APPENDIX A

A.1 NRCS NHPA Section 106 Consultation Initiation Letters

USDA 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

November 18, 2024

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

RE: USDA-NRCS National Historic Preservation Act (NHPA) Section 106 and National Environmental Policy Act (NEPA) Consultation Initiation, East Clear Creek Watershed, Lincoln and Keith Counties, Nebraska

Dear Honorable Alonzo Denney,

In accordance with 36 CFR § 800.3(c) and 40 CFR § 1501.2(b), the Natural Resources Conservation Service (NRCS), an agency of the United States Department of Agriculture (USDA), is initiating consultation with the Santee Sioux Nation of Nebraska on an undertaking in Lincoln and Keith Counties, Nebraska. NRCS is preparing a Watershed Plan and Environmental Assessment (Plan-EA) to assist in the Federal decision-making process concerning agriculture water management in the East Clear Creek Watershed. The purpose of the Proposed Action is to find solutions to improve agricultural water management of six irrigation canals in the East Clear Creek watershed along the North Platte River (see attached project map).

The Plan-EA is in the initial stages of development. In accordance with 36 CFR 800.3(c) and 40 CFR § 1501.2(b), NRCS invites you to participate in the planning process. The Area of Potential Effect (APE) has not yet been established. An APE will be determined once alternatives are identified. The current scoping area boundary coincides with the watershed boundary.

We are requesting your input regarding the potential of this project to impact environmental, cultural, or other resources of concern. Early identification of cultural and natural resource concerns will allow NRCS to consider ways to avoid or minimize impacts during the planning process. We are also inviting you to participate in a NEPA scoping meeting for this project on December 9, 2024.

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

Project Information

The Watershed Protection and Flood Prevention Act (PL 83-566) authorizes NRCS to cooperate with State and local agencies and Tribes in planning and carrying out works of improvement for flood damage reduction, soil conservation, and other purposes. The watershed program includes the development of physically, environmentally, socially, and economically sound project plans of improvements scheduled for implementation.

In 2022, NRCS completed a Preliminary Investigation Findings Report (PIFR) and determined that the East Clear Creek Watershed was eligible for PL 83-566 watershed planning. NRCS received planning funding in spring 2024 and has entered into an agreement with the Twin Platte Natural Resources District (TPNRD) to prepare the watershed Plan-EA.

The Watershed Plan will describe and examine reasonable alternatives in detail and identify the preferred alternative as the most technically, economically, socially, and environmentally defensible alternative. NRCS will evaluate the environmental, cultural, and socioeconomic effects associated with the Proposed Action by preparing an Environmental Assessment, pursuant to the National Environmental Policy Act (NEPA) of 1969, as amended (42 US Code §4321 *et seq.*); the Council on Environmental Quality Regulations (40 Code of Federal Regulations [CFR] Parts 1500-1508); and USDA Environmental Policy and Procedures (7 CFR Part 1970). Potential projects and alternatives that may be evaluated include, but are not limited to, repair or replacement of existing diversion gates, installation of automated controls, and canal improvements.

NEPA Scoping Meeting

NRCS and the TPNRD are hosting an agency scoping meeting for all interested agencies to support development of the Plan-EA. The agency scoping meeting will be held virtually via Microsoft Teams. Agencies and Tribes are invited to provide insight, present questions, and discuss project development with the project team. Project information will be presented and personnel from the project team will be available to answer questions and receive comments.

Agency Meeting Details

Monday – December 9, 2024
10:00 a.m. – 12:00 p.m. (CST)
Virtual Meeting via Microsoft Teams
Call In: 402.513.0085
Toll Free: 877.571.4499
Conference ID: 332 288 786#

Please RSVP to Carrie Wiese by Thursday, December 5, 2024, by email at cwiese@olsson.com if you would like to participate in the agency scoping meeting. She will provide a calendar invite with the virtual log-in information to help facilitate the meeting.

The Twin Platte NRD is also hosting an in-person public meeting on Monday, December 16, 2024, from 2:00 p.m. - 4:00 p.m. (CST) at the North Platte, Nebraska (111 S. Dewey St., North Platte, NE).

Written comments indicating your opinions, concerns, and suggestions regarding this project will also be accepted. Please submit written comments to the address in the letterhead or by email to Melissa Baier, Assistant State Conservationist-Water Resources and Easements at melissa.baier@usda.gov. We respectfully request that you submit comments by **January 8, 2025**, and refer to "East Clear Creek Watershed Plan-EA" in your communication.

If you have any questions, please contact Melissa Baier, ASTC Water Resources and Easements by email at melissa.baier@usda.gov or by phone at 402.437.4065.

Sincerely,

Robert D. Lawson

Digitally signed by ROBERT LAWSON
Date: 2024.11.18 13:26:46 -06'00'

ROBERT D. LAWSON
State Conservationist

Enclosure: Watershed Project Map

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

Natural Resources Conservation Service
U.S. DEPARTMENT OF AGRICULTURE

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

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November 18, 2024

Betty Gillespie, Interim Deputy State Historic Preservation Officer
History Nebraska
1500 R Street
Lincoln, NE 68508

RE: USDA-NRCS National Historic Preservation Act (NHPA) Section 106 and National Environmental Policy Act (NEPA) Consultation Initiation, East Clear Creek Watershed, Lincoln and Keith Counties, Nebraska

Dear Betty Gillespie,

In accordance with 36 CFR § 800.3(c) and 40 CFR § 1501.2(b), the Natural Resources Conservation Service (NRCS), an agency of the United States Department of Agriculture (USDA), is initiating consultation with the History Nebraska on an undertaking in Lincoln and Keith Counties, Nebraska. NRCS is preparing a Watershed Plan and Environmental Assessment (Plan-EA) to assist in the Federal decision-making process concerning agriculture water management in the East Clear Creek Watershed. The purpose of the Proposed Action is to find solutions to improve agricultural water management of six irrigation canals in the East Clear Creek watershed along the North Platte River (see attached project map).

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The Twin Platte NRD is also hosting an in-person public meeting on Monday, December 16, 2024, from 2:00 p.m. - 4:00 p.m. at its office in North Platte, Nebraska (111 S. Dewey St., North Platte, NE).

Written comments indicating your opinions, concerns, and suggestions regarding this project will also be accepted. Please submit written comments to the address in the letterhead or to Melissa.Baier@usda.gov. We respectfully request that you submit comments by **January 8, 2025**, and refer to "East Clear Creek Watershed Plan-EA" in your communication.

If you have any questions, please contact Melissa Baier at melissa.baier@usda.gov or 402-437-4065.

Sincerely,

Robert D. Lawson

Digitally signed by ROBERT LAWSON
Date: 2024.11.18 13:27:49 -06'00'

ROBERT D. LAWSON
State Conservationist

Enclosure: Watershed Project Map

cc:
Chelsea Rose, Preservation Archaeologist – Nebraska State Historical Society
Melissa Baier, Assistant State Conservationist-Water Resources and Easement, NRCS – Lincoln State Office

Natural Resources Conservation Service
U.S. DEPARTMENT OF AGRICULTURE

Nebraska State Office
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Room 360
Lincoln, NE 68508

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November 18, 2024

The Honorable Boyd Gourneau, Chairman
Lower Brule Sioux Tribe
187 Oyate Circle
Lower Brule, SD 57548

RE: USDA-NRCS National Historic Preservation Act (NHPA) Section 106 and National Environmental Policy Act (NEPA) Consultation Initiation, East Clear Creek Watershed, Lincoln and Keith Counties, Nebraska

Dear Honorable Boyd Gourneau,

In accordance with 36 CFR § 800.3(c) and 40 CFR § 1501.2(b), the Natural Resources Conservation Service (NRCS), an agency of the United States Department of Agriculture (USDA), is initiating consultation with the Lower Brule Sioux Tribe on an undertaking in Lincoln and Keith Counties, Nebraska. NRCS is preparing a Watershed Plan and Environmental Assessment (Plan-EA) to assist in the Federal decision-making process concerning agriculture water management in the East Clear Creek Watershed. The purpose of the Proposed Action is to find solutions to improve agricultural water management of six irrigation canals in the East Clear Creek watershed along the North Platte River (see attached project map).

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In 2022, NRCS completed a Preliminary Investigation Findings Report (PIFR) and determined that the East Clear Creek Watershed was eligible for PL 83-566 watershed planning. NRCS received planning funding in spring 2024 and has entered into an agreement with the Twin Platte Natural Resources District (TPNRD) to prepare the watershed Plan-EA.

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If you have any questions, please contact Melissa Baier, ASTC Water Resources and Easements by email at melissa.baier@usda.gov or by phone at 402.437.4065.

Sincerely,



Digitally signed by ROBERT LAWSON
Date: 2024.11.18 13:28:57 -06'00'

ROBERT D. LAWSON
State Conservationist

Enclosure: Watershed Project Map

cc:
Mary Jane Gourneau, Director, Lower Brule Sioux Tribe
Melissa Baier, ASTC-Water Resources and Easement, NRCS – Lincoln State Office

USDA Natural Resources Conservation Service
U.S. DEPARTMENT OF AGRICULTURE

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1121 Lincoln Mall
Room 360
Lincoln, NE 68508

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November 18, 2024

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

RE: USDA-NRCS National Historic Preservation Act (NHPA) Section 106 and National Environmental Policy Act (NEPA) Consultation Initiation, East Clear Creek Watershed, Lincoln and Keith Counties, Nebraska

Dear Honorable Durell Cooper III,

In accordance with 36 CFR § 800.3(c) and 40 CFR § 1501.2(b), the Natural Resources Conservation Service (NRCS), an agency of the United States Department of Agriculture (USDA), is initiating consultation with the Apache Tribe of Oklahoma on an undertaking in Lincoln and Keith Counties, Nebraska. NRCS is preparing a Watershed Plan and Environmental Assessment (Plan-EA) to assist in the Federal decision-making process concerning agriculture water management in the East Clear Creek Watershed. The purpose of the Proposed Action is to find solutions to improve agricultural water management of six irrigation canals in the East Clear Creek watershed along the North Platte River (see attached project map).

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Sincerely,



Digitally signed by ROBERT LAWSON
Date: 2024.11.18 13:29:47 -06'00'

ROBERT D. LAWSON
State Conservationist

Enclosure: Watershed Project Map

cc:
Darrin Cisco, NAGPRA contact, Apache Tribe of Oklahoma
Melissa Baier, ASTC-Water Resources and Easement, NRCS – Lincoln State Office

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U.S. DEPARTMENT OF AGRICULTURE

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November 18, 2024

The Honorable Frank Star Comes Out, President
Oglala Sioux Tribe
PO Box 2070
Pine Ridge, SD 57770

RE: USDA-NRCS National Historic Preservation Act (NHPA) Section 106 and National Environmental Policy Act (NEPA) Consultation Initiation, East Clear Creek Watershed, Lincoln and Keith Counties, Nebraska

Dear Honorable Frank Star Comes Out,

In accordance with 36 CFR § 800.3(c) and 40 CFR § 1501.2(b), the Natural Resources Conservation Service (NRCS), an agency of the United States Department of Agriculture (USDA), is initiating consultation with the Oglala Sioux Tribe on an undertaking in Lincoln and Keith Counties, Nebraska. NRCS is preparing a Watershed Plan and Environmental Assessment (Plan-EA) to assist in the Federal decision-making process concerning agriculture water management in the East Clear Creek Watershed. The purpose of the Proposed Action is to find solutions to improve agricultural water management of six irrigation canals in the East Clear Creek watershed along the North Platte River (see attached project map).

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Sincerely,



Digitally signed by ROBERT LAWSON
Date: 2024.11.18 13:31:36 -06'00'

ROBERT D. LAWSON
State Conservationist

Enclosure: Watershed Project Map

cc:
Justin Pourier, THPO, Oglala Sioux Tribe
Melissa Baier, ASTC-Water Resources and Easement, NRCS – Lincoln State Office

USDA Natural Resources Conservation Service
U.S. DEPARTMENT OF AGRICULTURE

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November 18, 2024

The Honorable Janet Alkire, Chairperson
Standing Rock Sioux Tribe of North and South Dakota
PO Box D
Fort Yates, ND 58538-0522

RE: USDA-NRCS National Historic Preservation Act (NHPA) Section 106 and National Environmental Policy Act (NEPA) Consultation Initiation, East Clear Creek Watershed, Lincoln and Keith Counties, Nebraska

Dear Honorable Janet Alkire,

In accordance with 36 CFR § 800.3(c) and 40 CFR § 1501.2(b), the Natural Resources Conservation Service (NRCS), an agency of the United States Department of Agriculture (USDA), is initiating consultation with the Standing Rock Sioux Tribe of North and South Dakota on an undertaking in Lincoln and Keith Counties, Nebraska. NRCS is preparing a Watershed Plan and Environmental Assessment (Plan-EA) to assist in the Federal decision-making process concerning agriculture water management in the East Clear Creek Watershed. The purpose of the Proposed Action is to find solutions to improve agricultural water management of six irrigation canals in the East Clear Creek watershed along the North Platte River (see attached project map).

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Sincerely,

Robert D. Lawson

Digitally signed by ROBERT LAWSON
Date: 2024.11.18 13:32:28 -06'00'

ROBERT D. LAWSON
State Conservationist

Enclosure: Watershed Project Map

cc:
Jon Eagle, THPO, Standing Rock Sioux Tribe of North and South Dakota
Melissa Baier, ASTC-Water Resources and Easement, NRCS – Lincoln State Office

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November 18, 2024

The Honorable Katleen Wooden Knife, President
Rosebud Sioux Tribe
PO Box 430
Rosebud, SD 57570

RE: USDA-NRCS National Historic Preservation Act (NHPA) Section 106 and National Environmental Policy Act (NEPA) Consultation Initiation, East Clear Creek Watershed, Lincoln and Keith Counties, Nebraska

Dear Honorable Katleen Wooden Knife,

In accordance with 36 CFR § 800.3(c) and 40 CFR § 1501.2(b), the Natural Resources Conservation Service (NRCS), an agency of the United States Department of Agriculture (USDA), is initiating consultation with the Rosebud Sioux Tribe on an undertaking in Lincoln and Keith Counties, Nebraska. NRCS is preparing a Watershed Plan and Environmental Assessment (Plan-EA) to assist in the Federal decision-making process concerning agriculture water management in the East Clear Creek Watershed. The purpose of the Proposed Action is to find solutions to improve agricultural water management of six irrigation canals in the East Clear Creek watershed along the North Platte River (see attached project map).

The Plan-EA is in the initial stages of development. In accordance with 36 CFR 800.3(c) and 40 CFR § 1501.2(b), NRCS invites you to participate in the planning process. The Area of Potential Effect (APE) has not yet been established. An APE will be determined once alternatives are identified. The current scoping area boundary coincides with the watershed boundary.

We are requesting your input regarding the potential of this project to impact environmental, cultural, or other resources of concern. Early identification of cultural and natural resource concerns will allow NRCS to consider ways to avoid or minimize impacts during the planning process. We are also inviting you to participate in a NEPA scoping meeting for this project on December 9, 2024.

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

Project Information

The Watershed Protection and Flood Prevention Act (PL 83-566) authorizes NRCS to cooperate with State and local agencies and Tribes in planning and carrying out works of improvement for flood damage reduction, soil conservation, and other purposes. The watershed program includes the development of physically, environmentally, socially, and economically sound project plans of improvements scheduled for implementation.

In 2022, NRCS completed a Preliminary Investigation Findings Report (PIFR) and determined that the East Clear Creek Watershed was eligible for PL 83-566 watershed planning. NRCS received planning funding in spring 2024 and has entered into an agreement with the Twin Platte Natural Resources District (TPNRD) to prepare the watershed Plan-EA.

The Watershed Plan will describe and examine reasonable alternatives in detail and identify the preferred alternative as the most technically, economically, socially, and environmentally defensible alternative. NRCS will evaluate the environmental, cultural, and socioeconomic effects associated with the Proposed Action by preparing an Environmental Assessment, pursuant to the National Environmental Policy Act (NEPA) of 1969, as amended (42 US Code §4321 *et seq.*); the Council on Environmental Quality Regulations (40 Code of Federal Regulations [CFR] Parts 1500-1508); and USDA Environmental Policy and Procedures (7 CFR Part 1970). Potential projects and alternatives that may be evaluated include, but are not limited to, repair or replacement of existing diversion gates, installation of automated controls, and canal improvements.

NEPA Scoping Meeting

NRCS and the TPNRD are hosting an agency scoping meeting for all interested agencies to support development of the Plan-EA. The agency scoping meeting will be held virtually via Microsoft Teams. Agencies and Tribes are invited to provide insight, present questions, and discuss project development with the project team. Project information will be presented and personnel from the project team will be available to answer questions and receive comments.

Agency Meeting Details

Monday – December 9, 2024
10:00 a.m. – 12:00 p.m. (CST)
Virtual Meeting via Microsoft Teams
Call In: 402.513.0085
Toll Free: 877.571.4499
Conference ID: 332 288 786#

Please RSVP to Carrie Wiese by Thursday, December 5, 2024, by email at cwiese@olsson.com if you would like to participate in the agency scoping meeting. She will provide a calendar invite with the virtual log-in information to help facilitate the meeting.

The Twin Platte NRD is also hosting an in-person public meeting on Monday, December 16, 2024, from 2:00 p.m. - 4:00 p.m. (CST) at the North Platte, Nebraska (111 S. Dewey St., North Platte, NE).

Written comments indicating your opinions, concerns, and suggestions regarding this project will also be accepted. Please submit written comments to the address in the letterhead or by email to Melissa Baier, Assistant State Conservationist-Water Resources and Easements at melissa.baier@usda.gov. We respectfully request that you submit comments by **January 8, 2025**, and refer to "East Clear Creek Watershed Plan-EA" in your communication.

If you have any questions, please contact Melissa Baier, ASTC Water Resources and Easements by email at melissa.baier@usda.gov or by phone at 402.437.4065.

Sincerely,

Robert D. Lawson

Digitally signed by ROBERT LAWSON
Date: 2024.11.18 13:33:18 -06'00'

ROBERT D. LAWSON
State Conservationist

Enclosure: Watershed Project Map

cc:
Ione Quigley, THPO, Rosebud Sioux Tribe
Melissa Baier, ASTC-Water Resources and Easement, 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

November 18, 2024

The Honorable Lawrence SpottedBird, Chairman
Kiowa Tribe of Oklahoma
PO Box 369
Carnegie, OK 73015

RE: USDA-NRCS National Historic Preservation Act (NHPA) Section 106 and National Environmental Policy Act (NEPA) Consultation Initiation, East Clear Creek Watershed, Lincoln and Keith Counties, Nebraska

Dear Honorable Lawrence SpottedBird,

In accordance with 36 CFR § 800.3(c) and 40 CFR § 1501.2(b), the Natural Resources Conservation Service (NRCS), an agency of the United States Department of Agriculture (USDA), is initiating consultation with the Kiowa Tribe of Oklahoma on an undertaking in Lincoln and Keith Counties, Nebraska. NRCS is preparing a Watershed Plan and Environmental Assessment (Plan-EA) to assist in the Federal decision-making process concerning agriculture water management in the East Clear Creek Watershed. The purpose of the Proposed Action is to find solutions to improve agricultural water management of six irrigation canals in the East Clear Creek watershed along the North Platte River (see attached project map).

The Plan-EA is in the initial stages of development. In accordance with 36 CFR 800.3(c) and 40 CFR § 1501.2(b), NRCS invites you to participate in the planning process. The Area of Potential Effect (APE) has not yet been established. An APE will be determined once alternatives are identified. The current scoping area boundary coincides with the watershed boundary.

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Project Information

The Watershed Protection and Flood Prevention Act (PL 83-566) authorizes NRCS to cooperate with State and local agencies and Tribes in planning and carrying out works of improvement for flood damage reduction, soil conservation, and other purposes. The watershed program includes the development of physically, environmentally, socially, and economically sound project plans of improvements scheduled for implementation.

In 2022, NRCS completed a Preliminary Investigation Findings Report (PIFR) and determined that the East Clear Creek Watershed was eligible for PL 83-566 watershed planning. NRCS received planning funding in spring 2024 and has entered into an agreement with the Twin Platte Natural Resources District (TPNRD) to prepare the watershed Plan-EA.

The Watershed Plan will describe and examine reasonable alternatives in detail and identify the preferred alternative as the most technically, economically, socially, and environmentally defensible alternative. NRCS will evaluate the environmental, cultural, and socioeconomic effects associated with the Proposed Action by preparing an Environmental Assessment, pursuant to the National Environmental Policy Act (NEPA) of 1969, as amended (42 US Code §4321 *et seq.*); the Council on Environmental Quality Regulations (40 Code of Federal Regulations [CFR] Parts 1500-1508); and USDA Environmental Policy and Procedures (7 CFR Part 1970). Potential projects and alternatives that may be evaluated include, but are not limited to, repair or replacement of existing diversion gates, installation of automated controls, and canal improvements.

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Written comments indicating your opinions, concerns, and suggestions regarding this project will also be accepted. Please submit written comments to the address in the letterhead or by email to Melissa Baier, Assistant State Conservationist-Water Resources and Easements at melissa.baier@usda.gov. We respectfully request that you submit comments by **January 8, 2025**, and refer to "East Clear Creek Watershed Plan-EA" in your communication.

If you have any questions, please contact Melissa Baier, ASTC Water Resources and Easements by email at melissa.baier@usda.gov or by phone at 402.437.4065.

Sincerely,



Digitally signed by ROBERT LAWSON
Date: 2024.11.18 13:34:13 -06'00'

ROBERT D. LAWSON
State Conservationist

Enclosure: Watershed Project Map

cc:
Amanda Hills, THPO, Kiowa Tribe of Oklahoma
Melissa Baier, ASTC-Water Resources and Easement, NRCS – Lincoln State Office

USDA 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

November 18, 2024

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

RE: USDA-NRCS National Historic Preservation Act (NHPA) Section 106 and National Environmental Policy Act (NEPA) Consultation Initiation, East Clear Creek Watershed, Lincoln and Keith Counties, Nebraska

Dear Honorable Lloyd Goggles,

In accordance with 36 CFR § 800.3(c) and 40 CFR § 1501.2(b), the Natural Resources Conservation Service (NRCS), an agency of the United States Department of Agriculture (USDA), is initiating consultation with the Northern Arapaho Tribe of the Wind River Reservation, Wyoming on an undertaking in Lincoln and Keith Counties, Nebraska. NRCS is preparing a Watershed Plan and Environmental Assessment (Plan-EA) to assist in the Federal decision-making process concerning agriculture water management in the East Clear Creek Watershed. The purpose of the Proposed Action is to find solutions to improve agricultural water management of six irrigation canals in the East Clear Creek watershed along the North Platte River (see attached project map).

The Plan-EA is in the initial stages of development. In accordance with 36 CFR 800.3(c) and 40 CFR § 1501.2(b), NRCS invites you to participate in the planning process. The Area of Potential Effect (APE) has not yet been established. An APE will be determined once alternatives are identified. The current scoping area boundary coincides with the watershed boundary.

We are requesting your input regarding the potential of this project to impact environmental, cultural, or other resources of concern. Early identification of cultural and natural resource concerns will allow NRCS to consider ways to avoid or minimize impacts during the planning process. We are also inviting you to participate in a NEPA scoping meeting for this project on December 9, 2024.

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Project Information

The Watershed Protection and Flood Prevention Act (PL 83-566) authorizes NRCS to cooperate with State and local agencies and Tribes in planning and carrying out works of improvement for flood damage reduction, soil conservation, and other purposes. The watershed program includes the development of physically, environmentally, socially, and economically sound project plans of improvements scheduled for implementation.

In 2022, NRCS completed a Preliminary Investigation Findings Report (PIFR) and determined that the East Clear Creek Watershed was eligible for PL 83-566 watershed planning. NRCS received planning funding in spring 2024 and has entered into an agreement with the Twin Platte Natural Resources District (TPNRD) to prepare the watershed Plan-EA.

The Watershed Plan will describe and examine reasonable alternatives in detail and identify the preferred alternative as the most technically, economically, socially, and environmentally defensible alternative. NRCS will evaluate the environmental, cultural, and socioeconomic effects associated with the Proposed Action by preparing an Environmental Assessment, pursuant to the National Environmental Policy Act (NEPA) of 1969, as amended (42 US Code §4321 *et seq.*); the Council on Environmental Quality Regulations (40 Code of Federal Regulations [CFR] Parts 1500-1508); and USDA Environmental Policy and Procedures (7 CFR Part 1970). Potential projects and alternatives that may be evaluated include, but are not limited to, repair or replacement of existing diversion gates, installation of automated controls, and canal improvements.

NEPA Scoping Meeting

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The Twin Platte NRD is also hosting an in-person public meeting on Monday, December 16, 2024, from 2:00 p.m. - 4:00 p.m. (CST) at the North Platte, Nebraska (111 S. Dewey St., North Platte, NE).

Written comments indicating your opinions, concerns, and suggestions regarding this project will also be accepted. Please submit written comments to the address in the letterhead or by email to Melissa Baier, Assistant State Conservationist-Water Resources and Easements at melissa.baier@usda.gov. We respectfully request that you submit comments by **January 8, 2025**, and refer to "East Clear Creek Watershed Plan-EA" in your communication.

If you have any questions, please contact Melissa Baier, ASTC Water Resources and Easements by email at melissa.baier@usda.gov or by phone at 402.437.4065.

Sincerely,



Digitally signed by ROBERT LAWSON
Date: 2024.11.18 13:35:09 -06'00'

ROBERT D. LAWSON
State Conservationist

Enclosure: Watershed Project Map

cc:
Ben Ridgley, THPO, Northern Arapaho Tribe of the Wind River Reservation, WY
Melissa Baier, ASTC-Water Resources and Easement, NRCS – Lincoln State Office

USDA 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

November 18, 2024

The Honorable Mark N. Fox, Chairman
Three Affiliated Tribes of the Fort Berthold Reservation, North Dakota
404 Frontage Road
New Town, ND 58763

RE: USDA-NRCS National Historic Preservation Act (NHPA) Section 106 and National Environmental Policy Act (NEPA) Consultation Initiation, East Clear Creek Watershed, Lincoln and Keith Counties, Nebraska

Dear Honorable Mark N. Fox,

In accordance with 36 CFR § 800.3(c) and 40 CFR § 1501.2(b), the Natural Resources Conservation Service (NRCS), an agency of the United States Department of Agriculture (USDA), is initiating consultation with the Three Affiliated Tribes of the Fort Berthold Reservation, North Dakota on an undertaking in Lincoln and Keith Counties, Nebraska. NRCS is preparing a Watershed Plan and Environmental Assessment (Plan-EA) to assist in the Federal decision-making process concerning agriculture water management in the East Clear Creek Watershed. The purpose of the Proposed Action is to find solutions to improve agricultural water management of six irrigation canals in the East Clear Creek watershed along the North Platte River (see attached project map).

The Plan-EA is in the initial stages of development. In accordance with 36 CFR 800.3(c) and 40 CFR § 1501.2(b), NRCS invites you to participate in the planning process. The Area of Potential Effect (APE) has not yet been established. An APE will be determined once alternatives are identified. The current scoping area boundary coincides with the watershed boundary.

We are requesting your input regarding the potential of this project to impact environmental, cultural, or other resources of concern. Early identification of cultural and natural resource concerns will allow NRCS to consider ways to avoid or minimize impacts during the planning process. We are also inviting you to participate in a NEPA scoping meeting for this project on December 9, 2024.

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Project Information

The Watershed Protection and Flood Prevention Act (PL 83-566) authorizes NRCS to cooperate with State and local agencies and Tribes in planning and carrying out works of improvement for flood damage reduction, soil conservation, and other purposes. The watershed program includes the development of physically, environmentally, socially, and economically sound project plans of improvements scheduled for implementation.

In 2022, NRCS completed a Preliminary Investigation Findings Report (PIFR) and determined that the East Clear Creek Watershed was eligible for PL 83-566 watershed planning. NRCS received planning funding in spring 2024 and has entered into an agreement with the Twin Platte Natural Resources District (TPNRD) to prepare the watershed Plan-EA.

The Watershed Plan will describe and examine reasonable alternatives in detail and identify the preferred alternative as the most technically, economically, socially, and environmentally defensible alternative. NRCS will evaluate the environmental, cultural, and socioeconomic effects associated with the Proposed Action by preparing an Environmental Assessment, pursuant to the National Environmental Policy Act (NEPA) of 1969, as amended (42 US Code §4321 *et seq.*); the Council on Environmental Quality Regulations (40 Code of Federal Regulations [CFR] Parts 1500-1508); and USDA Environmental Policy and Procedures (7 CFR Part 1970). Potential projects and alternatives that may be evaluated include, but are not limited to, repair or replacement of existing diversion gates, installation of automated controls, and canal improvements.

NEPA Scoping Meeting

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The Twin Platte NRD is also hosting an in-person public meeting on Monday, December 16, 2024, from 2:00 p.m. - 4:00 p.m. (CST) at the North Platte, Nebraska (111 S. Dewey St., North Platte, NE).

Written comments indicating your opinions, concerns, and suggestions regarding this project will also be accepted. Please submit written comments to the address in the letterhead or by email to Melissa Baier, Assistant State Conservationist-Water Resources and Easements at melissa.baier@usda.gov. We respectfully request that you submit comments by **January 8, 2025**, and refer to "East Clear Creek Watershed Plan-EA" in your communication.

If you have any questions, please contact Melissa Baier, ASTC Water Resources and Easements by email at melissa.baier@usda.gov or by phone at 402.437.4065.

Sincerely,

USDA Robert D. Lawson

Digitally signed by ROBERT LAWSON
Date: 2024.11.18 13:36:01 -06'00'

ROBERT D. LAWSON
State Conservationist

Enclosure: Watershed Project Map

cc:
Allen Demaray, THPO, Three Affiliated Tribes of the Fort Berthold Reservation, ND
Melissa Baier, ASTC-Water Resources and Easement, NRCS – Lincoln State Office

USDA 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

November 18, 2024

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

RE: USDA-NRCS National Historic Preservation Act (NHPA) Section 106 and National Environmental Policy Act (NEPA) Consultation Initiation, East Clear Creek Watershed, Lincoln and Keith Counties, Nebraska

Dear Honorable Misty M. Nuttle,

In accordance with 36 CFR § 800.3(c) and 40 CFR § 1501.2(b), the Natural Resources Conservation Service (NRCS), an agency of the United States Department of Agriculture (USDA), is initiating consultation with the Pawnee Nation of Oklahoma on an undertaking in Lincoln and Keith Counties, Nebraska. NRCS is preparing a Watershed Plan and Environmental Assessment (Plan-EA) to assist in the Federal decision-making process concerning agriculture water management in the East Clear Creek Watershed. The purpose of the Proposed Action is to find solutions to improve agricultural water management of six irrigation canals in the East Clear Creek watershed along the North Platte River (see attached project map).

The Plan-EA is in the initial stages of development. In accordance with 36 CFR 800.3(c) and 40 CFR § 1501.2(b), NRCS invites you to participate in the planning process. The Area of Potential Effect (APE) has not yet been established. An APE will be determined once alternatives are identified. The current scoping area boundary coincides with the watershed boundary.

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Project Information

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Sincerely,



Digitally signed by ROBERT LAWSON
Date: 2024.11.18 13:36:48 -06'00'

ROBERT D. LAWSON
State Conservationist

Enclosure: Watershed Project Map

cc:
Matt Reed, THPO, Pawnee Nation of Oklahoma
Melissa Baier, ASTC-Water Resources and Easement, NRCS – Lincoln State Office

USDA 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

November 18, 2024

The Honorable Peter Lengkeek, Chairman
Crow Creek Sioux Tribe of the Crow Creek Reservation
PO Box 50
Forst Thompson, SD 57339

RE: USDA-NRCS National Historic Preservation Act (NHPA) Section 106 and National Environmental Policy Act (NEPA) Consultation Initiation, East Clear Creek Watershed, Lincoln and Keith Counties, Nebraska

Dear Honorable Peter Lengkeek,

In accordance with 36 CFR § 800.3(c) and 40 CFR § 1501.2(b), the Natural Resources Conservation Service (NRCS), an agency of the United States Department of Agriculture (USDA), is initiating consultation with the Crow Creek Sioux Tribe of the Crow Creek Reservation on an undertaking in Lincoln and Keith Counties, Nebraska. NRCS is preparing a Watershed Plan and Environmental Assessment (Plan-EA) to assist in the Federal decision-making process concerning agriculture water management in the East Clear Creek Watershed. The purpose of the Proposed Action is to find solutions to improve agricultural water management of six irrigation canals in the East Clear Creek watershed along the North Platte River (see attached project map).

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Sincerely,



Digitally signed by ROBERT LAWSON
Date: 2024.11.18 13:37:33 -06'00'

ROBERT D. LAWSON
State Conservationist

Enclosure: Watershed Project Map

cc:
Merel Marks, THPO, Crow Creek Sioux Tribe of the Crow Creek Reservation
Melissa Baier, ASTC-Water Resources and Easement, NRCS – Lincoln State Office

USDA 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

November 18, 2024

The Honorable Reggie Wassana, Governor
Cheyenne and Arapaho Tribes of Oklahoma
PO BOX 38
Concho, OK 73022

RE: USDA-NRCS National Historic Preservation Act (NHPA) Section 106 and National Environmental Policy Act (NEPA) Consultation Initiation, East Clear Creek Watershed, Lincoln and Keith Counties, Nebraska

Dear Honorable Reggie Wassana,

In accordance with 36 CFR § 800.3(c) and 40 CFR § 1501.2(b), the Natural Resources Conservation Service (NRCS), an agency of the United States Department of Agriculture (USDA), is initiating consultation with the Cheyenne and Arapaho Tribes of Oklahoma on an undertaking in Lincoln and Keith Counties, Nebraska. NRCS is preparing a Watershed Plan and Environmental Assessment (Plan-EA) to assist in the Federal decision-making process concerning agriculture water management in the East Clear Creek Watershed. The purpose of the Proposed Action is to find solutions to improve agricultural water management of six irrigation canals in the East Clear Creek watershed along the North Platte River (see attached project map).

The Plan-EA is in the initial stages of development. In accordance with 36 CFR 800.3(c) and 40 CFR § 1501.2(b), NRCS invites you to participate in the planning process. The Area of Potential Effect (APE) has not yet been established. An APE will be determined once alternatives are identified. The current scoping area boundary coincides with the watershed boundary.

We are requesting your input regarding the potential of this project to impact environmental, cultural, or other resources of concern. Early identification of cultural and natural resource concerns will allow NRCS to consider ways to avoid or minimize impacts during the planning process. We are also inviting you to participate in a NEPA scoping meeting for this project on December 9, 2024.

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

Project Information

The Watershed Protection and Flood Prevention Act (PL 83-566) authorizes NRCS to cooperate with State and local agencies and Tribes in planning and carrying out works of improvement for flood damage reduction, soil conservation, and other purposes. The watershed program includes the development of physically, environmentally, socially, and economically sound project plans of improvements scheduled for implementation.

In 2022, NRCS completed a Preliminary Investigation Findings Report (PIFR) and determined that the East Clear Creek Watershed was eligible for PL 83-566 watershed planning. NRCS received planning funding in spring 2024 and has entered into an agreement with the Twin Platte Natural Resources District (TPNRD) to prepare the watershed Plan-EA.

The Watershed Plan will describe and examine reasonable alternatives in detail and identify the preferred alternative as the most technically, economically, socially, and environmentally defensible alternative. NRCS will evaluate the environmental, cultural, and socioeconomic effects associated with the Proposed Action by preparing an Environmental Assessment, pursuant to the National Environmental Policy Act (NEPA) of 1969, as amended (42 US Code §4321 *et seq.*); the Council on Environmental Quality Regulations (40 Code of Federal Regulations [CFR] Parts 1500-1508); and USDA Environmental Policy and Procedures (7 CFR Part 1970). Potential projects and alternatives that may be evaluated include, but are not limited to, repair or replacement of existing diversion gates, installation of automated controls, and canal improvements.

NEPA Scoping Meeting

NRCS and the TPNRD are hosting an agency scoping meeting for all interested agencies to support development of the Plan-EA. The agency scoping meeting will be held virtually via Microsoft Teams. Agencies and Tribes are invited to provide insight, present questions, and discuss project development with the project team. Project information will be presented and personnel from the project team will be available to answer questions and receive comments.

Agency Meeting Details

Monday – December 9, 2024
10:00 a.m. – 12:00 p.m. (CST)
Virtual Meeting via Microsoft Teams
Call In: 402.513.0085
Toll Free: 877.571.4499
Conference ID: 332 288 786#

Please RSVP to Carrie Wiese by Thursday, December 5, 2024, by email at cwiese@olsson.com if you would like to participate in the agency scoping meeting. She will provide a calendar invite with the virtual log-in information to help facilitate the meeting.

The Twin Platte NRD is also hosting an in-person public meeting on Monday, December 16, 2024, from 2:00 p.m. - 4:00 p.m. (CST) at the North Platte, Nebraska (111 S. Dewey St., North Platte, NE).

Written comments indicating your opinions, concerns, and suggestions regarding this project will also be accepted. Please submit written comments to the address in the letterhead or by email to Melissa Baier, Assistant State Conservationist-Water Resources and Easements at melissa.baier@usda.gov. We respectfully request that you submit comments by **January 8, 2025**, and refer to "East Clear Creek Watershed Plan-EA" in your communication.

If you have any questions, please contact Melissa Baier, ASTC Water Resources and Easements by email at melissa.baier@usda.gov or by phone at 402.437.4065.

Sincerely,

Robert D. Lawson

Digitally signed by ROBERT LAWSON
Date: 2024.11.18 13:38:45 -06'00'

ROBERT D. LAWSON
State Conservationist

Enclosure: Watershed Project Map

cc:
Max Bear, THPO, Cheyenne and Arapaho Tribes of Oklahoma
Melissa Baier, ASTC-Water Resources and Easement, 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

November 18, 2024

The Honorable Ryman LeBeau, Chairperson
Cheyenne River Sioux Tribe of the Cheyenne River Reservation
PO Box 590
Eagle Butte, SD 57625-0590

RE: USDA-NRCS National Historic Preservation Act (NHPA) Section 106 and National Environmental Policy Act (NEPA) Consultation Initiation, East Clear Creek Watershed, Lincoln and Keith Counties, Nebraska

Dear Honorable Ryman LeBeau,

In accordance with 36 CFR § 800.3(c) and 40 CFR § 1501.2(b), the Natural Resources Conservation Service (NRCS), an agency of the United States Department of Agriculture (USDA), is initiating consultation with the Cheyenne River Sioux Tribe of the Cheyenne River Reservation on an undertaking in Lincoln and Keith Counties, Nebraska. NRCS is preparing a Watershed Plan and Environmental Assessment (Plan-EA) to assist in the Federal decision-making process concerning agriculture water management in the East Clear Creek Watershed. The purpose of the Proposed Action is to find solutions to improve agricultural water management of six irrigation canals in the East Clear Creek watershed along the North Platte River (see attached project map).

The Plan-EA is in the initial stages of development. In accordance with 36 CFR 800.3(c) and 40 CFR § 1501.2(b), NRCS invites you to participate in the planning process. The Area of Potential Effect (APE) has not yet been established. An APE will be determined once alternatives are identified. The current scoping area boundary coincides with the watershed boundary.

We are requesting your input regarding the potential of this project to impact environmental, cultural, or other resources of concern. Early identification of cultural and natural resource concerns will allow NRCS to consider ways to avoid or minimize impacts during the planning process. We are also inviting you to participate in a NEPA scoping meeting for this project on December 9, 2024.

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

Project Information

The Watershed Protection and Flood Prevention Act (PL 83-566) authorizes NRCS to cooperate with State and local agencies and Tribes in planning and carrying out works of improvement for flood damage reduction, soil conservation, and other purposes. The watershed program includes the development of physically, environmentally, socially, and economically sound project plans of improvements scheduled for implementation.

In 2022, NRCS completed a Preliminary Investigation Findings Report (PIFR) and determined that the East Clear Creek Watershed was eligible for PL 83-566 watershed planning. NRCS received planning funding in spring 2024 and has entered into an agreement with the Twin Platte Natural Resources District (TPNRD) to prepare the watershed Plan-EA.

The Watershed Plan will describe and examine reasonable alternatives in detail and identify the preferred alternative as the most technically, economically, socially, and environmentally defensible alternative. NRCS will evaluate the environmental, cultural, and socioeconomic effects associated with the Proposed Action by preparing an Environmental Assessment, pursuant to the National Environmental Policy Act (NEPA) of 1969, as amended (42 US Code §4321 *et seq.*); the Council on Environmental Quality Regulations (40 Code of Federal Regulations [CFR] Parts 1500-1508); and USDA Environmental Policy and Procedures (7 CFR Part 1970). Potential projects and alternatives that may be evaluated include, but are not limited to, repair or replacement of existing diversion gates, installation of automated controls, and canal improvements.

NEPA Scoping Meeting

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Conference ID: 332 288 786#

Please RSVP to Carrie Wiese by Thursday, December 5, 2024, by email at cwiese@olsson.com if you would like to participate in the agency scoping meeting. She will provide a calendar invite with the virtual log-in information to help facilitate the meeting.

The Twin Platte NRD is also hosting an in-person public meeting on Monday, December 16, 2024, from 2:00 p.m. - 4:00 p.m. (CST) at the North Platte, Nebraska (111 S. Dewey St., North Platte, NE).

Written comments indicating your opinions, concerns, and suggestions regarding this project will also be accepted. Please submit written comments to the address in the letterhead or by email to Melissa Baier, Assistant State Conservationist-Water Resources and Easements at melissa.baier@usda.gov. We respectfully request that you submit comments by **January 8, 2025**, and refer to "East Clear Creek Watershed Plan-EA" in your communication.

If you have any questions, please contact Melissa Baier, ASTC Water Resources and Easements by email at melissa.baier@usda.gov or by phone at 402.437.4065.

Sincerely,



Digitally signed by
ROBERT LAWSON
Date: 2024.11.18 13:39:31
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ROBERT D. LAWSON
State Conservationist

Enclosure: Watershed Project Map

cc:
Steven Vance, THPO, Cheyenne River Sioux Tribe of the Cheyenne River Reservation
Melissa Baier, ASTC-Water Resources and Easement, NRCS – Lincoln State Office

USDA 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

November 18, 2024

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

RE: USDA-NRCS National Historic Preservation Act (NHPA) Section 106 and National Environmental Policy Act (NEPA) Consultation Initiation, East Clear Creek Watershed, Lincoln and Keith Counties, Nebraska

Dear Honorable Serena Wetherelt,

In accordance with 36 CFR § 800.3(c) and 40 CFR § 1501.2(b), the Natural Resources Conservation Service (NRCS), an agency of the United States Department of Agriculture (USDA), is initiating consultation with the Northern Cheyenne Tribe of the Northern Cheyenne Indian Reservation, Montana on an undertaking in Lincoln and Keith Counties, Nebraska. NRCS is preparing a Watershed Plan and Environmental Assessment (Plan-EA) to assist in the Federal decision-making process concerning agriculture water management in the East Clear Creek Watershed. The purpose of the Proposed Action is to find solutions to improve agricultural water management of six irrigation canals in the East Clear Creek watershed along the North Platte River (see attached project map).

The Plan-EA is in the initial stages of development. In accordance with 36 CFR 800.3(c) and 40 CFR § 1501.2(b), NRCS invites you to participate in the planning process. The Area of Potential Effect (APE) has not yet been established. An APE will be determined once alternatives are identified. The current scoping area boundary coincides with the watershed boundary.

We are requesting your input regarding the potential of this project to impact environmental, cultural, or other resources of concern. Early identification of cultural and natural resource concerns will allow NRCS to consider ways to avoid or minimize impacts during the planning process. We are also inviting you to participate in a NEPA scoping meeting for this project on December 9, 2024.

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

Project Information

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In 2022, NRCS completed a Preliminary Investigation Findings Report (PIFR) and determined that the East Clear Creek Watershed was eligible for PL 83-566 watershed planning. NRCS received planning funding in spring 2024 and has entered into an agreement with the Twin Platte Natural Resources District (TPNRD) to prepare the watershed Plan-EA.

The Watershed Plan will describe and examine reasonable alternatives in detail and identify the preferred alternative as the most technically, economically, socially, and environmentally defensible alternative. NRCS will evaluate the environmental, cultural, and socioeconomic effects associated with the Proposed Action by preparing an Environmental Assessment, pursuant to the National Environmental Policy Act (NEPA) of 1969, as amended (42 US Code §4321 *et seq.*); the Council on Environmental Quality Regulations (40 Code of Federal Regulations [CFR] Parts 1500-1508); and USDA Environmental Policy and Procedures (7 CFR Part 1970). Potential projects and alternatives that may be evaluated include, but are not limited to, repair or replacement of existing diversion gates, installation of automated controls, and canal improvements.

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Please RSVP to Carrie Wiese by Thursday, December 5, 2024, by email at cwiese@olsson.com if you would like to participate in the agency scoping meeting. She will provide a calendar invite with the virtual log-in information to help facilitate the meeting.

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Written comments indicating your opinions, concerns, and suggestions regarding this project will also be accepted. Please submit written comments to the address in the letterhead or by email to Melissa Baier, Assistant State Conservationist-Water Resources and Easements at melissa.baier@usda.gov. We respectfully request that you submit comments by **January 8, 2025**, and refer to "East Clear Creek Watershed Plan-EA" in your communication.

If you have any questions, please contact Melissa Baier, ASTC Water Resources and Easements by email at melissa.baier@usda.gov or by phone at 402.437.4065.

Sincerely,

Robert D. Lawson

Digitally signed by ROBERT LAWSON
Date: 2024.11.18 13:40:17 -06'00'

ROBERT D. LAWSON
State Conservationist

Enclosure: Watershed Project Map

cc:
Teanna Limpy, THPO, Northern Cheyenne Tribe of the Northen Cheyenne Indian Reservation, Montana
Melissa Baier, ASTC-Water Resources and Easement, NRCS – Lincoln State Office

A.2 NHPA Section 106 Consultation Initiation Responses

Hinono'einino'

Northern Arapaho Tribe

TRIBAL HISTORIC PRESERVATION OFFICE

P.O. Box 67 - St. Stephens, Wyoming 82524

PH: 307.856.1628 FX: 307.856.1974

Date: 12/9/24

Contact Name: Milissa Baier **Contact Phone:** 402-437-4065
Email Address melissa.baier@usda.gov
Company Name: Natural Resources Conservation Service / U.S. Department of Agriculture
Company Address: 1121 Lincoln Mall Room 360
City: Lincoln **State:** NE **Zip Code:** 68508

RE: ***East Clear Creek 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:

The Northern Arapaho is interested in participation/consultation

Site Visit: _____ Tribal Monitor: _____

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: _____
Eligible Historic Properties: _____
Probability of properties of religious and cultural significance to the Northern Arapaho: _____

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

1040

A.3 Agency Scoping Correspondence

Outlook

Agency Scoping Invitation - East Clear Creek Watershed Plan-Environmental Document (Twin Platte Natural Resources District)

From Carrie Wiese <cwiese@olsson.com>

Date Wed 11/20/2024 3:43 PM

To athompson@usbr.gov <athompson@usbr.gov>; andrea.spillars@fema.dhs.gov <andrea.spillars@fema.dhs.gov>; summerlin.joe@epa.gov <summerlin.joe@epa.gov>; tilley.amber@epa.gov <tilley.amber@epa.gov>; mark_porath@fws.gov <mark_porath@fws.gov>; jmlambre@usgs.gov <jmlambre@usgs.gov>; bdensmore@usgs.gov <bdensmore@usgs.gov>; ne404reg@usace.army.mil <ne404reg@usace.army.mil>; Jeremy.Grauf@usace.army.mil <Jeremy.Grauf@usace.army.mil>; NDEE.moreinfo@nebraska.gov <NDEE.moreinfo@nebraska.gov>; Elbert.Traylor@nebraska.gov <Elbert.Traylor@nebraska.gov>; jesse.bradley@nebraska.gov <jesse.bradley@nebraska.gov>; jennifer.schellpeper@nebraska.gov <jennifer.schellpeper@nebraska.gov>; sam.caps@nebraska.gov <sam.caps@nebraska.gov>; jamie.reinke@nebraska.gov <jamie.reinke@nebraska.gov>; vicki.kramer@nebraska.gov <vicki.kramer@nebraska.gov>; gary.thayer@nebraska.gov <gary.thayer@nebraska.gov>; tim.mccoy@nebraska.gov <tim.mccoy@nebraska.gov>; alicia.hardin@nebraska.gov <alicia.hardin@nebraska.gov>; michelle.stryker@nebraska.gov <michelle.stryker@nebraska.gov>; roads@keithcountyne.gov <roads@keithcountyne.gov>; planning@keithcountyne.gov <planning@keithcountyne.gov>; dkling@keithcountyne.gov <dkling@keithcountyne.gov>; assessor@keithcountyne.gov <assessor@keithcountyne.gov>; whitetj@lincolncountyne.gov <whitetj@lincolncountyne.gov>; schultzjn@lincolncountyne.gov <schultzjn@lincolncountyne.gov>; clarkjm@ci.north-platte.ne.us <clarkjm@ci.north-platte.ne.us>; myersbw@ci.north-platte.ne.us <myersbw@ci.north-platte.ne.us>; stengejj@lincolncountyne.gov <stengejj@lincolncountyne.gov>; villageofpaxton@gmail.com <villageofpaxton@gmail.com>; clerkvos@gpcom.net <clerkvos@gpcom.net>; info@villageofhershey.com <info@villageofhershey.com>; info@northplattene.gov <info@northplattene.gov>; development@northplattene.gov <development@northplattene.gov>; info@explorekeithcounty.com <info@explorekeithcounty.com>; gary@nparea.com <gary@nparea.com>; info@west-central-nebraska.com <info@west-central-nebraska.com>; kdolson@nppd.com <kdolson@nppd.com>; rmkemp@nppd.com <rmkemp@nppd.com>; farnsworthj@headwaterscorp.com <farnsworthj@headwaterscorp.com>

Cc Baier, Melissa - NRCS, Lincoln, NE <Melissa.Baier@usda.gov>; Eakins, Carol - FPAC-NRCS, NE <carol.eakins@usda.gov>; Mary Reece <Mary.Reece@usda.gov>; Jim Schneider <jschneider@olsson.com>

1 attachment (229 KB)

24-11-20_AgencyScopingMeeting_InviteLetter_NRCS.pdf;

This Message Is From an External Sender

This message came from outside your organization. Please take care when clicking links or opening attachments. When in doubt, use the Report Phish button or contact IT to have the message analyzed.

Good afternoon,

Attached, please find an invitation for an agency scoping meeting regarding the development of a Watershed Plan-Environmental Document for the East Clear Creek watershed in Nebraska. Twin Platte Natural Resources District is the sponsoring local organization for this project, which is supported by the U.S. Department of Agriculture – Natural Resources Conservation Service.

The meeting will occur virtually via Teams at 10:00 a.m. on Monday, December 9, 2024, and you may respond directly to this message to RSVP.

Thank you in advance for your consideration,

Carrie Wiese
(She, Her, Hers)
Senior Scientist / Water
C 402.430.3504

601 P Street, Suite 200
Lincoln, NE 68508
O 402.474.6311



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USDA Natural Resources Conservation Service
U.S. DEPARTMENT OF AGRICULTURE

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

November 19, 2024

NOTICE OF AGENCY SCOPING MEETING: EAST CLEAR CREEK WATERSHED PLAN – ENVIRONMENTAL DOCUMENT

In compliance with the National Environmental Policy Act (NEPA), the Natural Resources Conservation Service (NRCS) is initiating scoping with you regarding the development of a Watershed Plan-Environmental Document (Plan-ED) for the East Clear Creek watershed in Keith and Lincoln Counties, Nebraska. The watershed planning documents are being prepared to NEPA responsibilities pertaining to federal financial assistance received through the NRCS's Watershed and Flood Prevention Operations (WFPO) Program. The WFPO program is authorized by the Watershed Protection and Flood Prevention Act (PL-83-566), which directs NRCS to cooperate with state and local agencies in planning and carrying out works of improvement for soil conservation and flood risk reduction purposes. NRCS will fund the development of the watershed Plan-ED as well as the design and construction of most of the structures identified in the preferred alternative of the ED, which makes the Plan-ED a federal undertaking as defined in 36 CFR § 800.16(y) and federal action as defined in 40 CFR § 1508.1(q).

NRCS and the local plan sponsor, Twin Platte Natural Resources District (TPNRD), will hold an agency scoping meeting regarding the Plan-ED. The meeting will be held virtually via Microsoft Teams on December 9, 2024, from 10:00 a.m. - 12:00 p.m. (CST).

TPNRD has received funding from NRCS to develop the Plan-ED. The purpose of the Plan-ED is to find solutions to improve agricultural water management of the six irrigation canals in the East Clear Creek watershed along the North Platte River. The six irrigation districts participating in the development of the Plan-ED are the Cody-Dillon Ditch Company, Paxton-Hershey Water Company, Birdwood Irrigation District, Platte Valley Irrigation Company, Suburban Irrigation District, and Keith-Lincoln County Irrigation District.

The goal is to establish a recommended Plan-ED through an assessment of alternatives supported by agencies, the public, NRCS, and TPNRD. Potential projects and alternatives that may be evaluated include, but are not limited to, repair or replacement of existing diversion gates, installation of automated controls, and canal improvements.

This agency scoping meeting is being held to provide information regarding the watershed planning process, and to receive agencies' input. You are receiving this letter because you have been identified as the contact person for an agency or organization that may have interest in the project. Agencies are invited to provide insight, present questions, and discuss project development with the project team. An in-person public meeting will

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follow the agency meeting to obtain public feedback. Project information will be presented and personnel from the project team will be available to answer questions and receive comments during both meetings. Information on how to access the virtual agency scoping meeting, including call-in information is provided below:

Agency Scoping Meeting Details
Monday, December 9, 2024
10:00 a.m. – 12:00 p.m. (CST)

Virtual Meeting via Microsoft Teams
Toll Free: (877) 571-4499
Phone Conference ID: 332 288 786#

Please RSVP to Carrie Wiese by Thursday, December 5, 2024, by email at cwiese@olsson.com if you would like to participate in the agency scoping meeting. She will provide a calendar invite with the virtual log-in information to help facilitate the meeting.

If you have any questions about the project, please contact Jim Schneider by phone at 402.890.9786 or by email at jschneider@olsson.com. Thank you in advance for your consideration of this project.

Sincerely,



Digitally signed by ROBERT LAWSON
Date: 2024.11.19 13:12:33 -06'00'

ROBERT D. LAWSON
State Conservationist

cc:
Melissa Baier, ASTC-Water Resources and Easements, NRCS – Lincoln State Office
Carol Eakins, District Conservationist, NRCS – North Platte Field Office
Mary Reece, Assistant State Conservationist-West, NRCS – North Platte Area Office

NEBRASKA
GAME PARKS

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

January 10, 2025

Stacey Roach
Olsson
601 P Street, Suite 200
Lincoln, NE 68508

Re: Scoping Comments for the East Clear Creek Watershed Plan – Environmental Assessment (Plan-EA) NGPC Proj. No. NRCS24008, Arthur, Keith, Lincoln & McPherson Counties, Nebraska

Dear Stacey Roach:

This letter is in response to Olsson's request for further comments on this project pursuant to the National Environmental Policy Act (NEPA), including critical resources and concerns within the watershed, and refinements to project goals. As we understand it, the purpose of this project is to preserve irrigation districts' capability to deliver water for the next 50+ years. The project aims to reduce water delivery inefficiencies to protect local and downstream ecosystems, and the economic viability of the 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 37-814). 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-EA.

Endangered and Threatened Species
As this watershed directly impacts the Platte River, the state-listed threatened and endangered species which should be considered in the Plan-EA include the following:

- American Burying Beetle (*Nicrophorus americanus*)
- Finescale Dace (*Chrosomus neogaeus*) *
- Interior Least Tern (*Sternula antillarum athalassos*)
- Lake Sturgeon (*Acipenser fulvescens*)
- Northern Long-eared Bat (*Myotis septentrionalis*)
- Northern Redbelly Dace (*Chrosomus eos*) *
- Pallid Sturgeon (*Scaphirhynchus albus*)
- Piping Plover (*Charadrius melodus*)
- Swift Fox (*Vulpes velox*) *
- Sturgeon Chub (*Macrhybopsis gelida*)
- Western Prairie Fringed Orchid (*Platanthera praeclara*)
- Whooping Crane (*Grus americana*) *
- Whooping Crane Critical Habitat

  * Indicates this species has been recorded within the watershed

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), stream/river flow 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.
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
The following NGPC properties can be found within the Plan-EA study area: Buffalo Bill Ranch State Recreation Area (SRA) & State Historical Park, Lake McConaughy SRA, Lake Ogallala SRA, Muskrat Run Wildlife Management Area (WMA), and North River WMA. Any NGPC property within or adjacent to the study area should not be negatively affected or altered. We would expect close coordination on any parts of this project if impacts would be anticipated to our properties.

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. 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. Implementation of natural solutions such as wetland and stream restoration, and agricultural conservation practices should be evaluated.

Reservoirs, levees, dams, diversion channels and other 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 & debris 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. Any replacements of aging irrigation canals and diversion channels should be evaluated for their continued effectiveness.

The Plan EIS should demonstrate how the cost-benefit analysis is calculated for structural alternatives versus natural and non-structural alternatives. The expected costs for construction/installation, maintenance, repair, replacement and wetland or stream mitigation 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 the functional lifespan of each alternative and what costs will be incurred over an alternative's lifespan for maintenance, repair, or replacement.

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

- If new diversion channels or irrigation canals are selected as an alternative, impacts from the introduction of invasive species, and pollutants to the Platte River should be analyzed. Additionally, the introduction of large quantities of flood water to the Platte River should be

analyzed for impacts to the various threatened and endangered species that utilize the Platte River for sensitive life stages.

- If channel improvements, detention cells, impoundments, ponds or reservoirs are evaluated as alternatives, they should consider incorporating shallow water areas that are suitable foraging and roosting habitat for trumpeter swan, whooping crane, and other species of concern.
    - Additionally, 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.
    - 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.
- 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 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.
- Connectivity for fish and other aquatic species should be considered in project design when structures that limit connectivity within the waterway are being considered as feasible alternatives. There are any many records of at-risk, threatened and endangered fish species in this watershed that would be impacted by decreased connectivity of waterways.
- Tree, shrub, and vegetation clearing/grubbing should be minimized as much as possible to maintain the existing habitat. If this is not feasible within the project scope, re-seeding or planting of native species is recommended to replace the habitat lost and prevent the colonization of invasive plant species that thrive on soil disturbance.

Additional Considerations

<u>Depletions</u>

The Platte River Recovery Implementation Program (Program) was signed in 2006 by the governors of Colorado, Nebraska, and Wyoming. The Program addressed Endangered Species Compliance for water users in the Platte River basin upstream of the Loup River confluence in Nebraska for effects on endangered and threatened species and critical habitat. Due to the cumulative effects of many water depletion projects in the Platte River basin, the Commission considers any depletion of flows (direct or indirect) from the Platte River system to be significant. It is recommended that the potential for instream flow depletions be addressed to determine what, if any, impacts the proposed actions may have on the Lower Platte River system.

Natural Communities

Several natural communities are present within the watershed boundary including a cottonwood-peachleaf willow riparian woodland, sandhills mesic tall-grass prairie, threadleaf sedge western mixed-grass prairie and western alkaline meadow. Natural communities are defined as "reoccurring groups of species that respond similarly to a complex of climatic, soil, topographies, geologic, hydrologic, historical and other site attributes." Mapped natural communities in Nebraska are native, relatively undisturbed ecosystems that represent the remnants of Nebraska's historical landcover. Conserving these natural communities is of great importance to NGPC as many at-risk, threatened, and endangered species utilize these spaces.

Development within these communities is highly discouraged and proposed alternatives should consider the current land-use of the area prior to selection. As some natural communities may remain to be discovered by NGPC, the project proponent should consider developing on previously disturbed land to avoid impacts to sensitive species and communities. Natural Communities present within the study area can be found by creating a Conservation Planning Report on the NGPC Conservation and Environmental Review Tool website.

Stream Simulation Design – Water Crossings

NGPC recommends the project review the use of stream simulation if replacing culverts, bridges, or other water crossings within the watershed. As is seen throughout the state, aging and poorly designed water crossings create barriers to aquatic species passage, do not properly convey peak flows, and have altered the natural channel they convey. Stream simulation designs crossings tailored to the stream it is impacting, considering flow regimes, naturally occurring features, and species utilizing the waterway. This method ensures the chosen infrastructure will properly convey all flow regimes, allow for passage of all aquatic specie, and promote habitat connectivity. For more information on stream simulation design please visit the US Forest Service guide at: https://www.fs.usda.gov/Internet/FSE_DOCUMENTS/fsm91_054564.pdf

Tier-One & Tier-Two Species

Of great conservation importance to NGPC are existing populations of Tier 1 and Tier 2, at risk species, such as the longnose sucker, plains topminnow, and trumpeter swan that have been documented within the study area. Care should be taken that project activities do not negatively impact these species communities which are designated as "of greatest conservation need" in the Nebraska State Wildlife Action Plan. As one of the goals of the Nebraska Natural Heritage Program is to "keep common species common" NGPC requests the project design consider how it will affect all species, and not just those listed as threatened or endangered (Schneider et. al. 2011). Tier-One and Tier-Two species expected in the study area can be found by creating a Conservation Planning Report on the NGPC Conservation and Environmental Review Tool website.

Federal Laws

Bald and Golden Eagle Protection Act

The federal Bald and Golden Eagle Protection Act (Eagle Act) (16 U.S.C. 668-668c) provides for the protection of the bald eagle (*Haliaeetus leucocephalus*) and golden eagle (*Aquila chrysaetos*). Under the Eagle Act, "take" of eagles, their parts, nests, or eggs is prohibited without a permit issued by the Secretary of the Interior. Disturbance resulting in injury to an eagle or a decrease in productivity

or nest abandonment by substantially interfering with normal breeding, feeding, or sheltering behavior is a form of "take."

Bald eagles use mature, forested riparian areas near rivers, streams, lakes, and wetlands and occur along all the major river systems in Nebraska. The bald eagle southward migration begins as early as October, and the wintering period extends from December-March. Additionally, many bald and golden eagles' nest in Nebraska from mid-February through mid-July. Disturbances within 0.5-miles of an active nest or within line-of-sight of the nest could cause adult eagles to discontinue nest building or to abandon eggs. Both bald and golden eagles frequent river systems in Nebraska during the winter where open water and forested corridors provide feeding, perching, and roosting habitats, respectively. The frequency and duration of eagle use of these habitats in the winter depends upon ice and weather conditions. Human disturbances and loss of wintering habitat can cause undue stress leading to cessation of feeding and failure to meet winter thermoregulatory requirements. These affects can reduce the carrying capacity of preferred wintering habitat and reproductive success for the species.

To comply with the Eagle Act, it is recommended that the project proponent determine if the proposed project would impact bald or golden eagles or their habitats. This can be done by conducting a habitat assessment, surveying nesting habitat for active and inactive nests, and surveying potential winter roosting habitat to determine if it is being used by eagles. The area to be surveyed is dependent on the type of project; however, for most projects we recommend surveying the project area and a ½ mile buffer around the project area. If it is determined that either species could be affected by the proposed project, the Commission recommends that the project proponent notify the Nebraska Game and Parks Commission as well as the U.S. Fish and Wildlife Service – Nebraska Ecological Services Field Office for recommendations to avoid "take" of bald and golden eagles.

Fish and Wildlife Coordination Act

The Fish and Wildlife Coordination Act (FWCA) requires consultation with the U.S. Fish and Wildlife Service and the State Fish and Wildlife Agency for the purpose of preventing loss of and damage to fish and wildlife resources in the planning, implementation, and operation of federal and federally funded, permitted, or licensed water resource development projects. This statute requires that federal agencies take into consideration the effect that the water related project would have on fish and wildlife resources, to take action to prevent loss or damage to these resources, and to provide for the development and improvement of these resources. The comments in this letter are provided as scoping comments only and is not the document required regarding a state environmental review under FWCA. These scoping comments are only for the described conditions and would need revision if significant environmental changes or changes in the proposed project take place.

Migratory Bird Treaty Act

Under the Migratory Bird Treaty Act (16 U.S.C. 703-712: Ch. 128 *as amended*) (MBTA) construction activities in grassland, wetland, stream, woodland, and riverbank habitats that would otherwise result in the taking of migratory birds, eggs, young, and/or active nests should be avoided. Although the provisions of MBTA are applicable year-round, most migratory bird nesting activity in Nebraska occurs during the period of April 1 to July 15. However, some migratory birds are known

to nest outside of the aforementioned primary nesting season period. For example, raptors can be expected to nest in woodland habitats during February 1 through July 15, whereas sedge wrens, which occur in some wetland habitats, normally nest from July 15 to September 10.

If development in this area is planned to occur during the primary nesting season or at any other time which may result in the "take" of nesting migratory birds, we would request that the project proponent arrange to have a qualified biologist conduct a field survey of the affected habitats to determine the absence or presence of nesting migratory birds. If a field survey identifies the existence of one or more active bird nests that cannot be avoided by the planned construction activities, the Nebraska Game and Parks Commission and the U.S. Fish and Wildlife Service – Nebraska Ecological Services Field Office should be contacted immediately. For more information about the MBTA and avoiding impacts to migratory birds, or to report active bird nests that cannot be avoided by planned construction activities, please contact the U.S. Fish and Wildlife Service, Nebraska Ecological Services Field Office, 9325 South Alda Road, Wood River, NE 68883. Adherence to these guidelines will help avoid the unnecessary take of migratory birds.

Please note this correspondence does not satisfy requirements of Neb. Rev. Stat. §37-807(3)(c) of the Nongame and Endangered Species Conservation Act. Under authority of Neb. Rev. Stat. §37-807(3)(c), 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.

Thank you for opportunity to review and comment on this Plan-EA. We look forward to future coordination should this Plan progress. If you have any questions regarding these comments, please contact me at (402) 471-5554 or ngpc.envreview@nebraska.gov.

Sincerely,

Ruby Rolland

Ruby Rolland
Environmental Specialst III
Planning and Programming Division

EC: NGPC (Melissa Marinovich, Brett Roberg, Hunter Swanson, Matt Wieseler)
NRCS (Melissa Baier)
Olsson (Jim Schneider, Carey Wiese)
USFWS (Mallory Jaymes, Nebraska Ecological Services – Field Office)

Sources:

Schneider, R., K. Stoner, G. Steinauer, M. Panella, And M. Humpert, Editors. 2011. The Nebraska Natural Legacy Project: State Wildlife Action Plan. 2nd edition. The Nebraska Game and Parks Commission, Lincoln, Nebraska. https://outdoornebraska.gov/wp-content/uploads/2015/09/NebraskaNaturalLegacyProject2ndEdition.pdf (accessed 10 May 2024)

Rolfsmeier, S.B., G. Steinauer. 2010. Terrestrial Ecological Systems and Natural Communities of Nebraska. 4th Edition. The Nebraska Game and Parks Commission, Lincoln, Nebraska.

A.4 Public Scoping Correspondence

When public scoping was initiated, Twin Platte NRD (the SLO) sent letters to all customers served by the six irrigation districts/canal companies to invite their attendance at the public scoping meeting. This included a total of 246 letters, with the number of customers by irrigation district/canal company outlined in the table below. Note, some individuals are served by more than one canal, meaning that the overall total number of letters was less than the total number of customers by canal when summed. A copy of the form letter also follows.

Irrigation District/Canal Company	**Number of Customers**
Keith-Lincoln Irrigation District	41
Platte Valley Irrigation District	88
Paxton-Hershey Water Company	43
Birdwood Irrigation District	37
Suburban Irrigation District	36
Cody-Dillon Ditch Company	39

TWIN PLATTE NATURAL RESOURCES DISTRICT

November 20, 2024

«Proper_First__Last»
«Proper_Address»
«Proper_City», «mail_state» «mail_zip»

Dear «Proper_First__Last»

In compliance with the National Environmental Policy Act (NEPA), the Natural Resources Conservation Service (NRCS) and Twin Platte NRD (TPNRD) are initiating scoping with you regarding the development of a Watershed Plan-Environmental Document (Plan-ED) for the East Clear Creek watershed in Keith and Lincoln Counties, Nebraska. The watershed planning documents are being prepared to NEPA responsibilities pertaining to federal financial assistance received through the NRCS's Watershed and Flood Prevention Operations (WFPO) Program. The WFPO program is authorized by the Watershed Protection and Flood Prevention Act (PL-83-566), which directs NRCS to cooperate with state and local agencies in planning and carrying out works of improvement for soil conservation and flood risk reduction purposes. NRCS will fund the development of the watershed Plan-ED as well as the design and construction of most of the structures identified in the preferred alternative of the ED, which makes the Plan-ED a federal undertaking as defined in 36 CFR § 800.16(y) and federal action as defined in 40 CFR § 1508.1(q)

NRCS and the local sponsor, TPNRD, will hold a public scoping open house regarding the Plan-ED. The meeting will be held at the TPNRD office at 111 South Dewey (second floor) in North Platte, Nebraska on Monday, December 16, 2024, from 2:00-4:00 PM.

TPNRD has received funding from NRCS to develop the Plan-ED. The purpose of the Plan-ED is to find solutions to improve agricultural water management of the six irrigation canals in the East Clear Creek watershed along the North Platte River. The six irrigation districts participating in the development of the Plan-ED are the Cody-Dillon Ditch Company, Paxton-Hershey Water Company, Birdwood Irrigation District, Platte Valley Irrigation Company, Suburban Irrigation District, and Keith-Lincoln County Irrigation District.

The goal is to establish a recommended Plan-ED through an assessment of alternatives supported by agencies, the public, NRCS, and TPNRD. Potential projects and alternatives that may be evaluated include, but are not limited to, repair or replacement of existing diversion gates, installation of automated controls, and canal improvements.

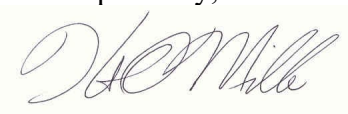
First Interstate Bank Center
111 South Dewey Street - 2nd Floor - P O Box 1347 - North Platte, NE 69103-1347
Phone (308) 535-8080
www.tpnrd.org

TWIN PLATTE NATURAL RESOURCES DISTRICT

This public scoping open house meeting is being held to provide information regarding the watershed planning process, and to receive the public's input. You are receiving this letter because you have been identified as a property owner along one or more of the six irrigation canals in the project area. All interested persons are invited to attend and present relevant comments and questions. Project information will be displayed and personnel from TPNRD, the irrigation districts, and the consultant team will be available for questions and discussion. A brief presentation outlining the purpose of the meeting, the Plan-ED process, and the existing agricultural water management challenges will begin at 2:15 PM. Following the presentation, the meeting will follow an open house format allowing the public to come at any time during the advertised hours, gather pertinent information about the project, speak one-on-one with project personnel, and leave as they wish.

The public is being encouraged to make suggestions or express concerns regarding this project. Comments will be collected through January 17, 2025. Written comments or requests should be submitted to: Stacey Roach, Olsson, 601 P Street, Suite 200, Lincoln, NE 68508; sroach@olsson.com; telephone 402-458-5042.

Respectfully,



Kent O. Miller, P.E.
General Manager

First Interstate Bank Center
111 South Dewey Street - 2nd Floor - P O Box 1347 - North Platte, NE 69103-1347
Phone (308) 535-8080
www.tpnrd.org

A.5 Public Scoping Affidavit of Publication

THE NORTH PLATTE TELEGRAPH

PO Box 370,
North Platte, Nebraska 69103

AFFIDAVIT OF PUBLICATION

State of Texas, County of Bexar, ss:

Laquansay Nickson Watkins, **being first duly sworn**, deposes and says: That (s)he is a duly authorized signatory of Column Software, PBC, duly authorized agent of North Platte Telegraph, Nebraska, a newspaper published in North Platte, Nebraska, and personally knows that said newspaper is a legal daily,except Monday, newspaper under the statutes of the state of Nebraska, having a bonafide circulation of over three hundred copies, has been published in said county for more than fifty-two successive weeks prior to the first publication of the attached notice and is printed in an office maintained in the city of North Platte, in said county, which said city is the place of its publication; that the notice hereto attached was published in said newspaper in the regular issues thereof.

November 19, 26, December 3, 2024

(Signed) Laquansay Nickson Watkins

VERIFICATION

State of Texas
County of Bexar

NOTARY PUBLIC STATE OF TEXAS

Robert Hollie III

ID NUMBER
133582184
COMMISSION EXPIRES
February 10, 2026

Dated this December 04, 2024

Subscribed in my presence and sworn to before me on this: 12/04/2024

Notary Public

Printers Fee: **$128.22**
Customer Number: 1038658
Order Number: COL-NE-100974

Electronically signed and notarized online using the Proof platform.

NATURAL RESOURCES CONSERVATION SERVICE

NOTICE OF PUBLIC MEETING

Public Scoping Open House
Monday, December 16, 2024, 2:00 PM – 4:00 PM
Twin Platte Natural Resources District Office
111 South Dewey, Second Floor

North Platte, NE 69101

The Natural Resources Conservation Service (NRCS) and Twin Platte Natural Resources District (TPNRD) will hold a public scoping open house regarding a Watershed Plan-Environmental Document (Plan-ED) for the East Clear Creek watershed in Keith and Lincoln Counties in Nebraska. The meeting will be held at the TPNRD Office in North Platte, Nebraska on Monday, December 16, 2024, from 2:00-4:00 PM.

The TPNRD has received funding from the Natural Resources Conservation Service (NRCS) to develop a Plan-ED. The purpose of the Plan-ED is to find solutions to improve agricultural water management of the six irrigation canals in the East Clear Creek watershed along the North Platte River. The six irrigation districts participating in the development of the Plan-ED are the Cody-Dillon Ditch Company, Paxton-Hershey Water Company, Birdwood Irrigation District, Platte Valley Irrigation Company, Suburban Irrigation District, and Keith-Lincoln County Irrigation District.

This public scoping open house meeting is being held to provide information regarding the watershed planning process, and to receive the public's input. All interested persons are invited to attend and present relevant comments and questions. Project information will be displayed and personnel from TPNRD, NRCS, the irrigation districts, and the consultant team will be available for questions and discussion. A brief presentation outlining the purpose of the meeting, the Plan-ED process, and the existing agricultural water management challenges will begin at 2:15 PM. Following the presentation, the meeting will follow an open house format allowing the public to come at any time during the advertised hours, gather pertinent information about the project, speak one-on-one with project personnel, and leave as they wish.

The public is being encouraged to make suggestions or express concerns regarding this project. Comments will be collected through January 17, 2025. Written comments or requests should be submitted to: Stacey Roach, Olsson, 601 P Street, Suite 200, Lincoln, NE 68508; sroach@olsson.com ; telephone 402-458-5042.
Published in the North Platte Telegraph
North Platte, NE

A.6 NRCS NEPA Cooperating Agency Invitation Letters

USDA Natural Resources Conservation Service
U.S. DEPARTMENT OF AGRICULTURE
Nebraska State Office
1121 Lincoln Mall
Room 360
Lincoln, NE 68508

SENT VIA EMAIL

October 15, 2024

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

RE: Formal Request to be a Cooperating Agency for the East Clear Creek-North Platte River Watershed Plan – Environmental Assessment

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, the Natural Resources Conservation Service (NRCS) is formally requesting your agency to become a cooperating agency in the planning and development of the Plan-EA for the East Clear Creek-North Platte Watershed Agricultural Water Management Project. The project area encompasses 205,684 acres within Lincoln, Keith, and Arthur Counties, Nebraska.

The purpose of this project is to enhance agricultural water management and improve surface water irrigation within the Twin Platte Natural Resources District (TP NRD). The Platte River in the project area is designated as over-appropriated, and the canals supplying water to the region's irrigation districts are relatively inefficient due to aging infrastructure and evolving water needs. By upgrading existing infrastructure and improving canal delivery efficiency, this watershed plan aims to address streamflow shortages downstream, recharge groundwater supplies, and optimize water use for producers.

Potential alternatives within the watershed include, but are not limited to, no action, structural measures such as replacing headgates and in-stream diversion structures, constructing new or upgrading existing water control structures for improved delivery efficiency, non-structural measures including Best Management Practices (BMPs), and concrete lining all canal channels.

This request is being made because your agency has been identified as having special expertise or jurisdiction by law related to this project. The Watershed 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

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(P.L. 83-566) for this project. As your agency may have permitting authority and NEPA compliance responsibilities concerning the project evaluated in this Plan-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 receival 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, ASTC-Water Resources and Easements, by email at melissa.baier@usda.gov or by phone at 402.437.4065.

Sincerely,

Robert D. Lawson

Digitally signed by ROBERT LAWSON
Date: 2024.10.15 14:36:51 -05'00'

ROBERT D. LAWSON
State Conservationist

Enclosure: East Clear Creek Watershed-North Platte River Project Area Map

cc:
Allen Gehring, State Conservation Engineer, NRCS – Lincoln State Office
Melissa Baier, ASTC-WR & E, NRCS – Lincoln State Office
Nicole Zimmerman, Acting Watershed Coordinator, NRCS – Lincoln State Office
Kent Miller, General Manager, Twin Platte NRD

USDA Natural Resources Conservation Service
U.S. DEPARTMENT OF AGRICULTURE
Nebraska State Office
1121 Lincoln Mall
Room 360
Lincoln, NE 68508

SENT VIA EMAIL

October 15, 2024

Mark Porath
Nebraska Project Leader/Field Supervisor
Ecological Services, Mountain-Prairie Region
US Fish and Wildlife Service, Nebraska Field Office
9325 South Alda Road
Wood River, NE 68883

RE: Formal Request to be a Cooperating Agency for the East Clear Creek-North Platte River Watershed Plan – Environmental Assessment

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, the Natural Resources Conservation Service (NRCS) is formally requesting your agency to become a cooperating agency in the planning and development of the Plan-EA for the East Clear Creek-North Platte Watershed Agricultural Water Management Project. The project area encompasses 205,684 acres within Lincoln, Keith, and Arthur Counties, Nebraska.

The purpose of this project is to enhance agricultural water management and improve surface water irrigation within the Twin Platte Natural Resources District (TP NRD). The Platte River in the project area is designated as over-appropriated, and the canals supplying water to the region's irrigation districts are relatively inefficient due to aging infrastructure and evolving water needs. By upgrading existing infrastructure and improving canal delivery efficiency, this watershed plan aims to address streamflow shortages downstream, recharge groundwater supplies, and optimize water use for producers.

Potential alternatives within the watershed include, but are not limited to, no action, structural measures such as replacing headgates and in-stream diversion structures, constructing new or upgrading existing water control structures for improved delivery efficiency, non-structural measures including Best Management Practices (BMPs), and concrete lining all canal channels.

This request is being made because your agency has been identified as having special expertise or jurisdiction by law related to this project. The Watershed Plan-EA is being prepared to fulfill NRCS NEPA compliance responsibilities pertaining to the federal

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

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 Plan-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 receival 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, ASTC-Water Resources and Easements, by email at melissa.baier@usda.gov or by phone at 402.437.4065.

Sincerely,

Robert D. Lawson

Digitally signed by ROBERT LAWSON
Date: 2024.10.15 14:37:24 -05'00'

ROBERT D. LAWSON
State Conservationist

Enclosure: East Clear Creek Watershed-North Platte River Project Area Map

cc:
Allen Gehring, State Conservation Engineer, NRCS – Lincoln State Office
Melissa Baier, ASTC-WR & E, NRCS – Lincoln State Office
Nicole Zimmerman, Acting Watershed Coordinator, NRCS – Lincoln State Office
Kent Miller, General Manager, Twin Platte NRD

A.7 NEPA Cooperating Agency Responses

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, 2024

Regulatory Branch, Nebraska Section, Cooperating Agency Acceptance, Multiple WFPOs Across the State of Nebraska

Ms. Melissa Baier
U.S. Department of Agriculture
Natural Resources Conservation Services
1121 Lincoln Mall
Room 360
Lincoln, NE 68508-3866

Dear Ms. Baier:

We are responding to your October 15, 2024, 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 or Environmental Impact Statement for the following projects:

Project Name	Project Sponsor	Project Location	USACE Project Number	USACE PM
East Clear Creek-North Platte River Watershed Plan	Natural Resources Conservation Service	Lincoln, Kieth, Arthur Counties	NWO-2024-01710-WEH	Eric Soe

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 listed above in any correspondence concerning this project. If you have any questions, please contact Eric Soe by email at eric.k.soe@usace.army.mil. For more information regarding our program, please visit our website at http://www.nwo.usace.army.mil/Missions/RegulatoryProgram/Nebraska.aspx.

Sincerely,

Jeremy Grauf
Chief, Nebraska Section

United States Department of the Interior

FISH AND WILDLIFE SERVICE
Ecological Services
9325 South Alda Road
Wood River, Nebraska 68883

IN REPLY REFER TO:
NRCS Request for Cooperating Agency for
East Clear Creek-North Platte River Watershed Plan-EA

November 1, 2024

Mr. Robert D. Lawson
NRCS State Conservationist
Natural Resource Conservation Services
1121 Lincoln Mall
Lincoln, Nebraska 68508

Dear Mr. Lawson:

This responds to your October 15th, 2024 request for the U.S. Fish and Wildlife Service (Service) to participate as a cooperating agency in the planning and development of the Plan-EA regarding the East Clear Creek – North Platte River Watershed Protection Project, in Lincoln, Keith, and Arthur counties, Nebraska.

The Service consents to participate as a cooperating agency to fulfill your compliance responsibilities under the National Environmental Policy Act (NEPA; 40 CFR 1501.6) in a role that is yet to be defined in an informal agreement or a formal memorandum of understanding (MOU).

In addition to participating as a cooperating agency, the Service has responsibility for the conservation and management of fish and wildlife resources for the benefit of the American public and will be reviewing the project under the following authorities: 1) Endangered Species Act (ESA); 2) Fish and Wildlife Coordination Act (FWCA); 3) Bald and Golden Eagle Protection Act (Eagle Act); and 4) Migratory Bird Treaty Act (MBTA). Additionally, under the Watershed Protection and Flood Prevention Act (WPFPA), the Service is to be given the opportunity to provide recommendations for the project concerning wildlife resources. A brief description of these acts can be found below:

ENDANGERED SPECIES ACT

In the Endangered Species Act (ESA; 16 U.S.C. 1531-1544) pursuant to section 7(a)(1), all Federal agencies shall, in consultation with and with the assistance of the Secretary, utilize their authorities in furtherance of the purposes of this Act by carrying out programs for the conservation of endangered species and threatened species listed pursuant to section 4 of this Act. Pursuant to section 7(a)(2) of the ESA, every federal agency, shall in consultation with the Service, ensure that any action they authorize, fund, or carry out is not likely to jeopardize the

continued existence of a listed species or result in the destruction or adverse modification of designated critical habitat. If a proposed project may affect federally listed species or designated critical habitat, section 7 consultation is required.

FISH AND WILDLIFE COORDINATION ACT

The Fish and Wildlife Coordination Act (FWCA; 16 U.S.C. 661-666(e)) requires consultation with the Service and State fish and wildlife agency (in this case NGPC) for the purpose of giving equal consideration to fish and wildlife resources in the planning, implementation, and operation of federal and federally funded, permitted, or licensed water resource development projects. The FWCA requires that federal agencies take into consideration the effect that water related projects may have on fish and wildlife resources, to take action to avoid impact to these resources, and to provide for the enhancement of these resources.

To determine if the proposed project may affect fish and wildlife resources of the State of Nebraska under the FWCA, the Service recommends that the project proponent contact the Nebraska Environmental Review Team (ngpc.envreview@nebraska.gov) and/or Ruby Rolland (ruby.rolland@nebraska.gov), Nebraska Game and Parks Commission, 2200 North 33rd Street, Lincoln, Nebraska 68503-0370, (402) 471-5554.

BALD AND GOLDEN EAGLE PROTECTION ACT

The bald eagle (*Haliaeetus leucocephalus*) and golden eagle (*Aquila chrysaetos*) are protected from a variety of harmful actions via take prohibitions in both the Migratory Bird Treaty Act[1] (MBTA; 16 U.S.C. 703-712) and the Bald and Golden Eagle Protection Act (BGEPA; 16 U.S.C. 668–668d). The BGEPA, enacted in 1940 and amended several times, prohibits take of bald eagles and golden eagles, including their parts, nests, young or eggs, except where otherwise permitted pursuant to federal regulations. Incidental take of eagles from any actions, such as electrocutions from power lines or wind turbine strikes, are prohibited unless specifically authorized via an eagle incidental take permit from the Service. The Service provides the option for ePermits that can be acquired online as well as additional information about eagle take permitting. BGEPA provides penalties for persons who "take, possess, sell, purchase, barter, offer to sell, purchase or barter, transport, export or import, at any time or any manner, any bald eagle ... [or any golden eagle], alive or dead, or any part, nest, or egg thereof." BGEPA defines take to include the following actions: "pursue, shoot, shoot at, poison, wound, kill, capture, trap, collect, molest or disturb." The Service expanded this definition by regulation to include the term “destroy” to ensure that “take” also encompasses destruction of eagle nests. Also the Service defined the term disturb which means to agitate or bother a bald or golden eagle to a degree that causes, or is likely to cause, based on the best scientific information available, (1) injury to an eagle, (2) a decrease in its productivity, by substantially interfering with normal breeding, feeding, or sheltering behavior, or (3) nest abandonment, by substantially interfering with normal breeding, feeding, or sheltering behavior.

[1]The MBTA list of protected species includes bald and golden eagles, and the law has been an effective tool to pursue incidental take cases involving eagles. However, the primary law protecting eagles is the Bald and Golden Eagle Protection Act (BGEPA) (16 U.S. Code § 668), since the bald eagle was delisted under the Endangered Species Act in 2007.

- The 2007 *National Bald Eagle Management Guidelines* serve to advise landowners, land managers, and others who share public and private lands with bald eagles when and under what circumstances the protective provisions of BGEPA may apply. They provide conservation recommendations to help people avoid and/or minimize such impacts to bald eagles, particularly where they may constitute "disturbance," which is prohibited by the BGEPA.

The Service also has promulgated new permit regulations under BGEPA:

- New eagle permit regulations, as allowed under BGEPA, were promulgated by the Service in 2009 (74 FR 46836; Sept. 11, 2009) and revised in 2016 (81 FR 91494; Dec. 16, 2016). The regulations authorize the limited take of bald and golden eagles where the take to be authorized is associated with otherwise lawful activities. These regulations also establish permit provisions for intentional take of eagle nests where necessary to ensure public health and safety, in addition to other limited circumstances. The revisions in 2016 included changes to permit issuance criteria and duration, definitions, compensatory mitigation standards, criteria for eagle nest removal permits, permit application requirements, and fees in order to clarify, improve implementation and increase compliance while still protecting eagles.

The Service's Office of Law Enforcement carries out its mission to protect eagles through investigations and enforcement, as well as by fostering relationships with individuals, companies, industries and agencies that have taken effective steps to avoid take, including incidental take of these species, and encouraging others to implement measures to avoid take. The Office of Law Enforcement focuses its resources on investigating individuals and entities that take eagles without identifying and implementing all reasonable, prudent and effective measures to avoid that take. Those individuals and entities are encouraged to work closely with Service biologists to identify available protective measures, and to implement those measures during all activities or situations where their action or inaction may result in the take of an eagle(s).

MIGRATORY BIRD TREATY ACT

The Migratory Bird Treaty Act (MBTA; 16 U.S.C. 703-712), implements four international conservation treaties that the U.S. entered into with Canada in 1916, Mexico in 1936, Japan in 1972, and Russia in 1976. It is intended to ensure the sustainability of populations of all protected migratory bird species and prohibits the take (including killing, capturing, selling, trading, and transport) of protected migratory bird species without prior authorization by the Department of Interior U.S. Fish and Wildlife Service. MBTA does not apply to nonnative species of birds. An updated list of those species was published in 2020. Regulations regarding migratory bird permits can be found in the Code of Federal Regulations (50 CFR 21). The Service issues ePermits through the Migratory Bird Permit Program which is in development.

WATERSHED PROTECTIONS AND FLOOD PREVENTION ACT

In accordance with the Watershed Protections and Flood Prevention Act (WPFPA; P.L. 83-566 Section 12), the Service, if so desires, may make surveys and investigations and prepare a report

with recommendations concerning the conservation and development of wildlife resources and participate in the preparation of a plan for works of improvement.

In summary, we greatly appreciate the NRCS and the applicant(s) including the Service as a cooperating agency in the planning of this project. We deeply appreciate your dedication to the conservation of Nebraska and its natural resources. Should you have questions, please contact Mallory Jaymes within our office at mallory_jaymes@fws.gov or (308) 850-4114.

Sincerely,

MARK PORATH

Digitally signed by MARK PORATH
Date: 2024.11.01 12:43:33 -05'00'

Mark Porath
Nebraska Project Leader/Field Office Supervisor
Mountain-Prairie Region

cc: NRCS
Allen Gehring, State Conservation Engineer, NRCS – Lincoln State Office
Melissa Baier, ASTC-WR & E, NRCS – Lincoln State Office
Nicole Zimmerman, Acting Watershed Coordinator, NRCS – Lincoln State Office

NRD
Kent Miller, General Manager, Twin Platte NRD

A.8 FPPA Determination

Natural Resources Conservation Service
U.S. DEPARTMENT OF AGRICULTURE

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

Subject: LNU-Farmland Protection
North Platte Irrigation Canal Diversion Modernization Project
NEPA/FPPA Evaluation
Keith and Lincoln County, Nebraska

Date: November 14, 2025

To: Olsson

Attn: Carrie Wiese, Senior Scientist/Water (cwiese@olsson.com)

We have reviewed the information provided in your correspondence dated November 14, 2025, concerning the irrigation canal diversion modernization project located in Keith and Lincoln 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 Platte Valley/Paxton-Hershey site **does not** contain areas of Prime Farmland or Statewide Important Farmland. Additionally, repair and replacement of existing structures are exempt from the provisions of FPPA per the Farmland Protection Policy Act Subpart B, 523.11, C. Activities Not Subject to Provisions of FPPA. Due to these reasons, the proposed project is exempt from provisions of FPPA and no further consideration for protection 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
USDA-NRCS Nebraska Assistant State Soil Scientist

Attachment: N/A

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

A.9 NHPA Section 106 Consultation Request Letters

USDA 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

December 30, 2025

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

RE: North Platte Area Irrigation District Modernization/East Clear Creek Watershed

Dear The Honoralbe Alonzo Denney,

In accordance with Section 106 of the National Historic Preservation Act of 1966 (NHPA) and its implementing regulations (36 CFR Part 800), the Natural Resources Conservation Service (NRCS) is requesting to consult with you on a proposed undertaking in Lincoln and Keith Counties, Nebraska (HP#24211-069-01). Per 36 CFR 800.4, we have defined the area of potential effect (APE), completed a cultural resources inventory, and evaluated the historical significance of the resources identified during the inventory. We have also made a finding of No Adverse Effect for this undertaking.

Undertaking Description
NRCS is providing financial assistance to the Twin Platte Natural Resources District (TPNRD) through the P.L. 83-566 Small Watershed Program to develop a watershed plan. The purpose of the plan is to provide a safe, reliable, and efficient supply of irrigation water to six irrigation districts in the North Platte area. NRCS is the lead Federal agency under the National Environmental Policy Act (NEPA) and NHPA. NRCS and TPNRD are preparing an environmental assessment (EA) as part of the watershed planning process to evaluate the environmental impacts of the proposed agricultural water management plan.

NRCS and the TPNRD held agency and public scoping meetings regarding the watershed plan on December 9th, 2024. We anticipate that the draft Watershed Plan and EA (Plan-EA) will be available for public review in the summer or fall of 2026 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.

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

The proposed action identified in the Watershed Plan includes complete or partial replacement of six diversion structures along the North Platte River: Keith-Lincoln, Platte Valley, Paxton-Hershey, Suburban, Birdwood, and Cody-Dillon.

Keith-Lincoln Modernization and Partial Replacement

Improvements to achieve better efficiency and modernization for the Keith-Lincoln diversion would include restoration of grades behind the river gate side walls and placement of riprap. Flowable fill would also be placed below the south river gate sidewall. Additionally, a riprap plunge pool would be constructed downstream, with a sheet pile cut-off wall installed as well. The river and canal gate seals would be replaced, as well as the actuators to accommodate an automated control system. The canal gates would also be cleaned and seals replaced. Finally, updated safety features would include updated/additional lighting and installation of 42-inch-high handrails to the river and canal gate walkways. For public safety and security, features would also include fencing at both the river gates and canal gates.

Platte Valley/Paxton-Hershey Modernized Combined Diversion

Construction of a combined, modernized diversion structure serving both Platte Valley and Paxton-Hershey's canals would include removal of the existing, separate structures. The new structure would include extensive sheet piling to ensure structural stability, as well as other modernized structural components including automated river gates and separately operable canal gates. A level control manhole with a pressure transducer stilling well would be constructed to measure water level in the river at the diversion structure. Additionally, the Paxton-Hershey canal would be extended from its present extent to the new diversion structure. Updated features to provide for safe operation of each canal, independently, would include lighting and 42-inch-high handrails. For public safety and security, features would also include fencing at both the river gates and canal gates. Electrical power would be extended to the site from the original Platte Valley diversion site, about 700 feet to the southwest.

Suburban Modernization and Partial Replacement

Improvements to achieve better efficiency and modernization for the Suburban diversion would include replacement of the canal gate structure. Grading would also be done on the north riverbank, as well as placement of riprap. Additionally, a riprap plunge pool would be constructed downstream of the canal gate structure, with installation of sheet piling on the upstream side of the river gates as well as the downstream side and downstream of the spillway. River gate operators and actuators would also be added to allow installation of an automated control system. Finally, updated safety features would include new lighting and installation of 42-inch-high handrails to the river walkway; addition of lighting would require extension of electrical power to the site. For public safety and security, features would also include fencing at both the river gate and canal gate structures.

Birdwood Modernization and Full Replacement

Improvement to achieve better efficiency and modernization for the Birdwood diversion includes full replacement. Replacement involves extensive sheet piling to ensure structural stability, as well as other modernized structural components including automated river gates. A level control manhole with a pressure transducer stilling well would be constructed to measure water level in the river at the diversion structure. A sand chamber would be constructed to catch sand before water is diverted into the canal, improving the ease of O&M for canal personnel. For public safety and security, features

would also include fencing at both the river gates and canal gates. Updated safety features would include new lighting and installation of 42-inch-high handrails on new river and canal gate walkways; addition of lighting would require extension of electrical power to the site.

Cody-Dillon Modernization and Full Replacement

As with the Birdwood diversion, replacement of the Cody-Dillon diversion would include extensive sheet piling and other modernized structural components including separate operable and automated river gates and separately operable canal gates. A level control manhole with a pressure transducer stilling well would be constructed to measure water level in the river at the diversion structure. Fencing would also be added around the diversion for public safety, and safety features for canal personnel would include lighting and handrails, including extension of electrical power to the site.

Area of Potential Effects (APE)

The APE totals approximately 268 acres. This includes all areas that could be directly or indirectly affected by activities associated with this undertaking, including access routes, staging areas, excavation, grading, tree removal, power line extensions, fencing, riprap installation, diversion gate replacement, sheet piles installation, extension of the Paxton-Hershey canal, sediment disposal, etc. The cultural resources investigation included a 100-foot buffer around the diversion structures and canal extension to account for visual and other effects to historic properties. The Birdwood Diversion APE is in Section 2, Township 14 North, Range 33 West and Section 35, Township 15 North, Range 33 West. The Cody-Dillon Diversion APE is in Sections 10, 15, and 16 of Township 14 North, Range 31 West. The Keith-Lincoln Diversion APE is in Sections 7, 17, 18, 19, and 20 of Township 14 North, Range 36 West. The Platte Valley and Paxton-Hershey Diversion APE is in Sections 7, 13, 17, and 18 of Township 14 North, Range 33 West. The Suburban Diversion APE is in Sections 12 and 13 of Township 14 North Range 33 West and Sections 7 and 18 of Township 14 North, Range 32 West. Maps and photographs of the APE are available in the cultural resources inventory report, which is available for download at https://tinyurl.com/8nk43krm.

Cultural Resource and Historic Property Identification

Cultural Resource Analysts, Inc. (CRA) conducted the cultural resources inventory of the APE. Prior to the field investigation, CRA staff completed 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 as well as NRHP listed properties within one mile of the APE. No archeological sites or historic structures are recorded within the APE. No NRHP listed properties were identified within one mile of the APE. Two previously recorded archaeological resources (25LN17 and 25LN18) are recorded within one mile of the Birdwood Diversion APE. The routes of the California National Historic Trail and the Mormon Pioneer National Historic Trail intersect the Keith-Lincoln Diversion APE the Platte Valley. California National Historic Trail also intersects the Paxton-Hershey Diversion APE, and the route of the Mormon-Pioneer National Historic Trail is within one mile of the Birdwood, Suburban, and Cody-Dillon Diversion APEs.

CRA conducted cultural resources field investigations on July 14-21, 2025, and September 2-4, 2025. The entire APE was investigated. Field survey methods included

intensive pedestrian visual inspection with transects no more than 30 meters apart and shovel testing. The field personnel examined subsurface exposures, such as the cut banks of the existing canals, road cuts, plowed fields, irrigator wheel ruts, animal burrows, and other disturbances, for signs of buried cultural materials. Survey visibility was good with approximately 60% bare ground. Poor visibility was noted along the canals. Shovel tests were excavated at approximately 200-meter intervals to support the pedestrian inventory. Shovel tests were excavated in controlled stratigraphic levels and screened through ¼" hardware cloth.

No buried cultural materials were encountered in the shovel tests (except those excavated at site 25LN148). This is likely due to erosion from agriculture, disturbances from canal construction, and the fact that most of the project area is within a floodplain.

The pedestrian inventory recorded and evaluated one historic archaeological site, three historic architectural sites, and documented seven historic linear resources. All cultural resources identified were evaluated for eligibility for inclusion in the National Register of Historic Places (NRHP) following the guidelines in National Register Bulletin No. 15.

Site 25LN148 is the archeological remains of a historic farmstead. The site includes a concrete foundation, an access road, a subsurface trash deposition, and a partially buried deposit of concrete rubble. Artifacts observed on the surface and recovered from shovel tests included plastic, aluminum foil, aluminum beverage cans with pull tabs, trash bag fragments, clear glass, soda bottle glass, and ceramics as well as fragments of plastic children's toys, such as a small blue plastic A-7 Corsair II fighter jet. The artifacts all date from the late 1960s to the early 1980s. According to a neighboring landowner, the trash encountered in the shovel tests was left by a ditch runner for the North Platte Canal in the late 1970s. The foundation belonged to a house where his grandparents lived in the 1930s, and the house burned in the 1970s after a high school party. Site 25LN148 is not associated with events or people significant to history (Criteria A and B), it does not contain architecture that is distinctive of a period, type, or method of construction and is not a significant and distinguishable entity (Criterion C), and it is unlikely to contribute information important in history or prehistory (Criterion D). NRCS finds that the site is not eligible for the NRHP under any criterion.

LN00-260 is an occupied farmstead with a house, a summer kitchen with lean-to, a concrete livestock water tank, an old water well with poured concrete foundation, a small concrete foundation, and a depression. The site is not associated with events or people significant to history (Criteria A and B), it does not contain architecture that is distinctive of a period, type, or method of construction and is not a significant and distinguishable entity (Criterion C), and it is unlikely to contribute information important in history or prehistory (Criterion D). NRCS finds that the site is not eligible for the NRHP under any criterion.

LN00-261 is also an occupied farmstead with a house, a two-car garage, three outbuildings, a windmill, a chicken house, a corncrib, a livestock barn, a pole barn, a Quonset storage building, a modern steel machine shed, six modern steel grain bins, two sugar beet storage bins, and a collection of old farm equipment. The site is not associated with events or people significant to history (Criteria A and B), it does not contain architecture that is distinctive of a period, type, or method of construction and is not a significant and distinguishable entity (Criterion C), and it is unlikely to contribute

information important in history or prehistory (Criterion D). NRCS finds that the site is not eligible for the NRHP under any criterion.

KH00-104 is a historic bridge over the North Platte River. It is a single lane vehicle bridge made with large steel I-beam stringers supported by steel bent piers. The bridge was likely constructed between 1919 and 1954. The bridge is not associated with events or people significant to history (Criteria A and B), it does not contain architecture that is distinctive of a period, type, or method of construction and is not a significant and distinguishable entity (Criterion C), and it is unlikely to contribute information important in history or prehistory (Criterion D). NRCS finds that the site is not eligible for the NRHP under any criterion.

The Keith-Lincoln Canal was built between 1898 and 1899. The North Platte (Platte Valley) Canal was built between 1883 and 1884. The Paxton-Hershey Canal was built in 1894. The Birdwood Canal was built between 1894 and 1895. The Suburban Canal was built in 1894. The Cody-Dillon Canal was built in 1893 and was owned by William F. "Buffalo Bill" Cody. All six canals are considered eligible for the NRHP under Criterion A for their roles in irrigation, agriculture, and economic development in western Nebraska. The Cody-Dillon Canal is also considered to be eligible under Criterion B for its association with William F. "Buffalo Bill" Cody. However, the diversion structures lack integrity of materials, design, feeling, and workmanship and do not contribute to the canals' eligibility.

Two segments of the historic alignment of the Omaha and Republican Valley (O&RV) Railway Company (now the Union Pacific Railroad) were also documented by the cultural resources investigation. The railroad was constructed in the late 1880s and was important to the economic and commercial development of northwestern Nebraska and maintaining the economic viability of the Union Pacific Railroads which was a major driver of development across the American West. The railroad alignment is considered eligible for the NRHP under Criterion A, but the two segments that intersect the project APE are considered non-contributing to the railroad's eligibility due to a lack of integrity of design, setting, materials, workmanship, and feeling.

The cultural resource survey did not find any evidence of cultural materials or features related to the Mormon Pioneer or California National Historic Trails within the APE.

Impacts to Cultural Resources

The resources identified in the cultural resource investigation as LN00-260, LN00-261, KH00-104, and the OR&V Railway will not be damaged, destroyed, or altered by this project. There may be temporary auditory and visual effects to the farmsteads during construction from equipment operation, but the farmsteads are not considered to be eligible for the NRHP. Construction equipment will travel over the railroad tracks and the bridge to access the diversion structures, but this activity is in keeping with current vehicular traffic. The bridge is not eligible for the NRHP. There will be no adverse effects to the OR&V Railway.

The project will replace all or part of the diversion structures for the Keith-Lincoln, Birdwood, Suburban, and Cody-Dillon Canals. The original diversion structures for the Platte Valley (North Platte) and Paxton-Hershey Canals will be removed and replaced with a single structure located between the two original diversions. The diversion

structures have been maintained and updated throughout the lives of the structures and are not considered to contribute to the canals' eligibility for the NRHP. Additionally, the proposed changes to the gates will be made in kind and will not alter any of the features or elements that make the canals eligible for inclusion in the NRHP.

There will be no effects on the Mormon Pioneer or California National Historic Trails. Although the mapped routes of the trails cross part of the APE, no physical features of the trail were identified by the cultural resources inventory. No ground disturbance is proposed within the mapped route of the Trails. Construction equipment will use existing roads to cross the trail routes. The National Historic Trails will not be damaged, destroyed, or altered by this project.

Determination of Effects

In accordance with 36 CFR 800.5(b), NRCS finds that the North Platte Area Irrigation District Modernization project will have No Adverse Effect on historic properties. No mitigation is necessary. If any cultural resources are identified during construction, all activities will be halted immediately and NRCS will proceed in accordance with the regulation on post-review discoveries (36 CFR § 800.13).

We kindly request that you please respond to this letter within 30 days of receipt with your comments on the undertaking. If you would like to schedule a Section 106 consultation meeting with us to discuss this undertaking further, please contact Melissa Baier, Assistant State Conservationist for Water Resources and Easements, by email at melissa.baier@usda.gov or 402.437.4065 with preferred dates and times.

If you have any questions or need to request additional information, please contact Melissa Baier. Thank you very much for your consideration of this undertaking.

Sincerely,



ROBERT D. LAWSON
State Conservationist

Attachments available for download at https://tinyurl.com/8nk43krm:

- Weston, Jason D. 2025. *Intensive Cultural Resource Survey of the East Clear Creek Watershed Environmental Assessment Project Alternatives, Keith and Lincoln Counties, Nebraska*
- Site Forms
- Maps
- Shapefiles and KMZs of APE and Ground Disturbance

cc:
Larry Thomas, THPO, Santee Sioux Nation of NE, 52948 Hwy 12, Niobrara NE 68760

USDA 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

December 30, 2025

The Honorable Boyd Gourneau
Chairman
Lower Brule Sioux Tribe
187 Oyate Circle
Lower Brule, SD 57548

RE: North Platte Area Irrigation District Modernization/East Clear Creek Watershed

Dear The Honorable Boyd Gourneau,

In accordance with Section 106 of the National Historic Preservation Act of 1966 (NHPA) and its implementing regulations (36 CFR Part 800), the Natural Resources Conservation Service (NRCS) is requesting to consult with you on a proposed undertaking in Lincoln and Keith Counties, Nebraska (HP#24211-069-01). Per 36 CFR 800.4, we have defined the area of potential effect (APE), completed a cultural resources inventory, and evaluated the historical significance of the resources identified during the inventory. We have also made a finding of No Adverse Effect for this undertaking.

Undertaking Description
NRCS is providing financial assistance to the Twin Platte Natural Resources District (TPNRD) through the P.L. 83-566 Small Watershed Program to develop a watershed plan. The purpose of the plan is to provide a safe, reliable, and efficient supply of irrigation water to six irrigation districts in the North Platte area. NRCS is the lead Federal agency under the National Environmental Policy Act (NEPA) and NHPA. NRCS and TPNRD are preparing an environmental assessment (EA) as part of the watershed planning process to evaluate the environmental impacts of the proposed agricultural water management plan.

NRCS and the TPNRD held agency and public scoping meetings regarding the watershed plan on December 9th, 2024. We anticipate that the draft Watershed Plan and EA (Plan-EA) will be available for public review in the summer or fall of 2026 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.

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

The proposed action identified in the Watershed Plan includes complete or partial replacement of six diversion structures along the North Platte River: Keith-Lincoln, Platte Valley, Paxton-Hershey, Suburban, Birdwood, and Cody-Dillon.

Keith-Lincoln Modernization and Partial Replacement

Improvements to achieve better efficiency and modernization for the Keith-Lincoln diversion would include restoration of grades behind the river gate side walls and placement of riprap. Flowable fill would also be placed below the south river gate sidewall. Additionally, a riprap plunge pool would be constructed downstream, with a sheet pile cut-off wall installed as well. The river and canal gate seals would be replaced, as well as the actuators to accommodate an automated control system. The canal gates would also be cleaned and seals replaced. Finally, updated safety features would include updated/additional lighting and installation of 42-inch-high handrails to the river and canal gate walkways. For public safety and security, features would also include fencing at both the river gates and canal gates.

Platte Valley/Paxton-Hershey Modernized Combined Diversion

Construction of a combined, modernized diversion structure serving both Platte Valley and Paxton-Hershey's canals would include removal of the existing, separate structures. The new structure would include extensive sheet piling to ensure structural stability, as well as other modernized structural components including automated river gates and separately operable canal gates. A level control manhole with a pressure transducer stilling well would be constructed to measure water level in the river at the diversion structure. Additionally, the Paxton-Hershey canal would be extended from its present extent to the new diversion structure. Updated features to provide for safe operation of each canal, independently, would include lighting and 42-inch-high handrails. For public safety and security, features would also include fencing at both the river gates and canal gates. Electrical power would be extended to the site from the original Platte Valley diversion site, about 700 feet to the southwest.

Suburban Modernization and Partial Replacement

Improvements to achieve better efficiency and modernization for the Suburban diversion would include replacement of the canal gate structure. Grading would also be done on the north riverbank, as well as placement of riprap. Additionally, a riprap plunge pool would be constructed downstream of the canal gate structure, with installation of sheet piling on the upstream side of the river gates as well as the downstream side and downstream of the spillway. River gate operators and actuators would also be added to allow installation of an automated control system. Finally, updated safety features would include new lighting and installation of 42-inch-high handrails to the river walkway; addition of lighting would require extension of electrical power to the site. For public safety and security, features would also include fencing at both the river gate and canal gate structures.

Birdwood Modernization and Full Replacement

Improvement to achieve better efficiency and modernization for the Birdwood diversion includes full replacement. Replacement involves extensive sheet piling to ensure structural stability, as well as other modernized structural components including automated river gates. A level control manhole with a pressure transducer stilling well would be constructed to measure water level in the river at the diversion structure. A sand chamber would be constructed to catch sand before water is diverted into the canal, improving the ease of O&M for canal personnel. For public safety and security, features

would also include fencing at both the river gates and canal gates. Updated safety features would include new lighting and installation of 42-inch-high handrails on new river and canal gate walkways; addition of lighting would require extension of electrical power to the site.

Cody-Dillon Modernization and Full Replacement

As with the Birdwood diversion, replacement of the Cody-Dillon diversion would include extensive sheet piling and other modernized structural components including separate operable and automated river gates and separately operable canal gates. A level control manhole with a pressure transducer stilling well would be constructed to measure water level in the river at the diversion structure. Fencing would also be added around the diversion for public safety, and safety features for canal personnel would include lighting and handrails, including extension of electrical power to the site.

Area of Potential Effects (APE)

The APE totals approximately 268 acres. This includes all areas that could be directly or indirectly affected by activities associated with this undertaking, including access routes, staging areas, excavation, grading, tree removal, power line extensions, fencing, riprap installation, diversion gate replacement, sheet piles installation, extension of the Paxton-Hershey canal, sediment disposal, etc. The cultural resources investigation included a 100-foot buffer around the diversion structures and canal extension to account for visual and other effects to historic properties. The Birdwood Diversion APE is in Section 2, Township 14 North, Range 33 West and Section 35, Township 15 North, Range 33 West. The Cody-Dillon Diversion APE is in Sections 10, 15, and 16 of Township 14 North, Range 31 West. The Keith-Lincoln Diversion APE is in Sections 7, 17, 18, 19, and 20 of Township 14 North, Range 36 West. The Platte Valley and Paxton-Hershey Diversion APE is in Sections 7, 13, 17, and 18 of Township 14 North, Range 33 West. The Suburban Diversion APE is in Sections 12 and 13 of Township 14 North Range 33 West and Sections 7 and 18 of Township 14 North, Range 32 West. Maps and photographs of the APE are available in the cultural resources inventory report, which is available for download at https://tinyurl.com/8nk43krm.

Cultural Resource and Historic Property Identification

Cultural Resource Analysts, Inc. (CRA) conducted the cultural resources inventory of the APE. Prior to the field investigation, CRA staff completed 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 as well as NRHP listed properties within one mile of the APE. No archeological sites or historic structures are recorded within the APE. No NRHP listed properties were identified within one mile of the APE. Two previously recorded archaeological resources (25LN17 and 25LN18) are recorded within one mile of the Birdwood Diversion APE. The routes of the California National Historic Trail and the Mormon Pioneer National Historic Trail intersect the Keith-Lincoln Diversion APE the Platte Valley. California National Historic Trail also intersects the Paxton-Hershey Diversion APE, and the route of the Mormon-Pioneer National Historic Trail is within one mile of the Birdwood, Suburban, and Cody-Dillon Diversion APEs.

CRA conducted cultural resources field investigations on July 14-21, 2025, and September 2-4, 2025. The entire APE was investigated. Field survey methods included

intensive pedestrian visual inspection with transects no more than 30 meters apart and shovel testing. The field personnel examined subsurface exposures, such as the cut banks of the existing canals, road cuts, plowed fields, irrigator wheel ruts, animal burrows, and other disturbances, for signs of buried cultural materials. Survey visibility was good with approximately 60% bare ground. Poor visibility was noted along the canals. Shovel tests were excavated at approximately 200-meter intervals to support the pedestrian inventory. Shovel tests were excavated in controlled stratigraphic levels and screened through ¼" hardware cloth.

No buried cultural materials were encountered in the shovel tests (except those excavated at site 25LN148). This is likely due to erosion from agriculture, disturbances from canal construction, and the fact that most of the project area is within a floodplain.

The pedestrian inventory recorded and evaluated one historic archaeological site, three historic architectural sites, and documented seven historic linear resources. All cultural resources identified were evaluated for eligibility for inclusion in the National Register of Historic Places (NRHP) following the guidelines in National Register Bulletin No. 15.

Site 25LN148 is the archeological remains of a historic farmstead. The site includes a concrete foundation, an access road, a subsurface trash deposition, and a partially buried deposit of concrete rubble. Artifacts observed on the surface and recovered from shovel tests included plastic, aluminum foil, aluminum beverage cans with pull tabs, trash bag fragments, clear glass, soda bottle glass, and ceramics as well as fragments of plastic children's toys, such as a small blue plastic A-7 Corsair II fighter jet. The artifacts all date from the late 1960s to the early 1980s. According to a neighboring landowner, the trash encountered in the shovel tests was left by a ditch runner for the North Platte Canal in the late 1970s. The foundation belonged to a house where his grandparents lived in the 1930s, and the house burned in the 1970s after a high school party. Site 25LN148 is not associated with events or people significant to history (Criteria A and B), it does not contain architecture that is distinctive of a period, type, or method of construction and is not a significant and distinguishable entity (Criterion C), and it is unlikely to contribute information important in history or prehistory (Criterion D). NRCS finds that the site is not eligible for the NRHP under any criterion.

LN00-260 is an occupied farmstead with a house, a summer kitchen with lean-to, a concrete livestock water tank, an old water well with poured concrete foundation, a small concrete foundation, and a depression. The site is not associated with events or people significant to history (Criteria A and B), it does not contain architecture that is distinctive of a period, type, or method of construction and is not a significant and distinguishable entity (Criterion C), and it is unlikely to contribute information important in history or prehistory (Criterion D). NRCS finds that the site is not eligible for the NRHP under any criterion.

LN00-261 is also an occupied farmstead with a house, a two-car garage, three outbuildings, a windmill, a chicken house, a corncrib, a livestock barn, a pole barn, a Quonset storage building, a modern steel machine shed, six modern steel grain bins, two sugar beet storage bins, and a collection of old farm equipment. The site is not associated with events or people significant to history (Criteria A and B), it does not contain architecture that is distinctive of a period, type, or method of construction and is not a significant and distinguishable entity (Criterion C), and it is unlikely to contribute

information important in history or prehistory (Criterion D). NRCS finds that the site is not eligible for the NRHP under any criterion.

KH00-104 is a historic bridge over the North Platte River. It is a single lane vehicle bridge made with large steel I-beam stringers supported by steel bent piers. The bridge was likely constructed between 1919 and 1954. The bridge is not associated with events or people significant to history (Criteria A and B), it does not contain architecture that is distinctive of a period, type, or method of construction and is not a significant and distinguishable entity (Criterion C), and it is unlikely to contribute information important in history or prehistory (Criterion D). NRCS finds that the site is not eligible for the NRHP under any criterion.

The Keith-Lincoln Canal was built between 1898 and 1899. The North Platte (Platte Valley) Canal was built between 1883 and 1884. The Paxton-Hershey Canal was built in 1894. The Birdwood Canal was built between 1894 and 1895. The Suburban Canal was built in 1894. The Cody-Dillon Canal was built in 1893 and was owned by William F. "Buffalo Bill" Cody. All six canals are considered eligible for the NRHP under Criterion A for their roles in irrigation, agriculture, and economic development in western Nebraska. The Cody-Dillon Canal is also considered to be eligible under Criterion B for its association with William F. "Buffalo Bill" Cody. However, the diversion structures lack integrity of materials, design, feeling, and workmanship and do not contribute to the canals' eligibility.

Two segments of the historic alignment of the Omaha and Republican Valley (O&RV) Railway Company (now the Union Pacific Railroad) were also documented by the cultural resources investigation. The railroad was constructed in the late 1880s and was important to the economic and commercial development of northwestern Nebraska and maintaining the economic viability of the Union Pacific Railroads which was a major driver of development across the American West. The railroad alignment is considered eligible for the NRHP under Criterion A, but the two segments that intersect the project APE are considered non-contributing to the railroad's eligibility due to a lack of integrity of design, setting, materials, workmanship, and feeling.

The cultural resource survey did not find any evidence of cultural materials or features related to the Mormon Pioneer or California National Historic Trails within the APE.

Impacts to Cultural Resources

The resources identified in the cultural resource investigation as LN00-260, LN00-261, KH00-104, and the OR&V Railway will not be damaged, destroyed, or altered by this project. There may be temporary auditory and visual effects to the farmsteads during construction from equipment operation, but the farmsteads are not considered to be eligible for the NRHP. Construction equipment will travel over the railroad tracks and the bridge to access the diversion structures, but this activity is in keeping with current vehicular traffic. The bridge is not eligible for the NRHP. There will be no adverse effects to the OR&V Railway.

The project will replace all or part of the diversion structures for the Keith-Lincoln, Birdwood, Suburban, and Cody-Dillon Canals. The original diversion structures for the Platte Valley (North Platte) and Paxton-Hershey Canals will be removed and replaced with a single structure located between the two original diversions. The diversion

structures have been maintained and updated throughout the lives of the structures and are not considered to contribute to the canals' eligibility for the NRHP. Additionally, the proposed changes to the gates will be made in kind and will not alter any of the features or elements that make the canals eligible for inclusion in the NRHP.

There will be no effects on the Mormon Pioneer or California National Historic Trails. Although the mapped routes of the trails cross part of the APE, no physical features of the trail were identified by the cultural resources inventory. No ground disturbance is proposed within the mapped route of the Trails. Construction equipment will use existing roads to cross the trail routes. The National Historic Trails will not be damaged, destroyed, or altered by this project.

Determination of Effects

In accordance with 36 CFR 800.5(b), NRCS finds that the North Platte Area Irrigation District Modernization project will have No Adverse Effect on historic properties. No mitigation is necessary. If any cultural resources are identified during construction, all activities will be halted immediately and NRCS will proceed in accordance with the regulation on post-review discoveries (36 CFR § 800.13).

We kindly request that you please respond to this letter within 30 days of receipt with your comments on the undertaking. If you would like to schedule a Section 106 consultation meeting with us to discuss this undertaking further, please contact Melissa Baier, Assistant State Conservationist for Water Resources and Easements, by email at melissa.baier@usda.gov or 402.437.4065 with preferred dates and times.

If you have any questions or need to request additional information, please contact Melissa Baier. Thank you very much for your consideration of this undertaking.

Sincerely,

Robert D. Lawson

ROBERT D. LAWSON
State Conservationist

Attachments available for download at https://tinyurl.com/8nk43krm:

- Weston, Jason D. 2025. *Intensive Cultural Resource Survey of the East Clear Creek Watershed Environmental Assessment Project Alternatives, Keith and Lincoln Counties, Nebraska*
- Site Forms
- Maps
- Shapefiles and KMZs of APE and Ground Disturbance

cc:
Orville Langdeau, Director of the CR and Public Info., Lower Brule Sioux Tribe, 187 Oyate Circle, Lower Brule SD 57547

USDA 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

December 30, 2025

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

RE: North Platte Area Irrigation District Modernization/East Clear Creek Watershed

Dear The 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), the Natural Resources Conservation Service (NRCS) is requesting to consult with you on a proposed undertaking in Lincoln and Keith Counties, Nebraska (HP#24211-069-01). Per 36 CFR 800.4, we have defined the area of potential effect (APE), completed a cultural resources inventory, and evaluated the historical significance of the resources identified during the inventory. We have also made a finding of No Adverse Effect for this undertaking.

Undertaking Description
NRCS is providing financial assistance to the Twin Platte Natural Resources District (TPNRD) through the P.L. 83-566 Small Watershed Program to develop a watershed plan. The purpose of the plan is to provide a safe, reliable, and efficient supply of irrigation water to six irrigation districts in the North Platte area. NRCS is the lead Federal agency under the National Environmental Policy Act (NEPA) and NHPA. NRCS and TPNRD are preparing an environmental assessment (EA) as part of the watershed planning process to evaluate the environmental impacts of the proposed agricultural water management plan.

NRCS and the TPNRD held agency and public scoping meetings regarding the watershed plan on December 9th, 2024. We anticipate that the draft Watershed Plan and EA (Plan-EA) will be available for public review in the summer or fall of 2026 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.

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

The proposed action identified in the Watershed Plan includes complete or partial replacement of six diversion structures along the North Platte River: Keith-Lincoln, Platte Valley, Paxton-Hershey, Suburban, Birdwood, and Cody-Dillon.

Keith-Lincoln Modernization and Partial Replacement

Improvements to achieve better efficiency and modernization for the Keith-Lincoln diversion would include restoration of grades behind the river gate side walls and placement of riprap. Flowable fill would also be placed below the south river gate sidewall. Additionally, a riprap plunge pool would be constructed downstream, with a sheet pile cut-off wall installed as well. The river and canal gate seals would be replaced, as well as the actuators to accommodate an automated control system. The canal gates would also be cleaned and seals replaced. Finally, updated safety features would include updated/additional lighting and installation of 42-inch-high handrails to the river and canal gate walkways. For public safety and security, features would also include fencing at both the river gates and canal gates.

Platte Valley/Paxton-Hershey Modernized Combined Diversion

Construction of a combined, modernized diversion structure serving both Platte Valley and Paxton-Hershey's canals would include removal of the existing, separate structures. The new structure would include extensive sheet piling to ensure structural stability, as well as other modernized structural components including automated river gates and separately operable canal gates. A level control manhole with a pressure transducer stilling well would be constructed to measure water level in the river at the diversion structure. Additionally, the Paxton-Hershey canal would be extended from its present extent to the new diversion structure. Updated features to provide for safe operation of each canal, independently, would include lighting and 42-inch-high handrails. For public safety and security, features would also include fencing at both the river gates and canal gates. Electrical power would be extended to the site from the original Platte Valley diversion site, about 700 feet to the southwest.

Suburban Modernization and Partial Replacement

Improvements to achieve better efficiency and modernization for the Suburban diversion would include replacement of the canal gate structure. Grading would also be done on the north riverbank, as well as placement of riprap. Additionally, a riprap plunge pool would be constructed downstream of the canal gate structure, with installation of sheet piling on the upstream side of the river gates as well as the downstream side and downstream of the spillway. River gate operators and actuators would also be added to allow installation of an automated control system. Finally, updated safety features would include new lighting and installation of 42-inch-high handrails to the river walkway; addition of lighting would require extension of electrical power to the site. For public safety and security, features would also include fencing at both the river gate and canal gate structures.

Birdwood Modernization and Full Replacement

Improvement to achieve better efficiency and modernization for the Birdwood diversion includes full replacement. Replacement involves extensive sheet piling to ensure structural stability, as well as other modernized structural components including automated river gates. A level control manhole with a pressure transducer stilling well would be constructed to measure water level in the river at the diversion structure. A sand chamber would be constructed to catch sand before water is diverted into the canal, improving the ease of O&M for canal personnel. For public safety and security, features

would also include fencing at both the river gates and canal gates. Updated safety features would include new lighting and installation of 42-inch-high handrails on new river and canal gate walkways; addition of lighting would require extension of electrical power to the site.

Cody-Dillon Modernization and Full Replacement

As with the Birdwood diversion, replacement of the Cody-Dillon diversion would include extensive sheet piling and other modernized structural components including separate operable and automated river gates and separately operable canal gates. A level control manhole with a pressure transducer stilling well would be constructed to measure water level in the river at the diversion structure. Fencing would also be added around the diversion for public safety, and safety features for canal personnel would include lighting and handrails, including extension of electrical power to the site.

Area of Potential Effects (APE)

The APE totals approximately 268 acres. This includes all areas that could be directly or indirectly affected by activities associated with this undertaking, including access routes, staging areas, excavation, grading, tree removal, power line extensions, fencing, riprap installation, diversion gate replacement, sheet piles installation, extension of the Paxton-Hershey canal, sediment disposal, etc. The cultural resources investigation included a 100-foot buffer around the diversion structures and canal extension to account for visual and other effects to historic properties. The Birdwood Diversion APE is in Section 2, Township 14 North, Range 33 West and Section 35, Township 15 North, Range 33 West. The Cody-Dillon Diversion APE is in Sections 10, 15, and 16 of Township 14 North, Range 31 West. The Keith-Lincoln Diversion APE is in Sections 7, 17, 18, 19, and 20 of Township 14 North, Range 36 West. The Platte Valley and Paxton-Hershey Diversion APE is in Sections 7, 13, 17, and 18 of Township 14 North, Range 33 West. The Suburban Diversion APE is in Sections 12 and 13 of Township 14 North Range 33 West and Sections 7 and 18 of Township 14 North, Range 32 West. Maps and photographs of the APE are available in the cultural resources inventory report, which is available for download at https://tinyurl.com/8nk43krm.

Cultural Resource and Historic Property Identification

Cultural Resource Analysts, Inc. (CRA) conducted the cultural resources inventory of the APE. Prior to the field investigation, CRA staff completed 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 as well as NRHP listed properties within one mile of the APE. No archeological sites or historic structures are recorded within the APE. No NRHP listed properties were identified within one mile of the APE. Two previously recorded archaeological resources (25LN17 and 25LN18) are recorded within one mile of the Birdwood Diversion APE. The routes of the California National Historic Trail and the Mormon Pioneer National Historic Trail intersect the Keith-Lincoln Diversion APE the Platte Valley. California National Historic Trail also intersects the Paxton-Hershey Diversion APE, and the route of the Mormon-Pioneer National Historic Trail is within one mile of the Birdwood, Suburban, and Cody-Dillon Diversion APEs.

CRA conducted cultural resources field investigations on July 14-21, 2025, and September 2-4, 2025. The entire APE was investigated. Field survey methods included

intensive pedestrian visual inspection with transects no more than 30 meters apart and shovel testing. The field personnel examined subsurface exposures, such as the cut banks of the existing canals, road cuts, plowed fields, irrigator wheel ruts, animal burrows, and other disturbances, for signs of buried cultural materials. Survey visibility was good with approximately 60% bare ground. Poor visibility was noted along the canals. Shovel tests were excavated at approximately 200-meter intervals to support the pedestrian inventory. Shovel tests were excavated in controlled stratigraphic levels and screened through ¼" hardware cloth.

No buried cultural materials were encountered in the shovel tests (except those excavated at site 25LN148). This is likely due to erosion from agriculture, disturbances from canal construction, and the fact that most of the project area is within a floodplain.

The pedestrian inventory recorded and evaluated one historic archaeological site, three historic architectural sites, and documented seven historic linear resources. All cultural resources identified were evaluated for eligibility for inclusion in the National Register of Historic Places (NRHP) following the guidelines in National Register Bulletin No. 15.

Site 25LN148 is the archeological remains of a historic farmstead. The site includes a concrete foundation, an access road, a subsurface trash deposition, and a partially buried deposit of concrete rubble. Artifacts observed on the surface and recovered from shovel tests included plastic, aluminum foil, aluminum beverage cans with pull tabs, trash bag fragments, clear glass, soda bottle glass, and ceramics as well as fragments of plastic children's toys, such as a small blue plastic A-7 Corsair II fighter jet. The artifacts all date from the late 1960s to the early 1980s. According to a neighboring landowner, the trash encountered in the shovel tests was left by a ditch runner for the North Platte Canal in the late 1970s. The foundation belonged to a house where his grandparents lived in the 1930s, and the house burned in the 1970s after a high school party. Site 25LN148 is not associated with events or people significant to history (Criteria A and B), it does not contain architecture that is distinctive of a period, type, or method of construction and is not a significant and distinguishable entity (Criterion C), and it is unlikely to contribute information important in history or prehistory (Criterion D). NRCS finds that the site is not eligible for the NRHP under any criterion.

LN00-260 is an occupied farmstead with a house, a summer kitchen with lean-to, a concrete livestock water tank, an old water well with poured concrete foundation, a small concrete foundation, and a depression. The site is not associated with events or people significant to history (Criteria A and B), it does not contain architecture that is distinctive of a period, type, or method of construction and is not a significant and distinguishable entity (Criterion C), and it is unlikely to contribute information important in history or prehistory (Criterion D). NRCS finds that the site is not eligible for the NRHP under any criterion.

LN00-261 is also an occupied farmstead with a house, a two-car garage, three outbuildings, a windmill, a chicken house, a corncrib, a livestock barn, a pole barn, a Quonset storage building, a modern steel machine shed, six modern steel grain bins, two sugar beet storage bins, and a collection of old farm equipment. The site is not associated with events or people significant to history (Criteria A and B), it does not contain architecture that is distinctive of a period, type, or method of construction and is not a significant and distinguishable entity (Criterion C), and it is unlikely to contribute

information important in history or prehistory (Criterion D). NRCS finds that the site is not eligible for the NRHP under any criterion.

KH00-104 is a historic bridge over the North Platte River. It is a single lane vehicle bridge made with large steel I-beam stringers supported by steel bent piers. The bridge was likely constructed between 1919 and 1954. The bridge is not associated with events or people significant to history (Criteria A and B), it does not contain architecture that is distinctive of a period, type, or method of construction and is not a significant and distinguishable entity (Criterion C), and it is unlikely to contribute information important in history or prehistory (Criterion D). NRCS finds that the site is not eligible for the NRHP under any criterion.

The Keith-Lincoln Canal was built between 1898 and 1899. The North Platte (Platte Valley) Canal was built between 1883 and 1884. The Paxton-Hershey Canal was built in 1894. The Birdwood Canal was built between 1894 and 1895. The Suburban Canal was built in 1894. The Cody-Dillon Canal was built in 1893 and was owned by William F. "Buffalo Bill" Cody. All six canals are considered eligible for the NRHP under Criterion A for their roles in irrigation, agriculture, and economic development in western Nebraska. The Cody-Dillon Canal is also considered to be eligible under Criterion B for its association with William F. "Buffalo Bill" Cody. However, the diversion structures lack integrity of materials, design, feeling, and workmanship and do not contribute to the canals' eligibility.

Two segments of the historic alignment of the Omaha and Republican Valley (O&RV) Railway Company (now the Union Pacific Railroad) were also documented by the cultural resources investigation. The railroad was constructed in the late 1880s and was important to the economic and commercial development of northwestern Nebraska and maintaining the economic viability of the Union Pacific Railroads which was a major driver of development across the American West. The railroad alignment is considered eligible for the NRHP under Criterion A, but the two segments that intersect the project APE are considered non-contributing to the railroad's eligibility due to a lack of integrity of design, setting, materials, workmanship, and feeling.

The cultural resource survey did not find any evidence of cultural materials or features related to the Mormon Pioneer or California National Historic Trails within the APE.

Impacts to Cultural Resources

The resources identified in the cultural resource investigation as LN00-260, LN00-261, KH00-104, and the OR&V Railway will not be damaged, destroyed, or altered by this project. There may be temporary auditory and visual effects to the farmsteads during construction from equipment operation, but the farmsteads are not considered to be eligible for the NRHP. Construction equipment will travel over the railroad tracks and the bridge to access the diversion structures, but this activity is in keeping with current vehicular traffic. The bridge is not eligible for the NRHP. There will be no adverse effects to the OR&V Railway.

The project will replace all or part of the diversion structures for the Keith-Lincoln, Birdwood, Suburban, and Cody-Dillon Canals. The original diversion structures for the Platte Valley (North Platte) and Paxton-Hershey Canals will be removed and replaced with a single structure located between the two original diversions. The diversion

structures have been maintained and updated throughout the lives of the structures and are not considered to contribute to the canals' eligibility for the NRHP. Additionally, the proposed changes to the gates will be made in kind and will not alter any of the features or elements that make the canals eligible for inclusion in the NRHP.

There will be no effects on the Mormon Pioneer or California National Historic Trails. Although the mapped routes of the trails cross part of the APE, no physical features of the trail were identified by the cultural resources inventory. No ground disturbance is proposed within the mapped route of the Trails. Construction equipment will use existing roads to cross the trail routes. The National Historic Trails will not be damaged, destroyed, or altered by this project.

Determination of Effects

In accordance with 36 CFR 800.5(b), NRCS finds that the North Platte Area Irrigation District Modernization project will have No Adverse Effect on historic properties. No mitigation is necessary. If any cultural resources are identified during construction, all activities will be halted immediately and NRCS will proceed in accordance with the regulation on post-review discoveries (36 CFR § 800.13).

We kindly request that you please respond to this letter within 30 days of receipt with your comments on the undertaking. If you would like to schedule a Section 106 consultation meeting with us to discuss this undertaking further, please contact Melissa Baier, Assistant State Conservationist for Water Resources and Easements, by email at melissa.baier@usda.gov or 402.437.4065 with preferred dates and times.

If you have any questions or need to request additional information, please contact Melissa Baier. Thank you very much for your consideration of this undertaking.

Sincerely,

Robert D. Lawson

ROBERT D. LAWSON
State Conservationist

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- Site Forms
- Maps
- Shapefiles and KMZs of APE and Ground Disturbance

USDA 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

December 30, 2025

The Honorable Frank Star Comes Out
President
Ogala Sioux Tribe
PO Box 2070
Pine Ridge, SD 57770

RE: North Platte Area Irrigation District Modernization/East Clear Creek Watershed

Dear The Honorable Frank Star Comes Out,

In accordance with Section 106 of the National Historic Preservation Act of 1966 (NHPA) and its implementing regulations (36 CFR Part 800), the Natural Resources Conservation Service (NRCS) is requesting to consult with you on a proposed undertaking in Lincoln and Keith Counties, Nebraska (HP#24211-069-01). Per 36 CFR 800.4, we have defined the area of potential effect (APE), completed a cultural resources inventory, and evaluated the historical significance of the resources identified during the inventory. We have also made a finding of No Adverse Effect for this undertaking.

Undertaking Description
NRCS is providing financial assistance to the Twin Platte Natural Resources District (TPNRD) through the P.L. 83-566 Small Watershed Program to develop a watershed plan. The purpose of the plan is to provide a safe, reliable, and efficient supply of irrigation water to six irrigation districts in the North Platte area. NRCS is the lead Federal agency under the National Environmental Policy Act (NEPA) and NHPA. NRCS and TPNRD are preparing an environmental assessment (EA) as part of the watershed planning process to evaluate the environmental impacts of the proposed agricultural water management plan.

NRCS and the TPNRD held agency and public scoping meetings regarding the watershed plan on December 9th, 2024. We anticipate that the draft Watershed Plan and EA (Plan-EA) will be available for public review in the summer or fall of 2026 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.

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

The proposed action identified in the Watershed Plan includes complete or partial replacement of six diversion structures along the North Platte River: Keith-Lincoln, Platte Valley, Paxton-Hershey, Suburban, Birdwood, and Cody-Dillon.

Keith-Lincoln Modernization and Partial Replacement

Improvements to achieve better efficiency and modernization for the Keith-Lincoln diversion would include restoration of grades behind the river gate side walls and placement of riprap. Flowable fill would also be placed below the south river gate sidewall. Additionally, a riprap plunge pool would be constructed downstream, with a sheet pile cut-off wall installed as well. The river and canal gate seals would be replaced, as well as the actuators to accommodate an automated control system. The canal gates would also be cleaned and seals replaced. Finally, updated safety features would include updated/additional lighting and installation of 42-inch-high handrails to the river and canal gate walkways. For public safety and security, features would also include fencing at both the river gates and canal gates.

Platte Valley/Paxton-Hershey Modernized Combined Diversion

Construction of a combined, modernized diversion structure serving both Platte Valley and Paxton-Hershey's canals would include removal of the existing, separate structures. The new structure would include extensive sheet piling to ensure structural stability, as well as other modernized structural components including automated river gates and separately operable canal gates. A level control manhole with a pressure transducer stilling well would be constructed to measure water level in the river at the diversion structure. Additionally, the Paxton-Hershey canal would be extended from its present extent to the new diversion structure. Updated features to provide for safe operation of each canal, independently, would include lighting and 42-inch-high handrails. For public safety and security, features would also include fencing at both the river gates and canal gates. Electrical power would be extended to the site from the original Platte Valley diversion site, about 700 feet to the southwest.

Suburban Modernization and Partial Replacement

Improvements to achieve better efficiency and modernization for the Suburban diversion would include replacement of the canal gate structure. Grading would also be done on the north riverbank, as well as placement of riprap. Additionally, a riprap plunge pool would be constructed downstream of the canal gate structure, with installation of sheet piling on the upstream side of the river gates as well as the downstream side and downstream of the spillway. River gate operators and actuators would also be added to allow installation of an automated control system. Finally, updated safety features would include new lighting and installation of 42-inch-high handrails to the river walkway; addition of lighting would require extension of electrical power to the site. For public safety and security, features would also include fencing at both the river gate and canal gate structures.

Birdwood Modernization and Full Replacement

Improvement to achieve better efficiency and modernization for the Birdwood diversion includes full replacement. Replacement involves extensive sheet piling to ensure structural stability, as well as other modernized structural components including automated river gates. A level control manhole with a pressure transducer stilling well would be constructed to measure water level in the river at the diversion structure. A sand chamber would be constructed to catch sand before water is diverted into the canal, improving the ease of O&M for canal personnel. For public safety and security, features

would also include fencing at both the river gates and canal gates. Updated safety features would include new lighting and installation of 42-inch-high handrails on new river and canal gate walkways; addition of lighting would require extension of electrical power to the site.

Cody-Dillon Modernization and Full Replacement

As with the Birdwood diversion, replacement of the Cody-Dillon diversion would include extensive sheet piling and other modernized structural components including separate operable and automated river gates and separately operable canal gates. A level control manhole with a pressure transducer stilling well would be constructed to measure water level in the river at the diversion structure. Fencing would also be added around the diversion for public safety, and safety features for canal personnel would include lighting and handrails, including extension of electrical power to the site.

Area of Potential Effects (APE)

The APE totals approximately 268 acres. This includes all areas that could be directly or indirectly affected by activities associated with this undertaking, including access routes, staging areas, excavation, grading, tree removal, power line extensions, fencing, riprap installation, diversion gate replacement, sheet piles installation, extension of the Paxton-Hershey canal, sediment disposal, etc. The cultural resources investigation included a 100-foot buffer around the diversion structures and canal extension to account for visual and other effects to historic properties. The Birdwood Diversion APE is in Section 2, Township 14 North, Range 33 West and Section 35, Township 15 North, Range 33 West. The Cody-Dillon Diversion APE is in Sections 10, 15, and 16 of Township 14 North, Range 31 West. The Keith-Lincoln Diversion APE is in Sections 7, 17, 18, 19, and 20 of Township 14 North, Range 36 West. The Platte Valley and Paxton-Hershey Diversion APE is in Sections 7, 13, 17, and 18 of Township 14 North, Range 33 West. The Suburban Diversion APE is in Sections 12 and 13 of Township 14 North Range 33 West and Sections 7 and 18 of Township 14 North, Range 32 West. Maps and photographs of the APE are available in the cultural resources inventory report, which is available for download at https://tinyurl.com/8nk43krm.

Cultural Resource and Historic Property Identification

Cultural Resource Analysts, Inc. (CRA) conducted the cultural resources inventory of the APE. Prior to the field investigation, CRA staff completed 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 as well as NRHP listed properties within one mile of the APE. No archeological sites or historic structures are recorded within the APE. No NRHP listed properties were identified within one mile of the APE. Two previously recorded archaeological resources (25LN17 and 25LN18) are recorded within one mile of the Birdwood Diversion APE. The routes of the California National Historic Trail and the Mormon Pioneer National Historic Trail intersect the Keith-Lincoln Diversion APE the Platte Valley. California National Historic Trail also intersects the Paxton-Hershey Diversion APE, and the route of the Mormon-Pioneer National Historic Trail is within one mile of the Birdwood, Suburban, and Cody-Dillon Diversion APEs.

CRA conducted cultural resources field investigations on July 14-21, 2025, and September 2-4, 2025. The entire APE was investigated. Field survey methods included

intensive pedestrian visual inspection with transects no more than 30 meters apart and shovel testing. The field personnel examined subsurface exposures, such as the cut banks of the existing canals, road cuts, plowed fields, irrigator wheel ruts, animal burrows, and other disturbances, for signs of buried cultural materials. Survey visibility was good with approximately 60% bare ground. Poor visibility was noted along the canals. Shovel tests were excavated at approximately 200-meter intervals to support the pedestrian inventory. Shovel tests were excavated in controlled stratigraphic levels and screened through ¼" hardware cloth.

No buried cultural materials were encountered in the shovel tests (except those excavated at site 25LN148). This is likely due to erosion from agriculture, disturbances from canal construction, and the fact that most of the project area is within a floodplain.

The pedestrian inventory recorded and evaluated one historic archaeological site, three historic architectural sites, and documented seven historic linear resources. All cultural resources identified were evaluated for eligibility for inclusion in the National Register of Historic Places (NRHP) following the guidelines in National Register Bulletin No. 15.

Site 25LN148 is the archeological remains of a historic farmstead. The site includes a concrete foundation, an access road, a subsurface trash deposition, and a partially buried deposit of concrete rubble. Artifacts observed on the surface and recovered from shovel tests included plastic, aluminum foil, aluminum beverage cans with pull tabs, trash bag fragments, clear glass, soda bottle glass, and ceramics as well as fragments of plastic children's toys, such as a small blue plastic A-7 Corsair II fighter jet. The artifacts all date from the late 1960s to the early 1980s. According to a neighboring landowner, the trash encountered in the shovel tests was left by a ditch runner for the North Platte Canal in the late 1970s. The foundation belonged to a house where his grandparents lived in the 1930s, and the house burned in the 1970s after a high school party. Site 25LN148 is not associated with events or people significant to history (Criteria A and B), it does not contain architecture that is distinctive of a period, type, or method of construction and is not a significant and distinguishable entity (Criterion C), and it is unlikely to contribute information important in history or prehistory (Criterion D). NRCS finds that the site is not eligible for the NRHP under any criterion.

LN00-260 is an occupied farmstead with a house, a summer kitchen with lean-to, a concrete livestock water tank, an old water well with poured concrete foundation, a small concrete foundation, and a depression. The site is not associated with events or people significant to history (Criteria A and B), it does not contain architecture that is distinctive of a period, type, or method of construction and is not a significant and distinguishable entity (Criterion C), and it is unlikely to contribute information important in history or prehistory (Criterion D). NRCS finds that the site is not eligible for the NRHP under any criterion.

LN00-261 is also an occupied farmstead with a house, a two-car garage, three outbuildings, a windmill, a chicken house, a corncrib, a livestock barn, a pole barn, a Quonset storage building, a modern steel machine shed, six modern steel grain bins, two sugar beet storage bins, and a collection of old farm equipment. The site is not associated with events or people significant to history (Criteria A and B), it does not contain architecture that is distinctive of a period, type, or method of construction and is not a significant and distinguishable entity (Criterion C), and it is unlikely to contribute

information important in history or prehistory (Criterion D). NRCS finds that the site is not eligible for the NRHP under any criterion.

KH00-104 is a historic bridge over the North Platte River. It is a single lane vehicle bridge made with large steel I-beam stringers supported by steel bent piers. The bridge was likely constructed between 1919 and 1954. The bridge is not associated with events or people significant to history (Criteria A and B), it does not contain architecture that is distinctive of a period, type, or method of construction and is not a significant and distinguishable entity (Criterion C), and it is unlikely to contribute information important in history or prehistory (Criterion D). NRCS finds that the site is not eligible for the NRHP under any criterion.

The Keith-Lincoln Canal was built between 1898 and 1899. The North Platte (Platte Valley) Canal was built between 1883 and 1884. The Paxton-Hershey Canal was built in 1894. The Birdwood Canal was built between 1894 and 1895. The Suburban Canal was built in 1894. The Cody-Dillon Canal was built in 1893 and was owned by William F. "Buffalo Bill" Cody. All six canals are considered eligible for the NRHP under Criterion A for their roles in irrigation, agriculture, and economic development in western Nebraska. The Cody-Dillon Canal is also considered to be eligible under Criterion B for its association with William F. "Buffalo Bill" Cody. However, the diversion structures lack integrity of materials, design, feeling, and workmanship and do not contribute to the canals' eligibility.

Two segments of the historic alignment of the Omaha and Republican Valley (O&RV) Railway Company (now the Union Pacific Railroad) were also documented by the cultural resources investigation. The railroad was constructed in the late 1880s and was important to the economic and commercial development of northwestern Nebraska and maintaining the economic viability of the Union Pacific Railroads which was a major driver of development across the American West. The railroad alignment is considered eligible for the NRHP under Criterion A, but the two segments that intersect the project APE are considered non-contributing to the railroad's eligibility due to a lack of integrity of design, setting, materials, workmanship, and feeling.

The cultural resource survey did not find any evidence of cultural materials or features related to the Mormon Pioneer or California National Historic Trails within the APE.

Impacts to Cultural Resources

The resources identified in the cultural resource investigation as LN00-260, LN00-261, KH00-104, and the OR&V Railway will not be damaged, destroyed, or altered by this project. There may be temporary auditory and visual effects to the farmsteads during construction from equipment operation, but the farmsteads are not considered to be eligible for the NRHP. Construction equipment will travel over the railroad tracks and the bridge to access the diversion structures, but this activity is in keeping with current vehicular traffic. The bridge is not eligible for the NRHP. There will be no adverse effects to the OR&V Railway.

The project will replace all or part of the diversion structures for the Keith-Lincoln, Birdwood, Suburban, and Cody-Dillon Canals. The original diversion structures for the Platte Valley (North Platte) and Paxton-Hershey Canals will be removed and replaced with a single structure located between the two original diversions. The diversion

structures have been maintained and updated throughout the lives of the structures and are not considered to contribute to the canals' eligibility for the NRHP. Additionally, the proposed changes to the gates will be made in kind and will not alter any of the features or elements that make the canals eligible for inclusion in the NRHP.

There will be no effects on the Mormon Pioneer or California National Historic Trails. Although the mapped routes of the trails cross part of the APE, no physical features of the trail were identified by the cultural resources inventory. No ground disturbance is proposed within the mapped route of the Trails. Construction equipment will use existing roads to cross the trail routes. The National Historic Trails will not be damaged, destroyed, or altered by this project.

Determination of Effects

In accordance with 36 CFR 800.5(b), NRCS finds that the North Platte Area Irrigation District Modernization project will have No Adverse Effect on historic properties. No mitigation is necessary. If any cultural resources are identified during construction, all activities will be halted immediately and NRCS will proceed in accordance with the regulation on post-review discoveries (36 CFR § 800.13).

We kindly request that you please respond to this letter within 30 days of receipt with your comments on the undertaking. If you would like to schedule a Section 106 consultation meeting with us to discuss this undertaking further, please contact Melissa Baier, Assistant State Conservationist for Water Resources and Easements, by email at melissa.baier@usda.gov or 402.437.4065 with preferred dates and times.

If you have any questions or need to request additional information, please contact Melissa Baier. Thank you very much for your consideration of this undertaking.

Sincerely,

Robert D. Lawson

ROBERT D. LAWSON
State Conservationist

Attachments available for download at https://tinyurl.com/8nk43krm:

- Weston, Jason D. 2025. *Intensive Cultural Resource Survey of the East Clear Creek Watershed Environmental Assessment Project Alternatives, Keith and Lincoln Counties, Nebraska*
- Site Forms
- Maps
- Shapefiles and KMZs of APE and Ground Disturbance

cc:
Trina Lonehill, THPO, 320 Pineridge, Kyle SD 57752

USDA 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

December 30, 2025

The Honorable Janet Alkire
Chairwoman
Standing Rock Sioux Tribe of North and South Dakota
PO Box D
Fort Yates, ND 58538-0522

RE: North Platte Area Irrigation District Modernization/East Clear Creek Watershed

Dear The Honorable Janet Alkire,

In accordance with Section 106 of the National Historic Preservation Act of 1966 (NHPA) and its implementing regulations (36 CFR Part 800), the Natural Resources Conservation Service (NRCS) is requesting to consult with you on a proposed undertaking in Lincoln and Keith Counties, Nebraska (HP#24211-069-01). Per 36 CFR 800.4, we have defined the area of potential effect (APE), completed a cultural resources inventory, and evaluated the historical significance of the resources identified during the inventory. We have also made a finding of No Adverse Effect for this undertaking.

Undertaking Description
NRCS is providing financial assistance to the Twin Platte Natural Resources District (TPNRD) through the P.L. 83-566 Small Watershed Program to develop a watershed plan. The purpose of the plan is to provide a safe, reliable, and efficient supply of irrigation water to six irrigation districts in the North Platte area. NRCS is the lead Federal agency under the National Environmental Policy Act (NEPA) and NHPA. NRCS and TPNRD are preparing an environmental assessment (EA) as part of the watershed planning process to evaluate the environmental impacts of the proposed agricultural water management plan.

NRCS and the TPNRD held agency and public scoping meetings regarding the watershed plan on December 9th, 2024. We anticipate that the draft Watershed Plan and EA (Plan-EA) will be available for public review in the summer or fall of 2026 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.

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

The proposed action identified in the Watershed Plan includes complete or partial replacement of six diversion structures along the North Platte River: Keith-Lincoln, Platte Valley, Paxton-Hershey, Suburban, Birdwood, and Cody-Dillon.

Keith-Lincoln Modernization and Partial Replacement

Improvements to achieve better efficiency and modernization for the Keith-Lincoln diversion would include restoration of grades behind the river gate side walls and placement of riprap. Flowable fill would also be placed below the south river gate sidewall. Additionally, a riprap plunge pool would be constructed downstream, with a sheet pile cut-off wall installed as well. The river and canal gate seals would be replaced, as well as the actuators to accommodate an automated control system. The canal gates would also be cleaned and seals replaced. Finally, updated safety features would include updated/additional lighting and installation of 42-inch-high handrails to the river and canal gate walkways. For public safety and security, features would also include fencing at both the river gates and canal gates.

Platte Valley/Paxton-Hershey Modernized Combined Diversion

Construction of a combined, modernized diversion structure serving both Platte Valley and Paxton-Hershey's canals would include removal of the existing, separate structures. The new structure would include extensive sheet piling to ensure structural stability, as well as other modernized structural components including automated river gates and separately operable canal gates. A level control manhole with a pressure transducer stilling well would be constructed to measure water level in the river at the diversion structure. Additionally, the Paxton-Hershey canal would be extended from its present extent to the new diversion structure. Updated features to provide for safe operation of each canal, independently, would include lighting and 42-inch-high handrails. For public safety and security, features would also include fencing at both the river gates and canal gates. Electrical power would be extended to the site from the original Platte Valley diversion site, about 700 feet to the southwest.

Suburban Modernization and Partial Replacement

Improvements to achieve better efficiency and modernization for the Suburban diversion would include replacement of the canal gate structure. Grading would also be done on the north riverbank, as well as placement of riprap. Additionally, a riprap plunge pool would be constructed downstream of the canal gate structure, with installation of sheet piling on the upstream side of the river gates as well as the downstream side and downstream of the spillway. River gate operators and actuators would also be added to allow installation of an automated control system. Finally, updated safety features would include new lighting and installation of 42-inch-high handrails to the river walkway; addition of lighting would require extension of electrical power to the site. For public safety and security, features would also include fencing at both the river gate and canal gate structures.

Birdwood Modernization and Full Replacement

Improvement to achieve better efficiency and modernization for the Birdwood diversion includes full replacement. Replacement involves extensive sheet piling to ensure structural stability, as well as other modernized structural components including automated river gates. A level control manhole with a pressure transducer stilling well would be constructed to measure water level in the river at the diversion structure. A sand chamber would be constructed to catch sand before water is diverted into the canal, improving the ease of O&M for canal personnel. For public safety and security, features

would also include fencing at both the river gates and canal gates. Updated safety features would include new lighting and installation of 42-inch-high handrails on new river and canal gate walkways; addition of lighting would require extension of electrical power to the site.

Cody-Dillon Modernization and Full Replacement

As with the Birdwood diversion, replacement of the Cody-Dillon diversion would include extensive sheet piling and other modernized structural components including separate operable and automated river gates and separately operable canal gates. A level control manhole with a pressure transducer stilling well would be constructed to measure water level in the river at the diversion structure. Fencing would also be added around the diversion for public safety, and safety features for canal personnel would include lighting and handrails, including extension of electrical power to the site.

Area of Potential Effects (APE)

The APE totals approximately 268 acres. This includes all areas that could be directly or indirectly affected by activities associated with this undertaking, including access routes, staging areas, excavation, grading, tree removal, power line extensions, fencing, riprap installation, diversion gate replacement, sheet piles installation, extension of the Paxton-Hershey canal, sediment disposal, etc. The cultural resources investigation included a 100-foot buffer around the diversion structures and canal extension to account for visual and other effects to historic properties. The Birdwood Diversion APE is in Section 2, Township 14 North, Range 33 West and Section 35, Township 15 North, Range 33 West. The Cody-Dillon Diversion APE is in Sections 10, 15, and 16 of Township 14 North, Range 31 West. The Keith-Lincoln Diversion APE is in Sections 7, 17, 18, 19, and 20 of Township 14 North, Range 36 West. The Platte Valley and Paxton-Hershey Diversion APE is in Sections 7, 13, 17, and 18 of Township 14 North, Range 33 West. The Suburban Diversion APE is in Sections 12 and 13 of Township 14 North Range 33 West and Sections 7 and 18 of Township 14 North, Range 32 West. Maps and photographs of the APE are available in the cultural resources inventory report, which is available for download at https://tinyurl.com/8nk43krm.

Cultural Resource and Historic Property Identification

Cultural Resource Analysts, Inc. (CRA) conducted the cultural resources inventory of the APE. Prior to the field investigation, CRA staff completed 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 as well as NRHP listed properties within one mile of the APE. No archeological sites or historic structures are recorded within the APE. No NRHP listed properties were identified within one mile of the APE. Two previously recorded archaeological resources (25LN17 and 25LN18) are recorded within one mile of the Birdwood Diversion APE. The routes of the California National Historic Trail and the Mormon Pioneer National Historic Trail intersect the Keith-Lincoln Diversion APE the Platte Valley. California National Historic Trail also intersects the Paxton-Hershey Diversion APE, and the route of the Mormon-Pioneer National Historic Trail is within one mile of the Birdwood, Suburban, and Cody-Dillon Diversion APEs.

CRA conducted cultural resources field investigations on July 14-21, 2025, and September 2-4, 2025. The entire APE was investigated. Field survey methods included

intensive pedestrian visual inspection with transects no more than 30 meters apart and shovel testing. The field personnel examined subsurface exposures, such as the cut banks of the existing canals, road cuts, plowed fields, irrigator wheel ruts, animal burrows, and other disturbances, for signs of buried cultural materials. Survey visibility was good with approximately 60% bare ground. Poor visibility was noted along the canals. Shovel tests were excavated at approximately 200-meter intervals to support the pedestrian inventory. Shovel tests were excavated in controlled stratigraphic levels and screened through ¼" hardware cloth.

No buried cultural materials were encountered in the shovel tests (except those excavated at site 25LN148). This is likely due to erosion from agriculture, disturbances from canal construction, and the fact that most of the project area is within a floodplain.

The pedestrian inventory recorded and evaluated one historic archaeological site, three historic architectural sites, and documented seven historic linear resources. All cultural resources identified were evaluated for eligibility for inclusion in the National Register of Historic Places (NRHP) following the guidelines in National Register Bulletin No. 15.

Site 25LN148 is the archeological remains of a historic farmstead. The site includes a concrete foundation, an access road, a subsurface trash deposition, and a partially buried deposit of concrete rubble. Artifacts observed on the surface and recovered from shovel tests included plastic, aluminum foil, aluminum beverage cans with pull tabs, trash bag fragments, clear glass, soda bottle glass, and ceramics as well as fragments of plastic children's toys, such as a small blue plastic A-7 Corsair II fighter jet. The artifacts all date from the late 1960s to the early 1980s. According to a neighboring landowner, the trash encountered in the shovel tests was left by a ditch runner for the North Platte Canal in the late 1970s. The foundation belonged to a house where his grandparents lived in the 1930s, and the house burned in the 1970s after a high school party. Site 25LN148 is not associated with events or people significant to history (Criteria A and B), it does not contain architecture that is distinctive of a period, type, or method of construction and is not a significant and distinguishable entity (Criterion C), and it is unlikely to contribute information important in history or prehistory (Criterion D). NRCS finds that the site is not eligible for the NRHP under any criterion.

LN00-260 is an occupied farmstead with a house, a summer kitchen with lean-to, a concrete livestock water tank, an old water well with poured concrete foundation, a small concrete foundation, and a depression. The site is not associated with events or people significant to history (Criteria A and B), it does not contain architecture that is distinctive of a period, type, or method of construction and is not a significant and distinguishable entity (Criterion C), and it is unlikely to contribute information important in history or prehistory (Criterion D). NRCS finds that the site is not eligible for the NRHP under any criterion.

LN00-261 is also an occupied farmstead with a house, a two-car garage, three outbuildings, a windmill, a chicken house, a corncrib, a livestock barn, a pole barn, a Quonset storage building, a modern steel machine shed, six modern steel grain bins, two sugar beet storage bins, and a collection of old farm equipment. The site is not associated with events or people significant to history (Criteria A and B), it does not contain architecture that is distinctive of a period, type, or method of construction and is not a significant and distinguishable entity (Criterion C), and it is unlikely to contribute

information important in history or prehistory (Criterion D). NRCS finds that the site is not eligible for the NRHP under any criterion.

KH00-104 is a historic bridge over the North Platte River. It is a single lane vehicle bridge made with large steel I-beam stringers supported by steel bent piers. The bridge was likely constructed between 1919 and 1954. The bridge is not associated with events or people significant to history (Criteria A and B), it does not contain architecture that is distinctive of a period, type, or method of construction and is not a significant and distinguishable entity (Criterion C), and it is unlikely to contribute information important in history or prehistory (Criterion D). NRCS finds that the site is not eligible for the NRHP under any criterion.

The Keith-Lincoln Canal was built between 1898 and 1899. The North Platte (Platte Valley) Canal was built between 1883 and 1884. The Paxton-Hershey Canal was built in 1894. The Birdwood Canal was built between 1894 and 1895. The Suburban Canal was built in 1894. The Cody-Dillon Canal was built in 1893 and was owned by William F. "Buffalo Bill" Cody. All six canals are considered eligible for the NRHP under Criterion A for their roles in irrigation, agriculture, and economic development in western Nebraska. The Cody-Dillon Canal is also considered to be eligible under Criterion B for its association with William F. "Buffalo Bill" Cody. However, the diversion structures lack integrity of materials, design, feeling, and workmanship and do not contribute to the canals' eligibility.

Two segments of the historic alignment of the Omaha and Republican Valley (O&RV) Railway Company (now the Union Pacific Railroad) were also documented by the cultural resources investigation. The railroad was constructed in the late 1880s and was important to the economic and commercial development of northwestern Nebraska and maintaining the economic viability of the Union Pacific Railroads which was a major driver of development across the American West. The railroad alignment is considered eligible for the NRHP under Criterion A, but the two segments that intersect the project APE are considered non-contributing to the railroad's eligibility due to a lack of integrity of design, setting, materials, workmanship, and feeling.

The cultural resource survey did not find any evidence of cultural materials or features related to the Mormon Pioneer or California National Historic Trails within the APE.

Impacts to Cultural Resources

The resources identified in the cultural resource investigation as LN00-260, LN00-261, KH00-104, and the OR&V Railway will not be damaged, destroyed, or altered by this project. There may be temporary auditory and visual effects to the farmsteads during construction from equipment operation, but the farmsteads are not considered to be eligible for the NRHP. Construction equipment will travel over the railroad tracks and the bridge to access the diversion structures, but this activity is in keeping with current vehicular traffic. The bridge is not eligible for the NRHP. There will be no adverse effects to the OR&V Railway.

The project will replace all or part of the diversion structures for the Keith-Lincoln, Birdwood, Suburban, and Cody-Dillon Canals. The original diversion structures for the Platte Valley (North Platte) and Paxton-Hershey Canals will be removed and replaced with a single structure located between the two original diversions. The diversion

structures have been maintained and updated throughout the lives of the structures and are not considered to contribute to the canals' eligibility for the NRHP. Additionally, the proposed changes to the gates will be made in kind and will not alter any of the features or elements that make the canals eligible for inclusion in the NRHP.

There will be no effects on the Mormon Pioneer or California National Historic Trails. Although the mapped routes of the trails cross part of the APE, no physical features of the trail were identified by the cultural resources inventory. No ground disturbance is proposed within the mapped route of the Trails. Construction equipment will use existing roads to cross the trail routes. The National Historic Trails will not be damaged, destroyed, or altered by this project.

Determination of Effects

In accordance with 36 CFR 800.5(b), NRCS finds that the North Platte Area Irrigation District Modernization project will have No Adverse Effect on historic properties. No mitigation is necessary. If any cultural resources are identified during construction, all activities will be halted immediately and NRCS will proceed in accordance with the regulation on post-review discoveries (36 CFR § 800.13).

We kindly request that you please respond to this letter within 30 days of receipt with your comments on the undertaking. If you would like to schedule a Section 106 consultation meeting with us to discuss this undertaking further, please contact Melissa Baier, Assistant State Conservationist for Water Resources and Easements, by email at melissa.baier@usda.gov or 402.437.4065 with preferred dates and times.

If you have any questions or need to request additional information, please contact Melissa Baier. Thank you very much for your consideration of this undertaking.

Sincerely,



ROBERT D. LAWSON
State Conservationist

Attachments available for download at https://tinyurl.com/8nk43krm:

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- Site Forms
- Maps
- Shapefiles and KMZs of APE and Ground Disturbance

cc:
Courtney Yellow Fat, THPO, Standing Rock Sioux Tribe, PO Box D, Fort Yates ND 58538-0522

USDA 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

December 30, 2025

The Honorable Kathleen Wooden Knife
President
Rosebud Sioux Tribe
PO Box 430
Rosebud, SD 57570

RE: North Platte Area Irrigation District Modernization/East Clear Creek Watershed

Dear The Honorable Kathleen Wooden Knife,

In accordance with Section 106 of the National Historic Preservation Act of 1966 (NHPA) and its implementing regulations (36 CFR Part 800), the Natural Resources Conservation Service (NRCS) is requesting to consult with you on a proposed undertaking in Lincoln and Keith Counties, Nebraska (HP#24211-069-01). Per 36 CFR 800.4, we have defined the area of potential effect (APE), completed a cultural resources inventory, and evaluated the historical significance of the resources identified during the inventory. We have also made a finding of No Adverse Effect for this undertaking.

Undertaking Description
NRCS is providing financial assistance to the Twin Platte Natural Resources District (TPNRD) through the P.L. 83-566 Small Watershed Program to develop a watershed plan. The purpose of the plan is to provide a safe, reliable, and efficient supply of irrigation water to six irrigation districts in the North Platte area. NRCS is the lead Federal agency under the National Environmental Policy Act (NEPA) and NHPA. NRCS and TPNRD are preparing an environmental assessment (EA) as part of the watershed planning process to evaluate the environmental impacts of the proposed agricultural water management plan.

NRCS and the TPNRD held agency and public scoping meetings regarding the watershed plan on December 9th, 2024. We anticipate that the draft Watershed Plan and EA (Plan-EA) will be available for public review in the summer or fall of 2026 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 Watershed Plan includes complete or partial replacement of six diversion structures along the North Platte River: Keith-Lincoln, Platte Valley, Paxton-Hershey, Suburban, Birdwood, and Cody-Dillon.

Keith-Lincoln Modernization and Partial Replacement

Improvements to achieve better efficiency and modernization for the Keith-Lincoln diversion would include restoration of grades behind the river gate side walls and placement of riprap. Flowable fill would also be placed below the south river gate sidewall. Additionally, a riprap plunge pool would be constructed downstream, with a sheet pile cut-off wall installed as well. The river and canal gate seals would be replaced, as well as the actuators to accommodate an automated control system. The canal gates would also be cleaned and seals replaced. Finally, updated safety features would include updated/additional lighting and installation of 42-inch-high handrails to the river and canal gate walkways. For public safety and security, features would also include fencing at both the river gates and canal gates.

Platte Valley/Paxton-Hershey Modernized Combined Diversion

Construction of a combined, modernized diversion structure serving both Platte Valley and Paxton-Hershey's canals would include removal of the existing, separate structures. The new structure would include extensive sheet piling to ensure structural stability, as well as other modernized structural components including automated river gates and separately operable canal gates. A level control manhole with a pressure transducer stilling well would be constructed to measure water level in the river at the diversion structure. Additionally, the Paxton-Hershey canal would be extended from its present extent to the new diversion structure. Updated features to provide for safe operation of each canal, independently, would include lighting and 42-inch-high handrails. For public safety and security, features would also include fencing at both the river gates and canal gates. Electrical power would be extended to the site from the original Platte Valley diversion site, about 700 feet to the southwest.

Suburban Modernization and Partial Replacement

Improvements to achieve better efficiency and modernization for the Suburban diversion would include replacement of the canal gate structure. Grading would also be done on the north riverbank, as well as placement of riprap. Additionally, a riprap plunge pool would be constructed downstream of the canal gate structure, with installation of sheet piling on the upstream side of the river gates as well as the downstream side and downstream of the spillway. River gate operators and actuators would also be added to allow installation of an automated control system. Finally, updated safety features would include new lighting and installation of 42-inch-high handrails to the river walkway; addition of lighting would require extension of electrical power to the site. For public safety and security, features would also include fencing at both the river gate and canal gate structures.

Birdwood Modernization and Full Replacement

Improvement to achieve better efficiency and modernization for the Birdwood diversion includes full replacement. Replacement involves extensive sheet piling to ensure structural stability, as well as other modernized structural components including automated river gates. A level control manhole with a pressure transducer stilling well would be constructed to measure water level in the river at the diversion structure. A sand chamber would be constructed to catch sand before water is diverted into the canal, improving the ease of O&M for canal personnel. For public safety and security, features

would also include fencing at both the river gates and canal gates. Updated safety features would include new lighting and installation of 42-inch-high handrails on new river and canal gate walkways; addition of lighting would require extension of electrical power to the site.

Cody-Dillon Modernization and Full Replacement

As with the Birdwood diversion, replacement of the Cody-Dillon diversion would include extensive sheet piling and other modernized structural components including separate operable and automated river gates and separately operable canal gates. A level control manhole with a pressure transducer stilling well would be constructed to measure water level in the river at the diversion structure. Fencing would also be added around the diversion for public safety, and safety features for canal personnel would include lighting and handrails, including extension of electrical power to the site.

Area of Potential Effects (APE)

The APE totals approximately 268 acres. This includes all areas that could be directly or indirectly affected by activities associated with this undertaking, including access routes, staging areas, excavation, grading, tree removal, power line extensions, fencing, riprap installation, diversion gate replacement, sheet piles installation, extension of the Paxton-Hershey canal, sediment disposal, etc. The cultural resources investigation included a 100-foot buffer around the diversion structures and canal extension to account for visual and other effects to historic properties. The Birdwood Diversion APE is in Section 2, Township 14 North, Range 33 West and Section 35, Township 15 North, Range 33 West. The Cody-Dillon Diversion APE is in Sections 10, 15, and 16 of Township 14 North, Range 31 West. The Keith-Lincoln Diversion APE is in Sections 7, 17, 18, 19, and 20 of Township 14 North, Range 36 West. The Platte Valley and Paxton-Hershey Diversion APE is in Sections 7, 13, 17, and 18 of Township 14 North, Range 33 West. The Suburban Diversion APE is in Sections 12 and 13 of Township 14 North Range 33 West and Sections 7 and 18 of Township 14 North, Range 32 West. Maps and photographs of the APE are available in the cultural resources inventory report, which is available for download at https://tinyurl.com/8nk43krm.

Cultural Resource and Historic Property Identification

Cultural Resource Analysts, Inc. (CRA) conducted the cultural resources inventory of the APE. Prior to the field investigation, CRA staff completed 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 as well as NRHP listed properties within one mile of the APE. No archeological sites or historic structures are recorded within the APE. No NRHP listed properties were identified within one mile of the APE. Two previously recorded archaeological resources (25LN17 and 25LN18) are recorded within one mile of the Birdwood Diversion APE. The routes of the California National Historic Trail and the Mormon Pioneer National Historic Trail intersect the Keith-Lincoln Diversion APE the Platte Valley. California National Historic Trail also intersects the Paxton-Hershey Diversion APE, and the route of the Mormon-Pioneer National Historic Trail is within one mile of the Birdwood, Suburban, and Cody-Dillon Diversion APEs.

CRA conducted cultural resources field investigations on July 14-21, 2025, and September 2-4, 2025. The entire APE was investigated. Field survey methods included

intensive pedestrian visual inspection with transects no more than 30 meters apart and shovel testing. The field personnel examined subsurface exposures, such as the cut banks of the existing canals, road cuts, plowed fields, irrigator wheel ruts, animal burrows, and other disturbances, for signs of buried cultural materials. Survey visibility was good with approximately 60% bare ground. Poor visibility was noted along the canals. Shovel tests were excavated at approximately 200-meter intervals to support the pedestrian inventory. Shovel tests were excavated in controlled stratigraphic levels and screened through ¼" hardware cloth.

No buried cultural materials were encountered in the shovel tests (except those excavated at site 25LN148). This is likely due to erosion from agriculture, disturbances from canal construction, and the fact that most of the project area is within a floodplain.

The pedestrian inventory recorded and evaluated one historic archaeological site, three historic architectural sites, and documented seven historic linear resources. All cultural resources identified were evaluated for eligibility for inclusion in the National Register of Historic Places (NRHP) following the guidelines in National Register Bulletin No. 15.

Site 25LN148 is the archeological remains of a historic farmstead. The site includes a concrete foundation, an access road, a subsurface trash deposition, and a partially buried deposit of concrete rubble. Artifacts observed on the surface and recovered from shovel tests included plastic, aluminum foil, aluminum beverage cans with pull tabs, trash bag fragments, clear glass, soda bottle glass, and ceramics as well as fragments of plastic children's toys, such as a small blue plastic A-7 Corsair II fighter jet. The artifacts all date from the late 1960s to the early 1980s. According to a neighboring landowner, the trash encountered in the shovel tests was left by a ditch runner for the North Platte Canal in the late 1970s. The foundation belonged to a house where his grandparents lived in the 1930s, and the house burned in the 1970s after a high school party. Site 25LN148 is not associated with events or people significant to history (Criteria A and B), it does not contain architecture that is distinctive of a period, type, or method of construction and is not a significant and distinguishable entity (Criterion C), and it is unlikely to contribute information important in history or prehistory (Criterion D). NRCS finds that the site is not eligible for the NRHP under any criterion.

LN00-260 is an occupied farmstead with a house, a summer kitchen with lean-to, a concrete livestock water tank, an old water well with poured concrete foundation, a small concrete foundation, and a depression. The site is not associated with events or people significant to history (Criteria A and B), it does not contain architecture that is distinctive of a period, type, or method of construction and is not a significant and distinguishable entity (Criterion C), and it is unlikely to contribute information important in history or prehistory (Criterion D). NRCS finds that the site is not eligible for the NRHP under any criterion.

LN00-261 is also an occupied farmstead with a house, a two-car garage, three outbuildings, a windmill, a chicken house, a corncrib, a livestock barn, a pole barn, a Quonset storage building, a modern steel machine shed, six modern steel grain bins, two sugar beet storage bins, and a collection of old farm equipment. The site is not associated with events or people significant to history (Criteria A and B), it does not contain architecture that is distinctive of a period, type, or method of construction and is not a significant and distinguishable entity (Criterion C), and it is unlikely to contribute

information important in history or prehistory (Criterion D). NRCS finds that the site is not eligible for the NRHP under any criterion.

KH00-104 is a historic bridge over the North Platte River. It is a single lane vehicle bridge made with large steel I-beam stringers supported by steel bent piers. The bridge was likely constructed between 1919 and 1954. The bridge is not associated with events or people significant to history (Criteria A and B), it does not contain architecture that is distinctive of a period, type, or method of construction and is not a significant and distinguishable entity (Criterion C), and it is unlikely to contribute information important in history or prehistory (Criterion D). NRCS finds that the site is not eligible for the NRHP under any criterion.

The Keith-Lincoln Canal was built between 1898 and 1899. The North Platte (Platte Valley) Canal was built between 1883 and 1884. The Paxton-Hershey Canal was built in 1894. The Birdwood Canal was built between 1894 and 1895. The Suburban Canal was built in 1894. The Cody-Dillon Canal was built in 1893 and was owned by William F. "Buffalo Bill" Cody. All six canals are considered eligible for the NRHP under Criterion A for their roles in irrigation, agriculture, and economic development in western Nebraska. The Cody-Dillon Canal is also considered to be eligible under Criterion B for its association with William F. "Buffalo Bill" Cody. However, the diversion structures lack integrity of materials, design, feeling, and workmanship and do not contribute to the canals' eligibility.

Two segments of the historic alignment of the Omaha and Republican Valley (O&RV) Railway Company (now the Union Pacific Railroad) were also documented by the cultural resources investigation. The railroad was constructed in the late 1880s and was important to the economic and commercial development of northwestern Nebraska and maintaining the economic viability of the Union Pacific Railroads which was a major driver of development across the American West. The railroad alignment is considered eligible for the NRHP under Criterion A, but the two segments that intersect the project APE are considered non-contributing to the railroad's eligibility due to a lack of integrity of design, setting, materials, workmanship, and feeling.

The cultural resource survey did not find any evidence of cultural materials or features related to the Mormon Pioneer or California National Historic Trails within the APE.

Impacts to Cultural Resources

The resources identified in the cultural resource investigation as LN00-260, LN00-261, KH00-104, and the OR&V Railway will not be damaged, destroyed, or altered by this project. There may be temporary auditory and visual effects to the farmsteads during construction from equipment operation, but the farmsteads are not considered to be eligible for the NRHP. Construction equipment will travel over the railroad tracks and the bridge to access the diversion structures, but this activity is in keeping with current vehicular traffic. The bridge is not eligible for the NRHP. There will be no adverse effects to the OR&V Railway.

The project will replace all or part of the diversion structures for the Keith-Lincoln, Birdwood, Suburban, and Cody-Dillon Canals. The original diversion structures for the Platte Valley (North Platte) and Paxton-Hershey Canals will be removed and replaced with a single structure located between the two original diversions. The diversion

structures have been maintained and updated throughout the lives of the structures and are not considered to contribute to the canals' eligibility for the NRHP. Additionally, the proposed changes to the gates will be made in kind and will not alter any of the features or elements that make the canals eligible for inclusion in the NRHP.

There will be no effects on the Mormon Pioneer or California National Historic Trails. Although the mapped routes of the trails cross part of the APE, no physical features of the trail were identified by the cultural resources inventory. No ground disturbance is proposed within the mapped route of the Trails. Construction equipment will use existing roads to cross the trail routes. The National Historic Trails will not be damaged, destroyed, or altered by this project.

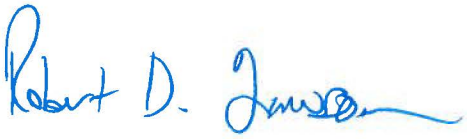
Determination of Effects

In accordance with 36 CFR 800.5(b), NRCS finds that the North Platte Area Irrigation District Modernization project will have No Adverse Effect on historic properties. No mitigation is necessary. If any cultural resources are identified during construction, all activities will be halted immediately and NRCS will proceed in accordance with the regulation on post-review discoveries (36 CFR § 800.13).

We kindly request that you please respond to this letter within 30 days of receipt with your comments on the undertaking. If you would like to schedule a Section 106 consultation meeting with us to discuss this undertaking further, please contact Melissa Baier, Assistant State Conservationist for Water Resources and Easements, by email at melissa.baier@usda.gov or 402.437.4065 with preferred dates and times.

If you have any questions or need to request additional information, please contact Melissa Baier. Thank you very much for your consideration of this undertaking.

Sincerely,



ROBERT D. LAWSON
State Conservationist

Attachments available for download at https://tinyurl.com/8nk43krm:

- Weston, Jason D. 2025. *Intensive Cultural Resource Survey of the East Clear Creek Watershed Environmental Assessment Project Alternatives, Keith and Lincoln Counties, Nebraska*
- Site Forms
- Maps
- Shapefiles and KMZs of APE and Ground Disturbance

cc:
Ione Quigley, THPO, Rosebud Sioux Tribe, PO Box 430, Rosebud SD 57570

USDA 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

December 30, 2025

The Honorable Keenan Groesbeck
Chairman
Northern Arapaho Tribe of the Wind River Reservation
PO Box 396
Forth Washakie, WY 82514

RE: North Platte Area Irrigation District Modernization/East Clear Creek Watershed

Dear The Honorable Keenan Groesbeck,

In accordance with Section 106 of the National Historic Preservation Act of 1966 (NHPA) and its implementing regulations (36 CFR Part 800), the Natural Resources Conservation Service (NRCS) is requesting to consult with you on a proposed undertaking in Lincoln and Keith Counties, Nebraska (HP#24211-069-01). Per 36 CFR 800.4, we have defined the area of potential effect (APE), completed a cultural resources inventory, and evaluated the historical significance of the resources identified during the inventory. We have also made a finding of No Adverse Effect for this undertaking.

Undertaking Description
NRCS is providing financial assistance to the Twin Platte Natural Resources District (TPNRD) through the P.L. 83-566 Small Watershed Program to develop a watershed plan. The purpose of the plan is to provide a safe, reliable, and efficient supply of irrigation water to six irrigation districts in the North Platte area. NRCS is the lead Federal agency under the National Environmental Policy Act (NEPA) and NHPA. NRCS and TPNRD are preparing an environmental assessment (EA) as part of the watershed planning process to evaluate the environmental impacts of the proposed agricultural water management plan.

NRCS and the TPNRD held agency and public scoping meetings regarding the watershed plan on December 9th, 2024. We anticipate that the draft Watershed Plan and EA (Plan-EA) will be available for public review in the summer or fall of 2026 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 Watershed Plan includes complete or partial replacement of six diversion structures along the North Platte River: Keith-Lincoln, Platte Valley, Paxton-Hershey, Suburban, Birdwood, and Cody-Dillon.

Keith-Lincoln Modernization and Partial Replacement

Improvements to achieve better efficiency and modernization for the Keith-Lincoln diversion would include restoration of grades behind the river gate side walls and placement of riprap. Flowable fill would also be placed below the south river gate sidewall. Additionally, a riprap plunge pool would be constructed downstream, with a sheet pile cut-off wall installed as well. The river and canal gate seals would be replaced, as well as the actuators to accommodate an automated control system. The canal gates would also be cleaned and seals replaced. Finally, updated safety features would include updated/additional lighting and installation of 42-inch-high handrails to the river and canal gate walkways. For public safety and security, features would also include fencing at both the river gates and canal gates.

Platte Valley/Paxton-Hershey Modernized Combined Diversion

Construction of a combined, modernized diversion structure serving both Platte Valley and Paxton-Hershey's canals would include removal of the existing, separate structures. The new structure would include extensive sheet piling to ensure structural stability, as well as other modernized structural components including automated river gates and separately operable canal gates. A level control manhole with a pressure transducer stilling well would be constructed to measure water level in the river at the diversion structure. Additionally, the Paxton-Hershey canal would be extended from its present extent to the new diversion structure. Updated features to provide for safe operation of each canal, independently, would include lighting and 42-inch-high handrails. For public safety and security, features would also include fencing at both the river gates and canal gates. Electrical power would be extended to the site from the original Platte Valley diversion site, about 700 feet to the southwest.

Suburban Modernization and Partial Replacement

Improvements to achieve better efficiency and modernization for the Suburban diversion would include replacement of the canal gate structure. Grading would also be done on the north riverbank, as well as placement of riprap. Additionally, a riprap plunge pool would be constructed downstream of the canal gate structure, with installation of sheet piling on the upstream side of the river gates as well as the downstream side and downstream of the spillway. River gate operators and actuators would also be added to allow installation of an automated control system. Finally, updated safety features would include new lighting and installation of 42-inch-high handrails to the river walkway; addition of lighting would require extension of electrical power to the site. For public safety and security, features would also include fencing at both the river gate and canal gate structures.

Birdwood Modernization and Full Replacement

Improvement to achieve better efficiency and modernization for the Birdwood diversion includes full replacement. Replacement involves extensive sheet piling to ensure structural stability, as well as other modernized structural components including automated river gates. A level control manhole with a pressure transducer stilling well would be constructed to measure water level in the river at the diversion structure. A sand chamber would be constructed to catch sand before water is diverted into the canal, improving the ease of O&M for canal personnel. For public safety and security, features

would also include fencing at both the river gates and canal gates. Updated safety features would include new lighting and installation of 42-inch-high handrails on new river and canal gate walkways; addition of lighting would require extension of electrical power to the site.

Cody-Dillon Modernization and Full Replacement

As with the Birdwood diversion, replacement of the Cody-Dillon diversion would include extensive sheet piling and other modernized structural components including separate operable and automated river gates and separately operable canal gates. A level control manhole with a pressure transducer stilling well would be constructed to measure water level in the river at the diversion structure. Fencing would also be added around the diversion for public safety, and safety features for canal personnel would include lighting and handrails, including extension of electrical power to the site.

Area of Potential Effects (APE)

The APE totals approximately 268 acres. This includes all areas that could be directly or indirectly affected by activities associated with this undertaking, including access routes, staging areas, excavation, grading, tree removal, power line extensions, fencing, riprap installation, diversion gate replacement, sheet piles installation, extension of the Paxton-Hershey canal, sediment disposal, etc. The cultural resources investigation included a 100-foot buffer around the diversion structures and canal extension to account for visual and other effects to historic properties. The Birdwood Diversion APE is in Section 2, Township 14 North, Range 33 West and Section 35, Township 15 North, Range 33 West. The Cody-Dillon Diversion APE is in Sections 10, 15, and 16 of Township 14 North, Range 31 West. The Keith-Lincoln Diversion APE is in Sections 7, 17, 18, 19, and 20 of Township 14 North, Range 36 West. The Platte Valley and Paxton-Hershey Diversion APE is in Sections 7, 13, 17, and 18 of Township 14 North, Range 33 West. The Suburban Diversion APE is in Sections 12 and 13 of Township 14 North Range 33 West and Sections 7 and 18 of Township 14 North, Range 32 West. Maps and photographs of the APE are available in the cultural resources inventory report, which is available for download at https://tinyurl.com/8nk43krm.

Cultural Resource and Historic Property Identification

Cultural Resource Analysts, Inc. (CRA) conducted the cultural resources inventory of the APE. Prior to the field investigation, CRA staff completed 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 as well as NRHP listed properties within one mile of the APE. No archeological sites or historic structures are recorded within the APE. No NRHP listed properties were identified within one mile of the APE. Two previously recorded archaeological resources (25LN17 and 25LN18) are recorded within one mile of the Birdwood Diversion APE. The routes of the California National Historic Trail and the Mormon Pioneer National Historic Trail intersect the Keith-Lincoln Diversion APE the Platte Valley. California National Historic Trail also intersects the Paxton-Hershey Diversion APE, and the route of the Mormon-Pioneer National Historic Trail is within one mile of the Birdwood, Suburban, and Cody-Dillon Diversion APEs.

CRA conducted cultural resources field investigations on July 14-21, 2025, and September 2-4, 2025. The entire APE was investigated. Field survey methods included

intensive pedestrian visual inspection with transects no more than 30 meters apart and shovel testing. The field personnel examined subsurface exposures, such as the cut banks of the existing canals, road cuts, plowed fields, irrigator wheel ruts, animal burrows, and other disturbances, for signs of buried cultural materials. Survey visibility was good with approximately 60% bare ground. Poor visibility was noted along the canals. Shovel tests were excavated at approximately 200-meter intervals to support the pedestrian inventory. Shovel tests were excavated in controlled stratigraphic levels and screened through ¼" hardware cloth.

No buried cultural materials were encountered in the shovel tests (except those excavated at site 25LN148). This is likely due to erosion from agriculture, disturbances from canal construction, and the fact that most of the project area is within a floodplain.

The pedestrian inventory recorded and evaluated one historic archaeological site, three historic architectural sites, and documented seven historic linear resources. All cultural resources identified were evaluated for eligibility for inclusion in the National Register of Historic Places (NRHP) following the guidelines in National Register Bulletin No. 15.

Site 25LN148 is the archeological remains of a historic farmstead. The site includes a concrete foundation, an access road, a subsurface trash deposition, and a partially buried deposit of concrete rubble. Artifacts observed on the surface and recovered from shovel tests included plastic, aluminum foil, aluminum beverage cans with pull tabs, trash bag fragments, clear glass, soda bottle glass, and ceramics as well as fragments of plastic children's toys, such as a small blue plastic A-7 Corsair II fighter jet. The artifacts all date from the late 1960s to the early 1980s. According to a neighboring landowner, the trash encountered in the shovel tests was left by a ditch runner for the North Platte Canal in the late 1970s. The foundation belonged to a house where his grandparents lived in the 1930s, and the house burned in the 1970s after a high school party. Site 25LN148 is not associated with events or people significant to history (Criteria A and B), it does not contain architecture that is distinctive of a period, type, or method of construction and is not a significant and distinguishable entity (Criterion C), and it is unlikely to contribute information important in history or prehistory (Criterion D). NRCS finds that the site is not eligible for the NRHP under any criterion.

LN00-260 is an occupied farmstead with a house, a summer kitchen with lean-to, a concrete livestock water tank, an old water well with poured concrete foundation, a small concrete foundation, and a depression. The site is not associated with events or people significant to history (Criteria A and B), it does not contain architecture that is distinctive of a period, type, or method of construction and is not a significant and distinguishable entity (Criterion C), and it is unlikely to contribute information important in history or prehistory (Criterion D). NRCS finds that the site is not eligible for the NRHP under any criterion.

LN00-261 is also an occupied farmstead with a house, a two-car garage, three outbuildings, a windmill, a chicken house, a corncrib, a livestock barn, a pole barn, a Quonset storage building, a modern steel machine shed, six modern steel grain bins, two sugar beet storage bins, and a collection of old farm equipment. The site is not associated with events or people significant to history (Criteria A and B), it does not contain architecture that is distinctive of a period, type, or method of construction and is not a significant and distinguishable entity (Criterion C), and it is unlikely to contribute

information important in history or prehistory (Criterion D). NRCS finds that the site is not eligible for the NRHP under any criterion.

KH00-104 is a historic bridge over the North Platte River. It is a single lane vehicle bridge made with large steel I-beam stringers supported by steel bent piers. The bridge was likely constructed between 1919 and 1954. The bridge is not associated with events or people significant to history (Criteria A and B), it does not contain architecture that is distinctive of a period, type, or method of construction and is not a significant and distinguishable entity (Criterion C), and it is unlikely to contribute information important in history or prehistory (Criterion D). NRCS finds that the site is not eligible for the NRHP under any criterion.

The Keith-Lincoln Canal was built between 1898 and 1899. The North Platte (Platte Valley) Canal was built between 1883 and 1884. The Paxton-Hershey Canal was built in 1894. The Birdwood Canal was built between 1894 and 1895. The Suburban Canal was built in 1894. The Cody-Dillon Canal was built in 1893 and was owned by William F. "Buffalo Bill" Cody. All six canals are considered eligible for the NRHP under Criterion A for their roles in irrigation, agriculture, and economic development in western Nebraska. The Cody-Dillon Canal is also considered to be eligible under Criterion B for its association with William F. "Buffalo Bill" Cody. However, the diversion structures lack integrity of materials, design, feeling, and workmanship and do not contribute to the canals' eligibility.

Two segments of the historic alignment of the Omaha and Republican Valley (O&RV) Railway Company (now the Union Pacific Railroad) were also documented by the cultural resources investigation. The railroad was constructed in the late 1880s and was important to the economic and commercial development of northwestern Nebraska and maintaining the economic viability of the Union Pacific Railroads which was a major driver of development across the American West. The railroad alignment is considered eligible for the NRHP under Criterion A, but the two segments that intersect the project APE are considered non-contributing to the railroad's eligibility due to a lack of integrity of design, setting, materials, workmanship, and feeling.

The cultural resource survey did not find any evidence of cultural materials or features related to the Mormon Pioneer or California National Historic Trails within the APE.

Impacts to Cultural Resources

The resources identified in the cultural resource investigation as LN00-260, LN00-261, KH00-104, and the OR&V Railway will not be damaged, destroyed, or altered by this project. There may be temporary auditory and visual effects to the farmsteads during construction from equipment operation, but the farmsteads are not considered to be eligible for the NRHP. Construction equipment will travel over the railroad tracks and the bridge to access the diversion structures, but this activity is in keeping with current vehicular traffic. The bridge is not eligible for the NRHP. There will be no adverse effects to the OR&V Railway.

The project will replace all or part of the diversion structures for the Keith-Lincoln, Birdwood, Suburban, and Cody-Dillon Canals. The original diversion structures for the Platte Valley (North Platte) and Paxton-Hershey Canals will be removed and replaced with a single structure located between the two original diversions. The diversion

structures have been maintained and updated throughout the lives of the structures and are not considered to contribute to the canals' eligibility for the NRHP. Additionally, the proposed changes to the gates will be made in kind and will not alter any of the features or elements that make the canals eligible for inclusion in the NRHP.

There will be no effects on the Mormon Pioneer or California National Historic Trails. Although the mapped routes of the trails cross part of the APE, no physical features of the trail were identified by the cultural resources inventory. No ground disturbance is proposed within the mapped route of the Trails. Construction equipment will use existing roads to cross the trail routes. The National Historic Trails will not be damaged, destroyed, or altered by this project.

Determination of Effects

In accordance with 36 CFR 800.5(b), NRCS finds that the North Platte Area Irrigation District Modernization project will have No Adverse Effect on historic properties. No mitigation is necessary. If any cultural resources are identified during construction, all activities will be halted immediately and NRCS will proceed in accordance with the regulation on post-review discoveries (36 CFR § 800.13).

We kindly request that you please respond to this letter within 30 days of receipt with your comments on the undertaking. If you would like to schedule a Section 106 consultation meeting with us to discuss this undertaking further, please contact Melissa Baier, Assistant State Conservationist for Water Resources and Easements, by email at melissa.baier@usda.gov or 402.437.4065 with preferred dates and times.

If you have any questions or need to request additional information, please contact Melissa Baier. Thank you very much for your consideration of this undertaking.

Sincerely,

Robert D Lawson

ROBERT D. LAWSON
State Conservationist

Attachments available for download at https://tinyurl.com/8nk43krm:

- Weston, Jason D. 2025. *Intensive Cultural Resource Survey of the East Clear Creek Watershed Environmental Assessment Project Alternatives, Keith and Lincoln Counties, Nebraska*
- Site Forms
- Maps
- Shapefiles and KMZs of APE and Ground Disturbance

cc:
Crystal C'bearing, THPO, Northern Arapaho Tribe, PO Box 273, Riverton WY 82501
Alvonia McElroy, THPO, Northern Arapaho Tribe, PO Box 273, Riverton WY 82501

USDA 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

December 30, 2025

The Honorable Lawrence Spottedbird
Chairman
Kiowa Business Councill
PO Box 369
Carnegie, OK 73015

RE: North Platte Area Irrigation District Modernization/East Clear Creek Watershed

Dear The Honorable Lawrence Spottedbird,

In accordance with Section 106 of the National Historic Preservation Act of 1966 (NHPA) and its implementing regulations (36 CFR Part 800), the Natural Resources Conservation Service (NRCS) is requesting to consult with you on a proposed undertaking in Lincoln and Keith Counties, Nebraska (HP#24211-069-01). Per 36 CFR 800.4, we have defined the area of potential effect (APE), completed a cultural resources inventory, and evaluated the historical significance of the resources identified during the inventory. We have also made a finding of No Adverse Effect for this undertaking.

Undertaking Description
NRCS is providing financial assistance to the Twin Platte Natural Resources District (TPNRD) through the P.L. 83-566 Small Watershed Program to develop a watershed plan. The purpose of the plan is to provide a safe, reliable, and efficient supply of irrigation water to six irrigation districts in the North Platte area. NRCS is the lead Federal agency under the National Environmental Policy Act (NEPA) and NHPA. NRCS and TPNRD are preparing an environmental assessment (EA) as part of the watershed planning process to evaluate the environmental impacts of the proposed agricultural water management plan.

NRCS and the TPNRD held agency and public scoping meetings regarding the watershed plan on December 9th, 2024. We anticipate that the draft Watershed Plan and EA (Plan-EA) will be available for public review in the summer or fall of 2026 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.

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

The proposed action identified in the Watershed Plan includes complete or partial replacement of six diversion structures along the North Platte River: Keith-Lincoln, Platte Valley, Paxton-Hershey, Suburban, Birdwood, and Cody-Dillon.

Keith-Lincoln Modernization and Partial Replacement

Improvements to achieve better efficiency and modernization for the Keith-Lincoln diversion would include restoration of grades behind the river gate side walls and placement of riprap. Flowable fill would also be placed below the south river gate sidewall. Additionally, a riprap plunge pool would be constructed downstream, with a sheet pile cut-off wall installed as well. The river and canal gate seals would be replaced, as well as the actuators to accommodate an automated control system. The canal gates would also be cleaned and seals replaced. Finally, updated safety features would include updated/additional lighting and installation of 42-inch-high handrails to the river and canal gate walkways. For public safety and security, features would also include fencing at both the river gates and canal gates.

Platte Valley/Paxton-Hershey Modernized Combined Diversion

Construction of a combined, modernized diversion structure serving both Platte Valley and Paxton-Hershey's canals would include removal of the existing, separate structures. The new structure would include extensive sheet piling to ensure structural stability, as well as other modernized structural components including automated river gates and separately operable canal gates. A level control manhole with a pressure transducer stilling well would be constructed to measure water level in the river at the diversion structure. Additionally, the Paxton-Hershey canal would be extended from its present extent to the new diversion structure. Updated features to provide for safe operation of each canal, independently, would include lighting and 42-inch-high handrails. For public safety and security, features would also include fencing at both the river gates and canal gates. Electrical power would be extended to the site from the original Platte Valley diversion site, about 700 feet to the southwest.

Suburban Modernization and Partial Replacement

Improvements to achieve better efficiency and modernization for the Suburban diversion would include replacement of the canal gate structure. Grading would also be done on the north riverbank, as well as placement of riprap. Additionally, a riprap plunge pool would be constructed downstream of the canal gate structure, with installation of sheet piling on the upstream side of the river gates as well as the downstream side and downstream of the spillway. River gate operators and actuators would also be added to allow installation of an automated control system. Finally, updated safety features would include new lighting and installation of 42-inch-high handrails to the river walkway; addition of lighting would require extension of electrical power to the site. For public safety and security, features would also include fencing at both the river gate and canal gate structures.

Birdwood Modernization and Full Replacement

Improvement to achieve better efficiency and modernization for the Birdwood diversion includes full replacement. Replacement involves extensive sheet piling to ensure structural stability, as well as other modernized structural components including automated river gates. A level control manhole with a pressure transducer stilling well would be constructed to measure water level in the river at the diversion structure. A sand chamber would be constructed to catch sand before water is diverted into the canal, improving the ease of O&M for canal personnel. For public safety and security, features

would also include fencing at both the river gates and canal gates. Updated safety features would include new lighting and installation of 42-inch-high handrails on new river and canal gate walkways; addition of lighting would require extension of electrical power to the site.

Cody-Dillon Modernization and Full Replacement

As with the Birdwood diversion, replacement of the Cody-Dillon diversion would include extensive sheet piling and other modernized structural components including separate operable and automated river gates and separately operable canal gates. A level control manhole with a pressure transducer stilling well would be constructed to measure water level in the river at the diversion structure. Fencing would also be added around the diversion for public safety, and safety features for canal personnel would include lighting and handrails, including extension of electrical power to the site.

Area of Potential Effects (APE)

The APE totals approximately 268 acres. This includes all areas that could be directly or indirectly affected by activities associated with this undertaking, including access routes, staging areas, excavation, grading, tree removal, power line extensions, fencing, riprap installation, diversion gate replacement, sheet piles installation, extension of the Paxton-Hershey canal, sediment disposal, etc. The cultural resources investigation included a 100-foot buffer around the diversion structures and canal extension to account for visual and other effects to historic properties. The Birdwood Diversion APE is in Section 2, Township 14 North, Range 33 West and Section 35, Township 15 North, Range 33 West. The Cody-Dillon Diversion APE is in Sections 10, 15, and 16 of Township 14 North, Range 31 West. The Keith-Lincoln Diversion APE is in Sections 7, 17, 18, 19, and 20 of Township 14 North, Range 36 West. The Platte Valley and Paxton-Hershey Diversion APE is in Sections 7, 13, 17, and 18 of Township 14 North, Range 33 West. The Suburban Diversion APE is in Sections 12 and 13 of Township 14 North Range 33 West and Sections 7 and 18 of Township 14 North, Range 32 West. Maps and photographs of the APE are available in the cultural resources inventory report, which is available for download at https://tinyurl.com/8nk43krm.

Cultural Resource and Historic Property Identification

Cultural Resource Analysts, Inc. (CRA) conducted the cultural resources inventory of the APE. Prior to the field investigation, CRA staff completed 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 as well as NRHP listed properties within one mile of the APE. No archeological sites or historic structures are recorded within the APE. No NRHP listed properties were identified within one mile of the APE. Two previously recorded archaeological resources (25LN17 and 25LN18) are recorded within one mile of the Birdwood Diversion APE. The routes of the California National Historic Trail and the Mormon Pioneer National Historic Trail intersect the Keith-Lincoln Diversion APE the Platte Valley. California National Historic Trail also intersects the Paxton-Hershey Diversion APE, and the route of the Mormon-Pioneer National Historic Trail is within one mile of the Birdwood, Suburban, and Cody-Dillon Diversion APEs.

CRA conducted cultural resources field investigations on July 14-21, 2025, and September 2-4, 2025. The entire APE was investigated. Field survey methods included

intensive pedestrian visual inspection with transects no more than 30 meters apart and shovel testing. The field personnel examined subsurface exposures, such as the cut banks of the existing canals, road cuts, plowed fields, irrigator wheel ruts, animal burrows, and other disturbances, for signs of buried cultural materials. Survey visibility was good with approximately 60% bare ground. Poor visibility was noted along the canals. Shovel tests were excavated at approximately 200-meter intervals to support the pedestrian inventory. Shovel tests were excavated in controlled stratigraphic levels and screened through ¼" hardware cloth.

No buried cultural materials were encountered in the shovel tests (except those excavated at site 25LN148). This is likely due to erosion from agriculture, disturbances from canal construction, and the fact that most of the project area is within a floodplain.

The pedestrian inventory recorded and evaluated one historic archaeological site, three historic architectural sites, and documented seven historic linear resources. All cultural resources identified were evaluated for eligibility for inclusion in the National Register of Historic Places (NRHP) following the guidelines in National Register Bulletin No. 15.

Site 25LN148 is the archeological remains of a historic farmstead. The site includes a concrete foundation, an access road, a subsurface trash deposition, and a partially buried deposit of concrete rubble. Artifacts observed on the surface and recovered from shovel tests included plastic, aluminum foil, aluminum beverage cans with pull tabs, trash bag fragments, clear glass, soda bottle glass, and ceramics as well as fragments of plastic children's toys, such as a small blue plastic A-7 Corsair II fighter jet. The artifacts all date from the late 1960s to the early 1980s. According to a neighboring landowner, the trash encountered in the shovel tests was left by a ditch runner for the North Platte Canal in the late 1970s. The foundation belonged to a house where his grandparents lived in the 1930s, and the house burned in the 1970s after a high school party. Site 25LN148 is not associated with events or people significant to history (Criteria A and B), it does not contain architecture that is distinctive of a period, type, or method of construction and is not a significant and distinguishable entity (Criterion C), and it is unlikely to contribute information important in history or prehistory (Criterion D). NRCS finds that the site is not eligible for the NRHP under any criterion.

LN00-260 is an occupied farmstead with a house, a summer kitchen with lean-to, a concrete livestock water tank, an old water well with poured concrete foundation, a small concrete foundation, and a depression. The site is not associated with events or people significant to history (Criteria A and B), it does not contain architecture that is distinctive of a period, type, or method of construction and is not a significant and distinguishable entity (Criterion C), and it is unlikely to contribute information important in history or prehistory (Criterion D). NRCS finds that the site is not eligible for the NRHP under any criterion.

LN00-261 is also an occupied farmstead with a house, a two-car garage, three outbuildings, a windmill, a chicken house, a corncrib, a livestock barn, a pole barn, a Quonset storage building, a modern steel machine shed, six modern steel grain bins, two sugar beet storage bins, and a collection of old farm equipment. The site is not associated with events or people significant to history (Criteria A and B), it does not contain architecture that is distinctive of a period, type, or method of construction and is not a significant and distinguishable entity (Criterion C), and it is unlikely to contribute

information important in history or prehistory (Criterion D). NRCS finds that the site is not eligible for the NRHP under any criterion.

KH00-104 is a historic bridge over the North Platte River. It is a single lane vehicle bridge made with large steel I-beam stringers supported by steel bent piers. The bridge was likely constructed between 1919 and 1954. The bridge is not associated with events or people significant to history (Criteria A and B), it does not contain architecture that is distinctive of a period, type, or method of construction and is not a significant and distinguishable entity (Criterion C), and it is unlikely to contribute information important in history or prehistory (Criterion D). NRCS finds that the site is not eligible for the NRHP under any criterion.

The Keith-Lincoln Canal was built between 1898 and 1899. The North Platte (Platte Valley) Canal was built between 1883 and 1884. The Paxton-Hershey Canal was built in 1894. The Birdwood Canal was built between 1894 and 1895. The Suburban Canal was built in 1894. The Cody-Dillon Canal was built in 1893 and was owned by William F. "Buffalo Bill" Cody. All six canals are considered eligible for the NRHP under Criterion A for their roles in irrigation, agriculture, and economic development in western Nebraska. The Cody-Dillon Canal is also considered to be eligible under Criterion B for its association with William F. "Buffalo Bill" Cody. However, the diversion structures lack integrity of materials, design, feeling, and workmanship and do not contribute to the canals' eligibility.

Two segments of the historic alignment of the Omaha and Republican Valley (O&RV) Railway Company (now the Union Pacific Railroad) were also documented by the cultural resources investigation. The railroad was constructed in the late 1880s and was important to the economic and commercial development of northwestern Nebraska and maintaining the economic viability of the Union Pacific Railroads which was a major driver of development across the American West. The railroad alignment is considered eligible for the NRHP under Criterion A, but the two segments that intersect the project APE are considered non-contributing to the railroad's eligibility due to a lack of integrity of design, setting, materials, workmanship, and feeling.

The cultural resource survey did not find any evidence of cultural materials or features related to the Mormon Pioneer or California National Historic Trails within the APE.

Impacts to Cultural Resources

The resources identified in the cultural resource investigation as LN00-260, LN00-261, KH00-104, and the OR&V Railway will not be damaged, destroyed, or altered by this project. There may be temporary auditory and visual effects to the farmsteads during construction from equipment operation, but the farmsteads are not considered to be eligible for the NRHP. Construction equipment will travel over the railroad tracks and the bridge to access the diversion structures, but this activity is in keeping with current vehicular traffic. The bridge is not eligible for the NRHP. There will be no adverse effects to the OR&V Railway.

The project will replace all or part of the diversion structures for the Keith-Lincoln, Birdwood, Suburban, and Cody-Dillon Canals. The original diversion structures for the Platte Valley (North Platte) and Paxton-Hershey Canals will be removed and replaced with a single structure located between the two original diversions. The diversion

structures have been maintained and updated throughout the lives of the structures and are not considered to contribute to the canals' eligibility for the NRHP. Additionally, the proposed changes to the gates will be made in kind and will not alter any of the features or elements that make the canals eligible for inclusion in the NRHP.

There will be no effects on the Mormon Pioneer or California National Historic Trails. Although the mapped routes of the trails cross part of the APE, no physical features of the trail were identified by the cultural resources inventory. No ground disturbance is proposed within the mapped route of the Trails. Construction equipment will use existing roads to cross the trail routes. The National Historic Trails will not be damaged, destroyed, or altered by this project.

Determination of Effects

In accordance with 36 CFR 800.5(b), NRCS finds that the North Platte Area Irrigation District Modernization project will have No Adverse Effect on historic properties. No mitigation is necessary. If any cultural resources are identified during construction, all activities will be halted immediately and NRCS will proceed in accordance with the regulation on post-review discoveries (36 CFR § 800.13).

We kindly request that you please respond to this letter within 30 days of receipt with your comments on the undertaking. If you would like to schedule a Section 106 consultation meeting with us to discuss this undertaking further, please contact Melissa Baier, Assistant State Conservationist for Water Resources and Easements, by email at melissa.baier@usda.gov or 402.437.4065 with preferred dates and times.

If you have any questions or need to request additional information, please contact Melissa Baier. Thank you very much for your consideration of this undertaking.

Sincerely,

ROBERT D. LAWSON
State Conservationist

Attachments available for download at https://tinyurl.com/8nk43krm:

- Weston, Jason D. 2025. *Intensive Cultural Resource Survey of the East Clear Creek Watershed Environmental Assessment Project Alternatives, Keith and Lincoln Counties, Nebraska*
- Site Forms
- Maps
- Shapefiles and KMZs of APE and Ground Disturbance

cc:
Amanda Hill, THPO, 100 Kiowa Way, Carnegie OK 73015

USDA 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

December 30, 2025

The Honorable Mark N. Fox
Chairman
Three Affiliated Tribes of the Fort Berthold Reservation
404 Frontage Road
New Town, SD 58763

RE: North Platte Area Irrigation District Modernization/East Clear Creek Watershed

Dear The Honorable Mark N. Fox,

In accordance with Section 106 of the National Historic Preservation Act of 1966 (NHPA) and its implementing regulations (36 CFR Part 800), the Natural Resources Conservation Service (NRCS) is requesting to consult with you on a proposed undertaking in Lincoln and Keith Counties, Nebraska (HP#24211-069-01). Per 36 CFR 800.4, we have defined the area of potential effect (APE), completed a cultural resources inventory, and evaluated the historical significance of the resources identified during the inventory. We have also made a finding of No Adverse Effect for this undertaking.

Undertaking Description
NRCS is providing financial assistance to the Twin Platte Natural Resources District (TPNRD) through the P.L. 83-566 Small Watershed Program to develop a watershed plan. The purpose of the plan is to provide a safe, reliable, and efficient supply of irrigation water to six irrigation districts in the North Platte area. NRCS is the lead Federal agency under the National Environmental Policy Act (NEPA) and NHPA. NRCS and TPNRD are preparing an environmental assessment (EA) as part of the watershed planning process to evaluate the environmental impacts of the proposed agricultural water management plan.

NRCS and the TPNRD held agency and public scoping meetings regarding the watershed plan on December 9th, 2024. We anticipate that the draft Watershed Plan and EA (Plan-EA) will be available for public review in the summer or fall of 2026 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.

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

The proposed action identified in the Watershed Plan includes complete or partial replacement of six diversion structures along the North Platte River: Keith-Lincoln, Platte Valley, Paxton-Hershey, Suburban, Birdwood, and Cody-Dillon.

Keith-Lincoln Modernization and Partial Replacement

Improvements to achieve better efficiency and modernization for the Keith-Lincoln diversion would include restoration of grades behind the river gate side walls and placement of riprap. Flowable fill would also be placed below the south river gate sidewall. Additionally, a riprap plunge pool would be constructed downstream, with a sheet pile cut-off wall installed as well. The river and canal gate seals would be replaced, as well as the actuators to accommodate an automated control system. The canal gates would also be cleaned and seals replaced. Finally, updated safety features would include updated/additional lighting and installation of 42-inch-high handrails to the river and canal gate walkways. For public safety and security, features would also include fencing at both the river gates and canal gates.

Platte Valley/Paxton-Hershey Modernized Combined Diversion

Construction of a combined, modernized diversion structure serving both Platte Valley and Paxton-Hershey's canals would include removal of the existing, separate structures. The new structure would include extensive sheet piling to ensure structural stability, as well as other modernized structural components including automated river gates and separately operable canal gates. A level control manhole with a pressure transducer stilling well would be constructed to measure water level in the river at the diversion structure. Additionally, the Paxton-Hershey canal would be extended from its present extent to the new diversion structure. Updated features to provide for safe operation of each canal, independently, would include lighting and 42-inch-high handrails. For public safety and security, features would also include fencing at both the river gates and canal gates. Electrical power would be extended to the site from the original Platte Valley diversion site, about 700 feet to the southwest.

Suburban Modernization and Partial Replacement

Improvements to achieve better efficiency and modernization for the Suburban diversion would include replacement of the canal gate structure. Grading would also be done on the north riverbank, as well as placement of riprap. Additionally, a riprap plunge pool would be constructed downstream of the canal gate structure, with installation of sheet piling on the upstream side of the river gates as well as the downstream side and downstream of the spillway. River gate operators and actuators would also be added to allow installation of an automated control system. Finally, updated safety features would include new lighting and installation of 42-inch-high handrails to the river walkway; addition of lighting would require extension of electrical power to the site. For public safety and security, features would also include fencing at both the river gate and canal gate structures.

Birdwood Modernization and Full Replacement

Improvement to achieve better efficiency and modernization for the Birdwood diversion includes full replacement. Replacement involves extensive sheet piling to ensure structural stability, as well as other modernized structural components including automated river gates. A level control manhole with a pressure transducer stilling well would be constructed to measure water level in the river at the diversion structure. A sand chamber would be constructed to catch sand before water is diverted into the canal, improving the ease of O&M for canal personnel. For public safety and security, features

would also include fencing at both the river gates and canal gates. Updated safety features would include new lighting and installation of 42-inch-high handrails on new river and canal gate walkways; addition of lighting would require extension of electrical power to the site.

Cody-Dillon Modernization and Full Replacement

As with the Birdwood diversion, replacement of the Cody-Dillon diversion would include extensive sheet piling and other modernized structural components including separate operable and automated river gates and separately operable canal gates. A level control manhole with a pressure transducer stilling well would be constructed to measure water level in the river at the diversion structure. Fencing would also be added around the diversion for public safety, and safety features for canal personnel would include lighting and handrails, including extension of electrical power to the site.

Area of Potential Effects (APE)

The APE totals approximately 268 acres. This includes all areas that could be directly or indirectly affected by activities associated with this undertaking, including access routes, staging areas, excavation, grading, tree removal, power line extensions, fencing, riprap installation, diversion gate replacement, sheet piles installation, extension of the Paxton-Hershey canal, sediment disposal, etc. The cultural resources investigation included a 100-foot buffer around the diversion structures and canal extension to account for visual and other effects to historic properties. The Birdwood Diversion APE is in Section 2, Township 14 North, Range 33 West and Section 35, Township 15 North, Range 33 West. The Cody-Dillon Diversion APE is in Sections 10, 15, and 16 of Township 14 North, Range 31 West. The Keith-Lincoln Diversion APE is in Sections 7, 17, 18, 19, and 20 of Township 14 North, Range 36 West. The Platte Valley and Paxton-Hershey Diversion APE is in Sections 7, 13, 17, and 18 of Township 14 North, Range 33 West. The Suburban Diversion APE is in Sections 12 and 13 of Township 14 North Range 33 West and Sections 7 and 18 of Township 14 North, Range 32 West. Maps and photographs of the APE are available in the cultural resources inventory report, which is available for download at https://tinyurl.com/8nk43krm.

Cultural Resource and Historic Property Identification

Cultural Resource Analysts, Inc. (CRA) conducted the cultural resources inventory of the APE. Prior to the field investigation, CRA staff completed 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 as well as NRHP listed properties within one mile of the APE. No archeological sites or historic structures are recorded within the APE. No NRHP listed properties were identified within one mile of the APE. Two previously recorded archaeological resources (25LN17 and 25LN18) are recorded within one mile of the Birdwood Diversion APE. The routes of the California National Historic Trail and the Mormon Pioneer National Historic Trail intersect the Keith-Lincoln Diversion APE the Platte Valley. California National Historic Trail also intersects the Paxton-Hershey Diversion APE, and the route of the Mormon-Pioneer National Historic Trail is within one mile of the Birdwood, Suburban, and Cody-Dillon Diversion APEs.

CRA conducted cultural resources field investigations on July 14-21, 2025, and September 2-4, 2025. The entire APE was investigated. Field survey methods included

intensive pedestrian visual inspection with transects no more than 30 meters apart and shovel testing. The field personnel examined subsurface exposures, such as the cut banks of the existing canals, road cuts, plowed fields, irrigator wheel ruts, animal burrows, and other disturbances, for signs of buried cultural materials. Survey visibility was good with approximately 60% bare ground. Poor visibility was noted along the canals. Shovel tests were excavated at approximately 200-meter intervals to support the pedestrian inventory. Shovel tests were excavated in controlled stratigraphic levels and screened through ¼" hardware cloth.

No buried cultural materials were encountered in the shovel tests (except those excavated at site 25LN148). This is likely due to erosion from agriculture, disturbances from canal construction, and the fact that most of the project area is within a floodplain.

The pedestrian inventory recorded and evaluated one historic archaeological site, three historic architectural sites, and documented seven historic linear resources. All cultural resources identified were evaluated for eligibility for inclusion in the National Register of Historic Places (NRHP) following the guidelines in National Register Bulletin No. 15.

Site 25LN148 is the archeological remains of a historic farmstead. The site includes a concrete foundation, an access road, a subsurface trash deposition, and a partially buried deposit of concrete rubble. Artifacts observed on the surface and recovered from shovel tests included plastic, aluminum foil, aluminum beverage cans with pull tabs, trash bag fragments, clear glass, soda bottle glass, and ceramics as well as fragments of plastic children's toys, such as a small blue plastic A-7 Corsair II fighter jet. The artifacts all date from the late 1960s to the early 1980s. According to a neighboring landowner, the trash encountered in the shovel tests was left by a ditch runner for the North Platte Canal in the late 1970s. The foundation belonged to a house where his grandparents lived in the 1930s, and the house burned in the 1970s after a high school party. Site 25LN148 is not associated with events or people significant to history (Criteria A and B), it does not contain architecture that is distinctive of a period, type, or method of construction and is not a significant and distinguishable entity (Criterion C), and it is unlikely to contribute information important in history or prehistory (Criterion D). NRCS finds that the site is not eligible for the NRHP under any criterion.

LN00-260 is an occupied farmstead with a house, a summer kitchen with lean-to, a concrete livestock water tank, an old water well with poured concrete foundation, a small concrete foundation, and a depression. The site is not associated with events or people significant to history (Criteria A and B), it does not contain architecture that is distinctive of a period, type, or method of construction and is not a significant and distinguishable entity (Criterion C), and it is unlikely to contribute information important in history or prehistory (Criterion D). NRCS finds that the site is not eligible for the NRHP under any criterion.

LN00-261 is also an occupied farmstead with a house, a two-car garage, three outbuildings, a windmill, a chicken house, a corncrib, a livestock barn, a pole barn, a Quonset storage building, a modern steel machine shed, six modern steel grain bins, two sugar beet storage bins, and a collection of old farm equipment. The site is not associated with events or people significant to history (Criteria A and B), it does not contain architecture that is distinctive of a period, type, or method of construction and is not a significant and distinguishable entity (Criterion C), and it is unlikely to contribute

information important in history or prehistory (Criterion D). NRCS finds that the site is not eligible for the NRHP under any criterion.

KH00-104 is a historic bridge over the North Platte River. It is a single lane vehicle bridge made with large steel I-beam stringers supported by steel bent piers. The bridge was likely constructed between 1919 and 1954. The bridge is not associated with events or people significant to history (Criteria A and B), it does not contain architecture that is distinctive of a period, type, or method of construction and is not a significant and distinguishable entity (Criterion C), and it is unlikely to contribute information important in history or prehistory (Criterion D). NRCS finds that the site is not eligible for the NRHP under any criterion.

The Keith-Lincoln Canal was built between 1898 and 1899. The North Platte (Platte Valley) Canal was built between 1883 and 1884. The Paxton-Hershey Canal was built in 1894. The Birdwood Canal was built between 1894 and 1895. The Suburban Canal was built in 1894. The Cody-Dillon Canal was built in 1893 and was owned by William F. "Buffalo Bill" Cody. All six canals are considered eligible for the NRHP under Criterion A for their roles in irrigation, agriculture, and economic development in western Nebraska. The Cody-Dillon Canal is also considered to be eligible under Criterion B for its association with William F. "Buffalo Bill" Cody. However, the diversion structures lack integrity of materials, design, feeling, and workmanship and do not contribute to the canals' eligibility.

Two segments of the historic alignment of the Omaha and Republican Valley (O&RV) Railway Company (now the Union Pacific Railroad) were also documented by the cultural resources investigation. The railroad was constructed in the late 1880s and was important to the economic and commercial development of northwestern Nebraska and maintaining the economic viability of the Union Pacific Railroads which was a major driver of development across the American West. The railroad alignment is considered eligible for the NRHP under Criterion A, but the two segments that intersect the project APE are considered non-contributing to the railroad's eligibility due to a lack of integrity of design, setting, materials, workmanship, and feeling.

The cultural resource survey did not find any evidence of cultural materials or features related to the Mormon Pioneer or California National Historic Trails within the APE.

Impacts to Cultural Resources

The resources identified in the cultural resource investigation as LN00-260, LN00-261, KH00-104, and the OR&V Railway will not be damaged, destroyed, or altered by this project. There may be temporary auditory and visual effects to the farmsteads during construction from equipment operation, but the farmsteads are not considered to be eligible for the NRHP. Construction equipment will travel over the railroad tracks and the bridge to access the diversion structures, but this activity is in keeping with current vehicular traffic. The bridge is not eligible for the NRHP. There will be no adverse effects to the OR&V Railway.

The project will replace all or part of the diversion structures for the Keith-Lincoln, Birdwood, Suburban, and Cody-Dillon Canals. The original diversion structures for the Platte Valley (North Platte) and Paxton-Hershey Canals will be removed and replaced with a single structure located between the two original diversions. The diversion

structures have been maintained and updated throughout the lives of the structures and are not considered to contribute to the canals' eligibility for the NRHP. Additionally, the proposed changes to the gates will be made in kind and will not alter any of the features or elements that make the canals eligible for inclusion in the NRHP.

There will be no effects on the Mormon Pioneer or California National Historic Trails. Although the mapped routes of the trails cross part of the APE, no physical features of the trail were identified by the cultural resources inventory. No ground disturbance is proposed within the mapped route of the Trails. Construction equipment will use existing roads to cross the trail routes. The National Historic Trails will not be damaged, destroyed, or altered by this project.

Determination of Effects

In accordance with 36 CFR 800.5(b), NRCS finds that the North Platte Area Irrigation District Modernization project will have No Adverse Effect on historic properties. No mitigation is necessary. If any cultural resources are identified during construction, all activities will be halted immediately and NRCS will proceed in accordance with the regulation on post-review discoveries (36 CFR § 800.13).

We kindly request that you please respond to this letter within 30 days of receipt with your comments on the undertaking. If you would like to schedule a Section 106 consultation meeting with us to discuss this undertaking further, please contact Melissa Baier, Assistant State Conservationist for Water Resources and Easements, by email at melissa.baier@usda.gov or 402.437.4065 with preferred dates and times.

If you have any questions or need to request additional information, please contact Melissa Baier. Thank you very much for your consideration of this undertaking.

Sincerely,



ROBERT D. LAWSON
State Conservationist

Attachments available for download at https://tinyurl.com/8nk43krm:

- Weston, Jason D. 2025. *Intensive Cultural Resource Survey of the East Clear Creek Watershed Environmental Assessment Project Alternatives, Keith and Lincoln Counties, Nebraska*
- Site Forms
- Maps
- Shapefiles and KMZs of APE and Ground Disturbance

cc:
Allen Demaray, THPO, 404 Frontage Road, New Town SD 58763

USDA 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

December 30, 2025

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

RE: North Platte Area Irrigation District Modernization/East Clear Creek Watershed

Dear The 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), the Natural Resources Conservation Service (NRCS) is requesting to consult with you on a proposed undertaking in Lincoln and Keith Counties, Nebraska (HP#24211-069-01). Per 36 CFR 800.4, we have defined the area of potential effect (APE), completed a cultural resources inventory, and evaluated the historical significance of the resources identified during the inventory. We have also made a finding of No Adverse Effect for this undertaking.

Undertaking Description
NRCS is providing financial assistance to the Twin Platte Natural Resources District (TPNRD) through the P.L. 83-566 Small Watershed Program to develop a watershed plan. The purpose of the plan is to provide a safe, reliable, and efficient supply of irrigation water to six irrigation districts in the North Platte area. NRCS is the lead Federal agency under the National Environmental Policy Act (NEPA) and NHPA. NRCS and TPNRD are preparing an environmental assessment (EA) as part of the watershed planning process to evaluate the environmental impacts of the proposed agricultural water management plan.

NRCS and the TPNRD held agency and public scoping meetings regarding the watershed plan on December 9th, 2024. We anticipate that the draft Watershed Plan and EA (Plan-EA) will be available for public review in the summer or fall of 2026 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.

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

The proposed action identified in the Watershed Plan includes complete or partial replacement of six diversion structures along the North Platte River: Keith-Lincoln, Platte Valley, Paxton-Hershey, Suburban, Birdwood, and Cody-Dillon.

Keith-Lincoln Modernization and Partial Replacement

Improvements to achieve better efficiency and modernization for the Keith-Lincoln diversion would include restoration of grades behind the river gate side walls and placement of riprap. Flowable fill would also be placed below the south river gate sidewall. Additionally, a riprap plunge pool would be constructed downstream, with a sheet pile cut-off wall installed as well. The river and canal gate seals would be replaced, as well as the actuators to accommodate an automated control system. The canal gates would also be cleaned and seals replaced. Finally, updated safety features would include updated/additional lighting and installation of 42-inch-high handrails to the river and canal gate walkways. For public safety and security, features would also include fencing at both the river gates and canal gates.

Platte Valley/Paxton-Hershey Modernized Combined Diversion

Construction of a combined, modernized diversion structure serving both Platte Valley and Paxton-Hershey's canals would include removal of the existing, separate structures. The new structure would include extensive sheet piling to ensure structural stability, as well as other modernized structural components including automated river gates and separately operable canal gates. A level control manhole with a pressure transducer stilling well would be constructed to measure water level in the river at the diversion structure. Additionally, the Paxton-Hershey canal would be extended from its present extent to the new diversion structure. Updated features to provide for safe operation of each canal, independently, would include lighting and 42-inch-high handrails. For public safety and security, features would also include fencing at both the river gates and canal gates. Electrical power would be extended to the site from the original Platte Valley diversion site, about 700 feet to the southwest.

Suburban Modernization and Partial Replacement

Improvements to achieve better efficiency and modernization for the Suburban diversion would include replacement of the canal gate structure. Grading would also be done on the north riverbank, as well as placement of riprap. Additionally, a riprap plunge pool would be constructed downstream of the canal gate structure, with installation of sheet piling on the upstream side of the river gates as well as the downstream side and downstream of the spillway. River gate operators and actuators would also be added to allow installation of an automated control system. Finally, updated safety features would include new lighting and installation of 42-inch-high handrails to the river walkway; addition of lighting would require extension of electrical power to the site. For public safety and security, features would also include fencing at both the river gate and canal gate structures.

Birdwood Modernization and Full Replacement

Improvement to achieve better efficiency and modernization for the Birdwood diversion includes full replacement. Replacement involves extensive sheet piling to ensure structural stability, as well as other modernized structural components including automated river gates. A level control manhole with a pressure transducer stilling well would be constructed to measure water level in the river at the diversion structure. A sand chamber would be constructed to catch sand before water is diverted into the canal, improving the ease of O&M for canal personnel. For public safety and security, features

would also include fencing at both the river gates and canal gates. Updated safety features would include new lighting and installation of 42-inch-high handrails on new river and canal gate walkways; addition of lighting would require extension of electrical power to the site.

Cody-Dillon Modernization and Full Replacement

As with the Birdwood diversion, replacement of the Cody-Dillon diversion would include extensive sheet piling and other modernized structural components including separate operable and automated river gates and separately operable canal gates. A level control manhole with a pressure transducer stilling well would be constructed to measure water level in the river at the diversion structure. Fencing would also be added around the diversion for public safety, and safety features for canal personnel would include lighting and handrails, including extension of electrical power to the site.

Area of Potential Effects (APE)

The APE totals approximately 268 acres. This includes all areas that could be directly or indirectly affected by activities associated with this undertaking, including access routes, staging areas, excavation, grading, tree removal, power line extensions, fencing, riprap installation, diversion gate replacement, sheet piles installation, extension of the Paxton-Hershey canal, sediment disposal, etc. The cultural resources investigation included a 100-foot buffer around the diversion structures and canal extension to account for visual and other effects to historic properties. The Birdwood Diversion APE is in Section 2, Township 14 North, Range 33 West and Section 35, Township 15 North, Range 33 West. The Cody-Dillon Diversion APE is in Sections 10, 15, and 16 of Township 14 North, Range 31 West. The Keith-Lincoln Diversion APE is in Sections 7, 17, 18, 19, and 20 of Township 14 North, Range 36 West. The Platte Valley and Paxton-Hershey Diversion APE is in Sections 7, 13, 17, and 18 of Township 14 North, Range 33 West. The Suburban Diversion APE is in Sections 12 and 13 of Township 14 North Range 33 West and Sections 7 and 18 of Township 14 North, Range 32 West. Maps and photographs of the APE are available in the cultural resources inventory report, which is available for download at https://tinyurl.com/8nk43krm.

Cultural Resource and Historic Property Identification

Cultural Resource Analysts, Inc. (CRA) conducted the cultural resources inventory of the APE. Prior to the field investigation, CRA staff completed 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 as well as NRHP listed properties within one mile of the APE. No archeological sites or historic structures are recorded within the APE. No NRHP listed properties were identified within one mile of the APE. Two previously recorded archaeological resources (25LN17 and 25LN18) are recorded within one mile of the Birdwood Diversion APE. The routes of the California National Historic Trail and the Mormon Pioneer National Historic Trail intersect the Keith-Lincoln Diversion APE the Platte Valley. California National Historic Trail also intersects the Paxton-Hershey Diversion APE, and the route of the Mormon-Pioneer National Historic Trail is within one mile of the Birdwood, Suburban, and Cody-Dillon Diversion APEs.

CRA conducted cultural resources field investigations on July 14-21, 2025, and September 2-4, 2025. The entire APE was investigated. Field survey methods included

intensive pedestrian visual inspection with transects no more than 30 meters apart and shovel testing. The field personnel examined subsurface exposures, such as the cut banks of the existing canals, road cuts, plowed fields, irrigator wheel ruts, animal burrows, and other disturbances, for signs of buried cultural materials. Survey visibility was good with approximately 60% bare ground. Poor visibility was noted along the canals. Shovel tests were excavated at approximately 200-meter intervals to support the pedestrian inventory. Shovel tests were excavated in controlled stratigraphic levels and screened through ¼" hardware cloth.

No buried cultural materials were encountered in the shovel tests (except those excavated at site 25LN148). This is likely due to erosion from agriculture, disturbances from canal construction, and the fact that most of the project area is within a floodplain.

The pedestrian inventory recorded and evaluated one historic archaeological site, three historic architectural sites, and documented seven historic linear resources. All cultural resources identified were evaluated for eligibility for inclusion in the National Register of Historic Places (NRHP) following the guidelines in National Register Bulletin No. 15.

Site 25LN148 is the archeological remains of a historic farmstead. The site includes a concrete foundation, an access road, a subsurface trash deposition, and a partially buried deposit of concrete rubble. Artifacts observed on the surface and recovered from shovel tests included plastic, aluminum foil, aluminum beverage cans with pull tabs, trash bag fragments, clear glass, soda bottle glass, and ceramics as well as fragments of plastic children's toys, such as a small blue plastic A-7 Corsair II fighter jet. The artifacts all date from the late 1960s to the early 1980s. According to a neighboring landowner, the trash encountered in the shovel tests was left by a ditch runner for the North Platte Canal in the late 1970s. The foundation belonged to a house where his grandparents lived in the 1930s, and the house burned in the 1970s after a high school party. Site 25LN148 is not associated with events or people significant to history (Criteria A and B), it does not contain architecture that is distinctive of a period, type, or method of construction and is not a significant and distinguishable entity (Criterion C), and it is unlikely to contribute information important in history or prehistory (Criterion D). NRCS finds that the site is not eligible for the NRHP under any criterion.

LN00-260 is an occupied farmstead with a house, a summer kitchen with lean-to, a concrete livestock water tank, an old water well with poured concrete foundation, a small concrete foundation, and a depression. The site is not associated with events or people significant to history (Criteria A and B), it does not contain architecture that is distinctive of a period, type, or method of construction and is not a significant and distinguishable entity (Criterion C), and it is unlikely to contribute information important in history or prehistory (Criterion D). NRCS finds that the site is not eligible for the NRHP under any criterion.

LN00-261 is also an occupied farmstead with a house, a two-car garage, three outbuildings, a windmill, a chicken house, a corncrib, a livestock barn, a pole barn, a Quonset storage building, a modern steel machine shed, six modern steel grain bins, two sugar beet storage bins, and a collection of old farm equipment. The site is not associated with events or people significant to history (Criteria A and B), it does not contain architecture that is distinctive of a period, type, or method of construction and is not a significant and distinguishable entity (Criterion C), and it is unlikely to contribute

information important in history or prehistory (Criterion D). NRCS finds that the site is not eligible for the NRHP under any criterion.

KH00-104 is a historic bridge over the North Platte River. It is a single lane vehicle bridge made with large steel I-beam stringers supported by steel bent piers. The bridge was likely constructed between 1919 and 1954. The bridge is not associated with events or people significant to history (Criteria A and B), it does not contain architecture that is distinctive of a period, type, or method of construction and is not a significant and distinguishable entity (Criterion C), and it is unlikely to contribute information important in history or prehistory (Criterion D). NRCS finds that the site is not eligible for the NRHP under any criterion.

The Keith-Lincoln Canal was built between 1898 and 1899. The North Platte (Platte Valley) Canal was built between 1883 and 1884. The Paxton-Hershey Canal was built in 1894. The Birdwood Canal was built between 1894 and 1895. The Suburban Canal was built in 1894. The Cody-Dillon Canal was built in 1893 and was owned by William F. "Buffalo Bill" Cody. All six canals are considered eligible for the NRHP under Criterion A for their roles in irrigation, agriculture, and economic development in western Nebraska. The Cody-Dillon Canal is also considered to be eligible under Criterion B for its association with William F. "Buffalo Bill" Cody. However, the diversion structures lack integrity of materials, design, feeling, and workmanship and do not contribute to the canals' eligibility.

Two segments of the historic alignment of the Omaha and Republican Valley (O&RV) Railway Company (now the Union Pacific Railroad) were also documented by the cultural resources investigation. The railroad was constructed in the late 1880s and was important to the economic and commercial development of northwestern Nebraska and maintaining the economic viability of the Union Pacific Railroads which was a major driver of development across the American West. The railroad alignment is considered eligible for the NRHP under Criterion A, but the two segments that intersect the project APE are considered non-contributing to the railroad's eligibility due to a lack of integrity of design, setting, materials, workmanship, and feeling.

The cultural resource survey did not find any evidence of cultural materials or features related to the Mormon Pioneer or California National Historic Trails within the APE.

Impacts to Cultural Resources

The resources identified in the cultural resource investigation as LN00-260, LN00-261, KH00-104, and the OR&V Railway will not be damaged, destroyed, or altered by this project. There may be temporary auditory and visual effects to the farmsteads during construction from equipment operation, but the farmsteads are not considered to be eligible for the NRHP. Construction equipment will travel over the railroad tracks and the bridge to access the diversion structures, but this activity is in keeping with current vehicular traffic. The bridge is not eligible for the NRHP. There will be no adverse effects to the OR&V Railway.

The project will replace all or part of the diversion structures for the Keith-Lincoln, Birdwood, Suburban, and Cody-Dillon Canals. The original diversion structures for the Platte Valley (North Platte) and Paxton-Hershey Canals will be removed and replaced with a single structure located between the two original diversions. The diversion

structures have been maintained and updated throughout the lives of the structures and are not considered to contribute to the canals' eligibility for the NRHP. Additionally, the proposed changes to the gates will be made in kind and will not alter any of the features or elements that make the canals eligible for inclusion in the NRHP.

There will be no effects on the Mormon Pioneer or California National Historic Trails. Although the mapped routes of the trails cross part of the APE, no physical features of the trail were identified by the cultural resources inventory. No ground disturbance is proposed within the mapped route of the Trails. Construction equipment will use existing roads to cross the trail routes. The National Historic Trails will not be damaged, destroyed, or altered by this project.

Determination of Effects

In accordance with 36 CFR 800.5(b), NRCS finds that the North Platte Area Irrigation District Modernization project will have No Adverse Effect on historic properties. No mitigation is necessary. If any cultural resources are identified during construction, all activities will be halted immediately and NRCS will proceed in accordance with the regulation on post-review discoveries (36 CFR § 800.13).

We kindly request that you please respond to this letter within 30 days of receipt with your comments on the undertaking. If you would like to schedule a Section 106 consultation meeting with us to discuss this undertaking further, please contact Melissa Baier, Assistant State Conservationist for Water Resources and Easements, by email at melissa.baier@usda.gov or 402.437.4065 with preferred dates and times.

If you have any questions or need to request additional information, please contact Melissa Baier. Thank you very much for your consideration of this undertaking.

Sincerely,



ROBERT D. LAWSON
State Conservationist

Attachments available for download at https://tinyurl.com/8nk43krm:

- Weston, Jason D. 2025. *Intensive Cultural Resource Survey of the East Clear Creek Watershed Environmental Assessment Project Alternatives, Keith and Lincoln Counties, Nebraska*
- Site Forms
- Maps
- Shapefiles and KMZs of APE and Ground Disturbance

cc:
Matt Reed, THPO, Pawnee Nation of Oklahoma, PO Box 470, Pawnee OK 74058

USDA 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

December 30, 2025

Oregon-California Trails Association
PO Box 1019
Independence, MO 64051

RE: North Platte Area Irrigation District Modernization/East Clear Creek Watershed

Dear Oregon-California Trails Association,

In accordance with Section 106 of the National Historic Preservation Act of 1966 (NHPA) and its implementing regulations (36 CFR Part 800), the Natural Resources Conservation Service (NRCS) is requesting to consult with you on a proposed undertaking in Lincoln and Keith Counties, Nebraska (HP#24211-069-01). Per 36 CFR 800.4, we have defined the area of potential effect (APE), completed a cultural resources inventory, and evaluated the historical significance of the resources identified during the inventory. We have also made a finding of No Adverse Effect for this undertaking.

Undertaking Description
NRCS is providing financial assistance to the Twin Platte Natural Resources District (TPNRD) through the P.L. 83-566 Small Watershed Program to develop a watershed plan. The purpose of the plan is to provide a safe, reliable, and efficient supply of irrigation water to six irrigation districts in the North Platte area. NRCS is the lead Federal agency under the National Environmental Policy Act (NEPA) and NHPA. NRCS and TPNRD are preparing an environmental assessment (EA) as part of the watershed planning process to evaluate the environmental impacts of the proposed agricultural water management plan.

NRCS and the TPNRD held agency and public scoping meetings regarding the watershed plan on December 9th, 2024. We anticipate that the draft Watershed Plan and EA (Plan-EA) will be available for public review in the summer or fall of 2026 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 Watershed Plan includes complete or partial replacement of six diversion structures along the North Platte River: Keith-Lincoln, Platte Valley, Paxton-Hershey, Suburban, Birdwood, and Cody-Dillon.

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

Keith-Lincoln Modernization and Partial Replacement

Improvements to achieve better efficiency and modernization for the Keith-Lincoln diversion would include restoration of grades behind the river gate side walls and placement of riprap. Flowable fill would also be placed below the south river gate sidewall. Additionally, a riprap plunge pool would be constructed downstream, with a sheet pile cut-off wall installed as well. The river and canal gate seals would be replaced, as well as the actuators to accommodate an automated control system. The canal gates would also be cleaned and seals replaced. Finally, updated safety features would include updated/additional lighting and installation of 42-inch-high handrails to the river and canal gate walkways. For public safety and security, features would also include fencing at both the river gates and canal gates.

Platte Valley/Paxton-Hershey Modernized Combined Diversion

Construction of a combined, modernized diversion structure serving both Platte Valley and Paxton-Hershey's canals would include removal of the existing, separate structures. The new structure would include extensive sheet piling to ensure structural stability, as well as other modernized structural components including automated river gates and separately operable canal gates. A level control manhole with a pressure transducer stilling well would be constructed to measure water level in the river at the diversion structure. Additionally, the Paxton-Hershey canal would be extended from its present extent to the new diversion structure. Updated features to provide for safe operation of each canal, independently, would include lighting and 42-inch-high handrails. For public safety and security, features would also include fencing at both the river gates and canal gates. Electrical power would be extended to the site from the original Platte Valley diversion site, about 700 feet to the southwest.

Suburban Modernization and Partial Replacement

Improvements to achieve better efficiency and modernization for the Suburban diversion would include replacement of the canal gate structure. Grading would also be done on the north riverbank, as well as placement of riprap. Additionally, a riprap plunge pool would be constructed downstream of the canal gate structure, with installation of sheet piling on the upstream side of the river gates as well as the downstream side and downstream of the spillway. River gate operators and actuators would also be added to allow installation of an automated control system. Finally, updated safety features would include new lighting and installation of 42-inch-high handrails to the river walkway; addition of lighting would require extension of electrical power to the site. For public safety and security, features would also include fencing at both the river gate and canal gate structures.

Birdwood Modernization and Full Replacement

Improvement to achieve better efficiency and modernization for the Birdwood diversion includes full replacement. Replacement involves extensive sheet piling to ensure structural stability, as well as other modernized structural components including automated river gates. A level control manhole with a pressure transducer stilling well would be constructed to measure water level in the river at the diversion structure. A sand chamber would be constructed to catch sand before water is diverted into the canal, improving the ease of O&M for canal personnel. For public safety and security, features would also include fencing at both the river gates and canal gates. Updated safety features would include new lighting and installation of 42-inch-high handrails on new river and canal gate walkways; addition of lighting would require extension of electrical power to the site.

Cody-Dillon Modernization and Full Replacement

As with the Birdwood diversion, replacement of the Cody-Dillon diversion would include extensive sheet piling and other modernized structural components including separate operable and automated river gates and separately operable canal gates. A level control manhole with a pressure transducer stilling well would be constructed to measure water level in the river at the diversion structure. Fencing would also be added around the diversion for public safety, and safety features for canal personnel would include lighting and handrails, including extension of electrical power to the site.

Area of Potential Effects (APE)

The APE totals approximately 268 acres. This includes all areas that could be directly or indirectly affected by activities associated with this undertaking, including access routes, staging areas, excavation, grading, tree removal, power line extensions, fencing, riprap installation, diversion gate replacement, sheet piles installation, extension of the Paxton-Hershey canal, sediment disposal, etc. The cultural resources investigation included a 100-foot buffer around the diversion structures and canal extension to account for visual and other effects to historic properties. The Birdwood Diversion APE is in Section 2, Township 14 North, Range 33 West and Section 35, Township 15 North, Range 33 West. The Cody-Dillon Diversion APE is in Sections 10, 15, and 16 of Township 14 North, Range 31 West. The Keith-Lincoln Diversion APE is in Sections 7, 17, 18, 19, and 20 of Township 14 North, Range 36 West. The Platte Valley and Paxton-Hershey Diversion APE is in Sections 7, 13, 17, and 18 of Township 14 North, Range 33 West. The Suburban Diversion APE is in Sections 12 and 13 of Township 14 North Range 33 West and Sections 7 and 18 of Township 14 North, Range 32 West. Maps and photographs of the APE are available in the cultural resources inventory report, which is available for download at https://tinyurl.com/8nk43krm.

Cultural Resource and Historic Property Identification

Cultural Resource Analysts, Inc. (CRA) conducted the cultural resources inventory of the APE. Prior to the field investigation, CRA staff completed 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 as well as NRHP listed properties within one mile of the APE. No archeological sites or historic structures are recorded within the APE. No NRHP listed properties were identified within one mile of the APE. Two previously recorded archaeological resources (25LN17 and 25LN18) are recorded within one mile of the Birdwood Diversion APE. The routes of the California National Historic Trail and the Mormon Pioneer National Historic Trail intersect the Keith-Lincoln Diversion APE the Platte Valley. California National Historic Trail also intersects the Paxton-Hershey Diversion APE, and the route of the Mormon-Pioneer National Historic Trail is within one mile of the Birdwood, Suburban, and Cody-Dillon Diversion APEs.

CRA conducted cultural resources field investigations on July 14-21, 2025, and September 2-4, 2025. The entire APE was investigated. Field survey methods included intensive pedestrian visual inspection with transects no more than 30 meters apart and shovel testing. The field personnel examined subsurface exposures, such as the cut banks of the existing canals, road cuts, plowed fields, irrigator wheel ruts, animal burrows, and other disturbances, for signs of buried cultural materials. Survey visibility was good with

approximately 60% bare ground. Poor visibility was noted along the canals. Shovel tests were excavated at approximately 200-meter intervals to support the pedestrian inventory. Shovel tests were excavated in controlled stratigraphic levels and screened through ¼" hardware cloth.

No buried cultural materials were encountered in the shovel tests (except those excavated at site 25LN148). This is likely due to erosion from agriculture, disturbances from canal construction, and the fact that most of the project area is within a floodplain.

The pedestrian inventory recorded and evaluated one historic archaeological site, three historic architectural sites, and documented seven historic linear resources. All cultural resources identified were evaluated for eligibility for inclusion in the National Register of Historic Places (NRHP) following the guidelines in National Register Bulletin No. 15.

Site 25LN148 is the archeological remains of a historic farmstead. The site includes a concrete foundation, an access road, a subsurface trash deposition, and a partially buried deposit of concrete rubble. Artifacts observed on the surface and recovered from shovel tests included plastic, aluminum foil, aluminum beverage cans with pull tabs, trash bag fragments, clear glass, soda bottle glass, and ceramics as well as fragments of plastic children's toys, such as a small blue plastic A-7 Corsair II fighter jet. The artifacts all date from the late 1960s to the early 1980s. According to a neighboring landowner, the trash encountered in the shovel tests was left by a ditch runner for the North Platte Canal in the late 1970s. The foundation belonged to a house where his grandparents lived in the 1930s, and the house burned in the 1970s after a high school party. Site 25LN148 is not associated with events or people significant to history (Criteria A and B), it does not contain architecture that is distinctive of a period, type, or method of construction and is not a significant and distinguishable entity (Criterion C), and it is unlikely to contribute information important in history or prehistory (Criterion D). NRCS finds that the site is not eligible for the NRHP under any criterion.

LN00-260 is an occupied farmstead with a house, a summer kitchen with lean-to, a concrete livestock water tank, an old water well with poured concrete foundation, a small concrete foundation, and a depression. The site is not associated with events or people significant to history (Criteria A and B), it does not contain architecture that is distinctive of a period, type, or method of construction and is not a significant and distinguishable entity (Criterion C), and it is unlikely to contribute information important in history or prehistory (Criterion D). NRCS finds that the site is not eligible for the NRHP under any criterion.

LN00-261 is also an occupied farmstead with a house, a two-car garage, three outbuildings, a windmill, a chicken house, a corncrib, a livestock barn, a pole barn, a Quonset storage building, a modern steel machine shed, six modern steel grain bins, two sugar beet storage bins, and a collection of old farm equipment. The site is not associated with events or people significant to history (Criteria A and B), it does not contain architecture that is distinctive of a period, type, or method of construction and is not a significant and distinguishable entity (Criterion C), and it is unlikely to contribute information important in history or prehistory (Criterion D). NRCS finds that the site is not eligible for the NRHP under any criterion.

KH00-104 is a historic bridge over the North Platte River. It is a single lane vehicle bridge made with large steel I-beam stringers supported by steel bent piers. The bridge was likely constructed between 1919 and 1954. The bridge is not associated with events or people significant to history (Criteria A and B), it does not contain architecture that is distinctive of a period, type, or method of construction and is not a significant and distinguishable entity (Criterion C), and it is unlikely to contribute information important in history or prehistory (Criterion D). NRCS finds that the site is not eligible for the NRHP under any criterion.

The Keith-Lincoln Canal was built between 1898 and 1899. The North Platte (Platte Valley) Canal was built between 1883 and 1884. The Paxton-Hershey Canal was built in 1894. The Birdwood Canal was built between 1894 and 1895. The Suburban Canal was built in 1894. The Cody-Dillon Canal was built in 1893 and was owned by William F. "Buffalo Bill" Cody. All six canals are considered eligible for the NRHP under Criterion A for their roles in irrigation, agriculture, and economic development in western Nebraska. The Cody-Dillon Canal is also considered to be eligible under Criterion B for its association with William F. "Buffalo Bill" Cody. However, the diversion structures lack integrity of materials, design, feeling, and workmanship and do not contribute to the canals' eligibility.

Two segments of the historic alignment of the Omaha and Republican Valley (O&RV) Railway Company (now the Union Pacific Railroad) were also documented by the cultural resources investigation. The railroad was constructed in the late 1880s and was important to the economic and commercial development of northwestern Nebraska and maintaining the economic viability of the Union Pacific Railroads which was a major driver of development across the American West. The railroad alignment is considered eligible for the NRHP under Criterion A, but the two segments that intersect the project APE are considered non-contributing to the railroad's eligibility due to a lack of integrity of design, setting, materials, workmanship, and feeling.

The cultural resource survey did not find any evidence of cultural materials or features related to the Mormon Pioneer or California National Historic Trails within the APE.

Impacts to Cultural Resources

The resources identified in the cultural resource investigation as LN00-260, LN00-261, KH00-104, and the OR&V Railway will not be damaged, destroyed, or altered by this project. There may be temporary auditory and visual effects to the farmsteads during construction from equipment operation, but the farmsteads are not considered to be eligible for the NRHP. Construction equipment will travel over the railroad tracks and the bridge to access the diversion structures, but this activity is in keeping with current vehicular traffic. The bridge is not eligible for the NRHP. There will be no adverse effects to the OR&V Railway.

The project will replace all or part of the diversion structures for the Keith-Lincoln, Birdwood, Suburban, and Cody-Dillon Canals. The original diversion structures for the Platte Valley (North Platte) and Paxton-Hershey Canals will be removed and replaced with a single structure located between the two original diversions. The diversion structures have been maintained and updated throughout the lives of the structures and are not considered to contribute to the canals' eligibility for the NRHP. Additionally, the

proposed changes to the gates will be made in kind and will not alter any of the features or elements that make the canals eligible for inclusion in the NRHP.

There will be no effects on the Mormon Pioneer or California National Historic Trails. Although the mapped routes of the trails cross part of the APE, no physical features of the trail were identified by the cultural resources inventory. No ground disturbance is proposed within the mapped route of the Trails. Construction equipment will use existing roads to cross the trail routes. The National Historic Trails will not be damaged, destroyed, or altered by this project.

Determination of Effects

In accordance with 36 CFR 800.5(b), NRCS finds that the North Platte Area Irrigation District Modernization project will have No Adverse Effect on historic properties. No mitigation is necessary. If any cultural resources are identified during construction, all activities will be halted immediately and NRCS will proceed in accordance with the regulation on post-review discoveries (36 CFR § 800.13).

We kindly request that you please respond to this letter within 30 days of receipt with your comments on the undertaking. If you would like to schedule a Section 106 consultation meeting with us to discuss this undertaking further, please contact Melissa Baier, Assistant State Conservationist for Water Resources and Easements, by email at melissa.baier@usda.gov or 402.437.4065 with preferred dates and times.

If you have any questions or need to request additional information, please contact Melissa Baier. Thank you very much for your consideration of this undertaking.

Sincerely,



ROBERT D. LAWSON
State Conservationist

Attachments available for download at https://tinyurl.com/8nk43krm:

- Weston, Jason D. 2025. *Intensive Cultural Resource Survey of the East Clear Creek Watershed Environmental Assessment Project Alternatives, Keith and Lincoln Counties, Nebraska*
- Site Forms
- Maps
- Shapefiles and KMZs of APE and Ground Disturbance

USDA 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

December 30, 2025

Patrick Malone
Superintendent
Mormon Pioneer and California National Historic Trail
1100 Old Santa Fe Trail
Sante Fe, NM 87505

RE: North Platte Area Irrigation District Modernization/East Clear Creek Watershed

Dear Patrick Malone,

In accordance with Section 106 of the National Historic Preservation Act of 1966 (NHPA) and its implementing regulations (36 CFR Part 800), the Natural Resources Conservation Service (NRCS) is requesting to consult with you on a proposed undertaking in Lincoln and Keith Counties, Nebraska (HP#24211-069-01). Per 36 CFR 800.4, we have defined the area of potential effect (APE), completed a cultural resources inventory, and evaluated the historical significance of the resources identified during the inventory. We have also made a finding of No Adverse Effect for this undertaking.

Undertaking Description
NRCS is providing financial assistance to the Twin Platte Natural Resources District (TPNRD) through the P.L. 83-566 Small Watershed Program to develop a watershed plan. The purpose of the plan is to provide a safe, reliable, and efficient supply of irrigation water to six irrigation districts in the North Platte area. NRCS is the lead Federal agency under the National Environmental Policy Act (NEPA) and NHPA. NRCS and TPNRD are preparing an environmental assessment (EA) as part of the watershed planning process to evaluate the environmental impacts of the proposed agricultural water management plan.

NRCS and the TPNRD held agency and public scoping meetings regarding the watershed plan on December 9th, 2024. We anticipate that the draft Watershed Plan and EA (Plan-EA) will be available for public review in the summer or fall of 2026 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 Watershed Plan includes complete or partial replacement of six diversion structures along the North Platte River: Keith-Lincoln, Platte Valley, Paxton-Hershey, Suburban, Birdwood, and Cody-Dillon.

Keith-Lincoln Modernization and Partial Replacement

Improvements to achieve better efficiency and modernization for the Keith-Lincoln diversion would include restoration of grades behind the river gate side walls and placement of riprap. Flowable fill would also be placed below the south river gate sidewall. Additionally, a riprap plunge pool would be constructed downstream, with a sheet pile cut-off wall installed as well. The river and canal gate seals would be replaced, as well as the actuators to accommodate an automated control system. The canal gates would also be cleaned and seals replaced. Finally, updated safety features would include updated/additional lighting and installation of 42-inch-high handrails to the river and canal gate walkways. For public safety and security, features would also include fencing at both the river gates and canal gates.

Platte Valley/Paxton-Hershey Modernized Combined Diversion

Construction of a combined, modernized diversion structure serving both Platte Valley and Paxton-Hershey's canals would include removal of the existing, separate structures. The new structure would include extensive sheet piling to ensure structural stability, as well as other modernized structural components including automated river gates and separately operable canal gates. A level control manhole with a pressure transducer stilling well would be constructed to measure water level in the river at the diversion structure. Additionally, the Paxton-Hershey canal would be extended from its present extent to the new diversion structure. Updated features to provide for safe operation of each canal, independently, would include lighting and 42-inch-high handrails. For public safety and security, features would also include fencing at both the river gates and canal gates. Electrical power would be extended to the site from the original Platte Valley diversion site, about 700 feet to the southwest.

Suburban Modernization and Partial Replacement

Improvements to achieve better efficiency and modernization for the Suburban diversion would include replacement of the canal gate structure. Grading would also be done on the north riverbank, as well as placement of riprap. Additionally, a riprap plunge pool would be constructed downstream of the canal gate structure, with installation of sheet piling on the upstream side of the river gates as well as the downstream side and downstream of the spillway. River gate operators and actuators would also be added to allow installation of an automated control system. Finally, updated safety features would include new lighting and installation of 42-inch-high handrails to the river walkway; addition of lighting would require extension of electrical power to the site. For public safety and security, features would also include fencing at both the river gate and canal gate structures.

Birdwood Modernization and Full Replacement

Improvement to achieve better efficiency and modernization for the Birdwood diversion includes full replacement. Replacement involves extensive sheet piling to ensure structural stability, as well as other modernized structural components including automated river gates. A level control manhole with a pressure transducer stilling well would be constructed to measure water level in the river at the diversion structure. A sand chamber would be constructed to catch sand before water is diverted into the canal, improving the ease of O&M for canal personnel. For public safety and security, features

would also include fencing at both the river gates and canal gates. Updated safety features would include new lighting and installation of 42-inch-high handrails on new river and canal gate walkways; addition of lighting would require extension of electrical power to the site.

Cody-Dillon Modernization and Full Replacement

As with the Birdwood diversion, replacement of the Cody-Dillon diversion would include extensive sheet piling and other modernized structural components including separate operable and automated river gates and separately operable canal gates. A level control manhole with a pressure transducer stilling well would be constructed to measure water level in the river at the diversion structure. Fencing would also be added around the diversion for public safety, and safety features for canal personnel would include lighting and handrails, including extension of electrical power to the site.

Area of Potential Effects (APE)

The APE totals approximately 268 acres. This includes all areas that could be directly or indirectly affected by activities associated with this undertaking, including access routes, staging areas, excavation, grading, tree removal, power line extensions, fencing, riprap installation, diversion gate replacement, sheet piles installation, extension of the Paxton-Hershey canal, sediment disposal, etc. The cultural resources investigation included a 100-foot buffer around the diversion structures and canal extension to account for visual and other effects to historic properties. The Birdwood Diversion APE is in Section 2, Township 14 North, Range 33 West and Section 35, Township 15 North, Range 33 West. The Cody-Dillon Diversion APE is in Sections 10, 15, and 16 of Township 14 North, Range 31 West. The Keith-Lincoln Diversion APE is in Sections 7, 17, 18, 19, and 20 of Township 14 North, Range 36 West. The Platte Valley and Paxton-Hershey Diversion APE is in Sections 7, 13, 17, and 18 of Township 14 North, Range 33 West. The Suburban Diversion APE is in Sections 12 and 13 of Township 14 North Range 33 West and Sections 7 and 18 of Township 14 North, Range 32 West. Maps and photographs of the APE are available in the cultural resources inventory report, which is available for download at https://tinyurl.com/8nk43krm.

Cultural Resource and Historic Property Identification

Cultural Resource Analysts, Inc. (CRA) conducted the cultural resources inventory of the APE. Prior to the field investigation, CRA staff completed 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 as well as NRHP listed properties within one mile of the APE. No archeological sites or historic structures are recorded within the APE. No NRHP listed properties were identified within one mile of the APE. Two previously recorded archaeological resources (25LN17 and 25LN18) are recorded within one mile of the Birdwood Diversion APE. The routes of the California National Historic Trail and the Mormon Pioneer National Historic Trail intersect the Keith-Lincoln Diversion APE the Platte Valley. California National Historic Trail also intersects the Paxton-Hershey Diversion APE, and the route of the Mormon-Pioneer National Historic Trail is within one mile of the Birdwood, Suburban, and Cody-Dillon Diversion APEs.

CRA conducted cultural resources field investigations on July 14-21, 2025, and September 2-4, 2025. The entire APE was investigated. Field survey methods included

intensive pedestrian visual inspection with transects no more than 30 meters apart and shovel testing. The field personnel examined subsurface exposures, such as the cut banks of the existing canals, road cuts, plowed fields, irrigator wheel ruts, animal burrows, and other disturbances, for signs of buried cultural materials. Survey visibility was good with approximately 60% bare ground. Poor visibility was noted along the canals. Shovel tests were excavated at approximately 200-meter intervals to support the pedestrian inventory. Shovel tests were excavated in controlled stratigraphic levels and screened through ¼" hardware cloth.

No buried cultural materials were encountered in the shovel tests (except those excavated at site 25LN148). This is likely due to erosion from agriculture, disturbances from canal construction, and the fact that most of the project area is within a floodplain.

The pedestrian inventory recorded and evaluated one historic archaeological site, three historic architectural sites, and documented seven historic linear resources. All cultural resources identified were evaluated for eligibility for inclusion in the National Register of Historic Places (NRHP) following the guidelines in National Register Bulletin No. 15.

Site 25LN148 is the archeological remains of a historic farmstead. The site includes a concrete foundation, an access road, a subsurface trash deposition, and a partially buried deposit of concrete rubble. Artifacts observed on the surface and recovered from shovel tests included plastic, aluminum foil, aluminum beverage cans with pull tabs, trash bag fragments, clear glass, soda bottle glass, and ceramics as well as fragments of plastic children's toys, such as a small blue plastic A-7 Corsair II fighter jet. The artifacts all date from the late 1960s to the early 1980s. According to a neighboring landowner, the trash encountered in the shovel tests was left by a ditch runner for the North Platte Canal in the late 1970s. The foundation belonged to a house where his grandparents lived in the 1930s, and the house burned in the 1970s after a high school party. Site 25LN148 is not associated with events or people significant to history (Criteria A and B), it does not contain architecture that is distinctive of a period, type, or method of construction and is not a significant and distinguishable entity (Criterion C), and it is unlikely to contribute information important in history or prehistory (Criterion D). NRCS finds that the site is not eligible for the NRHP under any criterion.

LN00-260 is an occupied farmstead with a house, a summer kitchen with lean-to, a concrete livestock water tank, an old water well with poured concrete foundation, a small concrete foundation, and a depression. The site is not associated with events or people significant to history (Criteria A and B), it does not contain architecture that is distinctive of a period, type, or method of construction and is not a significant and distinguishable entity (Criterion C), and it is unlikely to contribute information important in history or prehistory (Criterion D). NRCS finds that the site is not eligible for the NRHP under any criterion.

LN00-261 is also an occupied farmstead with a house, a two-car garage, three outbuildings, a windmill, a chicken house, a corncrib, a livestock barn, a pole barn, a Quonset storage building, a modern steel machine shed, six modern steel grain bins, two sugar beet storage bins, and a collection of old farm equipment. The site is not associated with events or people significant to history (Criteria A and B), it does not contain architecture that is distinctive of a period, type, or method of construction and is not a significant and distinguishable entity (Criterion C), and it is unlikely to contribute

information important in history or prehistory (Criterion D). NRCS finds that the site is not eligible for the NRHP under any criterion.

KH00-104 is a historic bridge over the North Platte River. It is a single lane vehicle bridge made with large steel I-beam stringers supported by steel bent piers. The bridge was likely constructed between 1919 and 1954. The bridge is not associated with events or people significant to history (Criteria A and B), it does not contain architecture that is distinctive of a period, type, or method of construction and is not a significant and distinguishable entity (Criterion C), and it is unlikely to contribute information important in history or prehistory (Criterion D). NRCS finds that the site is not eligible for the NRHP under any criterion.

The Keith-Lincoln Canal was built between 1898 and 1899. The North Platte (Platte Valley) Canal was built between 1883 and 1884. The Paxton-Hershey Canal was built in 1894. The Birdwood Canal was built between 1894 and 1895. The Suburban Canal was built in 1894. The Cody-Dillon Canal was built in 1893 and was owned by William F. "Buffalo Bill" Cody. All six canals are considered eligible for the NRHP under Criterion A for their roles in irrigation, agriculture, and economic development in western Nebraska. The Cody-Dillon Canal is also considered to be eligible under Criterion B for its association with William F. "Buffalo Bill" Cody. However, the diversion structures lack integrity of materials, design, feeling, and workmanship and do not contribute to the canals' eligibility.

Two segments of the historic alignment of the Omaha and Republican Valley (O&RV) Railway Company (now the Union Pacific Railroad) were also documented by the cultural resources investigation. The railroad was constructed in the late 1880s and was important to the economic and commercial development of northwestern Nebraska and maintaining the economic viability of the Union Pacific Railroads which was a major driver of development across the American West. The railroad alignment is considered eligible for the NRHP under Criterion A, but the two segments that intersect the project APE are considered non-contributing to the railroad's eligibility due to a lack of integrity of design, setting, materials, workmanship, and feeling.

The cultural resource survey did not find any evidence of cultural materials or features related to the Mormon Pioneer or California National Historic Trails within the APE.

Impacts to Cultural Resources

The resources identified in the cultural resource investigation as LN00-260, LN00-261, KH00-104, and the OR&V Railway will not be damaged, destroyed, or altered by this project. There may be temporary auditory and visual effects to the farmsteads during construction from equipment operation, but the farmsteads are not considered to be eligible for the NRHP. Construction equipment will travel over the railroad tracks and the bridge to access the diversion structures, but this activity is in keeping with current vehicular traffic. The bridge is not eligible for the NRHP. There will be no adverse effects to the OR&V Railway.

The project will replace all or part of the diversion structures for the Keith-Lincoln, Birdwood, Suburban, and Cody-Dillon Canals. The original diversion structures for the Platte Valley (North Platte) and Paxton-Hershey Canals will be removed and replaced with a single structure located between the two original diversions. The diversion

structures have been maintained and updated throughout the lives of the structures and are not considered to contribute to the canals' eligibility for the NRHP. Additionally, the proposed changes to the gates will be made in kind and will not alter any of the features or elements that make the canals eligible for inclusion in the NRHP.

There will be no effects on the Mormon Pioneer or California National Historic Trails. Although the mapped routes of the trails cross part of the APE, no physical features of the trail were identified by the cultural resources inventory. No ground disturbance is proposed within the mapped route of the Trails. Construction equipment will use existing roads to cross the trail routes. The National Historic Trails will not be damaged, destroyed, or altered by this project.

Determination of Effects

In accordance with 36 CFR 800.5(b), NRCS finds that the North Platte Area Irrigation District Modernization project will have No Adverse Effect on historic properties. No mitigation is necessary. If any cultural resources are identified during construction, all activities will be halted immediately and NRCS will proceed in accordance with the regulation on post-review discoveries (36 CFR § 800.13).

We kindly request that you please respond to this letter within 30 days of receipt with your comments on the undertaking. If you would like to schedule a Section 106 consultation meeting with us to discuss this undertaking further, please contact Melissa Baier, Assistant State Conservationist for Water Resources and Easements, by email at melissa.baier@usda.gov or 402.437.4065 with preferred dates and times.

If you have any questions or need to request additional information, please contact Melissa Baier. Thank you very much for your consideration of this undertaking.

Sincerely,



ROBERT D. LAWSON
State Conservationist

Attachments available for download at https://tinyurl.com/8nk43krm:

- Weston, Jason D. 2025. *Intensive Cultural Resource Survey of the East Clear Creek Watershed Environmental Assessment Project Alternatives, Keith and Lincoln Counties, Nebraska*
- Site Forms
- Maps
- Shapefiles and KMZs of APE and Ground Disturbance

cc:
ntir_externalreview@nps.gov

USDA 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

December 30, 2025

The Honorable Peter Lengkeek
Chairman
Crow Creek Sioux Tribe of the Crow Creek Reservation
PO Box 50
Fort Thompson, SD 57339

RE: North Platte Area Irrigation District Modernization/East Clear Creek Watershed

Dear The Honorable Peter Lengkeek,

In accordance with Section 106 of the National Historic Preservation Act of 1966 (NHPA) and its implementing regulations (36 CFR Part 800), the Natural Resources Conservation Service (NRCS) is requesting to consult with you on a proposed undertaking in Lincoln and Keith Counties, Nebraska (HP#24211-069-01). Per 36 CFR 800.4, we have defined the area of potential effect (APE), completed a cultural resources inventory, and evaluated the historical significance of the resources identified during the inventory. We have also made a finding of No Adverse Effect for this undertaking.

Undertaking Description
NRCS is providing financial assistance to the Twin Platte Natural Resources District (TPNRD) through the P.L. 83-566 Small Watershed Program to develop a watershed plan. The purpose of the plan is to provide a safe, reliable, and efficient supply of irrigation water to six irrigation districts in the North Platte area. NRCS is the lead Federal agency under the National Environmental Policy Act (NEPA) and NHPA. NRCS and TPNRD are preparing an environmental assessment (EA) as part of the watershed planning process to evaluate the environmental impacts of the proposed agricultural water management plan.

NRCS and the TPNRD held agency and public scoping meetings regarding the watershed plan on December 9th, 2024. We anticipate that the draft Watershed Plan and EA (Plan-EA) will be available for public review in the summer or fall of 2026 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 Watershed Plan includes complete or partial replacement of six diversion structures along the North Platte River: Keith-Lincoln, Platte Valley, Paxton-Hershey, Suburban, Birdwood, and Cody-Dillon.

Keith-Lincoln Modernization and Partial Replacement

Improvements to achieve better efficiency and modernization for the Keith-Lincoln diversion would include restoration of grades behind the river gate side walls and placement of riprap. Flowable fill would also be placed below the south river gate sidewall. Additionally, a riprap plunge pool would be constructed downstream, with a sheet pile cut-off wall installed as well. The river and canal gate seals would be replaced, as well as the actuators to accommodate an automated control system. The canal gates would also be cleaned and seals replaced. Finally, updated safety features would include updated/additional lighting and installation of 42-inch-high handrails to the river and canal gate walkways. For public safety and security, features would also include fencing at both the river gates and canal gates.

Platte Valley/Paxton-Hershey Modernized Combined Diversion

Construction of a combined, modernized diversion structure serving both Platte Valley and Paxton-Hershey's canals would include removal of the existing, separate structures. The new structure would include extensive sheet piling to ensure structural stability, as well as other modernized structural components including automated river gates and separately operable canal gates. A level control manhole with a pressure transducer stilling well would be constructed to measure water level in the river at the diversion structure. Additionally, the Paxton-Hershey canal would be extended from its present extent to the new diversion structure. Updated features to provide for safe operation of each canal, independently, would include lighting and 42-inch-high handrails. For public safety and security, features would also include fencing at both the river gates and canal gates. Electrical power would be extended to the site from the original Platte Valley diversion site, about 700 feet to the southwest.

Suburban Modernization and Partial Replacement

Improvements to achieve better efficiency and modernization for the Suburban diversion would include replacement of the canal gate structure. Grading would also be done on the north riverbank, as well as placement of riprap. Additionally, a riprap plunge pool would be constructed downstream of the canal gate structure, with installation of sheet piling on the upstream side of the river gates as well as the downstream side and downstream of the spillway. River gate operators and actuators would also be added to allow installation of an automated control system. Finally, updated safety features would include new lighting and installation of 42-inch-high handrails to the river walkway; addition of lighting would require extension of electrical power to the site. For public safety and security, features would also include fencing at both the river gate and canal gate structures.

Birdwood Modernization and Full Replacement

Improvement to achieve better efficiency and modernization for the Birdwood diversion includes full replacement. Replacement involves extensive sheet piling to ensure structural stability, as well as other modernized structural components including automated river gates. A level control manhole with a pressure transducer stilling well would be constructed to measure water level in the river at the diversion structure. A sand chamber would be constructed to catch sand before water is diverted into the canal, improving the ease of O&M for canal personnel. For public safety and security, features

would also include fencing at both the river gates and canal gates. Updated safety features would include new lighting and installation of 42-inch-high handrails on new river and canal gate walkways; addition of lighting would require extension of electrical power to the site.

Cody-Dillon Modernization and Full Replacement

As with the Birdwood diversion, replacement of the Cody-Dillon diversion would include extensive sheet piling and other modernized structural components including separate operable and automated river gates and separately operable canal gates. A level control manhole with a pressure transducer stilling well would be constructed to measure water level in the river at the diversion structure. Fencing would also be added around the diversion for public safety, and safety features for canal personnel would include lighting and handrails, including extension of electrical power to the site.

Area of Potential Effects (APE)

The APE totals approximately 268 acres. This includes all areas that could be directly or indirectly affected by activities associated with this undertaking, including access routes, staging areas, excavation, grading, tree removal, power line extensions, fencing, riprap installation, diversion gate replacement, sheet piles installation, extension of the Paxton-Hershey canal, sediment disposal, etc. The cultural resources investigation included a 100-foot buffer around the diversion structures and canal extension to account for visual and other effects to historic properties. The Birdwood Diversion APE is in Section 2, Township 14 North, Range 33 West and Section 35, Township 15 North, Range 33 West. The Cody-Dillon Diversion APE is in Sections 10, 15, and 16 of Township 14 North, Range 31 West. The Keith-Lincoln Diversion APE is in Sections 7, 17, 18, 19, and 20 of Township 14 North, Range 36 West. The Platte Valley and Paxton-Hershey Diversion APE is in Sections 7, 13, 17, and 18 of Township 14 North, Range 33 West. The Suburban Diversion APE is in Sections 12 and 13 of Township 14 North Range 33 West and Sections 7 and 18 of Township 14 North, Range 32 West. Maps and photographs of the APE are available in the cultural resources inventory report, which is available for download at https://tinyurl.com/8nk43krm.

Cultural Resource and Historic Property Identification

Cultural Resource Analysts, Inc. (CRA) conducted the cultural resources inventory of the APE. Prior to the field investigation, CRA staff completed 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 as well as NRHP listed properties within one mile of the APE. No archeological sites or historic structures are recorded within the APE. No NRHP listed properties were identified within one mile of the APE. Two previously recorded archaeological resources (25LN17 and 25LN18) are recorded within one mile of the Birdwood Diversion APE. The routes of the California National Historic Trail and the Mormon Pioneer National Historic Trail intersect the Keith-Lincoln Diversion APE the Platte Valley. California National Historic Trail also intersects the Paxton-Hershey Diversion APE, and the route of the Mormon-Pioneer National Historic Trail is within one mile of the Birdwood, Suburban, and Cody-Dillon Diversion APEs.

CRA conducted cultural resources field investigations on July 14-21, 2025, and September 2-4, 2025. The entire APE was investigated. Field survey methods included

intensive pedestrian visual inspection with transects no more than 30 meters apart and shovel testing. The field personnel examined subsurface exposures, such as the cut banks of the existing canals, road cuts, plowed fields, irrigator wheel ruts, animal burrows, and other disturbances, for signs of buried cultural materials. Survey visibility was good with approximately 60% bare ground. Poor visibility was noted along the canals. Shovel tests were excavated at approximately 200-meter intervals to support the pedestrian inventory. Shovel tests were excavated in controlled stratigraphic levels and screened through ¼" hardware cloth.

No buried cultural materials were encountered in the shovel tests (except those excavated at site 25LN148). This is likely due to erosion from agriculture, disturbances from canal construction, and the fact that most of the project area is within a floodplain.

The pedestrian inventory recorded and evaluated one historic archaeological site, three historic architectural sites, and documented seven historic linear resources. All cultural resources identified were evaluated for eligibility for inclusion in the National Register of Historic Places (NRHP) following the guidelines in National Register Bulletin No. 15.

Site 25LN148 is the archeological remains of a historic farmstead. The site includes a concrete foundation, an access road, a subsurface trash deposition, and a partially buried deposit of concrete rubble. Artifacts observed on the surface and recovered from shovel tests included plastic, aluminum foil, aluminum beverage cans with pull tabs, trash bag fragments, clear glass, soda bottle glass, and ceramics as well as fragments of plastic children's toys, such as a small blue plastic A-7 Corsair II fighter jet. The artifacts all date from the late 1960s to the early 1980s. According to a neighboring landowner, the trash encountered in the shovel tests was left by a ditch runner for the North Platte Canal in the late 1970s. The foundation belonged to a house where his grandparents lived in the 1930s, and the house burned in the 1970s after a high school party. Site 25LN148 is not associated with events or people significant to history (Criteria A and B), it does not contain architecture that is distinctive of a period, type, or method of construction and is not a significant and distinguishable entity (Criterion C), and it is unlikely to contribute information important in history or prehistory (Criterion D). NRCS finds that the site is not eligible for the NRHP under any criterion.

LN00-260 is an occupied farmstead with a house, a summer kitchen with lean-to, a concrete livestock water tank, an old water well with poured concrete foundation, a small concrete foundation, and a depression. The site is not associated with events or people significant to history (Criteria A and B), it does not contain architecture that is distinctive of a period, type, or method of construction and is not a significant and distinguishable entity (Criterion C), and it is unlikely to contribute information important in history or prehistory (Criterion D). NRCS finds that the site is not eligible for the NRHP under any criterion.

LN00-261 is also an occupied farmstead with a house, a two-car garage, three outbuildings, a windmill, a chicken house, a corncrib, a livestock barn, a pole barn, a Quonset storage building, a modern steel machine shed, six modern steel grain bins, two sugar beet storage bins, and a collection of old farm equipment. The site is not associated with events or people significant to history (Criteria A and B), it does not contain architecture that is distinctive of a period, type, or method of construction and is not a significant and distinguishable entity (Criterion C), and it is unlikely to contribute

information important in history or prehistory (Criterion D). NRCS finds that the site is not eligible for the NRHP under any criterion.

KH00-104 is a historic bridge over the North Platte River. It is a single lane vehicle bridge made with large steel I-beam stringers supported by steel bent piers. The bridge was likely constructed between 1919 and 1954. The bridge is not associated with events or people significant to history (Criteria A and B), it does not contain architecture that is distinctive of a period, type, or method of construction and is not a significant and distinguishable entity (Criterion C), and it is unlikely to contribute information important in history or prehistory (Criterion D). NRCS finds that the site is not eligible for the NRHP under any criterion.

The Keith-Lincoln Canal was built between 1898 and 1899. The North Platte (Platte Valley) Canal was built between 1883 and 1884. The Paxton-Hershey Canal was built in 1894. The Birdwood Canal was built between 1894 and 1895. The Suburban Canal was built in 1894. The Cody-Dillon Canal was built in 1893 and was owned by William F. "Buffalo Bill" Cody. All six canals are considered eligible for the NRHP under Criterion A for their roles in irrigation, agriculture, and economic development in western Nebraska. The Cody-Dillon Canal is also considered to be eligible under Criterion B for its association with William F. "Buffalo Bill" Cody. However, the diversion structures lack integrity of materials, design, feeling, and workmanship and do not contribute to the canals' eligibility.

Two segments of the historic alignment of the Omaha and Republican Valley (O&RV) Railway Company (now the Union Pacific Railroad) were also documented by the cultural resources investigation. The railroad was constructed in the late 1880s and was important to the economic and commercial development of northwestern Nebraska and maintaining the economic viability of the Union Pacific Railroads which was a major driver of development across the American West. The railroad alignment is considered eligible for the NRHP under Criterion A, but the two segments that intersect the project APE are considered non-contributing to the railroad's eligibility due to a lack of integrity of design, setting, materials, workmanship, and feeling.

The cultural resource survey did not find any evidence of cultural materials or features related to the Mormon Pioneer or California National Historic Trails within the APE.

Impacts to Cultural Resources

The resources identified in the cultural resource investigation as LN00-260, LN00-261, KH00-104, and the OR&V Railway will not be damaged, destroyed, or altered by this project. There may be temporary auditory and visual effects to the farmsteads during construction from equipment operation, but the farmsteads are not considered to be eligible for the NRHP. Construction equipment will travel over the railroad tracks and the bridge to access the diversion structures, but this activity is in keeping with current vehicular traffic. The bridge is not eligible for the NRHP. There will be no adverse effects to the OR&V Railway.

The project will replace all or part of the diversion structures for the Keith-Lincoln, Birdwood, Suburban, and Cody-Dillon Canals. The original diversion structures for the Platte Valley (North Platte) and Paxton-Hershey Canals will be removed and replaced with a single structure located between the two original diversions. The diversion

structures have been maintained and updated throughout the lives of the structures and are not considered to contribute to the canals' eligibility for the NRHP. Additionally, the proposed changes to the gates will be made in kind and will not alter any of the features or elements that make the canals eligible for inclusion in the NRHP.

There will be no effects on the Mormon Pioneer or California National Historic Trails. Although the mapped routes of the trails cross part of the APE, no physical features of the trail were identified by the cultural resources inventory. No ground disturbance is proposed within the mapped route of the Trails. Construction equipment will use existing roads to cross the trail routes. The National Historic Trails will not be damaged, destroyed, or altered by this project.

Determination of Effects

In accordance with 36 CFR 800.5(b), NRCS finds that the North Platte Area Irrigation District Modernization project will have No Adverse Effect on historic properties. No mitigation is necessary. If any cultural resources are identified during construction, all activities will be halted immediately and NRCS will proceed in accordance with the regulation on post-review discoveries (36 CFR § 800.13).

We kindly request that you please respond to this letter within 30 days of receipt with your comments on the undertaking. If you would like to schedule a Section 106 consultation meeting with us to discuss this undertaking further, please contact Melissa Baier, Assistant State Conservationist for Water Resources and Easements, by email at melissa.baier@usda.gov or 402.437.4065 with preferred dates and times.

If you have any questions or need to request additional information, please contact Melissa Baier. Thank you very much for your consideration of this undertaking.

Sincerely,

Robert D. Lawson

ROBERT D. LAWSON
State Conservationist

Attachments available for download at https://tinyurl.com/8nk43krm:

- Weston, Jason D. 2025. *Intensive Cultural Resource Survey of the East Clear Creek Watershed Environmental Assessment Project Alternatives, Keith and Lincoln Counties, Nebraska*
- Site Forms
- Maps
- Shapefiles and KMZs of APE and Ground Disturbance

cc:
Merle Marks, THPO, Crow Creek Sioux Tribe, PO Box 50, Fort Thompson SD 57339

USDA 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

December 30, 2025

The Honorable Reggie Wassana
Governor
Cheyenne and Arapaho Tribes of Oklahoma
PO Box 38
Concho, OK 73022

RE: North Platte Area Irrigation District Modernization/East Clear Creek Watershed

Dear The 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), the Natural Resources Conservation Service (NRCS) is requesting to consult with you on a proposed undertaking in Lincoln and Keith Counties, Nebraska (HP#24211-069-01). Per 36 CFR 800.4, we have defined the area of potential effect (APE), completed a cultural resources inventory, and evaluated the historical significance of the resources identified during the inventory. We have also made a finding of No Adverse Effect for this undertaking.

Undertaking Description

NRCS is providing financial assistance to the Twin Platte Natural Resources District (TPNRD) through the P.L. 83-566 Small Watershed Program to develop a watershed plan. The purpose of the plan is to provide a safe, reliable, and efficient supply of irrigation water to six irrigation districts in the North Platte area. NRCS is the lead Federal agency under the National Environmental Policy Act (NEPA) and NHPA. NRCS and TPNRD are preparing an environmental assessment (EA) as part of the watershed planning process to evaluate the environmental impacts of the proposed agricultural water management plan.

NRCS and the TPNRD held agency and public scoping meetings regarding the watershed plan on December 9th, 2024. We anticipate that the draft Watershed Plan and EA (Plan-EA) will be available for public review in the summer or fall of 2026 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.

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

The proposed action identified in the Watershed Plan includes complete or partial replacement of six diversion structures along the North Platte River: Keith-Lincoln, Platte Valley, Paxton-Hershey, Suburban, Birdwood, and Cody-Dillon.

Keith-Lincoln Modernization and Partial Replacement

Improvements to achieve better efficiency and modernization for the Keith-Lincoln diversion would include restoration of grades behind the river gate side walls and placement of riprap. Flowable fill would also be placed below the south river gate sidewall. Additionally, a riprap plunge pool would be constructed downstream, with a sheet pile cut-off wall installed as well. The river and canal gate seals would be replaced, as well as the actuators to accommodate an automated control system. The canal gates would also be cleaned and seals replaced. Finally, updated safety features would include updated/additional lighting and installation of 42-inch-high handrails to the river and canal gate walkways. For public safety and security, features would also include fencing at both the river gates and canal gates.

Platte Valley/Paxton-Hershey Modernized Combined Diversion

Construction of a combined, modernized diversion structure serving both Platte Valley and Paxton-Hershey's canals would include removal of the existing, separate structures. The new structure would include extensive sheet piling to ensure structural stability, as well as other modernized structural components including automated river gates and separately operable canal gates. A level control manhole with a pressure transducer stilling well would be constructed to measure water level in the river at the diversion structure. Additionally, the Paxton-Hershey canal would be extended from its present extent to the new diversion structure. Updated features to provide for safe operation of each canal, independently, would include lighting and 42-inch-high handrails. For public safety and security, features would also include fencing at both the river gates and canal gates. Electrical power would be extended to the site from the original Platte Valley diversion site, about 700 feet to the southwest.

Suburban Modernization and Partial Replacement

Improvements to achieve better efficiency and modernization for the Suburban diversion would include replacement of the canal gate structure. Grading would also be done on the north riverbank, as well as placement of riprap. Additionally, a riprap plunge pool would be constructed downstream of the canal gate structure, with installation of sheet piling on the upstream side of the river gates as well as the downstream side and downstream of the spillway. River gate operators and actuators would also be added to allow installation of an automated control system. Finally, updated safety features would include new lighting and installation of 42-inch-high handrails to the river walkway; addition of lighting would require extension of electrical power to the site. For public safety and security, features would also include fencing at both the river gate and canal gate structures.

Birdwood Modernization and Full Replacement

Improvement to achieve better efficiency and modernization for the Birdwood diversion includes full replacement. Replacement involves extensive sheet piling to ensure structural stability, as well as other modernized structural components including automated river gates. A level control manhole with a pressure transducer stilling well would be constructed to measure water level in the river at the diversion structure. A sand chamber would be constructed to catch sand before water is diverted into the canal, improving the ease of O&M for canal personnel. For public safety and security, features

would also include fencing at both the river gates and canal gates. Updated safety features would include new lighting and installation of 42-inch-high handrails on new river and canal gate walkways; addition of lighting would require extension of electrical power to the site.

Cody-Dillon Modernization and Full Replacement

As with the Birdwood diversion, replacement of the Cody-Dillon diversion would include extensive sheet piling and other modernized structural components including separate operable and automated river gates and separately operable canal gates. A level control manhole with a pressure transducer stilling well would be constructed to measure water level in the river at the diversion structure. Fencing would also be added around the diversion for public safety, and safety features for canal personnel would include lighting and handrails, including extension of electrical power to the site.

Area of Potential Effects (APE)

The APE totals approximately 268 acres. This includes all areas that could be directly or indirectly affected by activities associated with this undertaking, including access routes, staging areas, excavation, grading, tree removal, power line extensions, fencing, riprap installation, diversion gate replacement, sheet piles installation, extension of the Paxton-Hershey canal, sediment disposal, etc. The cultural resources investigation included a 100-foot buffer around the diversion structures and canal extension to account for visual and other effects to historic properties. The Birdwood Diversion APE is in Section 2, Township 14 North, Range 33 West and Section 35, Township 15 North, Range 33 West. The Cody-Dillon Diversion APE is in Sections 10, 15, and 16 of Township 14 North, Range 31 West. The Keith-Lincoln Diversion APE is in Sections 7, 17, 18, 19, and 20 of Township 14 North, Range 36 West. The Platte Valley and Paxton-Hershey Diversion APE is in Sections 7, 13, 17, and 18 of Township 14 North, Range 33 West. The Suburban Diversion APE is in Sections 12 and 13 of Township 14 North Range 33 West and Sections 7 and 18 of Township 14 North, Range 32 West. Maps and photographs of the APE are available in the cultural resources inventory report, which is available for download at https://tinyurl.com/8nk43krm.

Cultural Resource and Historic Property Identification

Cultural Resource Analysts, Inc. (CRA) conducted the cultural resources inventory of the APE. Prior to the field investigation, CRA staff completed 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 as well as NRHP listed properties within one mile of the APE. No archeological sites or historic structures are recorded within the APE. No NRHP listed properties were identified within one mile of the APE. Two previously recorded archaeological resources (25LN17 and 25LN18) are recorded within one mile of the Birdwood Diversion APE. The routes of the California National Historic Trail and the Mormon Pioneer National Historic Trail intersect the Keith-Lincoln Diversion APE the Platte Valley. California National Historic Trail also intersects the Paxton-Hershey Diversion APE, and the route of the Mormon-Pioneer National Historic Trail is within one mile of the Birdwood, Suburban, and Cody-Dillon Diversion APEs.

CRA conducted cultural resources field investigations on July 14-21, 2025, and September 2-4, 2025. The entire APE was investigated. Field survey methods included

intensive pedestrian visual inspection with transects no more than 30 meters apart and shovel testing. The field personnel examined subsurface exposures, such as the cut banks of the existing canals, road cuts, plowed fields, irrigator wheel ruts, animal burrows, and other disturbances, for signs of buried cultural materials. Survey visibility was good with approximately 60% bare ground. Poor visibility was noted along the canals. Shovel tests were excavated at approximately 200-meter intervals to support the pedestrian inventory. Shovel tests were excavated in controlled stratigraphic levels and screened through ¼" hardware cloth.

No buried cultural materials were encountered in the shovel tests (except those excavated at site 25LN148). This is likely due to erosion from agriculture, disturbances from canal construction, and the fact that most of the project area is within a floodplain.

The pedestrian inventory recorded and evaluated one historic archaeological site, three historic architectural sites, and documented seven historic linear resources. All cultural resources identified were evaluated for eligibility for inclusion in the National Register of Historic Places (NRHP) following the guidelines in National Register Bulletin No. 15.

Site 25LN148 is the archeological remains of a historic farmstead. The site includes a concrete foundation, an access road, a subsurface trash deposition, and a partially buried deposit of concrete rubble. Artifacts observed on the surface and recovered from shovel tests included plastic, aluminum foil, aluminum beverage cans with pull tabs, trash bag fragments, clear glass, soda bottle glass, and ceramics as well as fragments of plastic children's toys, such as a small blue plastic A-7 Corsair II fighter jet. The artifacts all date from the late 1960s to the early 1980s. According to a neighboring landowner, the trash encountered in the shovel tests was left by a ditch runner for the North Platte Canal in the late 1970s. The foundation belonged to a house where his grandparents lived in the 1930s, and the house burned in the 1970s after a high school party. Site 25LN148 is not associated with events or people significant to history (Criteria A and B), it does not contain architecture that is distinctive of a period, type, or method of construction and is not a significant and distinguishable entity (Criterion C), and it is unlikely to contribute information important in history or prehistory (Criterion D). NRCS finds that the site is not eligible for the NRHP under any criterion.

LN00-260 is an occupied farmstead with a house, a summer kitchen with lean-to, a concrete livestock water tank, an old water well with poured concrete foundation, a small concrete foundation, and a depression. The site is not associated with events or people significant to history (Criteria A and B), it does not contain architecture that is distinctive of a period, type, or method of construction and is not a significant and distinguishable entity (Criterion C), and it is unlikely to contribute information important in history or prehistory (Criterion D). NRCS finds that the site is not eligible for the NRHP under any criterion.

LN00-261 is also an occupied farmstead with a house, a two-car garage, three outbuildings, a windmill, a chicken house, a corncrib, a livestock barn, a pole barn, a Quonset storage building, a modern steel machine shed, six modern steel grain bins, two sugar beet storage bins, and a collection of old farm equipment. The site is not associated with events or people significant to history (Criteria A and B), it does not contain architecture that is distinctive of a period, type, or method of construction and is not a significant and distinguishable entity (Criterion C), and it is unlikely to contribute

information important in history or prehistory (Criterion D). NRCS finds that the site is not eligible for the NRHP under any criterion.

KH00-104 is a historic bridge over the North Platte River. It is a single lane vehicle bridge made with large steel I-beam stringers supported by steel bent piers. The bridge was likely constructed between 1919 and 1954. The bridge is not associated with events or people significant to history (Criteria A and B), it does not contain architecture that is distinctive of a period, type, or method of construction and is not a significant and distinguishable entity (Criterion C), and it is unlikely to contribute information important in history or prehistory (Criterion D). NRCS finds that the site is not eligible for the NRHP under any criterion.

The Keith-Lincoln Canal was built between 1898 and 1899. The North Platte (Platte Valley) Canal was built between 1883 and 1884. The Paxton-Hershey Canal was built in 1894. The Birdwood Canal was built between 1894 and 1895. The Suburban Canal was built in 1894. The Cody-Dillon Canal was built in 1893 and was owned by William F. "Buffalo Bill" Cody. All six canals are considered eligible for the NRHP under Criterion A for their roles in irrigation, agriculture, and economic development in western Nebraska. The Cody-Dillon Canal is also considered to be eligible under Criterion B for its association with William F. "Buffalo Bill" Cody. However, the diversion structures lack integrity of materials, design, feeling, and workmanship and do not contribute to the canals' eligibility.

Two segments of the historic alignment of the Omaha and Republican Valley (O&RV) Railway Company (now the Union Pacific Railroad) were also documented by the cultural resources investigation. The railroad was constructed in the late 1880s and was important to the economic and commercial development of northwestern Nebraska and maintaining the economic viability of the Union Pacific Railroads which was a major driver of development across the American West. The railroad alignment is considered eligible for the NRHP under Criterion A, but the two segments that intersect the project APE are considered non-contributing to the railroad's eligibility due to a lack of integrity of design, setting, materials, workmanship, and feeling.

The cultural resource survey did not find any evidence of cultural materials or features related to the Mormon Pioneer or California National Historic Trails within the APE.

Impacts to Cultural Resources

The resources identified in the cultural resource investigation as LN00-260, LN00-261, KH00-104, and the OR&V Railway will not be damaged, destroyed, or altered by this project. There may be temporary auditory and visual effects to the farmsteads during construction from equipment operation, but the farmsteads are not considered to be eligible for the NRHP. Construction equipment will travel over the railroad tracks and the bridge to access the diversion structures, but this activity is in keeping with current vehicular traffic. The bridge is not eligible for the NRHP. There will be no adverse effects to the OR&V Railway.

The project will replace all or part of the diversion structures for the Keith-Lincoln, Birdwood, Suburban, and Cody-Dillon Canals. The original diversion structures for the Platte Valley (North Platte) and Paxton-Hershey Canals will be removed and replaced with a single structure located between the two original diversions. The diversion

structures have been maintained and updated throughout the lives of the structures and are not considered to contribute to the canals' eligibility for the NRHP. Additionally, the proposed changes to the gates will be made in kind and will not alter any of the features or elements that make the canals eligible for inclusion in the NRHP.

There will be no effects on the Mormon Pioneer or California National Historic Trails. Although the mapped routes of the trails cross part of the APE, no physical features of the trail were identified by the cultural resources inventory. No ground disturbance is proposed within the mapped route of the Trails. Construction equipment will use existing roads to cross the trail routes. The National Historic Trails will not be damaged, destroyed, or altered by this project.

Determination of Effects

In accordance with 36 CFR 800.5(b), NRCS finds that the North Platte Area Irrigation District Modernization project will have No Adverse Effect on historic properties. No mitigation is necessary. If any cultural resources are identified during construction, all activities will be halted immediately and NRCS will proceed in accordance with the regulation on post-review discoveries (36 CFR § 800.13).

We kindly request that you please respond to this letter within 30 days of receipt with your comments on the undertaking. If you would like to schedule a Section 106 consultation meeting with us to discuss this undertaking further, please contact Melissa Baier, Assistant State Conservationist for Water Resources and Easements, by email at melissa.baier@usda.gov or 402.437.4065 with preferred dates and times.

If you have any questions or need to request additional information, please contact Melissa Baier. Thank you very much for your consideration of this undertaking.

Sincerely,

Robert D. Lawson

ROBERT D. LAWSON
State Conservationist

Attachments available for download at https://tinyurl.com/8nk43krm:

- Weston, Jason D. 2025. *Intensive Cultural Resource Survey of the East Clear Creek Watershed Environmental Assessment Project Alternatives, Keith and Lincoln Counties, Nebraska*
- Site Forms
- Maps
- Shapefiles and KMZs of APE and Ground Disturbance

cc:
Max Bear, THPO, Cheyenne and Arapaho Tribes of Oklahoma, PO Box 167, Concho OK 73022

USDA 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

December 30, 2025

The Honorable Ryman LeBeau
Chairperson
Cheyenne River Sioux Tribe
PO Box 590
Eagle Butte, SD 57625-0590

RE: North Platte Area Irrigation District Modernization/East Clear Creek Watershed

Dear The Honorable Ryman LeBeau,

In accordance with Section 106 of the National Historic Preservation Act of 1966 (NHPA) and its implementing regulations (36 CFR Part 800), the Natural Resources Conservation Service (NRCS) is requesting to consult with you on a proposed undertaking in Lincoln and Keith Counties, Nebraska (HP#24211-069-01). Per 36 CFR 800.4, we have defined the area of potential effect (APE), completed a cultural resources inventory, and evaluated the historical significance of the resources identified during the inventory. We have also made a finding of No Adverse Effect for this undertaking.

Undertaking Description
NRCS is providing financial assistance to the Twin Platte Natural Resources District (TPNRD) through the P.L. 83-566 Small Watershed Program to develop a watershed plan. The purpose of the plan is to provide a safe, reliable, and efficient supply of irrigation water to six irrigation districts in the North Platte area. NRCS is the lead Federal agency under the National Environmental Policy Act (NEPA) and NHPA. NRCS and TPNRD are preparing an environmental assessment (EA) as part of the watershed planning process to evaluate the environmental impacts of the proposed agricultural water management plan.

NRCS and the TPNRD held agency and public scoping meetings regarding the watershed plan on December 9th, 2024. We anticipate that the draft Watershed Plan and EA (Plan-EA) will be available for public review in the summer or fall of 2026 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.

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

The proposed action identified in the Watershed Plan includes complete or partial replacement of six diversion structures along the North Platte River: Keith-Lincoln, Platte Valley, Paxton-Hershey, Suburban, Birdwood, and Cody-Dillon.

Keith-Lincoln Modernization and Partial Replacement

Improvements to achieve better efficiency and modernization for the Keith-Lincoln diversion would include restoration of grades behind the river gate side walls and placement of riprap. Flowable fill would also be placed below the south river gate sidewall. Additionally, a riprap plunge pool would be constructed downstream, with a sheet pile cut-off wall installed as well. The river and canal gate seals would be replaced, as well as the actuators to accommodate an automated control system. The canal gates would also be cleaned and seals replaced. Finally, updated safety features would include updated/additional lighting and installation of 42-inch-high handrails to the river and canal gate walkways. For public safety and security, features would also include fencing at both the river gates and canal gates.

Platte Valley/Paxton-Hershey Modernized Combined Diversion

Construction of a combined, modernized diversion structure serving both Platte Valley and Paxton-Hershey's canals would include removal of the existing, separate structures. The new structure would include extensive sheet piling to ensure structural stability, as well as other modernized structural components including automated river gates and separately operable canal gates. A level control manhole with a pressure transducer stilling well would be constructed to measure water level in the river at the diversion structure. Additionally, the Paxton-Hershey canal would be extended from its present extent to the new diversion structure. Updated features to provide for safe operation of each canal, independently, would include lighting and 42-inch-high handrails. For public safety and security, features would also include fencing at both the river gates and canal gates. Electrical power would be extended to the site from the original Platte Valley diversion site, about 700 feet to the southwest.

Suburban Modernization and Partial Replacement

Improvements to achieve better efficiency and modernization for the Suburban diversion would include replacement of the canal gate structure. Grading would also be done on the north riverbank, as well as placement of riprap. Additionally, a riprap plunge pool would be constructed downstream of the canal gate structure, with installation of sheet piling on the upstream side of the river gates as well as the downstream side and downstream of the spillway. River gate operators and actuators would also be added to allow installation of an automated control system. Finally, updated safety features would include new lighting and installation of 42-inch-high handrails to the river walkway; addition of lighting would require extension of electrical power to the site. For public safety and security, features would also include fencing at both the river gate and canal gate structures.

Birdwood Modernization and Full Replacement

Improvement to achieve better efficiency and modernization for the Birdwood diversion includes full replacement. Replacement involves extensive sheet piling to ensure structural stability, as well as other modernized structural components including automated river gates. A level control manhole with a pressure transducer stilling well would be constructed to measure water level in the river at the diversion structure. A sand chamber would be constructed to catch sand before water is diverted into the canal, improving the ease of O&M for canal personnel. For public safety and security, features

would also include fencing at both the river gates and canal gates. Updated safety features would include new lighting and installation of 42-inch-high handrails on new river and canal gate walkways; addition of lighting would require extension of electrical power to the site.

Cody-Dillon Modernization and Full Replacement

As with the Birdwood diversion, replacement of the Cody-Dillon diversion would include extensive sheet piling and other modernized structural components including separate operable and automated river gates and separately operable canal gates. A level control manhole with a pressure transducer stilling well would be constructed to measure water level in the river at the diversion structure. Fencing would also be added around the diversion for public safety, and safety features for canal personnel would include lighting and handrails, including extension of electrical power to the site.

Area of Potential Effects (APE)

The APE totals approximately 268 acres. This includes all areas that could be directly or indirectly affected by activities associated with this undertaking, including access routes, staging areas, excavation, grading, tree removal, power line extensions, fencing, riprap installation, diversion gate replacement, sheet piles installation, extension of the Paxton-Hershey canal, sediment disposal, etc. The cultural resources investigation included a 100-foot buffer around the diversion structures and canal extension to account for visual and other effects to historic properties. The Birdwood Diversion APE is in Section 2, Township 14 North, Range 33 West and Section 35, Township 15 North, Range 33 West. The Cody-Dillon Diversion APE is in Sections 10, 15, and 16 of Township 14 North, Range 31 West. The Keith-Lincoln Diversion APE is in Sections 7, 17, 18, 19, and 20 of Township 14 North, Range 36 West. The Platte Valley and Paxton-Hershey Diversion APE is in Sections 7, 13, 17, and 18 of Township 14 North, Range 33 West. The Suburban Diversion APE is in Sections 12 and 13 of Township 14 North Range 33 West and Sections 7 and 18 of Township 14 North, Range 32 West. Maps and photographs of the APE are available in the cultural resources inventory report, which is available for download at https://tinyurl.com/8nk43krm.

Cultural Resource and Historic Property Identification

Cultural Resource Analysts, Inc. (CRA) conducted the cultural resources inventory of the APE. Prior to the field investigation, CRA staff completed 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 as well as NRHP listed properties within one mile of the APE. No archeological sites or historic structures are recorded within the APE. No NRHP listed properties were identified within one mile of the APE. Two previously recorded archaeological resources (25LN17 and 25LN18) are recorded within one mile of the Birdwood Diversion APE. The routes of the California National Historic Trail and the Mormon Pioneer National Historic Trail intersect the Keith-Lincoln Diversion APE the Platte Valley. California National Historic Trail also intersects the Paxton-Hershey Diversion APE, and the route of the Mormon-Pioneer National Historic Trail is within one mile of the Birdwood, Suburban, and Cody-Dillon Diversion APEs.

CRA conducted cultural resources field investigations on July 14-21, 2025, and September 2-4, 2025. The entire APE was investigated. Field survey methods included

intensive pedestrian visual inspection with transects no more than 30 meters apart and shovel testing. The field personnel examined subsurface exposures, such as the cut banks of the existing canals, road cuts, plowed fields, irrigator wheel ruts, animal burrows, and other disturbances, for signs of buried cultural materials. Survey visibility was good with approximately 60% bare ground. Poor visibility was noted along the canals. Shovel tests were excavated at approximately 200-meter intervals to support the pedestrian inventory. Shovel tests were excavated in controlled stratigraphic levels and screened through ¼" hardware cloth.

No buried cultural materials were encountered in the shovel tests (except those excavated at site 25LN148). This is likely due to erosion from agriculture, disturbances from canal construction, and the fact that most of the project area is within a floodplain.

The pedestrian inventory recorded and evaluated one historic archaeological site, three historic architectural sites, and documented seven historic linear resources. All cultural resources identified were evaluated for eligibility for inclusion in the National Register of Historic Places (NRHP) following the guidelines in National Register Bulletin No. 15.

Site 25LN148 is the archeological remains of a historic farmstead. The site includes a concrete foundation, an access road, a subsurface trash deposition, and a partially buried deposit of concrete rubble. Artifacts observed on the surface and recovered from shovel tests included plastic, aluminum foil, aluminum beverage cans with pull tabs, trash bag fragments, clear glass, soda bottle glass, and ceramics as well as fragments of plastic children's toys, such as a small blue plastic A-7 Corsair II fighter jet. The artifacts all date from the late 1960s to the early 1980s. According to a neighboring landowner, the trash encountered in the shovel tests was left by a ditch runner for the North Platte Canal in the late 1970s. The foundation belonged to a house where his grandparents lived in the 1930s, and the house burned in the 1970s after a high school party. Site 25LN148 is not associated with events or people significant to history (Criteria A and B), it does not contain architecture that is distinctive of a period, type, or method of construction and is not a significant and distinguishable entity (Criterion C), and it is unlikely to contribute information important in history or prehistory (Criterion D). NRCS finds that the site is not eligible for the NRHP under any criterion.

LN00-260 is an occupied farmstead with a house, a summer kitchen with lean-to, a concrete livestock water tank, an old water well with poured concrete foundation, a small concrete foundation, and a depression. The site is not associated with events or people significant to history (Criteria A and B), it does not contain architecture that is distinctive of a period, type, or method of construction and is not a significant and distinguishable entity (Criterion C), and it is unlikely to contribute information important in history or prehistory (Criterion D). NRCS finds that the site is not eligible for the NRHP under any criterion.

LN00-261 is also an occupied farmstead with a house, a two-car garage, three outbuildings, a windmill, a chicken house, a corncrib, a livestock barn, a pole barn, a Quonset storage building, a modern steel machine shed, six modern steel grain bins, two sugar beet storage bins, and a collection of old farm equipment. The site is not associated with events or people significant to history (Criteria A and B), it does not contain architecture that is distinctive of a period, type, or method of construction and is not a significant and distinguishable entity (Criterion C), and it is unlikely to contribute

information important in history or prehistory (Criterion D). NRCS finds that the site is not eligible for the NRHP under any criterion.

KH00-104 is a historic bridge over the North Platte River. It is a single lane vehicle bridge made with large steel I-beam stringers supported by steel bent piers. The bridge was likely constructed between 1919 and 1954. The bridge is not associated with events or people significant to history (Criteria A and B), it does not contain architecture that is distinctive of a period, type, or method of construction and is not a significant and distinguishable entity (Criterion C), and it is unlikely to contribute information important in history or prehistory (Criterion D). NRCS finds that the site is not eligible for the NRHP under any criterion.

The Keith-Lincoln Canal was built between 1898 and 1899. The North Platte (Platte Valley) Canal was built between 1883 and 1884. The Paxton-Hershey Canal was built in 1894. The Birdwood Canal was built between 1894 and 1895. The Suburban Canal was built in 1894. The Cody-Dillon Canal was built in 1893 and was owned by William F. "Buffalo Bill" Cody. All six canals are considered eligible for the NRHP under Criterion A for their roles in irrigation, agriculture, and economic development in western Nebraska. The Cody-Dillon Canal is also considered to be eligible under Criterion B for its association with William F. "Buffalo Bill" Cody. However, the diversion structures lack integrity of materials, design, feeling, and workmanship and do not contribute to the canals' eligibility.

Two segments of the historic alignment of the Omaha and Republican Valley (O&RV) Railway Company (now the Union Pacific Railroad) were also documented by the cultural resources investigation. The railroad was constructed in the late 1880s and was important to the economic and commercial development of northwestern Nebraska and maintaining the economic viability of the Union Pacific Railroads which was a major driver of development across the American West. The railroad alignment is considered eligible for the NRHP under Criterion A, but the two segments that intersect the project APE are considered non-contributing to the railroad's eligibility due to a lack of integrity of design, setting, materials, workmanship, and feeling.

The cultural resource survey did not find any evidence of cultural materials or features related to the Mormon Pioneer or California National Historic Trails within the APE.

Impacts to Cultural Resources

The resources identified in the cultural resource investigation as LN00-260, LN00-261, KH00-104, and the OR&V Railway will not be damaged, destroyed, or altered by this project. There may be temporary auditory and visual effects to the farmsteads during construction from equipment operation, but the farmsteads are not considered to be eligible for the NRHP. Construction equipment will travel over the railroad tracks and the bridge to access the diversion structures, but this activity is in keeping with current vehicular traffic. The bridge is not eligible for the NRHP. There will be no adverse effects to the OR&V Railway.

The project will replace all or part of the diversion structures for the Keith-Lincoln, Birdwood, Suburban, and Cody-Dillon Canals. The original diversion structures for the Platte Valley (North Platte) and Paxton-Hershey Canals will be removed and replaced with a single structure located between the two original diversions. The diversion

structures have been maintained and updated throughout the lives of the structures and are not considered to contribute to the canals' eligibility for the NRHP. Additionally, the proposed changes to the gates will be made in kind and will not alter any of the features or elements that make the canals eligible for inclusion in the NRHP.

There will be no effects on the Mormon Pioneer or California National Historic Trails. Although the mapped routes of the trails cross part of the APE, no physical features of the trail were identified by the cultural resources inventory. No ground disturbance is proposed within the mapped route of the Trails. Construction equipment will use existing roads to cross the trail routes. The National Historic Trails will not be damaged, destroyed, or altered by this project.

Determination of Effects

In accordance with 36 CFR 800.5(b), NRCS finds that the North Platte Area Irrigation District Modernization project will have No Adverse Effect on historic properties. No mitigation is necessary. If any cultural resources are identified during construction, all activities will be halted immediately and NRCS will proceed in accordance with the regulation on post-review discoveries (36 CFR § 800.13).

We kindly request that you please respond to this letter within 30 days of receipt with your comments on the undertaking. If you would like to schedule a Section 106 consultation meeting with us to discuss this undertaking further, please contact Melissa Baier, Assistant State Conservationist for Water Resources and Easements, by email at melissa.baier@usda.gov or 402.437.4065 with preferred dates and times.

If you have any questions or need to request additional information, please contact Melissa Baier. Thank you very much for your consideration of this undertaking.

Sincerely,



ROBERT D. LAWSON
State Conservationist

Attachments available for download at https://tinyurl.com/8nk43krm:

- Weston, Jason D. 2025. *Intensive Cultural Resource Survey of the East Clear Creek Watershed Environmental Assessment Project Alternatives, Keith and Lincoln Counties, Nebraska*
- Site Forms
- Maps
- Shapefiles and KMZs of APE and Ground Disturbance

cc:
Steven Vance, THPO, Cheyenne River Sioux Tribe, PO Box 590, Eagle Butte SD 57625-0590

From:	Baier, Melissa - FPAC-NRCS, NE
To:	mbear@cheyenneandarapaho-nsn.gov
Subject:	USDA-NRCS Section 106 consultation request - East Clear Creek/North Platte Irrigation District Modernization Watershed Plan, Keith and Lincoln Counties, Nebraska.
Date:	Wednesday, December 31, 2025 10:07:00 AM
Attachments:	image001.png 190-East Clear Creek 106 Letter_North Platte Irrigation_Reggie Wassana.pdf

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Good morning,

USDA-NRCS is requesting to consult with the Cheyenne and Arapaho Tribes regarding a watershed plan in Keith and Lincoln Counties, Nebraska. The undertaking involves the replacement of six irrigation canal diversion structures in the North Platte River. A hard copy of the Section 106 consultation request letter (attached) was mailed to your office on December 30, 2025, and included a web address where the supporting documentation is available. To assist you in accessing the files, I am also emailing the link: https://nrcs.box.com/s/35bwg6a95anjgxhl06ewjtbnaggarcio. Copies of the cultural resources investigation report, shapefiles and KMZ files of the Area of Potential Effect, and maps are available for download or viewing at the link.

Please let me know if you have any questions about the undertaking or would like to schedule a meeting to discuss the project further.

Sincerely,

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:	Steve.Vance@crstmail.com; "stevev.crstpres@outlook.com"
Subject:	USDA-NRCS Section 106 consultation request - East Clear Creek/North Platte Irrigation District Modernization Watershed Plan, Keith and Lincoln Counties, Nebraska.
Date:	Wednesday, December 31, 2025 10:06:00 AM
Attachments:	image001.png 190-East Clear Creek 106 Letter_North Platte Irrigation_Ryman LeBeau.pdf

Good morning,

USDA-NRCS is requesting to consult with the Cheyenne River Sioux Tribe regarding a watershed plan in Keith and Lincoln Counties, Nebraska. The undertaking involves the replacement of six irrigation canal diversion structures in the North Platte River. A hard copy of the Section 106 consultation request letter (attached) was mailed to your office on December 30, 2025, and included a web address where the supporting documentation is available. To assist you in accessing the files, I am also emailing the link: https://nrcs.box.com/s/35bwg6a95anjgxhl06ewjtbnaggarcio. Copies of the cultural resources investigation report, shapefiles and KMZ files of the Area of Potential Effect, and maps are available for download or viewing at the link.

Please let me know if you have any questions about the undertaking or would like to schedule a meeting to discuss the project further.

Sincerely,

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:	Merle Marks
Subject:	USDA-NRCS Section 106 consultation request - East Clear Creek/North Platte Irrigation District Modernization Watershed Plan, Keith and Lincoln Counties, Nebraska.
Date:	Wednesday, December 31, 2025 10:06:00 AM
Attachments:	image001.png 190-East Clear Creek 106 Letter_North Platte Irrigation_Peter Lengkeek.pdf

Good morning,

USDA-NRCS is requesting to consult with Crow Creek Sioux Tribe regarding a watershed plan in Keith and Lincoln Counties, Nebraska. The undertaking involves the replacement of six irrigation canal diversion structures in the North Platte River. A hard copy of the Section 106 consultation request letter (attached) was mailed to your office on December 30, 2025, and included a web address where the supporting documentation is available. To assist you in accessing the files, I am also emailing the link: https://nrcs.box.com/s/35bwg6a95anjgxhl06ewjtbnaggarcio. Copies of the cultural resources investigation report, shapefiles and KMZ files of the Area of Potential Effect, and maps are available for download or viewing at the link.

Please let me know if you have any questions about the undertaking or would like to schedule a meeting to discuss the project further.

Sincerely,

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:	Amanda Hill
Subject:	USDA-NRCS Section 106 consultation request - East Clear Creek/North Platte Irrigation District Modernization Watershed Plan, Keith and Lincoln Counties, Nebraska.
Date:	Wednesday, December 31, 2025 10:05:00 AM
Attachments:	image001.png 190-East Clear Creek 106 Letter_North Platte Irrigation_Lawrence Spottedbird.pdf

Good morning,

USDA-NRCS is requesting to consult with the Kiowa Tribe of Oklahoma regarding a watershed plan in Keith and Lincoln Counties, Nebraska. The undertaking involves the replacement of six irrigation canal diversion structures in the North Platte River. A hard copy of the Section 106 consultation request letter (attached) was mailed to your office on December 30, 2025, and included a web address where the supporting documentation is available. To assist you in accessing the files, I am also emailing the link: https://nrcs.box.com/s/35bwg6a95anjgxhl06ewjtbnaggarcio. Copies of the cultural resources investigation report, shapefiles and KMZ files of the Area of Potential Effect, and maps are available for download or viewing at the link.

Please let me know if you have any questions about the undertaking or would like to schedule a meeting to discuss the project further.

Sincerely,

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:	Orville Langdeau
Subject:	USDA-NRCS Section 106 consultation request - East Clear Creek/North Platte Irrigation District Modernization Watershed Plan, Keith and Lincoln Counties, Nebraska.
Date:	Wednesday, December 31, 2025 10:05:00 AM
Attachments:	image001.png 190-East Clear Creek 106 Letter_North Platte Irrigation_Boyd Gourneau.pdf

Good morning,

USDA-NRCS is requesting to consult with the Lower Brule Sioux Tribe regarding a watershed plan in Keith and Lincoln Counties, Nebraska. The undertaking involves the replacement of six irrigation canal diversion structures in the North Platte River. A hard copy of the Section 106 consultation request letter (attached) was mailed to your office on December 30, 2025, and included a web address where the supporting documentation is available. To assist you in accessing the files, I am also emailing the link: https://nrcs.box.com/s/35bwg6a95anjgxhl06ewjtbnaggarcio. Copies of the cultural resources investigation report, shapefiles and KMZ files of the Area of Potential Effect, and maps are available for download or viewing at the link.

Please let me know if you have any questions about the undertaking or would like to schedule a meeting to discuss the project further.

Sincerely,

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:	Allen Demaray
Subject:	USDA-NRCS Section 106 consultation request - East Clear Creek/North Platte Irrigation District Modernization Watershed Plan, Keith and Lincoln Counties, Nebraska.
Date:	Wednesday, December 31, 2025 10:04:00 AM
Attachments:	image001.png 190-East Clear Creek 106 Letter_North Platte Irrigation_Mark N. Fox.pdf

Good morning,

USDA-NRCS is requesting to consult with the Three Affiliated Tribes of the Fort Berthold Reservation regarding a watershed plan in Keith and Lincoln Counties, Nebraska. The undertaking involves the replacement of six irrigation canal diversion structures in the North Platte River. A hard copy of the Section 106 consultation request letter was mailed to your office on December 30, 2025, and included a web address where the supporting documentation is available. To assist you in accessing the files, I am also emailing the link: https://nrcs.box.com/s/35bwg6a95anjgxhl06ewjtbnaggarcio. Copies of the cultural resources investigation report, shapefiles and KMZ files of the Area of Potential Effect, and maps are available for download or viewing at the link.

Please let me know if you have any questions about the undertaking or would like to schedule a meeting to discuss the project further.

Sincerely,

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:	Teanna Limpy; Gary LaFranier
Subject:	USDA-NRCS Section 106 consultation request - East Clear Creek/North Platte Irrigation District Modernization Watershed Plan, Keith and Lincoln Counties, Nebraska.
Date:	Wednesday, December 31, 2025 10:04:00 AM
Attachments:	image001.png 190-East Clear Creek 106 Letter_North Platte Irrigation_Gene Small.pdf

Good morning,

USDA-NRCS is requesting to consult with the Northern Cheyenne Tribe regarding a watershed plan in Keith and Lincoln Counties, Nebraska. The undertaking involves the replacement of six irrigation canal diversion structures in the North Platte River. A hard copy of the Section 106 consultation request letter was mailed to your office on December 30, 2025, and included a web address where the supporting documentation is available. To assist you in accessing the files, I am also emailing the link: https://nrcs.box.com/s/35bwg6a95anjgxhl06ewjtbnaggarcio. Copies of the cultural resources investigation report, shapefiles and KMZ files of the Area of Potential Effect, and maps are available for download or viewing at the link.

Please let me know if you have any questions about the undertaking or would like to schedule a meeting to discuss the project further.

Sincerely,

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:	Trina Lonehill
Subject:	USDA-NRCS Section 106 consultation request - East Clear Creek/North Platte Irrigation District Modernization Watershed Plan, Keith and Lincoln Counties, Nebraska.
Date:	Wednesday, December 31, 2025 10:03:00 AM
Attachments:	image001.png 190-East Clear Creek 106 Letter_North Platte Irrigation_Frank Star Comes Out.pdf

Good morning,

USDA-NRCS is requesting to consult with the Oglala Sioux Tribe regarding a watershed plan in Keith and Lincoln Counties, Nebraska. The undertaking involves the replacement of six irrigation canal diversion structures in the North Platte River. A hard copy of the Section 106 consultation request letter (attached) was mailed to your office on December 30, 2025, and included a web address where the supporting documentation is available. To assist you in accessing the files, I am also emailing the link: https://nrcs.box.com/s/35bwg6a95anjgxhl06ewjtbnaggarcio. Copies of the cultural resources investigation report, shapefiles and KMZ files of the Area of Potential Effect, and maps are available for download or viewing at the link.

Please let me know if you have any questions about the undertaking or would like to schedule a meeting to discuss the project further.

Sincerely,

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:	Matt Reed, Pawnee Nation
Subject:	USDA-NRCS Section 106 consultation request - East Clear Creek/North Platte Irrigation District Modernization Watershed Plan, Keith and Lincoln Counties, Nebraska.
Date:	Wednesday, December 31, 2025 10:03:00 AM
Attachments:	image001.png 190-East Clear Creek 106 Letter_North Platte Irrigation_Misty Nuttle.pdf

Good morning,

USDA-NRCS is requesting to consult with the Pawnee Nation of Oklahoma regarding a watershed plan in Keith and Lincoln Counties, Nebraska. The undertaking involves the replacement of six irrigation canal diversion structures in the North Platte River. A hard copy of the Section 106 consultation request letter (attached) was mailed to your office on December 30, 2025, and included a web address where the supporting documentation is available. To assist you in accessing the files, I am also emailing the link: https://nrcs.box.com/s/35bwg6a95anjgxhl06ewjtbnaggarcio. Copies of the cultural resources investigation report, shapefiles and KMZ files of the Area of Potential Effect, and maps are available for download or viewing at the link.

Please let me know if you have any questions about the undertaking or would like to schedule a meeting to discuss the project further.

Sincerely,

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:	Ione Quigley
Subject:	USDA-NRCS Section 106 consultation request - East Clear Creek/North Platte Irrigation District Modernization Watershed Plan, Keith and Lincoln Counties, Nebraska.
Date:	Wednesday, December 31, 2025 10:03:00 AM
Attachments:	image001.png 190-East Clear Creek 106 Letter_North Platte Irrigation_Kathleen Wooden Knife.pdf

Good morning,

USDA-NRCS is requesting to consult with the Rosebud Sioux Tribe regarding a watershed plan in Keith and Lincoln Counties, Nebraska. The undertaking involves the replacement of six irrigation canal diversion structures in the North Platte River. A hard copy of the Section 106 consultation request letter (attached) was mailed to your office on December 30, 2025, and included a web address where the supporting documentation is available. To assist you in accessing the files, I am also emailing the link: https://nrcs.box.com/s/35bwg6a95anjgxhl06ewjtbnaggarcio. Copies of the cultural resources investigation report, shapefiles and KMZ files of the Area of Potential Effect, and maps are available for download or viewing at the link.

Please let me know if you have any questions about the undertaking or would like to schedule a meeting to discuss the project further.

Sincerely,

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:	larrythomas71.lt@gmail.com; Santee Sioux Nation THPO
Subject:	USDA-NRCS Section 106 consultation request - East Clear Creek/North Platte Irrigation District Modernization Watershed Plan, Keith and Lincoln Counties, Nebraska.
Date:	Wednesday, December 31, 2025 10:03:00 AM
Attachments:	image001.png 190-East Clear Creek 106 Letter_North Platte Irrigation_Alonzo Denney.pdf

Good morning,

USDA-NRCS is requesting to consult with the Santee Sioux Nation of Nebraska regarding a watershed plan in Keith and Lincoln Counties, Nebraska. The undertaking involves the replacement of six irrigation canal diversion structures in the North Platte River. A hard copy of the Section 106 consultation request letter (attached) was mailed to your office on December 30, 2025, and included a web address where the supporting documentation is available. To assist you in accessing the files, I am also emailing the link: https://nrcs.box.com/s/35bwg6a95anjgxhl06ewjtbnaggarcio. Copies of the cultural resources investigation report, shapefiles and KMZ files of the Area of Potential Effect, and maps are available for download or viewing at the link.

Please let me know if you have any questions about the undertaking or would like to schedule a meeting to discuss the project further.

Sincerely,

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:	Courtney Yellow Fat
Subject:	USDA-NRCS Section 106 consultation request - East Clear Creek/North Platte Irrigation District Modernization Watershed Plan, Keith and Lincoln Counties, Nebraska.
Date:	Wednesday, December 31, 2025 10:03:00 AM
Attachments:	image001.png 190-East Clear Creek 106 Letter_North Platte Irrigation_Janet Alkire.pdf

Good morning,

USDA-NRCS is requesting to consult with the Standing Rock Sioux Tribe of North and South Dakota regarding a watershed plan in Keith and Lincoln Counties, Nebraska. The undertaking involves the replacement of six irrigation canal diversion structures in the North Platte River. A hard copy of the Section 106 consultation request letter (attached) was mailed to your office on December 30, 2025, and included a web address where the supporting documentation is available. To assist you in accessing the files, I am also emailing the link: https://nrcs.box.com/s/35bwg6a95anjgxhl06ewjtbnaggarcio. Copies of the cultural resources investigation report, shapefiles and KMZ files of the Area of Potential Effect, and maps are available for download or viewing at the link.

Please let me know if you have any questions about the undertaking or would like to schedule a meeting to discuss the project further.

Sincerely,

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:	ntir_externalreview@nps.gov
Subject:	USDA-NRCS Section 106 consultation request - East Clear Creek/North Platte Irrigation District Modernization Watershed Plan, Keith and Lincoln Counties, Nebraska.
Date:	Wednesday, December 31, 2025 9:31:00 AM
Attachments:	image001.png

Good morning,

USDA-NRCS is requesting to consult with the National Park Service regarding a watershed plan in Keith and Lincoln Counties, Nebraska. The undertaking involves the replacement of six irrigation canal diversion structures in the North Platte River. The routes Mormon Pioneer and California National Historic Trails are within one mile of the Area of Potential Effect. A hard copy of the Section 106 consultation request letter was mailed to your office on December 30, 2025, and included a web address where the supporting documentation is available. To assist you in accessing the files, I am also emailing the link: https://nrcs.box.com/s/35bwg6a95anjgxhl06ewjtbnaggarcio. Copies of the cultural resources investigation report, shapefiles and KMZ files of the Area of Potential Effect, and maps are available for download or viewing at the link.

Please let me know if you have any questions about the undertaking or would like to schedule a meeting to discuss the project further.

Sincerely,

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

USDA 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:	"NSHS.S106@nebraska.gov"
Subject:	USDA-NRCS Section 106 consultation request - East Clear Creek/North Platte Irrigation District Modernization Watershed Plan, Keith and Lincoln Counties, Nebraska.
Date:	Wednesday, December 31, 2025 9:29:00 AM
Attachments:	190-East Clear Creek 106 Letter_North Platte Irrigation_Daryl Bohac.pdf image001.png

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Good morning,

USDA-NRCS is requesting to consult with you regarding a watershed plan in Keith and Lincoln Counties, Nebraska. The undertaking involves the replacement of six irrigation canal diversion structures in the North Platte River. A hard copy of the Section 106 consultation request letter was mailed to your office on December 30, 2025, and included a web address where the supporting documentation is available. To assist you in accessing the files, I am also emailing the link: https://nrcs.box.com/s/35bwg6a95anjgxhl06ewjtbnaggarcio. Copies of the cultural resources investigation report, shapefiles and KMZ files of the Area of Potential Effect, and maps are available for download or viewing at the link.

Please let me know if you have any questions about the undertaking or would like to schedule a meeting to discuss the project further.

Sincerely,

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

USDA 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

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

USDA 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:	USDA-NRCS Section 106 consultation request - East Clear Creek/North Platte Irrigation District Modernization Watershed Plan, Keith and Lincoln Counties, Nebraska.
Date:	Wednesday, December 31, 2025 10:07:00 AM
Attachments:	image001.png 190-East Clear Creek 106 Letter_North Platte Irrigation_Keenan Groesbeck.pdf

Good morning,

USDA-NRCS is requesting to consult with the Northern Arapaho regarding a watershed plan in Keith and Lincoln Counties, Nebraska. The undertaking involves the replacement of six irrigation canal diversion structures in the North Platte River. A hard copy of the Section 106 consultation request letter (attached) was mailed to your office on December 30, 2025, and included a web address where the supporting documentation is available. To assist you in accessing the files, I am also emailing the link: https://nrcs.box.com/s/35bwg6a95anjgxhl06ewjtbnaggarcio. Copies of the cultural resources investigation report, shapefiles and KMZ files of the Area of Potential Effect, and maps are available for download or viewing at the link.

Please let me know if you have any questions about the undertaking or would like to schedule a meeting to discuss the project further.

Sincerely,

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

A.10 NHPA Section 106 Consultation Response Letters

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: NPS NTIR Compliance Team <NTIR_ExternalReview@nps.gov>
Sent: Wednesday, December 31, 2025 9:31 AM
To: Baier, Melissa - FPAC-NRCS, NE <Melissa.Baier@usda.gov>
Subject: Automatic reply: [EXTERNAL] USDA-NRCS Section 106 consultation request - East Clear Creek/North Platte Irrigation District Modernization Watershed Plan, Keith and Lincoln Counties, Nebraska.

This office administers the following National Historic Trails: California, Oregon, Pony Express, Mormon Pioneer, Camino Real de los Tejas, Trail of Tears, Santa Fe, and Butterfield Overland. Additionally, we co-administer El Camino Real de Tierra Adentro and the Old Spanish National Historic Trails with the Bureau of Land Management. Cumulatively, we administer over 29,000 miles of National Historic Trail across 24 states. Due to the volume of requests we receive we are currently commenting on and/or reviewing the following:

- Environmental Impact Statements wherein the trail is likely to be adversely affected
- Environmental Assessments when there is a request for our expertise in project design to avoid a significant impact to a National Historic Trail
- Specific requests for technical assistance as it may pertain to the National Trail System Act, the National Historic Preservation Act, and understanding compliance obligations

If your project falls within one of the three categories outlined above please respond with appropriate shapefiles showing the proposed APE so that we may process your request in a timely fashion.

Thanks!

This electronic message contains information generated by the USDA solely for the intended recipients. Any unauthorized interception of this message or the use or disclosure of the information it contains may violate the law and subject the violator to civil or criminal penalties. If you believe you have received this message in error, please notify the sender and delete the email immediately.

Baier, Melissa - FPAC-NRCS, NE

From: NPS NTIR Compliance Team <NTIR_ExternalReview@nps.gov>
Sent: Friday, January 2, 2026 1:57 PM
To: Baier, Melissa - FPAC-NRCS, NE
Subject: Re: [EXTERNAL] USDA-NRCS Section 106 consultation request - East Clear Creek/North Platte Irrigation District Modernization Watershed Plan, Keith and Lincoln Counties, Nebraska.

Categories: East Clear Creek

Hi Melissa,

Thank you for consulting with our office on the East Clear Creek/North Platte Irrigation District Modernization Watershed Plan. Our office has no known resources of concern within the project area and no comment to provide on the undertaking. Should any resources belonging to the California or Mormon Pioneer National Historic Trails be encountered during implementation, our office would like to be informed.

Thank you for helping to protect the national historic trails!
Jordan

Jordan Jarrett, M.A., RPA
Trails Resources Specialist
National Trails Office, NPS
1100 Old Santa Fe Trail
Santa Fe, NM 87505
(505) 470-0426

Working with you to protect and promote National Historic Trails.
http://www.nps.gov/ntir/

From: Baier, Melissa - FPAC-NRCS, NE <Melissa.Baier@usda.gov>
Sent: Wednesday, December 31, 2025 8:38 AM
To: NPS NTIR Compliance Team <NTIR_ExternalReview@nps.gov>
Subject: RE: [EXTERNAL] USDA-NRCS Section 106 consultation request - East Clear Creek/North Platte Irrigation District Modernization Watershed Plan, Keith and Lincoln Counties, Nebraska.

This is a request for technical assistance under the National Historic Preservation Act. Attached is a shapefile of the APE. Other supporting documents are available at https://nrcs.box.com/s/35bwg6a95anjgxhl06ewjtbnaggarcio.

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: NPS NTIR Compliance Team <NTIR_ExternalReview@nps.gov>
Sent: Wednesday, December 31, 2025 9:31 AM
To: Baier, Melissa - FPAC-NRCS, NE <Melissa.Baier@usda.gov>
Subject: Automatic reply: [EXTERNAL] USDA-NRCS Section 106 consultation request - East Clear Creek/North Platte Irrigation District Modernization Watershed Plan, Keith and Lincoln Counties, Nebraska.

This office administers the following National Historic Trails: California, Oregon, Pony Express, Mormon Pioneer, Camino Real de los Tejas, Trail of Tears, Santa Fe, and Butterfield Overland. Additionally, we co-administer El Camino Real de Tierra Adentro and the Old Spanish National Historic Trails with the Bureau of Land Management. Cumulatively, we administer over 29,000 miles of National Historic Trail across 24 states. Due to the volume of requests we receive we are currently commenting on and/or reviewing the following:

- Environmental Impact Statements wherein the trail is likely to be adversely affected
- Environmental Assessments when there is a request for our expertise in project design to avoid a significant impact to a National Historic Trail
- Specific requests for technical assistance as it may pertain to the National Trail System Act, the National Historic Preservation Act, and understanding compliance obligations

If your project falls within one of the three categories outlined above please respond with appropriate shapefiles showing the proposed APE so that we may process your request in a timely fashion.

Thanks!

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Nebraska State HISTORICAL SOCIETY

HP#2411-069-01

January 7th, 2026

Robert D. Lawson
State Conservationist
NRCS
VIA EMAIL

RE: HP# 2411-069-01; North Platte Area Irrigation District Modernization/ East Clear Creek Watershed

Dear Robert,

Thank you for submitting information for the above-referenced project for the Nebraska State Historic Preservation Office (NESHPO) to review and comment on. 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 proposed undertaking is unlikely to adversely affect any cultural resources listed in the National Register of Historic Places or eligible for such a listing. A determination that there will be **no adverse effects to historic properties (NAE)** is appropriate for this undertaking, and the project may proceed as planned. Should any changes to the project be made, please notify NESHPO of the changes before further project planning continues.

Please retain this correspondence and your documented finding to show compliance with Section 106 of the National Historic Preservation Act, as amended. If you have any questions, please contact me at haylee.rose@nebraska.gov.

Sincerely,

Haylee Rose
Section 106 Review and Compliance Coordinator for Standing Structures

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

From: John & Susan Winner
To: Baier, Melissa - FPAC-NRCS, NE
Cc: Helen Hankins (helenhankins@gmail.com); Travis Boley (tboley@indepmo.org); Jordan Thomas
Subject: [External Email]North Platte Area Irrigation District Modernization/East Clear Creek Watershed
Date: Wednesday, January 21, 2026 6:06:10 PM

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[External Email]
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Melissa Baier,

My name is John Winner, I am currently the National Preservation Officer for the Oregon-California Trails Association (OCTA). We recently received a letter from your office regarding the North Platte Watershed Project requesting our review of the project and provide comments to determine if there were any adverse effects on historic properties and if we would wish to schedule a Section 106 consultation meeting.
Upon careful review by determining historic trail locations in regards to the proximity of the project boundaries we have come to the conclusion that there would not be any adverse effects to the historic emigrant trails or sites. This conclusion was made by georeferencing map locations as well as local knowledge by OCTA, Nebraska chapter representatives who were familiar with the project area. In fact, OCTA's, Nebraska chapter preservation officer expressed appreciation for the project detail provided. Our compliments to the USDA.
Again, our conclusion is that there would be no adverse effects on historic properties or sites for this project.

John Winner, National Preservation Officer
Oregon-California Trails Association
swinner@dataentree.com
(530) 701-5636

Baier, Melissa - FPAC-NRCS, NE

From: Joseph Reed <jreed@pawneenation.org>
Sent: Thursday, January 29, 2026 10:38 AM
To: Baier, Melissa - FPAC-NRCS, NE
Subject: Re: USDA-NRCS Section 106 consultation request - East Clear Creek/North Platte Irrigation District Modernization Watershed Plan, Keith and Lincoln Counties, Nebraska.

Categories: East Clear Creek

Nawa,
I don't think I saw anything about 25LN18 or 25LN17 in the materials that I downloaded. From what I have, both are ID'd as unknown prehistoric and have large site boundaries. Was there any survey or concern about the impact on those two sites? Do they merit concern?
Nawa iri,
Matt R

Kukâkû'ut
Matt Reed
Tribal Historic Preservation Officer
Phone: (918) 762 - 9728
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: Wednesday, December 31, 2025 10:03 AM
To: Joseph Reed <jreed@pawneenation.org>
Subject: USDA-NRCS Section 106 consultation request - East Clear Creek/North Platte Irrigation District Modernization Watershed Plan, Keith and Lincoln Counties, Nebraska.

Good morning,

USDA-NRCS is requesting to consult with the Pawnee Nation of Oklahoma regarding a watershed plan in Keith and Lincoln Counties, Nebraska. The undertaking involves the replacement of six irrigation canal diversion structures in the North Platte River. A hard copy of the Section 106 consultation request letter (attached) was mailed to your office on December 30, 2025, and included a web address where the supporting documentation is available. To assist you in accessing the files, I am also emailing the link: https://nrcs.box.com/s/35bwg6a95anjgxhl06ewjtbnaggarcio. Copies of the cultural resources investigation report, shapefiles and KMZ files of the Area of Potential Effect, and maps are available for download or viewing at the link.

Please let me know if you have any questions about the undertaking or would like to schedule a meeting to discuss the project further.

Sincerely,

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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Baier, Melissa - FPAC-NRCS, NE

From: Baier, Melissa - FPAC-NRCS, NE
Sent: Thursday, January 29, 2026 11:50 AM
To: 'Joseph Reed'
Subject: RE: USDA-NRCS Section 106 consultation request - East Clear Creek/North Platte Irrigation District Modernization Watershed Plan, Keith and Lincoln Counties, Nebraska.
Attachments: LN17_L18.jpg; Ground disturbance.jpg; CRA survey near LN17 and LN18.pdf; Ground disturbance LiDAR.jpg; LN17_L18 LiDAR.jpg

Categories: East Clear Creek

Good morning, Matt,

Both 25LN17 and 25LN18 are outside the APE, but I did neglect to mention them in the letter as being within 1 mile of the APE. I'm a bit out of practice writing consultation letters and forgot that section. The sites are shown on the APE maps though. The entire APE was included in the archeological survey, and the investigators from Cultural Resource Analysts, Inc. did not identify any prehistoric artifacts on the surface or in the shovel tests. They dug 14 shovel tests at this diversion gate, but the only cultural resources they identified were two farmsteads. I did not identify any concerns related to either site because their recorded boundaries do not intersect the APE, and the survey did not identify any materials related to either site.

I've attached a map from the cultural resource survey report that shows the locations of the shovel tests. I've also attached a map showing the sites in relation to the APE (LN17_LN18.jpg), and a map showing a zoomed in view of the ground disturbance areas within the APE (Ground disturbance.jpg) since the diversion footprint is hard to see in the larger map. The only ground disturbance associated with this project will occur within the orange polygons (staging area), the yellow/gray hatched polygons (diversion footprint), and possibly the green line on the maps (Power pole corridor). The recorded boundary of 25LN17 is 1,200 feet away from the proposed power pole corridor and 1,600 feet from the diversion gate. 25LN18 is approximately 1,300 feet away from the diversion gate that will be replaced. Construction equipment will use existing roads to access the APE, and there will be no changes to the irrigation canal other than the diversion gate on the river.

Please let me know if you would like me to reconsider my determination that the project would not affect sites 25LN17 or 25LN18. I'm out of the office next week (February 2-6), but I am available tomorrow or most days after February 8th if you would like to talk on the phone or over Teams.

Regards,
Missy

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

USDA 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: Joseph Reed <jreed@pawneenation.org>
Sent: Thursday, January 29, 2026 10:38 AM
To: Baier, Melissa - FPAC-NRCS, NE <Melissa.Baier@usda.gov>
Subject: Re: USDA-NRCS Section 106 consultation request - East Clear Creek/North Platte Irrigation District Modernization Watershed Plan, Keith and Lincoln Counties, Nebraska.

Nawa,
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Nawa iri,
Matt R

Kukâkû'ut
Matt Reed
Tribal Historic Preservation Officer
Phone: (918) 762 - 9728
Email:jreed@pawneenation.org
881 Little Dee Drive
Pawnee, OK 74058
www.PawneeNation.org

From: Baier, Melissa - FPAC-NRCS, NE <Melissa.Baier@usda.gov>
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Please let me know if you have any questions about the undertaking or would like to schedule a meeting to discuss the project further.

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Categories: East Clear Creek

No that's good enough for me. With the site info that I have, I had no idea if it was a lithic scatter or a whole earthlodge village. As long as there's no impact, I'm fine. I'll send the letter next.
Nawa iri,
Matt

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Please let me know if you would like me to reconsider my determination that the project would not affect sites 25LN17 or 25LN18. I'm out of the office next week (February 2-6), but I am available tomorrow or most days after February 8th if you would like to talk on the phone or over Teams.

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Categories: East Clear Creek

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 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
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A.11 ESA Section 7 and NESCA Consultation Request

Natural Resources Conservation Service
U.S. DEPARTMENT OF AGRICULTURE
Nebraska State Office
1121 Lincoln Mall, Room 360
Lincoln, NE 68508

May 1, 2026

Mark Porath
Nebraska Project Leader/Field Supervisor
US Fish & Wildlife Services
9325 South Alda Road
Wood River, NE 68883

Melissa Marinovich
Assistant Division Administrator
NE Game & Parks Commission
2200 North 33rd Street
Lincoln, NE 68503

RE: Initiation of Informal Consultation on the East Clear Creek Watershed Plan-EA in Keith and Lincoln Counties, Nebraska

Dear Mr. Porath and Ms. Marinovich:

This letter is to initiate Section 7 informal consultation pursuant to the Endangered Species Act (ESA) of 1973 with the U.S. Fish and Wildlife Service (USFWS) and the Nebraska Nongame and Endangered Species Conservation Act (NESCA) with the Nebraska Game and Parks Commission (NGPC) for NEPA purposes as it relates to the East Clear Creek Watershed Plan-Environmental Assessment (Plan-EA) located in Keith and Lincoln Counties, Nebraska. Also known as the North Platte Area Irrigation Canal Diversion Modernization Project, it is administered by the Natural Resources Conservation Service (NRCS) in cooperation with Twin Platte Natural Resources District (TPNRD) and their consultant, Olsson, Inc. The primary purpose is to provide a safe, reliable, and efficient supply of irrigation water to six irrigation districts in the North Platte area.

This consultation is only for NEPA compliance as it relates to any significant impacts identified in the Plan-EA. Future consultation with both agencies will be required when the project moves into the design and construction phases when more is known about the specific locations and designs of the preferred alternative. A Biological Assessment will be provided, at that time, to compile and document any impacts, determinations, surveys, or additional information required for the preferred alternative prior to any construction efforts. The newest draft of the Plan-EA has been added for reference.

Background

The action is focused on improving the ability of the irrigation canals to deliver water into the future, as well as to improve agricultural water management by reducing inefficiencies associated with manual operation of the diversion structures and their deteriorated condition. It is also needed to ensure the

safety of canal operations personnel, as the present-day diversion structures do not have proper safety precautions (e.g., lighting, railings) and the deteriorated condition of the structures poses safety risks.

The proposed action identified in the Watershed Plan includes complete or partial replacement of six diversion structures along the North Platte River: Keith-Lincoln, Platte Valley, Paxton-Hershey, Suburban, Birdwood, and Cody-Dillon.

Keith-Lincoln Modernization and Partial Replacement

Improvements to achieve better efficiency and modernization for the Keith-Lincoln diversion would include restoration of grades behind the river gate side walls and placement of riprap. Flowable fill would also be placed below the south river gate sidewall. Additionally, a riprap plunge pool would be constructed downstream, with a sheet pile cut-off wall installed as well. The river and canal gate seals would be replaced, as well as the actuators to accommodate an automated control system. The canal gates would also be cleaned and seals replaced. Finally, updated safety features would include updated/additional lighting and installation of 42-inch-high handrails to the river and canal gate walkways. For public safety and security, features would also include fencing at both the river gates and canal gates.

Platte Valley/Paxton-Hershey Modernized Combined Diversion

Construction of a combined, modernized diversion serving both the Platte Valley and Paxton-Hershey canals would include removal of the existing, separate structures. The new structure would include extensive sheet piling to ensure structural stability, as well as other modernized structural components including automated river gates and separately operable canal gates. A level control manhole with a pressure transducer stilling well would be constructed to measure water level in the river at the diversion structure. Additionally, the Paxton-Hershey canal would be extended from its present extent to the new diversion structure. Updated features to provide for safe operation of each canal, independently, would include lighting and 42-inch-high handrails. For public safety and security, features would also including fencing at both the river gates and canal gates. Electrical power would be extended to the site from the original Platte Valley diversion site, about 700 feet to the southwest.

Suburban Modernization and Partial Replacement

Improvements to achieve better efficiency and modernization for the Suburban diversion would include replacement of the canal gate structure. Grading would also be done on the north riverbank, as well as placement of riprap. Additionally, a riprap plunge pool would be constructed downstream of the canal gate structure, with installation of sheet piling on the upstream side of the river gates as well as the downstream side and downstream of the spillway. River gate operators and actuators would also be added to allow installation of an automated control system. Finally, updated safety features would include new lighting and installation of 42-inch-high handrails to the river walkway; addition of lighting would require extension of power to the site. For public safety and security, features would also include fencing at both the river gate and canal gate structures.

Birdwood Modernization and Full Replacement

Improvement to achieve better efficiency and modernization for the Birdwood diversion includes full replacement. Replacement involves extensive sheet piling to ensure structural stability, as well as other modernized structural components including automated river gates. A level control manhole with a pressure transducer stilling well would be constructed to measure water level in the river at the diversion structure. A sand chamber would be constructed to catch sand before water is diverted into the canal, improving the ease of O&M for canal personnel. For public safety and security, features would also include fencing at both the river gates and canal gates. Updated safety features would include new

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lighting and installation of 42-inch-high handrails on new river and canal gate walkways; addition of lighting would require extension of electrical power to the site.

Cody-Dillon Modernization and Full Replacement

As with the Birdwood diversion, replacement of the Cody-Dillon diversion would include extensive sheet piling and other modernized structural components including separately operable and automated river gates and separately operable canal gates. A level control manhole with a pressure transducer stilling well would be constructed to measure water level in the river at the diversion structure. Fencing would also be added around the diversion for public safety, and safety features for canal personnel would include lighting and handrails, including extension of electrical power to the site.

Species Pursuant to both ESA and NESCA Requirements

Data was used from the USFWS Information for Planning and Consultation (IPaC) database most recently in February of 2026, as well as the NGPC Conservation and Environmental Review Tool (CERT) on the same date, to focus on species impacts within the watershed and the vicinity of the Affected Resource Areas (ARA's). This information, along with additional coordination with the two agencies, identified a total of five species to be considered within the Plan-EA along with three proposed species.

- Northern long-eared bat (*Myotis septentrionalis*; federal and state endangered)
- Piping plover (*Charadrius melodus*; federal and state threatened)
- Whooping crane (*Grus americana*, federal and state endangered)
- Pallid sturgeon (*Scaphirhynchus albus*; federal and state endangered)
- American burying beetle (*Nicrophorus americanus*; federal and state threatened)
- Western prairie fringed orchid (*Platanthera praeclara*, federal and state threatened)
- Blowout penstemon (*Penstemon haydenii*; federal and state endangered)
- Interior least tern (*Sternula antillarum*; state endangered)
- Northern redbelly dace (*Phoxinus eos*; state threatened)
- Finescale dace (*Phoxinus neogaeus*; state threatened)
- Swift fox (*Vulpes velox*; state endangered)

The proposed species consist of monarch (*Danaus plexippus*), Western regal fritillary (*Argynnis idalia occidentalis*), and Suckley's cuckoo bumble bee (*Bombus suckleyi*).

Species Effects Analysis for ESA and NESCA Requirements

All species noted have the potential to occur within the watershed. However, NRCS has determined that three of those species would be a "No Effect" due to the ARA's being located outside of the range of the species or the absence of suitable habitat near the ARA's of the proposed alternative. Those species are the American burying beetle, the blowout penstemon, and the swift fox.

Listed below are the eight species that do have a range that overlaps the ARA's or could be affected by impacts to suitable habitat near the ARA's. They are being submitted for consideration subject to both ESA and NESCA compliance:

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Northern long-eared bat: The ARA's are located within the range of the Northern long-eared bat (NLEB). There are a small number of trees near where the construction will occur within the boundary of the ARA's which could potentially provide roost habitat for this species. Final designs of the preferred alternative may require these features to be removed or modified. There are no known or potential hibernacula within 5.0 miles of the ARA's. To avoid impacts to the species, the removal or modification of suitable habitat will not occur during the active period (April 1-November 15) unless a survey is used to document the absence of the species. The initial determination is that the preferred alternative "may affect – but is not likely to adversely affect" the Northern long-eared bat.

Piping plover: The known range of piping plover overlaps with the ARA's. The proposed alternative will have no effect on the Platte River depletions where the piping plover is found downstream of the ARA's due to no changes in the diversion of water volumes or timing. A site-specific evaluation within the ARA's will assess the potential habitat which includes open sand bars and sandy-gravely shores. If work must occur during the nesting and brood-rearing period, a survey by a qualified biologist may be needed to determine the presence of piping plover within sight and sound distance of the project. The initial determination is that the preferred alternative "may affect - but it is not likely to adversely affect" the piping plover.

Whooping crane: The ARA's are within the migration corridor for whooping crane and habitat for the species is also located downstream on the Platte River. The proposed alternative will have no effect on the Platte River depletions where the whooping crane and critical habitat are found downstream of the ARA's due to no changes in the diversion of water volumes or timing. The proposed actions will not significntly alter suitable habitat for whooping cranes within the ARA boundaries. Conservation measures to either avoid construction during the migration periods (March 6 – April 29 and October 9 – November 15) or conduct a morning survey for the presence of whooping cranes if work is done during the migration periods will be implemented. The seeding of disturbed areas will consist of native and non-invasive plant species and not include woody species that reach a height greater than 4 feet. The initial determination is that the preferred alternative "may affect – but is not likely to adversely affect" the whooping crane.

Pallid sturgeon: The suitable habitat for pallid sturgeon is located a downstream of the ARA's on the Platte River. The proposed alternative will have no effect (other than temporary and indirect effects during construction) on the Platte River depletions where the pallid sturgeon is found downstream of the ARA's due to no changes in the diversion of water volumes or timing. The initial determination is that the preferred alternative "may affect – but is not likely to adversely affect" the pallid sturgeon.

Western prairie fringed orchid: The ARA's are located within the range of the Western prairie fringed ozxrchid and populations may occur downstream along the Platte River. However, suitable habitat for the orchid consists of high quality wet meadows and is mostly absent or very limited. Any areas which might support the species will be surveyed by a qualified botanist during the flowering period, June 15-July 15, and prior to the design phase and any construction occurring. Additionally, since the proposed alternative will result in no changes to the diversion of water volumes and timing, potential populations in suitable habitat located downstream of the ARA's will not be impacted. The initial determination is that the preferred alternative "may affect – but is not likely to adversely affect" the Western prairie fringed orchid.

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Interior least tern: The known range of Interior least tern overlaps with the ARA's. The proposed alternative will have no effect on the Platte River depletions where the Interior least tern is found downstream of the ARA's due to no changes in the diversion of water volumes or timing. A site-specific evaluation within the ARA's will assess the potential habitat which includes open sand bars and sandy-gravely shores. If work must occur during the nesting and brood-rearing period, a survey by a qualified biologist may be needed to determine the presence of Interior least tern within sight and sound distance of the project. The initial determination is that the preferred alternative "may affect - but it is not likely to adversely affect" the Interior least tern.

Northern redbelly dace and finescale dace: There is suitable habitat for the two dace species either within or downstream of the ARA's. Since the proposed alternative will not make changes to the diversion of water volumes and timing, no habitat impacts, other than during construction, are expected to occur. The implementation of best management practices will occur to prevent water quality degradation during diversions to be replaced with one structure which may increase the ability of the dace species to move through the river system. Technical assistance from USFWS/NGPC can be obtained during the design phase to further reduce any potential impacts to these species. The initial determination is that the preferred alternative "may affect – but is not likely to adversely affect" the Northern redbelly dace and the finescale dace.

Consultation Requests

NRCS consults in accordance with its ESA obligations and requests concurrence on the finding of "may affect- but is not likely to adversely affect" on the federally listed Northern long-eared bat, piping plover, whooping crane, pallid sturgeon, and Western prairie fringed orchid for all on-site and downstream habitat impacts for NEPA purposes as it relates to the East Clear Creek Watershed Plan-EA.

NRCS consults in accordance with its NESCA obligations and requests concurrence on the finding of "may affect- but is not likely to adversely affect" on the state listed Northern long-eared bat, piping plover, whooping crane, pallid sturgeon, Western prairie fringed orchid, Interior least tern, Northern redbelly dace, and finescale dace for all on-site and downstream habitat impacts for NEPA purposes as it relates to the East Clear Creek Watershed Plan-EA.

If you need any further information, please contact me at (402) 437-4100 or by e-mail ritch.nelson@usda.gov

Respectively,

RITCHIE NELSON Digitally signed by RITCHIE NELSON
Date: 2026.05.01 13:58:49 -05'00'

Ritch Nelson
State Wildlife Biologist
State Forester
Nebraska – Natural Resources Conservation Service

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A.12 ESA Section 7 and NESCA Consultation Responses

Baier, Melissa - FPAC-NRCS, NE

From: Micek, Ruby <Ruby.Micek@nebraska.gov> on behalf of NGPC EnvReview <ngpc.envreview@nebraska.gov>
Sent: Monday, June 29, 2026 3:04 PM
To: Nelson, Ritch - FPAC-NRCS, NE
Cc: Jaymes, Mallory L; Baier, Melissa - FPAC-NRCS, NE; Roberg, Brett; Huenemann, Thad
Subject: Re: Consultation for East Clear Creek Watershed Plan-EA

Categories: East Clear Creek

Ritch,

We have reviewed the East Clear Creek Watershed Plan-EA and have the following comments:

5.1.4.1 - should be reviewed to make sure the use of no effect and may affect is consistent with the consultation request letter.

- Swift fox - this section of the WTS plan says that the project will have NE to SWFO, but then says survey may be required if there is habitat. Logically, it cannot be a NE if surveys are being done, it should be a MANLAA. This should be reflected in other documentation or rewritten to show there is no habitat present and no surveys needed.
- Northern Redbelly Dace and Finescale Dace - We appreciate the implementation of BMPs to prevent erosion and sedimentation. Another BMP that would be great to implement is a structure to reduce fish from entering the canals, this could be a fish diversion screen (see Bureau of Reclamation manual), fish deterrents, or designs such as those used at hydro plants. If these small, bodied fish enter the canals they are presumably "lost" as they cannot return to suitable habitat. At a minimum, we would appreciate a discussion with our fisheries team on potentially researching what/how fish enter these canals and move through these systems.

In general

- Designs should consider varying flow regimes to ensure water in moving through the river/stream under varying flows, and that the structure can handle a widening channel under high flow and velocities. The Cody-Dillon site appear it could be limited if the side channel of the NP River would increase and widen under high water conditions.
- Should gates be moving to an automated system, consideration for keeping some flow through the canals to prevent fish kills would be preferable.

Thank you for the opportunity to review this Plan-EA, we look forward to reviewing project plans should this move to a construction phase.

Best,
Ruby

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

From: Nelson, Ritch - FPAC-NRCS, NE <ritch.nelson@usda.gov>
Sent: Wednesday, June 3, 2026 11:39 AM
To: Jaymes, Mallory L <mallory_jaymes@fws.gov>; Micek, Ruby <Ruby.Micek@nebraska.gov>
Cc: Baier, Melissa - FPAC-NRCS, NE <Melissa.Baier@usda.gov>
Subject: FW: Consultation for East Clear Creek Watershed Plan-EA

Mallory and Ruby,

FYI – Missy uploaded a new file to the 'Box' folder for East Clear Creek today that contains the updated edits that were made for the endangered species portions of the Plan/EA. Those edits had erroneously not been included in the prior document that was available in Box.

We just wanted you to know in case you had previously (prior to this morning) reviewed or downloaded the Plan/EA and it did not contain the most up to date revisions that were applicable and correlate with the consultation letter.

Thanks much and please let Missy or I know if you have questions. We apologize for any confusion this may have caused.

Take care,

Ritch Nelson
State Wildlife Biologist – State Forester
Ecological Sciences Team
Nebraska State Office

U.S. DEPARTMENT OF AGRICULTURE
Natural Resources Conservation Service
1121 Lincoln Mall, Room 360
Lincoln, NE 68508
p: (402) 437-4100

From: Nelson, Ritch - FPAC-NRCS, NE
Sent: Friday, May 1, 2026 2:14 PM
To: nebraskaes@fws.gov; ngpc.envreview@nebraska.gov
Cc: Baier, Melissa - FPAC-NRCS, NE <Melissa.Baier@usda.gov>; Jaymes, Mallory L <mallory_jaymes@fws.gov>
Subject: Consultation for East Clear Creek Watershed Plan-EA

To whom it may concern,

Please see the attached document requesting NEPA concurrence, pursuant to both ESA and NESCA requirements, for the East Clear Creek Watershed Plan-EA as it relates to planning efforts and significant impacts to endangered species. We ask that you please respond to the attached letter, and provide any comments on the Plan-EA, by **Wednesday, July 1st, 2026**. Note that because the file size was too large to send in an email, you can use the following link to our "Box" where all the files associated with the plan are shared for your review. If you have any issues accessing the files, please let me or Missy know.

Link to Access Files: https://nrcs.box.com/s/rlbwac2xzzxq43gao6ao4ykvahy5b2g8

Future coordination and consultation efforts with both agencies will be required, for both ESA and NESCA purposes, once the project moves into the design and construction phases, when more is known about the specific locations and designs of the preferred alternative. A Biological Assessment will be required at that time to compile and document any impacts, determinations, surveys, or additional information required for the preferred alternative prior to any construction efforts.

Thank you for your consideration and assistance you provide for these projects.

Take care!

Ritch Nelson
State Wildlife Biologist – State Forester
Ecological Sciences Team
Nebraska State Office

U.S. DEPARTMENT OF AGRICULTURE
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United States Department of the Interior

FISH AND WILDLIFE SERVICE
Ecological Services
9325 South Alda Road
Wood River, Nebraska 68883

IN REPLY REFER TO:
East Clear Creek Watershed Plan-EA
IPaC Project Code: 2025-0155232

July 8, 2026

Ritch Nelson
Natural Resource Conservation Services
1121 Lincoln Mall
Lincoln, Nebraska 68508

Dear Mr. Nelson:

This letter responds to the Natural Resources Conservation Service's (NRCS) May 1, 2026 request to initiate informal consultation with the U.S. Fish and Wildlife Service (Service) pursuant to section 7 of the Endangered Species Act of 1973, as amended (ESA; 16 U.S.C. 1531 et seq.), for National Environmental Policy Act (NEPA) purposes. The proposed *East Clear Creek Watershed Plan Environmental Assessment (EA)* is located in Keith and Lincoln Counties, Nebraska. In cooperation with the Twin Platte Natural Resources District and their consultant Olson Inc, NRCS has provided project information describing the purpose of the watershed plan and the actions it intends to implement.

Based on the information provided, the Service understands the proposed watershed plan is designed to more safely provide a reliable and more efficient supply of irrigation water, specifically for the six canals in operation in this area, under the authority of the Watershed Protection and Flood Prevention Act of 1954 (Public Law 83-566), as amended. This project meets the P.L. 83-566 authorized purpose of agricultural water management as defined as "conservation, development, utilization, and disposal of water" in 16 U.S.C. 1002. The project includes complete or partial replacement of six diversion structures: Keith- Lincoln, Platte Valley, Paxton-Hershey, Suburban, Birdwood, and Cody-Dillion. NRCS is planning the following to each structure:

<u>Keith-Lincoln Modernization and Partial Replacement</u>
Improvements to achieve better efficiency and modernization for the Keith-Lincoln diversion would include restoration of grades behind the river gate side walls and placement of riprap. Flowable fill would also be placed below the south river gate sidewall. Additionally, a riprap plunge pool would be constructed downstream, with a sheet pile cut-off wall installed as well. The river and canal gate seals would be replaced, as well as the actuators to accommodate an automated control system. The canal gates would also be cleaned and seals replaced. Finally, updated safety features would include updated/additional lighting and installation of 42-inch-

high handrails to the river and canal gate walkways. For public safety and security, features would also include fencing at both the river gates and canal gates

Platte Valley/Paxton-Hershey Modernized Combined Diversion

Construction of a combined, modernized diversion structure serving both Platte Valley and Paxton-Hershey's canals would include removal of the existing, separate structures. The new structure would include extensive sheet piling to ensure structural stability, as well as other modernized structural components including automated river gates and separately operable canal gates. A level control manhole with a pressure transducer stilling well would be constructed to measure water level in the river at the diversion structure. Additionally, the Paxton-Hershey canal would be extended from its present extent to the new diversion structure. Updated features to provide for safe operation of each canal, independently, would include lighting and 42-inch-high handrails. For public safety and security, features would also include fencing at both the river gates and canal gates. Electrical power would be extended to the site from the original Platte Valley diversion site, about 700 feet to the southwest.

Suburban Modernization and Partial Replacement

Improvements to achieve better efficiency and modernization for the Suburban diversion would include replacement of the canal gate structure. Grading would also be done on the north riverbank, as well as placement of riprap. Additionally, a riprap plunge pool would be constructed downstream of the canal gate structure, with installation of sheet piling on the upstream side of the river gates as well as the downstream side and downstream of the spillway. River gate operators and actuators would also be added to allow installation of an automated control system. Finally, updated safety features would include new lighting and installation of 42-inch-high handrails to the river walkway; addition of lighting would require extension of electrical power to the site. For public safety and security, features would also include fencing at both the river gate and canal gate structures.

Birdwood Modernization and Full Replacement

Improvement to achieve better efficiency and modernization for the Birdwood diversion includes full replacement. Replacement involves extensive sheet piling to ensure structural stability, as well as other modernized structural components including automated river gates. A level control manhole with a pressure transducer stilling well would be constructed to measure water level in the river at the diversion structure. A sand chamber would be constructed to catch sand before water is diverted into the canal, improving the ease of O&M for canal personnel. For public safety and security, features would also include fencing at both the river gates and canal gates. Updated safety features would include new lighting and installation of 42-inch-high handrails on new river and canal gate walkways; addition of lighting would require extension of electrical power to the site

Cody-Dillon Modernization and Full Replacement

As with the Birdwood diversion, replacement of the Cody-Dillon diversion would include extensive sheet piling and other modernized structural components including separately operable and automated river gates and separately operable canal gates. A level control manhole with a pressure transducer stilling well would be constructed to measure water level in the river at the diversion structure. Fencing would also be added around the diversion for public safety, and

safety features for canal personnel would include lighting and handrails, including extension of electrical power to the site.

The Service has responsibility for the conservation and management of fish and wildlife resources for the benefit of the American public under the following authorities: 1) Endangered Species Act (ESA); 2) Fish and Wildlife Coordination Act (FWCA); 3) Bald and Golden Eagle Protection Act (Eagle Act); and 4) Migratory Bird Treaty Act (MBTA). Additionally, under the Watershed Protection and Flood Prevention Act (WPFPA), the Service is to be given the opportunity to provide recommendations for the project concerning wildlife resources. Under these acts, the Service provides the following comments below:

ENDANGERED SPECIES ACT

In the Endangered Species Act (ESA; 16 U.S.C. 1531-1544) pursuant to section 7(a)(1), all Federal agencies shall, in consultation with and with the assistance of the Secretary, utilize their authorities in furtherance of the purposes of this Act by carrying out programs for the conservation of endangered species and threatened species listed pursuant to section 4 of this Act. Pursuant to section 7(a)(2) of the ESA, every federal agency, shall in consultation with the Service, ensure that any action they authorize, fund, or carry out is not likely to jeopardize the continued existence of a listed species or result in the destruction or adverse modification of designated critical habitat. If a proposed project may affect federally listed species or designated critical habitat, section 7 consultation is required.

In accordance with Section 7 of ESA, the Service has reviewed the project information provided, including our agency's Information for Planning and Consultation (IPaC) generated species list, and determined that the following federally listed species and habitats may occur in the Project's area or be affected by the Project. Included in that list are species that are either a candidate[1] or proposed to be listed as threatened or endangered:

Listed Species	Status
American Burying Beetle *(Nicrophorus americanus)*	Threatened
Blowout penstemon *(Penstemon haydenii)*	Endangered
Monarch	Proposed Threatened

[1] The Service encourages cooperative conservation efforts under Section 7(a)1 of the ESA for candidate and proposed species so that by addressing the needs of species before the regulatory requirements associated with listed species come into play, greater management flexibility can be proactively included to help stabilize or restore these species and their habitats, potentially remove threats, and eliminate the need for listing. If a candidate or proposed species is not evaluated or conservation measures incorporated, then reinitiating consultation is triggered when the proposed listing is finalized (50 CFR 402.16(4). See the listing status page for more information.

(*Danaus plexippus)*	
Northern long-eared bat (*Myotis septentrionalis*)	Endangered
Pallid Sturgeon *(Scaphirhynchus albus)*	Endangered
Piping plover (*Charadrius melodus*)	Threatened
Suckley's cuckoo bumble bee *(Bombus suckleyi)*	Proposed Endangered
Western Prairie Fringed Orchid *(Platnthera praeclara)*	Threatened
Western Regal Fritillary *(Argynnis Idalia occidentalis)*	Proposed Threatened
Whooping Crane *(Grus americana)*	Endangered

American Burying Beetle

The federally threatened American burying beetle (ABB), was listed as threatened in October 2020, with a 4(d) rule. No critical habitat has been designated for the ABB. The ABB is the largest member of the carrion beetle family, is remarkably adept at locating and feeding on carrion. Carrion provides not only a food source, but also is an essential component in a complex reproductive cycle for the species which includes parental care of young. In Nebraska, the ABB has been observed from April 1 to October 29, with peak periods of activity extending from June through August. Beetles overwinter as adults. The species has been found in mesic areas such as wet meadows, streams, and wetlands in association with relatively undisturbed semi-arid, sandhill and loam grasslands. Such areas have been observed to have a thick stand of grassland vegetation with some woody vegetation. Soils composed of some clay and/or high organic matter with a prominent duff (litter) layer have also been observed at these sites. In Nebraska, ABB populations are known to occur in Antelope, Blaine, Boone, Brown, Cherry, Custer, Dawson, Frontier, Gosper, Holt, Keya Paha, Lincoln, Loup, Rock, Thomas, and Wheeler Counties.

The Service has ABB records in close proximity to the project area, and ABB habitat is present within the project area of influence (AOI). Therefore, the Service agrees that further consultation will be needed for the threatened American Burying Beetle (ABB) to avoid and minimize the potential for take, as well as quantifying any potential take of ABB. To assess effects to ABB, calculations of total soil disturbance from project activities will be needed. Avoidance minimization practices such as siting borrow/pit and staging areas in unsuitable/unfavorable

ABB habitat can reduce the likelihood of take occurring. Those areas can be defined below: (NDOT, 2023)

Unsuitable Habitat. Unsuitable habitat for ABB includes areas that are permanently inundated with water (i.e., stream or river channels and ponds [sometimes identified as palustrine unconsolidated bottom (PUB) water resources]), paved areas such as asphalt roadway and driveways, and frequently compacted soil or gravel surfaces such as field access drives and gravel roadways.

Unfavorable Habitat. Unfavorable habitat for ABB includes areas with frequent disturbance or other characteristics making it unlikely ABB would find adequate food resources and refuge, or suitable breeding conditions. These areas include the following: (USFWS, 2020)
1. Land that is tilled on a regular basis, planted in monoculture, and does not contain native vegetation. This includes most row-crop agriculture. Additionally, the probability of ABB presence may decrease near agricultural areas where over 73 percent of the surrounding area is row-crop agriculture (Jurzenski et al., 2014)
2. Land that has already been developed and no longer exhibits topsoil, leaf litter, or vegetation.
3. Stockpiled soil without vegetation.
4. Wetlands or permanent waterbodies with standing water or saturated soils. This includes frequently inundated wetlands, such as shallow cattail marshes or aquatic beds. These would likely be identified in a wetland delineation as palustrine emergent semi permanently flooded (PEMF) or palustrine aquatic bed (PAB) wetlands. There would be some cases where a cattail marsh may be identified as a PEMC wetland and would also be unfavorable because inundation is variable from year-to-year as precipitation levels fluctuate and may provide unsuitable habitat during critical portions of the year.
6. Urban areas with maintained lawns or roadways.

Because ABB is considered threatened under the Endangered Species Act (ESA) and protected with a 4(d) rule where incidental take primarily occurs through soil disturbance, determining the number of acres of unsuitable/unfavorable habitat and suitable habitat that will have soil disturbances is a critical first step required for our determination assessment within a Biological Opinion (BO). Subsequently, further categorizing those acres that are temporarily disturbed but will incorporate restoration versus those acres suffering permanent impacts can help make the case that the affects from this project could be insignificant and/or discountable. For example, transportation defines the area between the road edge to the bottom of the engineered road prism as suitable but unfavorable habitat due to compaction specifications for construction, whereas the non-compacted soils reaching out to the ROW (the road ditch) is considered suitable if permanently in grassed vegetation.

<u>Blowout Penstemon</u>
Blowout penstemon is a federally endangered plant found in open sand blowouts in the Nebraska Sandhills. The plant occurs in early successional blowout habitat where it has little competition for scarce water and nutrients from other plants. However, as blowout habitats mature and become stabilized, other plants become established, and the blowout penstemon disappears. The

Service is aware of records in Cherry, Thomas, Garden, Hooker, Grant, Sheridan, Box Butte, and Morrill counties. Stabilization of blowouts and other disturbances that result in the physical loss of these habitats can have an adverse effect on the blowout penstemon. The species has been typically observed in bloom from late May through mid-June but the bloom period can vary year to year.

The Service recommends the following conservation measures to minimize impacts to blowout penstemon and from the proposed project:

1. If a project's action area contains blowout habitat that may be affected, early in the planning process, a qualified biologist should conduct a survey during the blooming period (typically late May through June). Coordination with the field office is recommended to ensure survey timing aligns with annual variation in phenology. Qualifications of the surveyor, methods of the survey, and results should be provided to the Nebraska Field Office during coordination.

2. During the flowering season (May through July), limit grazing to no more than one out of every three years in occupied blowout habitat to minimize grazing damage to flowers. Grazing outside of this time period is beneficial and encouraged to maintain open/blowing sand.

3. Every five years, employ a combination of prescribed fire and targeted, intense livestock grazing to reduce grass cover and maintain active sand movement. These actions help to prevent blowout stabilization and support persistence of BP populations.

<u>Monarch Butterfly</u>

The Monarch Butterfly (MB) is proposed to be listed as threatened with a section 4(d) rule. Due to a widespread population decline across North America. MB has a unique life history of migration and multiple life stages within a single season, and a unique dependence upon milkweed plants (primarily common milkweed) for reproduction. This species occurs throughout Nebraska, but is most common east of the 100th meridian, in open habitats including prairies, meadows, marshes and along roadsides.

MB are impacted by chemical applications, habitat degradation, climate change (drought, unpredictable storm events, temperature extremes), collection, agricultural disturbances, changes in nectar/milkweed resources, and by disease/natural enemies. Furthermore, the loss of greenspaces, excessive mowing, insecticides, and the change in overwintering habitat all seem to be key drivers influencing monarch dynamics.

The Service recommends the following conservation measures to minimize impacts to MB and from the proposed project:

1. Avoid construction in suitable habitat, especially those providing high-quality, diverse native vegetation including milkweed resources. If construction must occur in suitable habitat,

minimize overall disturbance of habitat. If possible, distribute the disturbance to only portions of the habitat leaving some habitat available throughout the year.

2. Avoid conducting management activities in suitable habitat during the time-of-year when monarch are present in Nebraska (April 15 – Oct 15) to avoid direct impacts to individuals.
3. If mowing suitable habitat during the time of year that the species is present (April 15 – Oct 15), consider incorporating the following strategies to reduce impacts:
   - Avoid areas containing milkweed and nectar producing resources as much as possible during these activities.
   - Leaving areas un-mowed, can reduce impacts on the species by providing refugia.
   - Mowing at a height of 8 inches or greater can reduce species impacts and may allow native plants to flower again in the same season.
   - Mowing at reduced speeds and utilizing a flushing bar can allow adults enough time to escape.
   - Reduce frequency of mowing to 1-2 times annually.

4. Rotational grazing should be conducted to create a mosaic of post-disturbance successional stage habitats by increasing forbs in areas as well as leaving litter and warm-season grass cover in others.

5. Herbicide application should be limited to spot spray application as practicable. If spot spraying isn't practicable, application (i.e., broadcast, aerial) should be conducted in such a way to avoid sensitive species and habitat types. Grass-selective herbicides can reduce impacts on milkweed and other nectar producing resources.

6. Avoid use of insecticides e.g. neonicotinoids, organophosphates, and pyrethroids.

7. Establish post construction seeding mixes utilizing local seed containing a diversity of herbaceous, native species. Utilize wildflowers including milkweed, which bloom throughout the growing season to support wildlife during all life cycles of the species within project area.

<u>Northern Long-Eared Bat</u>

The northern long-eared bat (NLEB) is a medium-sized brown bat that was federally listed as endangered under the Endangered Species Act on March 31, 2023. Nebraska contains suitable forested habitat for foraging and roosting during the species' summer occupancy period (April 1st – September 30th). NLEBs typically roost singly or colonially in cavities, underneath bark, crevices, or hollows of both live and dead trees and/or snags of dense forests. Males and non-reproductive females may also roost near hibernacula such as caves and mines. NLEBs also occasionally roost in structures such as barns and sheds (particularly when suitable tree roosts are unavailable). They forage for insects in upland and lowland woodlots and tree-lined corridors along water. In the fall, when outdoor temperatures consistently drop below 50°F and daylight hours decrease, NLEB migrate to the entrances of hibernacula for fall swarming from August 16th to November 15th. During the winter, NLEBs predominately hibernate in caves and

abandoned mines from November 16th to March 31st. In the spring, when temperatures and daylight hours begin to increase, NLEB begin emerging from hibernacula for spring staging in preparation to migrate to their summer ranges (April 1st to May 14th). Caves and mines in Nebraska with documented use by these species occur in Cass, Greeley, Lancaster, and Sarpy counties. A deep rock crevice in a limestone cliff face on the Missouri River in Dixon County also has documented use during winter. Due to this finding, we suspect that these species also hibernate in deep rock crevices along the Missouri River (upstream of Ponca, Nebraska), Niobrara River, and Republican Rivers where rocky outcroppings are available.

NLEB have been severely impacted by the presence of a fungal disease commonly referred to as white-nose syndrome (WNS). Due to significant population declines caused by WNS and these species' reproductive rates, these species are more vulnerable to additional mortality events such as wind turbine strikes and barotrauma, summer and winter habitat loss or disturbance, and climate change.

Conservation measures that could be applied for NLEB are as follows:

1. Avoid removal of suitable tree roosting habitat during the summer occupancy period (April 1st- September 30th). If this is not possible, we recommend completing a Presence/Absence Survey in accordance with the Service's Range-wide Summer Survey Guidance to establish presence or probable absence.

2. Avoid removal or modification of structures that may be suitable for roosting during the summer occupancy period (April 1 – September 30). If this is not possible, we recommend completing Presence/Absence Survey in accordance with the Service's Range-wide Summer Survey Guidance to establish presence or probable absence.

3. Avoid removing suitable roost trees within 0.50-mile of known hibernacula entrances and the physical or other alteration of hibernacula entrances and interiors at any time.

4. Avoid conducting prescribed burns during these species pup season (May 15th – July 31st). If this is not possible, we recommend completing a Presence/Absence Survey in accordance with the Service's Range-wide Summer Survey Guidance to establish probable absence.

5. Avoid herbicide applications that may affect suitable summer habitat during the summer occupancy period unless applications utilize targeted application methods like spot-spraying, hack-and-squirt, basal bark, injections, cut stump, or foliar spraying on individual herbaceous plants (no foliar spraying on tree leaves).

6. If nighttime work is planned between April 1st and September 30th, lighting should be limited to a Nominal CCT of 3000 Kelvin +/- 300 K, shielded, and directed away from suitable roosting habitat, such as lighting that is compliant with the "BUG rating" set forth by the Illumination Engineering Society as feasible.

Pallid Sturgeon

Pallid sturgeon (PS) inhabits large rivers, including the Elkhorn, Loup, Niobrara, Missouri, and Platte rivers in Nebraska. Floodplains, backwaters, chutes, sloughs, islands, sandbars, and main channel waters form these river ecosystems providing suitable habitat for this species. Specifically, these river segments in Nebraska include but are not limited to:

• Elkhorn River - between the Nebraska Highway 91 Bridge at Nickerson and the Platte River confluence.

• Loup River- upstream from the Platte River confluence to the Loup Power canal head gates.

• Missouri River - bordering the entire length of the state (approximately River Mile 490 to 874.5).
• Niobrara River - from Schindler Creek confluence to the Missouri River confluence (approximately the lower 7 miles of the Niobrara River).

• Platte River - between the Loup River confluence and the Missouri River confluence.

PS in Nebraska are impacted by the destruction, modification, or curtailment of its habitat/range, including river channelization, bank stabilization, impoundment, and altered flow regimes (See Platte River Depletions Section below). Threats also include water quality degradation, entrainment (i.e. water-cooling intake structures), dredge operations, diversions, flood control points (dams, levees, dikes, retention ponds, etc.), climate change, energy development, hybridization, and invasive species.

The Service recommends that the following conservation measures be incorporated into the proposed project to minimize potential impacts to PS:

1. Avoid project impacts to riverine systems in the designated segments (listed above) of the Elkhorn, Loup, Missouri, Niobrara, and Platte River channels from March 1st – June 30th, which coincides with species spawning and larval drift. Implementation of this conservation measure ensures incidental take of spawning adults, eggs, and free embryos are not “reasonably certain to occur.”

2. Construction activities within and upstream of designated segments should be designed to prevent streambank erosion and should not otherwise impact the stream channel/bank. Minimize disturbance to ground cover and vegetation within riparian areas by utilizing existing disturbed areas such as roads, trails, etc.

3. Any upland soil disturbances should be designed to avoid or minimize excess sedimentation which can affect water quality.

4. Avoid entrainment and/or impingement of fish when designing or repairing water control structures in the designated segments.

Piping Plover

The piping plover (PP) nests and forages on unvegetated or sparsely vegetated sandbars on the Elkhorn, Loup, Middle Loup, Missouri, Niobrara, Platte, and South Platte rivers in Nebraska. PP also readily use sand and gravel mines and lake shores/beaches for nesting along these river systems. The nesting season is from April 15th- August 15th in Nebraska.

The primary threat to this species in Nebraska is altered riverine systems that limit the formation and maintenance of non-vegetated sand bars upon which they nest. This includes but is not limited to destruction, modification, or curtailment of habitat or range including reservoir construction, river channelization, and modifications to hydrologic regime. Furthermore, as PP readily utilize commercial aggregate (sand and gravel) mining areas and other cleared areas (energy production, agricultural development, lakefront housing, etc.) to nest and raise young outside riverine systems, these areas must be similarly evaluated for impacts. Other threats include predation, pesticides, invasive species, and excessive vegetation growth of nesting areas. Human disturbances including off road vehicles, boats, and pets also pose a risk to nesting habitat or direct take of young.

The Service recommends that the following conservation measures be incorporated into the proposed project to minimize potential impacts to PP:

1. Avoid construction within 0.25-miles of suitable habitat during the species' nesting season (April 15th– August 15th).

2. If construction must occur during the nesting season, follow the U.S. Fish and Wildlife Service and Nebraska Game and Parks Commission Survey Protocol, dated March 2021.

3. Herbaceous species used for re-seeding within ¼ mile of suitable habitat will be native grass or forb species. Native shrub or woody species used in restoration should reach no more than 4 feet in height at maturity.

4. If temporary construction lighting is planned between April 15th and August 15th or if permanent lighting is being installed, lighting should be limited to a Nominal CCT of 3000 Kelvin +/- 300 K, shielded and directed away from suitable habitat, such as lighting compliant with the "BUG rating" set forth by the Illumination Engineering Society as feasible.

5. Avoid project activities that alter natural river form or function. For example, those that would hinder the ability for natural creation of sandbar habitats along the listed river systems.

Suckley's Cuckoo Bumble Bee

The Suckley's cuckoo bumble bee (SCBB) is proposed endangered under the Endangered Species Act. The SCBB is an obligate social parasite of social bumble bees in the genus *Bombus*. Cuckoo bumble bee females emerge from hibernation in the spring and usurp the nest of a suitable host colony, where host workers provision their young. SCBB is described as a semi-specialist parasite and is confirmed to usurp nests of Western bumble bees (Bombus occidentalis) and Nevada bumble bees (Bombus nevadensis), with other potential hosts in subgenus Bombus throughout the extent of its range. The species can be found in various habitat types including prairies, grasslands, meadows, urban and agricultural areas, and woodlands and

has a historic range across Nebraska with documented occurrences in the panhandle and southeastern Nebraska. SCBB requires suitable nesting sites for host colonies, nectar and pollen resources during the colony and rearing period (spring, summer, and fall), and suitable overwintering sites for mated females. The nests that host SCBB are primarily underground cavities that have been created naturally or by other animals such as abandoned rodent nests. Overwintering sites are generally close to the ground surface an inch or two under loose soil or under leaf litter or other debris, in sites that are undisturbed and have adequate organic material to provide shelter such as mulch or other decomposing vegetation.

The viability of this bee is highly dependent on its host bumble bee species, many of which have declined historically, and are expected to continue to do so in the near term. Other major threats include pesticides, introduced disease, habitat fragmentation and conversion, and climate change.

The Service recommends the following conservation measures to minimize impacts to SCBB and from the proposed project:

1. Avoid construction in suitable habitats of SCBB and host species, especially those providing high quality diverse native vegetation. If construction must occur in suitable habitat, minimize overall disturbance of habitat. If possible, distribute the disturbance to only portions of the habitat leaving some habitat available throughout the year.

2. Establish post construction seeding mixes utilizing local seed containing a diversity of native species. Utilize wildflowers which bloom throughout the growing season to support wildlife during all life cycles of the species within project area.

3. Mowing should avoid sensitive timeframes for species growth and development. If mowing must occur, try to avoid nectar producing resources during these activities.

4. Herbicide application should be limited to spot spray application as practicable. If spot spraying isn't practicable, application (i.e., broadcast, aerial) should be conducted in such a way to avoid sensitive species and habitat types.

Western Regal Fritillary

The Regal Fritillary (RF) is proposed for listing by the Service as of 8/2024. Nebraska is home to the Western subspecies of the RF population, which is proposed as threatened with a section 4(d) rule. The RF has been observed across Nebraska in association with native tallgrass prairies in the east, wet meadows in the sandhills, and sub-irrigated meadows associated with stream drainages throughout the state. Wet meadows along the Platte River in central Nebraska have historically provided habitat for high density populations. More specifically, RF requires high quality prairie habitats which provide violets (the only food source for RF larvae), nectar producing species for adults, and native warm season bunchgrasses for all life cycles to sustain populations. The threats to RF include but are not limited to conventional row crop agriculture, urban and residential development, road construction and maintenance, herbicide and pesticide use, and ill-timed controlled burns. Also, the RF individuals can be threatened by collection and overutilization for commercial or recreational purposes. It is also likely that females collected for

such purposes have not had a chance to reproduce due to the species' extended period of reproductive diapause. The extensive loss of native prairie habitats and lack of diverse management regimes is the primary driver of this species population decline in Nebraska.

The Service recommends the following conservation measures to minimize impacts to RF and from the proposed project:

1. Avoid construction in suitable habitats, especially relict native tallgrass prairies providing high quality diverse vegetation including violets and warm season bunchgrasses. If construction must occur in suitable habitat, minimize overall disturbance. If possible, distribute the disturbance to only ½ of the available habitat leaving some habitat available throughout the year.

2. When burning suitable habitat, consider incorporating the following strategies to reduce impacts:
   - Leave areas of connected RF habitat undisturbed as refugia for the species. Connected habitat must not be separated by dense wooded tree lines.
   - Ideally, disturbances occur on only ½ or less of the connected habitat, creating a mosaic of successional stage habitats.
   - Burning in 3-5 year cycles or longer is ideal to maintain habitat yet prevent shrub encroachment. Patch-burn grazing can be an effective tool.

3. If mowing in suitable habitat, consider incorporating the following strategies to reduce impacts:
   ≠ Leave areas un-mowed, to reduce impacts on the species by providing refugia.
   ≠ Mowing at a height of 8 inches or greater can reduce species impacts and may allow native plants to flower again in the same season.
   - Mowing at reduced speeds and utilizing a flushing bar can allow adults enough time to escape.
   - Reduce frequency of mowing to 1-2 times annually.

4. Rotational grazing should be conducted to create a mosaic of post-disturbance successional stage habitats by increasing forbs in areas as well as leaving litter and warm-season grass cover in others.

5. Herbicide application should be limited to spot spray application as practicable. If spot spraying isn't practicable, application (i.e., broadcast, aerial) should be conducted in such a way to avoid sensitive species and habitat types.

6. Avoid use of insecticides e.g. neonicotinoids, organophosphates, and pyrethroids.

7. Establish post construction seeding mixes utilizing local seed containing a diversity of native species. Utilize wildflowers, which bloom throughout the growing season to support wildlife

during all life cycles of the species within project area. Include violet plugs in the restoration of RF habitat.

8. Controlling woody invasives and tree clearing/thinning between restoration and remnant sites.

Western Prairie Fringed Orchid

The western prairie fringed orchid, federally listed as threatened, inhabits tall-grass calcareous silt loam or sub-irrigated sand prairies. Declines in western prairie fringed orchid populations have been caused by the drainage and conversion of its habitats to agricultural production, channelization, siltation, road and bridge construction, grazing, haying, and the application of herbicides. Populations are known to occur in Boone, Cherry, Dodge, Garfield, Grant, Greeley, Hall, Holt, Lancaster, Loup, Madison, Otoe, Pierce, Rock, Saline, Sarpy, Seward, and Wheeler counties, and may occur at other sites in Nebraska.

If suitable habitat for the species is identified, the Service recommends that a survey for western prairie fringed orchid should be conducted by qualified botanists during the (mid-June to mid-July) bloom period prior to any construction. This orchid species does demonstrate some annual bloom variation so multiple years of survey effort could be necessary for accurate detection. Qualifications of the surveyor, method of survey, and results of the survey should also be submitted to this office to discuss avoidance and protective measures that could be implemented into the project.

Whooping Crane

Whooping cranes, federally listed as endangered, use shallow, sparsely vegetated streams and wetlands in which to feed and roost during migration. Major river systems used by whooping cranes in Nebraska include the central Platte, Loup, Republican, and Niobrara rivers. Sandhills and rainwater basin wetlands are used as important stopovers by whooping cranes during their spring and fall migrations. In addition, a 3-mile-wide, 56-mile-long reach of the Platte River between Lexington and Denman, Nebraska has been federally designated as critical habitat for whooping cranes. Migration periods for the whooping crane in Nebraska are from approximately March 6 through April 29 and from October 9 through November 15.

Whooping cranes and their habitats are impacted by physical and hydrologic stream and river alterations including reductions and alterations to flows, channel constrictions caused by bridges, bridge approaches, roadway embankments, bank stabilization, levees, and other unnatural obstructions that can result in the loss of broad, shallow, unobstructed channels and sandbar complexes used as roosting habitat by whooping cranes. Alterations to river flows as well as drainage and filling of playa wetlands can also result in the loss of important foraging and roosting habitats. Human activities in the vicinity of important roosting and feeding habitats can disturb whooping cranes, prematurely hastening their departure from, or preventing their use of riverine and wetland habitats. Permanent impacts to habitat used by whooping cranes can reduce the amount, quality and distribution of migratory stopover habitat, ultimately resulting in adverse

effects to whooping cranes. Wind turbines, transmission lines and other tall structures pose collision risks to migrating whooping cranes when their location coincides with suitable habitat.

The Service recommends that the following conservation measures be incorporated into the proposed project to minimize potential impacts to whooping cranes:

1. Avoid siting projects with negative consequences in suitable habitat or within the migration corridor whenever feasible.

2. To the maximum extent practicable avoid or minimize alterations to hydrology within river systems including their watersheds.

3. To the maximum extent practicable avoid or minimize impacts to habitats used by or with the potential to be used by whooping cranes (i.e., riverine, wetlands, wet meadows, and associated grasslands) throughout the migration corridor.

4. To avoid impacts, construction activities should not occur during whooping crane migration periods (spring migration: March 6th – April 29th; and fall migration: October 9th – November 15th).

5. To minimize impacts from construction activities which occur during whooping crane migration periods (Spring migration: March 6th – April 29th; and fall migration: October 9th – November 15th), trained personnel, or a qualified biologist, should conduct surveys prior to the start of daily construction activities within 0.5 mile according to the Nebraska Field Office Whooping Crane survey protocol. If whooping cranes are spotted, stop work within 0.5 mile of the whooping cranes and contact the U.S. Fish and Wildlife Service to determine when work can resume.

6. Herbaceous species used for re-seeding suitable habitat should be native species (grass, wetland, or forb). Native shrub or woody species used in restoration should reach no more than 4 feet in height at maturity.

7. If temporary construction lighting is planned during whooping crane migration periods (Spring migration: March 6th – April 29th; and fall migration: October 9th – November 15th), or if permanent lighting is being installed, lighting should be limited to a Nominal CCT of 3000 Kelvin +/- 300 K, shielded and directed away from suitable habitat, such as lighting compliant with the “BUG rating” set forth by the Illumination Engineering Society as feasible. Furthermore, work should not begin until evening surveys have been completed according to protocol.

Platte River Depletions

The Platte River, its tributaries, and associated wetland habitats are resources of national and international importance. Due to the cumulative effect of many water depletion projects in the Platte River basin, the Service considers any direct or indirect depletion of flows from the Platte River system to be significant and will continue to further deteriorate the already stressed habitat

conditions. If the proposed Project activities (construction and operation) would create new or increase depletions to the Platte River system, the Service has general concerns and recommends that construction activities (i.e., any associated borrow sites, ponded water, access roads, etc.) be further assessed to ensure they do not result in an instream flow depletion(s) that could indirectly impact the federally listed species and/or designated critical habitat in the central and lower Platte River basins. The federally listed species that could be impacted from Platte River water depletions include the federally endangered whooping crane (*Grus americana*) and pallid sturgeon (*Scaphirhynchus albus*); the threatened piping plover (*Charadrius melodus*) and western prairie fringed orchid (*Platanthera praeclara*).

The Service understands that the proposed projects are intended to replace existing structures or make improvements upon existing ones in a way that does not change the timing or volume of water that is diverted and therefore no net depletions are anticipated. Any depletions from projects whether temporary or permanent in this portion of the Platte River system may be eligible for coverage by the Platte River Recovery Implementation Program (PRRIP). The Service is interested in more details on potential depletions once more information is available.

Effect Determination(s)

The East Clear Creek Watershed Plan – EA identified all federally listed species with a range that overlaps with the action area. NRCS has determined that habitat for blowout penstemon is not within the action area and therefore no impacts are anticipated to the species.

American Burying Beetle
NRCS made a determination of *no effect* for the American burying beetle. Based on the information provided, it appears there are areas within the action area that maybe suitable habitat for the American burying beetle in which ground disturbance is planned to occur. Therefore the Service recommends providing more detailed information (when available) of these areas that will have ground disturbance in perennial vegetation for the Service to better evaluate potential impacts.

Northern Long-Eared Bat
NRCS has proposed to avoid any tree removal during the active period to minimize potential impacts to the species when removing potential roost trees. The Service agrees that this is an appropriate avoidance measure for tree removal. The Service also recommends that any lighting that is to be installed on these structures is limited to 3000 Kelvin +/- 300K, is downward-facing and uses full cut-off lens lights to reduce impacts to bats in the river corridor. If using the Backlight Uplight and Glare (BUG) system, aim for the lowest possible values, prioritizing uplight being zero and backlight being as low as possible. If tree removal becomes a project activity, and the proponent adopts these conservation measures it is likely that a “may effect but not likely to adversely affect” determination would be supported.

Piping Plover
Structures that changes natural hydrology of rivers can have impacts on sandbars where piping plover nest. This project plans to modify or replace existing diversion structures and not install new structures, therefore changes in hydrology that could alter sandbars from the current

baseline, are not anticipated. Based on the information provided by NRCS, the timing and volume of water diverted is also not anticipated to change from the current baseline. If construction occurs during the nesting season for the species, NRCS would direct the proponent to conduct nest surveys of suitable nesting habitat within sight and sound distance of construction. The Service recommends these surveys include all suitable habitat within at least ¼ mile of construction. Additionally, the Service would like to see more details, when a project is more fully developed, on how water will be routed during construction to ensure impacts will be avoided.

Whooping Crane

As described above, the project work is on pre-existing structures that are being modified or replaced. Based on the information provided, timing and volume of diverted flows are not anticipated to change from the current baseline and therefore should not impact whooping cranes or adversely modify whooping crane critical habitat downstream. These structures are within the whooping crane migration corridor and therefore avoidance of construction during the migration seasons (March 6 – April 29 and October 9 – November 15) is preferred to avoid impacts. If construction must be conducted during the migrations season, daily morning surveys would be required prior to beginning construction for the day. Because these structures are located on the Platte River where whooping cranes often choose to roost overnight, the Service would also recommend if construction is going to occur during migration season, that construction activities cease each day at least 1 hour before sunset, to sufficiently minimize potential effects. As this project also included extending power supply to some of these structures. The Service would recommend marking any overhead powerlines that are near roost habitat with bird diverters to minimize the potential for avian collisions, unless the overhead powerlines are within trees that exceed the height of the powerline, then diverters will not be necessary.

Pallid Sturgeon

Pallid sturgeon are not known to occur within the action area of this project. However, NRCS has identified that potential impacts to the species could occur downstream. These structures are pre-existing and are not expected to alter the timing and volume of flow once constructed based on the information provided. NRCS has identified that potential temporary and indirect effects on the species could occur during construction. The Service would like to see further details (when available) about how water will be routed and altered during construction to further analyze the impacts on this species.

Western Prairie Fringed Orchid

NRCS has identified that suitable habitat exists for the western prairie fringed orchid and agrees to survey for the species prior to design phase and any construction to reduce potential direct impacts on the species. The Service recommends coordination with our office prior to conducting surveys to ensure the proper timing of the survey as the orchid can exhibit annual variation in blooming period. Because these structures are pre-existing and are not expected to change timing or volume of flows from the current baseline, any populations of orchids downstream are not expected to be affected by changes in hydrology.

Recommendations

The Service encourages a diverse, native seed mix be incorporated into the restoration of these action areas to benefit the three insect species that are proposed for listing to meet obligations under 7(a)(1) of the ESA. Avoiding and minimizing the amount of disturbance in areas with perennial vegetation can reduce potential impacts to the proposed species.

This letter serves as technical assistance but does not provide a concurrence determination from the Service. Our office is unable to provide a concurrence determination until sufficient project specific information is available to fully analyze potential impacts to federally protected resources and a biological assessment is submitted. At this time and based on the general plan information provided, you may consider this project to be in compliance with the Endangered Species Act of 1973, as amended, 16 U.S.C. 1531 et. Seq.

In addition, all federally listed species are also state-listed under the Nebraska Nongame and Endangered Species Conservation Act. There may be state-listed species affected by the proposed project that are not federally listed. To determine if the proposed project may affect State-listed species, the Service recommends that the project proponent contact, the Nebraska Environmental Review Team (ngpc.envreview@nebraska.gov) and/or Ruby Micek (ruby.micek@nebraska.gov), Nebraska Game and Parks Commission, 2200 North 33rd Street, Lincoln, Nebraska 68503-0370, (402) 471-5554.

REVIEW, COMMENTS, AND RECOMMENDATIONS ON THE PROPOSED PROJECT ACTION UNDER OTHER FISH AND WILDLIFE STATUTES

Fish and Wildlife Coordination Act

The Fish and Wildlife Coordination Act (FWCA; 16 U.S.C. 661-666(e)) requires consultation with the Service and State fish and wildlife agency (in this case NGPC) for the purpose of giving equal consideration to fish and wildlife resources in the planning, implementation, and operation of federal and federally funded, permitted, or licensed water resource development projects. The FWCA requires that federal agencies take into consideration the effect that water related projects may have on fish and wildlife resources, to take action to avoid impact to these resources, and to provide for the enhancement of these resources.

The Service recommends impacts such a sedimentation and introduction of contaminants to wetlands, streams, and riparian areas be avoided or minimized during project construction and any unavoidable impacts be mitigated for. Restoration of the action area should be completed using only native species to prevent future sedimentation and reduce the establishment of invasive species. This project could be enhanced by including diverse aquatic habitats within the plan, that would provide habitats to support varying aquatic lifecycles that may be lost during construction.

Two state listed species (northern redbelly dace and finescale dace) are known to occur within this river system. The Service recommends coordination with NGPC to incorporate appropriate measures for fish passage. To determine if the proposed project may affect fish and wildlife resources of the State of Nebraska under the FWCA, the Service recommends that the project proponent contact the Nebraska Environmental Review Team (ngpc.envreview@nebraska.gov)

and/or Ruby Micek (ruby.micek@nebraska.gov), Nebraska Game and Parks Commission, 2200 North 33rd Street, Lincoln, Nebraska 68503-0370, (402) 471-5554.

Bald and Golden Eagle Protection Act

The bald eagle (*Haliaeetus leucocephalus*) and golden eagle (*Aquila chrysaetos*) are protected from a variety of harmful actions via take prohibitions in both the Migratory Bird Treaty Act[2] (MBTA; 16 U.S.C. 703-712) and the Bald and Golden Eagle Protection Act (BGEPA; 16 U.S.C. 668–668d). The BGEPA, enacted in 1940 and amended several times, prohibits take of bald eagles and golden eagles, including their parts, nests, young or eggs, except where otherwise permitted pursuant to federal regulations. Incidental take of eagles from any actions, such as electrocutions from power lines or wind turbine strikes, are prohibited unless specifically authorized via an eagle incidental take permit from the Service. The Service provides the option for ePermits that can be acquired online as well as additional information about eagle take permitting. BGEPA provides penalties for persons who "take, possess, sell, purchase, barter, offer to sell, purchase or barter, transport, export or import, at any time or any manner, any bald eagle ... [or any golden eagle], alive or dead, or any part, nest, or egg thereof." BGEPA defines take to include the following actions: "pursue, shoot, shoot at, poison, wound, kill, capture, trap, collect, molest or disturb." The Service expanded this definition by regulation to include the term “destroy” to ensure that “take” also encompasses destruction of eagle nests. Also the Service defined the term disturb which means to agitate or bother a bald or golden eagle to a degree that causes, or is likely to cause, based on the best scientific information available, (1) injury to an eagle, (2) a decrease in its productivity, by substantially interfering with normal breeding, feeding, or sheltering behavior, or (3) nest abandonment, by substantially interfering with normal breeding, feeding, or sheltering behavior.

- The 2007 *National Bald Eagle Management Guidelines* serve to advise landowners, land managers, and others who share public and private lands with bald eagles when and under what circumstances the protective provisions of BGEPA may apply. They provide conservation recommendations to help people avoid and/or minimize such impacts to bald eagles, particularly where they may constitute “disturbance,” which is prohibited by the BGEPA.

The Service also has promulgated new permit regulations under BGEPA:

- New eagle permit regulations, as allowed under BGEPA, were promulgated by the Service in 2009 (74 FR 46836; Sept. 11, 2009) and revised in 2016 (81 FR 91494; Dec. 16, 2016). The regulations authorize the limited take of bald and golden eagles where the take to be authorized is associated with otherwise lawful activities. These regulations also establish permit provisions for intentional take of eagle nests where necessary to ensure public health and safety, in addition to other limited circumstances. The revisions in 2016 included changes to permit issuance criteria and duration, definitions, compensatory mitigation standards, criteria for eagle nest removal permits, permit application requirements, and fees in order to clarify, improve implementation and increase compliance while still protecting eagles.

[2]The MBTA list of protected species includes bald and golden eagles, and the law has been an effective tool to pursue incidental take cases involving eagles. However, the primary law protecting eagles is the Bald and Golden Eagle Protection Act (BGEPA) (16 U.S. Code § 668), since the bald eagle was delisted under the Endangered Species Act in 2007.

The Service's Office of Law Enforcement carries out its mission to protect eagles through investigations and enforcement, as well as by fostering relationships with individuals, companies, industries and agencies that have taken effective steps to avoid take, including incidental take of these species, and encouraging others to implement measures to avoid take. The Office of Law Enforcement focuses its resources on investigating individuals and entities that take eagles without identifying and implementing all reasonable, prudent and effective measures to avoid that take. Those individuals and entities are encouraged to work closely with Service biologists to identify available protective measures, and to implement those measures during all activities or situations where their action or inaction may result in the take of an eagle(s).

Migratory Bird Treaty Act

The Migratory Bird Treaty Act (MBTA; 16 U.S.C. 703-712), implements four international conservation treaties that the U.S. entered into with Canada in 1916, Mexico in 1936, Japan in 1972, and Russia in 1976. It is intended to ensure the sustainability of populations of all protected migratory bird species and prohibits the take (including killing, capturing, selling, trading, and transport) of protected migratory bird species without prior authorization by the Department of Interior U.S. Fish and Wildlife Service. MBTA does not apply to nonnative species of birds. An updated list of those species was published in 2020. Regulations regarding migratory bird permits can be found in the Code of Federal Regulations (50 CFR 21). The Service issues ePermits through the Migratory Bird Permit Program which is in development.

In accordance with MBTA, we recommend those construction activities that occur in grassland, roadsides, wetland, riparian (stream), shrubland and woodland habitats, or on bridges or culverts (e.g., which may affect nests on bridge girders) that could otherwise result in impacts to migratory birds, eggs, young, and/or active nests should be avoided. Although the provisions of MBTA are applicable year-round, most migratory bird nesting activity in Nebraska occurs during the period of April 1 to July 15. However, some migratory birds are known to nest outside of the aforementioned primary nesting season period. For example, raptors can be expected to nest in woodland habitats during February 1 through July 15, whereas sedge wrens, which occur in some wetland habitats, normally nest from July 15 to September 10. We recommend projects in Nebraska avoid and minimize vegetation removal and impacts during the primary nesting season for breeding birds, April 1-July 15.

Watershed Protections and Flood Prevention Act

In accordance with the Watershed Protections and Flood Prevention Act (WPFPA; P.L. 83-566 Section 12), the Service, if so desires, may make surveys and investigations and prepare a report with recommendations concerning the conservation and development of wildlife resources and participate in the preparation of a plan for works of improvement. At this time and based on the information provided, the Service does not intend to make surveys, investigations, or report for this project but as the project develops will continue to provide recommendations under the above operating authorities.

In summary, we greatly appreciate the NRCS and the applicant(s) including the Service this early in the review process to ensure ESA requirements under both 7(a)(1) and 7(a)(2) are on track to be met without delays to the project. Once project specific information is finalized and available to the Service to fully analyze the potential impacts, the Service will be able to either provide concurrence or further assist to provide a determination. We look forward to working with you in the further refinement of this project. Should you have questions, please contact Mallory Jaymes within our office at mallory_jaymes@fws.gov or (308) 850-7688.

Sincerely,

Mark Porath

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Mark Porath
Nebraska Project Leader/Field Office Supervisor
Mountain-Prairie Region, Ecological Services

Cc: Melissa Baier, ASTC- Water Resource and Easements, NRCS
ngpc.envreview@nebraska.gov
nebraskaes@fws.gov