

APPENDIX A: COMMENTS AND RESPONSES

LIST OF CORRESPONDENCE INCLUDED IN APPENDIX

- June 29, 2025 – NEPA Coordination and NHPA Section 106 Initiation Letters to SHPO and Tribes (12 letters)
- July 25, 2023 – Cooperating Agency Request Letter to USACE
- July 25, 2023 – Cooperating Agency Request Letter to USFWS
- August 8, 2023 – Cooperating Agency Acceptance Letter from USACE
- August 28, 2023 – Nebraska Game and Parks Commission Scoping Letter
- September 2, 2023 – Cooperating Agency Acceptance Email from USFWS
- September 28, 2023 – EPA Agency Scoping Letter
- April 8, 2024 – Email from USFWS with preliminary comments on Endangered Species Effects
- December 18, 2024 – Farmland Protection Policy Act Consultation Letter
- December 19, 2024 – NRCS letter to USFWS for Section 12 Consultation
- May 15, 2025 – NHPA Section 106 Consultation Request Letters to SHPO and Tribes (12 letters)
- May 28, 2025 – Email from NRCS to Tribal Historic Preservation Officers with link to electronic copies of the NHPA Section 106 consultation documents
- June 3, 2025 – Northern Cheyenne Tribe NHPA Section 106 concurrence letter
- June 5, 2025 – NeSHPO NHPA Section 106 concurrence letter
- June 17, 2025 – Northern Arapaho Tribe NHPA Section 106 concurrence letter
- June 23, 2025 – Pawnee Nation of Oklahoma NHPA Section 106 concurrence letter
- July 22, 2025 – Emails from NRCS to the Apache Tribe of Oklahoma, Cheyenne & Arapaho Tribes of Oklahoma, Cheyenne River Sioux Tribe, Crow Creek Sioux Tribe of the Crow Creek Reservation, Lower Brule Sioux Tribe, Oglala Sioux Tribe, Rosebud Sioux Tribe, and Standing Rock Sioux Tribe of North and South Dakota to follow up on NHPA Section 106 consultation
- February 13, 2026 - ESA and NESCA consultation letters to USFWS and NGPC
- April 8, 2026 - NGPC response to consultation request

SENT VIA EMAIL: READ RECEIPT REQUESTED

June 29, 2023

Ms. Betty Gillespie
Deputy State Historic Preservation Officer
History Nebraska
1500 R Street
Lincoln, NE 68508-1651

Dear Betty Gillespie:

The purpose of this letter is to request your coordination in the development of the Thirty-Two Mile Creek WFPO Watershed Plan-Environmental Assessment (Plan-EA) and invite you to an agency-scoping meeting. The Watershed Protection and Flood Prevention Act (PL 83-566) authorizes the USDA, Natural Resources Conservation Service (NRCS) to cooperate with State and local agencies in planning and carrying out works of improvement for soil conservation and for other purposes. The watershed program includes the development of physically, environmentally, socially, and economically sound project plans of improvements scheduled for implementation.

The Little Blue Natural Resources District (LBNRD) recently partnered with the NRCS to begin planning to address flooding concerns in agricultural areas and communities within the Thirty-Two Mile Creek Watershed (project area). This effort is focusing on solutions to flooding that have recently occurred, primarily affecting the areas in and around the villages of Kenesaw and Juniata. The culmination of this work will be a watershed project work plan and environmental assessment (Plan-EA).

The LBNRD is hosting an agency scoping meeting for all interested agencies to support development of the Plan-EA. To accommodate schedules and travel, the agency scoping meeting will be held virtually via Microsoft Teams. Agencies are invited to provide insight, present questions, identify resources of concern, and discuss overall project development with the project team. Project information will be presented and personnel from the project team will be present to answer questions and receive comments.

Agency Meeting Details

Tuesday, August 1, 2023

10:00 a.m. – 12:00 p.m. (CST)

Virtual Meeting via Microsoft Teams

Meeting ID: 226 318 907 483

Passcode: 9T3kPi

Link: <https://www.microsoft.com/microsoft-teams/join-a-meeting>

Or call in (audio only)

Toll free: 833-798-7807

Conference ID: 695 465 370#

RSVP requested



If you would like to attend the meeting, please RSVP to Kristen Ohnoutka, JEO Community Engagement Specialist, by July 28, 2023 at kohnoutka@jeo.com. We will provide a calendar invite with the virtual meeting log-in information to facilitate your attendance.

The project is located in Adams County, Nebraska (see attached map). The anticipated project purpose is flood prevention; however, the final purpose and need statement and associated alternatives analysis will be completed as the development of the Plan-EA progresses. JEO Consulting Group (JEO) has been retained by LBNRD to assist in developing the Plan-EA.

The Plan-EA is being prepared to fulfill NEPA responsibilities pertaining to federal financial assistance received through the NRCS's Watershed and Flood Prevention Operations (WFPO) Program. As part of our coordination efforts, we are contacting you because of your agency's area of expertise and/or jurisdiction by law. If applicable, we invite you to comment on the proposed project and its impact on your agency's resource(s) and permitting requirements. **Please feel free to extend this invitation to others at your agency.** Any input or comments that your organization may have will be greatly appreciated and addressed as needed. An environmental assessment document will be prepared as part of the Plan-EA to comply with environmental regulations.

Written comments or requests should be submitted to JEO Project Manager Michael Placke via email at mplacke@jeo.com or to the JEO Lincoln Office, at the following address: 2000 Q Street, Suite 500, Lincoln, NE 68503. **Written comments should be submitted within 30 days after the meeting is held.**

If you have any other questions, please contact Melissa Baier, Nebraska Watershed Planning Coordinator, at 402-437-4065 or by email at melissa.baier@usda.gov.

Sincerely,

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

Digitally signed by ROBERT
LAWSON
Date: 2023.06.29 12:59:48 -05'00'

ROBERT D. LAWSON
State Conservationist

Enclosures: Project Location Map

cc: John Swigart, Preservation Archeologist, History Nebraska
Melissa Baier, Watershed Planning Coordinator, NRCS – Nebraska State Office

SENT VIA USPS PRIORITY MAIL: SIGNATURE REQUIRED

June 29, 2023

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

RE: West Branch Thirty-Two Mile Creek Watershed Plan-Environmental Assessment (Plan-EA) Early National Environmental Policy Act (NEPA) Coordination and Initiation of National Historic Preservation Act (NHPA) Section 106 Consultation, Adams County, Nebraska

Dear Chairman Cooper:

The purpose of this letter is to request your participation in the development of the Thirty-Two Mile Creek WFPO Watershed Plan-EA and invite you to an agency-scoping meeting. The Watershed Protection and Flood Prevention Act (PL 83-566) authorizes the USDA, Natural Resources Conservation Service (NRCS) to cooperate with State and local agencies in planning and carrying out works of improvement for soil conservation and for other purposes. The watershed program includes the development of physically, environmentally, socially, and economically sound project plans of improvements scheduled for implementation.

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NRCS is requesting to consult with your Tribe regarding this undertaking under Section 106 of the NHPA and would like to hear your comments and concerns regarding potential effects to cultural and natural resources within this watershed. We are proposing to host a virtual meeting through Microsoft Teams to discuss the project and its potential effects. If you would like to schedule a meeting to initiate NHPA Section 106 consultation, please contact Nebraska NRCS Watershed Coordinator Melissa Baier at 402.437.4065 or by email at melissa.baier@usda.gov to identify a date and time for the meeting.

Nebraska NRCS would also like to invite you to participate in a discussion regarding resources of concern within the watershed planning area with federal, state, and local government agencies. The LBNRD is hosting an agency scoping meeting for all interested agencies to support development of the Plan-EA. To accommodate schedules and travel, the agency scoping meeting will be held virtually via Microsoft



Teams. Agencies are invited to provide insight, present questions, identify resources of concern, and discuss overall project development with the project team. Personnel from the project team will present information about the project, answer questions, and receive comments from meeting participants.

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Or call in (audio only)

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Conference ID: 695 465 370#

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If you have any other questions, please contact Melissa Baier, Nebraska Watershed Planning Coordinator at 402.437.4065 or by email at melissa.baier@usda.gov.

Sincerely,

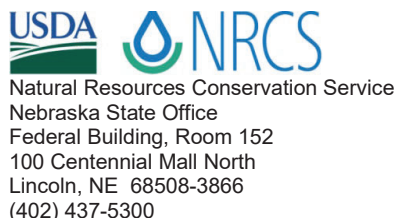


ROBERT D. LAWSON
State Conservationist

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LAWSON
Date: 2023.06.29 13:02:26 -05'00'

Enclosures: Project Location Map

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



SENT VIA USPS PRIORITY MAIL: SIGNATURE REQUIRED

June 29, 2023

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

RE: West Branch Thirty-Two Mile Creek Watershed Plan-Environmental Assessment (Plan-EA) Early National Environmental Policy Act (NEPA) Coordination and Initiation of National Historic Preservation Act (NHPA) Section 106 Consultation, Adams County, Nebraska

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If you have any other questions, please contact Melissa Baier, Nebraska Watershed Planning Coordinator at 402.437.4065 or by email at melissa.baier@usda.gov.

Sincerely,

 *Robert D. Lawson*

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LAWSON
Date: 2023.06.29 13:34:56
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ROBERT D. LAWSON
State Conservationist

Enclosures: Project Location Map

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

SENT VIA USPS PRIORITY MAIL: SIGNATURE REQUIRED

June 29, 2023

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

RE: West Branch Thirty-Two Mile Creek Watershed Plan-Environmental Assessment (Plan-EA) Early National Environmental Policy Act (NEPA) Coordination and Initiation of National Historic Preservation Act (NHPA) Section 106 Consultation, Adams County, Nebraska

Dear Governor Wassana:

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Sincerely,

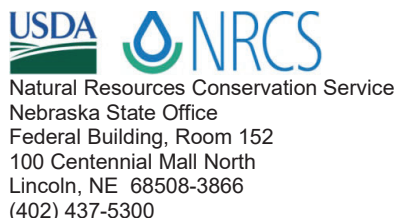

Robert D. Lawson

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LAWSON
Date: 2023.06.29 13:36:08 -05'00'

ROBERT D. LAWSON
State Conservationist

Enclosures: Project Location Map

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



SENT VIA USPS PRIORITY MAIL: SIGNATURE REQUIRED

June 29, 2023

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

RE: West Branch Thirty-Two Mile Creek Watershed Plan-Environmental Assessment (Plan-EA) Early National Environmental Policy Act (NEPA) Coordination and Initiation of National Historic Preservation Act (NHPA) Section 106 Consultation, Adams County, Nebraska

Dear Chairperson LeBeau:

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NRCS is requesting to consult with your Tribe regarding this undertaking under Section 106 of the NHPA and would like to hear your comments and concerns regarding potential effects to cultural and natural resources within this watershed. We are proposing to host a virtual meeting through Microsoft Teams to discuss the project and its potential effects. If you would like to schedule a meeting to initiate NHPA Section 106 consultation, please contact Nebraska NRCS Watershed Coordinator Melissa Baier at 402.437.4065 or by email at melissa.baier@usda.gov to identify a date and time for the meeting.

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Sincerely,


Robert D. Lawson

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LAWSON
Date: 2023.06.29 13:37:11 -05'00'

ROBERT D. LAWSON
State Conservationist

Enclosures: Project Location Map

cc: Mr. Steven Vance, Tribal Historic Preservation Officer, Cheyenne River Sioux Tribe of the Cheyenne River Reservation
Melissa Baier, Watershed Planning Coordinator, NRCS – Nebraska State Office

SENT VIA USPS PRIORITY MAIL: SIGNATURE REQUIRED

June 29, 2023

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

RE: West Branch Thirty-Two Mile Creek Watershed Plan-Environmental Assessment (Plan-EA) Early National Environmental Policy Act (NEPA) Coordination and Initiation of National Historic Preservation Act (NHPA) Section 106 Consultation, Adams County, Nebraska

Dear Chairman Lengkeek:

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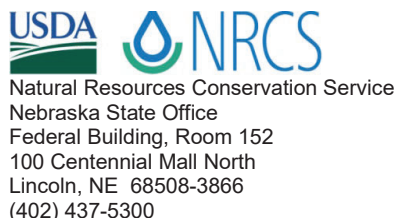

Robert D. Lawson

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LAWSON
Date: 2023.06.29 13:38:17 -05'00'

ROBERT D. LAWSON
State Conservationist

Enclosures: Project Location Map

cc: Merle Marks, Tribal Historic Preservation Officer, Crow Creek Sioux Tribe of the Crow Creek
Reservation
Melissa Baier, Watershed Planning Coordinator, NRCS – Nebraska State Office



SENT VIA USPS PRIORITY MAIL: SIGNATURE REQUIRED

June 29, 2023

The Honorable Clyde Estes
Chairman
Lower Brule Sioux Tribe
187 Oyate Circle
Lower Brule, South Dakota 57548

RE: West Branch Thirty-Two Mile Creek Watershed Plan-Environmental Assessment (Plan-EA) Early National Environmental Policy Act (NEPA) Coordination and Initiation of National Historic Preservation Act (NHPA) Section 106 Consultation, Adams County, Nebraska

Dear Chairman Estes:

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The Little Blue Natural Resources District (LBNRD) recently partnered with the NRCS to develop a PL 83-566 watershed plan to address flooding concerns in agricultural areas and communities within the Thirty-Two Mile Creek Watershed (project area). This effort is focusing on solutions to flooding that have recently occurred, primarily affecting the areas in and around the villages of Kenesaw and Juniata. The culmination of this work will be a watershed project work plan and environmental assessment (Plan-EA). NRCS will fund the development of the watershed Plan-EA as well as the design and construction of the structures identified in the preferred alternative of the EA, which makes the Plan-EA a federal undertaking as defined in 36 CFR § 800.16(y) and a federal action as defined in 40 CFR § 1508.1(q).

NRCS is requesting to consult with your Tribe regarding this undertaking under Section 106 of the NHPA and would like to hear your comments and concerns regarding potential effects to cultural and natural resources within this watershed. We are proposing to host a virtual meeting through Microsoft Teams to discuss the project and its potential effects. If you would like to schedule a meeting to initiate NHPA Section 106 consultation, please contact Nebraska NRCS Watershed Coordinator Melissa Baier at 402.437.4065 or by email at melissa.baier@usda.gov to identify a date and time for the meeting.

Nebraska NRCS would also like to invite you to participate in a discussion regarding resources of concern within the watershed planning area with federal, state, and local government agencies. The LBNRD is hosting an agency scoping meeting for all interested agencies to support development of the Plan-EA. To accommodate schedules and travel, the agency scoping meeting will be held virtually via Microsoft



Teams. Agencies are invited to provide insight, present questions, identify resources of concern, and discuss overall project development with the project team. Personnel from the project team will present information about the project, answer questions, and receive comments from meeting participants.

Agency Meeting Details

Tuesday, August 1, 2023

10:00 a.m. – 12:00 p.m. (CST)

Virtual Meeting via Microsoft Teams

Meeting ID: 226 318 907 483

Passcode: 9T3kPi

Link: <https://www.microsoft.com/microsoft-teams/join-a-meeting>

Or call in (audio only)

Toll free: 833-798-7807

Conference ID: 695 465 370#

RSVP requested

If you would like to attend the agency scoping meeting, please RSVP to Kristen Ohnoutka, JEO Community Engagement Specialist, by July 28, 2023 at kohnoutka@jeo.com. Ms. Ohnoutka will provide a calendar invite with the virtual meeting log-in information to facilitate your attendance.

The project area is in Adams County, Nebraska (see attached map). The anticipated project purpose is flood prevention; however, the final purpose and need statement and associated alternatives analysis will be completed as the development of the Plan-EA progresses. JEO Consulting Group (JEO) has been retained by LBNRD to assist in developing the Plan-EA.

The Plan-EA is being prepared to fulfill NEPA responsibilities pertaining to federal financial assistance received through the NRCS's Watershed and Flood Prevention Operations (WFPO) Program. As part of our coordination efforts, we are contacting you because of your Tribe's ancestral ties to the project area. If applicable, we invite you to comment on the proposed project and its impact on your Tribe's resources. **Please feel free to extend this invitation to others in your government offices.** Any input or comments that your Tribe may have will be greatly appreciated and addressed as needed.

If you have any other questions, please contact Melissa Baier, Nebraska Watershed Planning Coordinator at 402.437.4065 or by email at melissa.baier@usda.gov.

Sincerely,

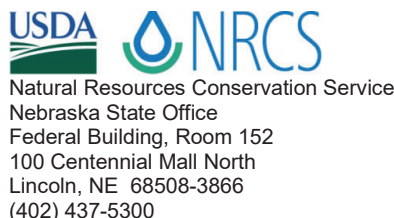

Robert D. Lawson

Digitally signed by ROBERT
LAWSON
Date: 2023.06.29 13:39:40 -05'00'

ROBERT D. LAWSON
State Conservationist

Enclosures: Project Location Map

cc: Mary Jane Gourneau, Director, Lower Brule Sioux Tribe – Environmental Protection Office
Melissa Baier, Watershed Planning Coordinator, NRCS – Nebraska State Office



SENT VIA USPS PRIORITY MAIL: SIGNATURE REQUIRED

June 29, 2023

The Honorable Frank Star Comes Out
President
Oglala Sioux Tribe
P.O. Box 2070
Pine Ridge, South Dakota 57770

RE: West Branch Thirty-Two Mile Creek Watershed Plan-Environmental Assessment (Plan-EA) Early National Environmental Policy Act (NEPA) Coordination and Initiation of National Historic Preservation Act (NHPA) Section 106 Consultation, Adams County, Nebraska

Dear President Star Comes Out:

The purpose of this letter is to request your participation in the development of the Thirty-Two Mile Creek WFPO Watershed Plan-EA and invite you to an agency-scoping meeting. The Watershed Protection and Flood Prevention Act (PL 83-566) authorizes the USDA, Natural Resources Conservation Service (NRCS) to cooperate with State and local agencies in planning and carrying out works of improvement for soil conservation and for other purposes. The watershed program includes the development of physically, environmentally, socially, and economically sound project plans of improvements scheduled for implementation.

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Link: <https://www.microsoft.com/microsoft-teams/join-a-meeting>

Or call in (audio only)

Toll free: 833-798-7807

Conference ID: 695 465 370#

RSVP requested

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If you have any other questions, please contact Melissa Baier, Nebraska Watershed Planning Coordinator at 402.437.4065 or by email at melissa.baier@usda.gov.

Sincerely,


Robert D. Lawson

Digitally signed by ROBERT LAWSON
Date: 2023.06.29 13:42:06 -05'00'

ROBERT D. LAWSON
State Conservationist

Enclosures: Project Location Map

cc: Thomas Brings, Tribal Historic Preservation Officer, Oglala Sioux Tribe – OST Cultural Affairs and Historic Preservation Office
Melissa Baier, Watershed Planning Coordinator, NRCS – Nebraska State Office

SENT VIA USPS PRIORITY MAIL: SIGNATURE REQUIRED

June 29, 2023

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

RE: West Branch Thirty-Two Mile Creek Watershed Plan-Environmental Assessment (Plan-EA) Early National Environmental Policy Act (NEPA) Coordination and Initiation of National Historic Preservation Act (NHPA) Section 106 Consultation, Adams County, Nebraska

Dear President Nuttle:

The purpose of this letter is to request your participation in the development of the Thirty-Two Mile Creek WFPO Watershed Plan-EA and invite you to an agency-scoping meeting. The Watershed Protection and Flood Prevention Act (PL 83-566) authorizes the USDA, Natural Resources Conservation Service (NRCS) to cooperate with State and local agencies in planning and carrying out works of improvement for soil conservation and for other purposes. The watershed program includes the development of physically, environmentally, socially, and economically sound project plans of improvements scheduled for implementation.

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NRCS is requesting to consult with your Tribe regarding this undertaking under Section 106 of the NHPA and would like to hear your comments and concerns regarding potential effects to cultural and natural resources within this watershed. We are proposing to host a virtual meeting through Microsoft Teams to discuss the project and its potential effects. If you would like to schedule a meeting to initiate NHPA Section 106 consultation, please contact Nebraska NRCS Watershed Coordinator Melissa Baier at 402.437.4065 or by email at melissa.baier@usda.gov to identify a date and time for the meeting.

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Toll free: 833-798-7807

Conference ID: 695 465 370#

RSVP requested

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If you have any other questions, please contact Melissa Baier, Nebraska Watershed Planning Coordinator at 402.437.4065 or by email at melissa.baier@usda.gov.

Sincerely,


Robert D. Lawson

ROBERT D. LAWSON
State Conservationist

Digitally signed by ROBERT
LAWSON
Date: 2023.06.29 13:43:18 -05'00'

Enclosures: Project Location Map

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

SENT VIA USPS PRIORITY MAIL: SIGNATURE REQUIRED

June 29, 2023

Honorable Scott O. Herman
President
Rosebud Sioux Tribe
P.O. Box 430
Rosebud, SD 57570

RE: West Branch Thirty-Two Mile Creek Watershed Plan-Environmental Assessment (Plan-EA) Early National Environmental Policy Act (NEPA) Coordination and Initiation of National Historic Preservation Act (NHPA) Section 106 Consultation, Adams County, Nebraska

Dear President Herman:

The purpose of this letter is to request your participation in the development of the Thirty-Two Mile Creek WFPO Watershed Plan-EA and invite you to an agency-scoping meeting. The Watershed Protection and Flood Prevention Act (PL 83-566) authorizes the USDA, Natural Resources Conservation Service (NRCS) to cooperate with State and local agencies in planning and carrying out works of improvement for soil conservation and for other purposes. The watershed program includes the development of physically, environmentally, socially, and economically sound project plans of improvements scheduled for implementation.

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NRCS is requesting to consult with your Tribe regarding this undertaking under Section 106 of the NHPA and would like to hear your comments and concerns regarding potential effects to cultural and natural resources within this watershed. We are proposing to host a virtual meeting through Microsoft Teams to discuss the project and its potential effects. If you would like to schedule a meeting to initiate NHPA Section 106 consultation, please contact Nebraska NRCS Watershed Coordinator Melissa Baier at 402.437.4065 or by email at melissa.baier@usda.gov to identify a date and time for the meeting.

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Toll free: 833-798-7807

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RSVP requested

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Sincerely,


Robert D. Lawson

ROBERT D. LAWSON
State Conservationist

Digitally signed by ROBERT
LAWSON
Date: 2023.06.29 13:44:21 -05'00'

Enclosures: Project Location Map

cc: Ms. Ione Quigley, Tribal Historic Preservation Officer, Rosebud Sioux Tribe
Melissa Baier, Watershed Planning Coordinator, NRCS – Nebraska State Office

SENT VIA USPS PRIORITY MAIL: SIGNATURE REQUIRED

June 29, 2023

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

RE: West Branch Thirty-Two Mile Creek Watershed Plan-Environmental Assessment (Plan-EA) Early National Environmental Policy Act (NEPA) Coordination and Initiation of National Historic Preservation Act (NHPA) Section 106 Consultation, Adams County, Nebraska

Dear Chairperson Alkire:

The purpose of this letter is to request your participation in the development of the Thirty-Two Mile Creek WFPO Watershed Plan-EA and invite you to an agency-scoping meeting. The Watershed Protection and Flood Prevention Act (PL 83-566) authorizes the USDA, Natural Resources Conservation Service (NRCS) to cooperate with State and local agencies in planning and carrying out works of improvement for soil conservation and for other purposes. The watershed program includes the development of physically, environmentally, socially, and economically sound project plans of improvements scheduled for implementation.

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Sincerely,

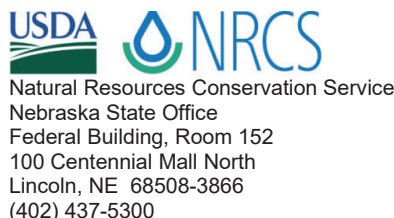

Robert D. Lawson

ROBERT D. LAWSON
State Conservationist

Digitally signed by ROBERT
LAWSON
Date: 2023.06.29 13:45:23 -05'00'

Enclosures: Project Location Map

cc: Jon Eagle, Tribal Historic Preservation Officer, Standing Rock Sioux Tribe of North and South Dakota
Melissa Baier, Watershed Planning Coordinator, NRCS – Nebraska State Office



SENT VIA USPS PRIORITY MAIL: SIGNATURE REQUIRED

June 29, 2023

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

RE: West Branch Thirty-Two Mile Creek Watershed Plan-Environmental Assessment (Plan-EA) Early National Environmental Policy Act (NEPA) Coordination and Initiation of National Historic Preservation Act (NHPA) Section 106 Consultation, Adams County, Nebraska

Dear President Wetherelt:

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Toll free: 833-798-7807

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RSVP requested

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If you have any other questions, please contact Melissa Baier, Nebraska Watershed Planning Coordinator at 402.437.4065 or by email at melissa.baier@usda.gov.

Sincerely,


Robert D. Lawson

Digitally signed by ROBERT
LAWSON
Date: 2023.06.29 13:41:01 -05'00'

ROBERT D. LAWSON
State Conservationist

Enclosures: Project Location Map

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



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

www.NRCS.usda.gov/Nebraska

SENT VIA USPS PRIORITY MAIL: SIGNATURE CONFIRMATION REQUIRED

July 25, 2023

Jeremy Grauf, Regulatory Division Contact
United States Army Corps of Engineers
8901 South 154th Street
Omaha, NE 68138

RE: Formal Request to be a Cooperating Agency for the West Branch Thirty-Two Mile Creek Watershed Improvement Project – Environmental Assessment (Plan-EA)

Dear Jeremy Grauf:

In accordance with the Council on Environmental Quality regulations implementing the National Environmental Policy Act (NEPA) at 40 CFR Part 1501.6, Natural Resources Conservation Service (NRCS) is formally requesting that your agency become a cooperating agency in the planning and development of the Watershed Plan-EA for the West Branch Thirty-Two Mile Creek Watershed Improvement Project. The project area is in Adams County, Nebraska. The primary project purpose is flood prevention (flood damage reduction). The associated alternatives will be determined as the development of the Plan-EA progresses.

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

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



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

Sincerely,

 *Robert D. Lawson*

Digitally signed by ROBERT
LAWSON
Date: 2023.07.25 12:34:49 -05'00'

ROBERT D. LAWSON
State Conservationist

Enclosure: West Branch Thirty-Two Mile Creek Watershed WFPO Project Area Map

cc: Allen Gehring, State Conservation Engineer, NRCS – Nebraska State Office
Melissa Baier, Watershed Program Coordinator, NRCS – Nebraska State Office
Scott Nelson, General Manager, Little Blue NRD
Tyler Goeschel, Assistant Manager, Little Blue NRD



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

www.NRCS.usda.gov/Nebraska

SENT VIA USPS PRIORITY MAIL: SIGNATURE CONFIRMATION REQUIRED

July 25, 2023

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

RE: Formal Request to be a Cooperating Agency for the West Branch Thirty-Two Mile Creek Watershed Improvement Project – Environmental Assessment (Plan-EA)

Dear Mark Porath:

In accordance with the Council on Environmental Quality regulations implementing the National Environmental Policy Act (NEPA) at 40 CFR Part 1501.6, Natural Resources Conservation Service (NRCS) is formally requesting that your agency become a cooperating agency in the planning and development of the Watershed Plan-EA for the West Branch Thirty-Two Mile Creek Watershed Improvement Project. The project area is in Adams County, Nebraska. The primary project purpose is flood prevention (flood damage reduction). The associated alternatives will be determined as the development of the Plan-EA progresses.

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

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



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

Sincerely,


Robert D. Lawson

Digitally signed by
ROBERT LAWSON
Date: 2023.07.25 12:33:02
-05'00'

ROBERT D. LAWSON
State Conservationist

Enclosure: Thirty-Two Mile Creek Watershed WFPO Project Area Map

cc: Allen Gehring, State Conservation Engineer, NRCS – Nebraska State Office
Melissa Baier, Watershed Program Coordinator, NRCS – Nebraska State Office
Scott Nelson, General Manager, Little Blue NRD
Tyler Goeschel, Assistant Manager, Little Blue NRD



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>

August 8, 2023

Regulatory Branch, Nebraska Section 2023-01195-WEH West Branch Thirty-Two Mile Creek Watershed Improvement Project

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

Dear Mr. Lawson:

We are responding to your July 25, 2023, request for the U.S. Army Corps of Engineers (Corps) to participate as a cooperating agency under the National Environmental Policy Act for the preparation of an Environmental Assessment for the subject project.

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

Please refer to identification number 2023-01195-WEH in any correspondence concerning this project. If you have any questions, please contact Amanda Dague at the address above, by email at Amanda.L.Dague@usace.army.mil, or telephone at (402)-896-0896. For more information regarding our program, please visit our website at <http://www.nwo.usace.army.mil/Missions/RegulatoryProgram/Nebraska.aspx>.

Sincerely,

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

Jeremy Grauf
Chief, Nebraska Section



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

August 28, 2023

Michael Placke, PE
JEO Consulting Group
2000 Q Street | Suite 500
Lincoln, NE 68503

Re: Scoping Comments for the Thirty-Two Mile Creek WFPO Watershed Plan – Environmental Assessment

Dear Mr. Placke:

Please make reference to the agency input meeting held on August 1, 2023. This letter is in response to your request for scoping comments pursuant to the National Environmental Policy Act (NEPA) regarding the Thirty-Two Mile Creek Watershed Plan – Environmental Assessment (Plan-EA), and the potential impacts it may have on endangered and threatened species and other natural resources. As we understand it, the Plan-EA is being developed to address agricultural water management, flood prevention, and watershed protection in Adams County in Nebraska. Staff members of the Nebraska Game and Parks Commission (NGPC) have reviewed the information provided, and we offer the following comments.

ENDANGERED AND THREATENED SPECIES

The proposed study area falls within the range of the following state-listed endangered or threatened species:

Common Name	Scientific Name	State Status	Fed Status
Whooping Crane	<i>Grus americana</i>	Endangered	Endangered
Northern Long-Eared Bat	<i>Myotis septentrionalis</i>	Endangered	Endangered
Tri-Colored Bat	<i>Perimyotis subflavus</i>		Proposed Endangered
Monarch	<i>Danaus plexippus</i>		Candidate

Within the proposed study area, there are documented occurrences of whooping crane. The Kenesaw Waterfowl Production Area (WPA) is owned and maintained by the U.S. Fish & Wildlife Service and is located within the study area. Based on the Nebraska Natural Heritage database, the Kenesaw WPA is consistently utilized as roosting and foraging habitat for whooping crane. Proposed alternatives should be designed to avoid direct and indirect negative impacts to these areas due to the project area containing suitable whooping crane habitat.

Located north of the study area is the 56-mile reach of the Platte River from Lexington to Shelton, Nebraska that has been federally listed as critical habitat for whooping cranes. Alterations to feeding and roosting habitats, human disturbance (i.e., noise, construction-related activities, infrastructure, etc.) and depletions of instream flows have negative impacts on whooping cranes.

TIME OUTDOORS IS TIME WELL SPENT

OutdoorNebraska.org

In general, adverse impacts on listed endangered or threatened species could result from changes in hydrology (including, but not limited to, changes to the timing, frequency, duration, volume, and magnitude of stream/river flow), altering groundwater and surface water connectivity, impacts on wetlands, work within or adjacent to the river channel, culvert or road improvements/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 activities/actions which may be carried out as part of the Watershed Plan.

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.

RAINWATER BASIN BIOLOGICALLY UNIQUE LANDSCAPE (BUL)

A majority of this watershed is located within the Rainwater Basin BUL. The Nebraska Natural Legacy Project identifies BULs as priority landscapes that, if properly managed, would conserve the majority of Nebraska's biological diversity. These landscapes were selected based on known occurrences of at-risk species and natural communities. In addition to at-risk species, these landscapes support a broad array of common species.

The Rainwater Basin is a significant migratory bird area in the central flyway where ducks, geese and shorebirds concentrate during spring migration. The basins also provide important migration habitat for whooping cranes, bald eagles, and many other bird species. In addition to providing wetland habitat, Rainwater Basin wetlands also contribute to groundwater recharge.

A 1983 survey of the Rainwater Basin indicated that only ten percent of the original wetlands had not been drained or filled. Nearly all remaining Rainwater Basin wetlands have been farmed at some time in the last century. Consequently, the wetlands have been identified by the North American Waterfowl Management Plan as a waterfowl habitat area of major concern in North America.

Some of the stresses affecting Rainwater Basin species and habitats include:

- Invasive plant species
- Drainage or filling of wetlands
- Sedimentation and chemical run-off into wetlands from adjacent cropland
- Increase in the number of transmission lines through bird migration routes

We recommend that the project consider how the alternatives might impact the Rainwater Basin. Avoidance and minimization of impacts that could exacerbate existing stresses, as well as support for conservation related practices within the Rainwater Basin, will facilitate our mission to conserve Nebraska's natural resources.

NGPC PROPERTY

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

WATERSHED PLAN-EA ALTERNATIVES

NGPC supports maintaining and restoring natural hydrology and ecosystem function within the Thirty-Two Mile Creek watershed. Implementing natural solutions such as wetland and stream restoration, stream buffers, cover crops, and grassed waterways address several purposes of the Plan by providing

stability in the watershed, improving water quality, conserving soil moisture, and enhancing groundwater recharge.

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

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

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

These comments and recommendations are based on a review of the material you sent, and information presented during the agency scoping meeting on August 1, 2023. Please note this correspondence does not satisfy requirements of Neb. Rev. Stat. §37-807 (3) of the Nongame and Endangered Species Conservation Act. Under authority of Neb. Rev. Stat. §37-807 (3), all Nebraska state agencies are required to consult with the NGPC to ensure any actions authorized, funded or carried out by them do not jeopardize the continued existence of a state-listed species. This requirement would extend to any permit issued or authorized by a state agency.

We appreciate the opportunity to comment and look forward to further discussion on the Plan-EA as it progresses. We also welcome the opportunity to review modelling results and provide technical assistance during this process. If you have any questions or need additional information, please feel free to contact me at (402) 471-5423 or amelia.baker@nebraska.gov.

Sincerely,

A handwritten signature in black ink that reads "Amelia K. Baker". The signature is written in a cursive, flowing style.

Amelia Baker
Environmental Specialist II
Planning and Programming Division

cc: USFWS (Nebraska Field Office)
NGPC (Mike Archer, Jessica Tapp)
LBNRD (Scott Nelson)
NRCS (Ritch Nelson, Missy Baier)

Adam Rupe

From: Porath, Mark T <mark_porath@fws.gov> on behalf of Nebraskaes, FW6 <Nebraskaes@fws.gov>
Sent: Saturday, September 2, 2023 10:06 AM
To: Baier, Melissa - FPAC-NRCS, NE
Cc: Lawson, Robert - FPAC-NRCS, NE; snelson@littlebluenrd.org; Fairbairn, Steve
Subject: West branch thirty two mile creek Watershed Implementation Project EA - Cooperating Agency
Attachments: 1844_001.pdf

Good morning Missy,
Yes, we agree to participate as a cooperating agency. As we bring on our new NRCS dedicated team member we can work toward developing the MOU.
Thanks,
Mark

Mark Porath
Nebraska Project Leader/Field Supervisor
Ecological Services, Mountain-Prairie Region
U.S. Fish and Wildlife Service
Office: 308-382-6468
Cell: 308-216-2077
mark_porath@fws.gov
nebraskaes@fws.gov

Nebraska Field Office
U.S. Fish and Wildlife Service
9325 South Alda Road
Wood River, Nebraska 68883
NebraskaES@fws.gov
For a species list, visit <https://ecos.fws.gov/ipac/>
Office information <https://www.fws.gov/nebraskaes/index.php>

From: Porath, Mark T <mark_porath@fws.gov>
Sent: Thursday, August 24, 2023 3:38 PM
To: Nebraskaes, FW6 <Nebraskaes@fws.gov>
Subject: West branch thirty two mile creek Watershed Implementation Project EA

From: US Fish and Wildlife Svc <FW6Scan2Email@fws.gov>
Sent: Monday, August 14, 2023 8:39 AM
To: Porath, Mark T <mark_porath@fws.gov>
Subject: 6GRI-Canon5250 Attached Scanned Document

From: Sedlacek, Michael <Sedlacek.Michael@epa.gov>
Sent: Thursday, September 28, 2023 11:04 AM
To: Michael Placke <mplacke@jeo.com>
Subject: EPA Scoping Comments - Thirty-Two Mile Creek Watershed Project

Mr. Placke:

The U.S. Environmental Protection Agency Region 7 has reviewed the project scoping document for the Thirty-Two Mile Creek Watershed Flood Risk Reduction Plan. The following comments were prepared in accordance with our responsibilities under the National Environmental Policy Act (NEPA) and Section 309 of the Clean Air Act.

NEPAssist

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

Water Quality

The forthcoming NEPA document should describe how the proposed actions may affect water bodies listed as impaired under Section 303(d) of the Clean Water Act and their listing status as impaired. A list of impaired waterbodies is found at: <https://www.epa.gov/tmdl/impaired-waters-and-tmdls-region-7>.

Wetlands and Aquatic Resources

The forthcoming NEPA document should explain how the Clean Water Act Section 404(b)(1) guidelines have been applied to both stream and wetland impacts. The Section 404 (b)(1) guidelines call for the Least Environmentally Damaging Practicable Alternative to be selected to address impacts to wetlands, streams, and other waters of the United States. The guidelines also require the sequence of first avoiding, then minimizing, and finally mitigating for any impacts to aquatic resources. The forthcoming NEPA document should discuss proposed mitigation for unavoidable, minimized stream and wetland impacts (if applicable).

Air Quality Strategies

Temporary fugitive dust and diesel exhaust emissions from construction activities, such as use of heavy machinery and material hauling, would occur. In 2002, EPA classified diesel emissions as a likely human carcinogen, and in 2012 the International Agency for Research on Cancer concluded that diesel exhaust is carcinogenic to humans. Diesel exhaust can also lead to other serious health conditions and can worsen heart and lung disease. We recommend implementing air quality best management practices and mitigation measures for this project. Examples include:

- Use vehicles that are equipped with zero-emission technologies or the most advanced emission control systems available.
- Establish an anti-idling policy for internal combustion vehicle.
- Use onsite renewable electricity generation and/or grid-based electricity rather than diesel-powered generators or other equipment.
- Where appropriate, retrofit older-tier or Tier 0 nonroad engines with an exhaust filtration device before it enters the construction site to capture diesel particulate matter.
- Stabilize open storage piles and disturbed areas by covering and/or applying water or chemical/organic dust palliative, where appropriate.
- Where appropriate, install wind fencing.
- Use enclosed, climate-controlled cabs pressurized and equipped with high-efficiency particulate air (HEPA) filters to reduce operator exposure to diesel exhaust.

Climate Change Resiliency

The National Climate Assessment (<https://www.ipcc.ch/assessment-report/ar6/>) finds that in the Midwest and Great Plains, extreme heat, heavy downpours, and flooding will affect infrastructure, health, air, and water quality. Major storm events are occurring with increasing frequency and intensity. The forthcoming NEPA document should account for increased storm frequency and intensity in the design of any proposed mitigation to help ensure the health and safety of the public by installing “green” stormwater management features, such as stormwater retention/detention basins, permeable pavement, rain gardens, rainwater cisterns, and/or over-sized culverts and bridges (see: <https://www.epa.gov/green-infrastructure>.) Information on adapting to the effects of climate change is available at EPA’s Climate Change Resiliency and Adaptation Resource Center: <https://www.epa.gov/arc-x/planning-climate-change-adaptation>.

Land Use Planning

We encourage NRCS to collaborate with local municipalities and county governments to analyze existing zoning and land use requirements, and determine if those requirements should be updated to adequately reflect current and projected flooding issues. The forthcoming EA should include a summary of those discussions and any proposed changes in zoning and/or land use.

Environmental Justice and Children’s Health

EPA encourages using EJScreen (<https://www.epa.gov/ejscreen>) as the first step to identify communities living with Environmental Justice (EJ) concerns near the project area. EPA recommends that any affected communities living with EJ concerns be identified and given an opportunity to provide input into the remainder of the NEPA process, including proposed mitigation, if applicable. The forthcoming NEPA document should include information describing what was or will be done to inform these communities about the project and the potential impacts it may have on their communities, what input has been received to date from the communities, and how that input was or will be used in decision-making. If you have any questions about EJ or would like EPA’s help reaching out to the communities that may be affected by this project, please contact LaTonya Sanders at (913) 551-7555 or via email at sanders.latonya@epa.gov.

Demolition Debris and Contamination

We recommend testing structures to be demolished for lead paint, asbestos, polychlorinated biphenyl compounds (PCB), Per- and polyfluoroalkyl substances (PFAS), and organic petroleum compounds. We also recommend testing the soil beneath those structures, and remediate, if necessary. Any contaminated material that cannot be remediated should be disposed of in accordance with federal and state regulations before planting vegetation in the affected area. We also recommend reuse and/or recycling of demolition debris to the maximum extent possible. For more information, see: <https://www.epa.gov/smm/sustainable-management-construction-and-demolition-materials>.

Energy Efficiency

For new structures associated with the proposed project, EPA encourages the use of energy-efficient and/or sustainable building materials, where appropriate, such as south-facing skylights and windows, motion-sensor lighting, and Energy Star certified windows, doors, and appliances. We also recommend installation of renewable energy sources, such as

solar panels. See <https://www.epa.gov/energy/reduce-environmental-impact-your-energy-use> and Section 438 of the Energy Independence and Security Act (EISA) for examples of how to integrate energy efficiency into Federal projects.

Pollinators and Native Plant Species

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

Consultation Records

EPA recommends attaching to the forthcoming NEPA document inter-agency consultation documents regarding historic and cultural resources (Nebraska State Historic Preservation Office), wetlands and streams (U.S. Army Corps of Engineers), and Federal and state threatened and endangered species (U.S. Fish and Wildlife Service and Kansas Department of Wildlife and Parks), and any affected Tribes.

Electronic Recordkeeping

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

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

Sincerely,

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

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From: [Fabok, Merceidez - FPAC-NRCS, NE](#)
To: [Jaymes, Mallory L](#)
Cc: [Porath, Mark T](#); [Nebraskaes, FW6](#); [Nelson, Ritch - FPAC-NRCS, NE](#); [NGPC EnvReview](#); [Baier, Melissa - FPAC-NRCS, NE](#)
Subject: RE: [EXTERNAL] West Branch 32 Mile Creek Watershed Plan-EA
Date: Tuesday, April 9, 2024 1:35:00 PM

Good afternoon Mallory,

Thanks for reviewing the plan and providing those initial comments! I will ensure they are all addressed and incorporated into the plan. I will get an informal conference started with both your team and NGPC once the final array of alternatives, and associated affected resource areas, are known.

Have a great day,

Merceidez June Fabok
Natural Resource Specialist
National Resource Conservation Services
Lincoln, NE
p: (402)-437-4042
e: merceidez.fabok@usda.gov

From: Jaymes, Mallory L <mallory_jaymes@fws.gov>
Sent: Monday, April 8, 2024 3:31 PM
To: Baier, Melissa - FPAC-NRCS, NE <Melissa.Baier@usda.gov>
Cc: Fabok, Merceidez - FPAC-NRCS, NE <Merceidez.Fabok@usda.gov>; Porath, Mark T <mark_porath@fws.gov>; Nebraskaes, FW6 <Nebraskaes@fws.gov>; Nelson, Ritch - FPAC-NRCS, NE <ritch.nelson@usda.gov>; NGPC EnvReview <ngpc.envreview@nebraska.gov>
Subject: Re: [EXTERNAL] West Branch 32 Mile Creek Watershed Plan-EA

Melissa,

Thank you for the opportunity to review this draft Plan-EA. To assist you in your desire to expedite your internal review process, I'm providing this response by email. We greatly appreciate the opportunity to be a part of the early review process.

We recognize that this plan (Thirty-Two Mile Creek DRAFT Watershed Plan – EA) is still in the early stages of planning, with limited specifics on proposed activities, and that final alternatives have yet to be selected or carried forward for further analysis. As this is early in the planning process, our comments are limited until final alternatives and ARA's can be determined. Our comments thus far can be summarized with the following:

1. Once final alternatives are selected and ARA's are inputted into IPaC, including the project number that is issued would be beneficial for USFWS tracking efforts as well as attaching those outputs as part of your project record.
2. For each species that occurs within the ARA's and/or could be affected downstream, describe the actions that could lead to potential affects/benefits to the species for each alternative. It is equally important to include any positive affects (for 7a1) as potential impacts.
3. If any initial species determination leads to a *may affect*, a Biological Assessment (BA) needs to be submitted to USFWS including justifications for those determinations made. Please reference the Nebraska Ecological Services Field office webpage for project planning guidance and developing a BA. <https://www.fws.gov/office/nebraska-ecological-services/project-planning-and-review-under-endangered-species-act>. If NRCS finds that its actions are MANLAA it's important to demonstrate that affects are *beneficial, insignificant, and/or discountable*. This would facilitate an efficient review from the Service.
4. Additionally, USFWS would like to recognize and support the comments made in the attached NGPC scoping letter. This watershed is situated within the central flyway where the only self-sustaining population of whooping crane migrates through and is adjacent to designated Critical Habitat for whooping cranes. In addition, many other migratory birds utilize the shallow water habitat in this watershed during their spring and fall migrations. The Service would encourage implementing alternatives that would either create or avoid destruction of those shallow water habitats in this watershed to benefit the species.

Again, we greatly appreciate NRCS and the applicant including the Service this early in the review process to ensure ESA requirements under both 7(a)(2) and 7(a)(1) are on track to be met without delays to the project. We look forward to working with you in further refinement of this supplemental EA. Feel free to reach out if you have any questions.

Respectfully,

Mallory Jaymes

Fish and Wildlife Biologist

USFWS - Nebraska Ecological Services Field Office

Office: 308-382-6468

Cell (308) 850-4114

<https://www.fws.gov/office/nebraska-ecological-services>

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

Sent: Monday, March 18, 2024 8:34 AM

To: Jaymes, Mallory L <mallory_jaymes@fws.gov>; Porath, Mark T <mark_porath@fws.gov>;
Nebraskaes, FW6 <Nebraskaes@fws.gov>

Cc: Fabok, Merceidez - FPAC-NRCS, NE <Merceidez.Fabok@usda.gov>

Subject: [EXTERNAL] West Branch 32 Mile Creek Watershed Plan-EA

**This email has been received from outside of DOI - Use caution before clicking on links,
opening attachments, or responding.**

Good morning Mallory and Mark!

We have received Chapters 1-4 of the West Branch 32 Mile Creek watershed Plan-EA from JEO, and I am forwarding the chapters to you for your review because USFWS is a cooperating agency on this project. Please let me know if you have any questions. If possible, I would appreciate it if you could provide comments to me by April 8, 2024.

Thank you!

Missy

Missy (Melissa) Baier
ASTC-Water Resources and Easements
USDA-Natural Resources Conservation Service
Lincoln, NE
402-437-4065 (office)
402-317-1005 (cell)



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
Thirty-Two Mile Creek WFPO
NEPA/FPPA Evaluation
Adams County, Nebraska

Date: December 18, 2024

To: JEO Consulting

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

We have reviewed the information provided in your correspondence dated December 16, 2024, concerning the flood mitigation project located in Adams 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 site contains areas of Prime Farmland and we have completed the Farmland Conversion Impact Rating form (AD-1006 and CPA-106) for the proposed site. The combined rating of alternative A (Site A on the AD-1006) is 149. The combined rating of alternative B (Site B on the AD-1006) is 172. The combined rating of alternative C (Corridor A on the CPA-106) is 141. The FPPA law states that sites with a rating less than 160 will need no further consideration for protection and no additional evaluation is necessary. If the total of points is between 160 and 220, at least two other alternatives need to be evaluated and the one with the lowest number of points selected unless there are other overriding considerations. In these cases, documentation should clearly show why the alternative with the higher total of points was selected and explain any other overriding considerations. We encourage the use of accepted erosion control methods during the construction of this project.

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

Sincerely,

ELIZABETH GRAY

Digitally signed by ELIZABETH
GRAY

Date: 2024.12.18 09:18:33 -06'00'

Elizabeth Gray

USDA-NRCS Nebraska Assistant State Soil Scientist

Natural Resources Conservation Service

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



Natural Resources Conservation Service

U.S. DEPARTMENT OF AGRICULTURE

Nebraska State Office

1121 Lincoln Mall
Room 360
Lincoln, NE 68508

SENT VIA EMAIL

December 19, 2024

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

Subject: Initiation of P.L. 83-566 Section 12 Consultation, Thirty-Two Mile Creek Watershed Plan-EA, Adams County, Nebraska

Dear Mark Porath:

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

The project sponsors and USDA-NRCS are preparing the Environmental Assessment (Plan-EA) to evaluate alternatives to meet the project's need. NRCS is the lead agency preparing the Watershed Plan for the Thirty-Two Mile Creek Watershed Project. In alignment with the objectives set forth in PL 83-566, the purpose of the project is flood prevention (flood damage reduction) within the Thirty-Two Mile Creek Watershed within Adams County, Nebraska. The need for the project stems from the long history of flood damages in the watershed, which have significantly impacted both communities and agricultural lands. The most recent extensive flooding occurred in 2020. The overtopping of Thirty-Two Mile Creek and its tributaries, combined with flash flooding from heavy rainfall events, affects the local economy, makes travel difficult or impossible, threatens lives, and causes damage to structures, property, and agricultural lands. Additionally, erosion caused by flooding has contributed significant levels of sedimentation to area reservoirs underscore the urgency of the project. The project focuses on specific areas where needs have been identified based on concerns, geography, and feasibility. In the Kenesaw region, it is crucial to control runoff from the north and west of the village to

mitigate flood damage within the community. Additionally, the project needs to address the impact of flooding on agricultural lands downstream to reduce damage and sedimentation.

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

Sincerely,



Digitally signed by ROBERT
LAWSON
Date: 2024.12.19 16:25:46
-06'00'

ROBERT D. LAWSON
State Conservationist

Enclosure:
Map of Thirty-Two Mile Creek Watershed

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



Natural Resources Conservation Service

U.S. DEPARTMENT OF AGRICULTURE

Nebraska State Office

1121 Lincoln Mall
Room 360
Lincoln, NE 68508

SENT VIA EMAIL

December 19, 2024

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

Subject: Initiation of P.L. 83-566 Section 12 Consultation, Thirty-Two Mile Creek Watershed Plan-EA, Adams County, Nebraska

Dear Mark Porath:

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

The project sponsors and USDA-NRCS are preparing the Environmental Assessment (Plan-EA) to evaluate alternatives to meet the project's need. NRCS is the lead agency preparing the Watershed Plan for the Thirty-Two Mile Creek Watershed Project. In alignment with the objectives set forth in PL 83-566, the purpose of the project is flood prevention (flood damage reduction) within the Thirty-Two Mile Creek Watershed within Adams County, Nebraska. The need for the project stems from the long history of flood damages in the watershed, which have significantly impacted both communities and agricultural lands. The most recent extensive flooding occurred in 2020. The overtopping of Thirty-Two Mile Creek and its tributaries, combined with flash flooding from heavy rainfall events, affects the local economy, makes travel difficult or impossible, threatens lives, and causes damage to structures, property, and agricultural lands. Additionally, erosion caused by flooding has contributed significant levels of sedimentation to area reservoirs underscore the urgency of the project. The project focuses on specific areas where needs have been identified based on concerns, geography, and feasibility. In the Kenesaw region, it is crucial to control runoff from the north and west of the village to

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Natural Resources Conservation Service

U.S. DEPARTMENT OF AGRICULTURE

Nebraska State Office

1121 Lincoln Mall
Room 360
Lincoln, NE 68508

SENT VIA USPS PRIORITY MAIL: SIGNATURE CONFIRMATION REQUIRED

May 15, 2025

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

RE: National Historic Preservation Act (NHPA) Section 106 Consultation Request—West Branch Thirty-Two Mile Creek Watershed Plan-Environmental Assessment (Plan-EA), Adams County, Nebraska

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) requests to continue consultation with your office regarding the proposed undertaking in Adams County, Nebraska. NRCS initiated Section 106 consultation with your office in a letter dated June 29, 2023. Since then, NRCS and the Little Blue Natural Resources District (LBNRD, the project sponsor) have further examined several possible improvements to address flooding concerns.

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 effect for this undertaking based on the results of the cultural resources investigation.

The cultural resources inventory did not identify any properties listed on or eligible for listing on the National Register of Historic Places (NRHP) within the APE. Therefore, NRCS has determined that No Historic Properties will be affected by this project. More information about the undertaking, the cultural resources inventory, and the rationale behind the finding of effect is provided below and in the attached supporting documents.

We are requesting your review of this project and your comments on whether you concur with our APE, determinations of eligibility and our finding of effect.

Undertaking Description

Although the project's planning and Plan-EA are not yet finalized, NRCS and LBNRD are presently considering a preferred alternative comprising several measures from four of the eight alternatives examined in the planning and review process.

The preferred alternative consists of four measures:

- Modernizing K-Dike to current NRCS and FEMA criteria,
- Grade stabilization along an existing diversion ditch to prevent erosion,
- Construction of a new significant hazard earthen embankment dam, and
- New floodwater diversion and detention features.

Modernizing K-Dike includes raising the top of levee elevation 2.0 to 2.5ft, widening the levee crest to 10-feet wide, and installing seepage mitigation in the form of seepage berms and toe drains. The seepage berm would be installed where space is available given existing infrastructure. The berm would be up to 150-feet wide and of varying height to match the predicted water surface elevation for a 100-year flood. The toe drains would be installed along the toe of K-Dike where space for the seepage berm is not available. Improvements also include upsizing roadway culverts at three locations along the drainage ditch north of K-Dike. These new culverts would reduce the amount of time farmland behind K-Dike is inundated.

Grade stabilization measures to guard against increased erosion in key locations along the diversion ditch would consist of a series of five rock riprap weir structures and three rock riprap plunge pools at culvert outfalls. Plunge pools are proposed at the Wanda Ave, 42nd St, and Overland Ave roadway culvert outlets. The proposed primary weir structure is located roughly six hundred feet downstream of the 42nd Street crossing. Remaining weir structures would be constructed downstream of the 42nd Street crossing.

Increased flows would also require construction of a new significant hazard earthen embankment dam on the site of the existing K-Dam. Dam construction would include installing a principal spillway conduit of 48-inch reinforced concrete pressure pipe (RCPP), a concrete riser, and two vegetated earthen auxiliary spillways sized to pass design flows for a significant hazard class structure while still maintaining stability and integrity and optimizing earthwork volumes. Rock riprap shore protection would be installed on the upstream face of the dam, and the perimeter of the auxiliary spillway and dam embankment would be fenced. Sediment would be removed from the existing permanent pool with excavation, loading, and hauling equipment removal to accommodate the 100-year sediment life for a significant hazard structure.

To route floodwater toward a proposed detention cell, Constitution Ave would be elevated to a maximum of approximately 1.5-feet above existing grade, thereby providing consistent ditch capacity (10-foot-wide bottom, 4:1 (H:V) side slopes) and preventing concentrated overtopping. The proposed detention cell has a footprint of about 59 acres, providing approximately 161 acre-feet of floodwater storage. All areas disturbed by construction activities would be reseeded once construction is complete.

Area of Potential Effects (APE)

The APE includes all areas that would be physically affected by activities associated with construction of the preferred alternative, including but not limited to utility relocates,

access routes, construction staging areas, alterations to existing dams, excavation footprints, grading, tree removal, alterations to existing roads, inundation of permanent and flood pool areas, temporary flooding easements, and sediment disposal as well as areas considered for potential visual and other effects to cultural resources. The APE covers approximately 2,752 acres and is located in Sections 2, 3, and 4 of Township 7 North, Range 12 West; Section 31 of Township 8 North, Range 11 West; and Sections 21, 22, 25, 26, 27, 28, 29, 33, 34, 35, and 36 of Township 8 North, Range 12 West. Maps and photographs of the APE are available at <https://tinyurl.com/yc68u65e>.

Cultural Resource Identification

Buried Past Consulting, Inc. (Buried Past), completed a cultural resources desktop review of the Nebraska Archaeological Sites Geographic Information System database and other resources for the APE prior to fieldwork. The review included previously performed archeological and architectural surveys, recorded archaeological sites, and recorded historic architectural properties. Three previous archeological surveys and one architectural survey have been completed within one mile of the APE. Two archaeological sites (25AD505 and 25AD506) are recorded within one mile of the APE. Both sites are historic mill locations, and neither is within the APE. Twenty-eight standing structures are documented within one mile of the APE, six of which are eligible for listing on the NRHP. The California, Oregon, and Pony Express National Historic Trails cross the southwestern corner of the APE and the mapped route of the Fort Kearney to Fort Leavenworth Road is less than ¼ mile southwest of the APE. The NRHP-listed Thirty-Two Mile Station is over 10 miles to the southeast.

Between June and November 2024, Buried Past completed a Class III intensive cultural resource field inventory of the APE. A portion of the APE north of the proposed K-Dike modernization, east of Holstein Ave, west of Winchester Ave, and south of W. 70th Street was not examined in the field survey as this area would not be subject to any ground-disturbing activities. The sponsor will acquire temporary flood easements in this area for water temporarily impounded by K-dike.

Field investigations followed the Nebraska SHPO guidelines for cultural resource investigations. The cultural resources investigation report summarizes previous investigations, previously documented archaeological sites and architectural properties, and methods of the current investigation as well as describes the newly documented cultural resources in more detail. All supporting documents including the cultural resources inventory report, site forms, and project maps are available for download at <https://tinyurl.com/yc68u65e>.

The survey identified five archeological sites and five architectural properties (see cultural resources maps and Table 1). Three archeological sites are late 19th-early 20th century artifact scatters, one site is an isolated projectile point, and one site is a historic railroad grade. The survey did not identify any archeological sites or features that could be associated with the California, Oregon, or Pony Express National Historic Trails or the Fort Kearney to Fort Leavenworth Road.

Determinations of Eligibility

In accordance with 36 CFR 800.4(c) and following guidelines in National Register Bulletin 15 *How to Apply the National Register Criteria*, each of the documented cultural resources

was evaluated for NRHP eligibility. None of the cultural resources is considered NRHP eligible under any of the eligibility criteria.

Determination of Effect

In accordance with 36 CFR 800.4(d)(1) NRCS has determined that no historic properties would be affected by this undertaking. No properties eligible for or listed on the NRHP are located within the APE. 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 (ASTC) for Water Resources and Easements, via 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,



Digitally signed by ROBERT
LAWSON

Date: 2025.05.15 10:14:22 -05'00'

ROBERT D. LAWSON
State Conservationist

Supporting documentation available for download at <https://tinyurl.com/yc68u65e>:

- Bevitt, C. Tod, and Wendi M. Bevitt. 2024. Phase I Cultural Resources Survey of Watershed Flood Protection Operations Planning, 32-Mile Creek Watershed Near Kenesaw, Adams County, Nebraska
- Site forms: 25AD32, 25AD33, 25AD34, 25AD35, and 25AD36
- Table 1. Summary of cultural resources identified during the 2024 investigations of the West Branch Thirty-Two Mile Creek watershed plan.
- Project maps

cc:

Jon Eagle, THPO, Standing Rock Sioux Tribe of North & South Dakota, PO Box D, Fort Yates, ND 58538-0522

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



Natural Resources Conservation Service

U.S. DEPARTMENT OF AGRICULTURE

Nebraska State Office

1121 Lincoln Mall
Room 360
Lincoln, NE 68508

SENT VIA USPS PRIORITY MAIL: SIGNATURE CONFIRMATION REQUIRED

May 15, 2025

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

RE: National Historic Preservation Act (NHPA) Section 106 Consultation Request—West Branch Thirty-Two Mile Creek Watershed Plan-Environmental Assessment (Plan-EA), Adams County, Nebraska

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) requests to continue consultation with your office regarding the proposed undertaking in Adams County, Nebraska. NRCS initiated Section 106 consultation with your office in a letter dated June 29, 2023. Since then, NRCS and the Little Blue Natural Resources District (LBNRD, the project sponsor) have further examined several possible improvements to address flooding concerns.

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 effect for this undertaking based on the results of the cultural resources investigation.

The cultural resources inventory did not identify any properties listed on or eligible for listing on the National Register of Historic Places (NRHP) within the APE. Therefore, NRCS has determined that No Historic Properties will be affected by this project. More information about the undertaking, the cultural resources inventory, and the rationale behind the finding of effect is provided below and in the attached supporting documents.

We are requesting your review of this project and your comments on whether you concur with our APE, determinations of eligibility and our finding of effect.

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The preferred alternative consists of four measures:

- Modernizing K-Dike to current NRCS and FEMA criteria,
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Modernizing K-Dike includes raising the top of levee elevation 2.0 to 2.5ft, widening the levee crest to 10-feet wide, and installing seepage mitigation in the form of seepage berms and toe drains. The seepage berm would be installed where space is available given existing infrastructure. The berm would be up to 150-feet wide and of varying height to match the predicted water surface elevation for a 100-year flood. The toe drains would be installed along the toe of K-Dike where space for the seepage berm is not available. Improvements also include upsizing roadway culverts at three locations along the drainage ditch north of K-Dike. These new culverts would reduce the amount of time farmland behind K-Dike is inundated.

Grade stabilization measures to guard against increased erosion in key locations along the diversion ditch would consist of a series of five rock riprap weir structures and three rock riprap plunge pools at culvert outfalls. Plunge pools are proposed at the Wanda Ave, 42nd St, and Overland Ave roadway culvert outlets. The proposed primary weir structure is located roughly six hundred feet downstream of the 42nd Street crossing. Remaining weir structures would be constructed downstream of the 42nd Street crossing.

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was evaluated for NRHP eligibility. None of the cultural resources is considered NRHP eligible under any of the eligibility criteria.

Determination of Effect

In accordance with 36 CFR 800.4(d)(1) NRCS has determined that no historic properties would be affected by this undertaking. No properties eligible for or listed on the NRHP are located within the APE. 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).

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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,

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

Digitally signed by ROBERT
LAWSON
Date: 2025.05.15 10:15:10 -05'00'

ROBERT D. LAWSON
State Conservationist

Supporting documentation available for download at <https://tinyurl.com/yc68u65e>:

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cc:

Darrin Cisco, NAGPRA Contact, Apache Tribe of OK, PO Box 1330, Anadarko, OK 73005
Melissa Baier, ASTC-Water Resources & Easements, NRCS – Lincoln State Office



Natural Resources Conservation Service

U.S. DEPARTMENT OF AGRICULTURE

Nebraska State Office

1121 Lincoln Mall
Room 360
Lincoln, NE 68508

SENT VIA USPS PRIORITY MAIL: SIGNATURE CONFIRMATION REQUIRED

May 15, 2025

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

RE: National Historic Preservation Act (NHPA) Section 106 Consultation Request—West Branch Thirty-Two Mile Creek Watershed Plan-Environmental Assessment (Plan-EA), Adams County, Nebraska

Dear The Honorable Lloyd Goggles,

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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,



Digitally signed by ROBERT
LAWSON
Date: 2025.05.15 10:16:27 -05'00'

ROBERT D. LAWSON
State Conservationist

Supporting documentation available for download at <https://tinyurl.com/yc68u65e>:

- Bevitt, C. Tod, and Wendi M. Bevitt. 2024. Phase I Cultural Resources Survey of Watershed Flood Protection Operations Planning, 32-Mile Creek Watershed Near Kenesaw, Adams County, Nebraska
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- Table 1. Summary of cultural resources identified during the 2024 investigations of the West Branch Thirty-Two Mile Creek watershed plan.
- Project maps

cc:

Crystal C'bearing, Director, Northern Arapaho THPO, PO Box 273, Riverton, WY 82501
Melissa Baier, ASTC-Water Resources & Easements, NRCS – Lincoln State Office



Natural Resources Conservation Service

U.S. DEPARTMENT OF AGRICULTURE

Nebraska State Office

1121 Lincoln Mall
Room 360
Lincoln, NE 68508

SENT VIA USPS PRIORITY MAIL: SIGNATURE CONFIRMATION REQUIRED

May 15, 2025

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

RE: National Historic Preservation Act (NHPA) Section 106 Consultation Request—West Branch Thirty-Two Mile Creek Watershed Plan-Environmental Assessment (Plan-EA), Adams County, Nebraska

Dear The Honorable Boyd I 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) requests to continue consultation with your office regarding the proposed undertaking in Adams County, Nebraska. NRCS initiated Section 106 consultation with your office in a letter dated June 29, 2023. Since then, NRCS and the Little Blue Natural Resources District (LBNRD, the project sponsor) have further examined several possible improvements to address flooding concerns.

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 effect for this undertaking based on the results of the cultural resources investigation.

The cultural resources inventory did not identify any properties listed on or eligible for listing on the National Register of Historic Places (NRHP) within the APE. Therefore, NRCS has determined that No Historic Properties will be affected by this project. More information about the undertaking, the cultural resources inventory, and the rationale behind the finding of effect is provided below and in the attached supporting documents.

We are requesting your review of this project and your comments on whether you concur with our APE, determinations of eligibility and our finding of effect.

Undertaking Description

Although the project's planning and Plan-EA are not yet finalized, NRCS and LBNRD are presently considering a preferred alternative comprising several measures from four of the eight alternatives examined in the planning and review process.

The preferred alternative consists of four measures:

- Modernizing K-Dike to current NRCS and FEMA criteria,
- Grade stabilization along an existing diversion ditch to prevent erosion,
- Construction of a new significant hazard earthen embankment dam, and
- New floodwater diversion and detention features.

Modernizing K-Dike includes raising the top of levee elevation 2.0 to 2.5ft, widening the levee crest to 10-feet wide, and installing seepage mitigation in the form of seepage berms and toe drains. The seepage berm would be installed where space is available given existing infrastructure. The berm would be up to 150-feet wide and of varying height to match the predicted water surface elevation for a 100-year flood. The toe drains would be installed along the toe of K-Dike where space for the seepage berm is not available. Improvements also include upsizing roadway culverts at three locations along the drainage ditch north of K-Dike. These new culverts would reduce the amount of time farmland behind K-Dike is inundated.

Grade stabilization measures to guard against increased erosion in key locations along the diversion ditch would consist of a series of five rock riprap weir structures and three rock riprap plunge pools at culvert outfalls. Plunge pools are proposed at the Wanda Ave, 42nd St, and Overland Ave roadway culvert outlets. The proposed primary weir structure is located roughly six hundred feet downstream of the 42nd Street crossing. Remaining weir structures would be constructed downstream of the 42nd Street crossing.

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To route floodwater toward a proposed detention cell, Constitution Ave would be elevated to a maximum of approximately 1.5-feet above existing grade, thereby providing consistent ditch capacity (10-foot-wide bottom, 4:1 (H:V) side slopes) and preventing concentrated overtopping. The proposed detention cell has a footprint of about 59 acres, providing approximately 161 acre-feet of floodwater storage. All areas disturbed by construction activities would be reseeded once construction is complete.

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The APE includes all areas that would be physically affected by activities associated with construction of the preferred alternative, including but not limited to utility relocates,

access routes, construction staging areas, alterations to existing dams, excavation footprints, grading, tree removal, alterations to existing roads, inundation of permanent and flood pool areas, temporary flooding easements, and sediment disposal as well as areas considered for potential visual and other effects to cultural resources. The APE covers approximately 2,752 acres and is located in Sections 2, 3, and 4 of Township 7 North, Range 12 West; Section 31 of Township 8 North, Range 11 West; and Sections 21, 22, 25, 26, 27, 28, 29, 33, 34, 35, and 36 of Township 8 North, Range 12 West. Maps and photographs of the APE are available at <https://tinyurl.com/yc68u65e>.

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Determinations of Eligibility

In accordance with 36 CFR 800.4(c) and following guidelines in National Register Bulletin 15 *How to Apply the National Register Criteria*, each of the documented cultural resources

was evaluated for NRHP eligibility. None of the cultural resources is considered NRHP eligible under any of the eligibility criteria.

Determination of Effect

In accordance with 36 CFR 800.4(d)(1) NRCS has determined that no historic properties would be affected by this undertaking. No properties eligible for or listed on the NRHP are located within the APE. 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).

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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,

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

Digitally signed by ROBERT
LAWSON
Date: 2025.05.15 10:17:02 -05'00'

ROBERT D. LAWSON
State Conservationist

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cc:

Mary Jane Gourneau, Director, LBST Environmental Protection Office, 187 Oyate Circle,
Lower Brule, SD, 57548
Melissa Baier, ASTC-Water Resources & Easements, NRCS – Lincoln State Office



Natural Resources Conservation Service

U.S. DEPARTMENT OF AGRICULTURE

Nebraska State Office

1121 Lincoln Mall
Room 360
Lincoln, NE 68508

SENT VIA USPS PRIORITY MAIL: SIGNATURE CONFIRMATION REQUIRED

May 15, 2025

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

RE: National Historic Preservation Act (NHPA) Section 106 Consultation Request—West Branch Thirty-Two Mile Creek Watershed Plan-Environmental Assessment (Plan-EA), Adams County, Nebraska

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) requests to continue consultation with your office regarding the proposed undertaking in Adams County, Nebraska. NRCS initiated Section 106 consultation with your office in a letter dated June 29, 2023. Since then, NRCS and the Little Blue Natural Resources District (LBNRD, the project sponsor) have further examined several possible improvements to address flooding concerns.

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 effect for this undertaking based on the results of the cultural resources investigation.

The cultural resources inventory did not identify any properties listed on or eligible for listing on the National Register of Historic Places (NRHP) within the APE. Therefore, NRCS has determined that No Historic Properties will be affected by this project. More information about the undertaking, the cultural resources inventory, and the rationale behind the finding of effect is provided below and in the attached supporting documents.

We are requesting your review of this project and your comments on whether you concur with our APE, determinations of eligibility and our finding of effect.

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Digitally signed by ROBERT
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Date: 2025.05.15 10:17:38 -05'00'

ROBERT D. LAWSON
State Conservationist

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cc:

Steven Vance, THPO, Cheyenne River Sioux Tribe, PO Box 590, Eagle Butte, SD 57625-0590

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



Natural Resources Conservation Service

U.S. DEPARTMENT OF AGRICULTURE

Nebraska State Office

1121 Lincoln Mall
Room 360
Lincoln, NE 68508

SENT VIA USPS PRIORITY MAIL: SIGNATURE CONFIRMATION REQUIRED

May 15, 2025

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

RE: National Historic Preservation Act (NHPA) Section 106 Consultation Request—West Branch Thirty-Two Mile Creek Watershed Plan-Environmental Assessment (Plan-EA), Adams County, Nebraska

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) requests to continue consultation with your office regarding the proposed undertaking in Adams County, Nebraska. NRCS initiated Section 106 consultation with your office in a letter dated June 29, 2023. Since then, NRCS and the Little Blue Natural Resources District (LBNRD, the project sponsor) have further examined several possible improvements to address flooding concerns.

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cc:

Merle Marks, THPO, Crow Creek Sioux Tribe, PO Box 50, Fort Thompson, SD 57339
Melissa Baier, ASTC-Water Resources & Easements, NRCS – Lincoln State Office



Natural Resources Conservation Service

U.S. DEPARTMENT OF AGRICULTURE

Nebraska State Office

1121 Lincoln Mall
Room 360
Lincoln, NE 68508

SENT VIA USPS PRIORITY MAIL: SIGNATURE CONFIRMATION REQUIRED

May 15, 2025

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

RE: National Historic Preservation Act (NHPA) Section 106 Consultation Request—West Branch Thirty-Two Mile Creek Watershed Plan-Environmental Assessment (Plan-EA), Adams County, Nebraska

Dear The Honorable Misty 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) requests to continue consultation with your office regarding the proposed undertaking in Adams County, Nebraska. NRCS initiated Section 106 consultation with your office in a letter dated June 29, 2023. Since then, NRCS and the Little Blue Natural Resources District (LBNRD, the project sponsor) have further examined several possible improvements to address flooding concerns.

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Modernizing K-Dike includes raising the top of levee elevation 2.0 to 2.5ft, widening the levee crest to 10-feet wide, and installing seepage mitigation in the form of seepage berms and toe drains. The seepage berm would be installed where space is available given existing infrastructure. The berm would be up to 150-feet wide and of varying height to match the predicted water surface elevation for a 100-year flood. The toe drains would be installed along the toe of K-Dike where space for the seepage berm is not available. Improvements also include upsizing roadway culverts at three locations along the drainage ditch north of K-Dike. These new culverts would reduce the amount of time farmland behind K-Dike is inundated.

Grade stabilization measures to guard against increased erosion in key locations along the diversion ditch would consist of a series of five rock riprap weir structures and three rock riprap plunge pools at culvert outfalls. Plunge pools are proposed at the Wanda Ave, 42nd St, and Overland Ave roadway culvert outlets. The proposed primary weir structure is located roughly six hundred feet downstream of the 42nd Street crossing. Remaining weir structures would be constructed downstream of the 42nd Street crossing.

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access routes, construction staging areas, alterations to existing dams, excavation footprints, grading, tree removal, alterations to existing roads, inundation of permanent and flood pool areas, temporary flooding easements, and sediment disposal as well as areas considered for potential visual and other effects to cultural resources. The APE covers approximately 2,752 acres and is located in Sections 2, 3, and 4 of Township 7 North, Range 12 West; Section 31 of Township 8 North, Range 11 West; and Sections 21, 22, 25, 26, 27, 28, 29, 33, 34, 35, and 36 of Township 8 North, Range 12 West. Maps and photographs of the APE are available at <https://tinyurl.com/yc68u65e>.

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In accordance with 36 CFR 800.4(c) and following guidelines in National Register Bulletin 15 *How to Apply the National Register Criteria*, each of the documented cultural resources

was evaluated for NRHP eligibility. None of the cultural resources is considered NRHP eligible under any of the eligibility criteria.

Determination of Effect

In accordance with 36 CFR 800.4(d)(1) NRCS has determined that no historic properties would be affected by this undertaking. No properties eligible for or listed on the NRHP are located within the APE. 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 (ASTC) for Water Resources and Easements, via 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,

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

Digitally signed by ROBERT
LAWSON
Date: 2025.05.15 10:18:50 -05'00'

ROBERT D. LAWSON
State Conservationist

Supporting documentation available for download at <https://tinyurl.com/yc68u65e>:

- Bevitt, C. Tod, and Wendi M. Bevitt. 2024. Phase I Cultural Resources Survey of Watershed Flood Protection Operations Planning, 32-Mile Creek Watershed Near Kenesaw, Adams County, Nebraska
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cc:

Matt Reed, THPO, Pawnee Nation of Oklahoma, PO Box 470, Pawnee, OK 74058
Melissa Baier, ASTC-Water Resources & Easements, NRCS – Lincoln State Office



Natural Resources Conservation Service

U.S. DEPARTMENT OF AGRICULTURE

Nebraska State Office

1121 Lincoln Mall
Room 360
Lincoln, NE 68508

SENT VIA USPS PRIORITY MAIL: SIGNATURE CONFIRMATION REQUIRED

May 15, 2025

Chelsea Rose
Preservation Archeologist, History Nebraska
1500 R Street
Lincoln NE 68508-1651

RE: National Historic Preservation Act (NHPA) Section 106 Consultation Request—West Branch Thirty-Two Mile Creek Watershed Plan-Environmental Assessment (Plan-EA), Adams County, Nebraska

Dear Chelsea Rose,

In accordance with Section 106 of the National Historic Preservation Act of 1966 (NHPA) and its implementing regulations (36 CFR Part 800), the Natural Resources Conservation Service (NRCS) requests to continue consultation with your office regarding the proposed undertaking in Adams County, Nebraska. NRCS initiated Section 106 consultation with your office in a letter dated June 29, 2023. Since then, NRCS and the Little Blue Natural Resources District (LBNRD, the project sponsor) have further examined several possible improvements to address flooding concerns.

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 effect for this undertaking based on the results of the cultural resources investigation.

The cultural resources inventory did not identify any properties listed on or eligible for listing on the National Register of Historic Places (NRHP) within the APE. Therefore, NRCS has determined that No Historic Properties will be affected by this project. More information about the undertaking, the cultural resources inventory, and the rationale behind the finding of effect is provided below and in the attached supporting documents.

We are requesting your review of this project and your comments on whether you concur with our APE, determinations of eligibility and our finding of effect.

Undertaking Description

Although the project's planning and Plan-EA are not yet finalized, NRCS and LBNRD are presently considering a preferred alternative comprising several measures from four of the eight alternatives examined in the planning and review process.

The preferred alternative consists of four measures:

- Modernizing K-Dike to current NRCS and FEMA criteria,
- Grade stabilization along an existing diversion ditch to prevent erosion,
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Determinations of Eligibility

In accordance with 36 CFR 800.4(c) and following guidelines in National Register Bulletin 15 *How to Apply the National Register Criteria*, each of the documented cultural resources

was evaluated for NRHP eligibility. None of the cultural resources is considered NRHP eligible under any of the eligibility criteria.

Determination of Effect

In accordance with 36 CFR 800.4(d)(1) NRCS has determined that no historic properties would be affected by this undertaking. No properties eligible for or listed on the NRHP are located within the APE. 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 (ASTC) for Water Resources and Easements, via 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,



Digitally signed by ROBERT
LAWSON

Date: 2025.05.15 10:19:28 -05'00'

ROBERT D. LAWSON
State Conservationist

Supporting documentation available for download at <https://tinyurl.com/yc68u65e>:

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cc:

Jade Mendoza, jade.mendoza@nebraska.gov

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



Natural Resources Conservation Service

U.S. DEPARTMENT OF AGRICULTURE

Nebraska State Office

1121 Lincoln Mall
Room 360
Lincoln, NE 68508

SENT VIA USPS PRIORITY MAIL: SIGNATURE CONFIRMATION REQUIRED

May 15, 2025

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

RE: National Historic Preservation Act (NHPA) Section 106 Consultation Request—West Branch Thirty-Two Mile Creek Watershed Plan-Environmental Assessment (Plan-EA), Adams County, Nebraska

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) requests to continue consultation with your office regarding the proposed undertaking in Adams County, Nebraska. NRCS initiated Section 106 consultation with your office in a letter dated June 29, 2023. Since then, NRCS and the Little Blue Natural Resources District (LBNRD, the project sponsor) have further examined several possible improvements to address flooding concerns.

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 effect for this undertaking based on the results of the cultural resources investigation.

The cultural resources inventory did not identify any properties listed on or eligible for listing on the National Register of Historic Places (NRHP) within the APE. Therefore, NRCS has determined that No Historic Properties will be affected by this project. More information about the undertaking, the cultural resources inventory, and the rationale behind the finding of effect is provided below and in the attached supporting documents.

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Digitally signed by ROBERT
LAWSON

Date: 2025.05.15 10:20:03
-05'00'

ROBERT D. LAWSON
State Conservationist

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cc:

Justin Pourier, THPO, Oglala Sioux Tribe, 320 Pineridge, Kyle, SD 57752

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



Natural Resources Conservation Service

U.S. DEPARTMENT OF AGRICULTURE

Nebraska State Office

1121 Lincoln Mall
Room 360
Lincoln, NE 68508

SENT VIA USPS PRIORITY MAIL: SIGNATURE CONFIRMATION REQUIRED

May 15, 2025

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

RE: National Historic Preservation Act (NHPA) Section 106 Consultation Request—West Branch Thirty-Two Mile Creek Watershed Plan-Environmental Assessment (Plan-EA), Adams County, Nebraska

Dear The Honorable Reggie Wassana,

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Between June and November 2024, Buried Past completed a Class III intensive cultural resource field inventory of the APE. A portion of the APE north of the proposed K-Dike modernization, east of Holstein Ave, west of Winchester Ave, and south of W. 70th Street was not examined in the field survey as this area would not be subject to any ground-disturbing activities. The sponsor will acquire temporary flood easements in this area for water temporarily impounded by K-dike.

Field investigations followed the Nebraska SHPO guidelines for cultural resource investigations. The cultural resources investigation report summarizes previous investigations, previously documented archaeological sites and architectural properties, and methods of the current investigation as well as describes the newly documented cultural resources in more detail. All supporting documents including the cultural resources inventory report, site forms, and project maps are available for download at <https://tinyurl.com/yc68u65e>.

The survey identified five archeological sites and five architectural properties (see cultural resources maps and Table 1). Three archeological sites are late 19th-early 20th century artifact scatters, one site is an isolated projectile point, and one site is a historic railroad grade. The survey did not identify any archeological sites or features that could be associated with the California, Oregon, or Pony Express National Historic Trails or the Fort Kearney to Fort Leavenworth Road.

Determinations of Eligibility

In accordance with 36 CFR 800.4(c) and following guidelines in National Register Bulletin 15 *How to Apply the National Register Criteria*, each of the documented cultural resources

was evaluated for NRHP eligibility. None of the cultural resources is considered NRHP eligible under any of the eligibility criteria.

Determination of Effect

In accordance with 36 CFR 800.4(d)(1) NRCS has determined that no historic properties would be affected by this undertaking. No properties eligible for or listed on the NRHP are located within the APE. 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 (ASTC) for Water Resources and Easements, via 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,



Digitally signed by ROBERT
LAWSON
Date: 2025.05.15 10:20:46 -05'00'

ROBERT D. LAWSON
State Conservationist

Supporting documentation available for download at <https://tinyurl.com/yc68u65e>:

- Bevitt, C. Tod, and Wendi M. Bevitt. 2024. Phase I Cultural Resources Survey of Watershed Flood Protection Operations Planning, 32-Mile Creek Watershed Near Kenesaw, Adams County, Nebraska
- Site forms: 25AD32, 25AD33, 25AD34, 25AD35, and 25AD36
- Table 1. Summary of cultural resources identified during the 2024 investigations of the West Branch Thirty-Two Mile Creek watershed plan.
- Project maps

cc:

Max Bear, THPO, Cheyenne & Arapaho Tribes of OK, PO Box 167, Concho OK 73022
Melissa Baier, ASTC-Water Resources & Easements, NRCS – Lincoln State Office



Natural Resources Conservation Service

U.S. DEPARTMENT OF AGRICULTURE

Nebraska State Office

1121 Lincoln Mall
Room 360
Lincoln, NE 68508

SENT VIA USPS PRIORITY MAIL: SIGNATURE CONFIRMATION REQUIRED

May 15, 2025

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

RE: National Historic Preservation Act (NHPA) Section 106 Consultation Request—West Branch Thirty-Two Mile Creek Watershed Plan-Environmental Assessment (Plan-EA), Adams County, Nebraska

Dear The Honorable Serena Wetherelt,

In accordance with Section 106 of the National Historic Preservation Act of 1966 (NHPA) and its implementing regulations (36 CFR Part 800), the Natural Resources Conservation Service (NRCS) requests to continue consultation with your office regarding the proposed undertaking in Adams County, Nebraska. NRCS initiated Section 106 consultation with your office in a letter dated June 29, 2023. Since then, NRCS and the Little Blue Natural Resources District (LBNRD, the project sponsor) have further examined several possible improvements to address flooding concerns.

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 effect for this undertaking based on the results of the cultural resources investigation.

The cultural resources inventory did not identify any properties listed on or eligible for listing on the National Register of Historic Places (NRHP) within the APE. Therefore, NRCS has determined that No Historic Properties will be affected by this project. More information about the undertaking, the cultural resources inventory, and the rationale behind the finding of effect is provided below and in the attached supporting documents.

We are requesting your review of this project and your comments on whether you concur with our APE, determinations of eligibility and our finding of effect.

Undertaking Description

Although the project's planning and Plan-EA are not yet finalized, NRCS and LBNRD are presently considering a preferred alternative comprising several measures from four of the eight alternatives examined in the planning and review process.

The preferred alternative consists of four measures:

- Modernizing K-Dike to current NRCS and FEMA criteria,
- Grade stabilization along an existing diversion ditch to prevent erosion,
- Construction of a new significant hazard earthen embankment dam, and
- New floodwater diversion and detention features.

Modernizing K-Dike includes raising the top of levee elevation 2.0 to 2.5ft, widening the levee crest to 10-feet wide, and installing seepage mitigation in the form of seepage berms and toe drains. The seepage berm would be installed where space is available given existing infrastructure. The berm would be up to 150-feet wide and of varying height to match the predicted water surface elevation for a 100-year flood. The toe drains would be installed along the toe of K-Dike where space for the seepage berm is not available. Improvements also include upsizing roadway culverts at three locations along the drainage ditch north of K-Dike. These new culverts would reduce the amount of time farmland behind K-Dike is inundated.

Grade stabilization measures to guard against increased erosion in key locations along the diversion ditch would consist of a series of five rock riprap weir structures and three rock riprap plunge pools at culvert outfalls. Plunge pools are proposed at the Wanda Ave, 42nd St, and Overland Ave roadway culvert outlets. The proposed primary weir structure is located roughly six hundred feet downstream of the 42nd Street crossing. Remaining weir structures would be constructed downstream of the 42nd Street crossing.

Increased flows would also require construction of a new significant hazard earthen embankment dam on the site of the existing K-Dam. Dam construction would include installing a principal spillway conduit of 48-inch reinforced concrete pressure pipe (RCPP), a concrete riser, and two vegetated earthen auxiliary spillways sized to pass design flows for a significant hazard class structure while still maintaining stability and integrity and optimizing earthwork volumes. Rock riprap shore protection would be installed on the upstream face of the dam, and the perimeter of the auxiliary spillway and dam embankment would be fenced. Sediment would be removed from the existing permanent pool with excavation, loading, and hauling equipment removal to accommodate the 100-year sediment life for a significant hazard structure.

To route floodwater toward a proposed detention cell, Constitution Ave would be elevated to a maximum of approximately 1.5-feet above existing grade, thereby providing consistent ditch capacity (10-foot-wide bottom, 4:1 (H:V) side slopes) and preventing concentrated overtopping. The proposed detention cell has a footprint of about 59 acres, providing approximately 161 acre-feet of floodwater storage. All areas disturbed by construction activities would be reseeded once construction is complete.

Area of Potential Effects (APE)

The APE includes all areas that would be physically affected by activities associated with construction of the preferred alternative, including but not limited to utility relocates,

access routes, construction staging areas, alterations to existing dams, excavation footprints, grading, tree removal, alterations to existing roads, inundation of permanent and flood pool areas, temporary flooding easements, and sediment disposal as well as areas considered for potential visual and other effects to cultural resources. The APE covers approximately 2,752 acres and is located in Sections 2, 3, and 4 of Township 7 North, Range 12 West; Section 31 of Township 8 North, Range 11 West; and Sections 21, 22, 25, 26, 27, 28, 29, 33, 34, 35, and 36 of Township 8 North, Range 12 West. Maps and photographs of the APE are available at <https://tinyurl.com/yc68u65e>.

Cultural Resource Identification

Buried Past Consulting, Inc. (Buried Past), completed a cultural resources desktop review of the Nebraska Archaeological Sites Geographic Information System database and other resources for the APE prior to fieldwork. The review included previously performed archeological and architectural surveys, recorded archaeological sites, and recorded historic architectural properties. Three previous archeological surveys and one architectural survey have been completed within one mile of the APE. Two archaeological sites (25AD505 and 25AD506) are recorded within one mile of the APE. Both sites are historic mill locations, and neither is within the APE. Twenty-eight standing structures are documented within one mile of the APE, six of which are eligible for listing on the NRHP. The California, Oregon, and Pony Express National Historic Trails cross the southwestern corner of the APE and the mapped route of the Fort Kearney to Fort Leavenworth Road is less than ¼ mile southwest of the APE. The NRHP-listed Thirty-Two Mile Station is over 10 miles to the southeast.

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Field investigations followed the Nebraska SHPO guidelines for cultural resource investigations. The cultural resources investigation report summarizes previous investigations, previously documented archaeological sites and architectural properties, and methods of the current investigation as well as describes the newly documented cultural resources in more detail. All supporting documents including the cultural resources inventory report, site forms, and project maps are available for download at <https://tinyurl.com/yc68u65e>.

The survey identified five archeological sites and five architectural properties (see cultural resources maps and Table 1). Three archeological sites are late 19th-early 20th century artifact scatters, one site is an isolated projectile point, and one site is a historic railroad grade. The survey did not identify any archeological sites or features that could be associated with the California, Oregon, or Pony Express National Historic Trails or the Fort Kearney to Fort Leavenworth Road.

Determinations of Eligibility

In accordance with 36 CFR 800.4(c) and following guidelines in National Register Bulletin 15 *How to Apply the National Register Criteria*, each of the documented cultural resources

was evaluated for NRHP eligibility. None of the cultural resources is considered NRHP eligible under any of the eligibility criteria.

Determination of Effect

In accordance with 36 CFR 800.4(d)(1) NRCS has determined that no historic properties would be affected by this undertaking. No properties eligible for or listed on the NRHP are located within the APE. 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 (ASTC) for Water Resources and Easements, via 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,



Digitally signed by ROBERT
LAWSON
Date: 2025.05.15 10:21:20
-05'00'

ROBERT D. LAWSON
State Conservationist

Supporting documentation available for download at <https://tinyurl.com/yc68u65e>:

- Bevitt, C. Tod, and Wendi M. Bevitt. 2024. Phase I Cultural Resources Survey of Watershed Flood Protection Operations Planning, 32-Mile Creek Watershed Near Kenesaw, Adams County, Nebraska
- Site forms: 25AD32, 25AD33, 25AD34, 25AD35, and 25AD36
- Table 1. Summary of cultural resources identified during the 2024 investigations of the West Branch Thirty-Two Mile Creek watershed plan.
- Project maps

cc:

Gary LaFranier, 106 Coordinator, PO Box 128, Lame Deer MT 59043

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



Natural Resources Conservation Service

U.S. DEPARTMENT OF AGRICULTURE

Nebraska State Office

1121 Lincoln Mall
Room 360
Lincoln, NE 68508

SENT VIA USPS PRIORITY MAIL: SIGNATURE CONFIRMATION REQUIRED

May 15, 2025

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

RE: National Historic Preservation Act (NHPA) Section 106 Consultation Request—West Branch Thirty-Two Mile Creek Watershed Plan-Environmental Assessment (Plan-EA), Adams County, Nebraska

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) requests to continue consultation with your office regarding the proposed undertaking in Adams County, Nebraska. NRCS initiated Section 106 consultation with your office in a letter dated June 29, 2023. Since then, NRCS and the Little Blue Natural Resources District (LBNRD, the project sponsor) have further examined several possible improvements to address flooding concerns.

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 effect for this undertaking based on the results of the cultural resources investigation.

The cultural resources inventory did not identify any properties listed on or eligible for listing on the National Register of Historic Places (NRHP) within the APE. Therefore, NRCS has determined that No Historic Properties will be affected by this project. More information about the undertaking, the cultural resources inventory, and the rationale behind the finding of effect is provided below and in the attached supporting documents.

We are requesting your review of this project and your comments on whether you concur with our APE, determinations of eligibility and our finding of effect.

Undertaking Description

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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,



Digitally signed by ROBERT
LAWSON

Date: 2025.05.15 10:21:57 -05'00'

ROBERT D. LAWSON
State Conservationist

Supporting documentation available for download at <https://tinyurl.com/yc68u65e>:

- Bevitt, C. Tod, and Wendi M. Bevitt. 2024. Phase I Cultural Resources Survey of Watershed Flood Protection Operations Planning, 32-Mile Creek Watershed Near Kenesaw, Adams County, Nebraska
- Site forms: 25AD32, 25AD33, 25AD34, 25AD35, and 25AD36
- Table 1. Summary of cultural resources identified during the 2024 investigations of the West Branch Thirty-Two Mile Creek watershed plan.
- Project maps

cc:

Ione Quigley, THPO, Rosebud Sioux Tribe, PO Box 750, Rosebud, SD 57570
Melissa Baier, ASTC-Water Resources & Easements, NRCS – Lincoln State Office

From: [Baier, Melissa - FPAC-NRCS, NE](#)
To: [Darrin Cisco](#)
Subject: RE: USDA-NRCS, Nebraska, multiple NHPA consultation requests
Date: Wednesday, May 28, 2025 11:06:00 AM
Attachments: [2025-4-25 Blackwood 11-A CR Report - Cooper.pdf](#)
[2025-5-15 190-Section 106 West Branch 32 Mile Letter Cooper III.pdf](#)
[2025-5-20 190-Dry Creek Section 106 Letter - Cooper III.pdf](#)
[image001.png](#)

My apologies. I forgot the attachments.

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
Sent: Wednesday, May 28, 2025 11:06 AM
To: Darrin Cisco <apachendnvriscisco@yahoo.com>
Subject: USDA-NRCS, Nebraska, multiple NHPA consultation requests

Good morning, Mr. Cisco,

The Natural Resources Conservation Service in Nebraska has recently sent your office several NHPA Section 106 consultation requests with links to electronic copies of the supporting documents. To facilitate your access to these files, I have included copies of all the recent letters and links to the supporting documents for each project.

- Blackwood Creek Site 11-A Dam Rehabilitation (mailed May 1, 2025)
<https://nrqs.box.com/s/wrhzmj4f3baqqblkxw7sedt6sddxxpc2>
- West Branch Thirty-Two Mile Creek Watershed Plan-EA (mailed May 16, 2025)
<https://nrqs.box.com/s/a2rst9evete3s9elajcd8j6rhwz903t9>
- Dry Creek South Site 2-A Dam Rehabilitation (mailed May 21, 2025)
<https://nrqs.box.com/s/ll2lav9ysih519k3bjymrklg186caakt>

Thank you very much for your consideration of these projects. I look forward to hearing from you.

Sincerely,
Missy

Melissa Baier

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



U.S. DEPARTMENT OF AGRICULTURE

Natural Resources Conservation Service

1121 Lincoln Mall Room 360, Lincoln, NE 68508

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

From: [Baier, Melissa - FPAC-NRCS, NE](#)
To: [Max Bear](#)
Subject: USDA-NRCS, Nebraska, multiple NHPA consultation requests
Date: Wednesday, May 28, 2025 11:08:00 AM
Attachments: [image001.png](#)
[2025-4-25 Blackwood 11-A CR Report - Wassana.pdf](#)
[2025-5-15 190-Section 106 West Branch 32 Mile Letter Wassana.pdf](#)
[2025-5-20 190-Dry Creek Section 106 Letter - Wassana.pdf](#)

Good morning,

The Natural Resources Conservation Service in Nebraska has recently sent your office several NHPA Section 106 consultation requests with links to electronic copies of the supporting documents. To facilitate your access to these files, I have included copies of all the recent letters and links to the supporting documents for each project.

- Blackwood Creek Site 11-A Dam Rehabilitation (mailed May 1, 2025)
<https://nracs.box.com/s/wrhzmj4f3baqqblkxw7sedt6sddxxpc2>
- West Branch Thirty-Two Mile Creek Watershed Plan-EA (mailed May 16, 2025)
<https://nracs.box.com/s/a2rsl9evete3s9elajcd8j6rhwz903t9>
- Dry Creek South Site 2-A Dam Rehabilitation (mailed May 21, 2025)
<https://nracs.box.com/s/ll2lav9ysih519k3bjvmrklg186caakt>

Thank you very much for your consideration of these projects. I look forward to hearing from you.

Sincerely,
Missy

Melissa Baier

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



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

From: [Baier, Melissa - FPAC-NRCS, NE](#)
To: [Merle Marks](#)
Subject: USDA-NRCS, Nebraska, multiple NHPA consultation requests
Date: Wednesday, May 28, 2025 11:13:00 AM
Attachments: [image.png](#)
[100 Aowa 1-3 and 22-3 Dam Rehab - Lengkcek.pdf](#)
[2025 5 15 100 Section 106 NHPA West Branch 32 Mile Letter - Lengkcek.pdf](#)

Good morning, Merle Marks,

The Natural Resources Conservation Service in Nebraska has recently sent your office two NHPA Section 106 consultation requests with links to electronic copies of the supporting documents. To facilitate your access to these files, I have included copies of all the recent letters and links to the supporting documents for each project.

- Aowa Creek Sites 1-3 and 22-3 Dam Rehabilitations (mailed May 7, 2025)
<https://nrqs.box.com/s/5668s9vm6mhgldjmmudzdvea0gd6yi3>
- West Branch Thirty-Two Mile Creek Watershed Plan-EA (mailed May 16, 2025)
<https://nrqs.box.com/s/a2rsl9evete3s9elajcd8j6rhwz903t9>

Thank you very much for your consideration of these projects. I look forward to hearing from you.

Sincerely,
Missy

Melissa Baier

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



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

From: [Baier, Melissa - FPAC-NRCS, NE](#)
To: [Steve Vance](#)
Subject: USDA-NRCS, Nebraska, multiple NHPA consultation requests
Date: Wednesday, May 28, 2025 11:01:00 AM
Attachments: [190 Aowa 1-3 and 22-3 Dam Rehabilitation 106 LeBeau.pdf](#)
[2025 4 25 Blackwood Creek Rehabilitation 106 LeBeau.pdf](#)
[2025 5 15 190 Section 106 NHPA 32 Mile Letter LeBeau.pdf](#)
[2025 5 20 190 Dry Creek 106 Letter LeBeau.pdf](#)
[image02.png](#)

Good morning, Mr. Vance,

The Natural Resources Conservation Service in Nebraska has recently sent your office several NHPA Section 106 consultation requests with links to electronic copies of the supporting documents. To facilitate your access to these files, I have included copies of all the recent letters and links to the supporting documents for each project.

- Blackwood Creek Site 11-A Dam Rehabilitation (mailed May 1, 2025)
<https://nrqs.box.com/s/wrhzmj4f3baqqblkxw7sedt6sddxxpc2>
- Aowa Creek Sites 1-3 and 22-3 Dam Rehabilitations (mailed May 7, 2025)
<https://nrqs.box.com/s/5668s9vm6mhglcdjmmudzdvea0gd6yi3>
- West Branch Thirty-Two Mile Creek Watershed Plan-EA (mailed May 16, 2025)
<https://nrqs.box.com/s/a2rsl9evete3s9elajcd8j6rhwz903t9>
- Dry Creek South Site 2-A Dam Rehabilitation (mailed May 21, 2025)
<https://nrqs.box.com/s/ll2lav9ysih519k3bjvmrklg186caakt>

Thank you very much for your consideration of these projects. I look forward to hearing from you.

Sincerely,
Missy

Melissa Baier

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



U.S. DEPARTMENT OF AGRICULTURE

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

From: [Baier, Melissa - FPAC-NRCS, NE](#)
To: [Mary Jane Gourneau](#)
Subject: USDA-NRCS, Nebraska, multiple NHPA consultation requests
Date: Wednesday, May 28, 2025 10:58:00 AM
Attachments: [190 Aowa 1-3 and 22-3 Dam Rehabilitation - Gourneau.pdf](#)
[2025 4 25 Blackwood Creek Rehabilitation - Gourneau.pdf](#)
[2025 5 15 190 Section 106 NHPA Section 106 Final Letter - Gourneau.pdf](#)
[2025 5 20 190 Dry Creek South Site 2-A Dam Rehabilitation - Gourneau.pdf](#)
[image02.png](#)

Good morning, Ms. Gourneau,

The Natural Resources Conservation Service in Nebraska has recently sent your office several NHPA Section 106 consultation requests with links to electronic copies of the supporting documents. To facilitate your access to these files, I have included copies of all the recent letters and links to the supporting documents for each project.

- Blackwood Creek Site 11-A Dam Rehabilitation (mailed May 1, 2025)
<https://nrcs.box.com/s/wrhzmj4f3baqqblkxw7sedt6sddxxpc2>
- Aowa Creek Sites 1-3 and 22-3 Dam Rehabilitations (mailed May 7, 2025)
<https://nrcs.box.com/s/5668s9vm6mhgicdjmmudzdvea0gd6yi3>
- West Branch Thirty-Two Mile Creek Watershed Plan-EA (mailed May 16, 2025)
<https://nrcs.box.com/s/a2rsl9evete3s9elajcd8j6rhwz903t9>
- Dry Creek South Site 2-A Dam Rehabilitation (mailed May 21, 2025)
<https://nrcs.box.com/s/ll2lav9ysih519k3bjvmrklg186caakt>

Thank you very much for your consideration of these projects. I look forward to hearing from you.

Sincerely,
Missy

Melissa Baier

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



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

From: [Baier, Melissa - FPAC-NRCS, NE](#)
To: [Crystal C" Bearing](#); [Alvonia Mcelroy](#)
Subject: USDA-NRCS, Nebraska, multiple NHPA consultation requests
Date: Wednesday, May 28, 2025 11:08:00 AM
Attachments: [image02.png](#)
[2025 4 25 Blackwood Creek Rehabilitation Report - Goggles.pdf](#)
[2025 5 15 100 Section 106 NHPA Plan of Action Letter - Goggles.pdf](#)
[2025 5 20 100 Dry Creek South Site 2-A Dam Rehabilitation - Goggles.pdf](#)

Good morning,

The Natural Resources Conservation Service in Nebraska has recently sent your office several NHPA Section 106 consultation requests with links to electronic copies of the supporting documents. To facilitate your access to these files, I have included copies of all the recent letters and links to the supporting documents for each project.

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- West Branch Thirty-Two Mile Creek Watershed Plan-EA (mailed May 16, 2025)
<https://nracs.box.com/s/a2rst9evete3s9elajcd8j6rhwz903t9>
- Dry Creek South Site 2-A Dam Rehabilitation (mailed May 21, 2025)
<https://nracs.box.com/s/ll2lav9ysih519k3bjvmrklg186caakt>

Thank you very much for your consideration of these projects. I look forward to hearing from you.

Sincerely,
Missy

Melissa Baier

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



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

From: [Baier, Melissa - FPAC-NRCS, NE](#)
To: [Gary LaFranier](#); alfonzo.spang@cheyennenation.com
Subject: USDA-NRCS, Nebraska, multiple NHPA consultation requests
Date: Wednesday, May 28, 2025 11:08:00 AM
Attachments: [image.png](#)
[2025 4 25 Blackwood Creek Site 11-A Dam Rehabilitation - Wetherelt.pdf](#)
[2025 5 15 100 Section 106 NHPA - West Branch Thirty-Two Mile Letter - Wetherelt.pdf](#)
[2025 5 20 100 Dry Creek South Site 2-A Dam Rehabilitation - Wetherelt.pdf](#)

Good morning,

The Natural Resources Conservation Service in Nebraska has recently sent your office several NHPA Section 106 consultation requests with links to electronic copies of the supporting documents. To facilitate your access to these files, I have included copies of all the recent letters and links to the supporting documents for each project.

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<https://nrqs.box.com/s/a2rsl9evete3s9elajcd8j6rhwz903t9>
- Dry Creek South Site 2-A Dam Rehabilitation (mailed May 21, 2025)
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Thank you very much for your consideration of these projects. I look forward to hearing from you.

Sincerely,
Missy

Melissa Baier

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



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

From: [Baier, Melissa - FPAC-NRCS, NE](#)
To: j.pourier@ogla.org
Subject: USDA-NRCS, Nebraska, multiple NHPA consultation requests
Date: Wednesday, May 28, 2025 10:58:00 AM
Attachments: [image002.png](#)

Good morning, Mr. Pourier,

The Natural Resources Conservation Service in Nebraska has recently sent your office several NHPA Section 106 consultation requests with links to electronic copies of the supporting documents. Two of the letters were returned as undeliverable by USPS. Is there another address we should be using?

To facilitate your access to these files, I have included copies of all the recent letters and links to the supporting documents for each project.

- Blackwood Creek Site 11-A Dam Rehabilitation (mailed May 1, 2025)
<https://nrqs.box.com/s/wrhzmj4f3baqqblkxw7sedt6sddxxpc2>
- Aowa Creek Sites 1-3 and 22-3 Dam Rehabilitations (mailed May 7, 2025)
<https://nrqs.box.com/s/5668s9vm6mhgldjmmudzdvea0gd6yi3>
- West Branch Thirty-Two Mile Creek Watershed Plan-EA (mailed May 16, 2025)
<https://nrqs.box.com/s/a2rs19evete3s9elajcd8j6rhwz903t9>
- Dry Creek South Site 2-A Dam Rehabilitation (mailed May 21, 2025)
<https://nrqs.box.com/s/ll2lav9ysih519k3bjvmrklg186caakt>

Thank you very much for your consideration of these projects. I look forward to hearing from you.

Sincerely,
Missy

Melissa Baier

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



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

From: [Baier, Melissa - FPAC-NRCS, NE](#)
To: [Matt Reed, Pawnee Nation](#)
Subject: USDA-NRCS, Nebraska, multiple NHPA consultation requests
Date: Wednesday, May 28, 2025 10:58:00 AM
Attachments: [image.png](#)
[100 Aowa 1-3 and 22-3 Dam Rehabilitation Section 106 Nettle.pdf](#)
[2025.05.12 100 Cottonwood Creek 21-A Dam Rehabilitation Section 106 Nettle.pdf](#)
[2025 4 25 Blackwood Creek Site 11-A Dam Rehabilitation Section 106 Nettle.pdf](#)
[2025 5 15 100 Section 106 West Branch Thirty-Two Mile Creek Plan-EA Nettle.pdf](#)
[2025 5 20 100 Dry Creek South Site 2-A Dam Rehabilitation Section 106 Nettle.pdf](#)

Good morning, Matt!

NRCS Nebraska recently sent your office several NHPA Section 106 consultation requests with links to electronic copies of the supporting documents. To facilitate your access to these files, I have included copies of all the recent letters and links to the supporting documents for each project.

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<https://nrqs.box.com/s/wrhzmj4f3baqqblkxw7sedt6sddxxpc2>
- Aowa Creek Sites 1-3 and 22-3 Dam Rehabilitations (mailed May 7, 2025)
<https://nrqs.box.com/s/5668s9vm6mhgldjmmudzdvea0gd6yi3>
- Cottonwood Creek Site 21-A Dam Rehabilitation (mailed May 12, 2025)
<https://nrqs.box.com/s/o8f748jfi74np92mjhlvt7b9em6dy31b>
- West Branch Thirty-Two Mile Creek Watershed Plan-EA (mailed May 16, 2025)
<https://nrqs.box.com/s/a2rsl9evete3s9elajcd8j6rhwz903t9>
- Dry Creek South Site 2-A Dam Rehabilitation (mailed May 21, 2025)
<https://nrqs.box.com/s/ll2lav9ysih519k3bjvmrklg186caakt>

Thank you very much for your consideration of these projects. I look forward to hearing from you. Have a great rest of your week!

Sincerely,
Missy

Melissa Baier

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



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

From: [Baier, Melissa - FPAC-NRCS, NE](#)
To: [Ione Quigley](#)
Subject: USDA-NRCS, Nebraska, multiple NHPA consultation requests
Date: Wednesday, May 28, 2025 10:58:00 AM
Attachments: [image002.png](#)

Good morning, Ms. Quigley,

The Natural Resources Conservation Service in Nebraska has recently sent your office several NHPA Section 106 consultation requests with links to electronic copies of the supporting documents. To facilitate your access to these files, I have included copies of all the recent letters and links to the supporting documents for each project.

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<https://nracs.box.com/s/5668s9vm6mhgldjmmudzdvea0gd6yi3>
- West Branch Thirty-Two Mile Creek Watershed Plan-EA (mailed May 16, 2025)
<https://nracs.box.com/s/a2rsl9evete3s9elajcd8j6rhwz903t9>
- Dry Creek South Site 2-A Dam Rehabilitation (mailed May 21, 2025)
<https://nracs.box.com/s/ll2lav9ysih519k3bjvmrklg186caakt>

Thank you very much for your consideration of these projects. I look forward to hearing from you.

Sincerely,
Missy

Melissa Baier

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



U.S. DEPARTMENT OF AGRICULTURE

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

From: [Baier, Melissa - FPAC-NRCS, NE](#)
To: [Jon Eagle](#)
Subject: USDA-NRCS, Nebraska, multiple NHPA consultation requests
Date: Wednesday, May 28, 2025 10:58:00 AM
Attachments: [190 Aowa 1-3 and 22-3 Section 106 Alkire.pdf](#)
[2025 4 25 Blackwood Creek Rehabilitation Alkire.pdf](#)
[2025 5 15 190 Section 106 NHPA Action 24 Final Letter Alkire.pdf](#)
[2025 5 20 190 Dry Creek South 2-A Letter Alkire.pdf](#)
[image02.png](#)

Good morning, Mr. Eagle,

The Natural Resources Conservation Service in Nebraska has recently sent your office several NHPA Section 106 consultation requests with links to electronic copies of the supporting documents. To facilitate your access to these files, I have included copies of all the recent letters and links to the supporting documents for each project.

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<https://nrcs.box.com/s/wrhzmj4f3baqqblkxw7sedt6sddxxpc2>
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<https://nrcs.box.com/s/5668s9vm6mhgldjmmudzdvea0gd6yi3>
- West Branch Thirty-Two Mile Creek Watershed Plan-EA (mailed May 16, 2025)
<https://nrcs.box.com/s/a2rsl9evete3s9elajcd8j6rhwz903t9>
- Dry Creek South Site 2-A Dam Rehabilitation (mailed May 21, 2025)
<https://nrcs.box.com/s/ll2lav9ysih519k3bjvmrklg186caakt>

Thank you very much for your consideration of these projects. I look forward to hearing from you.

Sincerely,
Missy

Melissa Baier

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



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

Baier, Melissa - FPAC-NRCS, NE

From: gary.lafranier@cheyennenation.com
Sent: Tuesday, June 3, 2025 12:23 PM
To: Baier, Melissa - FPAC-NRCS, NE
Subject: [External Email]6 Projects

Importance: High

[External Email]

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

Good Morning,

USDA-NRCS, Spring Creek Watershed Plan, Dawson County, Nebraska: Northern Cheyenne concurs with findings of No Adverse Effect.

Box Butte Watershed Plan-EA, Box Butte and Sheridan Counties, Nebraska: Northern Cheyenne concurs with findings of No Historic Properties.

Turkey Creek Watershed Plan-EA, Furnas and Gosper Counties, Nebraska, USDA-NRCS: Northern Cheyenne will like to participate and also request a cultural survey to be completed before ground disturbance activities begin.

Blackwood Creek Site 11-A Dam Rehabilitation: Northern Cheyenne concurs with findings of No Historic Properties.

West Branch Thirty-Two Mile Creek Watershed: Northern Cheyenne concurs with findings of No Historic Properties.

Dry Creek South Site 2-A Dam Rehabilitation: Northern Cheyenne concurs with findings of No Adverse Effect.

Thank You,

Gary LaFranier

FCC/ Section 106 Coordinator

(406) 477-8113

Lame Deer, MT. 59043

June 5, 2025

Melissa Baier
USDA- Natural Resources Conservation Service
VIA EMAIL

RE: HP# 2505-060-01; West Branch Thirty-Two Mile Creek Watershed Plan, Environmental
Assessment Plan, Adams County, NE

Dear Melissa,

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 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 historic properties affected (NP)** 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>



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



Date:

Contact Name: Melissa Baier **Contact Phone:** (402) 437 - 4
Email Address: melissa.baier@usda.gov
Company Name: USDA NRCS Nebraska State Office
Company Address: 1121 Lincoln Mall, Room 360
City: Lincoln **State:** NE **Zip Code:** 68508

RE: *West Branch Thirty-Two Mile Creek Watershed Plan & EAP*

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 THPO concurs with the determination

Site Visit: No Tribal Monitor: No

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

Within the Area of Potential Effect, there are:

Cultural Resources: ONE OR MORE

Eligible Historic Properties: ONE OR MORE

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

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

Thank you for consulting with the Northern Arapaho THPO.

Sincerely,
 Crystal C'Bearing
 THPO Director
 crystal.cbearing@northernarapaho.com

From: [Joseph Reed](#)
To: [Baier, Melissa - FPAC-NRCS, NE](#)
Subject: RE: USDA-NRCS, Nebraska, multiple NHPA consultation requests
Date: Monday, June 23, 2025 1:47:37 PM
Attachments: [image.png](#)
[image.png](#)
[image.png](#)
[image.png](#)
[image.png](#)
[image.png](#)

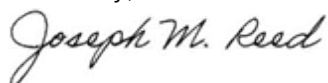
The Pawnee Nation Office of Historic Preservation has received the information and materials requested for our Section 106 Review and Consultation. Consultation with the Pawnee Nation is required by Section 106 of the National Historic Preservation Act of 1966 (NHPA) and 36 CFR Part 800.

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

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

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

Sincerely,



Matt Reed

Historic Preservation Officer

Pawnee Nation of Oklahoma



Kukâkû'ut

Matt Reed

Tribal Historic Preservation
Officer

Phone: (918) 762- 3621 ext 220

Email: jreed@pawneenation.org

881 Little Dee Drive
Pawnee, OK 74058

www.PawneeNation.org

From: [Baier, Melissa - FPAC-NRCS, NE](#)
To: [Mary Jane Gourneau](#)
Cc: redlangdeau@lowerbrule.net
Subject: FW: USDA-NRCS, Nebraska, multiple NHPA consultation requests
Date: Tuesday, July 22, 2025 9:27:00 AM
Attachments: [190-Aowa 1-3 and 22-3 Section 106 - Gourneau.pdf](#)
[2025-4-25 Blackwood 11-A CR Report - Gourneau.pdf](#)
[2025-5-15 190-Section 106 West Branch 32 Mile Letter - Gourneau.pdf](#)
[2025-5-20 190-Dry Creek Section 106 Letter - Gourneau.pdf](#)
[image001.png](#)

Good morning, Ms. Gourneau,

NRCS Nebraska submitted the attached Section 106 consultation requests to the Lower Brule Sioux in May 2025, but we have not yet received a response. I am following up to see if you have any questions about the projects.

The West Branch 32-Mile Creek project is a new watershed planning project that focuses on reducing flooding in Kenesaw, Nebraska. The project calls for improving a drainage system, installing water detention cells, and improving an existing dam.

Blackwood Creek 11-A, Dry Creek South 2-A, and Aowa Creek 1-3 and 22-3 are all dam rehabilitation projects. The Aowa Creek 1-3 and 22-3 dams are both located in Dixon County, Nebraska, and were built on tributaries of Aowa Creek to prevent erosion. Blackwood Creek 11-A is located in Hayes County, Nebraska, and is a flood prevention dam. Dry Creek South 2-A is located in Red Willow County, Nebraska, near McCook, and is a flood prevention dam. All four dams need rehabilitation to address concerns related to dam safety and risks to downstream homes.

Cultural resource inventories are complete for all four projects. Copies of the inventory reports and other supporting documentation are available at the links below. Five archeological sites (three historic artifact scatters, a railroad grade, and an isolated projectile point) were identified during the survey of the West Branch 32-mile project area. No archeological sites were identified during the surveys of Aowa 1-3 or 22-3. The remains of a historic farmstead were identified outside the APE of Blackwood Creek 11-A. The remains of two historic farmsteads were identified within the APE of Dry Creek South 2-A.

- West Branch Thirty-Two Mile Creek Watershed Plan-EA (mailed May 16, 2025)
<https://nrqs.box.com/s/a2rsl9evete3s9elajcd8j6rhwz903t9>
- Blackwood Creek Site 11-A Dam Rehabilitation (mailed May 1, 2025)
<https://nrqs.box.com/s/wrhzmj4f3baqqblxw7sedt6sddxxpc2>
- Aowa Creek Sites 1-3 and 22-3 Dam Rehabilitations (mailed May 7, 2025)
<https://nrqs.box.com/s/5668s9vm6mhglcdjmmudzdvea0gd6yi3>

- Dry Creek South Site 2-A Dam Rehabilitation (mailed May 21, 2025)
<https://nrqs.box.com/s/ll2lav9ysih519k3bjymrklg186caakt>

Please let me know if you have any questions or objections to the determinations of effect presented in the attached letters. Thank you very much for your time.

Sincerely,
Missy

Melissa Baier

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



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

From: Baier, Melissa - FPAC-NRCS, NE
Sent: Wednesday, May 28, 2025 10:58 AM
To: Mary Jane Gourneau <mjgourneau@lbt-epo.org>
Subject: USDA-NRCS, Nebraska, multiple NHPA consultation requests

Good morning, Ms. Gourneau,

The Natural Resources Conservation Service in Nebraska has recently sent your office several NHPA Section 106 consultation requests with links to electronic copies of the supporting documents. To facilitate your access to these files, I have included copies of all the recent letters and links to the supporting documents for each project.

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- Aowa Creek Sites 1-3 and 22-3 Dam Rehabilitations (mailed May 7, 2025)
<https://nrqs.box.com/s/5668s9vm6mhglcdjmmudzdvea0gd6yi3>
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<https://nrqs.box.com/s/a2rsl9evete3s9elajcd8j6rhwz903t9>
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Thank you very much for your consideration of these projects. I look forward to hearing from you.

Sincerely,
Missy

Melissa Baier

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



U.S. DEPARTMENT OF AGRICULTURE

Natural Resources Conservation Service

1121 Lincoln Mall Room 360, Lincoln, NE 68508

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

From: [Baier, Melissa - FPAC-NRCS, NE](#)
To: Steve.Vance@crstmail.com
Subject: FW: USDA-NRCS, Nebraska, multiple NHPA consultation requests
Date: Tuesday, July 22, 2025 9:51:00 AM
Attachments: [190-Aowa 1-3 and 22-3 Section 106 - LeBeau.pdf](#)
[2025-4-25 Blackwood 11-A CR Report - LeBeau.pdf](#)
[2025-5-15 190-Section 106 West Branch 32 Mile Letter - LeBeau.pdf](#)
[2025-5-20 190-Dry Creek Section 106 Letter - LeBeau.pdf](#)
[image001.png](#)

NRCS Nebraska submitted the attached Section 106 consultation requests to the Cheyenne River Sioux Tribe in May 2025, but we have not yet received a response. I am following up to see if you have any questions about the projects.

The West Branch 32-Mile Creek project is a new watershed planning project that focuses on reducing flooding in Kenesaw, Nebraska. The project calls for improving a drainage system, installing water detention cells, and improving an existing dam.

Blackwood Creek 11-A, Dry Creek South 2-A, and Aowa Creek 1-3 and 22-3 are all dam rehabilitation projects. The Aowa Creek 1-3 and 22-3 dams are both located in Dixon County, Nebraska, and were built on tributaries of Aowa Creek to prevent erosion. Blackwood Creek 11-A is located in Hayes County, Nebraska, and is a flood prevention dam. Dry Creek South 2-A is located in Red Willow County, Nebraska, near McCook, and is a flood prevention dam. All four dams need rehabilitation to address concerns related to dam safety and risks to downstream homes.

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<https://nracs.box.com/s/a2rsl9evete3s9elajcd8j6rhwz903t9>
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<https://nracs.box.com/s/wrhzmj4f3baqqblkxw7sedt6sddxpc2>
- Aowa Creek Sites 1-3 and 22-3 Dam Rehabilitations (mailed May 7, 2025)
<https://nracs.box.com/s/5668s9vm6mhgldjmmudzdvea0gd6yi3>
- Dry Creek South Site 2-A Dam Rehabilitation (mailed May 21, 2025)
<https://nracs.box.com/s/ll2lav9ysih519k3bjvmrklg186caakt>

Please let me know if you have any questions or objections to the determinations of effect presented in the attached letters. Thank you very much for your time.

Sincerely,
Missy

Melissa Baier

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



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

From: Baier, Melissa - FPAC-NRCS, NE
Sent: Wednesday, May 28, 2025 11:01 AM
To: Steve Vance <steve.vance@crstmail.com>
Subject: USDA-NRCS, Nebraska, multiple NHPA consultation requests

Good morning, Mr. Vance,

The Natural Resources Conservation Service in Nebraska has recently sent your office several NHPA Section 106 consultation requests with links to electronic copies of the supporting documents. To facilitate your access to these files, I have included copies of all the recent letters and links to the supporting documents for each project.

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- Aowa Creek Sites 1-3 and 22-3 Dam Rehabilitations (mailed May 7, 2025)
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- West Branch Thirty-Two Mile Creek Watershed Plan-EA (mailed May 16, 2025)
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- Dry Creek South Site 2-A Dam Rehabilitation (mailed May 21, 2025)
<https://nracs.box.com/s/ll2lav9ysih519k3bjvmrklg186caakt>

Thank you very much for your consideration of these projects. I look forward to hearing from you.

Sincerely,

Missy

Melissa Baier

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



U.S. DEPARTMENT OF AGRICULTURE

Natural Resources Conservation Service

1121 Lincoln Mall Room 360, Lincoln, NE 68508

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

From: [Baier, Melissa - FPAC-NRCS, NE](#)
To: [Merle Marks](#)
Subject: FW: USDA-NRCS, Nebraska, multiple NHPA consultation requests
Date: Tuesday, July 22, 2025 10:06:00 AM
Attachments: [image001.png](#)
[190-Aowa 1-3 and 22-3 Section 106 - Lengkeek.pdf](#)
[2025-5-15 190-Section 106 West Branch 32 Mile Letter Lengkeek.pdf](#)

Good morning, Merle Marks,

NRCS Nebraska submitted the attached Section 106 consultation requests to the Crow Creek Sioux Tribe in May 2025, but we have not yet received a response. I am following up to see if you have any questions about the projects.

The West Branch 32-Mile Creek project is a new watershed planning project that focuses on reducing flooding in Kenesaw, Nebraska (Adams County). The project calls for improving a drainage system, installing water detention cells, and improving an existing dam.

Aowa Creek 1-3 and 22-3 is a dam rehabilitation project. The Aowa Creek 1-3 and 22-3 dams are both located in Dixon County, Nebraska, and were built on tributaries of Aowa Creek to prevent erosion.

Cultural resource inventories are complete for both projects. Copies of the inventory reports and other supporting documentation are available at the links below.

- West Branch Thirty-Two Mile Creek Watershed Plan-EA (mailed May 16, 2025)
<https://nrqs.box.com/s/a2rsl9evete3s9elajcd8j6rh wz903t9>
- Aowa Creek Sites 1-3 and 22-3 Dam Rehabilitations (mailed May 7, 2025)
<https://nrqs.box.com/s/5668s9vm6mhgldjmmudzdvea0gd6yi3>

Five archeological sites (three historic artifact scatters, a railroad grade, and an isolated projectile point) and five standing structures were identified during the survey of the West Branch 32-mile project area. NRCS determined that none of the sites or structures met the criteria of the National Register of Historic Places and that No Historic Properties would be affected by the West Branch 32-Mile project.

No archeological sites and six aboveground structures were identified during the survey of Aowa 1-3 or 22-3. NRCS determined that none of the structures met the criteria of the National Register of Historic Places and that No Historic Properties would be affected by the Aowa Creek dam rehabilitations

Please let me know if you have any questions or objections to the determinations of effect presented in the attached letters. Thank you very much for your time.

Sincerely,
Missy

Melissa Baier

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



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

From: Baier, Melissa - FPAC-NRCS, NE
Sent: Wednesday, May 28, 2025 11:14 AM
To: Merle Marks <cchistory@midstatesd.net>
Subject: USDA-NRCS, Nebraska, multiple NHPA consultation requests

Good morning, Merle Marks,

The Natural Resources Conservation Service in Nebraska has recently sent your office two NHPA Section 106 consultation requests with links to electronic copies of the supporting documents. To facilitate your access to these files, I have included copies of all the recent letters and links to the supporting documents for each project.

- Aowa Creek Sites 1-3 and 22-3 Dam Rehabilitations (mailed May 7, 2025)
<https://nrcs.box.com/s/5668s9vm6mhgldjmmudzdvea0gd6yi3>
- West Branch Thirty-Two Mile Creek Watershed Plan-EA (mailed May 16, 2025)
<https://nrcs.box.com/s/a2rsl9evete3s9elajcd8j6rhwz903t9>

Thank you very much for your consideration of these projects. I look forward to hearing from you.

Sincerely,
Missy

Melissa Baier

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



U.S. DEPARTMENT OF AGRICULTURE

Natural Resources Conservation Service

1121 Lincoln Mall Room 360, Lincoln, NE 68508

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

From: [Baier, Melissa - FPAC-NRCS, NE](#)
To: mbear@cheyenneandrapaho-nsn.gov
Subject: FW: USDA-NRCS, Nebraska, multiple NHPA consultation requests
Date: Tuesday, July 22, 2025 9:36:00 AM
Attachments: [image001.png](#)
[2025-4-25 Blackwood 11-A CR Report - Wassana.pdf](#)
[2025-5-15 190-Section 106 West Branch 32 Mile Letter Wassana.pdf](#)
[2025-5-20 190-Dry Creek Section 106 Letter - Wassana.pdf](#)

Good morning, Mr. Bear,

NRCS Nebraska submitted the attached Section 106 consultation requests to the Cheyenne and Arapaho Tribes of Oklahoma in May 2025, but we have not yet received a response. I am following up to see if you have any questions about the projects.

The West Branch 32-Mile Creek project is a new watershed planning project that focuses on reducing flooding in Kenesaw, Nebraska. The project calls for improving a drainage system, installing water detention cells, and improving an existing dam.

Blackwood Creek 11-A and Dry Creek South 2-A are both dam rehabilitation projects. TBlackwood Creek 11-A is located in Hayes County, Nebraska, and is a flood prevention dam. Dry Creek South 2-A is located in Red Willow County, Nebraska, near McCook, and is a flood prevention dam. All four dams need rehabilitation to address concerns related to dam safety and risks to downstream homes.

Cultural resource inventories are complete for all three projects. Copies of the inventory reports and other supporting documentation are available at the links below. Five archeological sites (three historic artifact scatters, a railroad grade, and an isolated projectile point) were identified during the survey of the West Branch 32-mile project area. The remains of a historic farmstead were identified outside the APE of Blackwood Creek 11-A. The remains of two historic farmsteads were identified within the APE of Dry Creek South 2-A.

- West Branch Thirty-Two Mile Creek Watershed Plan-EA (mailed May 16, 2025)
<https://nrqs.box.com/s/a2rsl9evete3s9elajcd8j6rh wz903t9>
- Blackwood Creek Site 11-A Dam Rehabilitation (mailed May 1, 2025)
<https://nrqs.box.com/s/wrhzmj4f3baqqblkxw7sedt6sddxpc2>
- Dry Creek South Site 2-A Dam Rehabilitation (mailed May 21, 2025)
<https://nrqs.box.com/s/ll2lav9ysih519k3bjvmrklg186caakt>

Please let me know if you have any questions or objections to the determinations of effect presented in the attached letters. Thank you very much for your time.

Sincerely,
Missy

Melissa Baier

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



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

From: Baier, Melissa - FPAC-NRCS, NE
Sent: Wednesday, May 28, 2025 11:08 AM
To: Max Bear <mbear@cheyenneandrapaho-nsn.gov>
Subject: USDA-NRCS, Nebraska, multiple NHPA consultation requests

Good morning,

The Natural Resources Conservation Service in Nebraska has recently sent your office several NHPA Section 106 consultation requests with links to electronic copies of the supporting documents. To facilitate your access to these files, I have included copies of all the recent letters and links to the supporting documents for each project.

- Blackwood Creek Site 11-A Dam Rehabilitation (mailed May 1, 2025)
<https://nrqs.box.com/s/wrhzmj4f3baqqblkxw7sedt6sddxpc2>
- West Branch Thirty-Two Mile Creek Watershed Plan-EA (mailed May 16, 2025)
<https://nrqs.box.com/s/a2rsl9evete3s9elajcd8j6rhwz903t9>
- Dry Creek South Site 2-A Dam Rehabilitation (mailed May 21, 2025)
<https://nrqs.box.com/s/ll2lav9ysih519k3bjymrklg186caakt>

Thank you very much for your consideration of these projects. I look forward to hearing from you.

Sincerely,
Missy

Melissa Baier

Assistant State Conservationist – Water Resources and Easements

Nebraska NRCS State Office



U.S. DEPARTMENT OF AGRICULTURE

Natural Resources Conservation Service

1121 Lincoln Mall Room 360, Lincoln, NE 68508

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

From: [Baier, Melissa - FPAC-NRCS, NE](#)
To: darrin.cisco@apachetribe.org; darrin.cisco@apachetribe.org
Subject: FW: USDA-NRCS, Nebraska, multiple NHPA consultation requests
Date: Tuesday, July 22, 2025 9:33:00 AM
Attachments: [2025-4-25 Blackwood 11-A CR Report - Cooper.pdf](#)
[2025-5-15 190-Section 106 West Branch 32 Mile Letter - Cooper III.pdf](#)
[2025-5-20 190-Dry Creek Section 106 Letter - Cooper III.pdf](#)
[image001.png](#)

Good morning, Mr. Cisco,

NRCS Nebraska submitted the attached Section 106 consultation requests to the Apache Tribe of Oklahoma in May 2025, but we have not yet received a response. I am following up to see if you have any questions about the projects.

The West Branch 32-Mile Creek project is a new watershed planning project that focuses on reducing flooding in Kenesaw, Nebraska. The project calls for improving a drainage system, installing water detention cells, and improving an existing dam.

Blackwood Creek 11-A and Dry Creek South 2-A are dam rehabilitation projects. Blackwood Creek 11-A is located in Hayes County, Nebraska, and is a flood prevention dam. Dry Creek South 2-A is located in Red Willow County, Nebraska, near McCook, and is a flood prevention dam. Both dams need rehabilitation to address concerns related to dam safety and risks to downstream homes.

Cultural resource inventories are complete for all three projects. Copies of the inventory reports and other supporting documentation are available at the links below. Five archeological sites (three historic artifact scatters, a railroad grade, and an isolated projectile point) were identified during the survey of the West Branch 32-mile project area. The remains of a historic farmstead were identified outside the APE of Blackwood Creek 11-A. The remains of two historic farmsteads were identified within the APE of Dry Creek South 2-A.

- West Branch Thirty-Two Mile Creek Watershed Plan-EA (mailed May 16, 2025)
<https://nracs.box.com/s/a2rsl9evete3s9elajcd8j6rh wz903t9>
- Blackwood Creek Site 11-A Dam Rehabilitation (mailed May 1, 2025)
<https://nracs.box.com/s/wrhzmj4f3baqqblkxw7sedt6sddxxpc2>
- Dry Creek South Site 2-A Dam Rehabilitation (mailed May 21, 2025)
<https://nracs.box.com/s/ll2lav9ysih519k3bjvmrklg186caakt>

Please let me know if you have any questions or objections to the determinations of effect presented in the attached letters. Thank you very much for your time.

Sincerely,
Missy

Melissa Baier

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



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

From: Baier, Melissa - FPAC-NRCS, NE
Sent: Wednesday, May 28, 2025 11:06 AM
To: Darrin Cisco <apachendnvriscisco@yahoo.com>
Subject: USDA-NRCS, Nebraska, multiple NHPA consultation requests

Good morning, Mr. Cisco,

The Natural Resources Conservation Service in Nebraska has recently sent your office several NHPA Section 106 consultation requests with links to electronic copies of the supporting documents. To facilitate your access to these files, I have included copies of all the recent letters and links to the supporting documents for each project.

- Blackwood Creek Site 11-A Dam Rehabilitation (mailed May 1, 2025)
<https://nrcs.box.com/s/wrhzmj4f3baqqblkxw7sedt6sddxxpc2>
- West Branch Thirty-Two Mile Creek Watershed Plan-EA (mailed May 16, 2025)
<https://nrcs.box.com/s/a2rsl9evete3s9elajcd8j6rh wz903t9>
- Dry Creek South Site 2-A Dam Rehabilitation (mailed May 21, 2025)
<https://nrcs.box.com/s/ll2lav9ysih519k3bjvmrklg186caakt>

Thank you very much for your consideration of these projects. I look forward to hearing from you.

Sincerely,
Missy

Melissa Baier

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



U.S. DEPARTMENT OF AGRICULTURE

Natural Resources Conservation Service

1121 Lincoln Mall Room 360, Lincoln, NE 68508

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

From: [Baier, Melissa - FPAC-NRCS, NE](#)
To: ["T.Lonehill@oglala.org"](mailto:T.Lonehill@oglala.org)
Subject: FW: USDA-NRCS, Nebraska, multiple NHPA consultation requests
Date: Monday, July 21, 2025 11:30:00 AM
Attachments: [image001.png](#)
[2025-5-20 190-Dry Creek Section 106 Letter - Star Comes Out.pdf](#)
[2025-5-15 190-Section 106 West Branch 32 Mile Letter Star Comes Out.pdf](#)
[2025-4-25 Blackwood 11-A CR Report - Star Comes Out.pdf](#)
[190-Aowa 1-3 and 22-3 Section 106 - Star Comes Out.pdf](#)

Good morning, Ms. Lonehill,

My apologies, but our office did not realize that you were now the THPO at the Oglala Sioux. We've still been mailing and emailing projects to Justin Pourier. Hopefully, the President's office has been forwarding the letters we've been mailing, but in case they have not, I will forward all the messages I sent to Mr. Pourier the last few months. Below is an email I sent back in May regarding four projects with links to the supporting documentation for each project. Attached are the consultation request letters. The Dry Creek South 2-A dam rehab will have No Adverse Effect on Historic Properties. The other three projects have determinations of No Historic Properties Affected.

I will also be forwarding another six emails about other watershed plans that my office has been developing. Again, my apologies that we did not send these communications to you earlier.

Sincerely,
Missy

Melissa Baier

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



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

From: Baier, Melissa - FPAC-NRCS, NE
Sent: Wednesday, May 28, 2025 10:58 AM
To: j.pourier@oglala.org
Subject: USDA-NRCS, Nebraska, multiple NHPA consultation requests

Good morning, Mr. Pourier,

The Natural Resources Conservation Service in Nebraska has recently sent your office

several NHPA Section 106 consultation requests with links to electronic copies of the supporting documents. Two of the letters were returned as undeliverable by USPS. Is there another address we should be using?

To facilitate your access to these files, I have included copies of all the recent letters and links to the supporting documents for each project.

- Blackwood Creek Site 11-A Dam Rehabilitation (mailed May 1, 2025)
<https://nrqs.box.com/s/wrhzmj4f3baqqblkxw7sedt6sddxpc2>
- Aowa Creek Sites 1-3 and 22-3 Dam Rehabilitations (mailed May 7, 2025)
<https://nrqs.box.com/s/5668s9vm6mhgldjmmudzdvea0gd6yi3>
- West Branch Thirty-Two Mile Creek Watershed Plan-EA (mailed May 16, 2025)
<https://nrqs.box.com/s/a2rsl9evete3s9elajcd8j6rhwz903t9>
- Dry Creek South Site 2-A Dam Rehabilitation (mailed May 21, 2025)
<https://nrqs.box.com/s/ll2lav9ysih519k3bjvmrklg186caakt>

Thank you very much for your consideration of these projects. I look forward to hearing from you.

Sincerely,
Missy

Melissa Baier

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



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

From: [Baier, Melissa - FPAC-NRCS, NE](#)
To: [Jon Eagle](#)
Subject: FW: USDA-NRCS, Nebraska, multiple NHPA consultation requests
Date: Tuesday, July 22, 2025 9:29:00 AM
Attachments: [190-Aowa 1-3 and 22-3 Section 106 - Alkire.pdf](#)
[2025-4-25 Blackwood 11-A CR Report - Alkire.pdf](#)
[2025-5-15 190-Section 106 West Branch 32 Mile Letter Alkire.pdf](#)
[2025-5-20 190-Dry Creek Section 106 Letter -Alkire.pdf](#)
[image001.png](#)

Good morning Mr. Eagle,

NRCS Nebraska submitted the attached Section 106 consultation requests to the Lower Brule Sioux in May 2025, but we have not yet received a response. I am following up to see if you have any questions about the projects.

The West Branch 32-Mile Creek project is a new watershed planning project that focuses on reducing flooding in Kenesaw, Nebraska. The project calls for improving a drainage system, installing water detention cells, and improving an existing dam.

Blackwood Creek 11-A, Dry Creek South 2-A, and Aowa Creek 1-3 and 22-3 are all dam rehabilitation projects. The Aowa Creek 1-3 and 22-3 dams are both located in Dixon County, Nebraska, and were built on tributaries of Aowa Creek to prevent erosion. Blackwood Creek 11-A is located in Hayes County, Nebraska, and is a flood prevention dam. Dry Creek South 2-A is located in Red Willow County, Nebraska, near McCook, and is a flood prevention dam. All four dams need rehabilitation to address concerns related to dam safety and risks to downstream homes.

Cultural resource inventories are complete for all four projects. Copies of the inventory reports and other supporting documentation are available at the links below. Five archeological sites (three historic artifact scatters, a railroad grade, and an isolated projectile point) were identified during the survey of the West Branch 32-mile project area. No archeological sites were identified during the surveys of Aowa 1-3 or 22-3. The remains of a historic farmstead were identified outside the APE of Blackwood Creek 11-A. The remains of two historic farmsteads were identified within the APE of Dry Creek South 2-A.

- West Branch Thirty-Two Mile Creek Watershed Plan-EA (mailed May 16, 2025)
<https://nrqs.box.com/s/a2rsl9evete3s9elajcd8j6rhwz903t9>
- Blackwood Creek Site 11-A Dam Rehabilitation (mailed May 1, 2025)
<https://nrqs.box.com/s/wrhzmj4f3baqqblxw7sedt6sddxxpc2>
- Aowa Creek Sites 1-3 and 22-3 Dam Rehabilitations (mailed May 7, 2025)
<https://nrqs.box.com/s/5668s9vm6mhglcdjmmudzdvea0gd6yi3>
- Dry Creek South Site 2-A Dam Rehabilitation (mailed May 21, 2025)

<https://nrcs.box.com/s/ll2lav9ysih519k3bjymrklg186caakt>

Please let me know if you have any questions or objections to the determinations of effect presented in the attached letters. Thank you very much for your time.

Sincerely,
Missy

Melissa Baier

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



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

From: Baier, Melissa - FPAC-NRCS, NE
Sent: Wednesday, May 28, 2025 10:59 AM
To: Jon Eagle <j.eagle@standingrock.org>
Subject: USDA-NRCS, Nebraska, multiple NHPA consultation requests

Good morning, Mr. Eagle,

The Natural Resources Conservation Service in Nebraska has recently sent your office several NHPA Section 106 consultation requests with links to electronic copies of the supporting documents. To facilitate your access to these files, I have included copies of all the recent letters and links to the supporting documents for each project.

- Blackwood Creek Site 11-A Dam Rehabilitation (mailed May 1, 2025)
<https://nrcs.box.com/s/wrhzmj4f3baqqblkxw7sedt6sddxxpc2>
- Aowa Creek Sites 1-3 and 22-3 Dam Rehabilitations (mailed May 7, 2025)
<https://nrcs.box.com/s/5668s9vm6mhgldjmmudzdvea0gd6yi3>
- West Branch Thirty-Two Mile Creek Watershed Plan-EA (mailed May 16, 2025)
<https://nrcs.box.com/s/a2rsl9evete3s9elajcd8j6rhwz903t9>
- Dry Creek South Site 2-A Dam Rehabilitation (mailed May 21, 2025)
<https://nrcs.box.com/s/ll2lav9ysih519k3bjymrklg186caakt>

Thank you very much for your consideration of these projects. I look forward to hearing from you.

Sincerely,
Missy

Melissa Baier

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



U.S. DEPARTMENT OF AGRICULTURE

Natural Resources Conservation Service

1121 Lincoln Mall Room 360, Lincoln, NE 68508

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

From: [Baier, Melissa - FPAC-NRCS, NE](#)
To: [Ione Quigley](#)
Subject: RE: USDA-NRCS, Nebraska, multiple NHPA consultation requests
Date: Monday, July 21, 2025 11:06:00 AM
Attachments: [image001.png](#)
[2025-5-15 190-Section 106 West Branch 32 Mile Letter Wooden Knife.pdf](#)
[2025-5-20 190-Dry Creek Section 106 Letter - Wooden Knife.pdf](#)
[2025-4-25 Blackwood 11-A CR Report - Wooden Knife.pdf](#)
[190-Aowa 1-3 and 22-3 Section 106 - Wooden Knife.pdf](#)

Good morning, Ms. Quigley,

I have not yet heard back from your office on the projects listed below. I just realized that I forgot to attach copies of the letters mailed to Chairwoman Wooden Knife in my previous email. The letters are now attached. Please let me know if you have any questions or concerns regarding these projects or object to the determinations of No Historic Properties affected.

- Blackwood Creek Site 11-A Dam Rehabilitation (mailed May 1, 2025)
<https://nrqs.box.com/s/wrhzmj4f3baqqblkxw7sedt6sddxxpc2>
- Aowa Creek Sites 1-3 and 22-3 Dam Rehabilitations (mailed May 7, 2025)
<https://nrqs.box.com/s/5668s9vm6mhgldjmmudzdvea0gd6yi3>
- West Branch Thirty-Two Mile Creek Watershed Plan-EA (mailed May 16, 2025)
<https://nrqs.box.com/s/a2rsl9evete3s9elajcd8j6rhwz903t9>
- Dry Creek South Site 2-A Dam Rehabilitation (mailed May 21, 2025)
<https://nrqs.box.com/s/ll2lav9ysih519k3bjvmrklg186caakt>

Sincerely,
Missy

Melissa Baier

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



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

From: Baier, Melissa - FPAC-NRCS, NE
Sent: Wednesday, May 28, 2025 10:58 AM
To: Ione Quigley <ione.quigley@rst-nsn.gov>
Subject: USDA-NRCS, Nebraska, multiple NHPA consultation requests

Good morning, Ms. Quigley,

The Natural Resources Conservation Service in Nebraska has recently sent your office several NHPA Section 106 consultation requests with links to electronic copies of the supporting documents. To facilitate your access to these files, I have included copies of all the recent letters and links to the supporting documents for each project.

- Blackwood Creek Site 11-A Dam Rehabilitation (mailed May 1, 2025)
<https://nrcs.box.com/s/wrhzmj4f3baqqblkxw7sedt6sddxpc2>
- Aowa Creek Sites 1-3 and 22-3 Dam Rehabilitations (mailed May 7, 2025)
<https://nrcs.box.com/s/5668s9vm6mhgldjmmudzdvea0gd6yi3>
- West Branch Thirty-Two Mile Creek Watershed Plan-EA (mailed May 16, 2025)
<https://nrcs.box.com/s/a2rs19evete3s9elajcd8j6rh wz903t9>
- Dry Creek South Site 2-A Dam Rehabilitation (mailed May 21, 2025)
<https://nrcs.box.com/s/ll2lav9ysih519k3bjvmrklg186caakt>

Thank you very much for your consideration of these projects. I look forward to hearing from you.

Sincerely,
Missy

Melissa Baier

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



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

1121 Lincoln Mall, Room 360
Lincoln, NE 68508

February 13, 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 West Thirty-Two Mile Creek Watershed Plan-EA in Adams County, 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 West Thirty-Two Mile Creek Watershed Plan-Environmental Assessment (Plan-EA) located in Adams County, Nebraska. The project is administered by the Natural Resources Conservation Service (NRCS) in cooperation with Little Blue Natural Resources District (LBNRD) and their consultant, JEO Consulting Group, Inc. The primary purpose of the project is flood prevention and flood damage reduction.

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

This project is focused on establishing a strategy to address flooding issues for the Village of Kenesaw, reducing impacts to agriculture, and protecting roads, bridges, and property. Flooding occurs regularly across the watershed. The most recent flooding took place in May 2020. Per the National Weather Service, the Village of Kenesaw had 9.16 inches of rainfall between May 21st and May 24th. An existing feature, the "K-Dike" did not fail during this event, but if it were to fail the resulting flooding would

inundate more than 300 buildings in Kenesaw and overtop more than two miles of roadways. Ponding remained behind the dike for over two weeks which not only was detrimental to the agricultural lands which were inundated but also increased the risk of potential breach of the levee.

The preferred alternative consists of four measures:

- Modernizing K-Dike to current NRCS and FEMA criteria;
- Grade stabilization along an existing diversion ditch to prevent erosion;
- Construction of a new significant hazard earthen embankment dam; and
- New floodwater diversion and detention features.

Modernizing K-Dike includes raising the top of levee elevation 2.0 to 2.5ft, widening the levee crest to 10 feet wide, and installing seepage mitigation in the form of seepage berms and toe drains. The seepage berm would be installed where space is available given existing infrastructure. The berm would be up to 150-feet-wide and of varying height to match the predicted water surface elevation for a 100-year flood. The toe drains would be installed along the toe of K-Dike where space for the seepage berm is not available. Improvements also include upsizing roadway culverts at three locations along the drainage ditch north of K-Dike. These new culverts would reduce the amount of time farmland behind K-Dike is inundated.

Grade stabilization measures to guard against increased erosion in key locations along the diversion ditch would consist of a series of five rock riprap weir structures and three rock riprap plunge pools at culvert outfalls. Plunge pools are proposed at the Wanda Ave, 42nd St, and Overland Ave roadway culvert outlets. The proposed primary weir structure is located roughly six hundred feet downstream of the 42nd Street crossing. Remaining weir structures would be constructed downstream of the 42nd Street crossing.

Increased flows would also require construction of a new significant hazard earthen embankment dam on the site of the existing K-Dam. Dam construction would include installing a principal spillway conduit of 48-inch reinforced concrete pressure pipe (RCPP), a concrete riser, and two vegetated earthen auxiliary spillways sized to pass design flows for a significant hazard class structure while still maintaining stability and integrity and optimizing earthwork volumes. Rock riprap shoreline protection would be installed on the upstream face of the dam, and the perimeter of the auxiliary spillway and dam embankment would be fenced. Sediment would be removed from the existing permanent pool with excavation, loading, and hauling equipment removal to accommodate the 100-year sediment life for a significant hazard structure.

To route floodwater toward a proposed detention cell, Constitution Ave would be elevated to a maximum of approximately 1.5 feet above existing grade, thereby providing consistent ditch capacity (10-foot-wide bottom, 4:1 (H:V) side slopes) and preventing concentrated overtopping. The proposed detention cell has a footprint of about 59 acres, providing approximately 161 acre-feet of floodwater storage. All areas disturbed by construction activities would be reseeded once construction is complete.

Species Pursuant to both ESA and NESCA Requirements

Data was used from the USFWS Information for Planning and Consultation (IPaC) database on September 3, 2025 and again on November 24, 2025, as well as the NGPC Conservation and Environmental Review Tool (CERT) on March 14, 2024 and again on November 24, 2025, to focus on species impacts within the

watershed and the vicinity of the Affected Resource Area (ARA). 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 four proposed species.

- Northern long-eared bat (*Myotis septentrionalis*; federal and state endangered)
- Pallid sturgeon (*Scaphirhynchus albus*; federal and state endangered)
- Piping plover (*Charadrius melodus*; federal and state threatened)
- Western prairie fringed orchid (*Platanthera praeclara*, federal and state threatened)
- Whooping crane (*Grus americana*, federal and state endangered)

The proposed species consist of tri-colored bat (*Perimyotis subflavus*), 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 two of those species would be a “No Effect” due to the absence of suitable habitat near or downstream of the ARA of the proposed alternative.

Listed below are the three species that do have a range that overlaps the ARA or could be affected by impacts to suitable habitat near the ARA. They are being submitted for consideration subject to both ESA and NESCA compliance:

Northern long-eared bat: The ARA is located within the range of the Northern long-eared bat (NLEB). There are a small number of trees as well as existing bridges or culverts located within the boundary of the ARA 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 and no known maternity roosts within 1.5 miles of the ARA. To avoid impacts to the species, the removal or modification of suitable habitat features 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.

Western prairie fringed orchid: The ARA is located within the range of the Western prairie fringed orchid. 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. The initial determination is that the preferred alternative “may affect – but is not likely to adversely affect” the Western prairie fringed orchid.

Whooping crane: The ARA is within the migration corridor for whooping crane and in an area of known stopover roosting associated with Rainwater Basin wetlands. The proposed actions will not significantly alter suitable habitat for whooping cranes within the ARA boundary and may actually provide additional

suitable habitat in the area slated for wetland mitigation. 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 proposed conveyance channels and associated dikes will not result in any flow depletions to the Platte River and no adverse modifications will occur to critical habitat for the whooping crane located on the Central Platte River. The initial determination is that the preferred alternative “may affect – but is not likely to adversely affect” the whooping crane.

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, Western prairie fringed orchid, and whooping crane for all on-site and downstream habitat impacts for NEPA purposes as it relates to the West Thirty-Two Mile 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, Western prairie fringed orchid, and whooping crane for all on-site and downstream habitat impacts for NEPA purposes as it relates to the West Thirty-Two Mile 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: 2026.02.13 08:36:32
-06'00'

Ritch Nelson

State Wildlife Biologist
State Forester

Nebraska – Natural Resources Conservation Service

From: [Micek, Ruby](#) on behalf of [NGPC EnvReview](#)
To: [Nelson, Ritch - FPAC-NRCS, NE](#); [Nebraskaes, FW6](#); [NGPC EnvReview](#)
Cc: [Baier, Melissa - FPAC-NRCS, NE](#); [Jaymes, Mallory L](#)
Subject: RE: Consultation for West Thirty-Two Mile Creek Watershed Plan-EA
Date: Wednesday, April 8, 2026 12:00:11 PM
Attachments: [image.png](#)
[image.png](#)

Hello Ritch,

I have reviewed the information provided for the West Thirty-Two Mile Creek Watershed Plan-EA. In regard to NEPA, I have found the plan provides sufficient justifications and determinations for impacts to threatened and endangered species and demonstrates natural resource concerns were considered in the project objectives and preferred alternative. I appreciate the opportunity to review this watershed Plan-EA and look forward to reviewing the Biological Assessment pursuant to NESCA should this project move forward to the 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: Friday, February 13, 2026 8:38 AM
To: Nebraskaes, FW6 <nebraskaes@fws.gov>; NGPC EnvReview <ngpc.envreview@nebraska.gov>
Cc: Baier, Melissa - FPAC-NRCS, NE <Melissa.Baier@usda.gov>; Jaymes, Mallory L <mallory_jaymes@fws.gov>
Subject: Consultation for West Thirty-Two Mile 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 West Thirty-Two Mile 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, April 15th, 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://nracs.box.com/s/5ylaqkts5k2pulmvxkd9xdcvkbk02v7f>

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
Natural Resources Conservation Service
1121 Lincoln Mall, Room 360
Lincoln, NE 68508
p: (402) 437-4100

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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:
West Thirty-Two Mile Creek Watershed Plan – EA
IPaC Project Code: 2025-0083121

April 14, 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) February 13, 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 *West Branch 32-Mile Creek Watershed Plan Environmental Assessment (EA)* is located near the Village of Kenesaw, Nebraska. In cooperation with the Little Blue Natural Resources District and their consultant JEO Consulting Group 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 reduce flooding and flood-related damages in and around the Village of Kenesaw by minimizing impacts to agricultural lands and protecting roads, bridges, and private property, under the authority of the Watershed Protection and Flood Prevention Act of 1954 (Public Law 83-566), as amended. The project is needed to address deficiencies associated with the existing dam. A dam breach assessment concluded that the structure meets the criteria for a Significant Hazard classification and no longer aligns with its original Low Hazard design classification. As a result, the dam does not meet current NRCS or Federal Emergency Management Agency (FEMA) design standards. The preferred alternative includes the following:

- Modernizing K-Dike to current NRCS and FEMA criteria
 - Raising the top of the levee elevation 2.0 to 2.5ft
 - Widening the levee crest to 10 ft wide
 - Installing 150-foot-wide seepage berms with varying height
 - Install toe drains where space is not available for seepage berm
 - Upsizing roadway culverts at three locations
- Grade stabilization along an existing diversion ditch to prevent erosion
 - Five riprap weir structures
 - Three rock riprap plunge pools at culvert outfalls

- Modifying the existing low hazard dam to meet significant hazard dam design criteria
 - Installing principal spillway conduit of 48-inch reinforced concrete pressure pipe
 - Installing concrete riser
 - Installing two vegetated earthen auxiliary spillways
 - Installing rock riprap to protect the shoreline on the upstream face of the dam and perimeter of auxiliary spillway
 - Fencing the dam embankment
 - Removing sediment from the existing permanent pool with excavation to meet the 100-year sediment life for the significant hazard structure.
- New floodwater diversion and detention features
 - Road raise of Constitution Ave by a maximum of 1.5 feet above existing grade.
 - Construction of detention cell providing floodwater storage of 161 acre-feet with a footprint of 59 acres.

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.

NRCS accessed the Service's Information for Planning and Consultation tool ([IPaC](#)) on September 3, 2025 and November 24, 2025, and acquired an official species list of threatened and endangered species and their critical habitats that may occur in the proposed project area or be affected by the proposed action. Included in that list are species that are either a candidate¹ or proposed to be listed as threatened or endangered:

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.

<u>Listed Species</u>	<u>Status</u>
Monarch (<i>Danaus plexippus</i>)	Proposed Threatened
Northern long-eared bat (<i>Myotis septentrionalis</i>)	Endangered
Pallid Sturgeon (<i>Scaphirhynchus albus</i>)	Endangered
Piping plover (<i>Charadrius melodus</i>)	Threatened
Suckley's cuckoo bumble bee (<i>Bombus suckleyi</i>)	Proposed Endangered
Western Prairie Fringed Orchid (<i>Platanthera praeclara</i>)	Threatened
Western Regal Fritillary (<i>Argynnis Idalia occidentalis</i>)	Proposed Threatened
Whooping Crane (<i>Grus americana</i>)	Endangered

Monarch Butterfly

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 habitats, especially those providing high quality diverse native vegetation including milkweed resources. If construction must occur in suitable habitat, implement time-of-year restrictions, and minimize overall disturbance of habitat.
2. Establish post construction seeding mixes utilizing local seed containing a diversity of 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.
3. Mowing should avoid sensitive timeframes for species growth and development. For example, avoid mowing during the bloom period for milkweed or other nectar producing plants (approx. April 1st-September 30th). If mowing must occur, try to avoid milkweed and 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.

Northern Long-Eared Bat

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 those providing high quality diverse native vegetation including violets and warm season bunchgrasses. If construction must occur in suitable habitat, implement time-of-year restrictions, and minimize overall disturbance of habitat.
2. Establish post construction seeding mixes utilizing local seed containing a diversity of native species. Utilize wildflowers, including violets, 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. For example, avoid mowing during the bloom period for violets or other nectar producing plants (approx. April 1st-September 30th). If mowing must occur, try to avoid violets and 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 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(s) 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. Federally listed species that could be impacted from Platte River water depletions or sediment depositions include: pallid sturgeon (*Scaphirhynchus albus*); piping plover (*Charadrius melodus*); whooping crane (*Grus americana*); and western prairie fringed orchid (*Platanthera praeclara*).

Service Review

The Service acknowledges that NRCS has made a *no effect* determination(s) for the pallid sturgeon and the piping plover and is not submitting them for consultation. The Service recommends that you maintain documentation and rationale in your project file.

NRCS requested to initiate informal consultation for northern long-eared bat, whooping crane, and western prairie fringed orchid.

Northern long-eared bat

NRCS identified a small number of trees as well as existing bridges or culverts located within the boundary of the ARA that could potentially provide roost habitat for northern long-eared bat. Final designs of the preferred alternative may require these features to be removed or modified. To avoid impacts on the species, NRCS proposes that the removal or modification of suitable habitat features will not occur during the active period (April 1-November 15) unless a survey is used to document the absence of the species.

The Service finds this avoidance measure to be insufficient in removing all the potential impacts when removing/modifying bridges or culverts. NLEB have been documented utilizing these types of structures for hibernacula in other states. If any bridges or suitable sized culverts (≥ 23 feet in length and ≥ 4.5 feet in height) will be removed or modified, the Service recommends disclosing those locations to the Service and providing the necessary information for the Service to assess the potential of the structure to be used. If the Service's assessment of the structure and surrounding habitat suggests NLEB maybe using it, a survey of the structure will be necessary to prove probable absence to reach a *may affect, not likely to adversely affect* determination. However, the Service may find that a survey is not necessary once the site assessment can be conducted. All surveys should be conducted prior to construction and according to the Service's [Guidelines](#).

Western prairie fringed orchid

NRCS finds that suitable habitat for the western prairie fringed orchid is very limited in the ARA. NRCS proposed that 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. NRCS has made an initial determination that the preferred alternative "may affect – but is not likely to adversely affect" the western prairie fringed orchid.

The Service recommends coordination with the USFWS field office to ensure proper timing and number survey(s) given appearances and blooming periods may vary year-to-year. Qualifications of the surveyor, methods of the survey, and results should be provided to the USFWS during

coordination. The Service also recommends evaluating suitable habitats downstream for potential impacts as this species is sensitive to changes in hydrology.

Whooping Crane

The ARA is within the migration corridor for whooping crane and in an area of known stopover roosting associated with Rainwater Basin wetlands. NRCS suggests the proposed actions will not significantly alter suitable habitat for whooping cranes within the ARA boundary and may actually provide additional suitable habitat in the area slated for wetland mitigation. NRCS plans to implement 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 proposed conveyance channels and associated dikes will not result in any flow depletions to the Platte River and no adverse modifications will occur to critical habitat for the whooping crane located on the Central Platte River. The initial determination is that the preferred alternative “may affect – but is not likely to adversely affect” the whooping crane.

USFWS Recommendations

The Service recommends including information regarding the changes in water storage and water timing that will occur with the dam modifications and detention cell. Detention cells that detain runoff water for less than 72 hours are generally not concerning and effects are insignificant. 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. Additional consideration could be made to avoid disturbing nests or overwintering sites for Suckley’s cuckoo bumble bee and western regal fritillary during construction.

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.

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 as 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.

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 Act² ([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)

²The 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.

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.

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 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
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