

# **APPENDIX E**

## **HEART BUTTE DRAFT RMP COMMENTS AND RESPONSES**

## 2021 Heart Butte Draft RMP Comments

Commentor Date	Comment	Reclamation Response
(1) US Army Corps of Engineers 9/28/2021	Section 404 permit required for certain projects	Reclamation will ensure appropriate permits are received prior to any construction work commencing.
(2) North Dakota Department of Transportation 9/30/2021	If any work needs to be done on highway right-of-way, appropriate permits and risk management documents will need to be obtained from the Department of Transportation District Engineer	Reclamation will ensure appropriate permits are received prior to any construction work commencing.
(3) General Public 10/1/2021	Would love to see the welcome center come to Lake Tschida. "We do not all have cabins up there so for those of us that don't have cabins we would have a place to access and enjoy the Lake. Why shouldn't we be able to enjoy a birthday or anniversary up at the lake like the private cabin owners?" More walking paths would be nice too.	The Welcome Center is planned for construction from 2022 to 2024.  Walking trails are identified as potential projects for Rimrock Recreation Area (page 41), Hawebesi Recreation Area (page 40), Schatz Point Recreation Area (page 48), Rattlesnake Point Recreation Area (page 58), and Carson Wildlife Club (page 126).
(4) General Public 10/1/2021	Currently has a cabin at red rock resort and would love to see another boat ramp, or addition to the existing one at Koehler's point. More parking or at least more level parking. On a busy weekend it is difficult to navigate your boat and trailer to get into the water not only because of not much parking but also because of the huge tree that is right by the existing ramp.	Boat ramps are identified as potential projects for long range planning at the following locations; Schatz Point Recreation Area (page 49), Koheler's Point Recreation Area (page 55), Rattlesnake Point Recreation Area (page 58), and Crappie Creek Recreation Area (page 62).  Parking issues continue to be a problem at the heavily used areas throughout Lake Tschida. TCJJDA is exploring options for providing sufficient parking throughout Lake Tschida.
(5) General Public 10/1/2021	Horse friendly campground to utilize at Lake Tschida. There are so few of them in the state and I think there would be a huge support from people all over the state if there was a	An equestrian campground has been identified in the Schatz

	campground that could accommodate horses. Horse riding trails would be great too.	Point Recreation Area Long Range Planning found on Page 49.
(6) General Public 10/1/2021	I sit on a board, and we are always looking for nice venues in our service area. If Lake Tschida had a venue that could accommodate up to 200 people, I think it would get utilized often by places looking for a great place to host a meeting or even. It's a really nice Lake and a nice venue could draw a lot of use for the space.	The Welcome Center is planned for construction from 2022 to 2024.
(7) General Public 10/3/2021	Support the addition of a welcome center. Thinks better office and gift shop is important and would also support an area that could get used for events. Food and beverage options in this space would also be a nice addition so if people are shopping or visiting, they could grab a snack or cold drink. Feels if there are rainy days at the lake and events were hosted in doors people would have something to do and would support that or if held in the afternoons or evenings. Shared he would also like a second boat ramp in Schatz Point. Also indicated old site number 1 as a good location.	The Welcome Center is planned for construction from 2022 to 2024.  Boat ramps are identified as potential projects for long range planning at the following locations; Schatz Point Recreation Area (page 49), Koheler's Point Recreation Area (page 55), Rattlesnake Point Recreation Area (page 58), and Crappie Creek Recreation Area (page 62).
(8) General Public 10/3/2021	Would like to see another boat ramp on the South Side of the Lake in the Schatz Point area. Old Campsite number 1 would be a good location. Overcrowding at current ramp and site number 1 location deeper and would make a better ramp location.	Boat ramps are identified as potential projects for long range planning at the following locations; Schatz Point Recreation Area (page 49), Koheler's Point Recreation Area (page 55), Rattlesnake Point Recreation Area (page 58), and Crappie Creek Recreation Area (page 62).
(9) General Public 10/4/2021	Supported the welcome center idea. Feels if it was built to have a dining hall or event space it could get used for lots of events like scrap booking and quilting expos, craft and vendor shows, parties bridal, showers, weddings depending on the size. Shared the lake is a relaxing beautiful place and feels it would be enjoyed by so many people for other things that without a space like that are limited to how often they can enjoy the lake, as trying to host things like that is always subject to the weather if they are outdoors. "Not everyone has access to a cabin like the private people out there.... welcome center opens up more options for people who don't have lake homes out there to still enjoy Lake Tschida".	The Welcome Center is planned for construction from 2022 to 2024.
(10) General Public 10/4/2021	Additional parking at the boat ramp as right now there are a lot of restrictions to parking. Suggested developing boat ramp at Koehlers to allow for parking to be spread out.	Parking issues continue to be a problem at the heavily used areas throughout Lake Tschida.

	<p>Suggested opening up more land for more parking.</p> <p>Suggested putting up wind wall (made out of boulders) to stop the east winds at Koehler's point as those east winds make it difficult, and sometimes dangerous, to launch and land boats in that location.</p>	<p>TCJJDA is exploring options for providing sufficient parking throughout Lake Tschida. A second boat ramp has been identified in the Koehler's Point Recreation Area Long Range Planning found on Page 55.</p> <p>TCJJDA will consider the need and available funding for a wind wall project.</p>
<p>(11) General Public (9) 10/4/2021</p>	<p>Local Pastor who expressed a great deal of interest and support for a welcome center and shared he would love the opportunity to provide Sunday services at Lake Tschida should a welcome center be constructed.</p>	<p>The Welcome Center is planned for construction from 2022 to 2024.</p>
<p>(12) General Public (10) 10/6/2021</p>	<p>4H mom of 2 kids under 8 and camps at Lake Tschida regularly in the summer shared she would support more activities and events for kids and families throughout the summer. She thought that a welcome center where people and clubs could have access to a meeting area would be a nice addition. Felt that a welcome center could also serve as a nice area for people to host birthday parties, anniversaries, and if large enough weddings. Shades for the current playgrounds would be nice. More play/outdoor equipment geared towards older kids and families would be nice. Thought the concrete corn hole was a good addition and felt it would be positive to expand on that.</p>	<p>The Welcome Center is planned for construction from 2022 to 2024.</p> <p>A splash pad is proposed at Rimrock Recreation Area (Page 41) and other family friendly activities are proposed at Crappie Creek Recreation Area (page 61)</p>
<p>Red Rock Resort 10/7/2021</p>	<p>New boat ramp put in soon; boat ramp be kept in good condition as we have had several complaints that pickups and boats have been damaged when tenants are putting in their boats</p>	<p>TCJJDA has been working with North Dakota Game and Fish for boat ramp repairs/replacement. Repairs and or replacement will not occur until after the draw down for the dam repairs.</p>
<p>General Public (11) 10/8/2021</p>	<p>Continued development in Grant County is good. We have a beautiful lake and it is great the developments that area being done and planned will continue to allow for all people, anyone, to access such a beautiful place. Have camped there as a child and continue to enjoy the lake with my family. Having a welcome center that could accommodate a larger group of people could expand those options to more people who don't have cabins or campers. It would be a great option to draw people to our county, towns and lake that might not otherwise come. That space could also be used for education for children and adults. Entities like ND Game and Fish, NDSU Extension, Schools, 4H groups and others could also explore using the space for outreach, education,</p>	<p>The Welcome Center is planned for construction from 2022 to 2024.</p> <p>A splash pad is proposed at Rimrock Recreation Area (Page 41)</p>

	meetings and more. As a mother with children any developments to the Lake that could get them out, entertained, and active would be great additions to Lake Tschida as it is such a staple to families not only in Grant County for summer recreation but all over. So fresh water activities would be nice, like a splash pad.	
General Public (12) 10/8/2021	I think a nice welcome center would be great for family gatherings and it would be so nice for Lake Tschida to host events like craft show, educational events, meetings. We have a beautiful lake and it would be a great place for a really nice venue to offer the county and state. I also have children and grandchildren and we visit Lake Tschida frequently in the summer more activities or things geared towards family and kids would be great. I am very much in support of fresh water activities and more play equipment. I think it would be a good idea to put shades over the play equipment that is already there. It gets very very hot in the summer for the kids. I also think other activities like a zip line or mini golf would be great or some kind of play area for families and not just smaller children would be great. The Gilligan's cabin is wonderful and was such a nice addition to the lake. Our family tries to get that at least once a year. More cabins like that would be a nice addition as well.	The Welcome Center is planned for construction from 2022 to 2024.  A splash pad is proposed at Rimrock Recreation Area (Page 41) and other family friendly activities are proposed at Crappie Creek Recreation Area (page 61)  Full service cabins are identified as potential projects for long range planning at Rimrock Recreation Area (Hilltop) (page 41) and Schatz Point Recreation Area (page 49)
General Public (13) 10/9/2021	Playground at Crappie Creek. I am a mother of 7 who would much appreciate our natural attractions to receive all they can to become more of an attraction for our area of the state. As a low-income option to explore in our area our family definitely benefits and appreciates all that the lake offers. It should definitely be invested into for us and the future generations.	A playground has been identified as a potential project for the 2023-2025 season at Crappie Creek found on page 61
General Public (14) 10/9/2021	Supports improvements and Welcome Center	The Welcome Center is planned for construction from 2022 to 2024.
General Public (15) 10/9/2021	Elderly woman who likes to visit Lake Tschida with family for gatherings, birthday parties and such. A meeting area would allow more options to host parties with family that I can enjoy with them, as only other options are bringing campers, outdoor gatherings are always weather permitting. I am to old to be going in and out of a camper and this space would just open up a lot more opportunity for my family and families like mine to enjoy Lake Tschida. It would also be great to see more educational events and activities for kids and families at Lake Tschida, but you need a space to provide those. Weather is just not reliable enough to count on.	The Welcome Center is planned for construction from 2022 to 2024.
General Public (16) 10/12/2021	Camping at Lake Tschida for 50 years. Like to see more growth. "I think there should be a building that will house wedding party's, public meetings, Christmas parties, Family gatherings.	The Welcome Center is planned for construction from 2022 to 2024.

General Public (17) 10/12/2021	"I would love to see the welcome center built. It would be wonderful to have a place to have family gatherings when our family visits from out of state."	The Welcome Center is planned for construction from 2022 to 2024.
ND Parks and Recreation 10/13/2021	Several plant and animal species of concern or significant ecological communities documented within or immediately adjacent to the project site (refer to maps provided).	Reclamation will consider species of concern or significant ecological communities prior to any construction activities
Heart Butte Association 10/14/2021	<p>Although vegetation management is accomplished via grazing, with proper fencing placement this could be accomplished without allowing cattle to enter into the lake. Lake Tschida has an ongoing algae problem which is exacerbated by improper livestock waste management throughout the Heart River watershed. More should be done by the Bureau of Reclamation, the Environmental Protection Agency, and the North Dakota Dept. of Environmental Quality to address the influx of nutrients upstream and within Lake Tschida. The Bureau should implement a vegetation management program at Lake Tschida that does not allow cattle manure to be continually and directly entering the lake through its own vegetation management program. The Bureau and TCJJDA have implemented strict and expensive septic system requirements for the permittees but have done nothing to address the obvious water quality impairment implications from their own livestock grazing program.</p>	<p>Under the grazing program, the reservoir is the main water source for cattle on most pastures on Reclamation lands. Keeping them out of the reservoir is infeasible due to cost to build and maintain water systems and barbed wire fencing at each pasture. Reclamation will consider proposing temporary electric fence along the shoreline in the next grazing permit cycle, which would still allow a path to the water for drinking but would reduce loafing in the water. Additionally, Reclamation will rest the riparian areas on a more frequent basis, which would also reduce cattle in the reservoir. Custer Health is the authority for septic system requirements in Grant County, Reclamation and TCJJDA defer to them for septic system requirements.</p>
	Cultural/Historic Resource Plan, page 6, 2 <sup>nd</sup> paragraph, 2 <sup>nd</sup> sentence reads "Collection of artifacts was common before the land became federal property, and at least one rock shelter was destroyed after trailers were moved in and cabins built." This sentence implies the trailers/cabins are responsible for the destruction of the rock shelter. Unless the Bureau has information that backs up this assertion, this sentence should be re-written in a manner as not to blame the cabin and trailer permittees.	This statement refers to the state of cultural resources around the reservoir. It does not direct blame to any specific party; therefore, the statement will remain as is.
	Cabins and Trailers, Page 7: Public Law No: 114-322 (12/16/2016) - Water Infrastructure Improvements for the Nation Act or the WIIN Act, <a href="#">Subtitle F—Miscellaneous</a>	Added legislation reference into the document under Table 1.

	<p><b>Provisions</b> SEC. 3602. <b>USE OF TRAILER HOMES AT HEART BUTTE DAM AND RESERVOIR (LAKE TSCHIDA)</b> should be referenced as an applicable law authorizing the permitting of trailers on lots at Lake Tschida.</p>	<p>Land Management Framework, Permits, Exclusive Use – Cabin and Trailers. Also located under Section 2.2 Constraints to Recreation Development and Management, Cabin and Trailer Sites</p>
	<p>The lake level drawdown planned during dam repairs (currently estimated for 2024) will dramatically reduce the benefit received by the cabin and trailer permittees. Therefore, the HBA Board of Directors respectfully requests that there not be an increase in the trailer and cabin area lease rates for the fiscal year(s) that Lake Tschida is lowered for dam repairs, continuing until the lake level reaches elevation 2055 feet msl. This same request was made to the TCJJDA at their Oct. 6, 2021 board meeting in Elgin.</p>	<p>Cabin and trailer owners at Heart Butte Reservoir are permitted for use of a lot though a special use authorization per 43 CFR 429. Based on 429.23, use fees are determined through a valuation or competitive bidding process. Since lot permits are not issued through competitive bidding, a valuation must be determined based on fair market value. Under Management Agreement R14MU60001 with Reclamation, TCJJDA must receive fair market value for the lot permits each year.</p>
	<p>Lost, Found, or Abandoned Property, page 9: Since the cabin/trailer permittees are not allowed outside of the recreation season (October – April), the 60-day deadline to claim lost property should be increased to 220 days to accommodate the period when cabin/trailer permittees are not aware that property maybe be missing from their lots.</p>	<p>Adjusted text in RMP to state that a TCJJDA staff member is present year-round. Lost and found items are disposed of the following recreation season and are therefore kept longer than 60 days.</p>
	<p>The Cabin/Trailer permits have special privileges for the use of off road vehicles. These privileges are outlined in Shannon Wangsvick’s August 24, 2021 email to Randy Binegar, HBA President</p>	<p>TCJJDA and Reclamation will continue to monitor all areas of the lake for shoreline driving. Permittees are allowed to access water or offsite developments via off-road vehicles; however, permittees are not allowed to utilize shoreline with off-road vehicle for recreational purposes.</p>
	<p>Section 5.1 Operation Units, MU001 Dam, Five Year Plan, page 31: Year 2023 includes “Begin lake drawdown in fall for next year’s dam repair work.” But Year 2024 does not</p>	<p>The proposed drawdown and dam repair have been moved to 2024 and 2025,</p>

	<p>include any language concerning repair work on the dam. Drawdown in 2023 should not be implemented unless the dam repair work is confirmed to begin in 2024 with finalized contracts in place.</p>	<p>respectively. Language was clarified on Page 34 in both 2024 and 2025 to show that the activity is proposed.</p>
	<p>The HBA Board of Directors has voted to go on record expressing concern that the proposed welcome center will be expanded to include meeting space, entertainment center and activity hall for a 200-person capacity. The HBA Board does support a new building for offices, information, education, and public rest rooms. The Board's concern is based on the lack of a market feasibility study to address realistic expected usage and operating, maintenance and utility costs associated with the large entertainment center. The concern is that future TCJJDA income will be diverted from normal recreation, water development and environmental protection purposes to offset unmet costs and ongoing expenses for the entertainment center.</p>	<p>TCJJDA has complied with all of Reclamation's guidelines in the development of the Welcome Center. As shown in the 5-year and long-range planning sections in the RMP, TCJJDA will continue to provide new recreation facilities and amenities into the future.</p>
	<p>The HBA Board of Directors supports the construction of the proposed emergency and BOR maintenance road connecting Cabin Area 3 and Trailer Area 2. The road should be accessible for walking and bicycling; however, the Board feels the road should have locking gates due to safety concerns for walkers and bicyclists, and to eliminate flow-through traffic through the cabin and trailer areas.</p>	<p>Reclamation and TCJJDA are proposing to construct a public road to connect Trailer Area 2 to Cabin Area 3 to provide a shorter distance and safer access for the public and staff compared to traveling Highway 49. The speed limit would be set in accordance with residential traffic guidelines and in consideration of pedestrian and bicyclist safety guidelines to mitigate any safety concerns for the public.</p>
<p>North Dakota Backcountry Hunters and Anglers 10/14/2021</p>	<p>According to the BOR Heart Butte Reservoir Draft Resource Management Plan Section 2.3 Land Use Authorizations and Land Disposal states "All reservoir lands are currently needed for project purposes and are not available for disposal through sale, lease, or transfer to any other person, agency, or entity". NDBHA is in full support of this language and further emphasizes the importance of keeping all public land in public ownership and fully accessible to public use.</p>	<p>Your comment is noted</p>
<p>North Dakota Department of Water Resources 10/15/2021</p>	<p>There are no FEMA regulatory floodplains identified and/or mapped where this proposed project is to take place. No permits relative to the NFIP are required based on the current effective FIRM and State minimum standards. -In accordance with North Dakota Century Code §61-16.1-38, any construction modifications on Heart Butte Dam, may require a construction permit from the Department of Water</p>	<p>Reclamation will ensure appropriate permits are received prior to any construction work commencing.</p>



	<p>Resources (DWR). Please contact the DWR Regulatory Division at 701-328-2752 if you have any questions. The Department of Water Resources Engineering and Permitting Section reviewed the Project and recommends following North Dakota Stream Crossing Standards for any culvert replacement. Please see <a href="http://www.dwr.nd.gov/reg_approp/otherregulations/">http://www.dwr.nd.gov/reg_approp/otherregulations/</a> for additional guidance.</p>	
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