

**D-3 Environmental Evaluation
Worksheet (NRCS-CPA-52), Farmland
Conversion Impact Rating Worksheet
(USDA-AD-1006)**

  U.S. Department of Agriculture Natural Resources Conservation Service NRCS-CPA-52 04/2023		A. Client Name: Cass County Joint Water Resources District													
ENVIRONMENTAL EVALUATION WORKSHEET		B. Conservation Plan ID # (as applicable): Program Authority (optional): PL-566 Watershed Program													
D. Client's Objective(s) (purpose): The purpose of the proposed action is Watershed Protection.		C. Identification # (farm, tract, field #, etc. as required): Sections 9,15,16,17,21 and 22 of T142 R56 Minnie Lake Twp, Barnes County.													
E. Need for Action: The UMR Watershed contributes 30,200 lbs. of P, 331,600 lb. N to the Red River annually. Average cropland inundation by flooding is 12,600 acres. Damages to public roads, bridges and culverts result in the need for frequent FEMA assistance. Historic losses of wetland and upland wildlife habitat in the Red River Basin threaten multiple species.		H. Alternatives <table border="1"> <thead> <tr> <th>No Action</th> <th>✓ if RMS</th> <th>Alternative 1</th> <th>✓ if RMS</th> <th>Alternative 2</th> <th>✓ if RMS</th> </tr> </thead> <tbody> <tr> <td> The current degradation of water quality and flooding conditions due to excessive runoff and intense rain events will remain unchanged. Agricultural land damage and agricultural production losses will continue on a nearly annual basis. No progress will be made in this watershed on the overall international nutrient reduction goals for P and N. Transportation infrastructure expenses due to flood damage will continue to increase. There will be no gains in mid/long-term upland, wetland and riparian wildlife habitat in the project area. </td> <td></td> <td> Alternative 2A. Alt 2A entails construction of a dry dam with interior features for the purpose of nutrient reduction and wildlife habitat. The primary dam structure will provide temporary floodwater retention during peak flow events and has a drainage area of 59.7 square miles, embankment length of 2.3 miles, maximum height of 31 feet, 48-inch principal spillway conduit, and structural concrete auxiliary spillway to create 2,863 acre-feet of flood storage to the auxiliary spillway crest. Other features include: Reinforced concrete pipe with 2-way covered riser (principal spillway); 2 concrete drop structures (Aux spillway); 2 farmstead levees (to prevent backwater from encroaching on existing structures); berms, outlet control structures, subsurface drains, pumps and 5800' PVC pipeline for 3 biomass harvest areas (BHA); 251,000 cu yd of fill derived from onsite excavation for the spillways and BHA's; road raise; and 11 drain plugs for wetland restorations. Practices to be installed include 402 (Dam), 356 (Dike), 362 (Diversion), 533 (Pumping Plant), 582 (Open Channel), 587 (Structure for Water Control), 657 (Wetland Restoration), 659 (Wetland Enhancement), 656 (Constructed Wetland), 560 (Access Road), 606 (Subsurface Drain), 342 (Critical Area Planting), 327 (Conservation Cover). Long term management will include 644 and 645 (Wetland and Upland Wildlife Management), 511 (Forage/Biomass Management), 528 (Prescribed Grazing) with facilitating practices 382 (Fence), 642 (Water Well), 516 (Pipeline), 614 (Watering Facility). </td> <td></td> <td></td> <td></td> </tr> </tbody> </table>		No Action	✓ if RMS	Alternative 1	✓ if RMS	Alternative 2	✓ if RMS	The current degradation of water quality and flooding conditions due to excessive runoff and intense rain events will remain unchanged. Agricultural land damage and agricultural production losses will continue on a nearly annual basis. No progress will be made in this watershed on the overall international nutrient reduction goals for P and N. Transportation infrastructure expenses due to flood damage will continue to increase. There will be no gains in mid/long-term upland, wetland and riparian wildlife habitat in the project area.		Alternative 2A. Alt 2A entails construction of a dry dam with interior features for the purpose of nutrient reduction and wildlife habitat. The primary dam structure will provide temporary floodwater retention during peak flow events and has a drainage area of 59.7 square miles, embankment length of 2.3 miles, maximum height of 31 feet, 48-inch principal spillway conduit, and structural concrete auxiliary spillway to create 2,863 acre-feet of flood storage to the auxiliary spillway crest. Other features include: Reinforced concrete pipe with 2-way covered riser (principal spillway); 2 concrete drop structures (Aux spillway); 2 farmstead levees (to prevent backwater from encroaching on existing structures); berms, outlet control structures, subsurface drains, pumps and 5800' PVC pipeline for 3 biomass harvest areas (BHA); 251,000 cu yd of fill derived from onsite excavation for the spillways and BHA's; road raise; and 11 drain plugs for wetland restorations. Practices to be installed include 402 (Dam), 356 (Dike), 362 (Diversion), 533 (Pumping Plant), 582 (Open Channel), 587 (Structure for Water Control), 657 (Wetland Restoration), 659 (Wetland Enhancement), 656 (Constructed Wetland), 560 (Access Road), 606 (Subsurface Drain), 342 (Critical Area Planting), 327 (Conservation Cover). Long term management will include 644 and 645 (Wetland and Upland Wildlife Management), 511 (Forage/Biomass Management), 528 (Prescribed Grazing) with facilitating practices 382 (Fence), 642 (Water Well), 516 (Pipeline), 614 (Watering Facility).			
No Action	✓ if RMS	Alternative 1	✓ if RMS	Alternative 2	✓ if RMS										
The current degradation of water quality and flooding conditions due to excessive runoff and intense rain events will remain unchanged. Agricultural land damage and agricultural production losses will continue on a nearly annual basis. No progress will be made in this watershed on the overall international nutrient reduction goals for P and N. Transportation infrastructure expenses due to flood damage will continue to increase. There will be no gains in mid/long-term upland, wetland and riparian wildlife habitat in the project area.		Alternative 2A. Alt 2A entails construction of a dry dam with interior features for the purpose of nutrient reduction and wildlife habitat. The primary dam structure will provide temporary floodwater retention during peak flow events and has a drainage area of 59.7 square miles, embankment length of 2.3 miles, maximum height of 31 feet, 48-inch principal spillway conduit, and structural concrete auxiliary spillway to create 2,863 acre-feet of flood storage to the auxiliary spillway crest. Other features include: Reinforced concrete pipe with 2-way covered riser (principal spillway); 2 concrete drop structures (Aux spillway); 2 farmstead levees (to prevent backwater from encroaching on existing structures); berms, outlet control structures, subsurface drains, pumps and 5800' PVC pipeline for 3 biomass harvest areas (BHA); 251,000 cu yd of fill derived from onsite excavation for the spillways and BHA's; road raise; and 11 drain plugs for wetland restorations. Practices to be installed include 402 (Dam), 356 (Dike), 362 (Diversion), 533 (Pumping Plant), 582 (Open Channel), 587 (Structure for Water Control), 657 (Wetland Restoration), 659 (Wetland Enhancement), 656 (Constructed Wetland), 560 (Access Road), 606 (Subsurface Drain), 342 (Critical Area Planting), 327 (Conservation Cover). Long term management will include 644 and 645 (Wetland and Upland Wildlife Management), 511 (Forage/Biomass Management), 528 (Prescribed Grazing) with facilitating practices 382 (Fence), 642 (Water Well), 516 (Pipeline), 614 (Watering Facility).													
Resource Concerns															
In Section "F" below, analyze, record, and address concerns identified through the Resources Inventory process (see FOTG Section 3 - Resource Concerns List and Planning Criteria for guidance).															
F. Resource Concerns and Existing/ Benchmark Conditions (Analyze and record the existing/benchmark conditions for each identified concern)	I. Effects of Alternatives														
	No Action	Alternative 1	Alternative 2												
Amount, Status, Description <i>(Document both short and long term impacts)</i>	Amount, Status, Description <i>(Document both short and long term impacts)</i>	Amount, Status, Description <i>(Document both short and long term impacts)</i>	Amount, Status, Description <i>(Document both short and long term impacts)</i>												
SOIL															
Wind erosion 40% of the project area is cropland with moderate wind and water erosion susceptibilities estimated soil loss is 5 T/ac	No changes in soil erosion quantities. Acreage in WRP will be eligible to return to cropping in 10 - 20 years which would increase erosion levels in the long term.	Alt 2 will reduce soil erosion (both wind and water) to negligible levels in the project area. Fields currently in WRP would remain in herbaceous cover for 50 years. Short term soil erosion is possible during construction and will require construction BMP's to minimize soil losses.													
Compaction No significant compaction identified.	No changes in compaction anticipated.	Construction may result in temporary increases in compaction in high traffic areas. BMP's will minimize compaction.													
Organic matter depletion Conventionally tilled annually cropped areas have experienced declining OM levels over time.	OM levels will continue to decline in conventionally tilled areas. Areas in WRP may be returned to cropland and further OM loss.	OM levels will increase in restored wetlands, cropland converted to deep rooted native grasses and biomass harvest areas. Increasing OM levels are expected throughout the 50 year contract.													

Concentration of salts or other chemicals	No changes to soil salinity.	☐	Higher water table may bring salts closer to the surface, however this is not expected to affect any adjacent cropland or to negatively impact the vegetation on site. Drain tile in the BHA's will remove soil salts, however these are located in low-risk salinity soils or previously tiled soils. Outlet water quality is not expected to be significantly impacted by salts.	☐		☐
Minor salinity visible around wetlands. Web Soil Survey Report shows majority of the area Not Limited by salts.		NOT meet PC		NOT meet PC		NOT meet PC
WATER						
Ponding and flooding	With the no action alternative, frequent overland flooding and flood related damages to cropland, roads and infrastructure will continue.	☒	Alternative 2A will remove approximately 67 acres from flooding for a 2-year event and approximately 658 acres removed during a 100-year event. Reduced flooding will increase cropland productivity and reduce the expense of repairing and replacing infrastructure.	☐		☐
Snowmelt, excess runoff and intense rainfall are known to cause frequent overland and overbank flooding on the Maple River. Flood damages to cropland, roads and infrastructure are estimated at over \$ 2 million annually.		NOT meet PC		NOT meet PC		NOT meet PC
Nutrients transported to surface water	No changes in the trend lines of nutrient transport which include steady levels of phosphorus and increasing levels of nitrogen which contribute to the eutrophication of water bodies downstream. No progression towards International Joint Commission objectives on nutrient reduction.	☒	The conversion of conventionally fertilized cropland to grassland will reduce fertilizer inputs and losses associated with conventional cropping systems. Biomass harvest areas are estimated to retain 11,828 pounds of phosphorus and 37,693 pounds of nitrogen per year. Total projected water quality benefits for both BHA's and flood control are estimated at 12,562 lb. P, 39,552 lb. N and 661 tons of suspended solids. See EIS Appendix D-5.	☐		☐
NDDEQ has designated sections of the Maple River as impaired for fish and other aquatic biota, dissolved O2 and fish bioassessments. These impairments are attributed to excess nutrients from ag runoff. Excess nutrient loading is a contributor to the eutrophication of Lake Winnipeg. Conventional cropping and fertilizing contributes nutrient losses to surface water with overland flow. Freeze-thaw dynamics of NE ND climate increase runoff of dissolved P during snowmelt.		NOT meet PC		NOT meet PC		NOT meet PC
Nutrients transported to groundwater	No changes to the amount of nutrients leaching into groundwater or impacting wellheads are expected. Increased leaching may occur with the expiration of the WRP should it return to a conventionally cropped system.	☐	Project will reduce overland flooding and reduce risk of private and public wellhead contamination. The farmstead wellhead in the project area will be protected by a ring dike. Project may provide a small amount of localized aquifer recharge.	☐		☐
The Page Aquifer lies downstream of the project area. The aquifer is shallow, consists of sands and gravels and ND DEQ ranks it as moderately susceptible to contamination from agricultural inputs. One farmstead in the project area has an existing well for domestic use.		NOT meet PC		NOT meet PC		NOT meet PC

F. Resource Concerns and Existing/ Benchmark Conditions (Analyze and record the existing/benchmark conditions for each identified concern)	I. Effects of Alternatives (continued)					
	No Action		Alternative 1		Alternative 2	
	Amount, Status, Description (Document both short and long term impacts)	✓ if does NOT meet PC	Amount, Status, Description (Document both short and long term impacts)	✓ if does NOT meet PC	Amount, Status, Description (Document both short and long term impacts)	✓ if does NOT meet PC
AIR						
Emissions of Particulate Matter (PM) and PM Precursors	No changes to the quantity of PM emissions is expected in the short term. Annual cropping may emit small quantities if diesel emissions from tractors and trucks. Should the WRP acres be brought back into annual crop production, small increases in PM emissions may be possible.	☐	Very little long term impacts are expected. The conversion of some cropland to grassland would reduce some tractor/truck emissions, but these would likely be offset with the biomass harvesting. PM emissions (tailpipe, fugitive dust) will increase temporarily during construction. Emissions were calculated (Table 6-3) but are not expected to exceed air quality monitoring thresholds or ambient AQ standards.	☐		☐
Design value PM air quality data from MN and ND closest to the project area is below national thresholds.		NOT meet PC		NOT meet PC		NOT meet PC
Emissions of Greenhouse Gases (GHGs)	No changes to the quantity of GHG emissions is expected in the short term. Annual cropping may emit small quantities of diesel emissions from tractors and trucks. Should the WRP acres be brought back into annual crop production, small increases in emissions may be possible.	☐	Total carbon emission reduction over the 50-year project lifespan estimated to be 73,704 tons (see Table 6-4).	☐		☐
Design values for Ozone precursors and GHGs for air quality data from MN and ND closest to the project area are below national thresholds.		NOT meet PC		NOT meet PC		NOT meet PC
PLANTS						
Plant productivity and health	Cropland productivity will continue to be inhibited by flood damages and excess moisture.	☒	Marginally productive cropland will be converted to vegetation more suitable for wildlife food and cover and biomass production.	☐		☐
Cropland plant vigor is limited by flooding, excess moisture/high water table.		NOT meet PC		NOT meet PC		NOT meet PC
No resource concern identified		☐		☐		☐
		NOT meet PC		NOT meet PC		NOT meet PC
		☐		☐		☐
		NOT meet PC		NOT meet PC		NOT meet PC
ANIMALS						
Terrestrial habitat for wildlife and invertebrates	No changes are expected in the quantity of quality of terrestrial habitat with the no action alternative.	☐	Approximately 490 acres of cropland and 104 acres of hayland will be converted to upland native perennial herbaceous cover which will provide food, cover and nesting habitat for wildlife. 240 acres will be managed for wildlife with grazing management. The Existing WRP easement habitat be extended for 30 additional years. The embankment, dike and spillway features will be grassed and provide some limited value for cover, food and nesting habitat.	☐		☐
Current upland is predominantly cropland (1100 ac) and 660 acres of existing grassland. This includes 152 acres enrolled in WRP. The cropland provides some habitat for wildlife in the fall and winter in fields were some crop residue is available for game birds and deer. About 1/4th of the grasslands hayed annually, leaving the rest for winter cover and food.		NOT meet PC		NOT meet PC		NOT meet PC

Aquatic habitat for fish and other organisms The project area has 53 existing wetlands (237.6 acres) - including the river itself. Annual cropping occurs on several PEIMA basins reducing the quality of the habitat. The immediate project area includes 2,592 feet of stream with varying widths of adjacent herbaceous vegetation.	No changes are expected in the quantity or quality of aquatic habitat with the no action alternative.	☐ NOT meet PC	260 acres of cropland will be converted to Biomass harvest areas which will increase aquatic habitat during the growing season. Aquatic benefits in the BHA's will be limited by the limited species (cattails) and the underlaid tile drainage which will be utilized in the late summer to facilitate harvest. Appendix D-5 includes a detailed analysis of wetland and riverine function gains and losses. Net gains are significant for both pothole and riverine systems with Alt 2A. The project includes 11 ditch plugs to restore prior converted wetlands and one wetland creation resulting in approximately 60 acres of restored natural wetlands. Several existing wetlands, including those within the WRP easement and cropland will be protected or enhanced by the ceasing of annual cropping for a minimum of 50 years. All riparian areas will benefit from the conversion of 545 acres of cropland to herbaceous cover which will reduce nutrient and sediment runoff into aquatic stream habitat.	☐ NOT meet PC		☐ NOT meet PC
Feed and forage imbalance Approximately 100 acres in the project area are baled for forage.	The quality and quantity of forage is not expected to change over time with the no action alternative.	☐ NOT meet PC	The conversion of cropland to grassland will increase available forage for haying and grazing. Forage quality will be reduced by limiting harvest to outside of the primary nesting season. The BHA forage is anticipated to be used for livestock bedding. Herbaceous plantings will include abundant forbs which will provide pollinator forage.	☐ NOT meet PC		☐ NOT meet PC
ENERGY						
Energy efficiency of farming/ranching practices and field operations Common farming implements with average efficiencies are currently used for annual crop production and hayland production on ~680 acres.	It is expected that as older farm implements are upgraded, energy efficiency will increase.	☐ NOT meet PC	Energy efficiency will be gained with the ceasing of cropping. However this will be partially offset by adding new energy uses - pumps, BHA harvesting, dam O&M.	☐ NOT meet PC		☐ NOT meet PC
		☐ NOT meet PC		☐ NOT meet PC		☐ NOT meet PC
Human Economic and Social Considerations						
Public Health and Safety Overland flooding causes road and culvert washouts, negatively impacting road safety and impeding/delaying emergency services.	Current impacts to public safety will continue during times of flooding. Road impacts will continue to impede emergency services and pose a traffic hazard.		Alternative 2A would provide up to 2,300 acre-feet of flood storage during the 10-year, 24-hour flood event and will reduce peak flows which will reduce road washouts and reduce the potential for hazardous accidents. The embankment and road raise will reduce impediments for emergency services. Alt 2A includes two farm levees to protect farmsteads them from extreme events. Farmstead drinking water wells are also protected from flooding contamination with the levees.			
Land Use Current landuse is 50% cropland, 9% hayland, 12% riparian/wetland herbaceous cover and 26% herbaceous upland cover. The area includes a 152 acre WRP easement.	Landuse is not expected to change in the short term with no action. The cropability of land downstream will continue to be hindered by flooding. The no action alternative increases the probability that the WRP land will return to cropland.		Alt 2A permanent losses include approximately 41 acres of cultivated cropland, 4 acres of hayland, 12 acres of herbaceous wildlife land and .19 acres of trees to the structural project features. Approximately 490 acres of cultivated cropland and 104 acres of annual hay production will be converted to herbaceous cover of which 240 acres will be managed for livestock grazing and 270 ac.managed for wetland habitat/nutrient removal. A net increase of 122 acres (2-year 24 hour event) and 677 acres (10-year 24 hour event) of cultivated cropland is expected with Alt 2A with downstream benefits.			
Capital Frequent flood damages result in high annual Federal, State and local capital expenditures on repairs to roads culverts and fields.	The no action alternative will continue to require progressively larger capital needs to fix damages.		Alt 2A is expected to reduce federal, state and local capital needs for road and culvert repair. Average annual estimated damage reduction benefits are \$83,745			

Special Environmental Concerns: Environmental Laws, Executive Orders, Policies, etc.						
In Section "G" complete and attach Environmental Procedures Guide Sheets for documentation as applicable. Items with a "•" may require a federal permit or consultation/coordination between the lead agency and another government agency. In these cases, effects may need to be determined in consultation with another agency. Planning and practice implementation may proceed for practices not involved in consultation.						
G. Special Environmental Concerns (Document existing/ benchmark conditions)	J. Impacts to Special Environmental Concerns					
	No Action		Alternative 1		Alternative 2	
	Document all impacts (Attach Guide Sheets as applicable)	✓ if does NOT meet	Document all impacts (Attach Guide Sheets as applicable)	✓ if needs further action	Document all impacts (Attach Guide Sheets as applicable)	✓ if needs further action
•Clean Air Act Guide Sheet Existing Air Quality was assessed using EPA recommendations comparing national thresholds to regional monitoring stations for 9 criteria pollutants. No pollutants exceeded threshold areas for at the 7 regional sites reviewed. -	No Effect	☐	May Affect Action will have temporary impacts to air with fugitive dust and emissions from construction. Construction specs will include measures to reduce emissions and dust.	☐		☐
•Clean Water Act / Waters of the U.S. Guide Sheet WOTUS are quantified in the EIS. The main watercourse is the Maple River which discharges to the Sheyenne River and ultimately the Red River of the North and Lake Winnipeg, Manitoba Canada. The Maple River (reach 09020205024) is 303(d) listed as impaired by NDDEQ for fish and other aquatic biota - impairments are DO and fish bioassessments.	May Affect Flooding will continue which increase sediment and nutrient delivery to WOTUS and there will be no positive impact to International water quality agreements.	☐	May Affect Alt 2A is designed to reduce phosphorus and sediment quantities in runoff and will demonstrate U.S. commitment to international water quality goals. USACE 404 and NDPES permits will be needed for principal spillway/embankment that occurs in and over the channel. Mitigation will be completed within the project. Conversion of 545 acres of cropland to herbaceous cover will improve aquatic habitat in this reach.	☒		☐
•Coastal Zone Management Guide Sheet NA	No Effect NA	☐	No Effect NA	☐		☐
Coral Reefs Guide Sheet NA	No Effect NA	☐	No Effect NA	☐		☐
•Cultural Resources / Historic Properties Guide Sheet A Class III Survey was completed on 1/8/2024 and submitted to 31 Tribes + NDSHPO for Section 106 Consultation. NDSHPO requested several modifications to the Class III Survey. Survey was resubmitted in Sept 2024. NDSHPO concurred with "No Adverse Effect to Historic Properties on 12/10/2024. There were no tribal objections to the revised Class III Survey	No Effect	☐	May Affect A revised Class III Survey was completed on 9/2024. A recommendation of "No Adverse Effect to Historic Properties" was recommended. A site monitor will be needed when work is conducted on a designated Site. Tribes will continue to be consulted and invited to provide comments on the Draft Plan EIS.	☒		☐
•Endangered and Threatened Species Guide Sheet The project area was submitted to USFWS Ipac which indicated the Northern Long Eared Bat and Monarch Butterfly as species considered in effects analysis.	May Affect The no action alternative will likely result in the eventual return of the WRP to cropland which will reduce available habitat for the Monarch and other ND species of Conservation Priority.	☐	May Affect Project was submitted to Ipac in 2022 and again in 2024. USFWS has issued an opinion of May Affect, Not Likely to Adversely Affect NLEB. Adverse effects are not likely due to lack of mature trees in the project area. Presence surveys will be conducted on bridges and culverts in the project area. 237 acres of cropland will be seeded to diverse cover which will benefit Monarch Butterflies. ND Species of Conservation Priority, may be impacted during construction, however the project will result in net gains for upland, wetland, riparian and aquatic habitat which may benefit these species.	☒		☐

Environmental Justice Guide Sheet No longer a requirement under NRCS policy for environmental evaluation.	No Effect NA	☐	No Effect NA	☐		☐
•Essential Fish Habitat Guide Sheet NA	No Effect NA	☐	No Effect NA	☐		☐
Floodplain Management Guide Sheet There are no FEMA Firm Floodplain maps in close proximity to the project.	May Affect The no action alternative may increase the cumulative floodplain impacts downstream if the WRP acres are brought back into production in the future - reducing infiltration and water storage.	☐	May Affect Alt 2 will have mixed impacts to the floodplain. Some water that would contribute to flooding will be retained in the BHA's, reducing flows downstream which may reduce water accessing the floodplain naturally, but also reduce overland flooding providing benefits to infrastructure.	☒		☐
Invasive Species Guide Sheet ND Noxious Weeds identified in the project area include Canadian thistle and leafy spurge. Palmer Amaranth has been identified in the county. Invasive species identified include smooth brome grass and Russian olive trees.	No Effect The no action alternative will not change the type or quantity of invasive species.	☐	May Affect The spread of Canadian thistle or leafy spurge is possible during construction. BMP's would include using clean equipment and chemical site preparation on seeded areas which will reduce the potential threat or establishment of noxious weeds. Wildlife habitat will be seeded to deep rooted native species which compete better against noxious weeds. Palmer amaranth risk is reduced by converting cropland to grassland. Construction specifications would include Russian olive removal and	☒		☐
•Migratory Birds/Bald and Golden Eagle Protection Act Guide Sheet USFWS Ipac was conducted in 2022 and again in 2025. A large stick nest is within 1/2 mile of the project area.	May Affect Without the project, the land in the WRP easement may be brought back into crop production, resulting in a loss of habitat for migratory birds and a loss of habitat for the prey species of bald and golden eagles.	☐	May Affect Construction of Alt 2 will take place outside of the Primary Nesting Season, thus reducing or eliminating any unintentional takes of migratory bird eggs or chicks. No mature trees suitable for eagle nesting are present. The increase of grassland and wetland habitat will benefit migratory birds and eagle habitat. Consultation with the USFWS will continue and construction will include any recommendations for habitat assessment or avoidance.	☒		☐

Natural Areas Guide Sheet There are no formally designated Natural Areas in the planning area. There are USFWS WPA easements, one WRP.	No Effect No changes are expected to natural areas with the no action alternative.	☐	May Affect Direct impacts to the WPA easement in section 9 are avoided in the project design. The project does not alter any natural areas. Natural areas are added and extended for 50 years by the conversion of cropland to native grassland and riparian areas.	☐		☐
Prime and Unique Farmlands Guide Sheet Prime Farmland was assessed using web soil survey. Abundant prime farmland is present.	May Affect Within the project, the condition of downstream Prime Farmland will continue to worsen due to flooding and water erosion.	☐	May Affect BHA and Aux Spillway drop structures remove 0.10 acres of Prime farmland. An AD-1006 was completed. The project features are suitable for grazing and sometimes haying land use and are therefore not removed from Prime Farmland Classification.	☒		☐
Riparian Area Guide Sheet Riparian areas occur adjacent to the Maple River tributaries in the project area,	No Effect No changes are expected to the riparian quantity or quality with the no action alternative.	☐	May Affect Alt 2A may remove some riparian hydrology in the project area as water is pumped into the BHA areas. Flood analysis found the impacts to downstream riparian habitat would not be affected because the flood hydrograph was not long enough to impact soils or vegetation. Alt 2A will increase and enhances riparian areas by converting riparian cropland to herbaceous cover and by the restoration and of wetlands.	☒		☐
Scenic Beauty Guide Sheet There are no formal designated areas of scenic beauty. Scenic beauty may include the Riparian area along the Maple River.	No Effect No changes to scenic beauty.	☐	May Affect Alt 2 may enhance scenic beauty by converting some cropland to native herbaceous cover.	☐		☐
•Wetlands Guide Sheet Wetland delineation report is Appendix D-4. Wetlands are abundant in this region. Most wetlands have been degraded by annual cropping encroachment or sedimentation.	No Effect HGM analysis found the no action alternative would not change the acreage and the currently degraded functions of wetlands.	☐	May Affect See Appendix D-5 EQ Benefits report for detailed HGM analysis. The project will result in 35.6 acres of permanent negative impacts and some potential temporary impacts during construction. Alt 2A results in a net gain of 230 acres of wetland. All wetland acreage lost as a result of the project and each associated function are mitigated for within the project design with wetland restorations and wetland creation.	☒		☐
•Wild and Scenic Rivers Guide Sheet NA	No Effect NA	☐	No Effect NA	☐		☐

K. Other Agencies and Broad Public Concerns		No Action	Alternative 1	Alternative 2
Easements, Permissions, Public Review, or Permits Required and Agencies Consulted.		No easements or permissions are required.	The project is an EIS that has initiated consultation with cooperating agencies (USEPA, USFWS, USACE), tribal governments and ND State agencies. Several permits will be needed and will be obtained by the sponsor - USACE 404, NDPEs, NDDEQ general construction permit. The sponsor will need to secure land rights by purchasing or through easements.	
Cumulative Effects Narrative (Describe the cumulative impacts considered, including past, present and known future actions regardless of who performed the actions)		The cumulative impacts of no action will continue to increase levels of sediment and nutrients contributed to downstream waters including the International Red River of the North.	Alt 2 is designed to reduce the cumulative negative water quality nutrient impacts to the Red River of the North. The project will result in a net increase in sequestered carbon as annually cropped land will be seeded to native vegetation. BHA and grass habitat maintenance activities will result in reduced GHG losses compared with annual cropping.	
L. Mitigation (Record actions to avoid, minimize, and compensate)		No mitigation needed.	Many wetlands were avoided with careful placement of structures. All wetlands under easements were avoided. All wetland acreage and functions are mitigated by onsite wetland restoration and mitigation. See Appendix D-5	
M. Preferred Alternative	✓ preferred alternative	☐	☒	☐
	Supporting reason		Alt 2A meets the purpose and need in an environmentally acceptable manner and maximizes watershed protection benefits. A NED exception was granted on 10-26-22. Alt2A was selected because it improves environmental quality by reducing sediment and nutrient delivery downstream. Alt 2A provides significant improvements and enhancements to wetlands and increases wildlife habitat. This alternative was also selected because it reduces downstream flooding impacts to infrastructure and ag lands.	
N. Context (Record context of alternatives analysis) The significance of an action must be analyzed in several contexts such as society as a whole (human, national), the affected region, the affected interests, and the locality.		-Multi-county area		
		-Watershed (ex. 10-digit HUC, or larger)		
		-Continental (ex. United States, Mexico, and Canada)		
O. To the best of my knowledge, the data shown on this form is accurate and complete:				
In the case where a non-NRCS person (e.g. a TSP) assists with planning they are to sign the first signature block and then NRCS is to sign the second block to verify the information's accuracy.				
Signature (TSP if applicable)		Title		Date
<i>Rita H. Sreen</i> Signature (NRCS)		Watershed Planner Title		3/13/2025 Date
If preferred alternative is not a federal action where NRCS has control or responsibility and this NRCS-CPA-52 is shared with someone other than the client, then indicate to whom this is being provided.				

The following sections are to be completed by the Responsible Federal Official (RFO)

NRCS is the RFO if the action is subject to NRCS control and responsibility (e.g., actions financed, funded, assisted, conducted, regulated, or approved by NRCS). These actions do not include situations in which NRCS is only providing technical assistance because NRCS cannot control what the client ultimately does with that assistance and situations where NRCS is making a technical determination (such as Farm Bill HEL or wetland determinations) not associated with the planning process.

P. Determination of Significance or Extraordinary Circumstances

To answer the questions below, consider the severity (intensity) of impacts in the contexts identified above. Impacts may be both beneficial and adverse. A significant effect may exist even if the Federal agency believes that on balance the effect will be beneficial. Significance cannot be avoided by terming an action temporary or by breaking it down into small component parts.

If you answer ANY of the below questions "yes" then contact the State Environmental Liaison as there may be extraordinary circumstances and significance issues to consider and a site specific NEPA analysis may be required.

Yes No

- | Yes | No | |
|-------------------------------------|-------------------------------------|--|
| ☒ | ☐ | • Is the preferred alternative expected to cause significant effects on public health or safety? |
| ☐ | ☒ | • Is the preferred alternative expected to significantly affect unique characteristics of the geographic area such as proximity to historic or cultural resources, park lands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical |
| ☐ | ☒ | • Are the effects of the preferred alternative on the quality of the human environment likely to be highly controversial? |
| ☐ | ☒ | • Does the preferred alternative have highly uncertain effects or involve unique or unknown risks on the human environment? |
| ☐ | ☒ | • Does the preferred alternative establish a precedent for future actions with significant impacts or represent a decision in principle about a future consideration? |
| ☐ | ☒ | • Is the preferred alternative known or reasonably expected to have potentially significant environment impacts to the quality of the human environment either individually or cumulatively over time? |
| ☐ | ☒ | • Will the preferred alternative likely have a significant adverse effect on ANY of the special environmental concerns? Use the Evaluation Procedure Guide Sheets to assist in this determination. This includes, but is not limited to, concerns such as cultural or historical resources, endangered and threatened species, environmental justice, wetlands, floodplains, coastal zones, coral reefs, essential fish habitat, wild and scenic rivers, clean air, riparian areas, natural areas, and |
| ☐ | ☒ | • Will the preferred alternative threaten a violation of Federal, State, or local law or requirements for the protection of the environment? |

Q. NEPA Compliance Finding (check one)		
The preferred alternative:		Action required
☐	1) is not a federal action where the agency has control or responsibility.	Document in "R.1" below. No additional analysis is required
☐	2) is a federal action ALL of which is categorically excluded from further environmental analysis AND there are no extraordinary circumstances as identified in Section "P" .	Document in "R.2" below. No additional analysis is required
☐	3) is a federal action that has been sufficiently analyzed in an existing Agency state, regional, or national NEPA document and there are no predicted <u>significant adverse environmental effects or extraordinary circumstances</u> .	Document in "R.1" below. No additional analysis is required.
☐	4) is a federal action that has been sufficiently analyzed in another Federal agency's NEPA document (EA or EIS) that addresses the proposed NRCS action and its' effects and has been formally adopted by NRCS . NRCS is required to prepare and publish its own Finding of No Significant Impact for an EA or Record of Decision for an EIS when adopting another agency's EA or EIS document. (Note: This box is not applicable to FSA)	Contact the State Environmental Compliance Liaison for list of NEPA documents formally adopted and available for tiering. Document in "R.1" below. No additional analysis is required
☒	5) is a federal action that has NOT been sufficiently analyzed or may involve predicted significant adverse environmental effects or extraordinary circumstances and may require an EA or EIS.	Contact the State Environmental Compliance Liaison. Further NEPA analysis required. Explain in Notes Section.

R. Rationale Supporting the Finding	
R.1 Findings Documentation	
R.2 Applicable Categorical Exclusion(s) (more than one may apply)	
7 CFR Part 650 <i>Compliance With NEPA</i> , subpart 650.6 <i>Categorical Exclusions</i> states prior to determining that a proposed action is categorically excluded under paragraph (d) of this section, the proposed action must meet six sideboard criteria. See NECH 610.116.	

I have considered the effects of the alternatives on the Resource Concerns, Economic and Social Considerations, Special Environmental Concerns, and Extraordinary Circumstances as defined by Agency regulation and policy and based on that made the finding indicated above.

S. Signature of Responsible Federal Official:		
RICHARD WEBB Digitally signed by RICHARD WEBB Date: 2026.04.06 13:26:56 -05'00'	State Resource Conservationist	3/17/2025
Signature	Title	Date

Additional Notes
A Watershed Plan/Environmental Assessment has been prepared for the project, under guidance in GM Title 390- National Watershed Program Manual, GM Title 610- National Environmental Compliance Handbook, and the National Environmental Policy Act. The CPA-52 worksheet has been requested to be incorporated into watershed plan appendices by the National Water Management Center, as a convenient summary, even when an EA or EIS is being utilized. In this case, the CPA-52 does not stand alone as an Environmental Evaluation document. The project was planned and designed under the practice standards noted, as well as NEH 653- Steam Corridor Restoration Principles, Practices, Processes and NEH 654- Stream Restoration Design, and has been determined by the U.S. Army Corps of Engineers (cooperating federal agency on the watershed plan) to meet Nationwide Permit 27- Aquatic Habitat Restoration, Enhancement, and Establishment Activities.

CLEAN AIR ACT NECH 610.21 Evaluation Procedure Guide Sheet	Client/Plan Information:
	Cass County Joint Water Resources District PL-566 Watershed Program Sections 9,15,16,17,21 and 22 of T142 R56 Minnie Lake
Check all that apply to this Guide Sheet review:	☒ Alternative 1 ☐ Alternative 2 ☐ Other

NOTE: STEPS 1 and 2 help determine whether construction permitting is needed for the planned action or activity. STEP 3 helps determine whether the opportunity for emissions reduction credits exist. STEP 4 helps determine whether any other permitting, record keeping, reporting, monitoring, or testing requirements are applicable. Each of these steps should be updated with more specific language as needed, since air quality permitting and regulatory requirements are different for each state. In each step, if more information is needed or there is a question as to whether there are air quality requirements that need to be met, the planner or client should contact the appropriate air quality regulatory agency with permitting jurisdiction for the site to determine what air quality regulatory requirement must be met prior to implementing the planned action or activity.

STEP 1.

Is the action(s) expected to increase the emission rate of any regulated air pollutant?

NOTE: The definition of a “regulated air pollutant” differs depending on the air quality regulations in effect for a given site. For a federal definition of “regulated air pollutant,” please refer to the 40 CFR 70.2. Other definitions for “regulated air pollutant” found in state or local air quality regulations may be different. *States should tailor this question to the State air quality regulations and definitions since those will include any Federal requirements.*

- ☒ No If “No,” it is likely that no permitting or authorization is necessary to implement the proposed action or alternative. **Document on the NRCS-CPA-52, or notes section below, the finding, rationale, and information sources used** and advise the client to contact the appropriate air quality regulatory agency with permitting jurisdiction for the site to either verify that no permitting or authorization is necessary or to determine what requirements must be met prior to implementing the planned action or activity. **Go to step 3.**
- ☐ Yes If “Yes,” go to Step 2.

STEP 2.

Can the action(s) be modified to eliminate or reduce the increase in emission rate of the regulated air pollutants?

NOTE: This Step is to prompt the planner to review the planned action or activity to see if there is an opportunity to either eliminate the emission rate increase (possibly remove a permitting requirement) or reduce the emission rate increase (possibly move to less stringent permitting).

- ☐ No If “No,” it is likely that permitting or authorization from the appropriate air quality regulatory agency will be required prior to implementing the planned action or activity. **Document on the NRCS-CPA-52, or notes section below, the finding, rationale, and information sources used** and advise the client to contact the appropriate air quality regulatory agency with permitting jurisdiction for the site to either verify that no permitting or authorization is necessary or to determine what requirements must be met prior to implementing the proposed action or alternative. **Go to Step 3.**
- Need for
- ☐ Yes If “Yes,” modify the proposed action or alternative and **repeat Step 1.**

CLEAN AIR ACT (continued)

STEP 3.

Is the action(s) expected to result in a decrease in the emission rate of any criteria air pollutant for which the area in which the site is located in an EPA designated nonattainment area for that criteria air pollutant?

NOTE: For an explanation of criteria air pollutants and nonattainment areas, refer to Section 610.21 of the NECH. Further information regarding nonattainment areas can also be found on the U.S. EPA nonattainment area Web page.

☐ No **If "No," go to Step 4.**

☐ Yes **If "Yes,"** the opportunity for obtaining nonattainment pollutant emission credits may exist. **Document on the NRCS-CPA-52, or notes section below, the finding, rationale, and information sources used** and advise the client of that potential opportunity. If the client is interested in registering nonattainment pollutant emission credits, advise him/her to contact the appropriate air quality regulatory agency with permitting jurisdiction for the site to determine if and how credits can be documented and/or registered for potential sale. **Go to Step 4.**

STEP 4.

Is the action(s) subject to any other federal (e.g., New Source Performance Standards, National Emissions Standards for Hazardous Air Pollutants, etc.), State, or local air quality regulation (including odor, fugitive dust, or outdoor burning)?

NOTE: Refer to Section 610.21 of the NECH for a further discussion of air quality regulations.

☐ No **If "No," document on the NRCS-CPA-52, or notes section below, the finding, rationale, and information sources used and proceed with planning.**

☐ Yes **If "Yes,"** additional permits, authorizations, or controls may be needed before implementing the proposed action or alternative. **Document on the NRCS-CPA-52, or notes section below, the finding, rationale, and information sources used** and advise the client to contact the appropriate air quality regulatory agency with permitting jurisdiction for the site to determine what requirements must be met prior to implementing the proposed action or alternative.

Notes:

CLEAN WATER ACT/WATERS of the U.S. NECH 610.22 Evaluation Procedure Guide Sheet		Client/Plan Information: Cass County Joint Water Resources District
Check all that apply to this Guide Sheet review:	☒ Alternative 1 ☐ Alternative 2 ☐ Other	PL-566 Watershed Program Sections 9,15,16,17,21 and 22 of T142 R56 Minnie Lake

NOTE: This guide sheet should be tailored to meet the specific needs of individual State and local regulatory and permitting requirements. It is important for each State to coordinate with their individual State and Federal regulatory agencies to tailor State-specific protocols in order to prevent significant delays in processing permit applications.

Complete both sections of this guide sheet to address Federal as well as State-administered regulatory requirements of the Clean Water Act (CWA).

SECTION I

Federally Administered Regulatory Program - Section 404 of the CWA

STEP 1.

Will the action(s) involve or likely result in the discharge or placement of dredged or fill material or other pollutants into areas that could be waters of the United States (including lakes, ponds, impoundments, rivers, streams, channels, some wetlands, and some water conveyances, including some small ditches)? *More detailed information regarding waters of the United States and Federal permitting programs under CWA is found in the NECH 610.22 and the link above.*

- ☐ No **If "No," document on the NRCS-CPA-52, or notes section below, the finding, rationale, and information sources used and proceed with Section II below.**
- ☒ Yes **If "Yes," go to Step 2.**

STEP 2.

Is the action(s) an activity exempt from section 404 regulations (40 CFR Part 232)?

Note: the exemption should be verified with the local U.S. Army Corps of Engineers (Corps) district.

- ☒ No **If "No," go to Step 3.**
- ☐ Yes **If "Yes," document on the NRCS-CPA-52, or notes section below, the finding, rationale, and information sources used to verify the exemption applies and proceed with Section II below.**

STEP 3.

Can the action(s) be modified to avoid the discharge of dredged or fill material or other pollutants into waters of the United States?

- ☒ No **If "No," go to Step 4.**
- ☐ Yes **If "Yes," modify the action to avoid discharge. Document on the NRCS-CPA-52, or notes section below, the finding, rationale, and information sources used and proceed with Section II below.**

CLEAN WATER ACT/WATERS of the U.S. (continued)

STEP 4.

Has the client obtained a section 404 permit (individual, regional, or nationwide) or a determination of an exemption from the appropriate Corps office?

- ☒ No **If "No,"** determine if the client has applied for a permit. If a permit has not been applied for, the client will need to do so. If a permit has been applied for, document this, and continue the planning process in consultation with the client and the regulatory agencies. The permit authorization should be reflected in the final plan and documentation. **Continue planning, but a permit is required prior to implementation. Complete Section II below.**
- ☐ Yes **If "Yes,"** document on the NRCS-CPA-52, or notes section below, the finding, rationale, and information sources used and complete Section II below. The final plan should not be contrary to the provisions of the permit authorization or exemption. Changes made during the planning process that may impact the applicability of the permit, such as amount or location of fills or discharges of pollutants should be coordinated with the Corps. **Complete Section II below.**

Notes:

Consultation in ongoing with USACE. A 404 permit will be required. Wetland impacts were largely avoided and all impacts will be mitigated on site with wetland restoration and mitigation resulting in a net increase of wetlands.

SECTION II

State Administered Regulatory Programs, Sections 303(d) and 402 of CWA

STEP 1

Is the proposed action or alternative located in proximity to waters listed by the State as "impaired" under Section 303(d) of the CWA?

- ☐ No **If "No,"** document on the NRCS-CPA-52, or notes section below, the finding, rationale, and information sources used and proceed to Step 2.
- ☒ Yes **If "Yes,"** insure consistency with any existing water quality or associated watershed action plans that have been established by the State for that stream segment. Even if TMDLs have not been established by the State for that stream segment, ensure that the action will not contribute to further degradation of that stream segment. **Document on the NRCS-CPA-52, or notes section below, the finding, rationale, and information sources used and proceed to Step 2.**

STEP 2

Will the proposed action or alternative likely result in point-source discharges from developments, construction sites, or other areas of soil disturbance, or sewer discharges [e.g. projects involving stormwater ponds or point-source pollution, including concentrated animal feeding operations (CAFOs) for which comprehensive nutrient management plans (CNMPs) are being developed]? *Section 402 of the CWA requires a permit for these activities through the National Pollutant Discharge Elimination System (NPDES) program which the States administer.*

- ☐ No **If "No,"** document on the NRCS-CPA-52, or notes section below, the finding, rationale, and information sources used and proceed with planning.
- ☒ Yes **If "Yes,"** go to Step 3.

CLEAN WATER ACT/WATERS of the U.S. (continued)

STEP 3

Has the client obtained a NPDES permit or a determination of an exemption from the appropriate EPA or State-regulatory office?

- ☐ No **If “No,”** determine if the client has applied for any necessary permits. If a permit has not been applied for, the client will need to do so. If they have applied, document this and continue the planning process in consultation with the client and the regulatory agency. Continue the planning process in consultation with the client and the regulatory agencies. The permit authorization should be reflected in the final plan and documentation. **Continue planning, but a permit is required prior to implementation.**
- ☒ Yes **If “Yes,” document on the NRCS-CPA-52, or notes section below, the finding, rationale, and information sources used and proceed with planning.** The final NRCS conservation plan should not be contrary to the provisions of the permit authorization or exemption. Changes made during the planning process that may impact the applicability of the permit should be coordinated with the appropriate State regulatory agency.

Notes:

A NPDES permit will be needed.

COASTAL ZONE MANAGEMENT AREAS		Client/Plan Information:	
NECH 610.23		Cass County Joint Water Resources District	
Evaluation Procedure Guide Sheet		PL-566 Watershed Program	
Check all that apply to this Guide Sheet review:	☐ Alternative 1 ☐ Alternative 2 ☐ Other	Sections 9,15,16,17,21 and 22 of T142 R56 Minnie Lake	

STEP 1.

Is the action(s) in an officially designated "Coastal Zone Management Area"?

- ☒ No **If "No," document on the NRCS-CPA-52, or notes section below, the finding, rationale, and information sources used and proceed with planning.**
- ☐ Yes **If "Yes," go to Step 2.**

STEP 2.

Is the action(s) "consistent" with the goals and objectives of the State's Coastal Zone Management Program (as required by Section 307 of the Coastal Zone Management Act)?

- ☐ No **If "No," go to Step 3.**
- ☐ Yes **If "Yes," document the finding, including the reasons, on the NRCS-CPA-52 and proceed with planning.**

STEP 3.

Is NRCS providing financial assistance or otherwise controlling the action?

- ☐ No **If "No," NRCS should provide the landowner with relevant information regarding any local and State compliance requirements and protocols (permitting, etc.) in special management areas as appropriate to comply with local Coastal Zone Management Programs. Document on the NRCS-CPA-52, or notes section below, the finding, rationale, and information sources used and proceed with planning.**
- ☐ Yes **If "Yes," the NRCS District Conservationist or an NRCS State Office employee must contact the State's Coastal Zone Program Office before the action is implemented to discuss possible modifications to the proposed action. NRCS may not provide assistance if the proposed action or alternative would result in a violation of a State's Coastal Zone Management Plan. NRCS shall provide a consistency determination to the State agency no later than 90 days before final approval of the activity. When concurrence is received from the State, document the agreed to items and reference or attach them to the NRCS-CPA-52.**

Notes:

CULTURAL RESOURCES / HISTORIC PROPERTIES		Client/Plan Information:
NECH 610.25		Cass County Joint Water Resources District
Evaluation Procedure Guide Sheet		
Check all that apply to this Guide Sheet review:	☐ Alternative 1 ☐ Alternative 2 ☐ Other	PL-566 Watershed Program Sections 9,15,16,17,21 and 22 of T142 R56 Minnie Lake Twp,

NOTE: This guidesheet provides general guidance to field planners and managers. States may need to tailor this Evaluation Procedure Guide Sheet to reflect State Level Agreements (SLAs) with SHPOs or Tribal consultation protocols or operating procedures pertinent to your State or other State-specific protocols that reflect the terms of the current National Programmatic Agreement among NRCS, the Advisory Council on Historic Preservation, and the National Conference of SHPOs. For additional information regarding compliance with Section 106 of the NHPA and NRCS cultural resource policy refer to Title 420, General Manual (GM), Part 401, Cultural Resources; for current operating procedures see Title 190, National Cultural Resource Procedures Handbook (NCRPH), Part 601.

NOTE regarding consultations: When dealing with undertakings with the potential to affect cultural resources or historic properties, it is important to follow NRCS policy and the regulations that implement Section 106 and complete consultation with mandatory (SHPOs, THPOs, federally recognized Tribes, and native Hawaiians) and identified consulting parties during the course of planning. This consultation is not documented on this guide sheet but would occur with Steps 2, 3, 4, and 6 and these must be conducted in accordance with NRCS State Office operating procedures to ensure appropriate oversight by Cultural Resources Specialists who meet the Secretary of Interior's Qualification Standards.

STEP 1.

Is the action(s) funded in whole or part or under the control of NRCS? **To make this determination, answer the following:**

- | | | | |
|--|--|---|----------------------------------|
| Is technical assistance carried out by or on behalf of NRCS? | ☐ No | ☒ Yes | ☐ Unknown |
| Is it carried out with NRCS financial assistance? | ☐ No | ☒ Yes | ☐ Unknown |
| Does it require Federal approval with NRCS as the lead federal agency (permit, license, approval, etc.)? | ☐ No | ☒ Yes | ☐ Unknown |
| Is it a joint project with another Federal, State, or local entity with NRCS functioning as lead federal agency? | ☒ No | ☐ Yes | ☐ Unknown |

- If all of your responses are "No," document on the NRCS-CPA-52, or notes section below, the finding, rationale, and information sources used and proceed with planning.
- If any responses are "Yes," go to Step 2.
- If "Unknown," consult with your State Cultural Resources Coordinator or Specialist (CRC or CRS) to determine if this is an action/undertaking that requires review and then **complete Step 1.**

STEP 2.

Is the action(s) identified as an "undertaking" (as defined in the 190-NCRPH and 420-GM) with the potential to cause effects to cultural resources/historic properties?

- | | |
|---|--|
| ☐ No | If "No," document on the NRCS-CPA-52, or notes section below, the finding, rationale, and information sources used and proceed with planning. |
| ☒ Yes | If "Yes," go to Step 3. |

STEP 3.

Has the undertaking's Area of Potential Effect (APE) been determined? **NOTE:** Include all areas to be altered or affected, directly or indirectly: access and haul roads, equipment lots, borrow areas, surface grading areas, locations for disposition of sediment, streambank stabilization areas, building removal and relocation sites, disposition of removed concrete, as well as the area of the actual conservation practice. Consultation is essential during determination of the APE so that all historic properties (buildings, structures, sites, landscapes, objects, and properties of cultural or religious importance to American Indian tribal governments and native Hawaiians) are included.

- | | |
|---|--|
| ☐ No | If "No," or "Unknown," consult with your state specific protocols or the CRC or CRS to determine the APE. |
| ☐ Unknown | |
| ☒ Yes | If "Yes," go to Step 4. |

CULTURAL RESOURCES (continued)

STEP 4.

Have the appropriate records (National, State and local registers and lists) been checked or interviews conducted to determine whether any known cultural or historic resources are within or in close proximity to the proposed APE or project area? **Note:** This record checking does not substitute for mandatory consultation with SHPO, THPO, Tribes, and other identified consulting parties.

National Register of Historic Places?	☐ No	☒ Yes	☐ Unknown
State Register of Historic Places?	☐ No	☒ Yes	☐ Unknown
The SHPO's statewide inventory or data base?	☐ No	☒ Yes	☐ Unknown
Local/county historical society or commission lists?	☐ No	☒ Yes	☐ Unknown
Client knowledge of existing artifacts, historic structures, or cultural features?	☐ No	☒ Yes	☐ Unknown

- **If any responses are "No" or "Unknown," work with your CRC or CRS** to be sure these files are checked (sometimes the SHPO will let only the CRS or CRC review the files). Follow all other operating procedures as required by NRCS policy and procedures, SLA, and Tribal consultation protocols or operating procedures, as appropriate.
- **If all responses are "Yes," and NRCS providing technical assistance only,** then use any known information, notify the landowner of any potential affects, and provide recommendations for consideration. **Document on the NRCS-CPA-52, or notes section below, the finding, rationale, and information sources used and proceed with planning.** If NRCS is providing more than technical assistance **go to Step 5.**

STEP 5.

Did Step 4 reveal the existence of any known or potential cultural resources in the APE, or were any cultural resource indicators observed during the field inspection of the APE? **NOTE:** Field inspections or cultural resource survey will need to be conducted by qualified personnel in your state. Check with your State Cultural Resources Specialist to determine qualification criteria.

- | | |
|---|--|
| ☐ No | If "No," document on the NRCS-CPA-52, or notes section below, the finding, rationale, and information sources used and proceed with planning. |
| ☒ Yes | If "Yes," contact the CRC or CRS. Do NOT proceed with finalizing project design or project implementation until the final CRS response is received. Go to Step 6. |

STEP 6.

Can the proposed actions or alternatives be modified to avoid effects on the known cultural resources?

- | | |
|--|--|
| ☒ No | If "No," go to Step 7. |
| ☐ Yes | If "Yes," modify the planned actions or activities and proceed according to CRS guidance and document this on the NRCS-CPA-52, or notes section below and continue with planning. |

STEP 7.

Has consultation with appropriate and interested parties been completed and documented? **NOTE:** The field planner completing the NRCS-CPA-52 generally does not do the consultation unless it is the CRS or CRC. Refer to the appropriate specialist for the documentation information.

- | | |
|---|--|
| ☐ No | If "No" refer to State CRC or CRS for further consultation and recommendations to the State Conservationist. |
| ☒ Yes | If "Yes," and all necessary historic preservation activities of identification, evaluation, and treatment have been completed, document any consultation and proceed with planning. |

Notes:

Consultation on the Class III Survey was initiated on 1/19/2024 and completed on 1/27/2025.

**ENDANGERED AND THREATENED SPECIES
NECH 610.26**

Evaluation Procedure Guide Sheet

Check all that apply to this ☒ Alternative 1
Guide Sheet review: ☐ Alternative 2 ☐ Other

Client/Plan Information:

Cass County Joint Water Resources District

PL-566 Watershed Program

Sections 9,15,16,17,21 and 22 of T142 R56 Minnie Lake

STEP 1.

Are protected species or their habitat present in the area of potential effect?

Note: protected species include federally listed, proposed, and candidate species, as well as State and Tribal species protected by law or regulation. In addition, if a species' listing or status changes before implementation, you must complete this review again.

☐ No **If "No," document on the NRCS-CPA-52, or notes section below, the finding, rationale, and information sources used and proceed with planning.**

☒ Yes **If "Yes," document the species and relevant benchmark data on NRCS-CPA-52, then proceed to the applicable section(s) listed below:**

- Section 1- Federally listed endangered or threatened species/habitats
- Section 2- Federally proposed species/habitats
- Section 3- Federal candidate species/habitats
- Section 4- State/Tribal species/habitats

SECTION 1: Federally listed endangered or threatened species/habitats

STEP 1.

What is the effect (i.e. beneficial/adverse, short-term/long-term, etc.) of the action(s) on endangered or threatened species or their habitat?

☐ No effect **If "No effect," document on the NRCS-CPA-52, or notes section below, the finding, rationale, and information sources used and proceed with planning.**

☒ May affect **If "May affect," meaning that the action might affect endangered and threatened species or their habitat in some way, go to Step 2.**

Federally listed endangered or threatened species/habitats (continued)

STEP 2.

Is NRCS providing financial assistance or otherwise controlling the action(s)?

- ☐ **No** for If "No," and the effects are purely benign or beneficial, continue with planning but ensure the client is aware endangered and threatened species or their habitat exists and conservation practices must be applied in a manner that avoids adverse effects. **Document on the NRCS-CPA-52, or notes section below, the finding, rationale, and information sources used and proceed with planning.**
- ☐ **No** If "No," and there is a possibility of short-term or long-term adverse effects then inform the client of NRCS's policy concerning endangered and threatened species and the need to use alternative conservation treatments to avoid adverse effects on these species or their habitat. Further, NRCS assistance will be provided only if one of the conservation alternatives is selected that avoids adverse effects or the client obtains a "take" permit from the FWS/NMFS. Refer the client to FWS/NMFS to address the client's responsibilities under Sections 9 & 10 of the ESA, for Federally listed species. **Document on the NRCS-CPA-52, or notes section below, the finding, rationale, and information sources used. If assistance is continued, document how the alternative conservation treatments avoid adverse effects and proceed with planning.**
- ☐ **Yes** If "Yes," and the action will be implemented according to an existing informal consultation, biological opinion, or 4(d) special rule, document on the NRCS-CPA-52, or notes section below, the finding, rationale, and information sources used and proceed with planning.
- ☒ **Yes** If "Yes," and the action cannot be modified to avoid the effect, inform client that in order to proceed with the action NRCS must consult with FWS/NMFS. Contact your area or State biologist for consultation procedures. The action can only be implemented according to the terms of the consultation. **When consultation is complete, attach the consultation documents to NRCS-CPA-52 or reference them in the notes section below and proceed with planning.**

Notes for Federally listed endangered or threatened species/habitats:

Project was submitted to Ipac in 2022 and again in 2025. USFWS has issued an opinion of May Affect, Not Likely to Adversely Affect NLEB.

SECTION 2: Federally proposed species/habitats

STEP 1.

What is the effect (i.e. beneficial/adverse, short-term/long-term, etc.) of the action(s) on proposed species or their habitat?

☐ No effect

If "No effect," additional evaluation is not needed concerning proposed species or proposed critical habitat. Document on the NRCS-CPA-52, or notes section below, the finding, rationale, and information sources used and proceed with planning.

☒ May effect

If "May affect," meaning that the action might affect endangered and threatened species or proposed critical habitat in any way, **go to Step 2.**

STEP 2.

Is NRCS providing financial assistance or otherwise controlling the action?

☐ No

If "No," and the effects are purely benign or beneficial, continue with planning but ensure the client is aware proposed species or their habitat exists and conservation practices must be applied in a manner as to avoid adverse effects. **Document on the NRCS-CPA-52, or notes section below, the finding, rationale, and information sources used and proceed with planning.**

☐ No

If "No," and there is a possibility of short-term or long-term adverse effects then inform the client of NRCS's policy concerning proposed species and the need to use alternative conservation treatments to avoid adverse effects on these species or their habitat. Further, NRCS assistance will be provided only if one of the conservation alternatives is selected that avoids adverse effects, and to the extent practicable, provide long-term benefits to species and habitat. Should the client or landowner refuse to apply the recommended alternative conservation treatment, NRCS will inform the client and landowner of the NRCS policy and shall not provide assistance for the action or portion of the action affecting the proposed species.

☐ Yes

If "Yes," and the action will be implemented according to an existing conference report or conference opinion. Document on the NRCS-CPA-52, or notes section below, the finding, rationale, and information sources used and proceed with planning.

☒ Yes

If "Yes," and the action cannot be modified to avoid the effect, inform client that the NRCS must conference with FWS/NMFS. Contact your area or State biologist for conference procedures. Further NRCS assistance can only be provided only if the client agrees to implement the conference recommendations to the extent practicable. **When the conference is complete, attach the conference documents to NRCS-CPA-52, or reference them in the notes section below, and proceed with planning.**

Notes for Federally proposed species/habitats:

Alt 2A will increase forage species for Monarch Butterflies.

SECTION 3: Federal candidate species/habitats

STEP 1.

What is the effect (i.e. beneficial/adverse, short-term/long-term, etc.) of the action(s) on candidate species or their habitat?

☐ No adverse effect

If **"No adverse effect,"** additional evaluation is not needed concerning proposed species or proposed critical habitat. **Document on the NRCS-CPA-52, or notes section below, the finding, rationale, and information sources used and proceed with planning.**

☒ May adversely effect

If **"May adversely affect,"** recommend alternative treatments that avoid or minimize the adverse effects and, to the extent practicable, provide long-term benefit to the species. **Document the effects of the selected alternative on the NRCS-CPA-52 and proceed with planning.**

Notes for Federally proposed species/habitats:

IPAC has ID'd the Monarch Butterfly as a candidate species for this project. Construction may temporarily impact butterfly habitat, however the project will result in a net increase in habitat suitable for monarchs

SECTION 4: State/Tribal species/habitats

STEP 1.

What is the effect (i.e. beneficial/adverse, short-term/long-term, etc.) of the proposed action or alternative on State/Tribal species or their habitat?

☐ No adverse effect

If **"No adverse effect,"** additional evaluation is not needed concerning State or Tribal species of concern. **Document on the NRCS-CPA-52, or notes section below, the finding, rationale, and information sources used and proceed with planning.**

☒ May adversely affect

If **"May adversely affect,"** go to Step 2.

STEP 2.

Is NRCS providing financial assistance or otherwise controlling the action?

☐ No

If **"No,"** and there is a possibility of short-term or long-term adverse effects then inform the client of NRCS's policy concerning State and Tribal species and the need to use alternative conservation treatments to avoid or minimize adverse effects on these species or their habitat. Further, NRCS assistance will be provided only if one of the conservation alternatives is selected that avoids or minimizes adverse effects to the extent practicable. **Document on the NRCS-CPA-52, or notes section below, the finding, rationale, and information sources used.** If assistance is continued, document how the alternative conservation treatments avoid or minimize those adverse effects and proceed with planning.

☒ Yes

If **"Yes,"** and the action cannot be modified to avoid the adverse effect, inform client that the NRCS must coordinate with State/Tribal government and receive concurrence on recommended alternatives. Contact your area or State biologist for coordination procedures. Further NRCS assistance will be provided only if the client agrees to implement a concurred upon alternative and obtains any required permits. **Document on the NRCS-CPA-52, or notes section below, the finding, rationale, and information sources used and proceed with planning.**

Notes for State/Tribal species/habitats:

Construction may temporarily impact grassland and aquatic habitat for some ND Conservation Priority upland, wetland and aquatic species. However, the project will result in a net increase in habitat beneficial to ND Priority Species.

ENVIRONMENTAL JUSTICE		Client/Plan Information:	
NECH 610.27		Cass County Joint Water Resources District	
Evaluation Procedure Guide Sheet		PL-566 Watershed Program	
Check all that apply to this Guide Sheet review:	☒ Alternative 1 ☐ Alternative 2 ☐ Other	Sections 9,15,16,17,21 and 22 of T142 R56 Minnie Lake	

STEP 1.

In the area affected by the NRCS action, are there low-income populations, minority populations, Indian Tribes, or other specified populations that would experience disproportionately high and adverse human health impacts resulting from the proposed action or alternative?

- ☒ No **If "No," document on the NRCS-CPA-52, or notes section below, the finding, rationale, and information sources used and proceed with planning.**
- ☐ Yes **If "Yes," go to Step 2.**
- ☐ Unknown **If "Unknown,"** consult your State Environmental Specialist, or equivalent and Tribal Liaison for additional guidance, **and repeat Step 1.** **NOTE:** The USDA Departmental Regulation on Environmental Justice (DR 5600-002) provides detailed "determination procedures" for NEPA as well as non-NEPA activities and suggests social and economic effects for considerations.

STEP 2.

Is the action(s) the type that might have a disproportionately high and adverse environmental or human health effect on a low-income population, minority population, or Indian Tribe?

- ☒ No **If "No," document on the NRCS-CPA-52, or notes section below, the finding, rationale, and information sources used and proceed with planning.**
- ☐ Yes **If "Yes,"** initiate Tribal consultation or community outreach to affected and interested parties that are categorized as low-income, minority, or as Indian Tribes. The purpose is to encourage participation and input on the proposed program or activity and any alternatives or mitigating options. Participation of these populations may require adaptive or innovative approaches to overcome linguistic, institutional, cultural, economic, historic, or other potential barriers to effective participation. If assistance is needed with this process, contact your State Public Affairs Specialist or Tribal Liaison. **Go to Step 3.**

STEP 3.

Considering the results of the outreach initiative together with other information gathered for the decision-making process, will the action(s) have a disproportionately high and adverse effect on the human health or the environment of the minority, low-income, or Indian populations?

- ☐ No **If "No," notify interested and affected parties of agency decision. Document on the NRCS-CPA-52, or notes section below, the finding and rationale.**
- ☐ Yes **If "Yes,"** consider the feasibility and appropriateness of the proposed alternatives and their effects and the possibility of developing additional alternatives or a mitigation alternative and **repeat Step 3.** **Document results of these early scoping sessions on the NRCS-CPA-52.** If it is determined that there remains a disproportionately high and adverse effect on human health or the environment, or the project or action carries a high degree of controversy then an Environmental Assessment (EA) or Environmental Impact Statement (EIS) may be required. Contact your State Office for assistance.

Notes:

ESSENTIAL FISH HABITAT		Client/Plan Information:	
NECH 610.28		Cass County Joint Water Resources District	
Evaluation Procedure Guide Sheet		PL-566 Watershed Program	
Check all that apply to this Guide Sheet review:	☐ Alternative 1 ☐ Alternative 2 ☐ Other	Sections 9,15,16,17,21 and 22 of T142 R56 Minnie Lake	

STEP 1.

Is the action(s) in an area designated as Essential Fish Habitat (EFH) or in an area where effects could indirectly or cumulatively affect EFH?

NOTE: Additional information regarding EFH Descriptions and Identification can be found on NMFS's website.

- ☒ No **If "No," document on the NRCS-CPA-52, or notes section below, the finding, rationale, and information sources used and proceed with planning.**
- ☐ Yes **If "Yes," go to Step 2.**

STEP 2.

Will the action(s) result in short-term or long-term disruptions or alterations that may result in an "adverse effect" to EFH? [16 U.S.C. 1855(b)(2); Magnuson Stevens Act (MSA) Section 305(b)(2)]

- ☐ No If "No," consultation with NMFS and further evaluation is not needed concerning EFH unless otherwise specified by the State Biologist. **Document on the NRCS-CPA-52, or notes section below, the finding, rationale, and information sources used and proceed with planning.**
- ☐ Yes **If "Yes," go to Step 3.**

STEP 3.

Can the action(s) be modified to avoid the potential adverse effect?

- ☐ No **If "No," document on the NRCS-CPA-52, or notes section below, the finding, rationale, and information sources used. Go to Step 4.**
- ☐ Yes **If "Yes," modify the action or activity and repeat Step 2.**

STEP 4.

Is NRCS providing assistance that would result in the funding, authorization, or undertaking of the action(s)? [MSA Section 305(b)]

- ☐ No **If "No," an alternative conservation system that avoids the adverse effect must be identified as the proposed action or NRCS must discontinue assistance.** If assistance is terminated, indicate the circumstances in the Remarks section of the NRCS-CPA-52 or contact Need for the NRCS State Office for assistance. (Title 190, General Manual, Part 410, Subpart A, Section 410.3)
- ☐ Yes **If "Yes," inform the client that the NRCS District Conservationist or NRCS State Biologist must consult with NMFS before further action or activity can proceed [MSA, Section 305(b)(2)].**
- Note:** For specific information regarding consultation for EFH, see NMFS "Essential Fish Habitat Consultation Guidance," April 2004, available online.

Notes:

FLOODPLAIN MANAGEMENT		Client/Plan Information:	
NECH 610.29		Cass County Joint Water Resources District	
Evaluation Procedure Guide Sheet		PL-566 Watershed Program	
Check all that apply to this Guide Sheet review:	☐ Alternative 1 ☐ Alternative 2 ☐ Other	Sections 9,15,16,17,21 and 22 of T142 R56 Minnie Lake	

NOTE: This Guide Sheet is intended for evaluation of "non-project" technical and financial assistance only (individual projects). For "project" assistance criteria (those assisting local sponsoring organizations), consult Title 190, General Manual, Part 410, Subpart B, Section 410.25.

STEP 1.

Is the project area in or near a 100-year floodplain?

- ☐ No **If "No," document on the NRCS-CPA-52, or notes section below, the finding, rationale, and information sources used and go to Step 4.**
- ☒ Yes **If "Yes," go to Step 2.**
- ☐ Unknown **If "Unknown," review the HUD/FEMA flood insurance maps and other available data such as soils information relating to flood frequency. If still "Unknown", contact the appropriate field or hydraulic engineer. Repeat Step 1.**

STEP 2.

Is the planning area in the floodplain an agricultural area that has been used to produce food, fiber, feed, forage or oilseed for at least 3 of the last 5 years before the request for assistance?

- ☐ No **If "No," go to Step 4.**
- ☒ Yes **If "Yes," document the agricultural use history and go to Step 3.**

STEP 3.

Is the floodplain's agricultural production in accordance with official state or designated area water quality plans?

- ☒ No **If "No," advise the client of conservation practices or other measures that will bring the land into accordance with water quality plans and incorporate these into the conservation plan. Go to Step 4.**
- ☐ Yes **If "Yes," document on the NRCS-CPA-52, or notes section below, the finding, rationale, and information sources used and go to Step 4.**

STEP 4.

Over the short or long term, will the proposed action or alternative likely result in an increased flood hazard, incompatible development, or other adverse effect to the existing natural and beneficial values of the floodplain or lands adjacent or downstream?

- ☒ No **If "No," document on the NRCS-CPA-52, or notes section below, the finding, rationale, and information sources used and proceed with planning.**
- ☐ Yes **If "Yes," modify the action if possible to avoid adverse effects. Inform landuser of the hazards of locating actions in the floodplain and discuss alternative methods of achieving the objective and/or alternative locations outside the 100-year floodplain. If the action can be modified, describe the modification on the NRCS-CPA-52 and repeat 4. If the action cannot be modified to eliminate adverse effects, go to Step 5.**

FLOODPLAIN MANAGEMENT (continued)

STEP 5.

Is one or more of the alternative methods or locations practical?

- ☐ No **If "No,"** the District Conservationist will carefully evaluate and document the potential extent of the adverse effects and any increased flood risk before making a determination of whether to continue providing assistance. **Document on the NRCS-CPA-52, or notes section below, the finding, rationale, and information sources used and go to Step 6.**
- ☒ Yes **If "Yes," and the client agrees** to implement the alternative methods or locations outside the floodplain, **document on the NRCS-CPA-52, or notes section below, the finding, rationale, and information sources used and proceed with planning.**
- ☐ Yes **If "Yes," and the client DOES NOT AGREE** to implement the alternative methods or locations, advise the client that NRCS may not continue to provide technical and/or financial assistance where there are practicable alternatives. **Document on the NRCS-CPA-52, or notes section below, the finding, rationale, and information sources used and go to Step 6.**

STEP 6.

Will assistance continue to be provided?

- ☐ No **If "No,"** provide written notification of the decision to terminate assistance to the client and the local conservation district, if one exists. **Document on the NRCS-CPA-52, or notes section below, the finding, rationale, and information sources used and proceed with planning.**
- ☐ Yes **If "Yes,"** the district conservationist should **design or modify the proposed action or alternative to minimize the adverse effects to the extent possible. Circulate a written public notice** locally explaining why the action is proposed to be located in the 100-year floodplain. **Document on the NRCS-CPA-52, or notes section below, the finding, rationale, and information sources used and proceed with planning.**

Notes:

INVASIVE SPECIES NECH 610.30 Evaluation Procedure Guide Sheet	Client/Plan Information:
	Cass County Joint Water Resources District PL-566 Watershed Program Sections 9,15,16,17,21 and 22 of T142 R56 Minnie Lake
Check all that apply to this Guide Sheet review: ☐ Alternative 1 ☐ Alternative 2 ☐ Other	

NOTE: Executive Order 13112 states that "a Federal agency shall not authorize, fund, or carry out actions that it believes are likely to cause or promote the introduction and spread of invasive species in the U.S. or elsewhere." Remember that invasive species can include plants, fish, animals, insects, etc.

STEP 1.

Is the action(s) in an area where invasive species are known to occur or where risk of an invasion exists?

NOTE: Executive Order 13112 (1999) directs Federal agencies to "prevent the introduction of invasive species, provide for their control, and to minimize the economic, ecological, and human health impacts that invasive species cause."

- ☐ No **If "No," document on the NRCS-CPA-52, or notes section below, the finding, rationale, and information sources used and proceed with planning.**
- ☒ Yes **If "Yes," go to Step 2.**

STEP 2.

Conduct an inventory of the invasive species and identify areas at risk for future invasions (Title 190, General Manual, Part 414, Subpart D, Section 414.30). Delineate these areas on the conservation plan map and document management considerations in the plan or assistance notes. Have all appropriate tools, techniques, management strategies, and risks for invasive species prevention, control, and management been considered in the planning process?

- ☐ No **If "No," you must consider and include all appropriate factors relating to the existing and potential invasive species for the planning area and repeat Step 2.**
- ☒ Yes **If "Yes," describe strategies, techniques, and reasons on NRCS-CPA-52 and go to Step 3.**

STEP 3.

Is the action(s) consistent with the Executive Order 13112, the national invasive species management plan, and any applicable State or local invasive species management plan?

- ☐ No **If "No," modify the action and repeat Step 3. If the client is unwilling to modify the proposed action, NRCS must discontinue assistance. Document the circumstances on the NRCS-CPA-52, or notes section below, and in the case file.**
- ☒ Yes **If "Yes," document on the NRCS-CPA-52, or notes section below, the finding, rationale, and information sources used and proceed with planning.**

Notes:

**MIGRATORY BIRDS, BALD AND GOLDEN
EAGLE PROTECTION ACT, NECH 610.31
Evaluation Procedure Guide Sheet**

Check all that apply to this Guide Sheet review: ☒ Alternative 1
☐ Alternative 2 ☐ Other

Client/Plan Information:

Cass County Joint Water Resources District

PL-566 Watershed Program

Sections 9,15,16,17,21 and 22 of T142 R56 Minnie Lake

NOTE: This guide sheet includes evaluation guidance for compliance with the Migratory Bird Treaty Act, Executive Order 13186 (2001), and the Bald and Golden Eagle Protection Act. Both sections must be completed if eagles are identified within the area of potential effect.

SECTION I: MIGRATORY BIRD TREATY ACT & E.O 13186

In the lower 48 states, all wild birds except introduced species (House Sparrow, Rock Pigeon, European Starling, Eurasian Collared-dove) and resident game birds managed by State Wildlife Agencies are protected under the MBTA.

STEP 1.

Could the action(s) result in a take (intentionally or unintentionally) to any migratory bird, occupied nest or egg? The term **"take"** means to pursue, hunt, shoot, wound, kill, trap, capture, or collect, or attempt to pursue, hunt, shoot, wound, kill, trap, capture, or collect (50 CFR Section 10.12).

☒ No **If "No," document on the NRCS-CPA-52, or notes section below, the finding, rationale, and information sources used and proceed with planning. Go to Section II.**

☐ Yes **If "Yes," go to Step 2.**

STEP 2.

Have adverse effects on migratory birds been mitigated (avoided, reduced, or minimized) to the maximum practicable extent?

☐ No **If "No," modify the action and repeat Step 1.**

☒ Yes **If "Yes," document mitigation measures on the NRCS-CPA-52, or notes section below, and in the plan. Go to Step 3.**

STEP 3.

Is it the purpose of the action(s) to intentionally "take" a migratory bird or any part, nest or egg (such as, but not limited to: controlling depredation by a migratory bird, or removal of occupied nests of nuisance migratory birds)?

NOTE: Migratory game birds taken under state and Federal hunting regulations are exempt.

☒ No **If "No," go to Step 4.**

☐ Yes **If "Yes," document the effects, including the reasons, on the NRCS-CPA-52, or notes section below. Inform the client that they must obtain all required permits before the action is implemented.**

MIGRATORY BIRDS TREATY ACT / BALD AND GOLDEN EAGLE PROTECTION ACT (continued)

STEP 4.

Will unintentional take of migratory birds result in a measurable negative effect on a migratory bird species' population?

- ☒ No **If "No," document on the NRCS-CPA-52, or notes section below, the finding, rationale, and information sources used and go to Section II.**
- ☐ Yes **If "Yes," additional principles, standards and practices shall be developed in coordination with USFWS to further lessen the amount of unintentional take (E.O. 13186(3)(e)(9)). Repeat Step 1. Document the effects, including the reasons, on the NRCS-CPA-52, or notes section below.**

Notes:

SECTION II: BALD & GOLDEN EAGLE PROTECTION ACT

STEP 1.

Will the action(s) result in the take, possession, sale, purchase, barter, or offer to sell, purchase, or barter, export or import "of any bald or golden eagle, alive or dead, including any part, nest, or egg, unless allowed by permit"? (The term **"take"** is defined as "pursue, shoot, shoot at, poison, wound, kill, capture, trap, collect, molest or disturb" a bald or golden eagle. The term "disturb" under this act means to agitate or bother a bald or golden eagle to a degree that causes, or is likely to cause, based on the best scientific information available, injury to an eagle; a decrease in its productivity by substantially interfering with normal breeding, feeding, or sheltering behavior; or nest abandonment by substantially interfering with normal breeding, feeding, or sheltering behavior.)

- ☒ No **If "No," document on the NRCS-CPA-52, or notes section below, the finding, rationale, and information sources used and proceed with planning.**
- ☐ Yes **If "Yes," go to Step 2.**

STEP 2.

Can the action(s) be modified to avoid the adverse effect? Refer to the National Bald Eagle Management Guidelines for measures that can be taken to avoid disturbing nesting bald eagles and their young.

- ☐ No **If "No," document the finding, including the reasons, on the NRCS-CPA-52, or notes section below. Contact the NRCS State Biologist or appropriate NRCS official about working with the client and USFWS to permit the action or finding another alternative action to avoid adverse effects prior to providing final designs or implementing the proposed action or alternative. No permit authorizes the sale, purchase, barter, trade, importation, or exportation of eagles, or their parts or feathers. The regulations governing eagle permits can be found in 50 CFR Part 22.**
- ☐ Yes **If "Yes," modify the alternative and repeat Step 1. If the client is unwilling to modify the action then NRCS may need to discontinue assistance. Contact the NRCS State environmental specialist or wildlife biologist for assistance. Document the effects, including the reasons, on the NRCS-CPA-52, or notes section below.**

Notes:

NATURAL AREAS NECH 610.32 Evaluation Procedure Guide Sheet	Client/Plan Information:
	Cass County Joint Water Resources District
Check all that apply to this Alternative 1 ☐ Guide Sheet review: Alternative 2 ☐ Other ☐	PL-566 Watershed Program Sections 9,15,16,17,21 and 22 of T142 R56 Minnie Lake

Natural Areas are defined as land and water units where natural conditions are maintained. They may be areas designated on Federal government, non-federal government, or on private land. Designation may be provided under Federal regulations, by foundations or conservation organizations, or by private landowners that specify it as such (GM 190. Part 410.23).

STEP 1.

Are there any designated natural areas present in or near the planning area?

- ☐ No **If "No," document on the NRCS-CPA-52, or notes section below, the finding, rationale, and information sources used and proceed with planning.**
- ☒ Yes **If "Yes," go to Step 2.**

STEP 2.

Will the action(s) affect the natural area?

- ☒ No **If "No," document on the NRCS-CPA-52, or notes section below, the finding, rationale, and information sources used and proceed with planning.**
- ☐ Yes **If "Yes," go to Step 3.**

STEP 3.

Are the effects consistent with maintaining, protecting, and preserving the integrity of the natural characteristics?

- ☐ No **If "No," Inform the client about the effects of the proposed action or alternatives on the identified natural areas. You must also encourage the client to consult with concerned parties to arrive at a mutually satisfactory alternative [GM 190, Part 410.23(c)4]. Document the effects of the action and any communications with the client on the NRCS-CPA-52, or notes section below, and proceed with planning.**
- ☐ Yes **If "Yes," document on the NRCS-CPA-52, or notes section below, the finding, rationale, and information sources used and proceed with planning.**

Notes:

PRIME AND UNIQUE FARMLANDS		Client/Plan Information:	
NECH 610.33		Cass County Joint Water Resources District	
Evaluation Procedure Guide Sheet		PL-566 Watershed Program	
Check all that apply to this Guide Sheet review:	☐ Alternative 1 ☒ Alternative 2 ☐ Other	Sections 9,15,16,17,21 and 22 of T142 R56 Minnie Lake	

STEP 1.

Using the criteria found in the FPPA Rule (7 CFR Part 658.5), does the action(s) convert farmland to a nonagricultural use? **NOTE:** Conversion does not include construction of on-farm structures necessary for farm operations. Also, form AD-1006 entitled "Farmland Conversion Impact Rating" and form NRCS-CPA-106 entitled "Farmland Conversion Impact Rating for Corridor Type Projects" are used to document effects of proposed projects that may convert farmland. If you are uncertain about the effects on prime and unique farmlands in your planning area, consult the State Soil Scientist.

☐ No **If "No," document on the NRCS-CPA-52, or notes section below, the finding, rationale, and information sources used and proceed with planning.**

☒ Yes **If "Yes," go to Step 2.**

STEP 2.

Are prime or unique farmlands or farmlands of statewide or local importance present in or near the area that will be affected by the action(s)?

☐ No **If "No," document on the NRCS-CPA-52, or notes section below, the finding, rationale, and information sources used and proceed with planning.**

☒ Yes **If "Yes," go to Step 3.**

STEP 3.

Can the action(s) be modified to avoid adverse effects or conversion?

☒ No **If "No," document the adverse effects on the NRCS-CPA-52, or notes section below, and proceed with planning.**

☐ Yes **If "Yes," modify and repeat Step 1 or contact the State Soil Scientist for further assistance. Document on the NRCS-CPA-52, or notes section below, the finding, rationale, and information sources used and proceed with planning.**

Notes:

AD-1006 sent to SO for FPPA

RIPARIAN AREA NECH 610.34 Evaluation Procedure Guide Sheet	Client/Plan Information:
	Cass County Joint Water Resources District PL-566 Watershed Program Sections 9,15,16,17,21 and 22 of T142 R56 Minnie Lake
Check all that apply to this Guide Sheet review:	☐ Alternative 1 ☐ Alternative 2 ☐ Other

STEP 1.

Is a riparian area present in or near the planning area? (Definition can be found in Title 190, General Manual, Part 411.)

- ☐ No **If "No," document on the NRCS-CPA-52, or notes section below, the finding, rationale, and information sources used and proceed with planning.**
- ☒ Yes **If "Yes," go to Step 2.**

STEP 2.

Do the action(s) address maintenance or improvement of water quality, water quantity, and fish and wildlife benefits provided by the riparian area?

- ☐ No **If "No," revise the plan to maintain or improve water quality, water quantity, and fish and wildlife benefits. Document the benchmark conditions and effects on the NRCS-CPA-52, or notes section below, go to Step 3.**
- ☒ Yes **If "Yes," go to Step 3.**

STEP 3.

Do the action(s) conflict with the conservation values/functions of the riparian area?

- ☒ No **If "No," document on the NRCS-CPA-52, or notes section below, the finding, rationale, and information sources used and proceed with planning.**
- ☐ Yes **If "Yes," inform the client of the values and functions of riparian areas, including their contribution to floodplain function, stream bank stability and integrity, nutrient cycling, pollutant filtering, sediment retention, and biological diversity, and present alternatives that will resolve the conflict. Document on the NRCS-CPA-52, or notes section below, the finding, rationale, and information sources used and proceed with planning.**

Notes:

SCENIC BEAUTY NECH 610.35 Evaluation Procedure Guide Sheet	Client/Plan Information:
	Cass County Joint Water Resources District PL-566 Watershed Program Sections 9,15,16,17,21 and 22 of T142 R56 Minnie Lake
Check all that apply to this Alternative 1 ☐ Guide Sheet review: Alternative 2 ☐ Other ☐	

STEP 1.

Will the action(s) adversely affect the scenic quality of the general landscape or any specifically designated unique or valuable scenic landscape? (Consult Section II of the FOTG for a listing of any identified areas of scenic beauty.)

- ☒ No **If "No," document on the NRCS-CPA-52, or notes section below, the finding, rationale, and information sources used and proceed with planning.**
- ☐ Yes **If "Yes," go to Step 2.**

STEP 2.

Can the action(s) be modified to avoid the adverse effects on the scenic quality of the landscape? NOTE: NRCS must provide technical assistance with full consideration of alternative management and development systems that preserve scenic beauty or improve the landscape (GM 190, Part 410.24).

- ☐ No **If "No," consider any state or local requirements. Document on the NRCS-CPA-52, or notes section below, the finding, rationale, and information sources used and proceed with planning.**
- ☐ Yes **If "Yes," modify the planned action or activity and repeat Step 1.**

Notes:

WETLANDS NECH 610.36 Evaluation Procedure Guide Sheet	Client/Plan Information:
	Cass County Joint Water Resources District PL-566 Watershed Program Sections 9,15,16,17,21 and 22 of T142 R56 Minnie Lake
Check all that apply to this Guide Sheet review:	☒ Alternative 1 ☐ Alternative 2 ☐ Other

This guide sheet addresses policy found in Title 190, General Manual, Part 410, Subpart B, Section 410.26. Use the Clean Water Act Guide Sheet for addressing wetland concerns relating to the Clean Water Act.

STEP 1.

Are wetlands present in or near the planning area?

NOTE: Wetlands are areas that are inundated by surface or ground water with a frequency sufficient to support and, under normal circumstances, do or would support prevalence of vegetative or aquatic life that requires saturated or seasonally saturated soil conditions for growth and reproduction, except for irrigation or leakage-induced wetlands created in uplands.

☐ No **If "No," document on the NRCS-CPA-52, or notes section below, the finding, rationale, and information sources used.** (If the area could qualify as an "other water of the United States" such as lakes, streams, channels, or other impoundment or conveyances, a Clean Water Act Section 404 permit may be required from the Corps of Engineers. Refer to the Clean Water Act Guide sheet.)

☒ Yes **If "Yes," document the extent and location of wetlands and go to Step 2.**

STEP 2.

Will the action(s) impact any wetland areas (this includes changing wetland types when considering wetland restoration projects)?

☐ No **If "No," document on the NRCS-CPA-52, or notes section below, the finding, rationale, and information sources used and proceed with planning.**

☒ Yes **If "Yes," assess the wetland functions and describe (on the NRCS-CPA-52) the effects of the proposed activity on the wetland area. If effects are solely beneficial, continue with planning. If adverse effects exist, go to Step 3.**

STEP 3.

Do practicable alternatives exist that avoid adverse impact to wetlands?

☒ No **If "No," go to step 4.**

☐ Yes **If "Yes," advise the client of the available alternatives. If the client chooses to implement the alternative that avoids adverse impact (including obtaining all necessary permits), document on the NRCS-CPA-52, or notes section below, the finding, rationale, and information sources used and proceed with planning.** Otherwise, NRCS shall terminate all assistance for the project.

WETLANDS (continued)

STEP 4.

Do other measures exist that will minimize adverse effects to wetlands?

- ☐ No **If "No," go to step 5.**
- ☒ Yes **If "Yes,"** advise the client of the minimization measures. If the client chooses to implement the minimization measures (including obtaining all necessary permits), **document on the NRCS-CPA-52, or notes section below, the finding, rationale, and information sources used and proceed with planning.** Otherwise, NRCS shall terminate all assistance for the project.

STEP 5.

Does the client wish to pursue an action that will result in adverse impacts to wetlands (where no practicable alternatives or minimization measures exist)?

- ☐ No **If "No," document on the NRCS-CPA-52, or notes section below, the finding, rationale, and information sources used and proceed with planning.**
- ☒ Yes **If "Yes,"** advise that client of the need to compensate for the lost wetland acres and functions. NRCS may assist the client in the development of a mitigation plan. If the client chooses to implement the compensation measures (including obtaining all necessary permits), **document on the NRCS-CPA-52, or notes section below, the finding, rationale, and information sources used and proceed with planning.** Otherwise, NRCS shall terminate all assistance for the project.

NOTE: Compensation is not required for irrigation or leakage-induced wetlands where no natural wetlands existed before the irrigation or waste management activity, though such areas may be regulated by other Federal agencies or State, Tribal, or local agencies.

Notes:

All wetland acreage lost as a result of the project and each associated function are mitigated for within the project design with wetland restorations and wetland creation.

FARMLAND CONVERSION IMPACT RATING

PART I (To be completed by Federal Agency)					Date Of Land Evaluation Request				
Name of Project					Federal Agency Involved				
Proposed Land Use					County and State				
PART II (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 ☐	NO ☐	Acres Irrigated	Average Farm Size	
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				
PART III (To be completed by Federal Agency)					Alternative Site Rating				
					Site A	Site B	Site C	Site D	
A. Total Acres To Be Converted Directly									
B. Total Acres To Be Converted Indirectly									
C. Total Acres In Site									
PART IV (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									
PART V (To be completed by NRCS) Land Evaluation Criterion Relative Value of Farmland To Be Converted (Scale of 0 to 100 Points)									
PART VI (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	Site D
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				
PART VII (To be completed by Federal Agency)									
Relative Value Of Farmland (From Part V)					100				
Total Site Assessment (From Part VI above or local site assessment)					160				
TOTAL POINTS (Total of above 2 lines)					260				
Site Selected:		Date Of Selection			Was A Local Site Assessment Used? YES ☐ NO ☐				
Reason For Selection:									
Name of Federal agency representative completing this form:								Date:	

(See Instructions on reverse side)

Form AD-1006 (03-02)

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://fppa.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/ndISAPI.dll/oip_public/USA_map, 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.