPA's help reaching out to Tribal communities that may be affected by the proposed project, see: <https://www.epa.gov/tribal/region-7-tribal-program>.

Land Use Planning

EPA recommends collaborating with local municipalities and county governments to ensure the proposed project conforms to existing zoning and land use requirements. To determine if soil at the project site is appropriate for the proposed project, or to request assistance, contact the local U.S. Department of Agriculture Service Center at: <https://offices.sc.egov.usda.gov/locator/app>.

Noxious Weeds and Invasive Species

The spread of noxious weeds and invasive (non-indigenous) plants is a threat to biodiversity. Many noxious weeds can out-compete native plants and produce a monoculture that has little or no plant species diversity or benefit to wildlife. Noxious weeds tend to gain a foothold where there is disturbance in the ecosystem. Studies show that new roads and pipeline/utility rights-of-way can become a pathway for the spread of invasive plants. Early recognition and control of

new infestations is essential to stopping the spread of infestation and avoiding future widespread use of herbicides, which could correspondingly have more adverse impacts on biodiversity and nearby water quality. For more information on preventing or controlling noxious weeds and invasive species, see:

https://www.aphis.usda.gov/aphis/ourfocus/planthealth/plant-pest-and-disease-programs/pests-and-diseases/sa_weeds/sa_noxious_weeds_program.

Electronic Recordkeeping

In order to comply with the National Archives' electronic records regulations, the EPA Region 7 NEPA Program has set up an inbox to receive future projects. Our email address is: R7_NEPA@epa.gov. Please submit all projects for NEPA review to this email box.

We appreciate your consideration of our recommendations. These comments are intended to help ensure a thorough assessment of the project's environmental impacts, adequate public disclosure, and an informed decision-making process. If you have any questions concerning our review, please contact Mike Sedlacek at Sedlacek.michael@epa.gov or 913-551-7208.

Sincerely,

Mike Sedlacek
Environmental Scientist
Office of Intergovernmental Affairs
US Environmental Protection Agency, Region 7
11201 Renner Boulevard
Lenexa, Kansas 66219
(913) 551-7208
Sedlacek.michael@epa.gov



2200 N. 33rd St. • P.O. Box 30370 • Lincoln, NE 68503-0370 • Phone: 402-471-0641

December 27, 2023

Andrea Gebhart
JEO Consulting Group
2000 Q Street, Suite 500
Lincoln, NE 68503

Re: Scoping Comments for the North Fork Elkhorn River WFPO Watershed Plan – Environmental Assessment (EA), NGPC Proj. No. NRCS23005, Antelope, Knox, Pierce, Wayne and Cedar Counties, Nebraska

Dear Andrea Gebhart:

Please make reference to your letter dated November 14, 2023, and the agency input meeting which was held on November 28, 2023. This letter is in response to your request for comments on this project pursuant to the National Environmental Policy Act (NEPA) and the potential impacts it may have on endangered and threatened species, public lands, and other natural resources. As we understand it, the purpose of this project is to reduce damage caused by flooding to the cities of Pierce and Osmond, Nebraska, within the North Fork Elkhorn River watershed. The Nebraska Game and Parks Commission (NGPC) has responsibility for protecting endangered and threatened species under authority of the Nongame and Endangered Species Conservation Act (NESCA) ([Neb. Rev. Stat. § 37-801 to 37-811](#)). In addition, the NGPC also provides outdoor recreation opportunities at a variety of state parks, recreations areas, and wildlife management areas. We have reviewed the project area and offer the following scoping comments for consideration during development of the Watershed Plan and Environmental Assessment (Plan-EA).

Endangered and Threatened Species

The North Fork of the Elkhorn River is a tributary to the Elkhorn River, which is a tributary of the Platte River. Altering the hydrology within the North Fork Elkhorn River watershed could impact the hydrology of the Elkhorn River and the Platte River. Therefore, the state-listed endangered and threatened species which should be considered in the Plan-EA include the following:

- Interior Least Tern (*Sternula antillarum athalassos*)
- Lake Sturgeon (*Acipenser fulvescens*)
- Northern Long-eared Bat (*Myotis septentrionalis*)
- Pallid Sturgeon (*Scaphirhynchus albus*)
- Piping Plover (*Charadrius melodus*)
- Small White Lady's Slipper (*Cypripedium candidum*)
- Sturgeon Chub (*Macrhybopsis gelida*)
- Western Prairie Fringed Orchid (*Platanthera praeclara*)
- Whooping Crane (*Grus americana*)

Adverse impacts on listed species could result from changes in hydrology (including, but not limited to, changes to the timing, frequency, duration, and magnitude of stream/river flow), streamflow depletions, altering groundwater and surface water connectivity, impacts on wetlands, work within or adjacent to the river channel, culvert or road placement, construction-related activities (including, but not limited to, ground disturbance, tree-removal, clearing, dredging, placing fill, staging areas, stockpiling areas, disposal sites, etc.), and other flood damage reduction related activities.

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Surveys, construction timing restrictions, and avoidance, minimization and mitigation measures may be needed depending on the Project alternative that is selected. Additional information regarding these species and applicable conservation measures is available upon request.

NGPC Property

There are no owned or managed NGPC properties located within the study area.

Watershed Plan-EA Alternatives

NGPC supports properly sited and designed projects that aim to restore natural hydrology, historical ecosystem function and watershed integrity. These types of projects will improve the watersheds' water retention capabilities, as well as water quality. Implementation of natural solutions such as wetland and stream restoration, and agricultural conservation practices should be evaluated.

Reservoirs, levees, dams and other storage structures that change the natural functions of streams, wetlands and floodplains, usually have detrimental impacts on native aquatic species and require regular maintenance (e.g., sediment removal) to retain structural and functional integrity. In general, we discourage using these methods to reduce flood risk and manage surface water resources because there are alternative methods for achieving these outcomes which have fewer impacts on stream, wetland, and floodplain function. However, we understand structural options could be evaluated and ultimately carried forward.

Therefore, we offer the following for consideration regarding such alternatives:

- If channel improvements, detention cells, and impoundments are evaluated as alternatives, they should consider incorporating shallow water areas that are suitable foraging and roosting habitat for whooping crane.
- If a large reservoir is evaluated as an alternative, it should be designed so the watershed to reservoir surface area ratio is low. If the intent of any such reservoir is to provide a sustainable fishery, then at least 25% of the lake must be at least 15 feet deep. When a reservoir is too small for a watershed it will be subject to water quality issues, harmful algae blooms, and will not support a desired, sustainable fishery.
- If impoundments, ponds, or reservoirs are evaluated as alternatives for flood control, downstream consequences should be evaluated. Sediment input in waterways is halted by dams, which decreases downstream sediment load, exacerbating downcutting and water quality. Stream mitigation due to these impacts should be considered.
- Hydrological studies should carefully consider:
 - Variables that may impact the water budget for this watershed in the future, such as climate change, changes in the landscape/land use, and any other potential sources of additional water.
 - The potential for structural alternatives to cause downstream erosion.
 - That proposed structural alternatives should not restrict the ability of the stream to meander, cause a pinch-point in the stream, cut the stream off from its floodplain, or fix the channel in place. These actions redirect erosive forces downstream and will result in further erosion/degradation of the downstream banks and streambed and impacts to fish and wildlife habitat.
- The Plan should demonstrate how the cost-benefit analysis is calculated for structural alternatives, as well as land treatment alternatives. The expected costs for construction/installation, maintenance, repair, and replacement for each alternative throughout the period of time during which the Plan will be implemented should be included in detail. The Plan should also describe how the functional lifespan of each alternative compares to the duration of the Plan, and what happens if the latter is longer than the former.
- Connectivity for fish and other aquatic species should be considered when dams, ponds or other structures that limit connectivity are being considered.

- The need for stream and wetland mitigation because of any alternatives along with estimated costs should be included in the Plan.

General Comments

- Of great conservation to NGPC are existing populations of Blanding's turtle, plains topminnow, and small white lady's slippers along with various unique prairie types along highway 13, Dry creek and the North Fork Elkhorn River south of Pierce, NE. NGPC stresses the importance of maintaining natural hydrology within this watershed and allowing the natural expansion of waterways where possible. By maintaining or restoring natural hydrology, native habitats like wet meadows, native prairies and streams can be recharged and continue to support at-risk species.
- Bald eagles are known to nest within this watershed near the town of Pierce, NE. Any evaluation of alternatives should also consider effects to bald eagles under the Bald and Golden Eagle Protection Act.
- This watershed is indirectly connected to the lower Platte River. Some of the stresses affecting lower Platte River species and habitats include alteration of natural flows that otherwise would maintain sandbars and fish habitat, dike and levee construction, and stream flow depletions. The proposed alternatives within this plan should carefully evaluate all potential impacts to downstream flows and habitats.

This information is being provided based on a review of the material you sent, aerial photographs, and our Nebraska Natural Heritage Database. Please note this correspondence does not satisfy requirements of Neb. Rev. Stat. §37-807 (3) of the Nongame and Endangered Species Conservation Act. Under authority of Neb. Rev. Stat. §37-807 (3), all Nebraska state agencies are required to consult with the Commission to ensure any actions authorized, funded or carried out by them do not jeopardize the continued existence of a state listed species. This requirement would extend to any permit issued or authorized by a state agency.

We appreciate the opportunity to comment and look forward to further discussion on the Plan-EA as it progresses. If you have any questions or need additional information, please feel free to contact me at (402) 471-5554 or ruby.rolland@nebraska.gov.

Sincerely,



Ruby Rolland
Environmental Specialist III
Planning and Programming Division

ec: JEO (Adam Rupe, Brianna Lock)
LENRD (Curt Becker)
NGPC (Melissa Marinovich, Mike Archer, Lucas Negus, Scott Wessel, Jason Thiele, Jeff Schuckman, Jessica Tap, Ted LaGrange)
NRCS (Melissa Baier)
USFWS (Nebraska Field Office)

From: [Wessel, Scott](#)
To: [Rolland, Ruby](#); agehbart@jeo.com
Cc: [Brianna Lock](#); arupe@jeo.com; cbecker@lenrd.org; [Marinovich, Melissa](#); [Archer, Mike](#); [Negus, Lucas](#); [Thiele, Jason](#); [Schuckman, Jeff](#); [Tapp, Jessica](#); [LaGrange, Ted](#); [Baier, Melissa - FPAC-NRCS, NE](#); [Nebraskaes, FW6](#); [NGPC EnvReview](#)
Subject: RE: Scoping Comments - North Fork Elkhorn River WFPO
Date: Tuesday, January 2, 2024 5:28:09 PM

Sorry I've not gotten back sooner. It might be wise to look at Tier 1 Mussel species that are or may be present. I believe that Plains Pocketbook Mussels were observed last summer in the North Fork Diversion channel in Norfolk – so would presumably be found elsewhere in North Fork.

Scott

From: Rolland, Ruby <ruby.rolland@nebraska.gov>
Sent: Wednesday, December 27, 2023 8:12 AM
To: agehbart@jeo.com
Cc: [Brianna Lock <block@jeo.com>](mailto:block@jeo.com); arupe@jeo.com; cbecker@lenrd.org; [Marinovich, Melissa <melissa.marinovich@nebraska.gov>](#); [Archer, Mike <mike.archer@nebraska.gov>](#); [Negus, Lucas <Lucas.Negus@nebraska.gov>](#); [Wessel, Scott <scott.wessel@nebraska.gov>](#); [Thiele, Jason <jason.thiele@nebraska.gov>](#); [Schuckman, Jeff <jeff.schuckman@nebraska.gov>](#); [Tapp, Jessica <Jessica.tapp@nebraska.gov>](#); [LaGrange, Ted <ted.lagrange@nebraska.gov>](#); [Baier, Melissa - FPAC-NRCS, NE <Melissa.Baier@usda.gov>](#); [Nebraskaes, FW6 <Nebraskaes@fws.gov>](#); [NGPC EnvReview <ngpc.envreview@nebraska.gov>](#)
Subject: Scoping Comments - North Fork Elkhorn River WFPO

Good morning,

Please see the attached for NGPC's scoping comments on the North Fork Elkhorn River WFPO Watershed Plan-EA.

Thank you for your continued coordination,

Ruby Rolland

Environmental Specialist III
Nebraska Game & Parks Commission
(402) 471-5554 | ruby.rolland@nebraska.gov
2200 N. 33rd St. Lincoln, NE 68503



From: [Brianna Lock](#)
To: [Andrea Gebhart](#)
Cc: [Ross Lawrence](#); [Ann Nissen](#); [Adam Rupe](#)
Subject: FW: North Fork Elkhorn River WFPO - June Public Meetings
Date: Wednesday, June 5, 2024 11:47:01 AM
Attachments: [image001.png](#)
[image002.png](#)
[Press Release 2024_06_03 - North Fork WFPO Open Houses Round 2.pdf](#)
[Round 2 Open House - Flyer.pdf](#)
[North Fork Elkhorn River WFPO Watershed Plan-EA.eml](#)

FYI!

Brianna Lock

o: [402.392.9925](tel:402.392.9925)

JEO Consulting Group

From: Tucker, Todd <Todd.Tucker@fema.dhs.gov>
Sent: Tuesday, June 4, 2024 8:47 AM
To: Brianna Lock <block@jeo.com>; Curt Becker <cbecker@lenrd.org>
Cc: Lanzrath, Tara <tara.lanzrath@fema.dhs.gov>; Murdie, Bryan <bryan.murdie@fema.dhs.gov>; Bestgen, Laurie <laurie.l.bestgen@fema.dhs.gov>; Tucker, Todd <Todd.Tucker@fema.dhs.gov>; Reinke, Jamie <jamie.reinke@nebraska.gov>
Subject: FW: North Fork Elkhorn River WFPO - June Public Meetings

Good morning, Brianna Lock, JEO on behalf of Lower Elkhorn NRD/NRCS, and Curt Becker, LENRD/NRCS,

Thank you for the information regarding the upcoming North Fork Elkhorn River Flood Risk Reduction Plan public meetings to outline the sources of flooding in Osmond and Peirce; share a comprehensive list of the alternatives, or potential projects, identified to reduce flood risk; and provide an overview of the alternative's evaluation process. Attendees can also provide feedback on the proposed draft alternatives (Press Release and Flyer attached).

As noted in the attached e-mail from FEMA R-7 (11/03/2023), the Plan-EA works (e.g., "development") may be identified and prioritized for implementation and potential federal funding to reduce flood risk. Some of these works may be within or in close proximity to the Special Flood Hazard Area (SFHA). Please note that the SFHA has been mapped within the subject area (Antelope, Knox, Pierce, and Wayne Counties and the Cities of Pierce and Osmond (see [Flood Maps | FEMA.gov](#))). In addition, these Counties and Cities participate in the National Flood Insurance Program (NFIP). NFIP participating communities are subject to the minimum requirements for participation in the NFIP including, but not limited to, any higher standards required by the State or adopted in the local NFIP compliant flood hazard protection ordinance. The minimum standards of the NFIP require the local permit authority to issue floodplain development permits for all "development" located within the SFHA to

ensure application of all appropriate flood mitigation provisions. “Development” is defined by the NFIP as:

“...(A)ny manmade change to improved or unimproved real estate, including but not limited to building or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations” [[44 CFR 59.1](#)].

These requirements apply to all persons, including any individual or group of individuals, corporation, partnership, association, or any other entity, such as state and local governments and federal agencies (see [44 CFR 60.3](#), [Executive Order 11988](#), [13690](#), and [14030](#)). Therefore, all development to occur within the SFHA would be subject to the provisions of the NFIP-compliant local flood hazard protection ordinance. This would include other flood mitigation standards such as ‘No-Rise certificates’ where development occurs within the Regulatory Floodway, etc.

In consideration of any federally funded works or “development” located within proximity to the SFHA that may result from the Plan–EA, Executive Order 13690/14030 establishes the Federal Flood Risk Management Standard (FFRMS) for all federally funded projects. When developing the Plan-EA, in addition to meeting the minimum standards of the NFIP for development within the SFHA, consideration of the FFRMS may be prudent, where applicable, should the works/development pursue federal funding for implementation.

Please review the following resources to assist in application of appropriate flood mitigation requirements and the FFRMS:

- Manage Floodplain Risk

[Manage Floodplain Risk | FEMA.gov](#)

- Flood Maps | FEMA.gov:

<https://www.fema.gov/flood-maps>

- No-Rise Certification for Floodways | FEMA.gov:

<https://www.fema.gov/glossary/no-rise-certification-floodways>

- Letters of Map Revision and Conditional Letters of Map Revision | FEMA.gov:

<https://www.fema.gov/flood-maps/change-your-flood-zone/lomr-clomr>

- Federal Flood Standard Support Website and Tool:

The [Federal Flood Standard Support Website](#) and [Tool](#) will help users implement the (FFRMS)

Consistent floodplain management is the citizen's assurance that the general welfare of the public is served by the local government through the equitable application of floodplain regulations for all persons, entities, and development within the community's SFHA.

Please let me know if I can be of assistance. Alternatively, feel free to contact Jamie Reinke with the Nebraska Department of Natural Resources (jamie.reinke@nebraska.gov).

With kind regards,
Todd

Todd Tucker, AICP
Supervisory Emergency Manager
FFRMS & CRS Coordinator - FM&I | Mitigation Div. | FEMA Region VII | DHS
Office/Mobile: 816-585-1806
todd.tucker@fema.dhs.gov

Federal Emergency Management Agency



[fema.gov](https://www.fema.gov), [Federal Flood Risk Management Standard \(FFRMS\)](#),
[Floodplain Management](#), [National Flood Insurance Program Community Rating System](#)

-

From: Brianna Lock <block@jeo.com>
Sent: Monday, June 3, 2024 11:41 AM
To: Brianna Lock <block@jeo.com>
Cc: Andrea Gebhart <agebhart@jeo.com>; Adam Rupe <arupe@jeo.com>
Subject: North Fork Elkhorn River WFPO - June Public Meetings

CAUTION: This email originated from outside of DHS. DO NOT click links or open attachments unless you recognize and/or trust the sender. Please select the Phish Alert Report button on the top right of your screen to report this email if it is unsolicited or suspicious in nature.

Hello,

We invite you to attend the second round of public meetings for the North Fork Elkhorn River WFPO, hosted by the Lower Elkhorn Natural Resources District, later this month. Both meetings will be open

house format and will feature the same information.

Meeting Option 1

Tuesday, June 25, 2024
5:30 p.m. to 7:30 p.m.

Pierce County Fairgrounds Pavilion
622 N. Brown Street
Pierce, NE 68767

Meeting Option 2

Wednesday, June 26, 2024
5:30 p.m. to 7:30 p.m.

Osmond City Auditorium
413 N. State Street
Osmond, NE 68765

Please see the attached press release and flyer for additional meeting information. If you plan to attend these in-person public meetings, please let me know.

Thank you,

Brianna Lock | *Community Engagement Specialist*

o: [402.392.9925](tel:402.392.9925) | **e:** block@jeo.com

JEO Consulting Group | 11213 Davenport Street Ste. 200 | Omaha, NE 68154



Caution: This email is from an external source and may have malicious content or links.
Please take care when clicking links or opening attachments.

Nebraska State Office

NRCS State Office, Room 360
1121 Lincoln Mall
Lincoln, NE 68508

Subject: LNU-Farmland Protection
North Fork Elkhorn River WFPO Project
NEPA/FPPA Evaluation
Pierce and Knox County, Nebraska

Date: September 30, 2024

To: JEO Consulting

Attn: Dillon Vogt, Natural Resources Specialist (dvogt@jeo.com)

We have reviewed the information provided in your correspondence dated September 27, 2024, concerning the water control project located in Pierce and Knox County, Nebraska. This review is part of the National Environmental Policy Act (NEPA) evaluation for the U.S. Department of Agriculture Natural Resources Conservation Service (USDA-NRCS). We have evaluated the proposed site as required by the Farmland Protection Policy Act (FPPA).

The proposed sites contain areas of Prime Farmland and Statewide Important Farmland, and we have completed the Farmland Conversion Impact Rating forms (AD-1006 and CPA-106) for the proposed sites. The combined rating of Alternative 1 in Pierce County (AD-1006) is 204, the Knox County portion of this alternative contains no prime farmland. The combined rating of Alternative 2 (CPA-106) is 90. Alternative 3 is exempt from FPPA due to the Nebraska Instruction, NE403.40 FPPA Exemptions Part D, lands with 30 non-farm structures per 40-acre area are considered "land committed to urban development". If the total of points is between 160 and 220, at least two other alternatives need to be evaluated and the one with the lowest number of points selected unless there are other overriding considerations. In these cases, documentation should clearly show why the alternative with the higher total of points was selected and explain any other overriding considerations. The FPPA law states that sites with a rating less than 160 will need no further consideration for protection and no additional evaluation is necessary. We encourage the use of accepted erosion control methods during the construction of this project.

If you have further questions, please contact Elizabeth Gray at 402-437-4068 or by email at Elizabeth.gray@usda.gov (preferred).

Sincerely,

ELIZABETH GRAY

Digitally signed by ELIZABETH
GRAY

Date: 2024.09.30 16:27:47 -05'00'

Elizabeth Gray

USDA-NRCS Nebraska Assistant State Soil Scientist

Attachment: North Fork Elkhorn River WFPO A1 Pierce_NE139, North Fork Elkhorn WFPO A2_NE139



Natural Resources Conservation Service

U.S. DEPARTMENT OF AGRICULTURE

Nebraska State Office

1121 Lincoln Mall
Room 360
Lincoln, NE 68508

SENT VIA EMAIL

December 5, 2024

Mark Porath
U.S. Fish and Wildlife Service – Ecological Services
9325 South Alda Road, Suite B
Wood River, Nebraska 68883

Subject: Initiation of P.L. 83-566 Section 12 Consultation, North Fork Elkhorn River Watershed Plan-EA, Antelope, Cedar, Knox, Pierce, and Wayne Counties, Nebraska

Dear Mark Porath:

In accordance with Section 12 of Pub. L. 83-566 the Natural Resources Conservation Services (NRCS) is notifying the Department of the Interior that we are investigating a water resource project. The Lower Elkhorn Natural Resources District (LENRD) requested NRCS assistance through the NRCS Watershed and Flood Protection Program (Public Law 83-566). This letter serves as formal notification that the project has been approved for assistance and NRCS will consult with U.S. Fish and Wildlife Service on technically and economically feasible works of improvement for wildlife purposes recommended. Please reply within 30 days of receiving this notice whether your Agency intends to make surveys, investigations, or recommendations concerning the conservation and development of wildlife resources; or otherwise participate in preparing the plan for works of improvement for this project.

The project sponsor and USDA-NRCS are preparing the Environmental Assessment (Plan-EA) to evaluate alternatives to meet the project's need. NRCS is the lead agency preparing the Watershed Plan for the North Fork Elkhorn River Watershed Project. The purpose of the North Fork Elkhorn River Watershed Plan-EA is to provide flood prevention (flood damage reduction) to the communities of Pierce and Osmond, in addition to agricultural and rural lands within the watershed. In alignment with the objectives set forth in Pub. L 83-566, the primary purpose is flood prevention within North Fork Elkhorn River Watershed.

The project is needed due to the long history of flooding damage that has occurred throughout the watershed, impacting communities as well as agricultural areas. Flash flooding from heavy rainfall and riverine flooding from the overtopping of the North Fork of the Elkhorn River and its tributaries, combined with topographic factors in the region, cause damages throughout the watershed. Most recently, extensive flooding events

occurred in the watershed in 2019. These trends and reoccurring flooding present ongoing challenges to the agricultural economy and necessitate an integrated approach to water management within the watershed.

The proposed action involves implementing two combined alternatives: one in the City of Osmond and one in the City of Pierce. In Osmond, the preferred alternative includes raising the road along 4th Street and constructing a berm parallel to North Park Street to prevent floodwaters from entering the city. This plan also includes nonstructural improvements to homes located south of Highway 20. In Pierce, the preferred alternative includes the construction of two diversion channels and two stormwater pumping stations to prevent interior flooding, as well as improvements to the existing levee to stop floodwaters from the North Fork Elkhorn River from entering the city. This preferred alternative meets the project's purpose and need, provides ecosystem service benefits, aligns effectively with federal objectives, is locally preferred, and offers a positive benefit-to-cost ratio. It is acceptable, complete, effective, efficient, and meets all planning criteria.

If you have any questions, concerns or information you want to contribute during the planning process, please contact Melissa Baier, Assistant State Conservationist-Water Resources and Easements, by email at melissa.baier@usda.gov or by phone at 402.437.4065.

Sincerely,

The image shows the official USDA logo, which consists of the letters "USDA" in a bold, serif font. Below the letters is a stylized graphic of a mountain range with a river flowing through a valley. Overlaid on the logo is the signature "Robert D. Lawson" in a cursive script.

Digitally signed by ROBERT
LAWSON
Date: 2024.12.05 13:18:02
-06'00'

ROBERT D. LAWSON
State Conservationist

Enclosure:
Map of North Fork Elkhorn River Watershed

cc:
Melissa Baier, ASTC-Water Resources and Easements, NRCS – Lincoln State Office
Nicole Zimmerman, Acting Watershed Planning Coordinator, NRCS – Lincoln State Office
Ritch Nelson, State Biologist, NRCS – Lincoln State Office
Joseph Debebe, NEPA Specialist, NRCS – Lincoln State Office



Natural Resources Conservation Service

U.S. DEPARTMENT OF AGRICULTURE

Nebraska State Office

1121 Lincoln Mall
Room 360
Lincoln, NE 68508

SENT VIA USPS PRIORITY MAIL: SIGNATURE CONFIRMATION REQUIRED

January 29, 2025

The Honorable Alonzo Denney, Chairman
Santee Sioux Nation of Nebraska
108 Spirit Lake Avenue West
Niobrara, NE 68760

RE: USDA-NRCS National Historic Preservation Act (NHPA) Section 106 Consultation Request,
North Fork Elkhorn River Watershed Plan-EA, Pierce County, Nebraska

Dear Honorable Alonzo Denney:

In accordance with Section 106 of the National Historic Preservation Act of 1966 (NHPA) and its implementing regulations (36 CFR Part 800.3), the Natural Resources Conservation Service (NRCS) is requesting to consult with you on a proposed undertaking in Pierce County, Nebraska. NRCS has defined the area of potential effect (APE) and completed a partial cultural resources inventory. However, access to some properties was restricted during the cultural resources inventory, and NRCS cannot make a final determination of effect at this time. Per 36 CFR 800.4(b)(2) NRCS would like to defer final identification and evaluation of historic properties through the development of a Programmatic Agreement executed pursuant to 36 CFR 800.14(b). We are inviting you to participate in the development of the Programmatic Agreement as a Concurring Party.

Undertaking Description

NRCS is providing financial assistance to the Lower Elkhorn Natural Resources District (LENRD) through the Watershed and Flood Prevention Operations Program to develop a watershed plan. The purpose of the plan is to identify ways to reduce flood damage within and near the communities of Osmond and Pierce, Nebraska. NRCS is the lead Federal agency under the National Environmental Policy Act (NEPA) and NHPA. NRCS, LENRD, and JEO Consulting, LLC., are preparing an environmental assessment as part of the watershed planning process to evaluate the environmental impacts of the proposed flood damage reduction measures.

NRCS and the LENRD held agency and public scoping meetings regarding the watershed plan on November 28, 2023. We anticipate that the draft Plan-EA will be available for public review in Spring 2025 and additional public and agency meetings will be held at that time. We will send you an invitation to the agency review meeting when a date and time has been identified, and we will notify you when the draft Plan-EA is available for review.

The proposed action identified in the Plan-EA includes improvements to existing levees, diversion channels, pumping stations, road raises, berms, and nonstructural measures. The proposed improvements are described below.

Pierce Levee Improvements (L1-20): The existing Pierce levee is situated between the city and the North Fork Elkhorn River. The improvements consist of adding earth fill to the landward (city) side of the existing levee and raising the top of levee elevation by approximately 2 feet. Seepage berms and toe trench drains would also be installed. The seepage berms would consist of 4-foot tall, 150-foot wide fill where space permits. Two trench drains would be used where space is not available for seepage berm construction. Levee design would follow national levee construction standards.

Pierce Drainage Improvements (C1-30 and C1-10): C1-30 consists of a diversion channel running between 853 Rd and 549 Ave. The channel would run for approximately 2,400 ft and have a bottom width of 14 ft. This channel would capture flows entering Pierce from the west and reroute them south around the city to Willow Creek. Additional improvements include road crossing improvements, a pedestrian bridge to reduce backwater effects at an existing hike/bike trail, and stream stabilization improvements at the downstream end of the channel. C1-10 consists of a diversion channel running between 548 Ave and State Highway 13. The channel would run for approximately 1.5 miles parallel to 854 Rd and 549 Ave with a bottom width of 10-12 ft. This channel would capture flows entering Pierce from the northwest and funnel them to the north. Floodwater would exit the channel on the east side of State Highway 13 and be prevented from re-entering Pierce by the improved levee. Two pumping stations would also be installed to pump floodwater out of Pierce and rerouting it to the river side of the levee.

Osmond 4th Street Flood Reduction (F1-1): F1-1 consists of a road raise running for approximately 1,100 ft along 4th Street in Osmond, east of N Hill St. The road elevation will be raised an average of 3 ft, with a maximum raise of 6.25 ft. Additionally, this includes grading of a portion of the surrounding baseball field area to restore high ground and prevent floodwater from backing up into Osmond. To minimize grading impacts to existing infrastructure, a retaining wall running north-south with a maximum height of 6 feet was utilized on the eastern perimeter of the grading area. Baseball field concessions and restroom buildings at Osmond Park will also be raised to the new proposed grade, above flood elevations.

Osmond Northeast Flood Reduction (F1-2): F1-2 consists of an earthen berm running for approximately 650 ft with a top width of 10 ft and maximum height of 7.6 ft. The berm runs north-south and is located east of the homes built along N Park St. This berm ties into existing higher ground at each end. F1-1 and F1-2 work interdependently to provide flood reduction to Osmond. F1-1 prevents floodwater from entering the center of the city but causes an increase in flooding depth to the northeastern portion of Osmond. F1-2 redirects that increased floodwater away from existing homes.

Osmond Non-Structural Measures: Twelve homes south of Highway 20 in Osmond experience frequent flood damage. The nonstructural measures for each home will be determined by the homeowner and sponsor during the design phase of the project, but options include raising the homes above the base flood elevation; installing flood vents, flood walls, berms, or sewer backflow preventers; installing floodproof building materials; or property acquisition and building demolition.

Area of Potential Effects (APE)

The APE totals 826 acres and includes all areas that could be directly affected by activities associated with the proposed action, including utility relocates, access routes, staging areas, excavation, grading, tree removal, alterations to existing roads, levees, berms, drains, bridges, building removal or

modifications, sediment disposal, borrow areas, etc., as well as visual and other effects to cultural resources. The APE for Pierce is in Sections 21, 22, 23, 26, 27, 28, 33, and 34, Township 26 North, Range 2 West and totals 691 acres. The APE for Osmond is in Section 31, Township 28 North, Range 2 West and Section 36, Township 28 North, Range 3 West and includes 32 acres for F1-1 and F1-2 and 83 acres for the nonstructural measures. Borrow areas are in Section 18, Township 26 North, Range 1 West, and Sections 2 and 4, Township 25 North, Range 2 West. We have enclosed maps of the APE for your review. Photographs of the APE are available in the enclosed cultural resources inventory report. Additional supporting documentation, including preliminary construction drawings, is available at <https://tinyurl.com/25wbd8u2>.

Cultural Resource Identification

Buried Past Consulting, LLC. (Buried Past) conducted the cultural resources inventory of the APE. Prior to the field investigation, Buried Past staff conducted a cultural resource desktop review using data from History Nebraska and online sources. The desktop review included data regarding previously completed cultural resource investigations, and recorded archaeological sites, architectural properties, and bridges.

The file search indicated that 15 cultural resource surveys have taken place within one mile of the APE. One archaeological site is recorded in Osmond (25PC503), and two archaeological sites are recorded in Pierce (25PC3 and 25PC501). Site 25PC3 is a small campsite of unknown age that is located ½ mile west of the APE. Site 25PC501 is the location of the Pierce Milling Company, which is recorded within the APE of C1-30. Site 25PC503 is the Osmond Roller Mill, but the location of the mill is known only to be within the city limits.

Buried Past completed the cultural resources field investigation of the North Fork Elkhorn River APE between July and August 2024. Field survey methods included pedestrian visual inspection supplemented by targeted, systematic shovel testing in settings with limited ground visibility. The pedestrian inventory included parallel transects of 15 meters intervals and 369 shovel tests. Architectural resources within and adjacent to the APE were documented and evaluated based on visual reconnaissance. A copy of the cultural resources inventory report and maps of the survey areas are enclosed for your review.

A total of 562 acres of the APE were included in the cultural resources inventory. A total of 173 acres still needs to be investigated for cultural resources prior to project implementation. Landowners restricted access to 25.7 acres of the APE. Additionally, three borrow areas and the non-structural alternative in Osmond were added to the project after the cultural resource inventory was complete and increased the APE by approximately 173 acres. The remaining 67 acres that were not investigated for cultural resources consist of areas that were included in the APE before final decisions were made on the locations of C1-10 and C1-30. No standing structures older than 50 years are present within these 67 acres, and no ground disturbance will occur, so these acres were not included in the cultural resource inventory. Since there will be no visual or physical changes within these areas, no survey is recommended.

No archaeological resources were identified during the investigation. No artifacts were observed on the ground surface or recovered from the shovel tests. The survey did not find any archaeological evidence of 25PC501 in Gilman Park. Remains of the mill foundations may still be present in the park, but it is likely that the site has been negatively impacted by modern park construction.

Thirty-one architectural properties greater than 50 years of age were documented during the investigation (Architectural Resources #1-31; see Table 1). All the properties were visually assessed and evaluated for the NRHP under Criteria A, B, and C following the guidelines provided in National Register Bulletin No. 15. There will be no ground disturbance within most of the property boundaries, so the properties were not evaluated under Criterion D. The properties were documented because the proposed action may have visual effects on the setting of the buildings.

Four of the properties (Architectural Resources 9, 11, 23, and 29) were found to be associated with significant events in history (Criterion A), and NRCS has determined these properties are eligible for inclusion in the National Register.

The other 27 architectural properties (Architectural Resources 1, 2, 3, 4, 5, 6, 7, 8, 10, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 24, 25, 26, 27, 28, 30, and 31) were found to not be associated with significant events in history (Criterion A), significant individuals (Criterion B), or to possess distinctive or unique characteristics of type, period, or method of construction or contain properties of high artistic value (Criterion C). NRCS has determined that these 27 properties are not eligible for the NRHP. None of these houses will be damaged or destroyed by the proposed action. Portions of the project may be visible from the houses.

Impacts to Historic Properties

Architectural Resource #9 is the St. Mary of the Seven Dolours church in Osmond. The church is located outside of the APE approximately 150 meters northwest of F1-1. F1-1 will not alter, damage, or destroy any part of the church. The road raise is unlikely to be visible from the church and will not alter the setting of the church.

Architectural Resource #11 is a Pratt truss bridge that is located outside the APE in Osmond. F1-1 is located 150 meters west of the bridge. The proposed action will not alter, damage, or destroy any part of the bridge. The road raise is unlikely to be visible from the bridge and will not alter the setting of the bridge.

Architectural Resource #23 is Gilman Park in Pierce. The levee is located along the eastern boundary of the park. Fill will be added to the levee to increase the height of the levee, and a pumping station will be installed in the southeast corner of the park to drain interior floodwaters. Temporary effects include increased noise and traffic at the park during construction. Permanent effects will be minor and consist of the visual effects from the increased height of the levee and possible tree removal. Visual effects from the increased levee height will be minor because the levee will be vegetated and appear like existing conditions. Effects from tree removal will also be minimal because only small trees next to the levee will be removed. The trees were not part of the original plantings by Ralph Terry, and larger trees will obscure any visual effects from the tree removal. The historic park features are approximately 300-500 meters away from most of the levee. Any subsurface archaeological features associated with 25PC501 would also be located 300-500 meters away from the levee. The proposed action will have no adverse effect on Gilman Park.

Twelve houses were not included in the cultural resources inventory and have not been evaluated for the NRHP. These houses will be modified to prevent future flood damages. Modifications for each building will be determined by the homeowners and LENRD during the design phase of the project. Potential modifications include raising the homes above the base flood elevation; installing flood vents, flood walls, berms, or sewer backflow preventers; installing floodproof building materials; or property acquisition and building demolition. The proposed modifications could be an adverse effect if any of the

buildings are eligible for inclusion in the NRHP. These structures will need to be evaluated prior to any modification.

Three borrow areas were not included in the cultural resources' investigation, and historic properties may be present in these locations. If historic properties are present, excavation activities may damage or destroy all or part of the properties. Additional cultural resource investigations are required to determine whether excavation activities will have an adverse effect on historic properties.

Determination of Effects

NRCS cannot determine the effects of this undertaking on historic properties at this time. Additional cultural resource investigations will be necessary prior to any ground disturbing activities. In accordance with 36 CFR 800.4(b)(2) NRCS would like to defer final identification and evaluation of historic properties on the remaining 109 acres through the development of a Programmatic Agreement executed pursuant to 36 CFR 800.14(b). We are inviting you to participate in the development of the Programmatic Agreement as a Concurring Party. We have enclosed a copy of the draft Programmatic Agreement for review and comment.

We kindly request that you please respond to this letter within 30 days of receipt with your comments on the undertaking and whether you would like to participate in the Programmatic Agreement as a Concurring Party.

If you have any questions or need to request additional information, please contact Melissa Baier, Assistant State Conservationist–Water Resources and Easements, by phone at 402.437.4065 or by email at melissa.baier@usda.gov. If you would like to schedule a Section 106 consultation meeting with us to discuss this undertaking further, please contact Melissa Baier with preferred dates and times. Thank you very much for your consideration of this undertaking.

Sincerely,

The image shows the official USDA logo, which consists of the letters "USDA" in a bold, serif font. Below the letters is a stylized graphic of a landscape with a sun rising over hills. Overlaid on the logo is the signature "Robert D. Lawson" in a cursive script.

Digitally signed by ROBERT
LAWSON
Date: 2025.01.29 13:45:54 -06'00'

ROBERT D. LAWSON
State Conservationist

Enclosures:

- A. Bevitt, C. Tod and Wendi Bevitt. 2024. *Phase I Cultural Resources Survey of Proposed Watershed Flood Protection Operations along the North Fork Elkhorn River, Pierce County, Nebraska.*
- B. Table 1: Architectural Resources
- C. APE Maps
- D. Draft Programmatic Agreement

cc:

Larry Thomas, THPO, Santee Sioux Nation of Nebraska
Melissa Baier, ASTC- Water Resources and Easements, NRCS – Lincoln State Office

Nebraska State Office

1121 Lincoln Mall
Room 360
Lincoln, NE 68508

SENT VIA USPS PRIORITY MAIL: SIGNATURE CONFIRMATION REQUIRED

January 29, 2025

The Honorable Candace Schmidt, Chairwoman
Ponca Tribe of Nebraska
P. O. Box 288
Niobrara, NE 68760

RE: USDA-NRCS National Historic Preservation Act (NHPA) Section 106 Consultation Request,
North Fork Elkhorn River Watershed Plan-EA, Pierce County, Nebraska

Dear Honorable Candace Schmidt :

In accordance with Section 106 of the National Historic Preservation Act of 1966 (NHPA) and its implementing regulations (36 CFR Part 800.3), the Natural Resources Conservation Service (NRCS) is requesting to consult with you on a proposed undertaking in Pierce County, Nebraska. NRCS has defined the area of potential effect (APE) and completed a partial cultural resources inventory. However, access to some properties was restricted during the cultural resources inventory, and NRCS cannot make a final determination of effect at this time. Per 36 CFR 800.4(b)(2) NRCS would like to defer final identification and evaluation of historic properties through the development of a Programmatic Agreement executed pursuant to 36 CFR 800.14(b). We are inviting you to participate in the development of the Programmatic Agreement as a Concurring Party.

Undertaking Description

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NRCS and the LENRD held agency and public scoping meetings regarding the watershed plan on November 28, 2023. We anticipate that the draft Plan-EA will be available for public review in Spring 2025 and additional public and agency meetings will be held at that time. We will send you an invitation to the agency review meeting when a date and time has been identified, and we will notify you when the draft Plan-EA is available for review.

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Osmond Northeast Flood Reduction (F1-2): F1-2 consists of an earthen berm running for approximately 650 ft with a top width of 10 ft and maximum height of 7.6 ft. The berm runs north-south and is located east of the homes built along N Park St. This berm ties into existing higher ground at each end. F1-1 and F1-2 work interdependently to provide flood reduction to Osmond. F1-1 prevents floodwater from entering the center of the city but causes an increase in flooding depth to the northeastern portion of Osmond. F1-2 redirects that increased floodwater away from existing homes.

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Area of Potential Effects (APE)

The APE totals 826 acres and includes all areas that could be directly affected by activities associated with the proposed action, including utility relocates, access routes, staging areas, excavation, grading, tree removal, alterations to existing roads, levees, berms, drains, bridges, building removal or

modifications, sediment disposal, borrow areas, etc., as well as visual and other effects to cultural resources. The APE for Pierce is in Sections 21, 22, 23, 26, 27, 28, 33, and 34, Township 26 North, Range 2 West and totals 691 acres. The APE for Osmond is in Section 31, Township 28 North, Range 2 West and Section 36, Township 28 North, Range 3 West and includes 32 acres for F1-1 and F1-2 and 83 acres for the nonstructural measures. Borrow areas are in Section 18, Township 26 North, Range 1 West, and Sections 2 and 4, Township 25 North, Range 2 West. We have enclosed maps of the APE for your review. Photographs of the APE are available in the enclosed cultural resources inventory report. Additional supporting documentation, including preliminary construction drawings, is available at <https://tinyurl.com/25wbd8u2>.

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The file search indicated that 15 cultural resource surveys have taken place within one mile of the APE. One archaeological site is recorded in Osmond (25PC503), and two archaeological sites are recorded in Pierce (25PC3 and 25PC501). Site 25PC3 is a small campsite of unknown age that is located ½ mile west of the APE. Site 25PC501 is the location of the Pierce Milling Company, which is recorded within the APE of C1-30. Site 25PC503 is the Osmond Roller Mill, but the location of the mill is known only to be within the city limits.

Buried Past completed the cultural resources field investigation of the North Fork Elkhorn River APE between July and August 2024. Field survey methods included pedestrian visual inspection supplemented by targeted, systematic shovel testing in settings with limited ground visibility. The pedestrian inventory included parallel transects of 15 meters intervals and 369 shovel tests. Architectural resources within and adjacent to the APE were documented and evaluated based on visual reconnaissance. A copy of the cultural resources inventory report and maps of the survey areas are enclosed for your review.

A total of 562 acres of the APE were included in the cultural resources inventory. A total of 173 acres still needs to be investigated for cultural resources prior to project implementation. Landowners restricted access to 25.7 acres of the APE. Additionally, three borrow areas and the non-structural alternative in Osmond were added to the project after the cultural resource inventory was complete and increased the APE by approximately 173 acres. The remaining 67 acres that were not investigated for cultural resources consist of areas that were included in the APE before final decisions were made on the locations of C1-10 and C1-30. No standing structures older than 50 years are present within these 67 acres, and no ground disturbance will occur, so these acres were not included in the cultural resource inventory. Since there will be no visual or physical changes within these areas, no survey is recommended.

No archaeological resources were identified during the investigation. No artifacts were observed on the ground surface or recovered from the shovel tests. The survey did not find any archaeological evidence of 25PC501 in Gilman Park. Remains of the mill foundations may still be present in the park, but it is likely that the site has been negatively impacted by modern park construction.

Thirty-one architectural properties greater than 50 years of age were documented during the investigation (Architectural Resources #1-31; see Table 1). All the properties were visually assessed and evaluated for the NRHP under Criteria A, B, and C following the guidelines provided in National Register Bulletin No. 15. There will be no ground disturbance within most of the property boundaries, so the properties were not evaluated under Criterion D. The properties were documented because the proposed action may have visual effects on the setting of the buildings.

Four of the properties (Architectural Resources 9, 11, 23, and 29) were found to be associated with significant events in history (Criterion A), and NRCS has determined these properties are eligible for inclusion in the National Register.

The other 27 architectural properties (Architectural Resources 1, 2, 3, 4, 5, 6, 7, 8, 10, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 24, 25, 26, 27, 28, 30, and 31) were found to not be associated with significant events in history (Criterion A), significant individuals (Criterion B), or to possess distinctive or unique characteristics of type, period, or method of construction or contain properties of high artistic value (Criterion C). NRCS has determined that these 27 properties are not eligible for the NRHP. None of these houses will be damaged or destroyed by the proposed action. Portions of the project may be visible from the houses.

Impacts to Historic Properties

Architectural Resource #9 is the St. Mary of the Seven Dolours church in Osmond. The church is located outside of the APE approximately 150 meters northwest of F1-1. F1-1 will not alter, damage, or destroy any part of the church. The road raise is unlikely to be visible from the church and will not alter the setting of the church.

Architectural Resource #11 is a Pratt truss bridge that is located outside the APE in Osmond. F1-1 is located 150 meters west of the bridge. The proposed action will not alter, damage, or destroy any part of the bridge. The road raise is unlikely to be visible from the bridge and will not alter the setting of the bridge.

Architectural Resource #23 is Gilman Park in Pierce. The levee is located along the eastern boundary of the park. Fill will be added to the levee to increase the height of the levee, and a pumping station will be installed in the southeast corner of the park to drain interior floodwaters. Temporary effects include increased noise and traffic at the park during construction. Permanent effects will be minor and consist of the visual effects from the increased height of the levee and possible tree removal. Visual effects from the increased levee height will be minor because the levee will be vegetated and appear like existing conditions. Effects from tree removal will also be minimal because only small trees next to the levee will be removed. The trees were not part of the original plantings by Ralph Terry, and larger trees will obscure any visual effects from the tree removal. The historic park features are approximately 300-500 meters away from most of the levee. Any subsurface archaeological features associated with 25PC501 would also be located 300-500 meters away from the levee. The proposed action will have no adverse effect on Gilman Park.

Twelve houses were not included in the cultural resources inventory and have not been evaluated for the NRHP. These houses will be modified to prevent future flood damages. Modifications for each building will be determined by the homeowners and LENRD during the design phase of the project. Potential modifications include raising the homes above the base flood elevation; installing flood vents, flood walls, berms, or sewer backflow preventers; installing floodproof building materials; or property acquisition and building demolition. The proposed modifications could be an adverse effect if any of the

buildings are eligible for inclusion in the NRHP. These structures will need to be evaluated prior to any modification.

Three borrow areas were not included in the cultural resources investigation, and historic properties may be present in these locations. If historic properties are present, excavation activities may damage or destroy all or part of the properties. Additional cultural resource investigations are required to determine whether excavation activities will have an adverse effect on historic properties.

Determination of Effects

NRCS cannot determine the effects of this undertaking on historic properties at this time. Additional cultural resource investigations will be necessary prior to any ground disturbing activities. In accordance with 36 CFR 800.4(b)(2) NRCS would like to defer final identification and evaluation of historic properties on the remaining 109 acres through the development of a Programmatic Agreement executed pursuant to 36 CFR 800.14(b). We are inviting you to participate in the development of the Programmatic Agreement as a Concurring Party. We have enclosed a copy of the draft Programmatic Agreement for review and comment.

We kindly request that you please respond to this letter within 30 days of receipt with your comments on the undertaking and whether you would like to participate in the Programmatic Agreement as a Concurring Party.

If you have any questions or need to request additional information, please contact Melissa Baier, Assistant State Conservationist – Water Resources and Easements, by phone at 402.437.4065 or by email at melissa.baier@usda.gov. If you would like to schedule a Section 106 consultation meeting with us to discuss this undertaking further, please contact Melissa Baier with preferred dates and times. Thank you very much for your consideration of this undertaking.

Sincerely,



Digitally signed by ROBERT
LAWSON
Date: 2025.01.29 13:46:40 -06'00'

ROBERT D. LAWSON
State Conservationist

Enclosures:

- A. Bevitt, C. Tod and Wendi Bevitt. 2024. *Phase I Cultural Resources Survey of Proposed Watershed Flood Protection Operations along the North Fork Elkhorn River, Pierce County, Nebraska.*
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cc:

Theresa Foley, THPO, Ponca Tribe of Nebraska

Melissa Baier, ASTC-Water Resources and Easements, NRCS – Lincoln State Office



Natural Resources Conservation Service

U.S. DEPARTMENT OF AGRICULTURE

Nebraska State Office

1121 Lincoln Mall
Room 360
Lincoln, NE 68508

SENT VIA USPS PRIORITY MAIL: SIGNATURE CONFIRMATION REQUIRED

January 29, 2025

The Honorable Durell Cooper III, Chairman
Apache Tribe of Oklahoma
P. O. Box 1330
Anadarko, OK 73005

RE: USDA-NRCS National Historic Preservation Act (NHPA) Section 106 Consultation Request,
North Fork Elkhorn River Watershed Plan-EA, Pierce County, Nebraska

Dear Honorable Durell Cooper III:

In accordance with Section 106 of the National Historic Preservation Act of 1966 (NHPA) and its implementing regulations (36 CFR Part 800.3), the Natural Resources Conservation Service (NRCS) is requesting to consult with you on a proposed undertaking in Pierce County, Nebraska. NRCS has defined the area of potential effect (APE) and completed a partial cultural resources inventory. However, access to some properties was restricted during the cultural resources inventory, and NRCS cannot make a final determination of effect at this time. Per 36 CFR 800.4(b)(2) NRCS would like to defer final identification and evaluation of historic properties through the development of a Programmatic Agreement executed pursuant to 36 CFR 800.14(b). We are inviting you to participate in the development of the Programmatic Agreement as a Concurring Party.

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Sincerely,

The image shows the official USDA logo, which consists of the letters "USDA" in a bold, serif font. Below the letters is a stylized graphic of a landscape with a sun rising over hills. Overlaid on the logo is the handwritten signature of Robert D. Lawson in a cursive script.

Digitally signed by ROBERT
LAWSON

Date: 2025.01.29 13:47:19 -06'00'

ROBERT D. LAWSON
State Conservationist

Enclosures:

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cc:

Darrin Cisco, NAGPRA contact, Apache Tribe of Oklahoma Cultural Department
Melissa Baier, ASTC- Water Resources and Easements, NRCS – Lincoln State Office



Natural Resources Conservation Service

U.S. DEPARTMENT OF AGRICULTURE

Nebraska State Office

1121 Lincoln Mall
Room 360
Lincoln, NE 68508

SENT VIA USPS PRIORITY MAIL: SIGNATURE CONFIRMATION REQUIRED

January 29, 2025

The Honorable Jason Sheridan, Chairman
Omaha Tribe of Nebraska
P. O. Box 368
Macy, NE 68039

RE: USDA-NRCS National Historic Preservation Act (NHPA) Section 106 Consultation Request,
North Fork Elkhorn River Watershed Plan-EA, Pierce County, Nebraska

Dear Honorable Jason Sheridan:

In accordance with Section 106 of the National Historic Preservation Act of 1966 (NHPA) and its implementing regulations (36 CFR Part 800.3), the Natural Resources Conservation Service (NRCS) is requesting to consult with you on a proposed undertaking in Pierce County, Nebraska. NRCS has defined the area of potential effect (APE) and completed a partial cultural resources inventory. However, access to some properties was restricted during the cultural resources inventory, and NRCS cannot make a final determination of effect at this time. Per 36 CFR 800.4(b)(2) NRCS would like to defer final identification and evaluation of historic properties through the development of a Programmatic Agreement executed pursuant to 36 CFR 800.14(b). We are inviting you to participate in the development of the Programmatic Agreement as a Concurring Party.

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Area of Potential Effects (APE)

The APE totals 826 acres and includes all areas that could be directly affected by activities associated with the proposed action, including utility relocates, access routes, staging areas, excavation, grading, tree removal, alterations to existing roads, levees, berms, drains, bridges, building removal or

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Buried Past completed the cultural resources field investigation of the North Fork Elkhorn River APE between July and August 2024. Field survey methods included pedestrian visual inspection supplemented by targeted, systematic shovel testing in settings with limited ground visibility. The pedestrian inventory included parallel transects of 15 meters intervals and 369 shovel tests. Architectural resources within and adjacent to the APE were documented and evaluated based on visual reconnaissance. A copy of the cultural resources inventory report and maps of the survey areas are enclosed for your review.

A total of 562 acres of the APE were included in the cultural resources inventory. A total of 173 acres still needs to be investigated for cultural resources prior to project implementation. Landowners restricted access to 25.7 acres of the APE. Additionally, three borrow areas and the non-structural alternative in Osmond were added to the project after the cultural resource inventory was complete and increased the APE by approximately 173 acres. The remaining 67 acres that were not investigated for cultural resources consist of areas that were included in the APE before final decisions were made on the locations of C1-10 and C1-30. No standing structures older than 50 years are present within these 67 acres, and no ground disturbance will occur, so these acres were not included in the cultural resource inventory. Since there will be no visual or physical changes within these areas, no survey is recommended.

No archaeological resources were identified during the investigation. No artifacts were observed on the ground surface or recovered from the shovel tests. The survey did not find any archaeological evidence of 25PC501 in Gilman Park. Remains of the mill foundations may still be present in the park, but it is likely that the site has been negatively impacted by modern park construction.

Thirty-one architectural properties greater than 50 years of age were documented during the investigation (Architectural Resources #1-31; see Table 1). All the properties were visually assessed and evaluated for the NRHP under Criteria A, B, and C following the guidelines provided in National Register Bulletin No. 15. There will be no ground disturbance within most of the property boundaries, so the properties were not evaluated under Criterion D. The properties were documented because the proposed action may have visual effects on the setting of the buildings.

Four of the properties (Architectural Resources 9, 11, 23, and 29) were found to be associated with significant events in history (Criterion A), and NRCS has determined these properties are eligible for inclusion in the National Register.

The other 27 architectural properties (Architectural Resources 1, 2, 3, 4, 5, 6, 7, 8, 10, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 24, 25, 26, 27, 28, 30, and 31) were found to not be associated with significant events in history (Criterion A), significant individuals (Criterion B), or to possess distinctive or unique characteristics of type, period, or method of construction or contain properties of high artistic value (Criterion C). NRCS has determined that these 27 properties are not eligible for the NRHP. None of these houses will be damaged or destroyed by the proposed action. Portions of the project may be visible from the houses.

Impacts to Historic Properties

Architectural Resource #9 is the St. Mary of the Seven Dolours church in Osmond. The church is located outside of the APE approximately 150 meters northwest of F1-1. F1-1 will not alter, damage, or destroy any part of the church. The road raise is unlikely to be visible from the church and will not alter the setting of the church.

Architectural Resource #11 is a Pratt truss bridge that is located outside the APE in Osmond. F1-1 is located 150 meters west of the bridge. The proposed action will not alter, damage, or destroy any part of the bridge. The road raise is unlikely to be visible from the bridge and will not alter the setting of the bridge.

Architectural Resource #23 is Gilman Park in Pierce. The levee is located along the eastern boundary of the park. Fill will be added to the levee to increase the height of the levee, and a pumping station will be installed in the southeast corner of the park to drain interior floodwaters. Temporary effects include increased noise and traffic at the park during construction. Permanent effects will be minor and consist of the visual effects from the increased height of the levee and possible tree removal. Visual effects from the increased levee height will be minor because the levee will be vegetated and appear like existing conditions. Effects from tree removal will also be minimal because only small trees next to the levee will be removed. The trees were not part of the original plantings by Ralph Terry, and larger trees will obscure any visual effects from the tree removal. The historic park features are approximately 300-500 meters away from most of the levee. Any subsurface archaeological features associated with 25PC501 would also be located 300-500 meters away from the levee. The proposed action will have no adverse effect on Gilman Park.

Twelve houses were not included in the cultural resources inventory and have not been evaluated for the NRHP. These houses will be modified to prevent future flood damages. Modifications for each building will be determined by the homeowners and LENRD during the design phase of the project. Potential modifications include raising the homes above the base flood elevation; installing flood vents, flood walls, berms, or sewer backflow preventers; installing floodproof building materials; or property acquisition and building demolition. The proposed modifications could be an adverse effect if any of the

buildings are eligible for inclusion in the NRHP. These structures will need to be evaluated prior to any modification.

Three borrow areas were not included in the cultural resources investigation, and historic properties may be present in these locations. If historic properties are present, excavation activities may damage or destroy all or part of the properties. Additional cultural resource investigations are required to determine whether excavation activities will have an adverse effect on historic properties.

Determination of Effects

NRCS cannot determine the effects of this undertaking on historic properties at this time. Additional cultural resource investigations will be necessary prior to any ground disturbing activities. In accordance with 36 CFR 800.4(b)(2) NRCS would like to defer final identification and evaluation of historic properties on the remaining 109 acres through the development of a Programmatic Agreement executed pursuant to 36 CFR 800.14(b). We are inviting you to participate in the development of the Programmatic Agreement as a Concurring Party. We have enclosed a copy of the draft Programmatic Agreement for review and comment.

We kindly request that you please respond to this letter within 30 days of receipt with your comments on the undertaking and whether you would like to participate in the Programmatic Agreement as a Concurring Party.

If you have any questions or need to request additional information, please contact Melissa Baier, Assistant State Conservationist – Water Resources and Easements, by phone at 402.437.4065 or by email at melissa.baier@usda.gov. If you would like to schedule a Section 106 consultation meeting with us to discuss this undertaking further, please contact Melissa Baier with preferred dates and times. Thank you very much for your consideration of this undertaking.

Sincerely,

The image shows the official logo of the United States Department of Agriculture (USDA) on the left, which consists of the letters "USDA" in a serif font above a stylized landscape graphic. To the right of the logo is a handwritten signature in cursive script that reads "Robert D. Lawson".

Digitally signed by ROBERT
LAWSON
Date: 2025.01.29 13:48:02 -06'00'

ROBERT D. LAWSON
State Conservationist

Enclosures:

- A. Bevitt, C. Tod and Wendi Bevitt. 2024. *Phase I Cultural Resources Survey of Proposed Watershed Flood Protection Operations along the North Fork Elkhorn River, Pierce County, Nebraska.*
- B. Table 1: Architectural Resources
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cc:

Jarell Grant, THPO, Omaha Tribe of Nebraska

Melissa Baier, ASTC- Water Resources and Easements, NRCS – Lincoln State Office



Natural Resources Conservation Service

U.S. DEPARTMENT OF AGRICULTURE

Nebraska State Office

1121 Lincoln Mall
Room 360
Lincoln, NE 68508

SENT VIA USPS PRIORITY MAIL: SIGNATURE CONFIRMATION REQUIRED

January 29, 2025

The Honorable Lloyd Goggles, Chairman
Northern Arapaho Tribe of the Wind River Reservation, Wyoming
P. O. Box 396
Fort Washakie, WY 82514

RE: USDA-NRCS National Historic Preservation Act (NHPA) Section 106 Consultation Request,
North Fork Elkhorn River Watershed Plan-EA, Pierce County, Nebraska

Dear Honorable Lloyd Goggles:

In accordance with Section 106 of the National Historic Preservation Act of 1966 (NHPA) and its implementing regulations (36 CFR Part 800.3), the Natural Resources Conservation Service (NRCS) is requesting to consult with you on a proposed undertaking in Pierce County, Nebraska. NRCS has defined the area of potential effect (APE) and completed a partial cultural resources inventory. However, access to some properties was restricted during the cultural resources inventory, and NRCS cannot make a final determination of effect at this time. Per 36 CFR 800.4(b)(2) NRCS would like to defer final identification and evaluation of historic properties through the development of a Programmatic Agreement executed pursuant to 36 CFR 800.14(b). We are inviting you to participate in the development of the Programmatic Agreement as a Concurring Party.

Undertaking Description

NRCS is providing financial assistance to the Lower Elkhorn Natural Resources District (LENRD) through the Watershed and Flood Prevention Operations Program to develop a watershed plan. The purpose of the plan is to identify ways to reduce flood damage within and near the communities of Osmond and Pierce, Nebraska. NRCS is the lead Federal agency under the National Environmental Policy Act (NEPA) and NHPA. NRCS, LENRD, and JEO Consulting, LLC., are preparing an environmental assessment as part of the watershed planning process to evaluate the environmental impacts of the proposed flood damage reduction measures.

NRCS and the LENRD held agency and public scoping meetings regarding the watershed plan on November 28, 2023. We anticipate that the draft Plan-EA will be available for public review in Spring 2025 and additional public and agency meetings will be held at that time. We will send you an invitation to the agency review meeting when a date and time has been identified, and we will notify you when the draft Plan-EA is available for review.

The proposed action identified in the Plan-EA includes improvements to existing levees, diversion channels, pumping stations, road raises, berms, and nonstructural measures. The proposed improvements are described below.

Pierce Levee Improvements (L1-20): The existing Pierce levee is situated between the city and the North Fork Elkhorn River. The improvements consist of adding earth fill to the landward (city) side of the existing levee and raising the top of levee elevation by approximately 2 feet. Seepage berms and toe trench drains would also be installed. The seepage berms would consist of 4-foot tall, 150-foot wide fill where space permits. Two trench drains would be used where space is not available for seepage berm construction. Levee design would follow national levee construction standards.

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Sincerely,

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Digitally signed by ROBERT
LAWSON
Date: 2025.01.29 13:49:17
-06'00'

ROBERT D. LAWSON
State Conservationist

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cc:
Crystal C'bearing, Director, Northern Arapaho Tribe of the Wind River Reservation, Wyoming
Melissa Baier, ASTC- Water Resources and Easements, NRCS – Lincoln State Office



Natural Resources Conservation Service

U.S. DEPARTMENT OF AGRICULTURE

Nebraska State Office

1121 Lincoln Mall
Room 360
Lincoln, NE 68508

SENT VIA USPS PRIORITY MAIL: SIGNATURE CONFIRMATION REQUIRED

January 29, 2025

The Honorable Misty M. Nuttle, President
Pawnee Nation of Oklahoma
P. O. Box 470
Pawnee, OK 74058

RE: USDA-NRCS National Historic Preservation Act (NHPA) Section 106 Consultation Request,
North Fork Elkhorn River Watershed Plan-EA, Pierce County, Nebraska

Dear Honorable Misty M. Nuttle:

In accordance with Section 106 of the National Historic Preservation Act of 1966 (NHPA) and its implementing regulations (36 CFR Part 800.3), the Natural Resources Conservation Service (NRCS) is requesting to consult with you on a proposed undertaking in Pierce County, Nebraska. NRCS has defined the area of potential effect (APE) and completed a partial cultural resources inventory. However, access to some properties was restricted during the cultural resources inventory, and NRCS cannot make a final determination of effect at this time. Per 36 CFR 800.4(b)(2) NRCS would like to defer final identification and evaluation of historic properties through the development of a Programmatic Agreement executed pursuant to 36 CFR 800.14(b). We are inviting you to participate in the development of the Programmatic Agreement as a Concurring Party.

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The file search indicated that 15 cultural resource surveys have taken place within one mile of the APE. One archaeological site is recorded in Osmond (25PC503), and two archaeological sites are recorded in Pierce (25PC3 and 25PC501). Site 25PC3 is a small campsite of unknown age that is located ½ mile west of the APE. Site 25PC501 is the location of the Pierce Milling Company, which is recorded within the APE of C1-30. Site 25PC503 is the Osmond Roller Mill, but the location of the mill is known only to be within the city limits.

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A total of 562 acres of the APE were included in the cultural resources inventory. A total of 173 acres still needs to be investigated for cultural resources prior to project implementation. Landowners restricted access to 25.7 acres of the APE. Additionally, three borrow areas and the non-structural alternative in Osmond were added to the project after the cultural resource inventory was complete and increased the APE by approximately 173 acres. The remaining 67 acres that were not investigated for cultural resources consist of areas that were included in the APE before final decisions were made on the locations of C1-10 and C1-30. No standing structures older than 50 years are present within these 67 acres, and no ground disturbance will occur, so these acres were not included in the cultural resource inventory. Since there will be no visual or physical changes within these areas, no survey is recommended.

No archaeological resources were identified during the investigation. No artifacts were observed on the ground surface or recovered from the shovel tests. The survey did not find any archaeological evidence of 25PC501 in Gilman Park. Remains of the mill foundations may still be present in the park, but it is likely that the site has been negatively impacted by modern park construction.

Thirty-one architectural properties greater than 50 years of age were documented during the investigation (Architectural Resources #1-31; see Table 1). All the properties were visually assessed and evaluated for the NRHP under Criteria A, B, and C following the guidelines provided in National Register Bulletin No. 15. There will be no ground disturbance within most of the property boundaries, so the properties were not evaluated under Criterion D. The properties were documented because the proposed action may have visual effects on the setting of the buildings.

Four of the properties (Architectural Resources 9, 11, 23, and 29) were found to be associated with significant events in history (Criterion A), and NRCS has determined these properties are eligible for inclusion in the National Register.

The other 27 architectural properties (Architectural Resources 1, 2, 3, 4, 5, 6, 7, 8, 10, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 24, 25, 26, 27, 28, 30, and 31) were found to not be associated with significant events in history (Criterion A), significant individuals (Criterion B), or to possess distinctive or unique characteristics of type, period, or method of construction or contain properties of high artistic value (Criterion C). NRCS has determined that these 27 properties are not eligible for the NRHP. None of these houses will be damaged or destroyed by the proposed action. Portions of the project may be visible from the houses.

Impacts to Historic Properties

Architectural Resource #9 is the St. Mary of the Seven Dolours church in Osmond. The church is located outside of the APE approximately 150 meters northwest of F1-1. F1-1 will not alter, damage, or destroy any part of the church. The road raise is unlikely to be visible from the church and will not alter the setting of the church.

Architectural Resource #11 is a Pratt truss bridge that is located outside the APE in Osmond. F1-1 is located 150 meters west of the bridge. The proposed action will not alter, damage, or destroy any part of the bridge. The road raise is unlikely to be visible from the bridge and will not alter the setting of the bridge.

Architectural Resource #23 is Gilman Park in Pierce. The levee is located along the eastern boundary of the park. Fill will be added to the levee to increase the height of the levee, and a pumping station will be installed in the southeast corner of the park to drain interior floodwaters. Temporary effects include increased noise and traffic at the park during construction. Permanent effects will be minor and consist of the visual effects from the increased height of the levee and possible tree removal. Visual effects from the increased levee height will be minor because the levee will be vegetated and appear like existing conditions. Effects from tree removal will also be minimal because only small trees next to the levee will be removed. The trees were not part of the original plantings by Ralph Terry, and larger trees will obscure any visual effects from the tree removal. The historic park features are approximately 300-500 meters away from most of the levee. Any subsurface archaeological features associated with 25PC501 would also be located 300-500 meters away from the levee. The proposed action will have no adverse effect on Gilman Park.

Twelve houses were not included in the cultural resources inventory and have not been evaluated for the NRHP. These houses will be modified to prevent future flood damages. Modifications for each building will be determined by the homeowners and LENRD during the design phase of the project. Potential modifications include raising the homes above the base flood elevation; installing flood vents, flood walls, berms, or sewer backflow preventers; installing floodproof building materials; or property acquisition and building demolition. The proposed modifications could be an adverse effect if any of the

buildings are eligible for inclusion in the NRHP. These structures will need to be evaluated prior to any modification.

Three borrow areas were not included in the cultural resources investigation, and historic properties may be present in these locations. If historic properties are present, excavation activities may damage or destroy all or part of the properties. Additional cultural resource investigations are required to determine whether excavation activities will have an adverse effect on historic properties.

Determination of Effects

NRCS cannot determine the effects of this undertaking on historic properties at this time. Additional cultural resource investigations will be necessary prior to any ground disturbing activities. In accordance with 36 CFR 800.4(b)(2) NRCS would like to defer final identification and evaluation of historic properties on the remaining 109 acres through the development of a Programmatic Agreement executed pursuant to 36 CFR 800.14(b). We are inviting you to participate in the development of the Programmatic Agreement as a Concurring Party. We have enclosed a copy of the draft Programmatic Agreement for review and comment.

We kindly request that you please respond to this letter within 30 days of receipt with your comments on the undertaking and whether you would like to participate in the Programmatic Agreement as a Concurring Party.

If you have any questions or need to request additional information, please contact Melissa Baier, Assistant State Conservationist – Water Resources and Easements, by phone at 402.437.4065 or by email at melissa.baier@usda.gov. If you would like to schedule a Section 106 consultation meeting with us to discuss this undertaking further, please contact Melissa Baier with preferred dates and times. Thank you very much for your consideration of this undertaking.

Sincerely,

The image shows the official signature of Robert D. Lawson, State Conservationist, overlaid on the USDA logo. The signature is in a cursive script, and the USDA logo is in a bold, sans-serif font.

ROBERT D. LAWSON
State Conservationist

Digitally signed by ROBERT
LAWSON

Date: 2025.01.29 13:49:56 -06'00'

Enclosures:

- A. Bevitt, C. Tod and Wendi Bevitt. 2024. *Phase I Cultural Resources Survey of Proposed Watershed Flood Protection Operations along the North Fork Elkhorn River, Pierce County, Nebraska.*
- B. Table 1: Architectural Resources
- C. APE Maps
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cc:

Matt Reed, THPO, Repatriation Committee, Pawnee Nation of Oklahoma
Melissa Baier, ASTC, Water Resources and Easements, NRCS – Lincoln State Office



Natural Resources Conservation Service

U.S. DEPARTMENT OF AGRICULTURE

Nebraska State Office

1121 Lincoln Mall
Room 360
Lincoln, NE 68508

SENT VIA USPS PRIORITY MAIL: SIGNATURE CONFIRMATION REQUIRED

January 29, 2025

The Honorable Oliver Little Cook, Chairman
Ponca Tribe of Indians of Oklahoma
101 White Eagle Drive
Ponca City, OK 74601

RE: USDA-NRCS National Historic Preservation Act (NHPA) Section 106 Consultation Request,
North Fork Elkhorn River Watershed Plan-EA, Pierce County, Nebraska

Dear Honorable Oliver Little Cook:

In accordance with Section 106 of the National Historic Preservation Act of 1966 (NHPA) and its implementing regulations (36 CFR Part 800.3), the Natural Resources Conservation Service (NRCS) is requesting to consult with you on a proposed undertaking in Pierce County, Nebraska. NRCS has defined the area of potential effect (APE) and completed a partial cultural resources inventory. However, access to some properties was restricted during the cultural resources inventory, and NRCS cannot make a final determination of effect at this time. Per 36 CFR 800.4(b)(2) NRCS would like to defer final identification and evaluation of historic properties through the development of a Programmatic Agreement executed pursuant to 36 CFR 800.14(b). We are inviting you to participate in the development of the Programmatic Agreement as a Concurring Party.

Undertaking Description

NRCS is providing financial assistance to the Lower Elkhorn Natural Resources District (LENRD) through the Watershed and Flood Prevention Operations Program to develop a watershed plan. The purpose of the plan is to identify ways to reduce flood damage within and near the communities of Osmond and Pierce, Nebraska. NRCS is the lead Federal agency under the National Environmental Policy Act (NEPA) and NHPA. NRCS, LENRD, and JEO Consulting, LLC., are preparing an environmental assessment as part of the watershed planning process to evaluate the environmental impacts of the proposed flood damage reduction measures.

NRCS and the LENRD held agency and public scoping meetings regarding the watershed plan on November 28, 2023. We anticipate that the draft Plan-EA will be available for public review in Spring 2025 and additional public and agency meetings will be held at that time. We will send you an invitation to the agency review meeting when a date and time has been identified, and we will notify you when the draft Plan-EA is available for review.

The proposed action identified in the Plan-EA includes improvements to existing levees, diversion channels, pumping stations, road raises, berms, and nonstructural measures. The proposed improvements are described below.

Pierce Levee Improvements (L1-20): The existing Pierce levee is situated between the city and the North Fork Elkhorn River. The improvements consist of adding earth fill to the landward (city) side of the existing levee and raising the top of levee elevation by approximately 2 feet. Seepage berms and toe trench drains would also be installed. The seepage berms would consist of 4-foot tall, 150-foot wide fill where space permits. Two trench drains would be used where space is not available for seepage berm construction. Levee design would follow national levee construction standards.

Pierce Drainage Improvements (C1-30 and C1-10): C1-30 consists of a diversion channel running between 853 Rd and 549 Ave. The channel would run for approximately 2,400 ft and have a bottom width of 14 ft. This channel would capture flows entering Pierce from the west and reroute them south around the city to Willow Creek. Additional improvements include road crossing improvements, a pedestrian bridge to reduce backwater effects at an existing hike/bike trail, and stream stabilization improvements at the downstream end of the channel. C1-10 consists of a diversion channel running between 548 Ave and State Highway 13. The channel would run for approximately 1.5 miles parallel to 854 Rd and 549 Ave with a bottom width of 10-12 ft. This channel would capture flows entering Pierce from the northwest and funnel them to the north. Floodwater would exit the channel on the east side of State Highway 13 and be prevented from re-entering Pierce by the improved levee. Two pumping stations would also be installed to pump floodwater out of Pierce and rerouting it to the river side of the levee.

Osmond 4th Street Flood Reduction (F1-1): F1-1 consists of a road raise running for approximately 1,100 ft along 4th Street in Osmond, east of N Hill St. The road elevation will be raised an average of 3 ft, with a maximum raise of 6.25 ft. Additionally, this includes grading of a portion of the surrounding baseball field area to restore high ground and prevent floodwater from backing up into Osmond. To minimize grading impacts to existing infrastructure, a retaining wall running north-south with a maximum height of 6 feet was utilized on the eastern perimeter of the grading area. Baseball field concessions and restroom buildings at Osmond Park will also be raised to the new proposed grade, above flood elevations.

Osmond Northeast Flood Reduction (F1-2): F1-2 consists of an earthen berm running for approximately 650 ft with a top width of 10 ft and maximum height of 7.6 ft. The berm runs north-south and is located east of the homes built along N Park St. This berm ties into existing higher ground at each end. F1-1 and F1-2 work interdependently to provide flood reduction to Osmond. F1-1 prevents floodwater from entering the center of the city but causes an increase in flooding depth to the northeastern portion of Osmond. F1-2 redirects that increased floodwater away from existing homes.

Osmond Non-Structural Measures: Twelve homes south of Highway 20 in Osmond experience frequent flood damage. The nonstructural measures for each home will be determined by the homeowner and sponsor during the design phase of the project, but options include raising the homes above the base flood elevation; installing flood vents, flood walls, berms, or sewer backflow preventers; installing floodproof building materials; or property acquisition and building demolition.

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The APE totals 826 acres and includes all areas that could be directly affected by activities associated with the proposed action, including utility relocates, access routes, staging areas, excavation, grading, tree removal, alterations to existing roads, levees, berms, drains, bridges, building removal or

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No archaeological resources were identified during the investigation. No artifacts were observed on the ground surface or recovered from the shovel tests. The survey did not find any archaeological evidence of 25PC501 in Gilman Park. Remains of the mill foundations may still be present in the park, but it is likely that the site has been negatively impacted by modern park construction.

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If you have any questions or need to request additional information, please contact Melissa Baier, Assistant State Conservationist – Water Resources and Easements, by phone at 402.437.4065 or by email at melissa.baier@usda.gov. If you would like to schedule a Section 106 consultation meeting with us to discuss this undertaking further, please contact Melissa Baier with preferred dates and times. Thank you very much for your consideration of this undertaking.

Sincerely,

The image shows the official USDA logo, which consists of the letters "USDA" in a bold, serif font. Below the letters is a stylized graphic of a landscape with a sun rising over hills. Overlaid on the logo is the signature "Robert D. Lawson" in a cursive script.

Digitally signed by ROBERT
LAWSON
Date: 2025.01.29 13:50:39 -06'00'

ROBERT D. LAWSON
State Conservationist

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cc:

Liana Hesler, THPO, Ponca Tribe of Indians of Oklahoma
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Natural Resources Conservation Service

U.S. DEPARTMENT OF AGRICULTURE

Nebraska State Office

1121 Lincoln Mall
Room 360
Lincoln, NE 68508

SENT VIA USPS PRIORITY MAIL: SIGNATURE CONFIRMATION REQUIRED

January 29, 2025

The Honorable Reggie Wassana, Governor
Cheyenne and Arapaho Tribes of Oklahoma
P. O. Box 167
Concho, OK 73022

RE: USDA-NRCS National Historic Preservation Act (NHPA) Section 106 Consultation Request,
North Fork Elkhorn River Watershed Plan-EA, Pierce County, Nebraska

Dear Honorable Reggie Wassana:

In accordance with Section 106 of the National Historic Preservation Act of 1966 (NHPA) and its implementing regulations (36 CFR Part 800.3), the Natural Resources Conservation Service (NRCS) is requesting to consult with you on a proposed undertaking in Pierce County, Nebraska. NRCS has defined the area of potential effect (APE) and completed a partial cultural resources inventory. However, access to some properties was restricted during the cultural resources inventory, and NRCS cannot make a final determination of effect at this time. Per 36 CFR 800.4(b)(2) NRCS would like to defer final identification and evaluation of historic properties through the development of a Programmatic Agreement executed pursuant to 36 CFR 800.14(b). We are inviting you to participate in the development of the Programmatic Agreement as a Concurring Party.

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No archaeological resources were identified during the investigation. No artifacts were observed on the ground surface or recovered from the shovel tests. The survey did not find any archaeological evidence of 25PC501 in Gilman Park. Remains of the mill foundations may still be present in the park, but it is likely that the site has been negatively impacted by modern park construction.

Thirty-one architectural properties greater than 50 years of age were documented during the investigation (Architectural Resources #1-31; see Table 1). All the properties were visually assessed and evaluated for the NRHP under Criteria A, B, and C following the guidelines provided in National Register Bulletin No. 15. There will be no ground disturbance within most of the property boundaries, so the properties were not evaluated under Criterion D. The properties were documented because the proposed action may have visual effects on the setting of the buildings.

Four of the properties (Architectural Resources 9, 11, 23, and 29) were found to be associated with significant events in history (Criterion A), and NRCS has determined these properties are eligible for inclusion in the National Register.

The other 27 architectural properties (Architectural Resources 1, 2, 3, 4, 5, 6, 7, 8, 10, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 24, 25, 26, 27, 28, 30, and 31) were found to not be associated with significant events in history (Criterion A), significant individuals (Criterion B), or to possess distinctive or unique characteristics of type, period, or method of construction or contain properties of high artistic value (Criterion C). NRCS has determined that these 27 properties are not eligible for the NRHP. None of these houses will be damaged or destroyed by the proposed action. Portions of the project may be visible from the houses.

Impacts to Historic Properties

Architectural Resource #9 is the St. Mary of the Seven Dolours church in Osmond. The church is located outside of the APE approximately 150 meters northwest of F1-1. F1-1 will not alter, damage, or destroy any part of the church. The road raise is unlikely to be visible from the church and will not alter the setting of the church.

Architectural Resource #11 is a Pratt truss bridge that is located outside the APE in Osmond. F1-1 is located 150 meters west of the bridge. The proposed action will not alter, damage, or destroy any part of the bridge. The road raise is unlikely to be visible from the bridge and will not alter the setting of the bridge.

Architectural Resource #23 is Gilman Park in Pierce. The levee is located along the eastern boundary of the park. Fill will be added to the levee to increase the height of the levee, and a pumping station will be installed in the southeast corner of the park to drain interior floodwaters. Temporary effects include increased noise and traffic at the park during construction. Permanent effects will be minor and consist of the visual effects from the increased height of the levee and possible tree removal. Visual effects from the increased levee height will be minor because the levee will be vegetated and appear like existing conditions. Effects from tree removal will also be minimal because only small trees next to the levee will be removed. The trees were not part of the original plantings by Ralph Terry, and larger trees will obscure any visual effects from the tree removal. The historic park features are approximately 300-500 meters away from most of the levee. Any subsurface archaeological features associated with 25PC501 would also be located 300-500 meters away from the levee. The proposed action will have no adverse effect on Gilman Park.

Twelve houses were not included in the cultural resources inventory and have not been evaluated for the NRHP. These houses will be modified to prevent future flood damages. Modifications for each building will be determined by the homeowners and LENRD during the design phase of the project. Potential modifications include raising the homes above the base flood elevation; installing flood vents, flood walls, berms, or sewer backflow preventers; installing floodproof building materials; or property acquisition and building demolition. The proposed modifications could be an adverse effect if any of the

buildings are eligible for inclusion in the NRHP. These structures will need to be evaluated prior to any modification.

Three borrow areas were not included in the cultural resources investigation, and historic properties may be present in these locations. If historic properties are present, excavation activities may damage or destroy all or part of the properties. Additional cultural resource investigations are required to determine whether excavation activities will have an adverse effect on historic properties.

Determination of Effects

NRCS cannot determine the effects of this undertaking on historic properties at this time. Additional cultural resource investigations will be necessary prior to any ground disturbing activities. In accordance with 36 CFR 800.4(b)(2) NRCS would like to defer final identification and evaluation of historic properties on the remaining 109 acres through the development of a Programmatic Agreement executed pursuant to 36 CFR 800.14(b). We are inviting you to participate in the development of the Programmatic Agreement as a Concurring Party. We have enclosed a copy of the draft Programmatic Agreement for review and comment.

We kindly request that you please respond to this letter within 30 days of receipt with your comments on the undertaking and whether you would like to participate in the Programmatic Agreement as a Concurring Party.

If you have any questions or need to request additional information, please contact Melissa Baier, Assistant State Conservationist – Water Resources and Easements, by phone at 402.437.4065 or by email at melissa.baier@usda.gov. If you would like to schedule a Section 106 consultation meeting with us to discuss this undertaking further, please contact Melissa Baier with preferred dates and times. Thank you very much for your consideration of this undertaking.

Sincerely,

The image shows the official logo of the United States Department of Agriculture (USDA) on the left, which consists of a stylized mountain and sun emblem. To the right of the logo is a handwritten signature in cursive script that reads "Robert D. Lawson".

Digitally signed by ROBERT
LAWSON
Date: 2025.01.29 13:51:17
-06'00'

ROBERT D. LAWSON
State Conservationist

Enclosures:

- A. Bevitt, C. Tod and Wendi Bevitt. 2024. *Phase I Cultural Resources Survey of Proposed Watershed Flood Protection Operations along the North Fork Elkhorn River, Pierce County, Nebraska.*
- B. Table 1: Architectural Resources
- C. APE Maps
- D. Draft Programmatic Agreement

cc:

Max Bear, THPO, Cheyenne and Arapaho Tribes of Oklahoma
Melissa Baier, ASTC-Water Resources and Easements, NRCS – Lincoln State Office



Natural Resources Conservation Service

U.S. DEPARTMENT OF AGRICULTURE

Nebraska State Office

1121 Lincoln Mall
Room 360
Lincoln, NE 68508

SENT VIA USPS PRIORITY MAIL: SIGNATURE CONFIRMATION REQUIRED

January 29, 2025

The Honorable Robert Flying Hawk, Chairman
Yankton Sioux Tribe
P. O. Box 1153
Wagner, SD 57380

RE: USDA-NRCS National Historic Preservation Act (NHPA) Section 106 Consultation Request,
North Fork Elkhorn River Watershed Plan-EA, Pierce County, Nebraska

Dear Honorable Robert Flying Hawk:

In accordance with Section 106 of the National Historic Preservation Act of 1966 (NHPA) and its implementing regulations (36 CFR Part 800.3), the Natural Resources Conservation Service (NRCS) is requesting to consult with you on a proposed undertaking in Pierce County, Nebraska. NRCS has defined the area of potential effect (APE) and completed a partial cultural resources inventory. However, access to some properties was restricted during the cultural resources inventory, and NRCS cannot make a final determination of effect at this time. Per 36 CFR 800.4(b)(2) NRCS would like to defer final identification and evaluation of historic properties through the development of a Programmatic Agreement executed pursuant to 36 CFR 800.14(b). We are inviting you to participate in the development of the Programmatic Agreement as a Concurring Party.

Undertaking Description

NRCS is providing financial assistance to the Lower Elkhorn Natural Resources District (LENRD) through the Watershed and Flood Prevention Operations Program to develop a watershed plan. The purpose of the plan is to identify ways to reduce flood damage within and near the communities of Osmond and Pierce, Nebraska. NRCS is the lead Federal agency under the National Environmental Policy Act (NEPA) and NHPA. NRCS, LENRD, and JEO Consulting, LLC., are preparing an environmental assessment as part of the watershed planning process to evaluate the environmental impacts of the proposed flood damage reduction measures.

NRCS and the LENRD held agency and public scoping meetings regarding the watershed plan on November 28, 2023. We anticipate that the draft Plan-EA will be available for public review in Spring 2025 and additional public and agency meetings will be held at that time. We will send you an invitation to the agency review meeting when a date and time has been identified, and we will notify you when the draft Plan-EA is available for review.

The proposed action identified in the Plan-EA includes improvements to existing levees, diversion channels, pumping stations, road raises, berms, and nonstructural measures. The proposed improvements are described below.

Pierce Levee Improvements (L1-20): The existing Pierce levee is situated between the city and the North Fork Elkhorn River. The improvements consist of adding earth fill to the landward (city) side of the existing levee and raising the top of levee elevation by approximately 2 feet. Seepage berms and toe trench drains would also be installed. The seepage berms would consist of 4-foot tall, 150-foot wide fill where space permits. Two trench drains would be used where space is not available for seepage berm construction. Levee design would follow national levee construction standards.

Pierce Drainage Improvements (C1-30 and C1-10): C1-30 consists of a diversion channel running between 853 Rd and 549 Ave. The channel would run for approximately 2,400 ft and have a bottom width of 14 ft. This channel would capture flows entering Pierce from the west and reroute them south around the city to Willow Creek. Additional improvements include road crossing improvements, a pedestrian bridge to reduce backwater effects at an existing hike/bike trail, and stream stabilization improvements at the downstream end of the channel. C1-10 consists of a diversion channel running between 548 Ave and State Highway 13. The channel would run for approximately 1.5 miles parallel to 854 Rd and 549 Ave with a bottom width of 10-12 ft. This channel would capture flows entering Pierce from the northwest and funnel them to the north. Floodwater would exit the channel on the east side of State Highway 13 and be prevented from re-entering Pierce by the improved levee. Two pumping stations would also be installed to pump floodwater out of Pierce and rerouting it to the river side of the levee.

Osmond 4th Street Flood Reduction (F1-1): F1-1 consists of a road raise running for approximately 1,100 ft along 4th Street in Osmond, east of N Hill St. The road elevation will be raised an average of 3 ft, with a maximum raise of 6.25 ft. Additionally, this includes grading of a portion of the surrounding baseball field area to restore high ground and prevent floodwater from backing up into Osmond. To minimize grading impacts to existing infrastructure, a retaining wall running north-south with a maximum height of 6 feet was utilized on the eastern perimeter of the grading area. Baseball field concessions and restroom buildings at Osmond Park will also be raised to the new proposed grade, above flood elevations.

Osmond Northeast Flood Reduction (F1-2): F1-2 consists of an earthen berm running for approximately 650 ft with a top width of 10 ft and maximum height of 7.6 ft. The berm runs north-south and is located east of the homes built along N Park St. This berm ties into existing higher ground at each end. F1-1 and F1-2 work interdependently to provide flood reduction to Osmond. F1-1 prevents floodwater from entering the center of the city but causes an increase in flooding depth to the northeastern portion of Osmond. F1-2 redirects that increased floodwater away from existing homes.

Osmond Non-Structural Measures: Twelve homes south of Highway 20 in Osmond experience frequent flood damage. The nonstructural measures for each home will be determined by the homeowner and sponsor during the design phase of the project, but options include raising the homes above the base flood elevation; installing flood vents, flood walls, berms, or sewer backflow preventers; installing floodproof building materials; or property acquisition and building demolition.

Area of Potential Effects (APE)

The APE totals 826 acres and includes all areas that could be directly affected by activities associated with the proposed action, including utility relocates, access routes, staging areas, excavation, grading, tree removal, alterations to existing roads, levees, berms, drains, bridges, building removal or

modifications, sediment disposal, borrow areas, etc., as well as visual and other effects to cultural resources. The APE for Pierce is in Sections 21, 22, 23, 26, 27, 28, 33, and 34, Township 26 North, Range 2 West and totals 691 acres. The APE for Osmond is in Section 31, Township 28 North, Range 2 West and Section 36, Township 28 North, Range 3 West and includes 32 acres for F1-1 and F1-2 and 83 acres for the nonstructural measures. Borrow areas are in Section 18, Township 26 North, Range 1 West, and Sections 2 and 4, Township 25 North, Range 2 West. We have enclosed maps of the APE for your review. Photographs of the APE are available in the enclosed cultural resources inventory report. Additional supporting documentation, including preliminary construction drawings, is available at <https://tinyurl.com/25wbd8u2>.

Cultural Resource Identification

Buried Past Consulting, LLC. (Buried Past) conducted the cultural resources inventory of the APE. Prior to the field investigation, Buried Past staff conducted a cultural resource desktop review using data from History Nebraska and online sources. The desktop review included data regarding previously completed cultural resource investigations, and recorded archaeological sites, architectural properties, and bridges.

The file search indicated that 15 cultural resource surveys have taken place within one mile of the APE. One archaeological site is recorded in Osmond (25PC503), and two archaeological sites are recorded in Pierce (25PC3 and 25PC501). Site 25PC3 is a small campsite of unknown age that is located ½ mile west of the APE. Site 25PC501 is the location of the Pierce Milling Company, which is recorded within the APE of C1-30. Site 25PC503 is the Osmond Roller Mill, but the location of the mill is known only to be within the city limits.

Buried Past completed the cultural resources field investigation of the North Fork Elkhorn River APE between July and August 2024. Field survey methods included pedestrian visual inspection supplemented by targeted, systematic shovel testing in settings with limited ground visibility. The pedestrian inventory included parallel transects of 15 meters intervals and 369 shovel tests. Architectural resources within and adjacent to the APE were documented and evaluated based on visual reconnaissance. A copy of the cultural resources inventory report and maps of the survey areas are enclosed for your review.

A total of 562 acres of the APE were included in the cultural resources inventory. A total of 173 acres still needs to be investigated for cultural resources prior to project implementation. Landowners restricted access to 25.7 acres of the APE. Additionally, three borrow areas and the non-structural alternative in Osmond were added to the project after the cultural resource inventory was complete and increased the APE by approximately 173 acres. The remaining 67 acres that were not investigated for cultural resources consist of areas that were included in the APE before final decisions were made on the locations of C1-10 and C1-30. No standing structures older than 50 years are present within these 67 acres, and no ground disturbance will occur, so these acres were not included in the cultural resource inventory. Since there will be no visual or physical changes within these areas, no survey is recommended.

No archaeological resources were identified during the investigation. No artifacts were observed on the ground surface or recovered from the shovel tests. The survey did not find any archaeological evidence of 25PC501 in Gilman Park. Remains of the mill foundations may still be present in the park, but it is likely that the site has been negatively impacted by modern park construction.

Thirty-one architectural properties greater than 50 years of age were documented during the investigation (Architectural Resources #1-31; see Table 1). All the properties were visually assessed and evaluated for the NRHP under Criteria A, B, and C following the guidelines provided in National Register Bulletin No. 15. There will be no ground disturbance within most of the property boundaries, so the properties were not evaluated under Criterion D. The properties were documented because the proposed action may have visual effects on the setting of the buildings.

Four of the properties (Architectural Resources 9, 11, 23, and 29) were found to be associated with significant events in history (Criterion A), and NRCS has determined these properties are eligible for inclusion in the National Register.

The other 27 architectural properties (Architectural Resources 1, 2, 3, 4, 5, 6, 7, 8, 10, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 24, 25, 26, 27, 28, 30, and 31) were found to not be associated with significant events in history (Criterion A), significant individuals (Criterion B), or to possess distinctive or unique characteristics of type, period, or method of construction or contain properties of high artistic value (Criterion C). NRCS has determined that these 27 properties are not eligible for the NRHP. None of these houses will be damaged or destroyed by the proposed action. Portions of the project may be visible from the houses.

Impacts to Historic Properties

Architectural Resource #9 is the St. Mary of the Seven Dolours church in Osmond. The church is located outside of the APE approximately 150 meters northwest of F1-1. F1-1 will not alter, damage, or destroy any part of the church. The road raise is unlikely to be visible from the church and will not alter the setting of the church.

Architectural Resource #11 is a Pratt truss bridge that is located outside the APE in Osmond. F1-1 is located 150 meters west of the bridge. The proposed action will not alter, damage, or destroy any part of the bridge. The road raise is unlikely to be visible from the bridge and will not alter the setting of the bridge.

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buildings are eligible for inclusion in the NRHP. These structures will need to be evaluated prior to any modification.

Three borrow areas were not included in the cultural resources' investigation, and historic properties may be present in these locations. If historic properties are present, excavation activities may damage or destroy all or part of the properties. Additional cultural resource investigations are required to determine whether excavation activities will have an adverse effect on historic properties.

Determination of Effects

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We kindly request that you please respond to this letter within 30 days of receipt with your comments on the undertaking and whether you would like to participate in the Programmatic Agreement as a Concurring Party.

If you have any questions or need to request additional information, please contact Melissa Baier, Assistant State Conservationist–Water Resources and Easements, by phone at 402.437.4065 or by email at melissa.baier@usda.gov. If you would like to schedule a Section 106 consultation meeting with us to discuss this undertaking further, please contact Melissa Baier with preferred dates and times. Thank you very much for your consideration of this undertaking.

Sincerely,



Digitally signed by ROBERT
LAWSON
Date: 2025.01.29 13:52:01 -06'00'

ROBERT D. LAWSON
State Conservationist

Enclosures:

- A. Bevitt, C. Tod and Wendi Bevitt. 2024. *Phase I Cultural Resources Survey of Proposed Watershed Flood Protection Operations along the North Fork Elkhorn River, Pierce County, Nebraska.*
- B. Table 1: Architectural Resources
- C. APE Maps
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cc:

Gelena Drapeau, Director, THPO, Yankton Sioux Tribe
Melissa Baier, ASTC-Water Resources and Easements, NRCS – Lincoln State Office



Natural Resources Conservation Service

U.S. DEPARTMENT OF AGRICULTURE

Nebraska State Office

1121 Lincoln Mall
Room 360
Lincoln, NE 68508

SENT VIA USPS PRIORITY MAIL: SIGNATURE CONFIRMATION REQUIRED

January 29, 2025

The Honorable Serena Wetherelt, President
Northern Cheyenne Tribe of the Northern Cheyenne Indian Reservation, Montana
P. O. Box 128
Lame Deer, Montana 59043

RE: USDA-NRCS National Historic Preservation Act (NHPA) Section 106 Consultation Request,
North Fork Elkhorn River Watershed Plan-EA, Pierce County, Nebraska

Dear Honorable Serena Wetherelt:

In accordance with Section 106 of the National Historic Preservation Act of 1966 (NHPA) and its implementing regulations (36 CFR Part 800.3), the Natural Resources Conservation Service (NRCS) is requesting to consult with you on a proposed undertaking in Pierce County, Nebraska. NRCS has defined the area of potential effect (APE) and completed a partial cultural resources inventory. However, access to some properties was restricted during the cultural resources inventory, and NRCS cannot make a final determination of effect at this time. Per 36 CFR 800.4(b)(2) NRCS would like to defer final identification and evaluation of historic properties through the development of a Programmatic Agreement executed pursuant to 36 CFR 800.14(b). We are inviting you to participate in the development of the Programmatic Agreement as a Concurring Party.

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Architectural Resource #9 is the St. Mary of the Seven Dolours church in Osmond. The church is located outside of the APE approximately 150 meters northwest of F1-1. F1-1 will not alter, damage, or destroy any part of the church. The road raise is unlikely to be visible from the church and will not alter the setting of the church.

Architectural Resource #11 is a Pratt truss bridge that is located outside the APE in Osmond. F1-1 is located 150 meters west of the bridge. The proposed action will not alter, damage, or destroy any part of the bridge. The road raise is unlikely to be visible from the bridge and will not alter the setting of the bridge.

Architectural Resource #23 is Gilman Park in Pierce. The levee is located along the eastern boundary of the park. Fill will be added to the levee to increase the height of the levee, and a pumping station will be installed in the southeast corner of the park to drain interior floodwaters. Temporary effects include increased noise and traffic at the park during construction. Permanent effects will be minor and consist of the visual effects from the increased height of the levee and possible tree removal. Visual effects from the increased levee height will be minor because the levee will be vegetated and appear like existing conditions. Effects from tree removal will also be minimal because only small trees next to the levee will be removed. The trees were not part of the original plantings by Ralph Terry, and larger trees will obscure any visual effects from the tree removal. The historic park features are approximately 300-500 meters away from most of the levee. Any subsurface archaeological features associated with 25PC501 would also be located 300-500 meters away from the levee. The proposed action will have no adverse effect on Gilman Park.

Twelve houses were not included in the cultural resources inventory and have not been evaluated for the NRHP. These houses will be modified to prevent future flood damages. Modifications for each building will be determined by the homeowners and LENRD during the design phase of the project. Potential modifications include raising the homes above the base flood elevation; installing flood vents, flood walls, berms, or sewer backflow preventers; installing floodproof building materials; or property acquisition and building demolition. The proposed modifications could be an adverse effect if any of the

buildings are eligible for inclusion in the NRHP. These structures will need to be evaluated prior to any modification.

Three borrow areas were not included in the cultural resources investigation, and historic properties may be present in these locations. If historic properties are present, excavation activities may damage or destroy all or part of the properties. Additional cultural resource investigations are required to determine whether excavation activities will have an adverse effect on historic properties.

Determination of Effects

NRCS cannot determine the effects of this undertaking on historic properties at this time. Additional cultural resource investigations will be necessary prior to any ground disturbing activities. In accordance with 36 CFR 800.4(b)(2) NRCS would like to defer final identification and evaluation of historic properties on the remaining 109 acres through the development of a Programmatic Agreement executed pursuant to 36 CFR 800.14(b). We are inviting you to participate in the development of the Programmatic Agreement as a Concurring Party. We have enclosed a copy of the draft Programmatic Agreement for review and comment.

We kindly request that you please respond to this letter within 30 days of receipt with your comments on the undertaking and whether you would like to participate in the Programmatic Agreement as a Concurring Party.

If you have any questions or need to request additional information, please contact Melissa Baier, Assistant State Conservationist – Water Resources and Easements, by phone at 402.437.4065 or by email at melissa.baier@usda.gov. If you would like to schedule a Section 106 consultation meeting with us to discuss this undertaking further, please contact Melissa Baier with preferred dates and times. Thank you very much for your consideration of this undertaking.

Sincerely,

The image shows the official USDA logo, which consists of the letters "USDA" in a bold, serif font. Below the letters is a stylized graphic of a mountain range and a river. Overlaid on the logo is the handwritten signature of Robert D. Lawson in a cursive script.

Digitally signed by ROBERT
LAWSON
Date: 2025.01.29 13:53:00 -06'00'

ROBERT D. LAWSON
State Conservationist

Enclosures:

- A. Bevitt, C. Tod and Wendi Bevitt. 2024. *Phase I Cultural Resources Survey of Proposed Watershed Flood Protection Operations along the North Fork Elkhorn River, Pierce County, Nebraska.*
- B. Table 1: Architectural Resources
- C. APE Maps
- D. Draft Programmatic Agreement

cc:

Gary LaFranier, 106 Coordinator, N Cheyenne Tribe of the N Cheyenne Indian Reservation, Montana
Melissa Baier, ASTC-Water Resources and Easements, NRCS – Lincoln State Office



Natural Resources Conservation Service

U.S. DEPARTMENT OF AGRICULTURE

Nebraska State Office

1121 Lincoln Mall
Room 360
Lincoln, NE 68508

SENT VIA USPS PRIORITY MAIL: SIGNATURE CONFIRMATION REQUIRED

January 29, 2025

Chelsea Rose
Preservation Archeologist
History Nebraska
1500 R Street
Lincoln, NE 68508

RE: USDA-NRCS National Historic Preservation Act (NHPA) Section 106 Consultation Request,
North Fork Elkhorn River Watershed Plan-EA, Pierce County, Nebraska

Dear Chelsea Rose:

In accordance with Section 106 of the National Historic Preservation Act of 1966 (NHPA) and its implementing regulations (36 CFR Part 800.3), the Natural Resources Conservation Service (NRCS) is requesting to consult with you on a proposed undertaking in Pierce County, Nebraska. NRCS has defined the area of potential effect (APE) and completed a partial cultural resources inventory. However, access to some properties was restricted during the cultural resources inventory, and NRCS cannot make a final determination of effect at this time. Per 36 CFR 800.4(b)(2), NRCS would like to defer final identification and evaluation of historic properties through the development of a Programmatic Agreement executed pursuant to 36 CFR 800.14(b). We are inviting you to participate in the development of the Programmatic Agreement as a Signatory.

Undertaking Description

NRCS is providing financial assistance to the Lower Elkhorn Natural Resources District (LENRD) through the Watershed and Flood Prevention Operations Program to develop a watershed plan. The purpose of the plan is to identify ways to reduce flood damage within and near the communities of Osmond and Pierce, Nebraska. NRCS is the lead Federal agency under the National Environmental Policy Act (NEPA) and NHPA. NRCS, LENRD, and JEO Consulting, LLC., are preparing an environmental assessment as part of the watershed planning process to evaluate the environmental impacts of the proposed flood damage reduction measures.

NRCS and the LENRD held agency and public scoping meetings regarding the watershed plan on November 28, 2023. We anticipate that the draft Plan-EA will be available for public review in Spring 2025 and additional public and agency meetings will be held at that time. We will send you an invitation to the agency review meeting when a date and time has been identified, and we will notify you when the draft Plan-EA is available for review.

The proposed action identified in the Plan-EA includes improvements to existing levees, diversion channels, pumping stations, road raises, berms, and nonstructural measures. The proposed improvements are described below.

Pierce Levee Improvements (L1-20): The existing Pierce levee is situated between the city and the North Fork Elkhorn River. The improvements consist of adding earth fill to the landward (city) side of the existing levee and raising the top of levee elevation by approximately 2 feet. Seepage berms and toe trench drains would also be installed. The seepage berms would consist of 4-foot tall, 150-foot wide fill where space permits. Two trench drains would be used where space is not available for seepage berm construction. Levee design would follow national levee construction standards.

Pierce Drainage Improvements (C1-30 and C1-10): C1-30 consists of a diversion channel running between 853 Rd and 549 Ave. The channel would run for approximately 2,400 ft and have a bottom width of 14 ft. This channel would capture flows entering Pierce from the west and reroute them south around the city to Willow Creek. Additional improvements include road crossing improvements, a pedestrian bridge to reduce backwater effects at an existing hike/bike trail, and stream stabilization improvements at the downstream end of the channel. C1-10 consists of a diversion channel running between 548 Ave and State Highway 13. The channel would run for approximately 1.5 miles parallel to 854 Rd and 549 Ave with a bottom width of 10-12 ft. This channel would capture flows entering Pierce from the northwest and funnel them to the north. Floodwater would exit the channel on the east side of State Highway 13 and be prevented from re-entering Pierce by the improved levee. Two pumping stations would also be installed to pump floodwater out of Pierce and rerouting it to the river side of the levee.

Osmond 4th Street Flood Reduction (F1-1): F1-1 consists of a road raise running for approximately 1,100 ft along 4th Street in Osmond, east of N Hill St. The road elevation will be raised an average of 3 ft, with a maximum raise of 6.25 ft. Additionally, this includes grading of a portion of the surrounding baseball field area to restore high ground and prevent floodwater from backing up into Osmond. To minimize grading impacts to existing infrastructure, a retaining wall running north-south with a maximum height of 6 feet was utilized on the eastern perimeter of the grading area. Baseball field concessions and restroom buildings at Osmond Park will also be raised to the new proposed grade, above flood elevations.

Osmond Northeast Flood Reduction (F1-2): F1-2 consists of an earthen berm running for approximately 650 ft with a top width of 10 ft and maximum height of 7.6 ft. The berm runs north-south and is located east of the homes built along N Park St. This berm ties into existing higher ground at each end. F1-1 and F1-2 work interdependently to provide flood reduction to Osmond. F1-1 prevents floodwater from entering the center of the city but causes an increase in flooding depth to the northeastern portion of Osmond. F1-2 redirects that increased floodwater away from existing homes.

Osmond Non-Structural Measures: Twelve homes south of Highway 20 in Osmond experience frequent flood damage. The nonstructural measures for each home will be determined by the homeowner and sponsor during the design phase of the project, but options include raising the homes above the base flood elevation; installing flood vents, flood walls, berms, or sewer backflow preventers; installing floodproof building materials; or property acquisition and building demolition.

Area of Potential Effects (APE)

The APE totals 826 acres and includes all areas that could be directly affected by activities associated with the proposed action, including utility relocates, access routes, staging areas, excavation, grading, tree removal, alterations to existing roads, levees, berms, drains, bridges, building removal or

modifications, sediment disposal, borrow areas, etc., as well as visual and other effects to cultural resources. The APE for Pierce is in Sections 21, 22, 23, 26, 27, 28, 33, and 34, Township 26 North, Range 2 West and totals 691 acres. The APE for Osmond is in Section 31, Township 28 North, Range 2 West and Section 36, Township 28 North, Range 3 West and includes 32 acres for F1-1 and F1-2 and 83 acres for the nonstructural measures. Borrow areas are in Section 18, Township 26 North, Range 1 West, and Sections 2 and 4, Township 25 North, Range 2 West. We have enclosed maps of the APE for your review. Photographs of the APE are available in the enclosed cultural resources inventory report. Additional supporting documentation, including preliminary construction drawings, is available at <https://tinyurl.com/25wbd8u2>.

Cultural Resource Identification

Buried Past Consulting, LLC. (Buried Past) conducted the cultural resources inventory of the APE. Prior to the field investigation, Buried Past staff conducted a cultural resource desktop review using data from History Nebraska and online sources. The desktop review included data regarding previously completed cultural resource investigations, and recorded archaeological sites, architectural properties, and bridges.

The file search indicated that 15 cultural resource surveys have taken place within one mile of the APE. One archaeological site is recorded in Osmond (25PC503), and two archaeological sites are recorded in Pierce (25PC3 and 25PC501). Site 25PC3 is a small campsite of unknown age that is located ½ mile west of the APE. Site 25PC501 is the location of the Pierce Milling Company, which is recorded within the APE of C1-30. Site 25PC503 is the Osmond Roller Mill, but the location of the mill is known only to be within the city limits.

Buried Past completed the cultural resources field investigation of the North Fork Elkhorn River APE between July and August 2024. Field survey methods included pedestrian visual inspection supplemented by targeted, systematic shovel testing in settings with limited ground visibility. The pedestrian inventory included parallel transects of 15 meters intervals and 369 shovel tests. Architectural resources within and adjacent to the APE were documented and evaluated based on visual reconnaissance. A copy of the cultural resources inventory report and maps of the survey areas are enclosed for your review.

A total of 562 acres of the APE were included in the cultural resources inventory. A total of 173 acres still needs to be investigated for cultural resources prior to project implementation. Landowners restricted access to 25.7 acres of the APE. Additionally, three borrow areas and the non-structural alternative in Osmond were added to the project after the cultural resource inventory was complete and increased the APE by approximately 173 acres. The remaining 67 acres that were not investigated for cultural resources consist of areas that were included in the APE before final decisions were made on the locations of C1-10 and C1-30. No standing structures older than 50 years are present within these 67 acres, and no ground disturbance will occur, so these acres were not included in the cultural resource inventory. Since there will be no visual or physical changes within these areas, no survey is recommended.

No archaeological resources were identified during the investigation. No artifacts were observed on the ground surface or recovered from the shovel tests. The survey did not find any archaeological evidence of 25PC501 in Gilman Park. Remains of the mill foundations may still be present in the park, but it is likely that the site has been negatively impacted by modern park construction.

Thirty-one architectural properties greater than 50 years of age were documented during the investigation (Architectural Resources #1-31; see Table 1). All the properties were visually assessed and evaluated for the NRHP under Criteria A, B, and C following the guidelines provided in National Register Bulletin No. 15. There will be no ground disturbance within most of the property boundaries, so the properties were not evaluated under Criterion D. The properties were documented because the proposed action may have visual effects on the setting of the buildings.

Four of the properties (Architectural Resources 9, 11, 23, and 29) were found to be associated with significant events in history (Criterion A), and NRCS has determined these properties are eligible for inclusion in the National Register.

The other 27 architectural properties (Architectural Resources 1, 2, 3, 4, 5, 6, 7, 8, 10, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 24, 25, 26, 27, 28, 30, and 31) were found to not be associated with significant events in history (Criterion A), significant individuals (Criterion B), or to possess distinctive or unique characteristics of type, period, or method of construction or contain properties of high artistic value (Criterion C). NRCS has determined that these 27 properties are not eligible for the NRHP. None of these houses will be damaged or destroyed by the proposed action. Portions of the project may be visible from the houses.

Impacts to Historic Properties

Architectural Resource #9 is the St. Mary of the Seven Dolors church in Osmond. The church is located outside of the APE approximately 150 meters northwest of F1-1. F1-1 will not alter, damage, or destroy any part of the church. The road raise is unlikely to be visible from the church and will not alter the setting of the church.

Architectural Resource #11 is a Pratt truss bridge that is located outside the APE in Osmond. F1-1 is located 150 meters west of the bridge. The proposed action will not alter, damage, or destroy any part of the bridge. The road raise is unlikely to be visible from the bridge and will not alter the setting of the bridge.

Architectural Resource #23 is Gilman Park in Pierce. The levee is located along the eastern boundary of the park. Fill will be added to the levee to increase the height of the levee, and a pumping station will be installed in the southeast corner of the park to drain interior floodwaters. Temporary effects include increased noise and traffic at the park during construction. Permanent effects will be minor and consist of the visual effects from the increased height of the levee and possible tree removal. Visual effects from the increased levee height will be minor because the levee will be vegetated and appear like existing conditions. Effects from tree removal will also be minimal because only small trees next to the levee will be removed. The trees were not part of the original plantings by Ralph Terry, and larger trees will obscure any visual effects from the tree removal. The historic park features are approximately 300-500 meters away from most of the levee. Any subsurface archaeological features associated with 25PC501 would also be located 300-500 meters away from the levee. The proposed action will have no adverse effect on Gilman Park.

Twelve houses were not included in the cultural resources inventory and have not been evaluated for the NRHP. These houses will be modified to prevent future flood damages. Modifications for each building will be determined by the homeowners and LENRD during the design phase of the project. Potential modifications include raising the homes above the base flood elevation; installing flood vents, flood walls, berms, or sewer backflow preventers; installing floodproof building materials; or property acquisition and building demolition. The proposed modifications could be an adverse effect if any of the

buildings are eligible for inclusion in the NRHP. These structures will need to be evaluated prior to any modification.

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Determination of Effects

NRCS cannot determine the effects of this undertaking on historic properties at this time. Additional cultural resource investigations will be necessary prior to any ground disturbing activities. In accordance with 36 CFR 800.4(b)(2) NRCS would like to defer final identification and evaluation of historic properties on the remaining 109 acres through the development of a Programmatic Agreement executed pursuant to 36 CFR 800.14(b). We are inviting you to participate in the development of the Programmatic Agreement as a Signatory. We have enclosed a copy of the draft Programmatic Agreement for review and comment.

We kindly request that you please respond to this letter within 30 days of receipt with your comments on the undertaking and whether you would like to participate in the Programmatic Agreement as a Signatory.

If you have any questions or need to request additional information, please contact Melissa Baier, Assistant State Conservationist–Water Resources and Easements, by phone at 402.437.4065 or by email at melissa.baier@usda.gov. If you would like to schedule a Section 106 consultation meeting with us to discuss this undertaking further, please contact Melissa Baier with preferred dates and times. Thank you very much for your consideration of this undertaking.

Sincerely,



ROBERT D. LAWSON
State Conservationist

Digitally signed by ROBERT
LAWSON
Date: 2025.01.29 13:53:35 -06'00'

Enclosures:

- A. Bevitt, C. Tod and Wendi Bevitt. 2024. *Phase I Cultural Resources Survey of Proposed Watershed Flood Protection Operations along the North Fork Elkhorn River, Pierce County, Nebraska.*
- B. Table 1: Architectural Resources
- C. APE Maps
- D. Draft Programmatic Agreement

cc:

Jade Mendoza, Interim, Section 106 Review and Compliance Coordinator, History Nebraska, Lincoln
Melissa Baier, ASTC-Water Resources and Easements, NRCS – Lincoln State Office

From: [Baier, Melissa - FPAC-NRCS, NE](#)
To: [Rose, Chelsea](#)
Subject: RE: NHPA Section 106 Consultation request - North Fork Elkhorn River WFPO
Date: Monday, March 31, 2025 9:44:00 AM
Attachments: [image002.png](#)
[image008.png](#)
[image014.png](#)

Hi Chelsea,

The gate will be replaced. I don't know if the new gate will be the same size or larger, but it will function the same as the original gate.

I don't know where the culvert is located, but I suspect it will probably be replaced or removed entirely. Looking at the photo, I'm not sure why anyone would include that kind of culvert in a levee in the first place. Openings like that would allow water to travel freely through the levee, which defeats the purpose of a flood control structure. It looks more like a culvert they would have installed under a railroad.

Melissa Baier

Assistant State Conservationist – Water Resources and Easements
Nebraska NRCS State Office



U.S. DEPARTMENT OF AGRICULTURE
Natural Resources Conservation Service
1121 Lincoln Mall Room 360, Lincoln, NE 68508
p: (402) 437-4065 | c: (402) 317-1005

From: Rose, Chelsea <Chelsea.Rose@nebraska.gov>
Sent: Friday, March 28, 2025 8:40 AM
To: Baier, Melissa - FPAC-NRCS, NE <Melissa.Baier@usda.gov>
Subject: RE: NHPA Section 106 Consultation request - North Fork Elkhorn River WFPO

Hi Missy,

I have a couple of (hopefully quick) questions about the Pierce Levee for you. Will the levee gate feature be retained, and will the culvert feature remain in place? Thanks for your patience!

Have a great day,

Chelsea Rose, MA, RPA (she/her) | Preservation Archaeologist



P: (531) 350-8840 | chelsea.rose@nebraska.gov
1500 R Street, Lincoln, NE 68508
history.nebraska.gov



From: Baier, Melissa - FPAC-NRCS, NE <Melissa.Baier@usda.gov>
Sent: Tuesday, March 18, 2025 11:52 AM
To: Rose, Chelsea <Chelsea.Rose@nebraska.gov>
Subject: RE: NHPA Section 106 Consultation request - North Fork Elkhorn River WFPO

No worries We're short staffed here too, so I can totally understand needing a little extra time to work through the projects.

Melissa Baier

Assistant State Conservationist – Water Resources and Easements
Nebraska NRCS State Office



U.S. DEPARTMENT OF AGRICULTURE
Natural Resources Conservation Service
1121 Lincoln Mall Room 360, Lincoln, NE 68508
p: (402) 437-4065 | c: (402) 317-1005

From: Rose, Chelsea <Chelsea.Rose@nebraska.gov>
Sent: Tuesday, March 18, 2025 11:19 AM
To: Baier, Melissa - FPAC-NRCS, NE <Melissa.Baier@usda.gov>
Subject: RE: NHPA Section 106 Consultation request - North Fork Elkhorn River WFPO

Hi Missy,

Thank you! Just to provide you with an update, I have identified no archaeological resources listed in the NRHP or eligible for listing in the NRHP within the APE, so now I am waiting on Jade to evaluate Pierce Levee's eligibility before I send you our final determination. We appreciate your patience as Jade is currently serving as both Survey Coordinator and the Interim Standing Structure/Architectural Section 106 Review and Compliance Coordinator.

Have a great day,

Chelsea Rose, MA, RPA (she/her) | Preservation Archaeologist



P: (531) 350-8840 | chelsea.rose@nebraska.gov
1500 R Street, Lincoln, NE 68508

history.nebraska.gov



From: Baier, Melissa - FPAC-NRCS, NE <Melissa.Baier@usda.gov>

Sent: Tuesday, March 18, 2025 11:04 AM

To: Rose, Chelsea <Chelsea.Rose@nebraska.gov>

Subject: RE: NHPA Section 106 Consultation request - North Fork Elkhorn River WFPO

Hi Chelsea,

Here is the shapefile of the survey area for North Fork Elkhorn. There weren't any sites recorded, so that is the only shapefile I have for you.

Thanks!

Missy

Melissa Baier

Assistant State Conservationist – Water Resources and Easements
Nebraska NRCS State Office



U.S. DEPARTMENT OF AGRICULTURE
Natural Resources Conservation Service
1121 Lincoln Mall Room 360, Lincoln, NE 68508
p: (402) 437-4065 | c: (402) 317-1005

From: Rose, Chelsea <Chelsea.Rose@nebraska.gov>

Sent: Monday, March 3, 2025 2:43 PM

To: Baier, Melissa - FPAC-NRCS, NE <Melissa.Baier@usda.gov>; Mendoza, Jade <Jade.Mendoza@nebraska.gov>

Subject: RE: NHPA Section 106 Consultation request - North Fork Elkhorn River WFPO

Hi Missy,

Thank you! I appreciate you getting back to me so quickly.

Have a great day,

Chelsea Rose, MA, RPA (she/her) | Preservation Archaeologist



P: (531) 350-8840 | chelsea.rose@nebraska.gov
1500 R Street, Lincoln, NE 68508

history.nebraska.gov



From: Baier, Melissa - FPAC-NRCS, NE <Melissa.Baier@usda.gov>
Sent: Monday, March 3, 2025 12:03 PM
To: Rose, Chelsea <Chelsea.Rose@nebraska.gov>; Mendoza, Jade <Jade.Mendoza@nebraska.gov>
Subject: RE: NHPA Section 106 Consultation request - North Fork Elkhorn River WFPO

Hi Chelsea,

Apparently the redacted version of the report has the referenced images. I've attached a copy of that and will send the copy with addresses as soon as possible.

Thanks,
Missy

Melissa Baier

Assistant State Conservationist – Water Resources and Easements
Nebraska NRCS State Office



U.S. DEPARTMENT OF AGRICULTURE
Natural Resources Conservation Service
1121 Lincoln Mall Room 360, Lincoln, NE 68508
p: (402) 437-4065 | c: (402) 317-1005

From: Rose, Chelsea <Chelsea.Rose@nebraska.gov>
Sent: Friday, February 28, 2025 9:21 AM
To: Baier, Melissa - FPAC-NRCS, NE <Melissa.Baier@usda.gov>; Mendoza, Jade <Jade.Mendoza@nebraska.gov>
Subject: RE: NHPA Section 106 Consultation request - North Fork Elkhorn River WFPO

Hi Missy,

I apologize for the delay in getting back to you. We would be more than happy to be a signatory on the Elkhorn Watershed Project PA and participate in its development. As far as archaeology is concerned, I have identified no historic properties within the proposed APE. In regard to Pierce Levee, it would be very helpful to have current photos of it as well as the two gates near Gilman Park. On page 5-29, it is indicated that there are corresponding images (i.e., Figures 90-100) to these architectural recourses, but the Figures in the Cultural Resource Inventory Report stop at Figure 46. If you could get the rest of the images to us (i.e., Figures 47 -106), we'd be most appreciative and better equipped to make a determination regarding the Pierce Levee's eligibility. My apologies for not noticing this sooner!

Have a great day,

Chelsea Rose, MA, RPA (she/her) | Preservation Archaeologist



P: (531) 350-8840 | chelsea.rose@nebraska.gov

1500 R Street, Lincoln, NE 68508

history.nebraska.gov



From: Baier, Melissa - FPAC-NRCS, NE <Melissa.Baier@usda.gov>

Sent: Thursday, February 6, 2025 9:44 AM

To: Mendoza, Jade <Jade.Mendoza@nebraska.gov>; Rose, Chelsea <Chelsea.Rose@nebraska.gov>

Subject: NHPA Section 106 Consultation request - North Fork Elkhorn River WFPO

Good morning, Chelsea and Jade,

I sent a consultation request letter to your office last week, and I realized this morning that I forgot to include a discussion on the impacts to the Pierce Levee. NRCS determined that the levee was eligible under Criterion A due to its contributions to the growth and development of the City of Pierce. The plan calls for adding fill to the top of the levee and the land side of the levee to improve flood protection. The levee will be altered, but I did not include a determination of effect in the letter because I was thinking more about the programmatic agreement than the levee. The footprint of the levee will be wider due to the seepage berm, and taller due to the additional fill, but the levee is not considered eligible under C because it was designed following standard USACE designs and does not have unique or distinguishing characteristics. The levee will retain its flood damage reduction purpose and will continue to protect the City of Pierce. If I were to have included a determination of effect, I would have said no adverse effect. When you draft your response, could you please include a response as to whether SHPO considers the alterations to the levee to be adverse? If so, we can discuss mitigation during the PA process.

Also, here is the link to the Box folder where all the supporting documents can be found <https://nrcs.app.box.com/s/o4q1zp64e1ux0iu9oinypgzhuxt20cpi>.

Thanks,
Missy

Melissa Baier

Assistant State Conservationist – Water Resources and Easements
Nebraska NRCS State Office



U.S. DEPARTMENT OF AGRICULTURE

Natural Resources Conservation Service

1121 Lincoln Mall Room 360, Lincoln, NE 68508

p: (402) 437-4065 | c: (402) 317-1005

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Hinono'ainino'

Northern Arapaho Tribe
TRIBAL HISTORIC PRESERVATION OFFICE
P.O. Box 273, Riverton, Wyoming 82501
PH: 307.856.1628 FX: 307.856.1974



Date: 3/12/25

Contact Name: Melissa Baier

Contact Phone: 402-437-4065

Email Address: melissa.baier@usda.gov

Company Name: USDA NRCS Nebraska State Office

Company Address: 1121 Lincoln Mall Room 360

City: Lincoln

State: NE

Zip Code: 68508

RE: *North Fork Elkhorn River Watershed Plan EA*

Dear Sir or Madam:

After reviewing your request under the Section 106 process of the NHPA, and NEPA, our office would like to comment on the proposed project. The Northern Arapaho Tribal Historic Preservation Office makes the following determination:

NO ADVERSE EFFECT ON HISTORIC PROPERTIES IN THE DIRECT AND VISUAL APE

Site Visit: No Tribal Monitor: No

Our office has come to this determination by drawing conclusions from the survey and file search from maps depicting the provenience of sites regarding the Direct and Visual APE.

Within the Area of Potential Effect, there are:

Cultural Resources: ONE OR MORE

Eligible Historic Properties: ONE OR MORE

Probability of properties of religious and cultural significance to the Northern Arapaho: LOW

If traditional cultural properties, rock features, or human remains are found during excavation with any new ground disturbance, we request to be contacted and a report provided.

Thank you for consulting with the Northern Arapaho THPO.

Sincerely,

Crystal C'Bearing

THPO Director

crystal.cbearing@northernarapaho.com

Nebraska State Office

1121 Lincoln Mall
Room 360
Lincoln, NE 68508

March 17, 2025

Jeremy Grauf
Nebraska Section Chief
Omaha District, Regulatory Branch
U.S. Army Corps of Engineers
8901 South 154th Street Suite 2
Omaha, Nebraska 68138-3635

RE: USDA-NRCS National Historic Preservation Act (NHPA) Section 106 Consultation Request,
North Fork Elkhorn River Watershed Plan-EA, Pierce County, Nebraska

Dear Jeremy Grauf:

In accordance with Section 106 of the National Historic Preservation Act of 1966 (NHPA) and its implementing regulations (36 CFR Part 800.3), the Natural Resources Conservation Service (NRCS) is requesting to consult with you on a proposed undertaking in Pierce County, Nebraska. NRCS has defined the area of potential effect (APE) and completed a partial cultural resources inventory. However, access to some properties was restricted during the cultural resources inventory, and NRCS cannot make a final determination of effect at this time. Per 36 CFR 800.4(b)(2) NRCS would like to defer final identification and evaluation of historic properties through the development of a Programmatic Agreement executed pursuant to 36 CFR 800.14(b). We are inviting you to participate in the development of the Programmatic Agreement as a Concurring Party.

Undertaking Description

NRCS is providing financial assistance to the Lower Elkhorn Natural Resources District (LENRD) through the Watershed and Flood Prevention Operations Program to develop a watershed plan. The purpose of the plan is to identify ways to reduce flood damage within and near the communities of Osmond and Pierce, Nebraska. NRCS is the lead Federal agency under the National Environmental Policy Act (NEPA) and NHPA. NRCS, LENRD, and JEO Consulting, LLC., are preparing an environmental assessment as part of the watershed planning process to evaluate the environmental impacts of the proposed flood damage reduction measures.

NRCS and the LENRD held agency and public scoping meetings regarding the watershed plan on November 28, 2023. We anticipate that the draft Plan-EA will be available for public review in Spring 2025 and additional public and agency meetings will be held at that time. We will send you an invitation to the agency review meeting when a date and time has been identified, and we will notify you when the draft Plan-EA is available for review.

The proposed action identified in the Plan-EA includes improvements to existing levees, diversion channels, pumping stations, road raises, berms, and nonstructural measures. The proposed improvements are described below.

Pierce Levee Improvements (L1-20): The existing Pierce levee is situated between the city and the North Fork Elkhorn River. The improvements consist of adding earth fill to the landward (city) side of the existing levee and raising the top of levee elevation by approximately 2 feet. Seepage berms and toe trench drains would also be installed. The seepage berms would consist of 4-foot tall, 150-foot wide fill where space permits. Two trench drains would be used where space is not available for seepage berm construction. Levee design would follow national levee construction standards.

Pierce Drainage Improvements (C1-30 and C1-10): C1-30 consists of a diversion channel running between 853 Rd and 549 Ave. The channel would run for approximately 2,400 ft and have a bottom width of 14 ft. This channel would capture flows entering Pierce from the west and reroute them south around the city to Willow Creek. Additional improvements include road crossing improvements, a pedestrian bridge to reduce backwater effects at an existing hike/bike trail, and stream stabilization improvements at the downstream end of the channel. C1-10 consists of a diversion channel running between 548 Ave and State Highway 13. The channel would run for approximately 1.5 miles parallel to 854 Rd and 549 Ave with a bottom width of 10-12 ft. This channel would capture flows entering Pierce from the northwest and funnel them to the north. Floodwater would exit the channel on the east side of State Highway 13 and be prevented from re-entering Pierce by the improved levee. Two pumping stations would also be installed to pump floodwater out of Pierce and rerouting it to the river side of the levee.

Osmond 4th Street Flood Reduction (F1-1): F1-1 consists of a road raise running for approximately 1,100 ft along 4th Street in Osmond, east of N Hill St. The road elevation will be raised an average of 3 ft, with a maximum raise of 6.25 ft. Additionally, this includes grading of a portion of the surrounding baseball field area to restore high ground and prevent floodwater from backing up into Osmond. To minimize grading impacts to existing infrastructure, a retaining wall running north-south with a maximum height of 6 feet was utilized on the eastern perimeter of the grading area. Baseball field concessions and restroom buildings at Osmond Park will also be raised to the new proposed grade, above flood elevations.

Osmond Northeast Flood Reduction (F1-2): F1-2 consists of an earthen berm running for approximately 650 ft with a top width of 10 ft and maximum height of 7.6 ft. The berm runs north to south and is located east of the homes built along N Park St. This berm ties into existing higher ground at each end. F1-1 and F1-2 work interdependently to provide flood reduction to Osmond. F1-1 prevents floodwater from entering the center of the city but causes an increase in flooding depth to the northeastern portion of Osmond. F1-2 redirects that increased floodwater away from existing homes.

Osmond Non-Structural Measures: Twelve homes south of Highway 20 in Osmond experience frequent flood damage. The nonstructural measures for each home will be determined by the homeowner and sponsor during the design phase of the project, but options include raising the homes above the base flood elevation; installing flood vents, flood walls, berms, or sewer backflow preventers; installing floodproof building materials; or property acquisition and building demolition.

Area of Potential Effects (APE)

The APE totals 826 acres and includes all areas that could be directly affected by activities associated with the proposed action, including utility relocates, access routes, staging areas, excavation, grading, tree removal, alterations to existing roads, levees, berms, drains, bridges, building removal or modifications, sediment disposal, borrow areas, etc., as well as visual and other

effects to cultural resources. The APE for Pierce is in Sections 21, 22, 23, 26, 27, 28, 33, and 34, Township 26 North, Range 2 West and totals 691 acres. The APE for Osmond is in Section 31, Township 28 North, Range 2 West and Section 36, Township 28 North, Range 3 West and includes 32 acres for F1-1 and F1-2 and 83 acres for the nonstructural measures. Borrow areas are in Section 18, Township 26 North, Range 1 West, and Sections 2 and 4, Township 25 North, Range 2 West. We have enclosed maps of the APE for your review. Photographs of the APE are available in the enclosed cultural resources inventory report. Additional supporting documentation, including preliminary construction drawings, is available at <https://tinyurl.com/25wbd8u2>.

Cultural Resource Identification

Buried Past Consulting, LLC. (Buried Past) conducted the cultural resources inventory of the APE. Prior to the field investigation, Buried Past staff conducted a cultural resource desktop review using data from History Nebraska and online sources. The desktop review included data regarding previously completed cultural resource investigations, and recorded archaeological sites, architectural properties, and bridges.

The file search indicated that 15 cultural resource surveys have taken place within one mile of the APE. One archaeological site is recorded in Osmond (25PC503), and two archaeological sites are recorded in Pierce (25PC3 and 25PC501). Site 25PC3 is a small campsite of unknown age that is located ½ mile west of the APE. Site 25PC501 is the location of the Pierce Milling Company, which is recorded within the APE of C1-30. Site 25PC503 is the Osmond Roller Mill, but the location of the mill is known only to be within the city limits.

Buried Past completed the cultural resources field investigation of the North Fork Elkhorn River APE between July and August 2024. Field survey methods included pedestrian visual inspection supplemented by targeted, systematic shovel testing in settings with limited ground visibility. The pedestrian inventory included parallel transects of 15 meters intervals and 369 shovel tests. Architectural resources within and adjacent to the APE were documented and evaluated based on visual reconnaissance. A copy of the cultural resources inventory report and maps of the survey areas are enclosed for your review.

A total of 521 acres of the APE were included in the field investigation. A total of 198 acres still needs to be investigated for cultural resources prior to project implementation. Landowners restricted access to 26 acres of the APE, and investigators could not determine whether any cultural resources may be affected by the project. Additionally, three borrow areas and the non-structural alternative in Osmond were added to the project after the cultural resource inventory was complete. The borrow areas and non-structural alternative increased the size of the APE by approximately 173 acres. The remaining 107 acres were included in the APE to evaluate visual effects only and were not included in the pedestrian inventory. There are no standing structures in this portion of the APE, and no ground disturbance will occur in these areas.

No archaeological resources were identified during the investigation. No artifacts were observed on the ground surface or recovered from the shovel tests. The survey did not find any archaeological evidence of 25PC501 in Gilman Park. Remains of the mill foundations may still be present in the park, but it is likely that the site has been negatively impacted by modern park construction.

Thirty-one architectural properties greater than 50 years of age were documented during the investigation (Architectural Resources #1-31; see Table 1). All the properties were visually assessed and evaluated for the NRHP under Criteria A, B, and C following the guidelines provided in National Register Bulletin No. 15. There will be no ground disturbance within most of the property

boundaries, so the properties were not evaluated under Criterion D. The properties were documented because the proposed action may have visual effects on the setting of the buildings.

Four of the properties (Architectural Resources 9, 11, 23, and 29) were found to be associated with significant events in history (Criterion A), and NRCS has determined these properties are eligible for inclusion in the National Register.

The other 27 architectural properties (Architectural Resources 1, 2, 3, 4, 5, 6, 7, 8, 10, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 24, 25, 26, 27, 28, 30, and 31) were found to not be associated with significant events in history (Criterion A), significant individuals (Criterion B), or to possess distinctive or unique characteristics of type, period, or method of construction or contain properties of high artistic value (Criterion C). NRCS has determined that these 27 properties are not eligible for the NRHP. None of these houses will be damaged or destroyed by the proposed action. Portions of the project may be visible from the houses.

Impacts to Historic Properties

Architectural Resource #9 is the St. Mary of the Seven Dolors church in Osmond. The church is located outside of the APE approximately 150 meters northwest of F1-1. F1-1 will not alter, damage, or destroy any part of the church. The road raise is unlikely to be visible from the church and will not alter the setting of the church.

Architectural Resource #11 is a Pratt truss bridge that is located outside the APE in Osmond. F1-1 is located 150 meters west of the bridge. The proposed action will not alter, damage, or destroy any part of the bridge. The road raise is unlikely to be visible from the bridge and will not alter the setting of the bridge.

Architectural Resource #23 is Gilman Park in Pierce. The levee is located along the eastern boundary of the park. Fill will be added to the levee to increase the height of the levee, and a pumping station will be installed in the southeast corner of the park to drain interior floodwaters. Temporary effects include increased noise and traffic at the park during construction. Permanent effects will be minor and consist of the visual effects from the increased height of the levee and possible tree removal. Visual effects from the increased levee height will be minor because the levee will be vegetated and appear like existing conditions. Effects from tree removal will be minimal because only trees next to the levee will be removed. The trees were not part of the original plantings by Ralph Terry, and larger trees will obscure any visual effects from the tree removal. The historic park features are approximately 300-500 meters away from most of the levee. Any subsurface archaeological features associated with 25PC501 would also be located 300-500 meters away from the levee. The proposed action will have no adverse effect on Gilman Park.

Architectural Resource #29 is the Pierce Levee. The plan calls for adding fill to the top of the levee and the land side of the levee to improve flood protection. NRCS has determined that the levee is eligible for the NRHP under Criterion A due to its contributions to the growth and development of the City of Pierce. The levee was built following standard U.S. Corps of Engineers designs and does not have unique or distinguishing characteristics. It is not eligible under Criterion C. The levee will continue to retain its flood control purpose, and the changes will be in kind with levee operation. NRCS has determined that the alternations to the levee will have no adverse effect on the levee because the proposed improvements will not alter the characteristics of the levee that make it eligible under Criterion A.

Approximately 198 acres of the APE has not yet been evaluated for the presence of historic properties. The uninvestigated portion of the APE includes three borrow areas near Pierce totaling 90 acres, 26 acres in Pierce where landowners denied access to the cultural resource investigation,

and 83 acres in Osmond where houses will be modified to reduce flood damages to the structures. Potential impacts to unidentified historic properties are described below.

The Osmond non-structural alternative will impact twelve houses. Eleven of these houses have not yet been evaluated for the NRHP. One house was determined Not Eligible for the NRHP in 2014. Modifications for each building will be determined by the homeowners and LENRD during the design phase of the project. Potential modifications include raising the homes above the base flood elevation; installing flood vents, flood walls, berms, or sewer backflow preventers; installing floodproof building materials; or property acquisition and building demolition. The proposed modifications could be an adverse effect if any of the buildings are eligible for inclusion in the NRHP. These structures will need to be evaluated for the NRHP prior to any modification.

The three proposed borrow areas have never been investigated for cultural resources, and historic properties may be present in these locations. If historic properties are present, excavation activities may damage or destroy all or part of the properties. Additional cultural resource investigations are necessary to determine whether excavation activities will have an adverse effect on historic properties.

Determination of Effects

NRCS cannot determine the effects of this undertaking on historic properties at this time. Review timelines associated with the National Environmental Policy Act require that watershed plans with environmental assessments be completed within one year, and there is not sufficient time to conduct additional cultural resource inventories before the plan must be finished. Additional cultural resource investigations will be necessary prior to any ground disturbing activities but cannot be completed until after the plan is approved. In accordance with 36 CFR 800.4(b)(2) NRCS would like to defer final identification and evaluation of historic properties on the remaining 198 acres through the development of a Programmatic Agreement executed pursuant to 36 CFR 800.14(b). We are inviting you to participate in the development of the Programmatic Agreement as a Concurring Party. We have enclosed a copy of the draft Programmatic Agreement for review and comment.

We kindly request that you please respond to this letter within 30 days of receipt with your comments on the undertaking and whether you would like to participate in the Programmatic Agreement as a Concurring Party.

If you have any questions or need to request additional information, please contact Melissa Baier, Assistant State Conservationist-Water Resources and Easements, via phone at 402.437.4065 or via email at melissa.baier@usda.gov. If you would like to schedule a Section 106 consultation meeting with us to discuss this undertaking further, please contact Melissa Baier with preferred dates and times. Thank you very much for your consideration of this undertaking.

Sincerely,

ROBERT D. LAWSON
State Conservationist

Enclosures:

- A. Bevitt, C. Tod and Wendi Bevitt. 2024. *Phase I Cultural Resources Survey of Proposed Watershed Flood Protection Operations along the North Fork Elkhorn River, Pierce County, Nebraska.*
- B. Table 1: Architectural Resources
- C. APE Maps
- D. Draft Programmatic Agreement

cc:

Melissa Baier, ASTC-Water Resources and Easements, NRCS – Lincoln State Office

From: [Baier, Melissa - FPAC-NRCS, NE](#)
To: mbear@cheyenneandrapaho-nsn.gov
Subject: NHPA Section 106 follow up - North Fork Elkhorn River Watershed Plan-EA, Pierce County, Nebraska
Date: Monday, March 17, 2025 11:41:00 AM
Attachments: [2025-01-29_ECS-North Fork Elkhorn 106 Tribal Letter-Reggie Wassana, cc Max Bear A.pdf](#)
[image001.png](#)

Dear Max Bear,

I'm writing to follow up on a NHPA Section 106 consultation request package that was sent in January 2025 regarding the North Fork Elkhorn River Watershed Plan-EA in Pierce County, Nebraska. We have not yet received a response from you, and I am writing to see if you have any concerns related to the project and whether you would like to participate in the Programmatic Agreement as a Concurring Party. I am also writing to correct some information in the consultation letter: (1) the number of acres surveyed and those areas still needing archeological investigation are incorrect in the original letter, (2) the effects to Architectural Resource #29 were omitted from the letter, and (3) several pages were missing from the appendix of the archaeological survey report. I have attached a copy of the consultation letter we submitted originally. The supporting documents, including the complete cultural resources inventory report, APE maps, and a draft programmatic agreement are available at this link

<https://nracs.box.com/s/o4q1zp64e1ux0iu9oinypgzhuxt20cpi>. Corrected and additional information is provided below.

The purpose of the North Fork Elkhorn River Watershed Plan-EA is to identify ways to reduce flood damage to the towns of Osmond and Pierce, Nebraska. In Osmond, the plan proposes floodproofing 12 houses, raising one road, and building a berm to protect several houses from floodwaters. In Pierce, the plan proposes to install two diversion channels to improve interior drainage within the town and to increase the height of an existing levee. Portions of the APE could not be investigated for historic properties, and there is not enough time to complete additional investigations before the watershed plan-EA must be finalized and approved. Therefore, NRCS is proposing a Programmatic Agreement to allow for the phased identification of historic properties during the design phase of the project. We have invited you to be a Concurring Party on the programmatic agreement.

The original consultation letter erroneously said that 562 acres of the APE had been surveyed for cultural resources and that 173 acres still needed investigation. These acreage totals are incorrect due to addition errors. A total of 521 acres of the APE were included in the field investigation. A total of 198 acres still needs to be investigated for cultural resources prior to project implementation. Landowners restricted access to 26 acres of the APE, and investigators could not determine whether any cultural resources may be affected by the project. Additionally, three borrow areas and the non-structural alternative in Osmond were added to the project after the cultural resource inventory was complete. The borrow areas and non-structural alternative increased the size of the APE by

approximately 173 acres. The remaining 107 acres were included in the APE to evaluate visual effects only and were not included in the pedestrian inventory. There are no standing structures in this portion of the APE, and no ground disturbance will occur in these areas. Maps of the APE showing which areas were surveyed and which areas still need investigation are included in the supporting documents available at <https://nracs.box.com/s/o4q1zp64e1ux0iu9oinypgzhuxt20cpi>.

The “Impacts to Historic Properties” section of the consultation letter omitted the impacts of the project on Architectural Resource #29. The plan calls for adding fill to the top of the levee and the land side of the levee to improve flood protection. NRCS has determined that the levee is eligible for the NRHP under Criterion A due to its contributions to the growth and development of the City of Pierce. The levee was built following standard U.S. Corps of Engineers designs and does not have unique or distinguishing characteristics. It is not eligible under Criterion C. The levee will continue to retain its flood control purpose, and the changes will be in kind with levee operation. NRCS has determined that the alternations to the levee will have no adverse effect on the levee because the proposed improvements will not alter the characteristics of the levee that make it eligible under Criterion A.

The archeological survey report submitted with the original consultation letter was missing Figures 47 -106 from the appendix. These figures included photographs of the architectural resources evaluated during the cultural resource inventory. I have uploaded the complete version of the report to <https://nracs.box.com/s/o4q1zp64e1ux0iu9oinypgzhuxt20cpi>.

Thank you very much for your consideration of this project. Please feel free to call me at 402-437-4065 or reply to this email to discuss this project or schedule a Section 106 meeting.

Sincerely,
Missy

Melissa Baier

Assistant State Conservationist – Water Resources and Easements
Nebraska NRCS State Office



U.S. DEPARTMENT OF AGRICULTURE
Natural Resources Conservation Service
1121 Lincoln Mall Room 360, Lincoln, NE 68508
p: (402) 437-4065 | c: (402) 317-1005

From: [Baier, Melissa - FPAC-NRCS, NE](#)
To: [Crystal C'Bearing](#); [Alvonia Mcelroy](#)
Subject: NHPA Section 106 follow up - North Fork Elkhorn River Watershed Plan-EA, Pierce County, Nebraska
Date: Monday, March 17, 2025 11:41:00 AM
Attachments: [2025-01-29_ECS-North Fork Elkhorn 106 Tribal Letter-Lloyd Goggles, cc Crystal C'bearing A.pdf](#)
[image001.png](#)

Dear Crystal C'Bearing,

I'm writing to follow up on a NHPA Section 106 consultation request package that was sent in January 2025 regarding the North Fork Elkhorn River Watershed Plan-EA in Pierce County, Nebraska. We have not yet received a response from you, and I am writing to see if you have any concerns related to the project and whether you would like to participate in the Programmatic Agreement as a Concurring Party. I am also writing to correct some information in the consultation letter: (1) the number of acres surveyed and those areas still needing archeological investigation are incorrect in the original letter, (2) the effects to Architectural Resource #29 were omitted from the letter, and (3) several pages were missing from the appendix of the archaeological survey report. I have attached a copy of the consultation letter we submitted originally. The supporting documents, including the complete cultural resources inventory report, APE maps, and a draft programmatic agreement are available at this link <https://nracs.box.com/s/o4q1zp64e1ux0iu9oinypgzhuxt20cpi>. Corrected and additional information is provided below.

The purpose of the North Fork Elkhorn River Watershed Plan-EA is to identify ways to reduce flood damage to the towns of Osmond and Pierce, Nebraska. In Osmond, the plan proposes floodproofing 12 houses, raising one road, and building a berm to protect several houses from floodwaters. In Pierce, the plan proposes to install two diversion channels to improve interior drainage within the town and to increase the height of an existing levee. Portions of the APE could not be investigated for historic properties, and there is not enough time to complete additional investigations before the watershed plan-EA must be finalized and approved. Therefore, NRCS is proposing a Programmatic Agreement to allow for the phased identification of historic properties during the design phase of the project. We have invited you to be a Concurring Party on the programmatic agreement.

1. The original consultation letter erroneously said that 562 acres of the APE had been surveyed for cultural resources and that 173 acres still needed investigation. These acreage totals are incorrect due to addition errors. The entire APE measures 826 acres. A total of 521 acres of the APE were included in the cultural resources field investigation. A total of 198 acres still needs to be investigated for cultural resources prior to project implementation. Landowners restricted access to 26 acres of the

APE, and investigators could not determine whether any cultural resources may be affected by the project. Additionally, three borrow areas and the non-structural alternative in Osmond were added to the project after the cultural resource inventory was complete. The borrow areas and non-structural alternative increased the size of the APE by approximately 173 acres. The remaining 107 acres were included in the APE to evaluate visual effects only and were not included in the pedestrian inventory. There are no standing structures in this portion of the APE, and no ground disturbance will occur in these areas. Maps of the APE showing which areas were surveyed and which areas still need investigation are included in the supporting documents available at

<https://nracs.box.com/s/o4q1zp64e1ux0iu9oinypgzhuxt20cpi>.

2. The "Impacts to Historic Properties" section of the consultation letter omitted the impacts of the project on Architectural Resource #29. The plan calls for adding fill to the top of the levee and the land side of the levee to improve flood protection. NRCS has determined that the levee is eligible for the NRHP under Criterion A due to its contributions to the growth and development of the City of Pierce. The levee was built following standard U.S. Corps of Engineers designs and does not have unique or distinguishing characteristics. It is not eligible under Criterion C. The levee will continue to retain its flood control purpose, and the changes will be in kind with levee operation. NRCS has determined that the alternations to the levee will have no adverse effect on the levee because the proposed improvements will not alter the characteristics of the levee that make it eligible under Criterion A.
3. The archeological survey report submitted with the original consultation letter was missing Figures 47 -106 from the appendix. These figures included photographs of the architectural resources evaluated during the cultural resource inventory. I have uploaded the complete version of the report to <https://nracs.box.com/s/o4q1zp64e1ux0iu9oinypgzhuxt20cpi>.

Thank you very much for your consideration of this project. Please feel free to call me at 402-437-4065 or reply to this email to discuss this project or schedule a Section 106 meeting. Also, please let me know if you are interested in participating in the programmatic agreement as a concurring party.

Sincerely,
Missy

Melissa Baier

Assistant State Conservationist – Water Resources and Easements
Nebraska NRCS State Office



U.S. DEPARTMENT OF AGRICULTURE

Natural Resources Conservation Service

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From: [Baier, Melissa - FPAC-NRCS, NE](#)
To: apachendnrcisco@yahoo.com
Subject: NHPA Section 106 follow up - North Fork Elkhorn River Watershed Plan-EA, Pierce County, Nebraska
Date: Monday, March 17, 2025 11:40:00 AM
Attachments: [image001.png](#)
[2025-01-29 ECS-North Fork Elkhorn 106 Tribal Letter-Durell CooperIII-cc Darrin Cisco A.pdf](#)

Dear Darrin Cisco,

I'm writing to follow up on a NHPA Section 106 consultation request package that was sent in January 2025 regarding the North Fork Elkhorn River Watershed Plan-EA in Pierce County, Nebraska. We have not yet received a response from you, and I am writing to see if you have any concerns related to the project and whether you would like to participate in the Programmatic Agreement as a Concurring Party. I am also writing to correct some information in the consultation letter: (1) the number of acres surveyed and those areas still needing archeological investigation are incorrect in the original letter, (2) the effects to Architectural Resource #29 were omitted from the letter, and (3) several pages were missing from the appendix of the archaeological survey report. I have attached a copy of the consultation letter we submitted originally. The supporting documents, including the complete cultural resources inventory report, APE maps, and a draft programmatic agreement are available at this link <https://nrcs.box.com/s/o4q1zp64e1ux0iu9oinypgzhuxt20cpi>. Corrected and additional information is provided below.

The purpose of the North Fork Elkhorn River Watershed Plan-EA is to identify ways to reduce flood damage to the towns of Osmond and Pierce, Nebraska. In Osmond, the plan proposes floodproofing 12 houses, raising one road, and building a berm to protect several houses from floodwaters. In Pierce, the plan proposes to install two diversion channels to improve interior drainage within the town and to increase the height of an existing levee. Portions of the APE could not be investigated for historic properties, and there is not enough time to complete additional investigations before the watershed plan-EA must be finalized and approved. Therefore, NRCS is proposing a Programmatic Agreement to allow for the phased identification of historic properties during the design phase of the project. We have invited you to be a Concurring Party on the programmatic agreement.

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APE, and investigators could not determine whether any cultural resources may be affected by the project. Additionally, three borrow areas and the non-structural alternative in Osmond were added to the project after the cultural resource inventory was complete. The borrow areas and non-structural alternative increased the size of the APE by approximately 173 acres. The remaining 107 acres were included in the APE to evaluate visual effects only and were not included in the pedestrian inventory. There are no standing structures in this portion of the APE, and no ground disturbance will occur in these areas. Maps of the APE showing which areas were surveyed and which areas still need investigation are included in the supporting documents available at

<https://nracs.box.com/s/o4q1zp64e1ux0iu9oinypgzhuxt20cpi>.

2. The “Impacts to Historic Properties” section of the consultation letter omitted the impacts of the project on Architectural Resource #29. The plan calls for adding fill to the top of the levee and the land side of the levee to improve flood protection. NRCS has determined that the levee is eligible for the NRHP under Criterion A due to its contributions to the growth and development of the City of Pierce. The levee was built following standard U.S. Corps of Engineers designs and does not have unique or distinguishing characteristics. It is not eligible under Criterion C. The levee will continue to retain its flood control purpose, and the changes will be in kind with levee operation. NRCS has determined that the alternations to the levee will have no adverse effect on the levee because the proposed improvements will not alter the characteristics of the levee that make it eligible under Criterion A.
3. The archeological survey report submitted with the original consultation letter was missing Figures 47 -106 from the appendix. These figures included photographs of the architectural resources evaluated during the cultural resource inventory. I have uploaded the complete version of the report to <https://nracs.box.com/s/o4q1zp64e1ux0iu9oinypgzhuxt20cpi>.

Thank you very much for your consideration of this project. Please feel free to call me at 402-437-4065 or reply to this email to discuss this project or schedule a Section 106 meeting. Also, please let me know if you are interested in participating in the programmatic agreement as a concurring party.

Sincerely,
Missy

Melissa Baier

Assistant State Conservationist – Water Resources and Easements
Nebraska NRCS State Office



U.S. DEPARTMENT OF AGRICULTURE

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From: [Baier, Melissa - FPAC-NRCS, NE](#)
To: yst.thpo@gmail.com
Subject: NHPA Section 106 follow up - North Fork Elkhorn River Watershed Plan-EA, Pierce County, Nebraska
Date: Monday, March 17, 2025 11:40:00 AM
Attachments: [image001.png](#)
[2025-01-29 ECS-North Fork Elkhorn 106 Tribal Letter-Robert Flying Hawk, cc Galena Drapeau A.pdf](#)

Dear Galena Drapeau,

I'm writing to follow up on a NHPA Section 106 consultation request package that was sent in January 2025 regarding the North Fork Elkhorn River Watershed Plan-EA in Pierce County, Nebraska. We have not yet received a response from you, and I am writing to see if you have any concerns related to the project and whether you would like to participate in the Programmatic Agreement as a Concurring Party. I am also writing to correct some information in the consultation letter: (1) the number of acres surveyed and those areas still needing archeological investigation are incorrect in the original letter, (2) the effects to Architectural Resource #29 were omitted from the letter, and (3) several pages were missing from the appendix of the archaeological survey report. I have attached a copy of the consultation letter we submitted originally. The supporting documents, including the complete cultural resources inventory report, APE maps, and a draft programmatic agreement are available at this link <https://nracs.box.com/s/o4q1zp64e1ux0iu9oinypgzhuxt20cpi>. Corrected and additional information is provided below.

The purpose of the North Fork Elkhorn River Watershed Plan-EA is to identify ways to reduce flood damage to the towns of Osmond and Pierce, Nebraska. In Osmond, the plan proposes floodproofing 12 houses, raising one road, and building a berm to protect several houses from floodwaters. In Pierce, the plan proposes to install two diversion channels to improve interior drainage within the town and to increase the height of an existing levee. Portions of the APE could not be investigated for historic properties, and there is not enough time to complete additional investigations before the watershed plan-EA must be finalized and approved. Therefore, NRCS is proposing a Programmatic Agreement to allow for the phased identification of historic properties during the design phase of the project. We have invited you to be a Concurring Party on the programmatic agreement.

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<https://nracs.box.com/s/o4q1zp64e1ux0iu9oinypgzhuxt20cpi>.

2. The “Impacts to Historic Properties” section of the consultation letter omitted the impacts of the project on Architectural Resource #29. The plan calls for adding fill to the top of the levee and the land side of the levee to improve flood protection. NRCS has determined that the levee is eligible for the NRHP under Criterion A due to its contributions to the growth and development of the City of Pierce. The levee was built following standard U.S. Corps of Engineers designs and does not have unique or distinguishing characteristics. It is not eligible under Criterion C. The levee will continue to retain its flood control purpose, and the changes will be in kind with levee operation. NRCS has determined that the alternations to the levee will have no adverse effect on the levee because the proposed improvements will not alter the characteristics of the levee that make it eligible under Criterion A.
3. The archeological survey report submitted with the original consultation letter was missing Figures 47 -106 from the appendix. These figures included photographs of the architectural resources evaluated during the cultural resource inventory. I have uploaded the complete version of the report to <https://nracs.box.com/s/o4q1zp64e1ux0iu9oinypgzhuxt20cpi>.

Thank you very much for your consideration of this project. Please feel free to call me at 402-437-4065 or reply to this email to discuss this project or schedule a Section 106 meeting. Also, please let me know if you are interested in participating in the programmatic agreement as a concurring party.

Sincerely,
Missy

Melissa Baier

Assistant State Conservationist – Water Resources and Easements
Nebraska NRCS State Office



U.S. DEPARTMENT OF AGRICULTURE

Natural Resources Conservation Service

1121 Lincoln Mall Room 360, Lincoln, NE 68508

p: (402) 437-4065 | c: (402) 317-1005

From: [Baier, Melissa - FPAC-NRCS, NE](#)
To: [Theresa Foley](#)
Subject: NHPA Section 106 follow up - North Fork Elkhorn River Watershed Plan-EA, Pierce County, Nebraska
Date: Monday, March 17, 2025 11:41:00 AM
Attachments: [image001.png](#)
[2025-01-29 ECS-North Fork Elkhorn 106 Tribal Letter-Candace Schmidt, cc Theresa Foley A.pdf](#)

Dear Theresa Foley,

I'm writing to follow up on a NHPA Section 106 consultation request package that was sent in January 2025 regarding the North Fork Elkhorn River Watershed Plan-EA in Pierce County, Nebraska. We have not yet received a response from you, and I am writing to see if you have any concerns related to the project and whether you would like to participate in the Programmatic Agreement as a Concurring Party. I am also writing to correct some information in the consultation letter: (1) the number of acres surveyed and those areas still needing archeological investigation are incorrect in the original letter, (2) the effects to Architectural Resource #29 were omitted from the letter, and (3) several pages were missing from the appendix of the archaeological survey report. I have attached a copy of the consultation letter we submitted originally. The supporting documents, including the complete cultural resources inventory report, APE maps, and a draft programmatic agreement are available at this link <https://nracs.box.com/s/o4q1zp64e1ux0iu9oinypgzhuxt20cpi>. Corrected and additional information is provided below.

The purpose of the North Fork Elkhorn River Watershed Plan-EA is to identify ways to reduce flood damage to the towns of Osmond and Pierce, Nebraska. In Osmond, the plan proposes floodproofing 12 houses, raising one road, and building a berm to protect several houses from floodwaters. In Pierce, the plan proposes to install two diversion channels to improve interior drainage within the town and to increase the height of an existing levee. Portions of the APE could not be investigated for historic properties, and there is not enough time to complete additional investigations before the watershed plan-EA must be finalized and approved. Therefore, NRCS is proposing a Programmatic Agreement to allow for the phased identification of historic properties during the design phase of the project. We have invited you to be a Concurring Party on the programmatic agreement.

1. The original consultation letter erroneously said that 562 acres of the APE had been surveyed for cultural resources and that 173 acres still needed investigation. These acreage totals are incorrect due to addition errors. The entire APE measures 826 acres. A total of 521 acres of the APE were included in the cultural resources field investigation. A total of 198 acres still needs to be investigated for cultural resources prior to project implementation. Landowners restricted access to 26 acres of the

APE, and investigators could not determine whether any cultural resources may be affected by the project. Additionally, three borrow areas and the non-structural alternative in Osmond were added to the project after the cultural resource inventory was complete. The borrow areas and non-structural alternative increased the size of the APE by approximately 173 acres. The remaining 107 acres were included in the APE to evaluate visual effects only and were not included in the pedestrian inventory. There are no standing structures in this portion of the APE, and no ground disturbance will occur in these areas. Maps of the APE showing which areas were surveyed and which areas still need investigation are included in the supporting documents available at

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Thank you very much for your consideration of this project. Please feel free to call me at 402-437-4065 or reply to this email to discuss this project or schedule a Section 106 meeting. Also, please let me know if you are interested in participating in the programmatic agreement as a concurring party.

Sincerely,
Missy

Melissa Baier

Assistant State Conservationist – Water Resources and Easements
Nebraska NRCS State Office



U.S. DEPARTMENT OF AGRICULTURE

Natural Resources Conservation Service

1121 Lincoln Mall Room 360, Lincoln, NE 68508

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From: [Baier, Melissa - FPAC-NRCS, NE](#)
To: [Jarell Grant](#)
Subject: NHPA Section 106 follow up - North Fork Elkhorn River Watershed Plan-EA, Pierce County, Nebraska
Date: Monday, March 17, 2025 11:41:00 AM
Attachments: [2025-01-29 ECS-North Fork Elkhorn 106 Tribal Letter-Jason Sheridan, cc Jarell Grant A.pdf](#)
[image001.png](#)

Dear Jarell Grant,

I'm writing to follow up on a NHPA Section 106 consultation request package that was sent in January 2025 regarding the North Fork Elkhorn River Watershed Plan-EA in Pierce County, Nebraska. We have not yet received a response from you, and I am writing to see if you have any concerns related to the project and whether you would like to participate in the Programmatic Agreement as a Concurring Party. I am also writing to correct some information in the consultation letter: (1) the number of acres surveyed and those areas still needing archeological investigation are incorrect in the original letter, (2) the effects to Architectural Resource #29 were omitted from the letter, and (3) several pages were missing from the appendix of the archaeological survey report. I have attached a copy of the consultation letter we submitted originally. The supporting documents, including the complete cultural resources inventory report, APE maps, and a draft programmatic agreement are available at this link <https://nracs.box.com/s/o4q1zp64e1ux0iu9oinypgzhuxt20cpi>. Corrected and additional information is provided below.

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APE, and investigators could not determine whether any cultural resources may be affected by the project. Additionally, three borrow areas and the non-structural alternative in Osmond were added to the project after the cultural resource inventory was complete. The borrow areas and non-structural alternative increased the size of the APE by approximately 173 acres. The remaining 107 acres were included in the APE to evaluate visual effects only and were not included in the pedestrian inventory. There are no standing structures in this portion of the APE, and no ground disturbance will occur in these areas. Maps of the APE showing which areas were surveyed and which areas still need investigation are included in the supporting documents available at

<https://nracs.box.com/s/o4q1zp64e1ux0iu9oinypgzhuxt20cpi>.

2. The “Impacts to Historic Properties” section of the consultation letter omitted the impacts of the project on Architectural Resource #29. The plan calls for adding fill to the top of the levee and the land side of the levee to improve flood protection. NRCS has determined that the levee is eligible for the NRHP under Criterion A due to its contributions to the growth and development of the City of Pierce. The levee was built following standard U.S. Corps of Engineers designs and does not have unique or distinguishing characteristics. It is not eligible under Criterion C. The levee will continue to retain its flood control purpose, and the changes will be in kind with levee operation. NRCS has determined that the alternations to the levee will have no adverse effect on the levee because the proposed improvements will not alter the characteristics of the levee that make it eligible under Criterion A.
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Thank you very much for your consideration of this project. Please feel free to call me at 402-437-4065 or reply to this email to discuss this project or schedule a Section 106 meeting. Also, please let me know if you are interested in participating in the programmatic agreement as a concurring party.

Sincerely,
Missy

Melissa Baier

Assistant State Conservationist – Water Resources and Easements
Nebraska NRCS State Office



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Natural Resources Conservation Service

1121 Lincoln Mall Room 360, Lincoln, NE 68508

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From: [Baier, Melissa - FPAC-NRCS, NE](#)
To: [Staci Hesler, Ponca, THPO, OK](#)
Subject: NHPA Section 106 follow up - North Fork Elkhorn River Watershed Plan-EA, Pierce County, Nebraska
Date: Monday, March 17, 2025 11:41:00 AM
Attachments: [image001.png](#)
[2025-01-29 ECS-North Fork Elkhorn 106 Tribal Letter-Oliver Little Cook, cc Liana Hesler A.pdf](#)

Dear Staci Hesler,

I'm writing to follow up on a NHPA Section 106 consultation request package that was sent in January 2025 regarding the North Fork Elkhorn River Watershed Plan-EA in Pierce County, Nebraska. We have not yet received a response from you, and I am writing to see if you have any concerns related to the project and whether you would like to participate in the Programmatic Agreement as a Concurring Party. I am also writing to correct some information in the consultation letter: (1) the number of acres surveyed and those areas still needing archeological investigation are incorrect in the original letter, (2) the effects to Architectural Resource #29 were omitted from the letter, and (3) several pages were missing from the appendix of the archaeological survey report. I have attached a copy of the consultation letter we submitted originally. The supporting documents, including the complete cultural resources inventory report, APE maps, and a draft programmatic agreement are available at this link <https://nracs.box.com/s/o4q1zp64e1ux0iu9oinypgzhuxt20cpi>. Corrected and additional information is provided below.

The purpose of the North Fork Elkhorn River Watershed Plan-EA is to identify ways to reduce flood damage to the towns of Osmond and Pierce, Nebraska. In Osmond, the plan proposes floodproofing 12 houses, raising one road, and building a berm to protect several houses from floodwaters. In Pierce, the plan proposes to install two diversion channels to improve interior drainage within the town and to increase the height of an existing levee. Portions of the APE could not be investigated for historic properties, and there is not enough time to complete additional investigations before the watershed plan-EA must be finalized and approved. Therefore, NRCS is proposing a Programmatic Agreement to allow for the phased identification of historic properties during the design phase of the project. We have invited you to be a Concurring Party on the programmatic agreement.

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APE, and investigators could not determine whether any cultural resources may be affected by the project. Additionally, three borrow areas and the non-structural alternative in Osmond were added to the project after the cultural resource inventory was complete. The borrow areas and non-structural alternative increased the size of the APE by approximately 173 acres. The remaining 107 acres were included in the APE to evaluate visual effects only and were not included in the pedestrian inventory. There are no standing structures in this portion of the APE, and no ground disturbance will occur in these areas. Maps of the APE showing which areas were surveyed and which areas still need investigation are included in the supporting documents available at

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2. The “Impacts to Historic Properties” section of the consultation letter omitted the impacts of the project on Architectural Resource #29. The plan calls for adding fill to the top of the levee and the land side of the levee to improve flood protection. NRCS has determined that the levee is eligible for the NRHP under Criterion A due to its contributions to the growth and development of the City of Pierce. The levee was built following standard U.S. Corps of Engineers designs and does not have unique or distinguishing characteristics. It is not eligible under Criterion C. The levee will continue to retain its flood control purpose, and the changes will be in kind with levee operation. NRCS has determined that the alternations to the levee will have no adverse effect on the levee because the proposed improvements will not alter the characteristics of the levee that make it eligible under Criterion A.
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Thank you very much for your consideration of this project. Please feel free to call me at 402-437-4065 or reply to this email to discuss this project or schedule a Section 106 meeting. Also, please let me know if you are interested in participating in the programmatic agreement as a concurring party.

Sincerely,
Missy

Melissa Baier

Assistant State Conservationist – Water Resources and Easements
Nebraska NRCS State Office



U.S. DEPARTMENT OF AGRICULTURE

Natural Resources Conservation Service

1121 Lincoln Mall Room 360, Lincoln, NE 68508

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From: [Baier, Melissa - FPAC-NRCS, NE](#)
To: [Gary LaFranier; alfonzo.spang@cheyennation.com](#)
Subject: NHPA Section 106 follow up - North Fork Elkhorn River Watershed Plan-EA, Pierce County, Nebraska
Date: Monday, March 17, 2025 11:41:00 AM
Attachments: [2025-01-29 ECS-North Fork Elkhorn 106 Tribal Letter-Serena Wetherelt, cc Gary LaFranier A.pdf](#)
[image001.png](#)

Dear Gary LaFranier,

I'm writing to follow up on a NHPA Section 106 consultation request package that was sent in January 2025 regarding the North Fork Elkhorn River Watershed Plan-EA in Pierce County, Nebraska. We have not yet received a response from you, and I am writing to see if you have any concerns related to the project and whether you would like to participate in the Programmatic Agreement as a Concurring Party. I am also writing to correct some information in the consultation letter: (1) the number of acres surveyed and those areas still needing archeological investigation are incorrect in the original letter, (2) the effects to Architectural Resource #29 were omitted from the letter, and (3) several pages were missing from the appendix of the archaeological survey report. I have attached a copy of the consultation letter we submitted originally. The supporting documents, including the complete cultural resources inventory report, APE maps, and a draft programmatic agreement are available at this link <https://nracs.box.com/s/o4q1zp64e1ux0iu9oinypgzhuxt20cpi>. Corrected and additional information is provided below.

The purpose of the North Fork Elkhorn River Watershed Plan-EA is to identify ways to reduce flood damage to the towns of Osmond and Pierce, Nebraska. In Osmond, the plan proposes floodproofing 12 houses, raising one road, and building a berm to protect several houses from floodwaters. In Pierce, the plan proposes to install two diversion channels to improve interior drainage within the town and to increase the height of an existing levee. Portions of the APE could not be investigated for historic properties, and there is not enough time to complete additional investigations before the watershed plan-EA must be finalized and approved. Therefore, NRCS is proposing a Programmatic Agreement to allow for the phased identification of historic properties during the design phase of the project. We have invited you to be a Concurring Party on the programmatic agreement.

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Sincerely,
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Melissa Baier

Assistant State Conservationist – Water Resources and Easements
Nebraska NRCS State Office



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Natural Resources Conservation Service

1121 Lincoln Mall Room 360, Lincoln, NE 68508

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From: [Baier, Melissa - FPAC-NRCS, NE](#)
To: [Crystal C'Bearing](#); [Alvonia Mcelroy](#)
Subject: NHPA Section 106 follow up - North Fork Elkhorn River Watershed Plan-EA, Pierce County, Nebraska
Date: Monday, March 17, 2025 11:41:00 AM
Attachments: [2025-01-29_ECS-North Fork Elkhorn 106 Tribal Letter-Lloyd Goggles, cc Crystal C'bearing A.pdf](#)
[image001.png](#)

Dear Crystal C'Bearing,

I'm writing to follow up on a NHPA Section 106 consultation request package that was sent in January 2025 regarding the North Fork Elkhorn River Watershed Plan-EA in Pierce County, Nebraska. We have not yet received a response from you, and I am writing to see if you have any concerns related to the project and whether you would like to participate in the Programmatic Agreement as a Concurring Party. I am also writing to correct some information in the consultation letter: (1) the number of acres surveyed and those areas still needing archeological investigation are incorrect in the original letter, (2) the effects to Architectural Resource #29 were omitted from the letter, and (3) several pages were missing from the appendix of the archaeological survey report. I have attached a copy of the consultation letter we submitted originally. The supporting documents, including the complete cultural resources inventory report, APE maps, and a draft programmatic agreement are available at this link <https://nracs.box.com/s/o4q1zp64e1ux0iu9oinypgzhuxt20cpi>. Corrected and additional information is provided below.

The purpose of the North Fork Elkhorn River Watershed Plan-EA is to identify ways to reduce flood damage to the towns of Osmond and Pierce, Nebraska. In Osmond, the plan proposes floodproofing 12 houses, raising one road, and building a berm to protect several houses from floodwaters. In Pierce, the plan proposes to install two diversion channels to improve interior drainage within the town and to increase the height of an existing levee. Portions of the APE could not be investigated for historic properties, and there is not enough time to complete additional investigations before the watershed plan-EA must be finalized and approved. Therefore, NRCS is proposing a Programmatic Agreement to allow for the phased identification of historic properties during the design phase of the project. We have invited you to be a Concurring Party on the programmatic agreement.

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Melissa Baier

Assistant State Conservationist – Water Resources and Easements
Nebraska NRCS State Office



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Natural Resources Conservation Service

1121 Lincoln Mall Room 360, Lincoln, NE 68508

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From: [Baier, Melissa - FPAC-NRCS, NE](#)
To: [Matt Reed, Pawnee Nation](#)
Subject: NHPA Section 106 follow up - North Fork Elkhorn River Watershed Plan-EA, Pierce County, Nebraska
Date: Monday, March 17, 2025 11:41:00 AM
Attachments: [2025-01-29_ECS-North Fork Elkhorn 106 Tribal Letter-Misty M Nuttle, cc Matt Reed A.pdf](#)
[image001.png](#)

Dear Matt,

I'm writing to follow up on a NHPA Section 106 consultation request package that was sent in January 2025 regarding the North Fork Elkhorn River Watershed Plan-EA in Pierce County, Nebraska. We have not yet received a response from you, and I am writing to see if you have any concerns related to the project and whether you would like to participate in the Programmatic Agreement as a Concurring Party. I am also writing to correct some information in the consultation letter: (1) the number of acres surveyed and those areas still needing archeological investigation are incorrect in the original letter, (2) the effects to Architectural Resource #29 were omitted from the letter, and (3) several pages were missing from the appendix of the archaeological survey report. I have attached a copy of the consultation letter we submitted originally. The supporting documents, including the complete cultural resources inventory report, APE maps, and a draft programmatic agreement are available at this link

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Sincerely,
Missy

Melissa Baier

Assistant State Conservationist – Water Resources and Easements

Nebraska NRCS State Office



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Natural Resources Conservation Service

1121 Lincoln Mall Room 360, Lincoln, NE 68508

p: (402) 437-4065 | c: (402) 317-1005

From: [Baier, Melissa - FPAC-NRCS, NE](#)
To: [Larry Thomas](#); [Santee Sioux Nation THPO](#)
Subject: NHPA Section 106 follow up - North Fork Elkhorn River Watershed Plan-EA, Pierce County, Nebraska
Date: Monday, March 17, 2025 11:40:00 AM
Attachments: [image001.png](#)
[2025-01-29 ECS-North Fork Elkhorn 106 Tribal Letter-Alonzo Denney, cc Larry Thomas A.pdf](#)

Dear Larry Thomas,

I'm writing to follow up on a NHPA Section 106 consultation request package that was sent in January 2025 regarding the North Fork Elkhorn River Watershed Plan-EA in Pierce County, Nebraska. We have not yet received a response from you, and I am writing to see if you have any concerns related to the project and whether you would like to participate in the Programmatic Agreement as a Concurring Party. I am also writing to correct some information in the consultation letter: (1) the number of acres surveyed and those areas still needing archeological investigation are incorrect in the original letter, (2) the effects to Architectural Resource #29 were omitted from the letter, and (3) several pages were missing from the appendix of the archaeological survey report. I have attached a copy of the consultation letter we submitted originally. The supporting documents, including the complete cultural resources inventory report, APE maps, and a draft programmatic agreement are available at this link <https://nracs.box.com/s/o4q1zp64e1ux0iu9oinypgzhuxt20cpi>. Corrected and additional information is provided below.

The purpose of the North Fork Elkhorn River Watershed Plan-EA is to identify ways to reduce flood damage to the towns of Osmond and Pierce, Nebraska. In Osmond, the plan proposes floodproofing 12 houses, raising one road, and building a berm to protect several houses from floodwaters. In Pierce, the plan proposes to install two diversion channels to improve interior drainage within the town and to increase the height of an existing levee. Portions of the APE could not be investigated for historic properties, and there is not enough time to complete additional investigations before the watershed plan-EA must be finalized and approved. Therefore, NRCS is proposing a Programmatic Agreement to allow for the phased identification of historic properties during the design phase of the project. We have invited you to be a Concurring Party on the programmatic agreement.

1. The original consultation letter erroneously said that 562 acres of the APE had been surveyed for cultural resources and that 173 acres still needed investigation. These acreage totals are incorrect due to addition errors. The entire APE measures 826 acres. A total of 521 acres of the APE were included in the cultural resources field investigation. A total of 198 acres still needs to be investigated for cultural resources prior to project implementation. Landowners restricted access to 26 acres of the

APE, and investigators could not determine whether any cultural resources may be affected by the project. Additionally, three borrow areas and the non-structural alternative in Osmond were added to the project after the cultural resource inventory was complete. The borrow areas and non-structural alternative increased the size of the APE by approximately 173 acres. The remaining 107 acres were included in the APE to evaluate visual effects only and were not included in the pedestrian inventory. There are no standing structures in this portion of the APE, and no ground disturbance will occur in these areas. Maps of the APE showing which areas were surveyed and which areas still need investigation are included in the supporting documents available at

<https://nracs.box.com/s/o4q1zp64e1ux0iu9oinypgzhuxt20cpi>.

2. The “Impacts to Historic Properties” section of the consultation letter omitted the impacts of the project on Architectural Resource #29. The plan calls for adding fill to the top of the levee and the land side of the levee to improve flood protection. NRCS has determined that the levee is eligible for the NRHP under Criterion A due to its contributions to the growth and development of the City of Pierce. The levee was built following standard U.S. Corps of Engineers designs and does not have unique or distinguishing characteristics. It is not eligible under Criterion C. The levee will continue to retain its flood control purpose, and the changes will be in kind with levee operation. NRCS has determined that the alternations to the levee will have no adverse effect on the levee because the proposed improvements will not alter the characteristics of the levee that make it eligible under Criterion A.
3. The archeological survey report submitted with the original consultation letter was missing Figures 47 -106 from the appendix. These figures included photographs of the architectural resources evaluated during the cultural resource inventory. I have uploaded the complete version of the report to <https://nracs.box.com/s/o4q1zp64e1ux0iu9oinypgzhuxt20cpi>.

Thank you very much for your consideration of this project. Please feel free to call me at 402-437-4065 or reply to this email to discuss this project or schedule a Section 106 meeting. Also, please let me know if you are interested in participating in the programmatic agreement as a concurring party.

Sincerely,
Missy

Melissa Baier

Assistant State Conservationist – Water Resources and Easements
Nebraska NRCS State Office



U.S. DEPARTMENT OF AGRICULTURE

Natural Resources Conservation Service

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From: [Mendoza, Jade](#)
To: [Baier, Melissa - FPAC-NRCS, NE](#); [Rose, Chelsea](#)
Subject: RE: Dawson County Canal
Date: Tuesday, April 22, 2025 3:55:34 PM
Attachments: [image002.png](#)
[image003.png](#)
[image004.png](#)
[image005.png](#)
[image006.png](#)
[image001.png](#)
[image007.png](#)
[2502-011-01 NRCS North Fork Elkhorn River Project \(Pierce Levee\).pdf](#)

Hi Melissa,

I'm following up on the Pierce Levee project we briefly discussed in late March. We've had several internal conversations since then, and based on the information currently available, we concur that the Pierce Levee is eligible for listing under **Criterion A** for its significance in Community Planning and Development.

At this point, we do not believe the proposed project would result in an adverse effect. However, to make an official determination and move the project forward, we'll need the additional information outlined in the attached letter. This will help us gain a more complete understanding of the levee system—its function, visual character, associated features, and broader context.

Please don't hesitate to reach out if you have any questions or need further clarification.

Best regards,

Jade Mendoza | Survey Coordinator | Interim Section 106 Coordinator



P: 402-429-7465 | Jade.Mendoza@nebraska.gov
1500 R Street, Lincoln, NE 68508
history.nebraska.gov



From: Baier, Melissa - FPAC-NRCS, NE <Melissa.Baier@usda.gov>
Sent: Thursday, March 20, 2025 10:58 AM
To: Mendoza, Jade <Jade.Mendoza@nebraska.gov>; Rose, Chelsea <Chelsea.Rose@nebraska.gov>
Subject: RE: Dawson County Canal

You don't often get email from melissa.baier@usda.gov. [Learn why this is important](#)

Thanks, Jade! The project boundary only intersects a 200-foot-wide section of the canal, so I don't have much for photographs of any other canal features. I'll see what I can do though.

Melissa Baier

Assistant State Conservationist – Water Resources and Easements
Nebraska NRCS State Office



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From: Mendoza, Jade <Jade.Mendoza@nebraska.gov>

Sent: Thursday, March 20, 2025 10:43 AM

To: Baier, Melissa - FPAC-NRCS, NE <Melissa.Baier@usda.gov>; Rose, Chelsea
<Chelsea.Rose@nebraska.gov>

Subject: Re: Dawson County Canal

Hello Melissa,

After briefly looking through our survey of Dawson County conducted in 2011, it appears that canals have played an essential role in early agricultural practices in Dawson County. The Dawson County Canal (DS00-107) was developed in 1894 by the Farmers and Merchants Canal Company, an organization of local farmers. The canal initially covered 80 miles and almost 80,000 acres of land, which was extended in 1929 to cover approximately 96,000 acres. Given the canal played a crucial role in early agricultural practices, it likely retains significance under Criteria A for its role in the agricultural history of Dawson County. Since canals often change over time due to modifications, rerouting, or deterioration, evaluating integrity is crucial to make a determination of eligibility. In order to evaluate integrity, I will need current supporting documentation of the following if the canal is within the APE of the project:

- **Photographs** (preferably recent, from multiple angles)
 - Wide shots of the canal's general condition
 - Close-ups of original structures (e.g., headgates, diversion dams, control gates)
 - Any modifications (e.g., lined sections, reconstructed areas)
- **Maps & Boundary Information**
 - Historic maps showing the original path
 - Current maps showing any rerouting or changes
- **Construction & Modification History**
 - Records or evidence of changes since 1929
 - Information on whether portions were abandoned or reconstructed

- **Any Historic Structures Along the Canal**

- Headgates, bridges, pumping stations, or associated buildings

- **Land Ownership Information**

- Who currently owns or manages the canal?

I have attached the Dawson County survey for your reference. Please let me know if you have any further questions.

Best,

Jade Mendoza | **Survey Coordinator | Interim Section 106 Coordinator**

P: 402-429-7465 | Jade.Mendoza@nebraska.gov

1500 R Street, Lincoln, NE 68508

history.nebraska.gov

From: Baier, Melissa - FPAC-NRCS, NE <Melissa.Baier@usda.gov>

Sent: Thursday, March 20, 2025 10:00 AM

To: Rose, Chelsea <Chelsea.Rose@nebraska.gov>; Mendoza, Jade <Jade.Mendoza@nebraska.gov>

Subject: Dawson County Canal

Hi Chelsea and Jade,

I'm writing a Section 106 letter, and I just wanted to check on the NRHP status of a property. Is the Dawson County Canal (DS00-107) eligible for inclusion? The archeologists who wrote the report didn't discuss the canal in their report in any detail.

Thanks,

Missy

Melissa Baier

Assistant State Conservationist – Water Resources and Easements

Nebraska NRCS State Office



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April 22, 2025

Melissa Baier
Mainelli Wagner & Associates Inc.
VIA EMAIL

**RE: HP#2502-011-01; NRCS North Fork Elkhorn River Project (Pierce Levee), Pierce,
Pierce County, Nebraska**

Dear Melissa Baier,

Thank you for submitting the referenced project proposal for review and comment by the Nebraska State Historic Preservation Office (SHPO). Our comment on this project and its potential to affect historic properties is required by Section 106 of the National Historic Preservation Act of 1966, as amended, and implementing regulations 36 CFR Part 800.

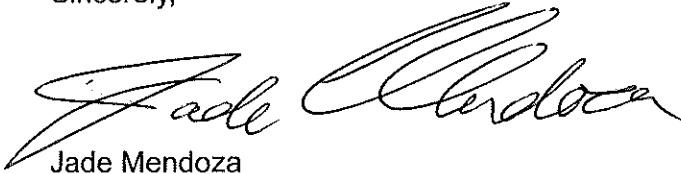
Based on the information provided, the project proposes to replace the Pierce Levee gate structure and add additional earthen fill to the crest and landward side of the levee in order to increase its height. After further review, **more information** is needed in order to determine the potential effects on the historic integrity of the standing structure. Please provide the following information:

1. What are the defined boundaries of the Area of Potential Effect (APE) associated with the Pierce Levee?
2. What is the levee's total length and alignment? Where are its start and end points? Please provide photo documentation for reference.
3. Has the levee's route changed over the years? Please include dates and coordinates of major changes of the levee's route.
4. What are the dimensions of the levee (height, width at base and crest, slope ratios)?
5. What materials is the levee constructed from (e.g., earth, concrete, riprap, clay core)?
6. Are there drainage features such as toe drains, relief wells, culverts, or pipes? Where are they located? Please provide photo documentation for reference.
7. What erosion control elements are present (e.g., vegetation, riprap, revetments)?
8. Have any structural modifications been made (e.g., additions, reinforcements, raised crest)?
9. Is there visible evidence of recent repairs, maintenance, or degradation (e.g., erosion, cracking, sagging)?
10. When was the levee originally constructed?
11. Who built the levee (e.g., U.S. Army Corps of Engineers, WPA, local district)?
12. What major modifications have occurred since its original construction? When and why?
13. Are there any buildings or structures nearby that may be historically associated with the levee system?

14. Are there historic maps, engineering drawings, or photographs that document the levee's construction and changes over time?

Please retain this correspondence and your documented finding in order to show compliance with Section 106 of the National Historic Preservation Act, as amended. If you have any questions, please contact me at Jade.Mendoza@nebraska.gov or 402-429-7465.

Sincerely,

A handwritten signature in black ink, appearing to read "Jade Mendoza". The signature is fluid and cursive, with the first name "Jade" written in a larger, more prominent script than the last name "Mendoza".

Jade Mendoza
Standing Structure Survey Coordinator
Interim Section 106 Coordinator
Nebraska State Historical Society

**1500 R Street
Lincoln, NE, 68508-1651
<https://history.nebraska.gov>**

From: [Joseph Reed](#)
To: [Baier, Melissa - FPAC-NRCS, NE](#)
Subject: RE: NHPA Section 106 follow up - North Fork Elkhorn River Watershed Plan-EA, Pierce County, Nebraska
Date: Thursday, May 1, 2025 10:40:47 AM
Attachments: [image002.png](#)
[image003.png](#)
[image004.png](#)
[image005.png](#)
[image006.png](#)
[image007.png](#)

The Pawnee Nation Office of Historic Preservation has received the information and materials requested for our Section 106 Review and Consultation. Consultation with the Pawnee Nation is required by Section 106 of the National Historic Preservation Act of 1966 (NHPA) and 36 CFR Part 800.

Given the information provided, you are hereby notified that the following proposed project/s is should not adversely affect the cultural landscape of the Pawnee Nation.

However, be advised that additional undiscovered properties could be encountered, and they must immediately be reported to us under both the National Historic Preservation Act and the Native American Graves Protection and Repatriation Act regulations.

This information is provided to you in complying with 36CFR Part 800 for Section 106 Consultation procedures. Should you have questions, please do not hesitate to contact me at jreed@pawneenation.org or by phone at 918-762-9728. Thank you for your time and consideration.

Sincerely,



Matt Reed

Historic Preservation Officer

Pawnee Nation of Oklahoma



Kukâkû'ut

Matt Reed

Tribal Historic Preservation
Officer

Phone: (918) 762- 2180

Email: jreed@pawneenation.org

881 Little Dee Drive
Pawnee, OK 74058

www.PawneeNation.org



From: Baier, Melissa - FPAC-NRCS, NE <Melissa.Baier@usda.gov>
Sent: Monday, March 17, 2025 11:42 AM
To: Joseph Reed <jreed@pawneenation.org>
Subject: NHPA Section 106 follow up - North Fork Elkhorn River Watershed Plan-EA, Pierce County, Nebraska

Dear Matt,

I'm writing to follow up on a NHPA Section 106 consultation request package that was sent in January 2025 regarding the North Fork Elkhorn River Watershed Plan-EA in Pierce County, Nebraska. We have not yet received a response from you, and I am writing to see if you have any concerns related to the project and whether you would like to participate in the Programmatic Agreement as a Concurring Party. I am also writing to correct some information in the consultation letter: (1) the number of acres surveyed and those areas still needing archeological investigation are incorrect in the original letter, (2) the effects to Architectural Resource #29 were omitted from the letter, and (3) several pages were missing from the appendix of the archaeological survey report. I have attached a copy of the consultation letter we submitted originally. The supporting documents, including the complete cultural resources inventory report, APE maps, and a draft programmatic agreement are available at this link <https://nracs.box.com/s/o4q1zp64e1ux0iu9oinypgzhuxt20cpi>. Corrected and additional information is provided below.

The purpose of the North Fork Elkhorn River Watershed Plan-EA is to identify ways to reduce flood damage to the towns of Osmond and Pierce, Nebraska. In Osmond, the plan proposes floodproofing 12 houses, raising one road, and building a berm to protect several houses from floodwaters. In Pierce, the plan proposes to install two diversion channels to improve interior drainage within the town and to increase the height of an existing levee. Portions of the APE could not be investigated for historic properties, and there is not enough time to complete additional investigations before the watershed plan-EA must be finalized and approved. Therefore, NRCS is proposing a Programmatic Agreement to allow for the phased identification of historic properties during the design phase of the project. We have invited you to be a Concurring Party on the programmatic agreement.

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acres. A total of 521 acres of the APE were included in the cultural resources field investigation. A total of 198 acres still needs to be investigated for cultural resources prior to project implementation. Landowners restricted access to 26 acres of the APE, and investigators could not determine whether any cultural resources may be affected by the project. Additionally, three borrow areas and the non-structural alternative in Osmond were added to the project after the cultural resource inventory was complete. The borrow areas and non-structural alternative increased the size of the APE by approximately 173 acres. The remaining 107 acres were included in the APE to evaluate visual effects only and were not included in the pedestrian inventory. There are no standing structures in this portion of the APE, and no ground disturbance will occur in these areas. Maps of the APE showing which areas were surveyed and which areas still need investigation are included in the supporting documents available at

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2. The "Impacts to Historic Properties" section of the consultation letter omitted the impacts of the project on Architectural Resource #29. The plan calls for adding fill to the top of the levee and the land side of the levee to improve flood protection. NRCS has determined that the levee is eligible for the NRHP under Criterion A due to its contributions to the growth and development of the City of Pierce. The levee was built following standard U.S. Corps of Engineers designs and does not have unique or distinguishing characteristics. It is not eligible under Criterion C. The levee will continue to retain its flood control purpose, and the changes will be in kind with levee operation. NRCS has determined that the alternations to the levee will have no adverse effect on the levee because the proposed improvements will not alter the characteristics of the levee that make it eligible under Criterion A.
3. The archeological survey report submitted with the original consultation letter was missing Figures 47 -106 from the appendix. These figures included photographs of the architectural resources evaluated during the cultural resource inventory. I have uploaded the complete version of the report to <https://nracs.box.com/s/o4q1zp64e1ux0iu9oinypgzhuxt20cpi>.

Thank you very much for your consideration of this project. Please feel free to call me at 402-437-4065 or reply to this email to discuss this project or schedule a Section 106 meeting. Also, please let me know if you are interested in participating in the programmatic agreement as a concurring party.

Sincerely,

Missy

Melissa Baier

Assistant State Conservationist – Water Resources and Easements
Nebraska NRCS State Office



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