

# RECLAMATION

*Managing Water in the West*

DK-5000-18-01

## **Finding of No Significant Impact and Final Environmental Assessment for Funding of the Northeast Regional Water District Phase II Project: Cavalier, Pembina, Walsh, Ramsey, Towner, and Benson Counties, North Dakota**

Dakotas Area Office  
Bismarck, North Dakota



U.S. Department of the Interior  
Bureau of Reclamation

September 2018

UNITED STATES DEPARTMENT OF THE INTERIOR

BUREAU OF RECLAMATION  
DAKOTAS AREA OFFICE  
BISMARCK, NORTH DAKOTA

FINDING OF NO SIGNIFICANT IMPACT

OF

FINAL ENVIRONMENTAL ASSESSMENT

FOR

Funding of the Northeast Regional Water District Phase II Project: Cavalier,  
Pembina, Walsh, Ramsey, Towner, and Benson Counties, North Dakota

NO. DK-5000-18-01

Recommended: Kate Kenninger Date: 9/25/18  
Kate Kenninger  
Environmental Specialist  
Dakotas Area Office

Concur: Scott Hettinger Date: 9/25/18  
Scott Hettinger  
Chief, Resources Management  
Dakotas Area Office

Approved: Arden Freitag Date: 9/28/18  
Arden Freitag  
Area Manager  
Dakotas Area Office

## **Mission Statements**

The mission of the Department of the Interior is to protect and provide access to our Nation's natural and cultural heritage and honor our trust responsibilities to Indian Tribes and our commitments to island communities.

The mission of the Bureau of Reclamation is to manage, develop, and protect water and related resources in an environmentally and economically sound manner in the interest of the American public.

## **Introduction**

Issuance of this Finding of No Significant Impact (FONSI) follows the completion of the Environmental Assessment for Funding of the Northeast Regional Water District Phase II Project: Cavalier, Pembina, Walsh, Ramsey, Towner, and Benson Counties, North Dakota

The FONSI describes the reasons for the finding for the proposed action's anticipated impacts insignificant. This document contains the FONSI and Final Environmental Assessment.

**Finding of No Significant Impact  
of  
Environmental Assessment  
for  
Funding of the Northeast Regional Water District Phase II Project: Cavalier,  
Pembina, Walsh, Ramsey, Towner, and Benson Counties, North Dakota**

The Bureau of Reclamation (Reclamation) proposes to fund the construction of the Northeast Regional Water District (NRWD) Phase II Project. The Proposed Action would provide potable water to residents of Cavalier, Pembina, Walsh, Ramsey, Towner, and Benson Counties, North Dakota. Current water supplies in the service area can be very saline and generally unsatisfactory for domestic users, exceeding the Secondary Maximum Contaminant Levels for many parameters.

The NRWD Phase II Project would include (**Figure 1-1**):

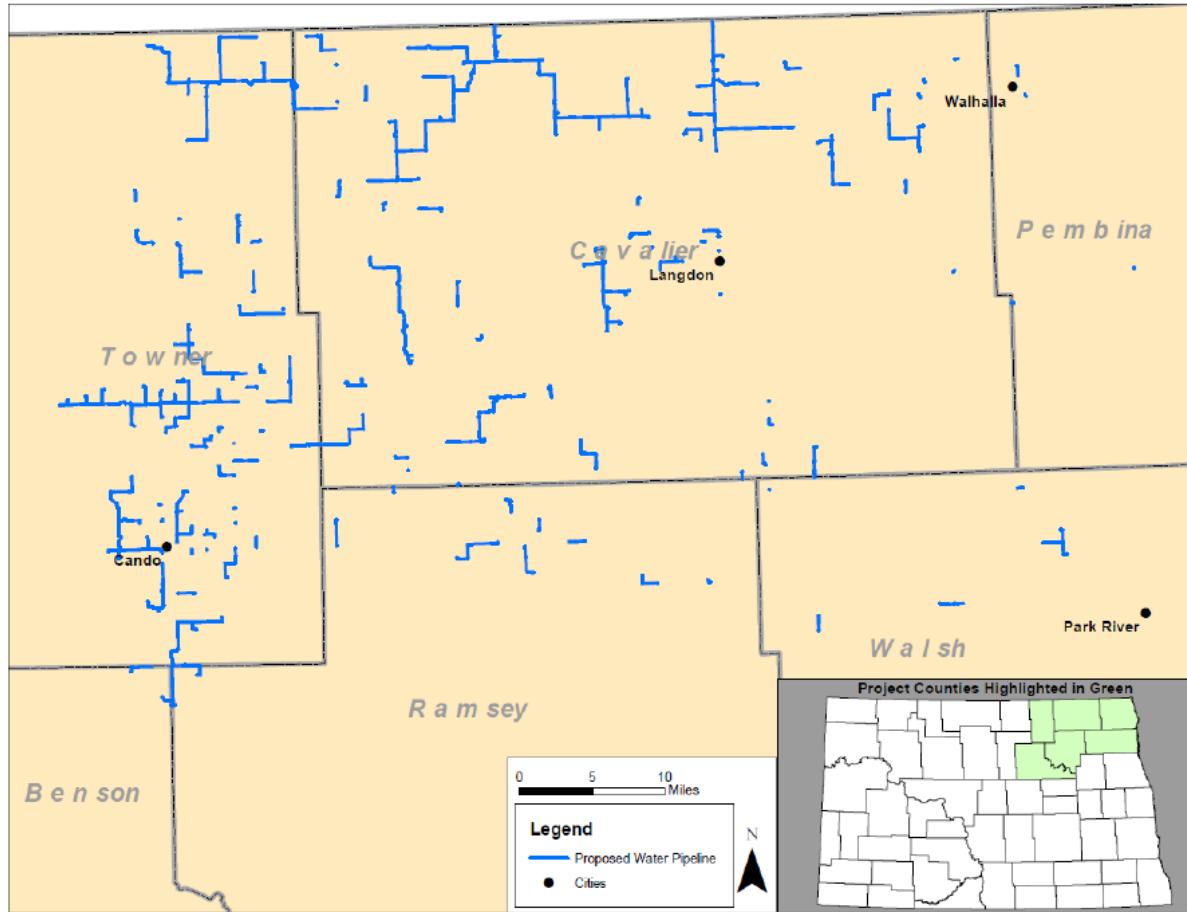
1. The addition of approximately 200 water users in the counties of Cavalier, Pembina, Walsh, Ramsey, Towner, and Benson in North Dakota;
2. NRWD would utilize two water sources to meet the needs of their existing water users and new users. These water sources include the City of Devils Lake (existing wellfield in the Spiritwood Aquifer) and the NRWD (existing wellfield in the Icelandic Aquifer);
3. Approximately 275 miles of the 1.5 to 8.0-inch pipeline;
4. Above-ground appurtenances that include resilient seated gate valves, 1-inch blowoffs, and curb stops;
5. A construction right-of-way (ROW) of 100 feet and a permanent easement of 50 feet;
6. Construction in accordance with the Environmental Commitments as described below and in Chapter 4 of the final EA.

**Six agency responses were received regarding the preparation of the EA in response to Reclamation's scoping notice: Bureau of Indian Affairs, North Dakota Geological Survey, North Dakota Department of Health, North Dakota State Water Commission, United States Department of Agriculture, and the U.S. Army Corps of Engineers. One email response was received from the Devils Lake Wetland Management District (Chapter 5, Agency Consultation and Coordination, and Appendix A of the final Environmental Assessment). No private party responses were received.**

**Six agency responses were received regarding the public release of the draft EA: (pages 8 – 22). No private party responses were received.**

**Two emails responses were received from the Natural Resources Conservation Service and North Dakota Department of Trust Lands advising on easements and state trust lands, respectively. The project has been rerouted to avoid all easements and school trust lands.**

**Figure 1-1. Overview of the Project Area.**



### Agency Decision

**No Action.** The No Action Alternative consists of the future without the proposed federal action, there would be no funding from Reclamation through the Garrison Diversion MR&I Grant Program for the NRWD Phase II Project. The NRWD would need to pursue alternative funding options or not construct the project. The residents of Cavalier, Pembina, Walsh, Ramsey, Towner, and Benson Counties would continue to utilize current sources of water, which in some areas have been known to be high in saline and/or unreliable in quantity.

**Proposed Action.** Reclamation has determined that the Proposed Action, Reclamation's preferred alternative, as described in the Environmental Assessment DK-5000-18-01 will not result in significant impacts to the human and natural environment; therefore, an environmental impact statement will not be prepared. A complete description and analysis of the project's anticipated environmental impacts is contained in the final EA.

*Reclamation defines significance relative to context and intensity in accordance with CEQ Regulations, 40 CFR 1508.27.*

The reasons for the FONSI determination are summarized as follows:

1. All requirements of the National Environmental Policy Act have been met, including public involvement and coordination with Federal, State, and local agencies.
2. This action will not have significant effect on the quality of the human environment.
3. With regard to public health and safety, the action will have a beneficial impact as approximately 200 water users would receive a reliable and high quality water source.
4. This action will not have significant impacts on such natural resources and unique geographic characteristics as historic or cultural resources; park, recreation or refuge lands; wilderness areas; wild or scenic rivers; national landmarks; sole or principal drinking water aquifers; prime farmlands; wetlands (Executive Order 11990); floodplains (Executive Order 11988); national monuments; migratory birds; and other ecologically significant or critical areas.
5. This action will not have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks.
6. This action will not establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects.
7. The action will not have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects.
8. All stipulations of the National Historic Preservation Act and other applicable Federal laws, regulations, and guidelines concerning cultural resources will be satisfied prior to construction. Avoidance measures have been incorporated into the project's design to reduce or eliminate impacts to historic properties. Five new historic properties were identified during the Class III inventory. Of the five newly recorded cultural resources, four are not eligible for the National Register of Historic Places (NRHP) with no further work or avoidance measures being recommended. The remaining newly recorded site is currently *unevaluated* for the NRHP. The pipeline was rerouted to avoid the site and no further work or avoidance measures are required. Reclamation has determined that Proposed Action would have no adverse effect on historic properties. Reclamation's Area Archaeologist submitted a copy of the Class II and Class III cultural resources report (Morrison 2018) and a consultation letter to the North Dakota State Preservation Office (NDSHPO) on April 5, 2018. The NDSHPO replied with concurrence to Reclamation's finding of, **No Historic Properties Adversely Affected**, for the proposed project (NDSHPO REF.: 18-0652; April 9, 2018).
9. Reclamation has determined the Proposed Action will have no effect to the whooping crane, piping plover and its designated critical habitat, rufa red knot, gray wolf, and northern long-eared bat.
10. All applicable Federal and State environmental laws, regulations, and executive orders will be adhered to.
11. All stipulations of the Clean Water Act and other applicable Federal laws, regulations, and guidelines concerning wetlands and water resources will be satisfied prior to construction. Environmental commitments include the coordination with U.S. Army Corps of Engineers and U.S. Fish and Wildlife Service prior to construction, as necessary.

12. Reclamation has determined the Proposed Action will have no impacts to Indian Trust Assets.
13. Reclamation is including a list of environmental commitments as part of the proposed action to be implemented in order to (a) prevent, minimize, or offset the occurrence of potential adverse environmental effects and (b) ensure compliance with applicable Federal and State regulations designed to protect fish and wildlife resources, important habitats and sensitive areas, cultural and paleontological resources, human health and safety, and the public interest.

## **Environmental Mitigation Commitments of the Community Alternative**

This section presents environmental commitments which have been developed by Reclamation in consultation with Federal and State agencies, the Tribes, and the public through responses to scoping. These commitments are included as an inseparable component of this Proposed Action and are designed to offset potential for significant environmental effects resulting from the Proposed Action.

As sponsor of the Project, NRWD will be responsible for complying with these commitments. Should this project be constructed, NRWD will ensure that these commitments are implemented and followed prior to and/or during construction of the Project, as these commitments are required for Reclamation funding. Appropriate environmental commitments will be incorporated into the designs and construction contracts and specifications of the project.

An Interagency Environmental Review Team, with appropriate agency representation, may be assembled to review environmental compliance in the field, as needed.

These environmental commitments will be implemented to (1) prevent, minimize, or offset the occurrence of potential for adverse environmental effects and (2) ensure compliance with applicable Federal and State regulations designed to protect fish and wildlife resources, important habitats and sensitive areas, cultural and paleontological resources, human health and safety, and the public interest.

<b>General Best Management Practices</b>
Comply with all appropriate Federal, State, and Local laws.
Follow recommended practices for construction, restoration, and maintenance.
Dump grounds, trash piles, and potential hazardous waste sites will be avoided.
Standard construction, industry measures will be taken to minimize fugitive dust emissions during construction activities. Any complaints that may arise will be dealt with in a timely and effective manner.
Equipment would be washed prior to entering the construction site to prevent the spread of noxious and invasive species.
<b>Surface Water and Wetlands</b>
When pipeline construction through a wetland basin is unavoidable existing basin contours will be restored and trenches will be sufficiently compacted to prevent any drainage along the trench or through bottom seepage.
NRWD will be responsible to comply with the Clean Water Act and avoid permanent impacts to isolated wetlands to the extent practicable either through coverage under a Section 404 permit or through an applicable Nationwide Permit.
Woody species including those bordering wetlands, shelterbelts, riparian woodlands, woody draws, or woodland vegetation will be avoided to the extent possible. For unavoidable impacts to woody habitats, replacement plants at a 2:1 ratio of appropriate speciation will be planted.
Erosion control measures will be employed as appropriate:

(a) Care will be exercised to preserve existing trees.
(b) Stabilization, erosion controls, restoration, and re-vegetation of all streambeds and embankments will be performed as soon as a stream crossing is completed and maintained until stable.
Riparian woody shrubs and trees will be replanted where and as necessary to preserve the shading characteristics of the watercourse and the aesthetic nature of the streambank.
If surface water or ground water is diverted for construction a water permit will be required by the North Dakota State Water Commission (NDSWC).
If an observation well is encountered and must be removed during construction activities, NRWD must contact the Water Appropriations Division of the NDSWC.
Pipelines as proposed currently cross a sovereign/navigable waterbody, a Sovereign Land Permit is required to be submitted by NRWD to the NDSWC.
As the project is proposed in or near regulatory floodplain, Zone A, NRWD must contact the local floodplain administrator per NDSWC.
NRWD will ensure the USFWS is provided with the latest-version route maps of the pipeline delivery system to ensure that the USFWS appropriate Refuge and Wetland Management District personnel can identify where the pipeline and USFWS lands, including wetland and grassland easements, national wildlife refuges, waterfowl production areas or other USFWS lands interface, allowing for identification of an avoidance route for the contractor or application of the appropriate approvals and/or rights-of-way.

## **Fish and Wildlife Species and Habitat**

**To the extent possible**, construction will avoid:

- Wetlands
- Federal, State, and Local wildlife areas and refuges
- Designated critical habitats
- Migratory bird habitats during the nesting brood rearing season (February 1 – July 15)

To minimize impacts to fisheries resources any stream identified as a fishery (fisheries – confirm with ND Game and Fish Department) that cannot be directionally bored will be avoided from April 15 to June 1 and crossed later in the summer or fall when flows are low or the stream is dry.

Construction within 660 feet of visible nesting bald eagles will be avoided from February through August.

If threatened or endangered species are identified and encountered during construction, all ground-disturbing activities in the immediate area will be stopped until Reclamation can consult with the USFWS to determine appropriate steps to avoid impacting the species.

Native prairie will be avoided to the extent possible. However, if native prairie sod must be broken, existing topsoil will be carefully salvaged and replanted with native grasses in a timely manner, with a seed mix recommended by the local Natural Resources Conservation Service (NRCS) and approved by Reclamation and the landowner.

Any new signage will be placed in a manner as to not allow raptors to perch by covering the top two holes of the post.

NRWD assumes responsibility to ensure mitigation for all unavoidable wetland and other wildlife habitat losses with equivalent (like) habitat in accordance with local, state and federal regulations.

NRCS requires a Form AD-1006 be completed for all above ground areas to document conversion of farmland to non-agriculture use when federal funding is used.

## **Cultural Resources**

All cultural resource investigations will be performed according to the procedures specified in the programmatic agreement among Reclamation, the NDSHPO, and the Advisory Council on Historic Preservation for Reclamation activities in North Dakota. Cultural resource inventories will be performed under the direction of an archaeologist that meets the Secretary of the Interior's Professional Qualification Standards (48 FR 22716, Sept. 1983). All appropriate cultural resource activities will be completed prior to the commencement of ground-disturbing activities, including Class I, Class II, and Class III surveys and consultation with the NDSHPO. All cultural resources, except those exempted in the programmatic agreement, will be avoided if their significance cannot be established prior to disturbance. If avoidance is not practicable, Reclamation, in consultation with the SHPO would determine if the site is eligible for nomination to the

National Register of Historic Places [36CFR800.4(c) and 36CFR60.4]. If the site is eligible as a historic property, initially Reclamation, SHPO, and other interested parties, depending on the type of property, will consult to determine a plan of mitigation. If an adverse effect cannot be avoided, the Advisory Council on Historic Preservation will be contacted. All ensuing activities will comply with the NHPA, as amended, and the Archaeological Resource Protection Act (ARPA).

The Tribes will be consulted concerning the locations of unmarked burials or cemeteries. All such burials or cemeteries will be avoided to the extent possible. If a burial or cemetery cannot be avoided or is encountered during construction, Reclamation will comply with the Native American Graves Protection and Repatriation Act if graves are discovered on Federal or trust lands or within reservation boundaries. Reclamation will comply with North Dakota Century Code 23-06-27: "Protection of Human Burial Sites, Human Remains, and Burial Goods" for graves on private or State-owned lands.

If previously undiscovered cultural resources are exposed during any activities, work within the area shall cease. The site will be secured and protected. Project work at the site will not resume until all activities needed to comply with the Protection of Historic Properties (36 CFR Part 800.13) have been completed. Reclamation will consult with NDSHPO and the Advisory Council on Historic Preservation on its determination as to whether the discovery qualifies as a historic property. Project work can continue under the advisement of the Project Archaeologist meeting the Secretary of the Interior's Professional Qualification Standards (48 FR 22716, Sept. 1983).

In the event of an inadvertent discovery of human remains or funerary objects, all work at the find spot and in the immediate vicinity shall cease. The site will be secured and protected until Reclamation officials and the NDSHPO have been notified and arrive on site. Protection of the discovery site may include flagging the discovery location with a buffer zone around it, tarping the find spot, and having an individual stay at the location to prevent further disturbance. Contact information for the individual who discovered the site must be provided to Reclamation and the NDSHPO. No digging, collecting, or moving human remains or other items will occur after the initial discovery. Reclamation will comply with the Native American Graves Protection and Repatriation Act (25 U.S.C. 3001 et. seq. [Nov. 16, 1990]) if graves are discovered on Federal or trust lands or within reservation boundaries. Reclamation will comply with North Dakota Century Code 23-06-27: "Protection of Human Burial Sites, Human Remains, and Burial Goods" for graves on private or State-owned lands.

Under the National Register Bulletin 38, Guidelines for Evaluating and Documenting Traditional Cultural Properties (TCP), a TCP is an historic property that derives its significance from the role it plays in a community's historically rooted beliefs, customs, and practices. If a potential TCP is discovered during the course of implementing the project, all work in its vicinity must halt. Reclamation and the appropriate Tribal Historic Preservation Officer(s) (THPO) will be notified and would be responsible for determining the appropriate course of action.

Under the Archaeological Resources Protection Act (16 U.S.C. 470aa-470mm; Public Law 96-95 [1979]), historic properties, which may include rock art sites, historic buildings or structures, or historic or prehistoric artifacts, are protected. Unauthorized collecting or digging, vandalism, or other methods of destruction to historic properties are not permitted. Therefore, Reclamation and the NDHPO will be notified if construction personnel discover evidence these types of activities.

### Paleontological Resources

Reclamation consulted with North Dakota Geological Survey to identify areas for paleontological survey where significant fossils are likely. If fossils are encountered, Reclamation will contact the State of North Dakota Geological Survey for further information.

## Future Modifications and Changes

Major changes or modifications to the proposed action would be addressed through additional NEPA and NHPA compliance.



## United States Department of the Interior

### BUREAU OF RECLAMATION

Great Plains Region

Dakotas Area Office

P.O. Box 1017

Bismarck, ND 58502-1017

AUG 9 2018

IN REPLY REFER TO  
DK-5000-18-01  
ENV-6.00

**Subject:** Bureau of Reclamation's Release of the Draft Environmental Assessment for the Funding of the Northeast Regional Water District Phase II Project: Cavalier, Pembina, Walsh, Ramsey, Towner, and Benson Counties, North Dakota

Dear Interested Party:

The Bureau of Reclamation has prepared a draft Environmental Assessment (EA) for the funding of the Northeast Regional Water District Phase II Project. Reclamation is the lead Federal agency responsible for ensuring compliance with the National Environmental Policy Act, National Historic Preservation Act, and related federal environmental and cultural resource legislation. The EA presents the Proposed Action Alternative and evaluates the potential impacts to the human and natural environment associated with the Proposed Action Alternative in comparison with the No Action Alternative.

Reclamation will use this draft EA and any review comments to determine whether the project will have any significant impacts on the human and natural environment. If no significant issues are identified, Reclamation would issue a Finding of No Significant Impact (FONSI) and final EA. If significant issues are identified, we may consider the preparation of an Environmental Impact Statement (EIS).

Reclamation defines significance in accordance with 40 CFR 1508.27.

A copy of the draft EA is located at <https://www.usbr.gov/gp/dkao/index.html>. Hardcopies of the draft EA may be obtained by calling Kate Kenninger, Natural Resource Specialist, at 701-221-1282 or by requesting in writing from Area Manager, Bureau of Reclamation, P.O. Box 1017, Bismarck, North Dakota, 58502

We would appreciate your review and comments on the draft EA. The review period will be open until September 15, 2018. Comments may be submitted in writing to: Kate Kenninger, Dakotas Area Office, P.O. Box 1017, Bismarck, ND 58502-1017, email [kkenninger@usbr.gov](mailto:kkenninger@usbr.gov) or by calling 701-221-1282.

Sincerely,

Arden Freitag  
Area Manager



Doug Burgum, Governor

Melissa Baker, Director

1600 East Century Avenue, Suite 3

Bismarck, ND 58503-0649

Phone 701-328-5357

Fax 701-328-5363

E-mail [parkrec@nd.gov](mailto:parkrec@nd.gov)

[www.parkrec.nd.gov](http://www.parkrec.nd.gov)

August 17, 2018

Arden Freitag  
US DOI BOR  
Great Plains Region 0 Dakotas Areas Office  
PO Box 1017  
Bismarck, ND 58502-1017

RE: Draft EIS NE Regional Water District Phase II Project

Dear Arden,

The North Dakota Parks and Recreation Department has reviewed the above referenced proposed Draft EIS NE Regional Water District Phase II Project in Cavalier, Pembina, Walsh, Ramsey, Towner and Benson Counties, North Dakota.

Our agency scope of authority and expertise covers recreation and biological resources (in particular rare plants and ecological communities). The project as defined does not affect state park lands that we manage but may affect Land and Water Conservation Fund recreation projects that we coordinate. A map with LWCF project locations has been attached. All LWCF sites received assistance from the federal LWCF program and are under protection of section 6(f) of the LWCF Act. Any property taken from within the 6f boundary of these sites must be replaced with property of equal market value. Should any public or private utilities need to be added or relocated on the LWCF recreational lands, the NDPRD must be consulted prior to any action taken. Please contact Erik Dietrich at 701-328-5366 or [erdietrich@nd.gov](mailto:erdietrich@nd.gov) if additional LWCF information is needed

The North Dakota Natural Heritage biological conservation database has reviewed the project to determine if any current or historical plant or animal species of concern or other significant ecological communities are known to occur within an approximate one-mile radius of the project area. Based on this review, we have several rare species or significant ecological community documented within or adjacent to project site. Please see the attached spreadsheet and map for more information on these occurrences.

Because this natural heritage information is not based on a comprehensive inventory, there may be species of concern or otherwise significant ecological communities in the area that are not represented in the database. The lack of data for any project area cannot be construed to mean that no significant features are present. The absence of data may indicate that the project area has not been surveyed, rather than confirm that the area lacks natural heritage resources.

We appreciate your commitment to rare plant, animal and ecological community conservation, management and inter-agency cooperation to date. For additional information, please contact me at (701-328-5370 or [kgduttenhefner@nd.gov](mailto:kgduttenhefner@nd.gov)). Thank you for the opportunity to comment on this proposed project.

Sincerely,

A handwritten signature in black ink, appearing to read "Kathy Duttenhefner".

Kathy Duttenhefner, Coordinator  
Natural Resources Division

R.USNDNHI\*2018\_098KD8.17.2018DL9.15.2018

OFFICIAL FILE COPY RECEIVED		
AUG 23 2018		
REPLY DATE		
INFO. COPY TO:		
DATE	INITIAL	TO
		Kate
CLASSIFICATION		
PP Play in our backyard!		
CONTROL NO.		
FOLDER I.D.		

North Dakota Natural Heritage Inventory  
Rare Animal and Plant Species and Significant Ecological Communities

State Scientific Name	State Common Name	State Rank	Global Rank	Federal Status	Township Range Section	County	Last Observation	Estimated Representation Accuracy	Precision
<i>Athyrium filix-femina</i>	Northern Lady-Fern	S3	G5		163N058W - 24	Cavalier	1984-07-03		S
<i>Betula papyrifera/corylus cornuta</i> forest	Paper Birch Forest	S3	GNR		163N058W - 35; 163N058W - 36	Cavalier	1984-07-03		S
<i>Botrychium minganense</i>	Moanwort	S1	G4		163N058W - 22	Cavalier	1984-08-09		S
<i>Carex alopecoidea</i>					163N056W - 21; 163N056W - 11; 162N056W - 15;				
<i>Carex atherodes</i> - <i>schizophloia</i> <i>festucacea</i>	Slough Sedge Shallow Marsh	S2	G5		163N056W - 07; 163N056W - 33; 163N056W - 12;				
<i>Carex rostrata</i> - <i>c. lacustris</i> - [ <i>c. vesicaria</i> ] wetland	Sedge Meadow	S233	GNR		163N056W - 10; 163N056W - 23; 163N056W - 34;				
<i>Chrysomus eos</i>	Northern Redbelly Dace	S4	G5		162N057W - 17; 163N056W - 09; 163N056W - 35;				
<i>Cypripedium parviflorum</i>	Small Yellow Lady's-slipper Orchid	S2	G5		163N056W - 17; 163N056W - 25; 163N056W - 15;				
<i>Empidonax alnorum</i>	Alder Flycatcher	SU	G5		163N057W - 26; 163N056W - 16				
<i>Equisetum sylvaticum</i>	Wood Horsetail	S2	G5		163N058W - 27				
<i>Equisetum sylvaticum</i>	Wood Horsetail	S2	G5		162N058W - 06	Cavalier	1984-08-09		S
<i>Eriophorum virgaticarinatum</i>					158N057W - 12; 158N057W - 01	Cavalier	1984-08-17		S
<i>Fraxinus nigra</i>	Black Ash	S2	G5		163N057W - 29; 163N057W - 21; 163N057W - 19;	Walsh	1964-06-14		S
<i>Fraxinus pennsylvanica</i> - <i>celtis</i> spp. - <i>tilia americana</i> - mixed forest	Eastern Hardwood Forest	S3	GNR		163N057W - 32; 163N057W - 30; 163N057W - 28;				
<i>Habenaria deflexa</i>	Spurred Gentian	S3	G5		163N057W - 31; 163N057W - 33; 163N057W - 20	Cavalier	1970		M
<i>Habenaria deflexa</i>					163N057W - 29	Cavalier	1981-09-03		S
<i>Linnaea borealis</i>	Twinflower	S4	G5		163N058W - 14; 163N058W - 23	Cavalier	1984-06-22		S
<i>Linnaea borealis</i>	Twinflower	S4	G5		163N058W - 23	Cavalier	1984-08-06		S
<i>Linnaea borealis</i>	Twinflower	S4	G5		163N058W - 09; 163N055W - 31; 163N056W - 11;				
<i>Linnaea borealis</i>	Twinflower	S4	G5		163N057W - 36; 163N056W - 05; 163N057W - 26;				
<i>Linnaea borealis</i>	Twinflower	S4	G5		163N057W - 15; 162N057W - 01; 163N055W - 08;				
<i>Linnaea borealis</i>	Twinflower	S4	G5		163N055W - 30; 163N056W - 14; 164N056W - 31;				
<i>Linnaea borealis</i>	Twinflower	S4	G5		163N056W - 12; 163N057W - 24; 163N056W - 06;				
<i>Linnaea borealis</i>	Twinflower	S4	G5		164N057W - 35; 163N057W - 14	Cavalier	1938-07-07		
<i>Linnaea borealis</i>	Twinflower	S4	G5		163N059W - 12	Cavalier	1984-08-07		S
<i>Linnaea borealis</i>	Twinflower	S4	G5		163N057W - 29	Cavalier	1981-09-03		S
<i>Linnaea borealis</i>	Twinflower	S4	G5		163N058W - 24	Cavalier	1984-07-03		S
<i>Linnaea borealis</i>	Twinflower	S4	G5		163N058W - 22	Cavalier	1984-08-09		S
<i>Linnaea borealis</i>	Twinflower	S4	G5		163N058W - 23	Cavalier	1984-08-06		S
<i>Linnaea borealis</i>	Twinflower	S4	G5		163N058W - 22	Cavalier	1984-06-19		S
<i>Linnaea borealis</i>	Twinflower	S4	G5		163N058W - 22	Cavalier	1984-08-09		S
<i>Linnaea borealis</i>	Twinflower	S4	G5		163N058W - 23	Cavalier	1984-08-06		S
<i>Linnaea borealis</i>	Twinflower	S4	G5		163N058W - 23	Cavalier	1984-08-06		S
<i>Linnaea borealis</i>	Twinflower	S4	G5		163N058W - 23; 163N058W - 14	Cavalier	1984-06-22		S
<i>Linnaea borealis</i>	Twinflower	S4	G5		163N058W - 24	Cavalier	1984-07-03		S

North Dakota Natural Heritage Inventory  
Rare Animal and Plant Species and Significant Ecological Communities

State Scientific Name	State Common Name	State Rank	Global Rank	Federal Status	Township Range Section	County	Last Observation	Estimated Representation Accuracy	Precision
<i>Nilmus polyglottos</i>					161N066W - 05; 161N057W - 09; 161N066W - 30; 161N066W - 22; 162N057W - 24; 162N056W - 24; 161N067W - 10; 161N056W - 18; 162N056W - 29; 161N067W - 15; 161N057W - 27; 161N057W - 12; 161N067W - 23; 162N057W - 15; 162N057W - 33;				
<i>Nittella nuda</i>		SU	G5		161N066W - 15; 161N057W - 02	Towner	1943-08-08		G
<i>Oporornis philadelphicus</i>		S3	G5		163N058W - 14; 163N058W - 23	Cavalier	1984-06-22		S
<i>Oreothlypis superciliosa</i>					163N056W - 29; 163N056W - 12; 164N057W - 36; 163N056W - 10; 163N056W - 08; 163N056W - 13; 162N056W - 17; 163N056W - 09; 164N057W - 35; 163N056W - 14; 163N056W - 25; 163N056W - 15; 163N056W - 26; 162N057W - 04; 163N056W - 21;				
<i>Oxytropis deflexa</i>					163N056W - 17; 163N056W - 28	Cavalier, Pembina	1912-07-08		G
<i>Mourning Warbler</i>		S4	G5		161N060W - 13; 161N059W - 34; 161N059W - 05; 160N060W - 11; 161N059W - 22; 160N060W - 10; 161N059W - 32; 161N059W - 23; 161N060W - 08; 161N059W - 33; 162N050W - 25; 161N059W - 18; 162N060W - 27; 162N060W - 35; 161N060W - 21; 161N059W - 04; 161N059W - 28				
<i>Pascopyrum smithii - stipa comata prairie</i>					163N057W - 17; 163N057W - 18	Cavalier	1983-06-18		S
<i>Pascopyrum smithii - stipa comata prairie</i>	Central Mixed Grass Prairie	S2	GNR		163N058W - 23	Cavalier	1984-08-06		S
<i>Pascopyrum smithii - stipa comata prairie</i>	Central Mixed Grass Prairie	S2	GNR		163N058W - 25	Cavalier	1984-07-19		S
<i>Piptatherum pungens</i>	Slender Mountain-ricegrass	S2	G5		163N058W - 23	Cavalier	1984-08-06		S
<i>Polygonum punctatum</i>	Dotted Smartweed	S3	G5		163N058W - 22	Cavalier	1984-08-09		S
<i>Polygonum punctatum</i>	Dotted Smartweed	S3	G5		163N058W - 23	Cavalier	1984-08-06		S
<i>Populus tremuloides/corylus cornuta</i>	Western Aspen Woodland	S3	GNR		163N058W - 22	Cavalier	1984-08-09		S
<i>Populus tremuloides/corylus cornuta</i>	Western Aspen Woodland	S3	GNR		163N058W - 23	Cavalier	1984-08-08		S
<i>Quercus macrocarpa/amelanchier alnifolia/aralia nudicaulis forest</i>	Bur Oak Forest	S3	GNR		163N058W - 23	Cavalier	1984-08-06		S
<i>Schizachyrium scoparium - bouteloua spp.</i>	Western Little Bluestem Prairie	S2	GNR		159N067W - 12; 159N067W - 13	Towner	1985-07-13		S
<i>Scirpus spp. - typha spp. mixed inland</i>	Mixed Emergent Marsh	S3	GNR		163N058W - 23	Cavalier	1984-08-06		S
<i>Great plains wetland</i>									

North Dakota Natural Heritage Inventory  
Rare Animal and Plant Species and Significant Ecological Communities

State Scientific Name	State Common Name	State Rank	Global Rank	Federal Status	Township Range Section	County	Last Observation	Estimated Representation Accuracy	Precision
<i>Scripus spp. - typha spp. mixed inland great plains wetland</i>	Mixed Emergent Marsh	S3	GNR		163N058W - 25		Cavalier	1984-07-19	S
					163N056W - 29; 163N055W - 30; 162N056W - 09;				
					163N057W - 23; 162N057W - 10; 163N056W - 30;				
					163N056W - 11; 162N056W - 08; 163N057W - 24;				
<i>Utricularia intermedia</i>	Flat-leaved Bladderwort	S2	G5		162N056W - 12; 163N057W - 34; 162N056W - 07;				
					162N056W - 22; 163N057W - 25; 162N056W - 11;				
					162N056W - 06; 163N056W - 02				
					163N056W - 29; 163N055W - 30; 162N056W - 09;				
					163N057W - 23; 162N057W - 10; 163N056W - 30;				
					163N056W - 11; 162N056W - 08; 163N057W - 24;				
					162N056W - 12; 163N057W - 34; 162N056W - 07;				
					162N056W - 22; 163N057W - 25; 162N056W - 11;				
<i>Utricularia minor</i>	Lesser Bladderwort	S2	G5		162N056W - 06; 163N056W - 02				
					162N056W - 22; 163N057W - 25; 162N056W - 11;				
					162N056W - 06; 163N056W - 02				
					Cavalier, Pembina	1902-08-12			G

#### **North Dakota Natural Heritage Inventory Biological and Conservation Data Disclaimer**

The quantity and quality of data collected by the North Dakota Natural Heritage Inventory are dependent on the research and observations of many individuals and organizations. In most cases, this information is not the result of comprehensive or site-specific field surveys; many natural areas in North Dakota have never been thoroughly surveyed, and new species are still being discovered. For these reasons, the Natural Heritage Inventory cannot provide a definite statement on the presence, absence, or condition of biological elements in any part of North Dakota. Natural Heritage data summarize the existing information known at the time of the request. Our data are continually upgraded and information is continually being added to the database. This data should never be regarded as final statements on the elements or areas that are being considered, nor should they be substituted for on-site surveys.

#### **Estimated Representation Accuracy**

Value that indicates the approximate percentage of the Element Occurrence Representation (EO Rep) that was observed to be occupied by the species or community (versus buffer area added for locational uncertainty). Use of estimated representation accuracy provides a common index for the consistent comparison of EO reps, thus helping to ensure that aggregated data are correctly analyzed and interpreted.

- Very high (>95%)
- High (>80%, <= 95%)
- Medium (>20%, <= 80%)
- Low (>0%, <= 20%)
- Unknown
- (null) - Not assessed

#### **Precision**

A single-letter code for the precision used to map the Element Occurrence (EO) on a U.S. Geological Survey (USGS) 7.5' (or 15') topographic quadrangle map, based on the previous Heritage methodology in which EO's were located on paper maps using dots.

S - Seconds: accuracy of locality mappable within a three-second radius; 100 meters from the centerpoint

M - Minute: accuracy of locality mappable within a one-minute radius; 2 km from the centerpoint

G - General: accuracy of locality mappable to map or place name precision only; 8 km from centerpoint

U - Unmappable

**Land and Water Conservation Fund Projects**

<u>Project Name</u>	<u>Project Number</u>
Alsen Multi-Purpose Court	38-00460
Alsen Picnic Shelter	38-00187
Big Coulee Dam & Recreation Complex	38-00108
Bodensteiner Acquisition	38-01318
Cando Golf Course	38-00811
Cando Ice Rink	38-00880
Cando Pool & Park Area	38-00147
Cando Recreation Improvements	38-00325
Cando Tennis Court	38-00640
Edinburgh Multi-Purpose Court	38-00479
Edinburgh Tennis Renovation	38-01083
Egeland Camping Facilities	38-00859
Egeland Recreation	38-00644
Hannah Park Improvements	38-00707
Langdon Golf Course	38-00267
Langdon Park	38-00214
Langdon Park & Pool Improvements	38-01237
Langdon Park Improvement #2	38-00372
Langdon Park Improvements	38-01155
Langdon Playground Equipment	38-01124
Langdon Softball Fields	38-00700
Munich Ball Park	38-00408
Munich Park	38-00142
Munich Park Improvements	38-01158
Rock Lake Tennis Court	38-00793
Wales Multi-Purpose Court	38-00682
Wales Park Development	38-00948
Walhalla Historic Park	38-00117
Walhalla Playground	38-01208
Walhalla Pool Improvement	38-01007
Walhalla Swimming Pool Renovation	38-00277
Wallhalla Riverside Park Campground Renovation	38-01296

## Recreational Trails Program Projects

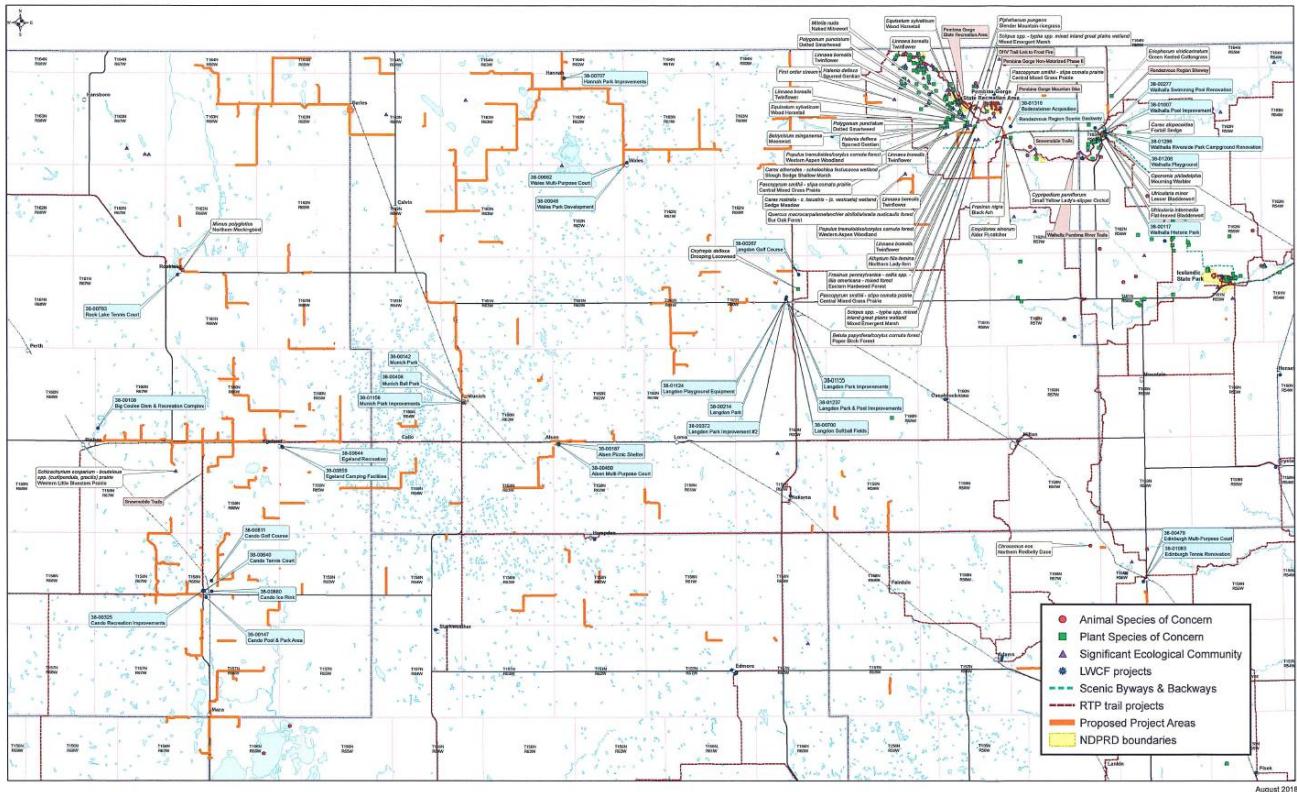
<u>Project Name</u>	<u>Project Number</u>
OHV Trail Link to Frost Fire	201705
Pembina Gorge Mountain Bike	201706
Pembina Gorge Non-Motorized Phase II	201414
Pembina Gorge State Recreation Area	Multiple
Rendezvous Region Bikeway	98004
Snowmobile Trails	Multiple
Walhalla Pembina River Trails	27008

Scenic Byways and Backways

Name

Rendezvous Region Scenic Backway

North Dakota Parks and Recreation Department  
North Dakota Natural Heritage Inventory





## ENVIRONMENTAL HEALTH SECTION

Gold Seal Center, 918 E. Divide Ave.

Bismarck, ND 58501-1947

701.328.5200 (fax)

www.ndhealth.gov

OFFICIAL FILE COPY



2018

REPLY DATE

INFO. COPY TO:		
DATE	INITIAL	TO
7/30/18	KYC	Kate

CLASSIFICATION

PROJECT

CONTROL NO.

FOLDER I.D.

August 24, 2018

Ms. Kate Kenninger  
Dakotas Area Office  
P.O. Box 1017  
Bismarck, ND 58502-1017

Re: Draft EA for Funding of the Northeast Regional Water District Phase II Project  
Cavalier, Pembina, Walsh, Ramsey, Towner and Benson Counties

Dear Ms. Kenninger:

This department has reviewed the information concerning the above-referenced project submitted under date of August 9, 2018, with respect to possible environmental impacts.

This department believes that environmental impacts from the proposed construction will be minor and can be controlled by proper construction methods. With respect to construction, we have the following comments:

1. Care is to be taken during construction activity near any water of the state to minimize adverse effects on a water body. This includes minimal disturbance of stream beds and banks to prevent excess siltation, and the replacement and revegetation of any disturbed area as soon as possible after work has been completed. Caution must also be taken to prevent spills of oil and grease that may reach the receiving water from equipment maintenance, and/or the handling of fuels on the site. Guidelines for minimizing degradation to waterways during construction are attached.
2. Projects disturbing one or more acres are required to have a permit to discharge storm water runoff until the site is stabilized by the reestablishment of vegetation or other permanent cover. Further information on the storm water permit may be obtained from the Department's website or by calling the Division of Water Quality (701-328-5210). Also, cities may impose additional requirements and/or specific best management practices for construction affecting their storm drainage system. Check with the local officials to be sure any local storm water management considerations are addressed.
3. The proposed construction project(s) have the potential to overlie several defined glacial drift aquifers and sensitive groundwater areas. Aquifers include: Spiritwood-Devils Lake, Spiritwood, Munich, Starkweather, Pembina Delta (sensitive groundwater area), Pembina River (sensitive groundwater area), and several unnamed aquifers. In addition, the cities of Langdon, Cando, and Park River source water protection areas may lie in close proximity to and/or underlie site-specific locations within the extent of the project. Care should be taken

Environmental Health  
Section Chief's Office  
701.328.5150

Division of  
Air Quality  
701.328.5188

Division of  
Municipal Facilities  
701.328.5211

Division of  
Waste Management  
701.328.5166

Division of  
Water Quality  
701.328.5210

Printed on recycled paper.

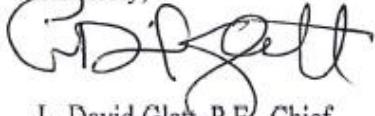
to avoid spills of any materials that may have an adverse effect on groundwater quality. All spills must be immediately reported to this Department and appropriate remedial actions performed.

The department owns no land in or adjacent to the proposed improvements, nor does it have any projects scheduled in the area. In addition, we believe the proposed activities are consistent with the State Implementation Plan for the Control of Air Pollution for the State of North Dakota.

These comments are based on the information provided about the project in the above-referenced submittal. The U.S. Army Corps of Engineers may require a water quality certification from this department for the project if the project is subject to their Section 404 permitting process. Any additional information which may be required by the U.S. Army Corps of Engineers under the process will be considered by this department in our determination regarding the issuance of such a certification.

If you have any questions regarding our comments, please feel free to contact this office.

Sincerely,



L. David Glatt, P.E., Chief  
Environmental Health Section

LDG:cc

Attach.



### **Construction and Environmental Disturbance Requirements**

These represent the minimum requirements of the North Dakota Department of Health. They ensure that minimal environmental degradation occurs as a result of construction or related work which has the potential to affect the waters of the State of North Dakota. All projects will be designed and implemented to restrict the losses or disturbances of soil, vegetative cover, and pollutants (chemical or biological) from a site.

#### **Soils**

Prevent the erosion of exposed soil surfaces and trapping sediments being transported. Examples include, but are not restricted to, sediment dams or berms, diversion dikes, hay bales as erosion checks, riprap, mesh or burlap blankets to hold soil during construction, and immediately establishing vegetative cover on disturbed areas after construction is completed. Fragile and sensitive areas such as wetlands, riparian zones, delicate flora, or land resources will be protected against compaction, vegetation loss, and unnecessary damage.

#### **Surface Waters**

All construction which directly or indirectly impacts aquatic systems will be managed to minimize impacts. All attempts will be made to prevent the contamination of water at construction sites from fuel spillage, lubricants, and chemicals, by following safe storage and handling procedures. Stream bank and stream bed disturbances will be controlled to minimize and/or prevent silt movement, nutrient upsurges, plant dislocation, and any physical, chemical, or biological disruption. The use of pesticides or herbicides in or near these systems is forbidden without approval from this Department.

#### **Fill Material**

Any fill material placed below the high water mark must be free of top soils, decomposable materials, and persistent synthetic organic compounds (in toxic concentrations). This includes, but is not limited to, asphalt, tires, treated lumber, and construction debris. The Department may require testing of fill materials. All temporary fills must be removed. Debris and solid wastes will be removed from the site and the impacted areas restored as nearly as possible to the original condition.



# North Dakota Department of Transportation

Thomas K. Sorel  
*Director*

Doug Burgum  
*Governor*

August 31, 2018

Arden Freitag  
Area Manager  
US Department of Interior  
P.O. Box 1017  
Bismarck, ND 58502-1017

OFFICIAL FILE COPY RECEIVED		
SEP 4 2018		
REPLY DATE		
INFO. COPY TO:		
DATE	INITIAL	TO
9/4/17	KC	Hate
CLASSIFICATION		
PROJECT		
CONTROL NO.		
FOLDER I.D.		

## DRAFT ENVIRONMENTAL ASSESSMENT FOR FUNDING OF NE REGIONAL WATER DISTRICT PHASE II, PEMBINA, WALSH, RAMSEY, TOWNER, AND BENSON COUNTIES, NORTH DAKOTA

We have reviewed your August 9, 2018, letter.

This project should have no adverse effect on the North Dakota Department of Transportation highways; however, we ask that you contact the Devils Lake District office and the Grand Forks District office in advance of work being done.

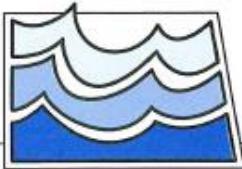
Additionally, if any work needs to be done on highway right-of-way, appropriate permits and risk management documents will need to be obtained from the Department of Transportation District Engineer, Les Noehre, Grand Forks at 701-787-6500 and Wyatt Hanson, Devils Lake at 701-665-5100.

ROBERT A. FODE, P.E - DIRECTOR, OFFICE OF PROJECT DEVELOPMENT

57/raf/js

c: Les Noehre, Grand Forks District Engineer  
Wyatt Hanson, Devils Lake District Engineer

608 East Boulevard Avenue • Bismarck, North Dakota 58505-0700  
Information: 1-855-NDROADS (1-855-637-6237) • FAX: (701) 328-0310 • TTY: 711 • dot.nd.gov



# North Dakota State Water Commission

900 EAST BOULEVARD AVENUE, DEPT 770 • BISMARCK, NORTH DAKOTA 58505-0850  
(701) 328-2750 • TTY 1-800-366-6888 or 711 • FAX (701) 328-3696 • <http://swc.nd.gov>

OFFICIAL FILE COPY RECEIVED		
SEP 14 2018		
REPLY DATE		
INFO. COPY TO:		
DATE	INITIAL	TO
		Kate
CLASSIFICATION		
PROJECT		
CONTROL NO.		
FOLDER I.D.		

September 10, 2018

Kate Kenninger  
Dakotas Area Office  
PO Box 1017  
Bismarck, ND 58502

Dear Ms. Kenninger:

This is in response to your request for a review of the environmental impacts associated with the Funding of the Northeast Regional Water District Phase II Project: Cavalier, Pembina, Walsh, Ramsey, Towner and Benson Counties, ND.

The proposed project has been reviewed by State Water Commission staff, and the following comments are provided:

- Initial review indicates the project does not require a conditional or temporary permit for water appropriation. However, if surface water or groundwater will be diverted for construction of the project, a water permit will be required per North Dakota Century Code (NDCC) § 61-04-02. Please consult with the Water Appropriations Division of the Office of the State Engineer (OSE) if you have any questions regarding this comment at 701-328-2754 or [waterpermits@nd.gov](mailto:waterpermits@nd.gov).

The State Water Commission (SWC) maintains a network of observation wells across the state for monitoring the water levels and quality in glacial and bedrock aquifers. These wells are often installed in road and highway rights-of-way to limit inconvenience to the adjacent landowners. SWC observation wells have a yellow protective casing extending between 1 and 3 feet above ground surface, and their locations are marked with a stake. If an observation well is encountered during project activities and must be removed, please contact the Water Appropriations Division. The SWC hopes to keep all observation wells, but otherwise will ensure the well is properly abandoned.

Note in reference to page 3-5: SWC has issued one permit (Water permit No. 6599) to withdraw groundwater from the Munich aquifer for municipal use to the City of Langdon. To date, the permit has not been developed.

- A Sovereign Land Permit would be required if any of the proposed water lines travel under a sovereign/navigable water body. Please see the list of navigable water bodies located at [www.swc.nd.gov/reg\\_approp/sovereignlands/](http://www.swc.nd.gov/reg_approp/sovereignlands/).
- Through the National Flood Insurance Program, a floodplain permit is required for all development that takes place within a Special Flood Hazard Area, as identified by FEMA. Please work with the local floodplain administrator(s) for additional information and permit requirements. The floodplain administrator for Cavalier County is Karen Kempert, 701-256-3911 or [kkempert@nd.gov](mailto:kkempert@nd.gov). The floodplain administrator for Pembina County is Andrew Kirking, 701-265-4849 or [akirking@nd.gov](mailto:akirking@nd.gov). The floodplain administrator for Walsh County is Brent Nelson, 701-352-2311 or [bnelson@nd.gov](mailto:bnelson@nd.gov). The floodplain administrator for Ramsey County is Kristen Nelsen, 701-662-7001 or [kristnelsen@nd.gov](mailto:kristnelsen@nd.gov). The floodplain administrator for Towner County is Lori Beck, 701-968-4366 or [tchd@gondtc.com](mailto:tchd@gondtc.com). The floodplain administrator for Benson County is Randy Thompson, 701-473-5524 or [rrthompson@nd.gov](mailto:rrthompson@nd.gov).

Thank you for the opportunity to provide review comments. If you have any questions, please call me at 701-328-4967.

Sincerely,

Jared Huibregts  
Water Resource Planner IV

JH:dm/1570

DOUG BURGUM, GOVERNOR  
CHAIRMAN

GARLAND ERBELE, P.E.  
CHIEF ENGINEER-SECRETARY

# RECLAMATION

*Managing Water in the West*

DK-5000-18-01

## **Finding of No Significant Impact and Final Environmental Assessment for Funding of the Northeast Regional Water District Phase II Project: Cavalier, Pembina, Walsh, Ramsey, Towner, and Benson Counties, North Dakota**

Dakotas Area Office  
Bismarck, North Dakota



U.S. Department of the Interior  
Bureau of Reclamation

August 2018

**This Page Left Blank Intentionally**

<b>CHAPTER 1 INTRODUCTION AND REGULATORY BACKGROUND</b>	<b>1-1</b>
INTRODUCTION	1-1
AUTHORITY	1-1
PURPOSE AND NEED FOR THE PROPOSED ACTION	1-1
PROJECT AREA	1-2
<b>CHAPTER 2 PROPOSED ACTION AND ALTERNATIVES CONSIDERED</b>	<b>2-1</b>
NO ACTION ALTERNATIVE	2-1
PROPOSED ACTION	2-1
<b>CHAPTER 3 AFFECTED ENVIRONMENT AND ENVIRONMENTAL IMPACTS</b>	<b>3-1</b>
INTRODUCTION	3-1
RESOURCE AREAS CONSIDERED AND ELIMINATED FROM FURTHER ANALYSIS	3-1
PUBLIC HEALTH AND SAFETY	3-2
<i>Affected Environment</i>	3-2
<i>Environmental Effects of the Proposed Action Alternative</i>	3-2
<i>Environmental Consequences of the No Action Alternative</i>	3-2
LAND RESOURCES	3-2
<i>Affected Environment</i>	3-3
<i>Environmental Effects of the Proposed Action</i>	3-3
<i>Environmental Consequences of the No Action Alternative</i>	3-3
SURFACE WATER	3-4
<i>Affected Environment</i>	3-4
<i>Environmental Effects of the Proposed Action</i>	3-4
<i>Environmental Consequences of the No Action Alternative</i>	3-4
WATER SOURCES	3-4
<i>Affected Environment</i>	3-4
<i>Environmental Effects of the Proposed Action</i>	3-7
<i>Environmental Consequences of the No Action Alternative</i>	3-7
THREATENED AND ENDANGERED SPECIES	3-7
<i>Action Area</i>	3-7
<i>Whooping Crane (<i>Grus americana</i>)</i>	3-8
<i>Piping Plover (<i>Charadrius melanotos</i>) and its Designated Critical Habitat</i>	3-9
<i>Rufa Red Knot (<i>Calidris canutus rufa</i>)</i>	3-11
<i>Gray Wolf (<i>Canis lupus</i>)</i>	3-11
<i>Northern Long-eared Bat (<i>Myotis septentrionalis</i>)</i>	3-12
<i>Environmental Effects of the Proposed Action</i>	3-13
<i>Environmental Consequences of the No Action Alternative</i>	3-14
CULTURAL RESOURCES	3-14
<i>Affected Environment</i>	3-14
<i>Environmental Effects of the Proposed Action</i>	3-14
<i>Environmental Consequences of the No Action Alternative</i>	3-15
SOCIOECONOMICS	3-16
<i>Affected Environment</i>	3-16
<i>Environmental Effects of the Proposed Action</i>	3-19
<i>Environmental Consequences of the No Action Alternative</i>	3-19
<b>CHAPTER 4 ENVIRONMENTAL COMMITMENTS</b>	<b>4-1</b>
<b>CHAPTER 5 AGENCY CONSULTATION AND COORDINATION</b>	<b>5-1</b>
COMPLIANCE WITH ENVIRONMENTAL STATUTES	5-1
LIST OF PREPARERS	5-2

<b>CHAPTER 6 REFERENCES</b>	<b>6-1</b>
APPENDIX A: SCOPING LETTER AND SCOPING LETTER RESPONSES	1
APPENDIX B: SCOPING NOTICE CONTACT LIST	1

## **List of Tables**

TABLE 1. RESOURCES ELIMINATED FROM FURTHER ANALYSIS.....	3-1
TABLE 2. WATER QUALITY PARAMETERS FOR WATER SOURCES IN THE PROJECT AREA (AE2S 2017).....	3-6
TABLE 3. FEDERALLY-LISTED SPECIES IN THE PROJECT AREA. ....	3-8
TABLE 4. CURRENT AND HISTORIC POPULATION OF NORTH DAKOTA AND PROJECT COUNTIES (U.S. CENSUS BUREAU N.D.).....	3-16
TABLE 5. EDUCATION, INCOME, EMPLOYMENT, AND POVERTY STATISTICS FOR NORTH DAKOTA AND PROJECT COUNTIES (U.S. CENSUS BUREAU 2016). ....	3-17
TABLE 6. EMPLOYMENT SECTORS FOR NORTH DAKOTA AND PROJECT COUNTIES (U.S. CENSUS BUREAU 2016). 3-18	
TABLE 7. ENVIRONMENTAL COMMITMENTS REGARDING THE NORTHEAST REGIONAL WATER DISTRICT PHASE II PROJECT. ....	4-1

## **List of Figures**

FIGURE 1. OVERVIEW OF THE NORTHEAST REGIONAL WATER SUPPLY PHASE 2 PROJECT.....	1-2
FIGURE 2. WATER SOURCES AVAILABLE AND/OR UTILIZED IN THE PROJECT COUNTIES.....	3-5
FIGURE 3. WHOOPING CRANE OBSERVATIONS IN THE PROJECT AREA.....	3-9
FIGURE 4. DESIGNATED CRITICAL HABITAT FOR THE PIPING PLOVER IN NORTH DAKOTA. ....	3-10
FIGURE 5. WHITE-NOSE SYNDROME ZONE (AVAILABLE AT: <a href="HTTPS://WWW.FWS.GOV/MIDWEST/ENDANGERED/MAMMALS/NLEB/PDF/WNSZONE.PDF">HTTPS://WWW.FWS.GOV/MIDWEST/ENDANGERED/MAMMALS/NLEB/PDF/WNSZONE.PDF</a> ).....	3-13

## **APPENDICES**

### **Appendix A: Scoping Letter and Scoping Letter Responses**

### **Appendix B: Scoping Notice Contact List**

## **List of Acronyms and Definitions**

**Action Area** – Based on Reclamation’s assessment of the potential direct and indirect effects of the proposed action to federally listed species (50 CFR 402.02)

**BMP** – Best Management Practice

**CFR** – Code of Federal Regulations

**Critical Habitat** – It is a specific geographic area(s) that is essential for the conservation of a threatened or endangered species and that may require special management and protection.

**DKAO** – Dakotas Area Office

**Environmental Commitments** – These are commitments included as an inseparable component of this Proposed Action. They are designed to offset potential for significant environmental effects resulting from the Proposed Action. These commitments will be implemented to (1) prevent, minimize, or offset the occurrence of potential for adverse environmental effects and (2) ensure compliance with applicable Federal and State regulations designed to protect fish and wildlife resources, important habitats and sensitive areas, cultural and paleontological resources, human health and safety, and the public interest.

**EA** – Environmental Assessment

**ESA** – Endangered Species Act of 1973

**GPM** – gallons per minute

**Garrison Diversion** – Garrison Diversion Conservancy District

**IPaC** – Information, Planning, and Conservation System

**ITA** – Indian Trust Assets

**LRWD** – Langdon Rural Water District

**LWTP** – Langdon Water Treatment Plant

**MR&I** – Municipal, Rural and Industrial

**NDGS** – North Dakota Geological Survey

**NDSWC** – North Dakota State Water Commission

**NRWD** – Northeast Regional Water District

**NVWD** – North Valley Water District

**Proposed Project** – The subject of this EA, the proposal to fund the Northeast Regional Water District Phase II Project.

**PVC** – polyvinyl chloride

**Reclamation** – U.S. Department of the Interior, Bureau of Reclamation

**ROW** – Right-of-Way

**TDS** – total dissolved solids

**USFWS** – U.S. Fish and Wildlife Service

**WMD** – Wetland Management District

**WTP** – Water Treatment Plant

**This Page Left Blank Intentionally**

# **Chapter 1 Introduction and Regulatory Background**

## **Introduction**

The Bureau of Reclamation (Reclamation) is proposing to fund the construction of the Northeast Regional Water District (NRWD) Phase II Project located in Cavalier, Pembina, Walsh, Ramsey, Towner, and Benson Counties, North Dakota (Proposed Project).

The NRWD is the result of a merger between the systems of Langdon Rural Water District (LRWD) and North Valley Water District (NVWD) in 2014. The LRWD has provided water since the late 1980s and the system was fully operational by 1990. The original system provided water to 290 members but has since expanded to approximately 935 members including service to the following communities in North Dakota: Adams, Calvin, Clyde, Edinburg, Fairdale, Hampden, Loma, Munich, Wales, Olga, and Concrete (AE2S 2017). The NVWD was organized as a non-profit in 1972 and became a water district in 2000 (AE2S 2017). The NVWD has grown from 950 customers to over 1,400 in 2016 including service to the following communities in North Dakota: St. Thomas, Osnabrock, Milton, Mountain, Cavalier, Neche, Pembina, and Walhalla (AE2S 2017). The NRWD provides water to over 2,300 customers in northeastern North Dakota, covering an area greater than 2,000 square miles (<http://www.northeastregionalwater.com/>).

## **Authority**

The Garrison Diversion Unit Reformulation Act of 1986 (Pub. L. 99-294; 100 Stat. 418) authorizes funding for Municipal, Rural and Industrial (MR&I) projects, including new and/or expanded rural and regional water systems. This fund is jointly administered by the North Dakota State Water Commission (NDSWC) and Garrison Diversion Conservancy District (Garrison Diversion). Annual funding for the MR&I program is dependent upon the U.S. Congressional appropriation (NDSWC 2015a). If constructed, the Proposed Project would be funded through the Garrison Diversion Unit MR&I Grant Program, which receives Federal monies through Reclamation.

The Proposed Project is sponsored by NRWD, which would be responsible for project design, construction and compliance with the environmental commitments (Chapter 4). The NRWD would serve as the owner, operator, and manager of the completed system.

## **Purpose and Need for the Proposed Action**

The purpose of the proposed action, funding of construction of the NRWD Phase II Project, is to provide Safe Drinking Water Act-compliant water in adequate, sustainable quantities to residents of Cavalier, Pembina, Walsh, Ramsey, Towner, and Benson Counties, North Dakota.

Many rural residents obtain water from individual private wells (AE2S 2017). Water supplies in the service area can be very saline and generally unsatisfactory for domestic users (AE2S 2017). Additionally, feedback from several of the potential users indicated a lack of water quantity existed in parts of the proposed service area (AE2S 2017). Residents of Cavalier, Pembina, Walsh, Ramsey, Towner, and Benson Counties need reliable, acceptable quality of sustainable quantity drinking water.

## Project Area

The project area includes the counties of Cavalier, Pembina, Walsh, Ramsey, Towner and Benson, which are located in the northeast corner of North Dakota (Figure 1). The ecoregions of this area include Great Plains (level I), Temperate Plains (level II), Northern Glaciated Plains and Lake Agassiz Plains (level III), and Drift Plains, Northern Black Prairie, Glacial Lake Basins, Pembina Escarpment, Beach Ridges and Sand Deltas, and Glacial Lake Agassiz Basin (level IV). The Northern Glaciated Plains ecoregion is characterized by a flat to gently rolling landscape that contains tall and shortgrass prairies with a high concentration of temporary and seasonal wetlands (Bryce et al. n.d.). The Lake Agassiz ecoregion is extremely flat and the historic tallgrass prairie has been replaced by intensive agriculture including crops of potatoes, beans, wheat, soybeans, corn and sugar beets (Bryce et al. n.d.).

The annual average temperature of this area is approximately 37 °F. January is typically the coldest month with an average temperature of approximately 0 °F and July is typically the warmest month with an average temperature of approximately 65 °F. Annual precipitation ranges from 13 to 20 inches a year for the state of North Dakota. Winter precipitation is highest in January and summer precipitation is highest in June.

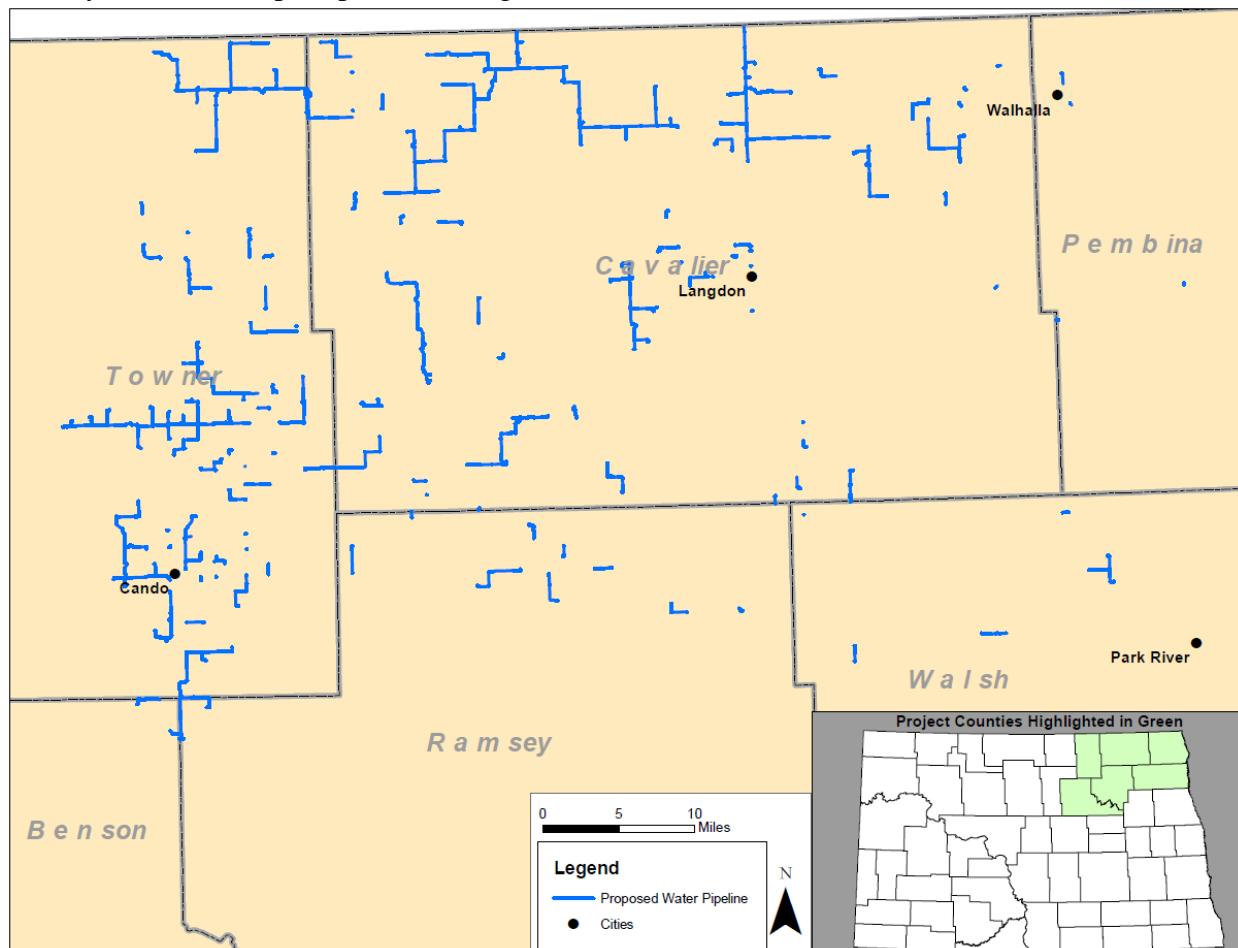


Figure 1. Overview of the Northeast Regional Water Supply Phase 2 Project.

# **Chapter 2 Proposed Action and Alternatives Considered**

## **No Action Alternative**

The No Action Alternative consists of the future without the proposed federal action, there would be no funding from Reclamation through the Garrison Diversion MR&I Grant Program for the NRWD Phase II Project. The NRWD would need to pursue alternative funding options or not construct the project. The residents of Cavalier, Pembina, Walsh, Ramsey, Towner, and Benson Counties would continue to utilize current sources of water, which in some areas have been known to be high in saline and/or unreliable in quantity.

## **Proposed Action**

The Proposed Action, Reclamation's preferred Alternative, is to fund the construction of the NRWD Phase II Project. The Proposed Action includes:

- The addition of approximately 200 water users in the counties of Cavalier, Pembina, Walsh, Ramsey, Towner, and Benson in North Dakota;
- NRWD would utilize two water sources to meet the needs of their existing water users and the new users. These water sources include the City of Devils Lake (existing wellfield in the Spiritwood Aquifer) and the NRWD (existing wellfield in the Icelandic Aquifer);
- Approximately 275 miles of 1.5 to 8.0-inch pipeline;
- Above-ground appurtenances that include resilient seated gate valves, 1-inch blowoffs, and curb stops;
- A construction right-of-way (ROW) of 100 feet and a permanent easement of 50 feet;
- Construction in accordance with the Environmental Commitments as described in Chapter 4.

The proposed project would be constructed utilizing Federal, State and local funds. Federal funds would be provided to Garrison Diversion through a cooperative agreement with Reclamation.

The pipelines would consist of gasket type polyvinyl chloride (PVC) pipe using a "C" value of 150. The PVC pipe, ASTM D-2241, SDR-26 (160 PSI) and SDR-21 (200 PSI) ranges in size from 1½ inch to 8 inches in diameter. Pipe would be installed at a minimum cover depth of 7 feet, a minimum cover depth of 8 feet would be acquired at all roadways, driveways, and parking areas.

Above ground appurtenances include resilient seated gate valves, one-inch blowoffs, and curb stops. All above ground appurtenances would be located in the 50-foot permanent easement, and sited to not interfere with farming or road maintenance operations. Resilient seated gate valves would be located throughout the system. The valves would isolate portions of the system when system maintenance or repair is needed. One-inch blowoffs would be located at high points through the system. The valves would allow air to escape from the pipelines. They would be located in riser pipes which would allow maintenance and repair of the valves. The system would terminate service at the curb stop (shut-off valve). The curb stop would be located in each proposed user's yard, approximately 75 feet from the point of use and includes a 1-inch ball type valve and a valve box riser. Users would be responsible for completing the water pipe installation from the curb stop to point of use.

All highway crossings would be made in accordance with requirements of the North Dakota Department of Transportation. Paved county road crossings would comply with the requirements of the appropriate county. All paved road crossings would be made via boring and unpaved gravel or dirt roads would be crossed by trenching or boring.

All permits would be obtained for any railroad crossing and would follow all requirements of the permit.

Stream and wetland crossing would be completed in compliance with Section 404 of the Clean Water Act. Construction through these areas would be avoided where possible or efforts would be made to minimize disturbances. All construction through grasslands would be re-seeded with mixtures recommended by the County Soil Conservation Service, and approved by the landowner. Pipelines would be routed to avoid woodlands and shelterbelts, as possible.

# **Chapter 3 Affected Environment and Environmental Impacts**

## **Introduction**

This section describes the existing conditions and potential environmental impacts for resources that may be affected by the Proposed Project. The affected environment includes the existing communities, land, water, and air-sheds that might be affected by the Proposed Project.

Environmental impacts include: indirect (generally subsequent to a direct effect but not directly resulting from Proposed Action), positive (beneficial) or negative (adverse), and long term (permanent, long-lasting) or short term (temporary). Measures that would be implemented to reduce, minimize, or eliminate impacts (environmental commitments) are presented in Chapter 4 as an inseparable part of the Proposed Action, and are discussed under each resource.

The area of potential impacts (affected area) would be resource-specific and is defined in each individual resource discussion. The boundary of the affected area for each resource extends to where effects can be reasonably and meaningfully measured. Direct impacts would generally occur within the Project Area. However, some impacts may occur on a broader scale, encompassing an area beyond the Project Area. Impacts that may extend beyond the Project Area are disclosed in the environmental consequences section of each resource.

This Section will address the effects of the No Action, the Proposed Action, and Cumulative Effects, for the following resources: public health and safety; land resources; surface water; water sources; threatened and endangered species; cultural resources; and socioeconomics.

## **Resource Areas Considered and Eliminated from Further Analysis**

In light of Reclamation's environmental commitments (Chapter 4), and in response to comments received from the scoping notice, the NRWD Phase II project would have no potential to affect certain resource areas or its affect to certain resource areas is so minor (negligible) that it was not evaluated further in this document. These resources areas include recreation; paleontological resources; general wildlife; bald and golden eagles; Environmental Justice; air quality; visual resources; noise; and Indian Trust Assets (Table 1).

**Table 1. Resources Eliminated from Further Analysis.**

<b>Resource</b>	<b>Rationale for Elimination from Further Analysis</b>
Recreation	Minor impacts to recreation areas (activities including but not limited to hunting, fishing, and camping) are anticipated from the Proposed Action Alternative. Impacts would be temporary and would cease upon completion of construction activities.
Paleontological Resources	No impact to paleontological resources is anticipated from the Proposed Action Alternative. In the even that a paleontological resource is encountered the state paleontologist would be contacted for further instruction.
General Wildlife	Impacts to wildlife would include possible displacement due to noise and traffic from construction. Impacts would be temporary and would cease upon completion of construction activities.
Bald and Golden Eagles	The North Dakota Game and Fish Department reviewed the route and one recorded eagle nest occurs in proximity to the Proposed Action Alternative. Per environmental commitments listed in Chapter 4, construction within 660

<b>Resource</b>	<b>Rationale for Elimination from Further Analysis</b>
	feet of visible nesting bald eagles will be avoided from February through August.
Environmental Justice	No Environmental Justice population has been identified that would disproportionately bear impacts of the Proposed Action Alternative.
Air Quality	Temporary effects during construction activities including a possible increase in dust. Application of standard construction, industry measures would be taken to minimize fugitive dust emissions during construction activities.
Visual Resources	Impacts to visual resources would primarily be temporary and would cease upon completion of construction-type activities. Above-ground features would result in minimal permanent impact from the Proposed Action Alternative. The temporary disturbance would be restored to pre-disturbance conditions.
Noise	Temporary effects during construction activities include a possible increase in noise, the impact would be short-term and would occur mainly during daylight hours.
Indian Trust Assets	The Proposed Action Alternative would not affect Indian Trust Assets including land, minerals, timber, ethnobotanical resources, hunting and fishing rights, water rights, and in-stream flows.

## **Public Health and Safety**

### **Affected Environment**

Many rural residents obtain water from individual private wells. Water supplies in the service area can be very saline and generally unsatisfactory for domestic users, exceeding the Secondary Maximum Contaminant Levels (SMCLs) for many parameters (Table 2). Potential users have also indicated a lack of water quantity exists in parts of the proposed service area.

Major roadways in the Project Counties include State Highway 5, State Highway 17, State Highway 1, State Highway 32, and U.S. Highway 2. The area is rural and has many county roads, paved and unpaved.

### **Environmental Effects of the Proposed Action Alternative**

The Proposed Action Alternative would provide rural water users a reliable and high quality water source to approximately 200 water users.

Public access and transportation have the potential to be temporarily affected by increased traffic during construction-type activities. Traffic would likely increase on the previously-mentioned highways and rural roads in the area. No cumulative effects were identified.

### **Environmental Consequences of the No Action Alternative**

Under the No Action Alternative, NRWD would be forced to seek out other funding for the Proposed Project or the Proposed Project would not be built. If alternative funding sources are secured to build the project, it would be constructed without implementing Reclamation's environmental commitments (Chapter 4).

If the project is not built the rural water users would continue to utilize water from groundwater sources that are considered generally unsatisfactory for domestic users and in some circumstances have quantity issues. There would be no change to current traffic conditions on highways or roads in the Project Counties.

## **Land Resources**

## **Affected Environment**

The Project Area is located in a predominately-agricultural area. According to LANDFIRE (2016), Developed-Roads and Western Cool Temperate Wheat are the predominate landcovers in the 100-foot ROW proposed by NRWD. Developed-Roads classification includes area of roads in highly developed areas where people reside or work in high numbers including apartment complexes, row houses and commercial/industrial. The impervious surfaces account for 80 to 100 percent of total cover. The Western cool Temperate Wheat includes are used for the production of wheat and the crop vegetation accounts for greater than 20 percent of total vegetation.

The Project Area would occur in areas of prime farmland and farmland of statewide importance (NRCS 2017).

The North Dakota Geological Survey (NDGS) identified the project area as mostly occurring in shale of the Cretaceous Pierre Formation, where slope stability issues are common along slopes of creeks and rivers. Additionally pipeline proposed near the “south branch of the Pembina River” and “near tributary drainages of the river, along the southwest side” are of concern as “these valleys and coulees contain landslide areas along their slopes” (Appendix A). The NDGS recommends careful examination of route selection and construction practices in these potentially unstable areas and areas like these should be avoided whenever possible.

## **Environmental Effects of the Proposed Action**

Pipelines and related above-ground infrastructure would be located along existing roads to the extent possible. There would be some construction on tillable lands, however no farmland would be taken out of production for more than a year. During construction, top soil would be removed and replaced to ensure existing conditions are kept intact. All trenched pipelines would be restored to existing conditions.

As the above ground appurtenances have the potential to remove farmland from production, the Natural Resources Conservation Service requires a Form AD-1006 for all above ground appurtenances (Appendix A).

The Devils Lake Wetland Management District (WMD) contacted Reclamation to advise on Farmers Home Administration, grassland easements (Appendix A). If easements are not avoided, the NRWD would need to obtain the necessary approvals and/or ROWs from the Devils Lake WMD.

Best Management Practices (BMPs) would be utilized to manage stormwater runoff and erosion during construction (Chapter 4).

Additionally, NRWD would be responsible for implementing Reclamation’s Environmental Commitments for the Proposed Project (Chapter 4).

No cumulative effects were identified.

## **Environmental Consequences of the No Action Alternative**

Under the No Action Alternative, NRWD would be forced to seek out other funding for the Proposed Project or the Proposed Project would not be built. If alternative funding sources are secured to build the project, it would be constructed without implementing Reclamation’s

environmental commitments (Chapter 4). If the project is not built there would be no environmental consequences on land resources.

## **Surface Water**

### **Affected Environment**

Numerous wetlands, lakes, ponds, sloughs, and rivers occur in the Project Counties. Major lakes include but are not limited to Lake Alice, Devils Lake, Rock Lake, and Rush Lake. Major river systems include the Pembina River and Red River. Numerous tributaries and smaller river systems also occur in these counties.

### **Environmental Effects of the Proposed Action**

According to U.S. Fish and Wildlife Service (USFWS) (2018) National Wetland Inventory Data, the Proposed Action crosses 495 wetland, lake, or riverine areas. Construction through streams and wetland areas would be avoided where possible or efforts would be made to minimize disturbances. Stream and wetland crossings would be completed in compliance with Section 404 of the Clean Water Act. The NRWD is responsible for obtaining any necessary permits from the U.S. Army Corps of Engineers.

The Devils Lake WMD contacted Reclamation to advise on Farmers Home Administration, wetland easements within the Proposed Action Area (Appendix A). If easements cannot be avoided, the necessary approvals and/or ROWs would need to be acquired from the Devils Lake WMD by NRWD.

If a proposed pipeline crosses under a sovereign/navigable water body, a Sovereign Land Permit would be required by the North Dakota State Water Commission (Appendix A). State navigable waters that occur in the Project Counties include the Pembina River, Red River and Devils Lake. The Proposed Action includes proposed crossings at the Pembina River and NRWD would be required to obtain a Sovereign Land Permit (Appendix A).

As described by the NDSWC, the Proposed Action takes place within or near regulatory floodplains, Zone A (Appendix A). NRWD is required to contact the local floodplain administrator for further floodplain development permits.

No cumulative effects were identified.

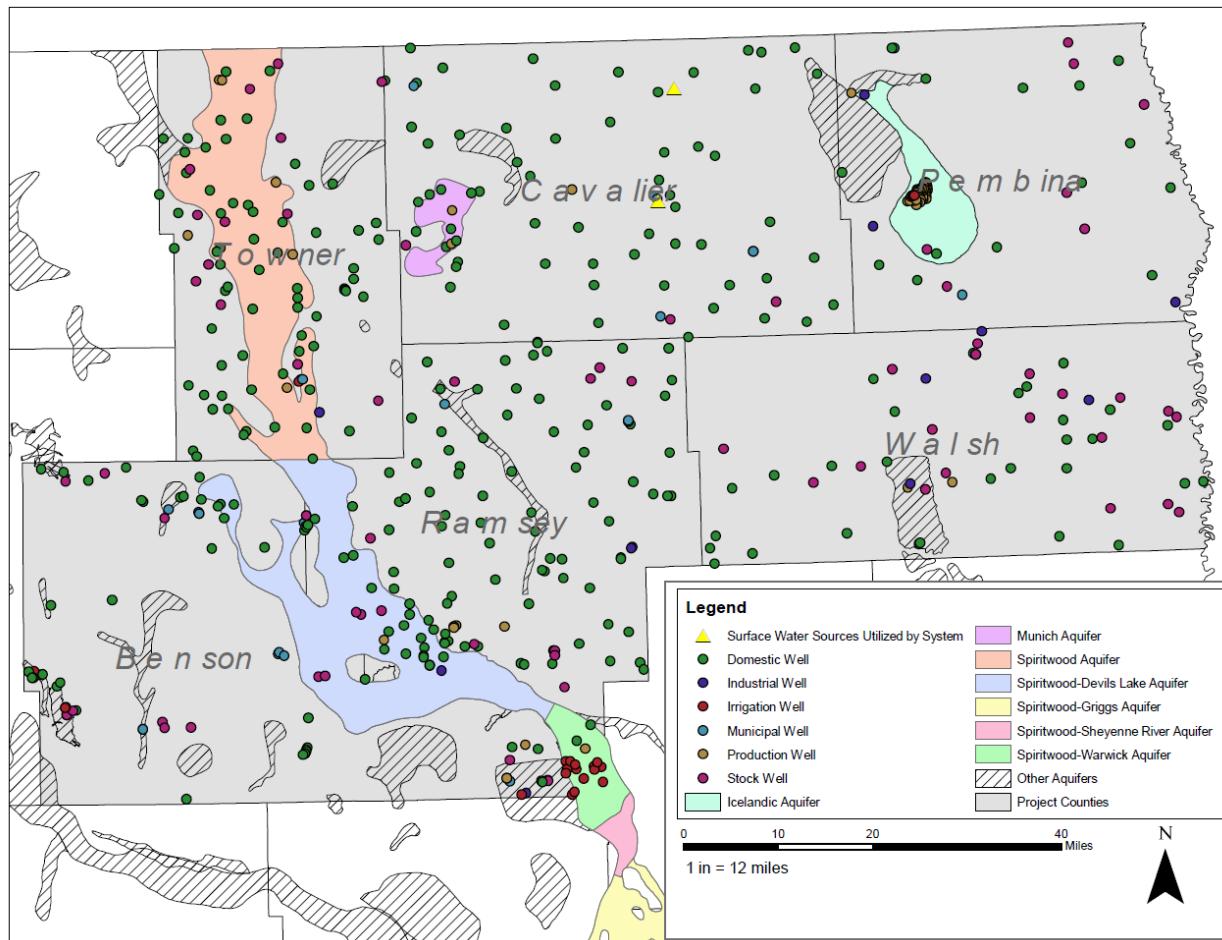
### **Environmental Consequences of the No Action Alternative**

Under the No Action Alternative, NRWD would be forced to seek out other funding for the Proposed Project or the Proposed Project would not be built. If alternative funding sources are secured to build the project, it would be constructed without implementing Reclamation's environmental commitments (Chapter 4). If the project is not built there would be no environmental consequences on surface water.

## **Water Sources**

### **Affected Environment**

Currently utilized surface water sources in the Project area include the Mt. Carmel Dam and Mulberry Creek. Groundwater sources utilized in the Project Area include the Munich, Spiritwood and Icelandic Aquifers. There are also numerous groundwater wells in the Project Area (Figure 2).



**Figure 2. Water Sources Available and/or Utilized in the Project Counties.**

### **Water Quantity**

The City of Langdon currently uses water from the reservoir formed by Mt. Carmel Dam to meet a portion for their domestic water needs. Mt. Carmel Dam is 386 acres and has 5,012.7 acre-feet of storage, with a watershed of 72.2 square miles with 6.0 square miles considered noncontributing. The watershed yields approximately 1,800 acre-feet of runoff at least 80 years out of 100 and 7,200 acre-feet of runoff 50 years out of 100. The city has seven water permits from the NDSWC that allocate 1,168 acre-feet of water from Mt. Carmel Dam for their use (AE2S 2017).

The city also uses water from Mulberry Creek to meet the remainder of their domestic needs. A reservoir formed by Mulberry Creek is approximately five acres with an estimated depth of 10 feet. The City of Langdon has a water permit from the NDSWC that allocates 138 acre-feet of water for their use. The city can withdraw water at a maximum rate of 100 gallons per minute from Mulberry Creek (AE2S 2017).

The Munich Aquifer underlies an area of 30 square miles in Cavalier County, ranging in thickness from zero to 200 feet with an average thickness of 40 feet. Approximately 1.1 million acre-feet of water storage is available in the Munich Aquifer. The NDSWC has not issued any permits for water from the Munich Aquifer for MR&I purposes. There are some individual wells utilizing the aquifer; however, these typically yield less than 12.5 acre-feet and therefore do not require a permit.

The Spiritwood Aquifer underlies an area of about 370 square miles in Towner County, ranging in thickness from four to 287 feet with an average aggregate thickness of 67 feet. Approximately 2.4 million acre-feet of water storage is available in the Spiritwood Aquifer. There are 140 permits through the State for the Spiritwood Aquifer, with the majority used for irrigation purposes (NDSWC 2015b; AE2S 2017).

The Icelandic Aquifer is the largest glacial drift aquifer in Pembina County. The aquifer is more than 20 miles long with a maximum width of 9 miles, and a total size of approximately 82 square miles. The maximum saturated thickness is 70 feet and contains approximately 240,000 acre-feet of water storage. There are seven permits through the State for the Icelandic Aquifer: five for rural water, one for irrigation, and one for industrial (NDWSC 2015b).

There are over 500 water wells utilized in the Project Counties: 319 domestic, 12 industrial, 31 irrigation, 23 municipal, 75 production, and 70 stock (NDSWC 2017).

### **Water Quality**

Both the surface water sources of Mt. Carmel Dam and Mulberry Creek contain high total dissolved solids (TDS) and periodic taste and odor events (AE2S 2017). Mt. Carmel Dam TDS and sulfate concentrations exceed respective SMCLs and Mulberry Creek TDS, sodium, sulfate and manganese exceed respective SMCLs (Table 2). Hardness for both water sources exceed objectionable limit established by the USGS (Table 2). Treating water from either of these surface water sources is difficult because their TDS levels are double or triple the SMCLs, sulfate levels are more than double the SCMLs, and hardness is 4 to 5 times greater than the SMCLs. The Mulberry Creek sodium levels are also elevated making water treatment of this source even more challenging.

Water from the Munich Aquifer is very hard and slightly saline (Hutchinson 1977). None of the water quality parameters exceed SMCLs for the Spiritwood Aquifer and water is predominately very soft (Table 2; AE2S 2017). Hardness, iron and manganese exceed the SMCLs for water within the Icelandic Aquifer and the water is predominately hard and contains calcium-magnesium bicarbonate (Table 2; AE2S 2017).

Individual wells in the project area are poor in chemical composition, high TDS sulfates, and very hard (AE2S 2017).

**Table 2. Water Quality Parameters for Water Sources in the Project Area (AE2S 2017).**

Year	2011	2011	2015	1971	
Parameter	Secondary Maximum Contaminant Levels (mg/L)	Mt. Carmel (mg/L)	Mulberry Creek (mg/L)	Spiritwood Aquifer (mg/L)	Icelandic Aquifer (mg/L)
TDS	500	1005	1552	334	251
Sodium	200	141	243	89.9	4
Sulfate	250	552	891	26.3	20
Chloride	250	26.2	72.2	16.6	-
Hardness	120	487	640	109	192
Iron	0.30	<0.02	<0.02	0.09	0.5
Manganese	0.05	<0.03	0.53	0.01	0.34

## **Environmental Effects of the Proposed Action**

The Proposed Action Alternative would provide a reliable and acceptable water source to approximately 200 water users. The LRWD branch of the NRWD utilizes the City of Devils Lake treated water source and the NRWD WTP as a supplemental water supply. The Devils Lake wellfield consists of four wells that withdraw water from the Spiritwood Aquifer and the NRWD wellfield has 50 wells that withdraw water from the Icelandic Aquifer. A future demands scenario determined a future average annual water demand of approximately 221 million gallons with an estimated future peak day demand of 842 gpm (gallons per minute) (AE2S 2017). Based on the current water purchase agreement between LRWD and the Devils Lake WTP for 860,000 gallons per day, the Devils Lake WTP would meet all of the LRWD demands (AE2S 2017). During peak demands, supplemental water may need to come from the NRWD WTP at 400 gpm (AE2S 2017). The Proposed Action would utilize existing water permits from the State.

The WTPs for the city and NRWD utilize greensand filters for iron and manganese removal (AE2S 2017).

If an observation water well is encountered and needs to be removed during construction activities, NRWD is required to contact the NDSWC Water Appropriations Division as stated in their response letter (Appendix A).

No cumulative effects were identified.

## **Environmental Consequences of the No Action Alternative**

Under the No Action Alternative, NRWD would be forced to seek out other funding for the Proposed Project or the Proposed Project would not be built. If alternative funding sources are secured to build the project, it would be constructed without implementing Reclamation's environmental commitments (Chapter 4). If the project is not built the rural water users would continue to utilize water from groundwater sources. As stated above, the water quality of the existing sources exceeds the SMCLs for many parameters creating challenges in the water treatment process. Users would also continue to face periods of water shortages due to an insufficient quantity available from these existing water sources

## **Threatened and Endangered Species**

Reclamation consulted the USFWS, North Dakota Ecological Service's Office website (<https://www.fws.gov/northdakotafieldoffice/SEtable.pdf>) and the Information, Planning, and Conservation System (IPaC) (<https://ecos.fws.gov/ipac/>) to obtain a list of threatened and endangered species and critical habitats associated with the affected area (Table 3).

This section constitutes the Biological Assessment for the Proposed Action as required under Section 7(c) of the Endangered Species Act of 1973, as amended, in compliance with regulations found at *50 CFR Part 402 Interagency Cooperation – Endangered Species Act of 1973, as Amended*.

## **Action Area**

The Action Area identified is based on Reclamation's assessment of the potential direct and indirect effects of the Proposed Action to federally listed species (50 CFR 402.02). The evaluation of federally listed species focuses on the aquatic and terrestrial environments that may be influenced by the activities of the NRWD Phase II Project. The Action Area for Reclamation's decision to grant funds includes the approximate 275 miles of water pipeline and

above ground appurtenances (within a 100-foot temporary ROW) in the counties of Cavalier, Pembina, Walsh, Ramsey, Towner, and Benson, North Dakota.

**Table 3. Federally-listed Species in the Project Area.**

Group	Species	Federal Status
Bird	Whooping Crane	Endangered
	Piping Plover	Threatened, Critical Habitat
	Rufa Red Knot	Threatened
Mammal	Gray Wolf	Endangered
	Northern Long-Eared Bat	Threatened

### **Whooping Crane (*Grus americana*)**

Whooping cranes reach approximately 5 feet tall and have a wingspan that can reach 7½ feet. Whooping cranes are almost entirely white with black wingtips, and have a red patch on the head that extends from the cheek along the bill. The eyes are yellow and they have black legs.

#### **Population Rangewide**

The whooping crane was listed as endangered in 1967 (CFR 32:4001). Whooping crane recovery efforts have made great strides over the years, with new populations being established in Florida and Wisconsin. The birds that migrate through North Dakota are part of the Aransas-Wood Buffalo population. Approximately, 431 whooping cranes were estimated during the winter 2016-2017 survey, centered on the Aransas National Wildlife Refuge (Butler and Harrell n.d.).

The whooping crane recovery plan includes scientific information about the species and provides objectives and actions needed to down-list the species (Canadian Wildlife Service and U.S. Fish and Wildlife Service 2007). Recovery actions designed to achieve these objectives include protection and enhancement of the breeding, migration, and wintering habitat for the Aransas-Wood Buffalo population. The goals are to allow the wild flock to grow and reach ecological genetic stability; reintroduction and establishment of geographically separate self-sustaining wild flocks to ensure resilience to catastrophic events; and maintenance of a captive breeding flock that is genetically managed to retain a minimum of 90 percent of the whooping cranes' genetic material for 100 years.

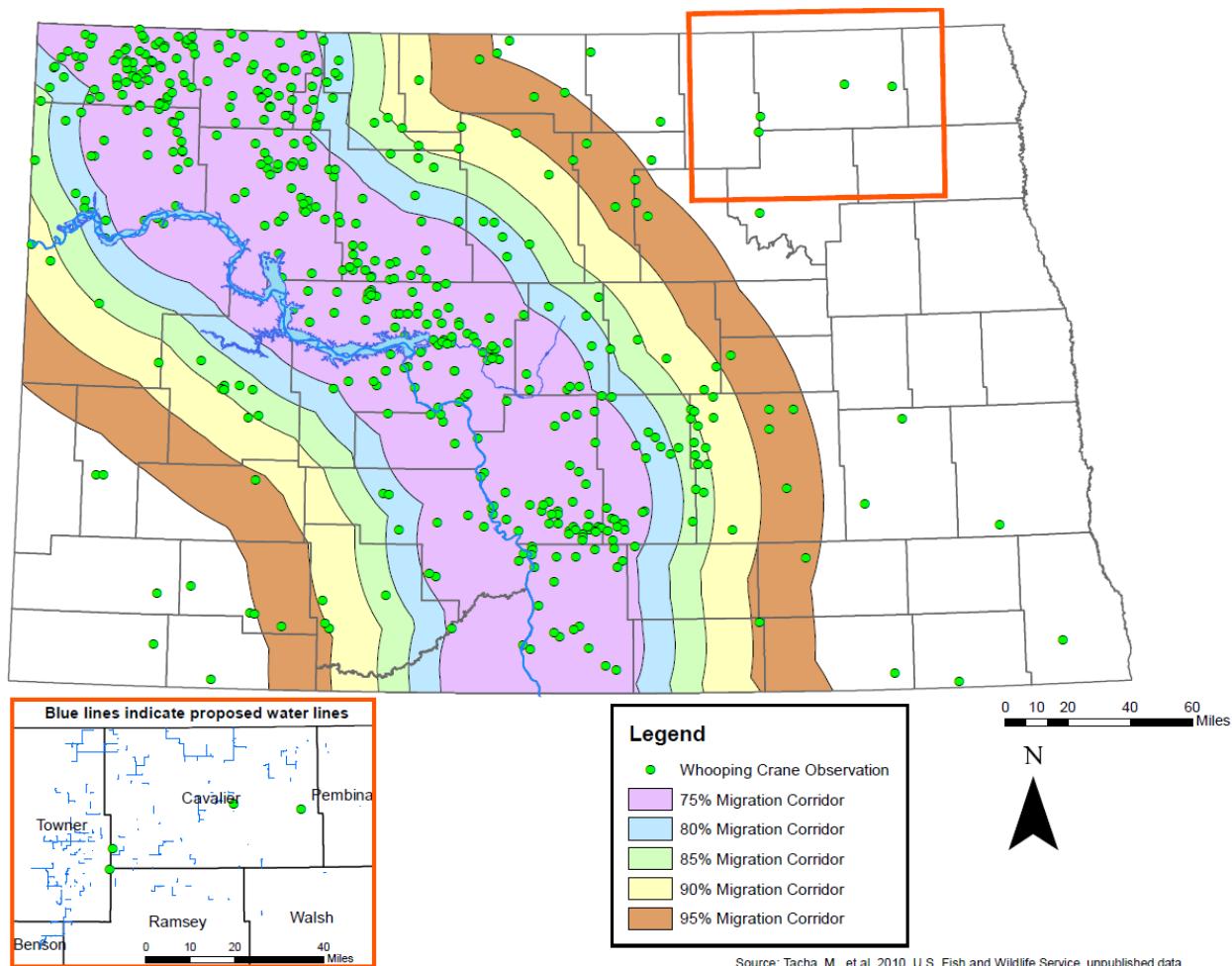
#### **Action Area**

The whooping crane passes through North Dakota each spring and fall while migrating between its breeding territory in northern Canada and wintering grounds on the Gulf of Mexico, frequently migrating with sandhill cranes. Whooping cranes are usually found in small groups of seven or fewer individuals and are easily disturbed when roosting or feeding. They prefer freshwater marshes, wet prairies, shallow portions of rivers and reservoirs, grain and stubble fields, shallow lakes, and wastewater lagoons for feeding, loafing, and roosting. Fall migration occurs in North Dakota from late September to mid-October, while spring migration occurs from late April to mid-June. Birds can appear in all parts of North Dakota, although most sightings are in the western two-thirds of the state (Figure 3). Seven confirmed sightings of whooping



Source: <https://www.fws.gov/midwest/whoopingcrane/>

cranes have occurred in the Project Counties from 1955-2010: 3 sightings in Benson County (1990, 1999, 2008), 2 in Cavalier County (1955, 1961), 1 in Ramsey County (2010), and 1 in Towner County (2009) (Figure 3; Tacha et al. 2010). Two of the sightings occurred within 1.5-mile of the Action Area.



**Figure 3. Whooping Crane Observations in the Project Area.**

### Piping Plover (*Charadrius melodus*) and its Designated Critical Habitat

Piping plovers are about 7 inches in length and have a sand-colored upper body, and white underside. Breeding birds have a single black breastband, a black bar across the forehead, bright orange legs and bill, and a black tip on the bill. In the winter, piping plovers lose the black band, legs become a pale yellow, and the bill is mostly black.

#### **Population Rangewide**

Three sub-populations of piping plover have been identified: an interior Great Plains population, Atlantic Coast population, and a Great Lakes population. The piping plover was



Source: <https://www.fws.gov/midwest/endangered/pipingplover/pipingpl.html>

listed as threatened in 1985 (CFR 50:50726-50734). The breeding range includes Alberta, Saskatchewan, Manitoba, Montana, North Dakota, Minnesota, South Dakota, Nebraska, and Iowa. Wintering locations includes the Atlantic Coast from North Carolina south to Florida and on the Gulf of Mexico from Florida to Texas; northern Cuba, Puerto Rico, Bahamas, Greater Antilles, eastern Mexico, and the Yucatan Peninsula. Piping plover numbers have declined due to dams and channelization, reducing suitable habitat. In 2006, the adult population of piping plovers was estimated at approximately 8,100, with 3,000 of that estimate in the Northern Great Plains (Elliott-Smith et al. 2009).

The USFWS designated critical habitat for the Great Plains breeding population in 2002 (CFR 67:57637), Great Lakes breeding population in 2001 (CFR 66:22938), and the winter piping plover population in 2001 (CFR 66:36038).

### Action Area

Piping plover nesting and foraging habitat in North Dakota consists of barren sand and gravel bars and shorelines of the Missouri River and shorelines of prairie alkali lakes. The piping plover occurs in North Dakota from mid-April to August, with peak breeding season from May to mid-July. The piping plover preferred nesting and foraging habitat of barren sand and gravel bars and shorelines of alkali lakes does not occur within the Action Area.

Designated critical habitat of the piping plover in North Dakota includes numerous alkaline lakes, Lake Sakakawea and the Missouri River. The closest designated critical habitat for the piping plover occurs in northwestern Benson County, approximately 18 miles west of the Action Area.



**Figure 4. Designated Critical Habitat for the Piping Plover in North Dakota.**

### **Rufa Red Knot (*Calidris canutus rufa*)**

Rufa red knots are typically 9 to 11 inches in length. During the breeding seasons, they are a mottled gray, black, and white that run into stripes on their head and face with a cinnamon-brown underside and face. The legs and bill are black. The bill is straight tapering to the tip. During the non-breeding season rufa red knots are white and gray.

#### **Population Rangewide**

The rufa red knot was listed as threatened in 2014 (CFR 79:73706-73748). The red knot migrates between its breeding grounds in the Canadian Arctic and several wintering regions, including the southeast United States, the northeast Gulf of Mexico, northern Brazil, and Tierra del Fuego at the southern tip of South America. During both the northbound and southbound migrations, red knots use key staging and stopover areas to rest and feed. Long-distance migrant shorebirds are highly dependent on the continued existence of quality habitat at a few key staging areas.

These areas serve as stepping stones between wintering and breeding areas. Many of the key migration staging areas are along the coasts but there are records that show small numbers (fewer than 10) of red knots migrating together in the interior states as well.

#### **Action Area**

While little is known about interior migrating red knots, they are believed to be rare migrants through North Dakota, occasionally utilizing wetlands as stopover habitat. Migration through North Dakota occurs from mid-May and mid-September to early October. Geolocator results from a study of eight knots wintering in Texas found five of the birds used the Northern Great Plains (Saskatchewan, Canada and North Dakota) as a stopover (USFWS 2013). According to Ebird.org, 13 locations throughout North Dakota have documented observations of small number of red knots since 1977, with the nearest observations to the Action Area at Devils Lake in 2007.

### **Gray Wolf (*Canis lupus*)**

The gray wolf is the largest living member of its family (Canidae), with males averaging 88 pounds and females generally weighing 5-10 pounds less. Fur color in individuals can range from black to gray to white, sometimes red and brown. The gray wolf is a keystone predator and is considered a habitat generalist, occurring in temperate and boreal forests, mountains, tundra, and grasslands.

#### **Population Rangewide**

By the time wolves were protected by the ESA of 1973, only a few hundred remained in extreme northeastern Minnesota and a small number on Isle Royale, Michigan. The status of the gray wolf has changed multiple times since the original 1973 listing. In December 2011, the USFWS revised and removed the Western Great Lakes Distinct Population Segment of gray wolf from



Source: <http://ecos.fws.gov/ecp0/profile/speciesProfile?spcode=B0DM>;  
[https://www.allaboutbirds.org/guide/red\\_knot/id](https://www.allaboutbirds.org/guide/red_knot/id)

the list of endangered and threatened wildlife (CFR 76:81665-81726). In February 2015, following court orders, the USFWS reinstated the March 9, 1978 (CFR 43:9607) regulatory protection for the gray wolf, including the endangered status for gray wolves in the eastern half of North Dakota (CFR 80:9218-9229). Wolves can occupy a wide range of habitats where large ungulates are typically found, including forests, prairies, including agricultural and pasture lands.

### Action Area

The gray wolf is an infrequent visitor to North Dakota, occasionally entering the state from Minnesota or from Manitoba, Canada. The increasing wolf population in Minnesota and the accompanying expansion of wolf range westward and southwestward in the state have led to an increase in dispersing wolves in North Dakota. As the Minnesota and Canada populations continue to increase, North Dakota could expect to see additional transients. No surveys have been conducted to document the number of wolves in North Dakota; however, occasional lone dispersers that appear primarily in the eastern portion of the state. There were reports of pups in the Turtle Mountains of North Dakota, one wolf sighting was confirmed in early 2004, and two wolf depredation incidents were verified north of Garrison in late 2005 (CFR 71 (58):15286).

Due to the relative absence of secluded habitat in most of North Dakota, there is considerable uncertainty regarding whether a wolf pack will establish or become more common in the state. According to Licht and Huffman (1996), wolves could recolonize portions of their former range on the prairie in the Dakotas. However, the agricultural dominated landscape (cropland, hayland and pasture) and relatively high densities of roads would facilitate negative encounters between wolves and humans, which could preclude their re-establishment.

### Northern Long-eared Bat (*Myotis septentrionalis*)

Northern long-eared bats are a medium-sized bat, with very long ears. Their length is 3.0 – 3.7 inches with a wingspan of 9 – 10 inches. The fur color is medium to dark brown on the back with a tawny to pale-brown on their underside.

### Population Rangewide

The northern long-eared bat was listed as threatened in 2015 (CFR 80:17974-18033) with a 4(d) rule in 2016 (CFR 81:1900-1922). The range of the northern long-eared bat includes much of the eastern and north-central United States and most of the Canadian provinces. The northern long-eared bat spends winters hibernating in caves and mines. In summer, the northern long-eared bat roosts underneath bark of live and dead trees, rock crevices, caves, mines, barns, and sheds. The dramatic decline of the northern long-eared bat is due to white-nose syndrome. There are many unknowns regarding white-nose syndrome, however it is expected that the disease will spread throughout the United States (Figure 5). Other sources of decline include impacts to hibernacula, degradation of summer habitat, and wind farm operation.

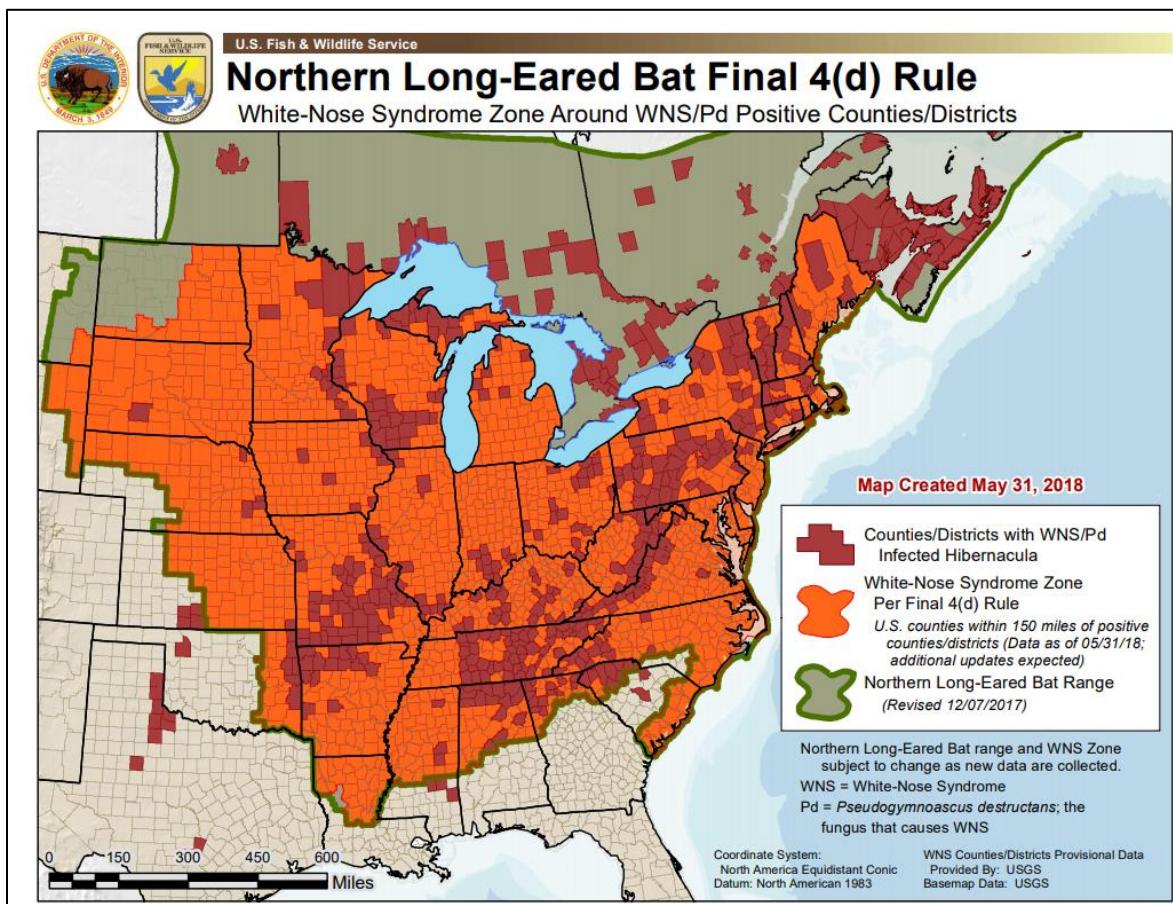
### Action Area

Little work has been conducted in North Dakota to document the distribution of the northern long-eared bat in North Dakota. Summer surveys in North Dakota (2009 – 2011) documented this species in the Turtle Mountains, the Missouri River Valley, and the Badlands (Gillam and



Source: <https://www.fws.gov/wyoming/Species/NLEBat.php>

Barnhart 2012). Gillam and Barnhart (2012) found most of this bat species using tree roosts particularly cottonwoods. To date, no hibernacula or bat activity during the winter months has been documented in the state. Based on this species ecology and range, it is unlikely that this species would occur in the Action Area.



**Figure 5. White-Nose Syndrome Zone (available at: <https://www.fws.gov/Midwest/endangered/mammals/nleb/pdf/WNSZone.pdf>).**

### Environmental Effects of the Proposed Action

Wetlands and agriculture areas provide potential habitat for whooping crane in the Action Area. The Proposed Project takes place wholly outside of the migration corridor of the whooping crane, and sightings in this area would be rare. If a whooping crane is sighted within one mile of the project while it is under construction, all construction work will cease within one mile of that part of the project and Reclamation will contact the USFWS. In coordination with the USFWS, work will resume after the bird(s) leave the area. No cumulative effects were identified. The Proposed Action Alternative will have no effect on the whooping crane.

Wetlands could provide potential stopover habitat for the piping plover, but likelihood of the piping plover occurring in the Action Area is rare. The nearest designated critical habitat is 18 miles west of the Action Area. No cumulative effects were identified. The Proposed Action Alternative will have no effect on the piping plover and its designated critical habitat.

Wetlands could provide potential stopover habitat for the rufa red knot, but occurrence of this species in North Dakota is rare (13 known occurrences documented in the state since 1977). No

cumulative effects were identified. The Proposed Action Alternative will have no effect on the rufa red knot.

Gray wolf occurrence in North Dakota is rare. There are no established populations in the state. No cumulative effects were identified. The Proposed Action Alternative will have no effect on the gray wolf.

No hibernacula or maternity roost trees for the northern long-eared bat have been identified in the Action Area. The Action Area mainly involves agricultural land. No tree removal would occur during the proposed project. No cumulative effects were identified. The Proposed Action Alternative will have no effect on the northern long-eared bat.

No threatened or endangered species are known to occupy the Action Area; however, in the event that any threatened or endangered species are encountered during activities of the proposed project the contractor will contact Reclamation. Reclamation will consult with the USFWS to determine the appropriate steps to avoid any effects to these species, including cessation of construction.

### **Environmental Consequences of the No Action Alternative**

Under the No Action Alternative, NRWD would be forced to seek out other funding for the Proposed Project or the Proposed Project would not be built. If alternative funding sources are secured to build the project, it would be constructed without implementing Reclamation's environmental commitments (Chapter 4). The No Action Alternative would have no effect on the whooping crane, piping plover and its designated critical habitat, rufa red knot, gray wolf, and northern long-eared bat.

## **Cultural Resources**

### **Affected Environment**

Under Section 106 of the National Historic Preservation Act (NHPA) (36 CFR Part 800), Reclamation has completed cultural resource surveys in the Area of Potential Effect (APE) and has conducted evaluations to determine what cultural resource sites are eligible for listing on the National Register of Historic Places (NRHP). Sites that are determined to be eligible for listing on the NRHP are given high cultural resource management consideration and status as historic properties. Section 106 of the NHPA requires Reclamation to consider effects to historic properties when planning and implementing actions such as those identified in this EA.

The APE is located within the North Red River (NRRSU, Picha et al. 2016) and Sheyenne River Study (SRSU, Swenson and Bleier 2016) Units, which are two of 13 Study Units (drainage basins) used for prehistoric and protohistoric archeological site studies and management in North Dakota. As of August 5, 2015, there were 270 archeological sites and 330 archeological site leads and isolated finds recorded in the NRRSU. A total of 841 archeological sites and 696 archeological site leads and isolated finds have been recorded in the SRSU as of August 5, 2015. The cultural resource sites within the APE surround the existing and proposed rural water infrastructure in Benson, Ramsey, Walsh, Towner, Cavalier, and Pembina Counties, North Dakota. The cultural resources include historic buildings, bridges, railroads, townsites, post offices, trails, and prehistoric cultural material scatters.

### **Environmental Effects of the Proposed Action**

For the Proposed Action Alternative, activities would occur within the APE located on private lands in Benson, Ramsey, Walsh, Towner, Cavalier, and Pembina Counties. A Class II and Class III cultural resource inventory was completed on November 1<sup>st</sup>-3<sup>rd</sup> and November 30<sup>th</sup> – December 4th, 2017 by Juniper, LLC on behalf of the NRWD (Morrison 2018). Under the NHPA, criteria are used to determine a cultural resource site's NRHP eligibility (36 CFR 60.4). In addition, criteria in 36 CFR Part 800 are applied to determine effects to historic properties. Any new cultural resources and historic properties identified during the survey were evaluated for listing on the NRHP, as necessary. Newly recorded resources were evaluated for the NRHP to establish significance. Previously identified cultural resources and historic properties within the corridor were assessed based on their previous NRHP evaluations (see Morrison 2018).

The Class III inventory occurred within a 150-foot wide corridor centered on the proposed pipelines. Within the inventory corridor, 30 previously recorded cultural resources were identified. Twenty-three of the sites are unevaluated for listing on the NRHP; the seven remaining sites have been determined to be not eligible for the NRHP. The preferred treatment for unevaluated cultural resource sites is avoidance. All standing structures and bridges will be avoided by the project and any railroad grades will be bored where they cross the project area.

Additional work was recommended for one of the previously recorded sites, an unevaluated prehistoric cultural material scatter. It was recommended the site be avoided by at least 100 feet during construction of the waterline, and that a Secretary of the Interior Qualified Archeologist monitor construction within 500 feet of the known site boundary.

Five new historic properties were identified during the Class III inventory. Of the five newly recorded cultural resources, four are not eligible for the NRHP with no further work or avoidance measures being recommended. The remaining newly recorded site is currently unevaluated for the NRHP. The pipeline was rerouted to the west of the site and is now separated from the site by an existing road; no further work or avoidance measures are required. Provided the management recommendations for the newly and previously recorded cultural resources are implemented, Juniper recommended a finding of *No Historic Properties Affected* for the proposed undertaking as described in the report (see Morrison 2018).

With the above stipulations, Reclamation has determined that Proposed Action Alternative would have no adverse effect on historic properties. Reclamation's Area Archaeologist submitted a copy of the Class II and Class III cultural resources report (Morrison 2018) and a consultation letter to the North Dakota State Preservation Office (NDSHPO) on April 5, 2018. The NDSHPO replied with concurrence to Reclamation's finding of, *No Historic Properties Adversely Affected*, for the proposed project (NDSHPO REF.: 18-0652; April 9, 2018). Consultation was also prepared and submitted on April 5, 2018 to the Regional Native American Tribes and Tribal Historic Preservation Officers.

***Any reroutes and/or additions to the Proposed Action Alternative not identified in this document will be subject to a cultural resource inventory as required by Section 106 of the NHPA, and consultation with the NDSHPO will be completed prior to any ground disturbing activities associated with the reroutes/additions.***

No cumulative effects were identified.

## **Environmental Consequences of the No Action Alternative**

Under the No Action Alternative, NRWD would be forced to seek out other funding for the Proposed Project or the Proposed Project would not be built. If alternative funding sources are secured to build the project, it would be constructed without implementing Reclamation's environmental commitments (Chapter 4, Cultural Resources). If the project is not built there would be no effect to historic properties.

## Socioeconomics

This section describes the current condition of social and economic indicators associated with the affected area that would be impacted by the Proposed Project. The affected area includes following counties in North Dakota: Cavalier, Pembina, Walsh, Ramsey, Towner and Benson. Indicators of social and economic conditions in those counties include populations, sectors of economic activity, and labor force.

An evaluation of social and economic conditions requires data on past and current conditions from which the significance of economic impacts can be measured. Data for this EA were obtained from the U.S. Department of Commerce's Census Bureau and the U.S. Department of Agriculture, National Agricultural Statistics Service.

### Affected Environment

#### *Population*

According to historical data, the population of North Dakota was 652,717 in 1980 and approximately 58,450 individuals resided in the affected area at that time (U.S. Census Bureau n.d.). In 2017, the population of North Dakota had grown to 755,393 and the affected area had decreased to 42,297 individuals (Table 4; U.S. Census Bureau n.d.). From 1980 to 2017, the affected area experienced an approximate 27% decrease in total population, while the state experienced an increase of approximately 15% (Table 4).

**Table 4. Current and Historic Population of North Dakota and Project Counties (U.S. Census Bureau n.d.).**

Area	1980	1990	2000	2010	2017	Percent change from 1980 to 2017
North Dakota	652,717	638,800	642,200	672,591	755,393	15.7
Cavalier	7,636	6,064	4,831	3,993	3,762	-50.7
Pembina	10,399	9,238	8,585	7,413	6,972	-33.0
Walsh	15,371	13,840	12,389	11,119	10,855	-29.4
Ramsey	13,048	12,681	12,066	11,451	11,519	-11.7
Towner	4,052	3,627	2,876	2,246	2,253	-44.4
Benson	7,944	7,198	6,964	6,660	6,936	-12.7
Total for Project Counties	58,450	52,648	47,711	42,882	42,297	-27.6

Approximately 85-92% of people in the Project Counties are a high school graduate and 15-22% have a Bachelor's degree or higher (Table 5). This compares to 92% and 28% of the state, respectively. The median household income in the Project Counties ranges from \$41,530 to \$65,645, compared to \$59,114 for the state. Whereas, unemployment ranges from 1-6% for the

Project Counties, compared to 3% for the state. Nine to 29% of people living in the Project Counties are considered to be living in poverty, compared to 11% for the State. Persons in poverty 9-29% in Project Counties, 11% for state.

**Table 5. Education, Income, Employment, and Poverty Statistics for North Dakota and Project Counties (U.S. Census Bureau 2016).**

	High school, graduate or higher, percent of persons age 25 years+, 2012-2016	Bachelor's degree or higher, percent of persons age 25+, 2012-2016	Median household income (in 2016 dollars), 2012-2016	Unemployment rate (%)	Persons in poverty (%) <sup>1</sup>
North Dakota	92.0	28.2	59,114	2.8	10.7
Cavalier	91.0	18.7	65,645	1.1	9.7
Pembina	88.9	20.2	56,813	3.1	9.1
Walsh	89.6	16.7	51,181	3.3	11.0
Ramsey	90.9	21.9	50,776	1.1	14.1
Towner	92.3	18.6	53,929	5.2	10.7
Benson	85.0	15.0	41,530	6.1	29.4

<sup>1</sup>Small Area Income and Poverty Estimates (estimates are not comparable to other geographic levels of poverty estimates).

North Dakota has a diverse workforce that involves a multitude of industries (Table 6). The largest industry in the Project Counties is Retail Trade, followed by Educational Services, and Health Care and Social Assistance. The largest industry for the state is Educational Services, and Health Care and Social Assistance followed by Retail Trade.

**Table 6. Employment Sectors for North Dakota and Project Counties (U.S. Census Bureau 2016).**

	North Dakota	Cavalier	Pembina	Walsh	Ramsey	Towner	Benson	Total Project Counties
Agriculture, forestry, fishing and hunting, and mining	36,856	467	637	1,067	390	291	328	3,180
Construction	29,721	70	231	303	420	38	221	1,283
Manufacturing	26,976	41	463	596	266	26	156	1,548
Wholesale trade	13,858	135	1,229	233	130	55	63	1,845
Retail trade	45,671	214	3,382	560	745	56	165	5,122
Transportation and warehousing, and utilities	22,769	180	197	255	304	58	58	1,052
Information	5,725	82	44	91	162	0	7	386
Finance and insurance, and real estate and rental and leasing	22,554	116	173	248	338	91	134	1,100
Professional, scientific, and management, and administrative and waste management services	26,626	78	89	154	264	25	62	672
Educational services, and health care and social assistance	96,977	380	713	1,404	1369	167	656	4,689
Arts, entertainment, and recreation, and accommodation and food services	31,822	52	146	252	1142	56	353	2,001
Other services, except public administration	16,875	74	147	205	273	52	54	805
Public administration	19,154	82	234	200	268	61	178	1,023

## **Environmental Effects of the Proposed Action**

All construction materials for the Proposed Project are available from local suppliers and through the design of the project, availability of materials on the local level would be emphasized (AE2S 2017). If the Proposed Action proceeds, employment opportunities for construction workers, possibly retailers, truckers, and various other industries may increase in the Project Area. Abundant, affordable, high quality water would provide opportunities for commercial and industrial growth in the Project Area, offering potential further opportunities in employment as developers move to the area. Growth in these areas could result in increased employment and a potential decrease in poverty levels. No cumulative effects were identified.

## **Environmental Consequences of the No Action Alternative**

Under the No Action Alternative, NRWD would be forced to seek out other funding for the Proposed Project or the Proposed Project would not be built. If alternative funding sources are secured to build the project, it would be constructed without implementing Reclamation's environmental commitments (Chapter 4). If the project is not constructed there would be no increase in potential employment opportunities due to the project. Water access for commercial and industrial growth would remain the same.

# **Chapter 4 Environmental Commitments**

This Chapter presents environmental commitments which have been developed in consultation with Federal and State agencies, the Tribes, and the public in response to construction activities and scoping over the last decade of rural water system development in North Dakota by Reclamation (Table 7). These environmental commitments would be implemented to 1. Prevent, minimize, or offset the occurrence of or potential for adverse environmental effects and 2. Ensure compliance with applicable Federal and State regulations designed to protect fish and wildlife resources, important habitats and sensitive areas, cultural and paleontological resources, human health and safety, and the public interest.

Should this project be constructed, NRWD would ensure the environmental commitments are implemented prior to and/or during construction of the proposed project. Appropriate environmental commitments would be incorporated into the designs, construction contracts, and specifications of the project. An Interagency Environmental Review Team, with appropriate agency representation, may be assembled to review environmental compliance in the field, as deemed appropriate.

**Table 7. Environmental Commitments regarding the Northeast Regional Water District Phase II Project.**

<b>General Best Management Practices</b>
Comply with all appropriate Federal, State, and Local laws.
Follow recommended practices for construction, restoration, and maintenance.
Dump grounds, trash piles, and potential hazardous waste sites will be avoided.
Standard construction, industry measures will be taken to minimize fugitive dust emissions during construction activities. Any complaints that may arise will be dealt with in a timely and effective manner.
Equipment would be washed prior to entering the construction site to prevent the spread of noxious and invasive species.
<b>Surface Water and Wetlands</b>
When pipeline construction through a wetland basin is unavoidable existing basin contours will be restored and trenches will be sufficiently compacted to prevent any drainage along the trench or through bottom seepage.
NRWD will be responsible to comply with the Clean Water Act and avoid permanent impacts to isolated wetlands to the extent practicable either through coverage under a Section 404 permit or through an applicable Nationwide Permit.
Woody species including those bordering wetlands, shelterbelts, riparian woodlands, woody draws, or woodland vegetation will be avoided to the extent possible. For unavoidable impacts to woody habitats, replacement plants at a 2:1 ratio of appropriate speciation will planted.
Erosion control measures will be employed as appropriate: (a) Care will be exercised to preserve existing trees. (b) Stabilization, erosion controls, restoration, and re-vegetation of all streambeds and embankments will be performed as soon as a stream crossing is completed and maintained until stable.
Riparian woody shrubs and trees will be replanted where and as necessary to preserve the shading characteristics of the watercourse and the aesthetic nature of the streambank.
If surface water or ground water is diverted for construction a water permit will be required by the North Dakota State Water Commission (NDSWC).
If an observation well is encountered and must be removed during construction activities, NRWD must contact the Water Appropriations Division of the NDSWC.

Pipelines as proposed currently cross a sovereign/navigable waterbody, a Sovereign Land Permit is required to be submitted by NRWD to the NDSWC.

As the project is proposed in or near regulatory floodplain, Zone A, NRWD must contact the local floodplain administrator per NDSWC.

NRWD will ensure the USFWS is provided with the latest-version route maps of the pipeline delivery system to ensure that the USFWS appropriate Refuge and Wetland Management District personnel can identify where the pipeline and USFWS lands, including wetland and grassland easements, national wildlife refuges, waterfowl production areas or other USFWS lands interface, allowing for identification of an avoidance route for the contractor or application of the appropriate approvals and/or rights-of-way.

## Fish and Wildlife Species and Habitat

**To the extent possible**, construction will avoid:

- Wetlands
- Federal, State, and Local wildlife areas and refuges
- Designated critical habitats
- Migratory bird habitats during the nesting brood rearing season (February 1 – July 15)

To minimize impacts to fisheries resources any stream identified as a fishery (fisheries – confirm with ND Game and Fish Department) that cannot be directionally bored will be avoided from April 15 to June 1 and crossed later in the summer or fall when flows are low or the stream is dry.

Construction within 660 feet of visible nesting bald eagles will be avoided from February through August.

If threatened or endangered species are identified and encountered during construction, all ground-disturbing activities in the immediate area will be stopped until Reclamation can consult with the USFWS to determine appropriate steps to avoid impacting the species.

Native prairie will be avoided to the extent possible. However, if native prairie sod must be broken, existing topsoil will be carefully salvaged and replanted with native grasses in a timely manner, with a seed mix recommended by the local Natural Resources Conservation Service (NRCS) and approved by Reclamation and the landowner.

Any new signage will be placed in a manner as to not allow raptors to perch by covering the top two holes of the post.

NRWD assumes responsibility to ensure mitigation for all unavoidable wetland and other wildlife habitat losses with equivalent (like) habitat in accordance with local, state and federal regulations.

NRCS requires a Form AD-1006 be completed for all above ground areas to document conversion of farmland to non-agriculture use when federal funding is used.

## Cultural Resources

All cultural resource investigations will be performed according to the procedures specified in the programmatic agreement among Reclamation, the NDSHPO, and the Advisory Council on Historic Preservation for Reclamation activities in North Dakota. Cultural resource inventories will be performed under the direction of an archaeologist that meets the Secretary of the Interior's Professional Qualification Standards (48 FR 22716, Sept. 1983). All appropriate cultural resource activities will be completed prior to the commencement of ground-disturbing activities, including Class I, Class II, and Class III surveys and consultation with the NDSHPO. All cultural resources, except those exempted in the programmatic agreement, will be avoided if their significance cannot be established prior to disturbance. If avoidance is not practicable, Reclamation, in consultation with the SHPO would determine if the site is eligible for nomination to the National Register of Historic Places [36CFR800.4(c) and 36CFR60.4]. If the site is eligible as a historic property, initially Reclamation, SHPO, and other interested parties, depending on the type of property, will consult to determine a plan of mitigation. If an adverse effect cannot be avoided, the Advisory Council on Historic Preservation will be contacted. All ensuing activities will comply with the NHPA, as amended, and the Archaeological Resource Protection Act (ARPA).

The Tribes will be consulted concerning the locations of unmarked burials or cemeteries. All such burials or cemeteries will be avoided to the extent possible. If a burial or cemetery cannot be avoided or is encountered during construction, Reclamation will comply with the Native American Graves Protection and Repatriation Act if graves are discovered on Federal or trust lands or within reservation

<p>boundaries. Reclamation will comply with North Dakota Century Code 23-06-27: “Protection of Human Burial Sites, Human Remains, and Burial Goods” for graves on private or State-owned lands.</p> <p>If previously undiscovered cultural resources are exposed during any activities, work within the area shall cease. The site will be secured and protected. Project work at the site will not resume until all activities needed to comply with the Protection of Historic Properties (36 CFR Part 800.13) have been completed. Reclamation will consult with NDSHPO and the Advisory Council on Historic Preservation on its determination as to whether the discovery qualifies as a historic property. Project work can continue under the advisement of the Project Archaeologist meeting the Secretary of the Interior’s Professional Qualification Standards (48 FR 22716, Sept. 1983).</p>
<p>In the event of an inadvertent discovery of human remains or funerary objects, all work at the find spot and in the immediate vicinity shall cease. The site will be secured and protected until Reclamation officials and the NDSHPO have been notified and arrive on site. Protection of the discovery site may include flagging the discovery location with a buffer zone around it, tarping the find spot, and having an individual stay at the location to prevent further disturbance. Contact information for the individual who discovered the site must be provided to Reclamation and the NDSHPO. No digging, collecting, or moving human remains or other items will occur after the initial discovery. Reclamation will comply with the Native American Graves Protection and Repatriation Act (25 U.S.C. 3001 et. seq. [Nov. 16, 1990]) if graves are discovered on Federal or trust lands or within reservation boundaries. Reclamation will comply with North Dakota Century Code 23-06-27: “Protection of Human Burial Sites, Human Remains, and Burial Goods” for graves on private or State-owned lands.</p>
<p>Under the National Register Bulletin 38, Guidelines for Evaluating and Documenting Traditional Cultural Properties (TCP), a TCP is an historic property that derives its significance from the role it plays in a community’s historically rooted beliefs, customs, and practices. If a potential TCP is discovered during the course of implementing the project, all work in its vicinity must halt. Reclamation and the appropriate Tribal Historic Preservation Officer(s) (THPO) will be notified and would be responsible for determining the appropriate course of action.</p>
<p>Under the Archaeological Resources Protection Act (16 U.S.C. 470aa-470mm; Public Law 96-95 [1979]), historic properties, which may include rock art sites, historic buildings or structures, or historic or prehistoric artifacts, are protected. Unauthorized collecting or digging, vandalism, or other methods of destruction to historic properties are not permitted. Therefore, Reclamation and the NDHPO will be notified if construction personnel discover evidence these types of activities.</p>

### **Paleontological Resources**

Reclamation consulted with North Dakota Geological Survey to identify areas for paleontological survey where significant fossils are likely. If fossils are encountered, GDCD will contact the State of North Dakota Geological Survey for further information.

# **Chapter 5 Agency Consultation and Coordination**

Reclamation sent a scoping notice announcement to approximately 55 individuals including Native American Tribes, North Dakota's congressional delegation, appropriate state and federal agency contacts, associated county government auditor offices, private individuals, non-government organizations and six published newspapers, Cavalier County Republican, Cavalier Chronicle, Walsh County Record, Devils Lake Journal, Towner County Record-Herald, and the Benson County Farmers Press (Appendix B). Reclamation's Scoping Notice and responses to Reclamation's Scoping Notice are included in Appendix A.

## **Compliance with Environmental Statutes**

If the Proposed Action Alternative would be implemented, it would be accomplished in accordance and compliance with the following environmental laws, regulations, directives and compliance with the following:

- American Indian Religious Freedom Act of 1978 (P.L. 95-341)
- National Historic Preservation Act of 1966 (P.L. 89-665), as amended 1992 (P.L. 102-575)
- Native American Grave Protection and Repatriation Act (P.L. 101-601)
- Archaeological and Historic Preservation Act (P.L. 93-291)
- Archaeological Resources Protection Act of 1979 (P.L. 96-95)
- National Environmental Policy Act of 1969 (42 USC 4321)
- Clean Air Act (33 USC 7401) and Amendments
- Clean Water Act (33 USC 1251 et seq.), Sections 401, 402, and 404
- Endangered Species Act of 1973 (P.L. 93-205) (16 USC 1531-1544)
- Farmland Protection Policy Act (P.L. 97-98)
- Fish and Wildlife Coordination Act of 1958 (P.L. 85-624)
- Indian Trust Responsibilities (512 DM Chapter 2)
- Executive Order 13175 – Consultation and Coordination with Indian Tribal Governments
- Federal Energy Policy Act of 2005
- Executive Order 11988 – Floodplain Management (1977)
- Executive Order 11990 – Protection of Wetlands (1977)
- Executive Order 12898 – Environmental Justice (1994)
- Executive Order 13007 – Indian Sacred Sites (1996)
- Executive Order 11593 – Protection and Enhancement of the Cultural Environment (1971)
- Executive Order 13186 – Protection of Migratory Birds (2001) Responsibilities of Federal Agencies to Protect Migratory Birds in furtherance of the purposes of the migratory bird conventions
- Executive Order 13112 – Invasive Species
- Migratory Bird Treaty Act (16 USC 703-711)
- Bald and Golden Eagle Protection Act (16 USC 668-668d)
- Fish and Wildlife Coordination Act (16 USC 661-666c)
- Endangered Species Act of 1973 (16 USC 1531-1544)

## **List of Preparers**

A list of individuals with primary responsibility for conducting this study, preparing the documentation, and providing technical reviews is below:

Kate Kenninger – Natural Resource Specialist – DKAO – Bismarck, North Dakota

Matt Cox – Archaeologist – DKAO – Bismarck, North Dakota

Damien Reinhart – Supervisory Natural Resource Specialist – DKAO – Bismarck, North Dakota

# Chapter 6 References

AE2S. 2017. Feasibility Report for User Expansion Phase II Northeast Regional Water District. Prepared for Northeast Regional Water District. AE2S Project No. R11799-2015-008.

Bryce, S., J. Omernik, D. Pater, M. Ulmer, J. Schaar, J. Freeouf, R. Johnson, P. Kuck, and S. Azevedo. n. d. Ecoregions of North Dakota and South Dakota. Available at: [ftp://newftp.epa.gov/EPADataCommons/ORD/Ecoregions/nd/ndsd\\_front.pdf](ftp://newftp.epa.gov/EPADataCommons/ORD/Ecoregions/nd/ndsd_front.pdf). Accessed March 23, 2018.

Butler, M. and W. Harrell. n.d. Whooping crane survey results: winter 2016-2017. U.S. Fish and Wildlife Service. Available at: [https://www.fws.gov/uploadedFiles/Region\\_2/NWRS/Zone\\_1/Aransas-Matagorda\\_Island\\_Complex/Aransas/Sections/What\\_We\\_Do/Science/Whooping\\_Crane\\_Updates\\_2013/WHCR\\_Update\\_Winter\\_2016-2017.pdf](https://www.fws.gov/uploadedFiles/Region_2/NWRS/Zone_1/Aransas-Matagorda_Island_Complex/Aransas/Sections/What_We_Do/Science/Whooping_Crane_Updates_2013/WHCR_Update_Winter_2016-2017.pdf). Accessed May 11, 2018.

Canadian Wildlife Service and U.S. Fish and Wildlife Service. 2007. International recovery plan for the whooping crane. Ottawa: Recovery of Nationally Endangered Wildlife (RENEW), and U.S. Fish and Wildlife Service, Albuquerque, New Mexico. 162 pp. Available at: [http://www.fwspubs.org/doi/suppl/10.3996/092012-JFWM-088/suppl\\_file/092012-jfwm-088r1-s09.pdf?code=ufws-site](http://www.fwspubs.org/doi/suppl/10.3996/092012-JFWM-088/suppl_file/092012-jfwm-088r1-s09.pdf?code=ufws-site). Accessed June 6, 2018.

Elliott-Smith, E., S. Haig, and B. Powers. 2009. Data from the 2006 International Piping Plover Census. U.S. Department of Interior, Geological Survey Data Series 426, 332 pp. Available at: <http://pubs.usgs.gov/ds/426/pdf/ds426.pdf>. Accessed June 22, 2016.

Gillam, E. & P. Barnhart. 2012. Distribution and Habitat Use of the Bats of North Dakota – Final Report. Prepared for North Dakota Game and Fish. Available at: [https://gf.nd.gov/sites/default/files/publications/T2-5-R%20Bat%20Survey%20Final%20Report%202012\\_0.pdf](https://gf.nd.gov/sites/default/files/publications/T2-5-R%20Bat%20Survey%20Final%20Report%202012_0.pdf). Accessed June 6, 2018.

Hutchinson, R.D. 1977. Ground-Water Resources of Cavalier and Pembina Counties, North Dakota. U.S. Geological Survey, North Dakota Geological Survey, North Dakota State Water Commission, Cavalier County Water Management District, and Pembina County Board of Commissioners. County Ground-Water Studies 20, Part III. Available at: [http://www.swc.state.nd.us/info\\_edu/reports\\_and\\_publications/county\\_groundwater\\_studies/pdfs/Cavalier\\_Pembina\\_Part\\_III.pdf](http://www.swc.state.nd.us/info_edu/reports_and_publications/county_groundwater_studies/pdfs/Cavalier_Pembina_Part_III.pdf). Accessed June 6, 2018.

LANDFIRE. 2013. LANDFIRE Existing Vegetation Type Layer. Department of Interior Geological Survey. Available at: <https://landfire.cr.usgs.gov/viewer/>. Accessed May 16, 2018.

Licht, D. & L. Huffman. 1996. Gray Wolf Status in North Dakota. The Prairie Naturalist 28(4): 169-174. Available at: <https://digitalcommons.unl.edu/cgi/viewcontent.cgi?referer=&httpsredir=1&article=1059&context=usfwspubs>. Accessed June 6, 2018.

Morrison, J. G. 2018. Northeast Regional Water District Class II-III Cultural Resource Inventories, Benson, Ramsey, Walsh, Towner, Cavalier, and Pembina Counties, North Dakota. Cultural Resources Inventory Report on file at the State Historical Society of North Dakota, Bismarck, ND.

Natural Resources Conservation Service, United States Department of Agriculture (NRCS). 2017. Web Soil Survey. Available at:  
<https://websoilsurvey.sc.egov.usda.gov/App/HomePage.htm>. Accessed June 6, 2018.

North Dakota State Water Commission. 2015a. State Water Commission & Office of the State Engineer. Available at:  
[http://www.swc.nd.gov/project\\_development/mri\\_water\\_supply.html](http://www.swc.nd.gov/project_development/mri_water_supply.html). Accessed July 23, 2018.

\_\_\_\_\_. 2015b. Water Permits. Available at:  
[http://www.swc.nd.gov/info\\_edu/map\\_data\\_resources/waterpermits/](http://www.swc.nd.gov/info_edu/map_data_resources/waterpermits/). Accessed August 6, 2018.

\_\_\_\_\_. 2017. Ground and Surface Water Data. GIS Shapefile. Available at:  
<https://gishubdata.nd.gov/dataset/ground-and-surface-water-data>. Accessed August 3, 2018.

Picha, P., M. Gregg, A. Bleier, and T. Reed. 2016. The Northerns Red River Study Unit. Prepared by the State Historical Society of North Dakota. Available at:  
[http://history.nd.gov/hp/PDFinfo/9\\_NorthernRedRiverStudyUnit2016.pdf](http://history.nd.gov/hp/PDFinfo/9_NorthernRedRiverStudyUnit2016.pdf)

Swenson, F. and A. Bleier. 2016. The Sheyenne River Study Unit. Prepared the State Historical Society of North Dakota. Available at:  
[http://history.nd.gov/hp/PDFinfo/12\\_SheyenneRiverStudyUnit2016.pdf](http://history.nd.gov/hp/PDFinfo/12_SheyenneRiverStudyUnit2016.pdf)

Tacha, M., et al. 2010. U.S. Fish and Wildlife Service. Unpublished Data.

U.S. Census Bureau. n.d. 2012-2016 American Community Survey 5-Year Estimates. Available at: <https://www.census.gov/en.html>. Accessed June 7, 2018.

U.S. Fish and Wildlife Service. 2013. Rufa Red Knot Ecology and Abundance, Supplement to: Endangered and Threatened Wildlife and Plants; Proposed Threatened Status for the Rufa Red Knot (*Calidris canutus rufa*). Docket No. FWS-R5-ES-2013-0097; RIN 1018-AY17. Available at:  
[https://www.fws.gov/northeast/redknot/pdf/20130923\\_REKN\\_PL\\_Supplement02\\_Ecology%20Abundance\\_Final.pdf](https://www.fws.gov/northeast/redknot/pdf/20130923_REKN_PL_Supplement02_Ecology%20Abundance_Final.pdf). Accessed June 6, 2018

\_\_\_\_\_. 2018. National Wetlands Inventory website. U.S. Department of the Interior, Fish and Wildlife Service, Washington, D.C. Available at: <http://www.fws.gov/wetlands/>. Accessed June 6, 2018.

## **Appendix A: Scoping Letter and Scoping Letter Responses**



## United States Department of the Interior

### BUREAU OF RECLAMATION

Great Plains Region

Dakotas Area Office

P.O. Box 1017

Bismarck, ND 58502-1017

IN REPLY REFER TO  
DK-5000-18-01  
ENV-6.00

MAR 21 2018

**Subject:** Bureau of Reclamation's Preparation of an Environmental Assessment for the Funding of the Northeast Regional Water District Phase II Project: Cavalier, Pembina, Walsh, Ramsey, Towner, and Benson Counties, North Dakota

Dear Interested Party:

The Bureau of Reclamation (Reclamation) is preparing an Environmental Assessment (EA) for the funding of the Northeast Regional Water District Phase II Project. Reclamation is the lead Federal agency responsible for ensuring compliance with the National Environmental Policy Act, National Historic Preservation Act, and related federal environmental and cultural resource legislation.

The Northeast Regional Water District Phase II Project would include the addition of approximately 200 users in the counties of Cavalier, Pembina, Walsh, Ramsey, Towner, and Benson in North Dakota. The proposed infrastructure includes approximately 275 miles of 1.5 to 8.0-inch pipeline and various above ground appurtenances.

The project would be constructed utilizing Federal, State and local funds provided to the Garrison Diversion Conservancy District through a cooperative agreement with Reclamation.

We are requesting your input about the proposed action and information or concerns you may have regarding potential project effects. If no significant issues are identified during scoping or preparation of the EA, Reclamation would issue a Finding of No Significant Impact. Conversely, if any significant issues are identified, Reclamation would consider whether to proceed with the preparation of an environmental impact statement.

Reclamation defines significance in accordance with 40 CFR 1508.27. To be most helpful to the preparers of the EA please provide any comments, concerns or information regarding this project by April 27, 2018. Questions or comments regarding the preparation of the EA may be directed to Kate Kenninger at 701-221-1282, [kkenninger@usbr.gov](mailto:kkenninger@usbr.gov), or in writing to: Area Manager, Bureau of Reclamation, P.O. Box 1017, Bismarck, North Dakota 58502.

Sincerely,

**ARDEN FREITAG**

Arden Freitag  
Area Manager

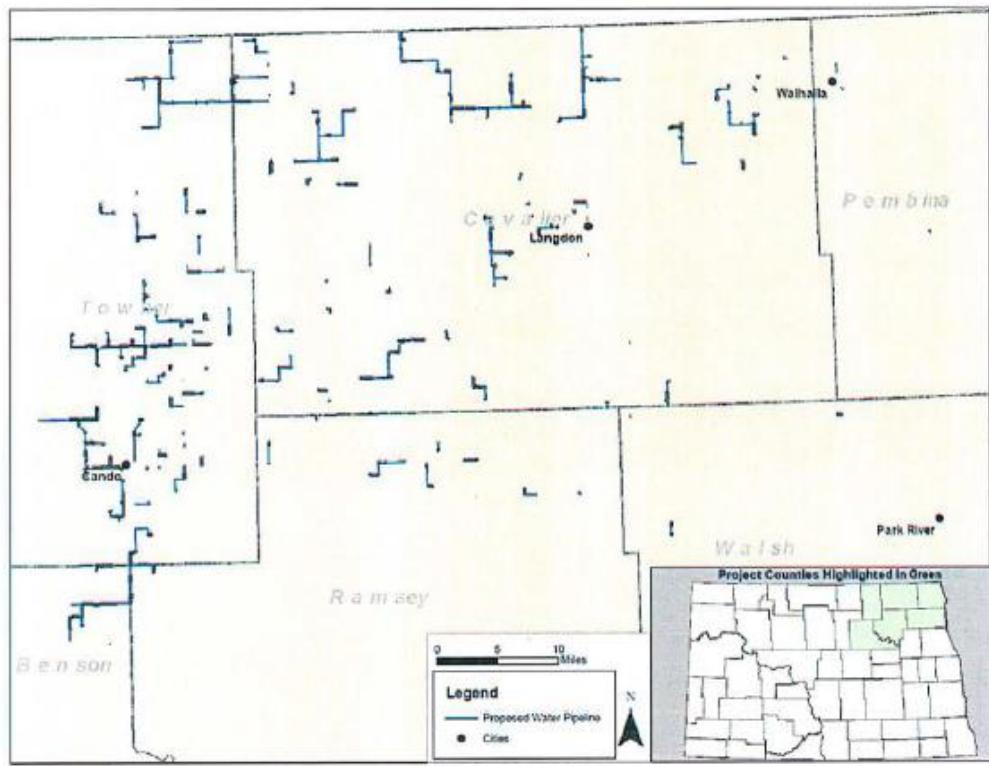
Subject: Bureau of Reclamation's Preparation of an Environmental Assessment for the Funding  
of the Northeast Regional Water District Phase II Project: Cavalier, Pembina, Walsh,  
Ramsey, Towner, and Benson Counties, North Dakota

Enclosure - Map

cc: Contact List Available From Dakotas Area Office

bc: DK-1000 (Freitag), DK-2000 (Thompson, Waters), DK-5000 (Kenninger, Cox, Reinhart)  
(via electronic copy)

WBR:Kenninger:Vinchattle:03/19/2018:701-221-1282  
V:\Public\NEPA\NE Rural Water Supply EA\Scoping Notice\Scoping Letter NERWSP  
20162018.docx





## United States Department of the Interior

BUREAU OF INDIAN AFFAIRS  
Great Plains Regional Office  
115 Fourth Avenue S.E., Suite 400  
Aberdeen, South Dakota 57401

IN REPLY REFER TO:  
DECRM  
MC-208

MAR 27 2018

### MEMORANDUM

TO: Area Manager, Bureau of Reclamation – Great Plains Region – Dakota Area Office

FROM **ACTING** Deputy Regional Director – Trust Services – Great Plains Region *Diane P. Bercier*

SUBJECT: Northeast Regional Water District Phase II Project

We received your letter regarding the proposed project listed below. We have considered the potential for both environmental damage and impacts to archaeological and Native American religious sites on lands held in trust by the Bureau of Indian Affairs, Great Plains Region. You should be aware; however, that Tribes or Tribal members may have lands in fee status near the sites of interest. These lands would not necessarily be in our databases, and the Tribes should be contacted directly to ensure all concerns are recognized. The actions considered have the following notification date and project location:

March 21, 2018

Project Title:

Preparation of an Environmental Assessment  
for the Funding of the Northeast Regional  
Water District Phase II Project: Cavalier,  
Pembina, Walsh, Ramsey, Towner, and  
Benson Counties, North Dakota

We have no environmental objections to this action as long as the project complies with all pertinent laws and regulations. Questions regarding environmental opinions and conditions can be addressed to Marilyn Bercier, Regional Environmental Scientist, at (605) 226-7656.

We also find that the listed action will not affect cultural resources on Tribal or individual landholdings for which we are responsible. Methodologies for the treatment of cultural resources now known or yet to be discovered – particularly human remains – must nevertheless utilize the best available science in accordance with provisions of the Native American Graves Protection and Repatriation Act, the Archaeological Resources Protection Act of 1979 (as amended), and all other pertinent legislation and implementing regulations. Archaeological concerns can be addressed to Dr. Sebastian C. LeBeau II, Acting Regional Archaeologist, at (605) 226-7656.

5/1/2018

DEPARTMENT OF THE INTERIOR Mail - Northeast Regional Water District Phase II



Kenninger, Kate <kkenninger@usbr.gov>

## Northeast Regional Water District Phase II

6 messages

Sprenger, Matt <matt\_sprenger@fws.gov>  
To: Kate Kenninger <kkenninger@usbr.gov>  
Cc: Matt VanThuyne <matt\_vanthuyne@fws.gov>, Chris Roed <chris\_roed@fws.gov>, "Vose, Brian" <brian\_vose@fws.gov>

Kate -

I received the attached letter regarding the EA for the Northeast Regional Water District Phase II project. The U.S. Fish and Wildlife Service Devils Lake Wetland Management District office administers over 200,000 acres of easements and fee-title lands in the counties of Cavalier, Pembina, Walsh, Ramsey, Towner and Benson. Because of the scale of the map attached to the March 21, 2018 memo, I was unable to determine whether the project will potentially impact any easements or fee-title lands administered by the Fish and Wildlife Service. We have previously coordinated with Northeast Regional Water District on pipeline projects; however, this appears to be a new scope of work.

If you could provide a more detailed map or digital data regarding the proposed pipeline centerline and the locations of appurtenances, I could provide you with any Fish and Wildlife Service administered interests along the proposed route. Please contact me with any questions. I look forward to coordinating on this project.

Regards,

Matt Sprenger  
Wildlife Refuge Manager  
Devils Lake Wetland Mgmt District  
221 2nd St NW Suite 2  
Devils Lake, ND 58301  
Phone: 701-662-8611 xt. 328

---

BOR\_EA.pdf  
5869K

---

Kenninger, Kate <kkenninger@usbr.gov>  
Tue, Mar 27, 2018 at 2:26 PM  
To: "Sprenger, Matt" <matt\_sprenger@fws.gov>  
Cc: Matt VanThuyne <matt\_vanthuyne@fws.gov>, Chris Roed <chris\_roed@fws.gov>, "Vose, Brian" <brian\_vose@fws.gov>

Hi Matt,

Please see the attachment for GIS shapefiles of the proposed NRWD Phase II project. They are proposing a 100' construction corridor (50' on either side of the centerline) and a 50' permanent easement (25' on either side of centerline).

Please let me know if you have any questions.

Thank you, Kate  
[Quoted text hidden]

—  
Kate Kenninger  
Bureau of Reclamation  
Natural Resource Specialist

Dakotas Area Office  
PO Box 1017  
Bismarck, ND 58502-1017

Office: (701) 221-1282

---

**8 attachments**

- NRWD User Phase Two Pipeline.sbn  
31K
- NRWD User Phase Two Pipeline.sbx  
2K
- NRWD User Phase Two Pipeline.shp  
589K
- NRWD User Phase Two Pipeline.shp.xml  
20K
- NRWD User Phase Two Pipeline.shx  
25K
- NRWD User Phase Two Pipeline.cpg  
1K
- NRWD User Phase Two Pipeline.dbf  
2483K
- NRWD User Phase Two Pipeline.prj  
1K

---

Sprenger, Matt <matt\_sprenger@fws.gov>  
To: Kate Kenninger <kkenninger@usbr.gov>  
Cc: Matt VanThuyne <matt\_vanthuyne@fws.gov>

Thu, Mar 29, 2018 at 1:03 PM

Kate -

Attached are a number of digital files that display FWS interests along the pipeline routes. One note regarding the digital files: the "protected wetlands" file displays the approximate size, shape and location of easement protected wetlands. It is not a jurisdictional boundary and does not represent the edge of the wetland.

From our cursory review, the route looks as if it has the potential to impact Farmers Home Administration, Wetland and Grassland easements. If impacted interests can not be avoided and NRWD requests a a special use permit or ROW, we will need to complete the appropriate NEPA compliance work. It would be great if we could coordinate any NEPA requirements to expedite the process.

I have copied Matt VanThuyne on this email. Matt VanThuyne will serve as the point of contact for this project as he is the manager for many of the potentially impacted easements.

Regards,

Matt Sprenger  
Wildlife Refuge Manager  
Devils Lake Wetland Mgmt District  
221 2nd St NW Suite 2  
Devils Lake, ND 58301  
Phone: 701-662-8611 xt. 328

---

**5 attachments**

- NRWD\_User\_Phase\_Two\_Pipeline\_BUFFERED.kmz  
377K
- Project\_Area\_FHAs\_Impacted.kmz  
2K
- Project\_Area\_GRASS\_EASE\_Impacted.kmz  
2K
- Project\_Area\_Protected\_Wetlands\_Impacted.kmz

5/1/2018

DEPARTMENT OF THE INTERIOR Mail - Northeast Regional Water District Phase II

- 547K
- Project\_Area\_WET\_EASE\_Impacted.kmz  
27K

---

Kenninger, Kate <kkenninger@usbr.gov>  
To: "Sprenger, Matt" <matt\_sprenger@fws.gov>  
Cc: Matt VanThuyne <matt\_vanthuyne@fws.gov>

Thu, Mar 29, 2018 at 2:15 PM

Thanks Matt.

Do you mind if I share the files with the project engineer at AE2S so they can reroute as necessary?  
As far as avoidance of the areas, if a reroute is not feasible could they bore?  
If boring the basins is an option of avoidance but the easement in its entirety is not (obviously some areas are quite large), I imagine a SUP or ROW is still required from FWS?

Thanks in advance for the information!

[Quoted text hidden]

—  
Kate Kenninger  
Bureau of Reclamation  
Natural Resource Specialist

Dakotas Area Office  
PO Box 1017  
Bismarck, ND 58502-1017

Office: (701) 221-1282

---

VanThuyne, Matt <matt\_vanthuyne@fws.gov>  
To: "Kenninger, Kate" <kkenninger@usbr.gov>  
Cc: Matt Sprenger <matt\_sprenger@fws.gov>

Thu, Mar 29, 2018 at 2:54 PM

Hi Kate,

You can share as much information as you need to for planning purposes. If you need additional spatial information please let me know. Also if you would prefer to have the data in a different format let me know that as well. As a reminder, the wetland shapes that were provided represent the approximate jurisdictional area and should not be interpreted as the exact wetland edge. Please pass this along to AE2S when you provide them the information.

I have a couple questions about the installation process. How will the waterline be installed? I am imagining an open trench in some areas as well as boring in others. Is this accurate? Can some of the smaller waterlines be knifed? The installation process will dictate if, and what type of permit is required.

The U.S. Fish and Wildlife Service does not have jurisdiction in the uplands within the legally described boundaries of the wetland easements. We only have jurisdiction in the wetland areas. If installation involves an open trench, only the wetland areas would have to be avoided by rerouting or a right of way would have to be applied for (i.e. an open trench in the non-wetland areas of the wetland easement is not a problem). If boring or knifing a line through or under a wetland is an option, no permit would be required, as the impacts would be extremely temporary in nature and non-substantial.

The only time in which the entire easement would need to be avoided is in the case of the two grassland easements. If the waterline is installed across a grassland easement you will need to pursue a right of way. We should explore alternatives to route around these two areas.

Let me know if you need any further information.

Matt

**Matt VanThuyne | Refuge Manager | Federal Wildlife Officer**

U.S. Fish and Wildlife Service, DLWMD | 221 2nd St. NW | Devils Lake, ND 58301  
phone (701) 662-8611 ext. 330 | cell (701) 388-7289 | fax (701) 662-8612

email [matt\\_vanthuyne@fws.gov](mailto:matt_vanthuyne@fws.gov)

[Quoted text hidden]

---

Kenninger, Kate <[kkenninger@usbr.gov](mailto:kkenninger@usbr.gov)>  
To: "VanThuyne, Matt" <[matt\\_vanthuyne@fws.gov](mailto:matt_vanthuyne@fws.gov)>  
Cc: Matt Sprenger <[matt\\_sprenger@fws.gov](mailto:matt_sprenger@fws.gov)>

Fri, Mar 30, 2018 at 1:13 PM

Hi Matt,

Yes from my understanding the pipelines will be trenched and waterways would be bored.  
I have passed on the information you provided to AE2S and indicated the note about the approximation of wetland jurisdictional areas. I will be in touch when I hear anything further on proposed plans.

Thank you and have a good weekend!

Kate

[Quoted text hidden]



# North Dakota Geological Survey

Edward C. Murphy - State Geologist

**Department of Mineral Resources**

Lynn D. Helms - Director

**North Dakota Industrial Commission**

[www.state.nd.us/ndgs](http://www.state.nd.us/ndgs)

---

April 6, 2018

Arden Freitag  
Area Manager  
U.S. Bureau of Reclamation, Great Plains Region  
Dakotas Area Office  
PO BOX 1017  
Bismarck, ND 58502-1017

Re: Environmental Assessment – Northeast Regional Water District Phase II Project: Cavalier, Pembina, Walsh, Towner, and Benson Counties, North Dakota

The North Dakota Geological Survey appreciates the notification and opportunity to review and provide comment on the proposed water supply project. The comment solicitation letter of March 21, 2018 was reviewed by our office on March 22, 2018. We dropped in the approximate route of the proposed water-line routes on our geologic base maps and compared the routes to the locations where previous geologic and recently completed landslide mapping work has identified geologic units, primarily shale of the Cretaceous Pierre Formation, in which slope stability issues are common and are typically found along the slopes of creeks and rivers.

From this comparison, the segments of the proposed water lines that cross the south branch of the Pembina River and those that are near the tributary drainages of the river, along the southwest side, are also of concern. Most of these valleys and coulees contain landslide areas along their slopes. There should be careful examination of route selection and construction practices in these potentially unstable areas. Areas like these should be avoided whenever possible.

Downloadable areas of landslides maps and detailed LiDAR elevation mapping and data products for the 1:24,000 and 1:100,000 scale quadrangles that encompass the proposed water line corridors can be found on our website at:

<https://www.dmr.nd.gov/ndgs/landslides/>

You may also contact our offices directly, with any additional questions or comments, at (701) 328-8000.

Sincerely,

North Dakota Geological Survey:

*Fred Anderson*  
Fred Anderson  
Geologist

FJA

---

600 E Boulevard Ave – Dept 405, Bismarck, North Dakota 58505-0840 Phone (701)328-8000 Fax (701)328-8010



ENVIRONMENTAL HEALTH SECTION  
Gold Seal Center, 918 E. Divide Ave.  
Bismarck, ND 58501-1947  
701.328.5200 (fax)  
[www.ndhealth.gov](http://www.ndhealth.gov)



April 4, 2018

Mr. Arden Freitag, Area Manager  
Bureau of Reclamation  
P.O. Box 1017  
Bismarck, ND 58502-1017

Re: Preparation of an Environmental Assessment for the Funding of the  
Northeast Regional Water District Phase II Project  
Cavalier, Pembina, Walsh, Ramsey, Towner and Benson Counties

Dear Mr. Freitag:

OFFICIAL FILE COPY RECEIVED		
APR 10 2018		
REPLY DATE		
INFO. COPY TO:		
DATE	INITIAL	TO
4/10/18	KK	Kate K.
CLASSIFICATION		
PROJECT		
CONTROL NO.		
FOLDER I.D.		

This department has reviewed the information concerning the above-referenced project submitted under date of March 21, 2018, with respect to possible environmental impacts.

This department believes that environmental impacts from the proposed construction will be minor and can be controlled by proper construction methods. With respect to construction, we have the following comments:

1. Care is to be taken during construction activity near any water of the state to minimize adverse effects on a water body. This includes minimal disturbance of stream beds and banks to prevent excess siltation, and the replacement and revegetation of any disturbed area as soon as possible after work has been completed. Caution must also be taken to prevent spills of oil and grease that may reach the receiving water from equipment maintenance, and/or the handling of fuels on the site. Guidelines for minimizing degradation to waterways during construction are attached.
2. Projects disturbing one or more acres are required to have a permit to discharge storm water runoff until the site is stabilized by the reestablishment of vegetation or other permanent cover. Further information on the storm water permit may be obtained from the department's website or by calling the Division of Water Quality (701-328-5210). Also, cities may impose additional requirements and/or specific best management practices for construction affecting their storm drainage system. Check with the local officials to be sure any local storm water management considerations are addressed.
3. The proposed construction project overlies the Spiritwood, Spiritwood-Devils Lake, Starkweather, Munich, and four unnamed glacial drift aquifers. The project also overlies the following designated sensitive groundwater areas: the Icelandic, Pembina River, and Pembina Delta glacial drift aquifers. Some project areas may encounter nearby domestic

Environmental Health  
Section Chief's Office  
701.328.5150

Division of  
Air Quality  
701.328.5188

Division of  
Municipal Facilities  
701.328.5211

Division of  
Waste Management  
701.328.5166

Division of  
Water Quality  
701.328.5210

*Printed on recycled paper.*

Mr. Arden Freitag

2.

April 4, 2018

and/or stock water supply wells or be located within community and non-community wellhead protection areas. Care should be taken to avoid spills of any materials that may have an adverse effect on groundwater quality. All spills must be immediately reported to this department and appropriate remedial actions performed.

The department owns no land in or adjacent to the proposed improvements, nor does it have any projects scheduled in the area. In addition, we believe the proposed activities are consistent with the State Implementation Plan for the Control of Air Pollution for the State of North Dakota.

These comments are based on the information provided about the project in the above-referenced submittal. The U.S. Army Corps of Engineers may require a water quality certification from this department for the project if the project is subject to their Section 404 permitting process. Any additional information which may be required by the U.S. Army Corps of Engineers under the process will be considered by this department in our determination regarding the issuance of such a certification.

If you have any questions regarding our comments, please feel free to contact this office.

Sincerely,



L. David Glatt, P.E., Chief  
Environmental Health Section

LDG:cc  
Attach.



**NORTH DAKOTA**  
DEPARTMENT of HEALTH

ENVIRONMENTAL HEALTH SECTION  
Gold Seal Center, 918 E. Divide Ave.  
Bismarck, ND 58501-1947  
701.328.5200 (fax)  
[www.ndhealth.gov](http://www.ndhealth.gov)



### **Construction and Environmental Disturbance Requirements**

These represent the minimum requirements of the North Dakota Department of Health. They ensure that minimal environmental degradation occurs as a result of construction or related work which has the potential to affect the waters of the State of North Dakota. All projects will be designed and implemented to restrict the losses or disturbances of soil, vegetative cover, and pollutants (chemical or biological) from a site.

#### **Soils**

Prevent the erosion of exposed soil surfaces and trapping sediments being transported. Examples include, but are not restricted to, sediment dams or berms, diversion dikes, hay bales as erosion checks, riprap, mesh or burlap blankets to hold soil during construction, and immediately establishing vegetative cover on disturbed areas after construction is completed. Fragile and sensitive areas such as wetlands, riparian zones, delicate flora, or land resources will be protected against compaction, vegetation loss, and unnecessary damage.

#### **Surface Waters**

All construction which directly or indirectly impacts aquatic systems will be managed to minimize impacts. All attempts will be made to prevent the contamination of water at construction sites from fuel spillage, lubricants, and chemicals, by following safe storage and handling procedures. Stream bank and stream bed disturbances will be controlled to minimize and/or prevent silt movement, nutrient upsurges, plant dislocation, and any physical, chemical, or biological disruption. The use of pesticides or herbicides in or near these systems is forbidden without approval from this Department.

#### **Fill Material**

Any fill material placed below the high water mark must be free of top soils, decomposable materials, and persistent synthetic organic compounds (in toxic concentrations). This includes, but is not limited to, asphalt, tires, treated lumber, and construction debris. The Department may require testing of fill materials. All temporary fills must be removed. Debris and solid wastes will be removed from the site and the impacted areas restored as nearly as possible to the original condition.

Environmental Health  
Section Chief's Office  
701.328.5150

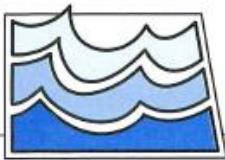
Division of  
Air Quality  
701.328.5188

Division of  
Municipal Facilities  
701.328.5211

Division of  
Waste Management  
701.328.5166

Division of  
Water Quality  
701.328.5210

*Printed on recycled paper.*



# North Dakota State Water Commission

900 EAST BOULEVARD AVENUE, DEPT 770 • BISMARCK, NORTH DAKOTA 58505-0050  
(701) 328-2750 • TTY 1-800-366-8888 or 711 • FAX (701) 328-3696 • <http://swc.nd.gov>

OFFICIAL FILE COPY  
RECEIVED

APR 19 2018

REPLY DATE

INFO. COPY TO:

DATE	INITIAL	TO
		Kate K.

CLASSIFICATION

PROJECT

CONTROL NO.

FOLDER I.D.

April 16, 2018

Kate Kenninger  
Area Manager  
Bureau of Reclamation  
PO Box 1017  
Bismarck, ND 58502

Dear Ms. Kenninger:

This is in response to your request for a review of the environmental impacts associated with the Funding of the Northeast Regional Water District Phase II Project located in Cavalier, Pembina, Walsh, Ramsey, Towner, and Benson Counties, ND.

The proposed project has been reviewed by State Water Commission staff, and the following comments are provided:

- Initial review indicates the project does not require a conditional or temporary permit for water appropriation. However, if surface water or groundwater will be diverted for construction of the project, a water permit will be required per North Dakota Century Code (NDCC) § 61-04-02. Please consult with the Water Appropriations Division of the Office of the State Engineer (OSE) if you have any questions regarding this comment at 701-328-2754 or [waterpermits@nd.gov](mailto:waterpermits@nd.gov).

The State Water Commission (SWC) maintains a network of observation wells across the state for monitoring the water levels and quality in glacial and bedrock aquifers. These wells are often installed in road and highway rights-of-way to limit inconvenience to the adjacent landowners. SWC observation wells have a yellow protective casing extending between 1 and 3 feet above ground surface, and their locations are marked with a stake. If an observation well is encountered during project activities and must be removed, please contact the Water Appropriations Division. The SWC hopes to keep all observation wells, but otherwise will ensure the well is properly abandoned.

- A Sovereign Land Permit will be required if any of the proposed water lines would travel under a sovereign/navigable water body. Please see the list of navigable water bodies located at [www.swc.nd.gov/reg\\_approp/sovereignlands](http://www.swc.nd.gov/reg_approp/sovereignlands). Please contact Ashley Persinger at 701-328-4988 or [apersinger@nd.gov](mailto:apersinger@nd.gov) should you have questions regarding this comment.

- Portions of this project take place within or near regulatory floodplains, Zone A. Please contact the local (County, City, and Township) floodplain administrator for further floodplain development permits as required through the National Flood Insurance Program. A list of the county floodplain administrators for the project area has been supplied. A complete list may be found on the State Water Commission's website, under floodplain management. The floodplain administrator for Cavalier County is Karen Kempert, 701-256-3911, [kkempert@nd.gov](mailto:kkempert@nd.gov). The floodplain administrator for Pembina County is Andrew Kirking, 701-265-4849, [akirking@nd.gov](mailto:akirking@nd.gov). The floodplain administrator for Walsh County is Brent Nelson, 701-352-2311, [banelson@nd.gov](mailto:banelson@nd.gov). The floodplain

DOUG BURGUM, GOVERNOR  
CHAIRMAN

GARLAND ERBELE, P.E.  
CHIEF ENGINEER-SECRETARY

administrator for Ramsey County is Kristen Nelson, 701-662-7001, [kristnelson@nd.gov](mailto:kristnelson@nd.gov). The floodplain administrator for Towner County is Lori Beck, 701-968-4366, [tchd@gondtc.com](mailto:tchd@gondtc.com). The floodplain administrator for Benson County is Randy Thompson, 701-473-5524, [rrthompson@nd.gov](mailto:rrthompson@nd.gov).

Thank you for the opportunity to provide review comments. If you have any questions, please call me at 701-328-4967.

Sincerely,



Jared Huibregtse  
Water Resource Planner IV

JH:dm/1570



United States Department of Agriculture

OFFICIAL FILE COPY  
RECEIVED

APR 9 2018

REPLY DATE		
INFO. COPY TO:		
DATE	INITIAL	TO
4/9/18	KR	Nate K.
CLASSIFICATION		
PROJECT		
CONTROL NO.		
FOLDER I.D.		

Natural Resources  
Conservation Service

Devils Lake Area Office  
706 8<sup>th</sup> Ave SE, Ste 1  
Devils Lake, ND 58301  
TEL: 701.662.7967 ext 5

April 4, 2018

Arden Freitag  
Area Manager  
Bureau of Reclamation  
P.O. Box 1017  
Bismarck, ND 58502

RE: Pipeline and Above Ground Infrastructure in Benson, Cavalier, Pembina, Ramsey, Towner, Walsh Counties in North Dakota

Dear: Mr. Freitag:

The Natural Resources Conservation Service (NRCS) has reviewed your letter dated March 21, 2018, titled Bureau of Reclamation's Preparation of an Environmental Assessment for the Funding of the Northeast Regional Water District Phase II Project: Cavalier, Pembina, Walsh, Ramsey, Towner, and Benson Counties, North Dakota.

Farmland

NRCS has a major responsibility with the Farmland Protection Policy Act (FPPA) in documenting conversion of farmland (i.e., prime, statewide importance and local importance) to non-agriculture use when federal funding is used. Your proposed projects consist of burying new water line. The burying of these lines does not affect farmland. Therefore; FPPA does not apply to this project and no further action is needed.

The project mentions construction of above ground infrastructure. On April 4, 2018, I discussed the above-ground appurtenances with Kate Kenninger, Natural Resource Specialist, via phone conversation and email. This information was helpful, but more is needed. Structures included resilient seated gate vents, 1-inch blow-offs, and curb stops all within a proposed 50-foot permanent easement on the edge of fields. Exact locations of these features are still in the planning process. To complete impact statements for LESA and determine if Prime Farmland will be converted to non-farmland; location, number, and impact size of these structures will be needed. These types of activities may remove farmland from production; therefore, may be subject to FPPA. Please complete the Form AD-1006 for all above ground areas. Below are instructions for completing the Farmland Conversion Impact Rating form.

For those areas subject to FPPA, the following form must be completed. Enclosed is a Farmland Conversion Impact Rating Form AD-1006 or you may

utilize a fillable web based form at [https://www.nrcs.usda.gov/Internet/FSE\\_DOCUMENTS/stelprdb1045394.pdf](https://www.nrcs.usda.gov/Internet/FSE_DOCUMENTS/stelprdb1045394.pdf) to record the following. If applicable, you may mail or email the above information to me, Lance Duey Area Resource Soil Scientist, 706 8<sup>th</sup> Ave SE Ste 1 Devils Lake, ND 58301 or Lance.Duey@nd.usda.gov. You will need to complete **Part I and Part III** for the construction sites. We will also need a map of the site at an appropriate scale so we can accurately assess the area (e.g., 1:20,000 or 1:24,000). If the farmland (i.e., prime, statewide importance and local importance) is determined to be subject to the FPPA, we will then complete Parts II and IV. NRCS will measure the relative value of the site as farmland on a scale of 0 to 100 according to the information sources listed in CFR 658.5(a). If FPPA applies to this site, Form AD-1006 will be returned to for completion of Part VI, Site Assessment Criteria.

#### Wetlands

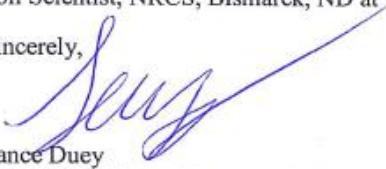
The Wetland Conservation Provisions of the 1985 Food Security Act, as amended, provide that if a USDA participant converts a wetland for the purpose, or to have the effect of making agricultural production possible, loss of USDA benefits could occur. The Natural Resource Conservation Service has developed the following guidelines for the installation of permanent infrastructure where wetlands occur. If these guidelines are followed, the impacts to the wetland will be considered minimal allowing USDA participants to continue to receive USDA benefits. Following are the requirements:

- Disturbance to the wetland must be temporary.
- No drainage of wetland is allowed (temporary or permanent).
- Mechanized landscaping necessary for installation is kept to a minimum and preconstruction contours are maintained.
- Temporary side cast material must be placed in such a manner not to be dispersed in the wetland.
- All trenches must be backfilled to the original wetland bottom elevation.

NRCS recommends that impacts to wetlands be avoided.

If you have additional questions pertaining to FPPA, please contact Steve Sieler, Liaison Soil Scientist, NRCS, Bismarck, ND at 701-530-2019.

Sincerely,

  
Lance Duey  
USDA/NRCS Area Resource Soil Scientist

cc: Steve Sieler, North Dakota State Soil Liaison

U.S. Department of Agriculture <b>FARMLAND CONVERSION IMPACT RATING</b>					
<b>PART I</b> (To be completed by Federal Agency)		Date Of Land Evaluation Request			
Name of Project		Federal Agency Involved			
Proposed Land Use		County and State county and state			
<b>PART II</b> (To be completed by NRCS)		Date Request Received By NRCS		Person Completing Form:	
Does the site contain Prime, Unique, Statewide or Local Important Farmland? (If no, the FPPA does not apply - do not complete additional parts of this form)			YES <input type="checkbox"/>	NO <input type="checkbox"/>	Acres Irrigated
Major Crop(s)		Farmable Land In Govt. Jurisdiction Acres: %		Amount of Farmland As Defined in FPPA Acres: %	
Name of Land Evaluation System Used		Name of State or Local Site Assessment System		Date Land Evaluation Returned by NRCS	
<b>PART III</b> (To be completed by Federal Agency)			Alternative Site Rating		
A. Total Acres To Be Converted Directly			Site A	Site B	Site C
B. Total Acres To Be Converted Indirectly					
C. Total Acres In Site					
<b>PART IV</b> (To be completed by NRCS) Land Evaluation Information					
A. Total Acres Prime And Unique Farmland					
B. Total Acres Statewide Important or Local Important Farmland					
C. Percentage Of Farmland in County Or Local Govt. Unit To Be Converted					
D. Percentage Of Farmland in Govt. Jurisdiction With Same Or Higher Relative Value					
<b>PART V</b> (To be completed by NRCS) Land Evaluation Criterion Relative Value of Farmland To Be Converted (Scale of 0 to 100 Points)					
<b>PART VI</b> (To be completed by Federal Agency) Site Assessment Criteria (Criteria are explained in 7 CFR 658.5 b. For Corridor project use form NRCS-CPA-106)		Maximum Points	Site A	Site B	Site C
1. Area In Non-urban Use		(15)			
2. Perimeter In Non-urban Use		(10)			
3. Percent Of Site Being Farmed		(20)			
4. Protection Provided By State and Local Government		(20)			
5. Distance From Urban Built-up Area		(15)			
6. Distance To Urban Support Services		(15)			
7. Size Of Present Farm Unit Compared To Average		(10)			
8. Creation Of Non-farmable Farmland		(10)			
9. Availability Of Farm Support Services		(5)			
10. On-Farm Investments		(20)			
11. Effects Of Conversion On Farm Support Services		(10)			
12. Compatibility With Existing Agricultural Use		(10)			
TOTAL SITE ASSESSMENT POINTS		160	0	0	0
<b>PART VII</b> (To be completed by Federal Agency)					
Relative Value Of Farmland (From Part V)		100	0	0	0
Total Site Assessment (From Part VI above or local site assessment)		160	0	0	0
TOTAL POINTS (Total of above 2 lines)		260	0	0	0
Site Selected:		Date Of Selection		Was A Local Site Assessment Used? YES <input type="checkbox"/> NO <input type="checkbox"/>	
Reason For Selection:					
Name of Federal agency representative completing this form: (See Instructions on reverse side)				Date:	

### **STEPS IN THE PROCESSING THE FARMLAND AND CONVERSION IMPACT RATING FORM**

Step 1 - Federal agencies (or Federally funded projects) involved in proposed projects that may convert farmland, as defined in the Farmland Protection Policy Act (FPPA) to nonagricultural uses, will initially complete Parts I and III of the form. For Corridor type projects, the Federal agency shall use form NRCS-CPA-106 in place of form AD-1006. The Land Evaluation and Site Assessment (LESA) process may also be accessed by visiting the FPPA website, <http://fpa.nrcs.usda.gov/lesa/>.

Step 2 - Originator (Federal Agency) will send one original copy of the form together with appropriate scaled maps indicating location(s) of project site(s), to the Natural Resources Conservation Service (NRCS) local Field Office or USDA Service Center and retain a copy for their files. (NRCS has offices in most counties in the U.S. The USDA Office Information Locator may be found at [http://offices.usda.gov/scripts/ndlSAPJ.dll/oip\\_public/USA\\_maps](http://offices.usda.gov/scripts/ndlSAPJ.dll/oip_public/USA_maps) or the offices can usually be found in the Phone Book under U.S. Government, Department of Agriculture. A list of field offices is available from the NRCS State Conservationist and State Office in each State.)

Step 3 - NRCS will, within 10 working days after receipt of the completed form, make a determination as to whether the site(s) of the proposed project contains prime, unique, statewide or local important farmland. (When a site visit or land evaluation system design is needed, NRCS will respond within 30 working days.

Step 4 - For sites where farmland covered by the FPPA will be converted by the proposed project, NRCS will complete Parts II, IV and V of the form.

Step 5 - NRCS will return the original copy of the form to the Federal agency involved in the project, and retain a file copy for NRCS records.

Step 6 - The Federal agency involved in the proposed project will complete Parts VI and VII of the form and return the form with the final selected site to the servicing NRCS office.

Step 7 - The Federal agency providing financial or technical assistance to the proposed project will make a determination as to whether the proposed conversion is consistent with the FPPA.

### **INSTRUCTIONS FOR COMPLETING THE FARMLAND CONVERSION IMPACT RATING FORM**

*(For Federal Agency)*

**Part I:** When completing the "County and State" questions, list all the local governments that are responsible for local land use controls where site(s) are to be evaluated.

**Part III:** When completing item B (Total Acres To Be Converted Indirectly), include the following:

1. Acres not being directly converted but that would no longer be capable of being farmed after the conversion, because the conversion would restrict access to them or other major change in the ability to use the land for agriculture.
2. Acres planned to receive services from an infrastructure project as indicated in the project justification (e.g. highways, utilities planned build out capacity) that will cause a direct conversion.

**Part VI:** Do not complete Part VI using the standard format if a State or Local site assessment is used. With local and NRCS assistance, use the local Land Evaluation and Site Assessment (LESA).

1. Assign the maximum points for each site assessment criterion as shown in § 658.5(b) of CFR. In cases of corridor-type project such as transportation, power line and flood control, criteria #5 and #6 will not apply and will be weighted zero, however, criterion #8 will be weighed a maximum of 25 points and criterion #11 a maximum of 25 points.
2. Federal agencies may assign relative weights among the 12 site assessment criteria other than those shown on the FPPA rule after submitting individual agency FPPA policy for review and comment to NRCS. In all cases where other weights are assigned, relative adjustments must be made to maintain the maximum total points at 160. For project sites where the total points equal or exceed 160, consider alternative actions, as appropriate, that could reduce adverse impacts (e.g. Alternative Sites, Modifications or Mitigation).

**Part VII:** In computing the "Total Site Assessment Points" where a State or local site assessment is used and the total maximum number of points is other than 160, convert the site assessment points to a base of 160.  
Example: if the Site Assessment maximum is 200 points, and the alternative Site "A" is rated 180 points:

$$\frac{\text{Total points assigned Site A}}{\text{Maximum points possible}} = \frac{180}{200} \times 160 = 144 \text{ points for Site A}$$

For assistance in completing this form or FPPA process, contact the local NRCS Field Office or USDA Service Center.

NRCS employees, consult the FPPA Manual and/or policy for additional instructions to complete the AD-1006 form.



DEPARTMENT OF THE ARMY  
CORPS OF ENGINEERS, OMAHA DISTRICT  
NORTH DAKOTA REGULATORY OFFICE  
3319 UNIVERSITY DRIVE  
BISMARCK ND 58504-6640

November 2, 2017

NWO-2017-02009-BIS

COPY

Attn: Mr. Geoffrey Slick  
AE2S  
4050 Garden View Dr, Suite 200  
Grand Forks, North Dakota 58201

Dear Mr. Slick:

This is in response to your solicitation letter dated October 27, 2017 requesting Department of the Army (DA), United States Army Corps of Engineers (Corps) comments on the proposed Northeast Regional Water District: User Expansion Phase 2 project. The project site is located throughout Cavalier and Ramsey Counties, North Dakota.

Corps Regulatory Offices administers Section 404 of the Clean Water Act. Section 404 of the Clean Water Act regulates the discharge of dredge or fill material (temporarily or permanently) in waters of the United States. Waters of the United States may include, but are not limited to, rivers, streams, ditches, coulees, lakes, ponds, and their adjacent wetlands. Fill material includes, but is not limited to, rock, sand, soil, clay, plastics, construction debris, wood chips, overburden from mines or other excavation activities and materials used to create any structure or infrastructure in waters of the United States.

Enclosed for your information is the fact sheet for Nationwide Permit 12, Utility Line Activities. Utility lines are already authorized by Nationwide Permit 12 provided the utility line can be placed without any change to pre-construction contours and all other proposed construction activities and facilities are in compliance with the Nationwide's permit conditions and 401 Water Quality Certification. On Tribal Lands, Water Quality Certification is denied for all Nationwide Permits. Applicants must work with EPA to obtain individual water quality certification. Please note the pre-construction notification requirements on page 2 of the fact sheet. If a project involves any one of the seven notification requirements, the project proponent must submit a DA application. Furthermore, a project must also be in compliance with the "Regional Conditions for Nationwide Permits within the State of North Dakota", found on pages 18 thru 21 of the fact sheet.

Printed on Recycled Paper

**COPY**

In the event your project(s) requires approval from the U.S. Army Corps of Engineers and cannot be authorized by Nationwide Permit(s), a Standard or Individual Permit will be required. A project that requires a Standard or Individual Permit is intensely reviewed and will require the issuance of a public notice. A Standard or Individual Permit generally requires a minimum of 120 days for processing but based on the project impacts and comments received through the public notice may extend well beyond 120 days.

This correspondence letter does not approve the proposed construction work or does not verify the proposed project complies with the Nationwide Permit(s).

If any of these projects require a Section 404 permit, please complete and submit the enclosed Department of the Army permit application (ENG Form 4345) to the U.S. Army Corps of Engineers, North Dakota Regulatory Office, 3319 University Drive, North Dakota 58504 or to the email address below. If you are unsure if a permit is required, you may submit an application; include a project location map, description of work, and construction methodology.

The North Dakota Regulatory office can accept (and prefers) electronic submissions to the following email: CENWO-OD-RND@usace.army.mil.

If we can be of further assistance or should you have any questions regarding our program, please do not hesitate to contact this office by letter or phone at (701) 255-0015.

Sincerely,

  
Patricia L. McQueary  
Regulatory Program Manager  
North Dakota

Enclosure  
ENG Form 4345  
Permit Completion Instructions  
Fact Sheet NWP 12

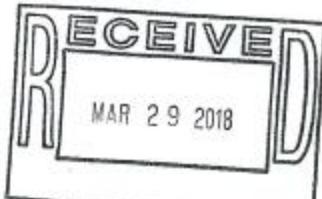


IN REPLY REFER TO  
DK-5000-18-01  
ENV-6.00

## United States Department of the Interior

BUREAU OF RECLAMATION  
Great Plains Region  
Dakotas Area Office  
P.O. Box 1017  
Bismarck, ND 58502-1017

MAR 21 2018



Subject: Bureau of Reclamation's Preparation of an Environmental Assessment for the Funding of the Northeast Regional Water District Phase II Project: Cavalier, Pembina, Walsh, Ramsey, Towner, and Benson Counties, North Dakota

Dear Interested Party:

The Bureau of Reclamation (Reclamation) is preparing an Environmental Assessment (EA) for the funding of the Northeast Regional Water District Phase II Project. Reclamation is the lead Federal agency responsible for ensuring compliance with the National Environmental Policy Act, National Historic Preservation Act, and related federal environmental and cultural resource legislation.

The Northeast Regional Water District Phase II Project would include the addition of approximately 200 users in the counties of Cavalier, Pembina, Walsh, Ramsey, Towner, and Benson in North Dakota. The proposed infrastructure includes approximately 275 miles of 1.5 to 8.0-inch pipeline and various above ground appurtenances.

The project would be constructed utilizing Federal, State and local funds provided to the Garrison Diversion Conservancy District through a cooperative agreement with Reclamation.

We are requesting your input about the proposed action and information or concerns you may have regarding potential project effects. If no significant issues are identified during scoping or preparation of the EA, Reclamation would issue a Finding of No Significant Impact. Conversely, if any significant issues are identified, Reclamation would consider whether to proceed with the preparation of an environmental impact statement.

Reclamation defines significance in accordance with 40 CFR 1508.27. To be most helpful to the preparers of the EA please provide any comments, concerns or information regarding this project by April 27, 2018. Questions or comments regarding the preparation of the EA may be directed to Kate Kenninger at 701-221-1282, [kkenninger@usbr.gov](mailto:kkenninger@usbr.gov), or in writing to: Area Manager, Bureau of Reclamation, P.O. Box 1017, Bismarck, North Dakota 58502.

Sincerely,

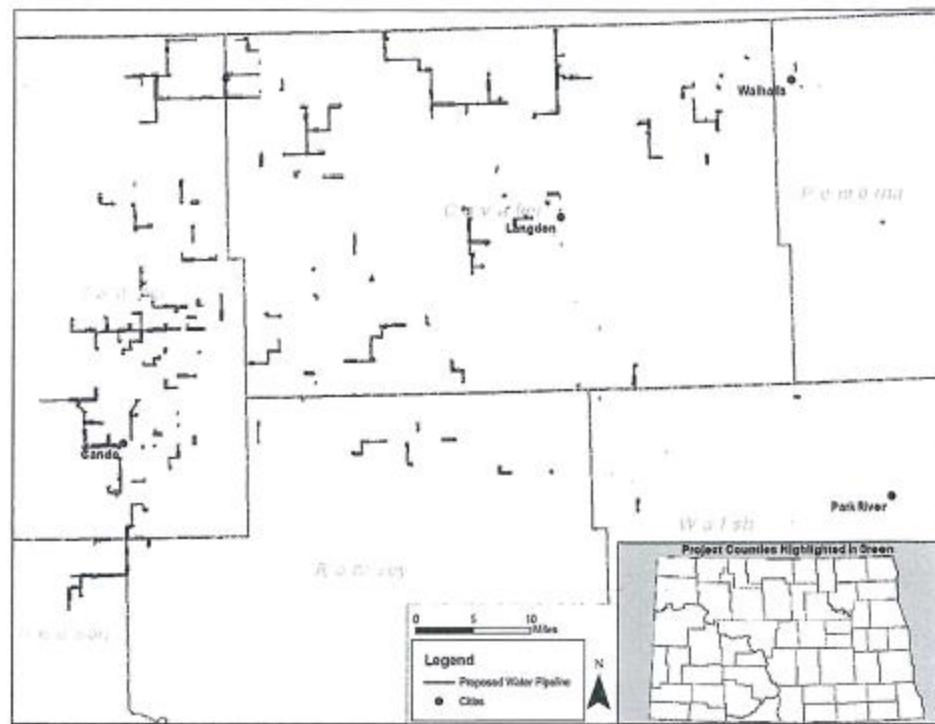
*Arden Freitag*

Arden Freitag  
Area Manager

Subject: Bureau of Reclamation's Preparation of an Environmental Assessment for the Funding  
of the Northeast Regional Water District Phase II Project: Cavalier, Pembina, Walsh,  
Ramsey, Towner, and Benson Counties, North Dakota

Enclosure - Map

cc: Contact List Available From Dakotas Area Office



## **Appendix B: Scoping Notice Contact List**

HONORABLE HEIDI HEITKAMP, UNITED STATES SENATE

MR JEFFREY MATTERN, NORTH DAKOTA STATE WATER COMMISSION

HONORABLE JOHN HOEVEN, UNITED STATES SENATE

MR WAYNE KERN, NORTH DAKOTA DEPARTMENT OF HEALTH

HONORABLE KEVIN CRAMER, MEMBER, UNITED STATES HOUSE OF  
REPRESENTATIVES

MR KEVIN SHELLEY, US FISH AND WILDLIFE SERVICE

HONORABLE RICHARD McCLOUD, CHAIRMAN TURTLE MOUNTAIN BAND OF  
CHIPPEWA

MR GARLAND ERBELE, NORTH DAKOTA STATE WATER COMMISSION

TRIBAL HISTORIC PRESERVATION OFFICE, TURTLE MOUNTAIN BAND OF  
CHIPPEWA

MR DAVID GLATT, NORTH DAKOTA DEPARTMENT OF HEALTH

NORTH DAKOTA GAME & FISH DEPARTMENT

US GEOLOGICAL SURVEY

NORTH DAKOTA CHAPTER OF THE WILDLIFE SOCIETY

BUREAU OF LAND MANAGEMENT

MR DUANE DeKREY, GARRISON DIVERSION CONSERVANCY

MS PATRICIA McQUEARY, US ARMY CORPS OF ENGINEERS

AUDUBON DAKOTA CHAPTER

MR WENDALL MEYER, FEDERAL HIGHWAY ADMINISTRATION

NORTH DAKOTA WILDLIFE FEDERATION

USDA RURAL UTILITIES SERVICE

RITA SVEEN, DISTRICT CONSERVATIONIST NRCS

MS MARY PODOLL, NATURAL RESOURCE CONSERVATION SERVICE

HONORABLE DOUGLAS J BURGUM, GOVERNOR OF NORTH DAKOTA

SIERRA CLUB

NORTH DAKOTA GEOLOGICAL SURVEY

RICHARD WEBB, ASSISTANT STATE CONSERVATIONIST NRCS

DUCKS UNLIMITED

MS MELISSA BAKER, DIRECTOR, NORTH DAKOTA PARKS AND RECREATION DEPARTMENT

WALSH COUNTY AUDITOR

HONORABLE MARK FOX, CHAIRMAN MHA NATION

ZONE ARCHAEOLOGIST, US FISH AND WILDLIFE SERVICE

NORTH DAKOTA STATE LAND DEPARTMENT

NORTH DAKOTA DEPARTMENT OF COMMERCE

MR MATT SPRENGER, DEVILS LAKE WMD

NORTH DAKOTA DEPARTMENT OF TRANSPORTATION

NORTH DAKOTA PARKS AND RECREATION DEPARTMENT

STATE PALEONTOLOGIST, ND GEOLOGICAL SURVEY

HONORABLE MIKE FAITH, CHAIRMAN STANDING ROCK SIOUX TRIBE

NORTH DAKOTA INDUSTRIAL COMMISSION

CAVALIER COUNTY AUDITOR

DAKOTA RESOURCE COUNCIL

RAMSEY COUNTY AUDITOR

BRANDON SCHWAB, DISTRICT CONSERVATIONIST NRCS

MS MARILYN BERCIER, REGIONAL ENVIRONMENTAL SCIENTIST, BUREAU OF INDIAN AFFAIRS

PEMBINA COUNTY AUDITOR

MS SARAH OTTE COLEMAN, NORTH DAKOTA TOURISM DIVISION

HONORABLE MYRA PEARSON, CHAIRWOMAN SPIRIT LAKE TRIBE

NORTHEAST REGIONAL WATER DISTRICT

DR ERICH LONGIE, TRIBAL HISTORIC PRESERVATION OFFICER, SPIRIT LAKE TRIBE

TOWNER COUNTY AUDITOR

NORTH DAKOTA IRRIGATION ASSOCIATION

CHRISTOPHER NELSON, DISTRICT CONSERVATIONIST NRCS

BRENNY HARDY, DISTRICT CONSERVATIONIST NRCS

MR JON EAGLE, TRIBAL HISTORIC PRESERVATION OFFICER

MR SCOTT DAVIS, EXECUTIVE DIRECTOR, INDIAN AFFAIRS COMMISSION

MS CLAUDIA BERG, NORTH DAKOTA STATE HISTORICAL SOCIETY

MR ELGIN CROWS BREAST, TRIBAL HISTORIC PRESERVATION OFFICE