

Appendix C  
Scoping Letter and Comments



# United States Department of the Interior



BUREAU OF RECLAMATION  
Dakotas Area Office  
304 East Broadway Avenue  
Bismarck, ND 58501

IN REPLY REFER TO:

DK-5000  
2.1.4.17

Subject: Bureau of Reclamation's Preparation of an Environmental Assessment for the Heart Butte Safety of Dams Modification Project

Dear Interested Party:

The Bureau of Reclamation is preparing an Environmental Assessment (EA) for the funding and construction of a Safety of Dams Modification Project for Heart Butte Dam. Reclamation is the lead Federal Agency responsible for ensuring compliance with the National Environmental Policy Act, National Historic Preservation Act, and related Federal environmental and cultural resource legislation. Reclamation will use this EA to evaluate the environmental impacts associated with construction of the project.

Heart Butte Dam is located on the Heart River in southwestern North Dakota, approximately 100 river miles upstream of Mandan (Figure 1). It forms the principal feature of the Heart Butte Unit of the Pick-Sloan Missouri Basin Program (authorized under Section 9 of the Flood Control Act of December 22, 1944, 58 Stat. 887). The dam was constructed in 1948-1949, and the modification project seeks to provide risk reduction by addressing potential internal erosion risks which have been identified through performance monitoring and extensive geologic exploration.

Reclamation has performed a Corrective Action Study to evaluate alternatives to ensure the continued safe condition of the dam. The selected design alternative includes conduit joint repair, a seepage cutoff system, and a seepage blanket filtration system constructed at the downstream toe of the dam. Construction is expected to require up to two years and a reduction of Lake Tschida to the minimum water elevation of 2030 feet. The reduction in reservoir elevation is necessary to reduce the water table in the vicinity of the project and to reduce the potential for uncontrolled spillway flow during the construction period.

We are requesting your input about the proposed action and any potential project effects. If no significant issues are identified during scoping or preparation of the EA, Reclamation would issue a Finding of *No Significant Impact*. Conversely, if any significant issues are identified, Reclamation would consider whether to proceed with the preparation of an Environmental Impact Statement. The Draft EA will be available for review and comment in fall 2024, and, if no significant impacts are identified, construction is expected to begin in 2027. Reclamation defines significance in accordance with 40 CFR 1508.27.

To be most helpful to the preparers of the EA please provide any comments regarding this project by June 14, 2024. Questions or comments regarding the preparation of the EA may be directed to Ms. Ashley Persinger, Natural Resource Supervisor, at (701) 221-1282 or at [apersinger@usbr.gov](mailto:apersinger@usbr.gov), or in writing to: Area Manager, Bureau of Reclamation, 304 E Broadway Ave, Bismarck, ND 58501. If you are deaf, hard of hearing, or have a speech disability, please dial 7-1-1 to access telecommunications relay services.

Sincerely,

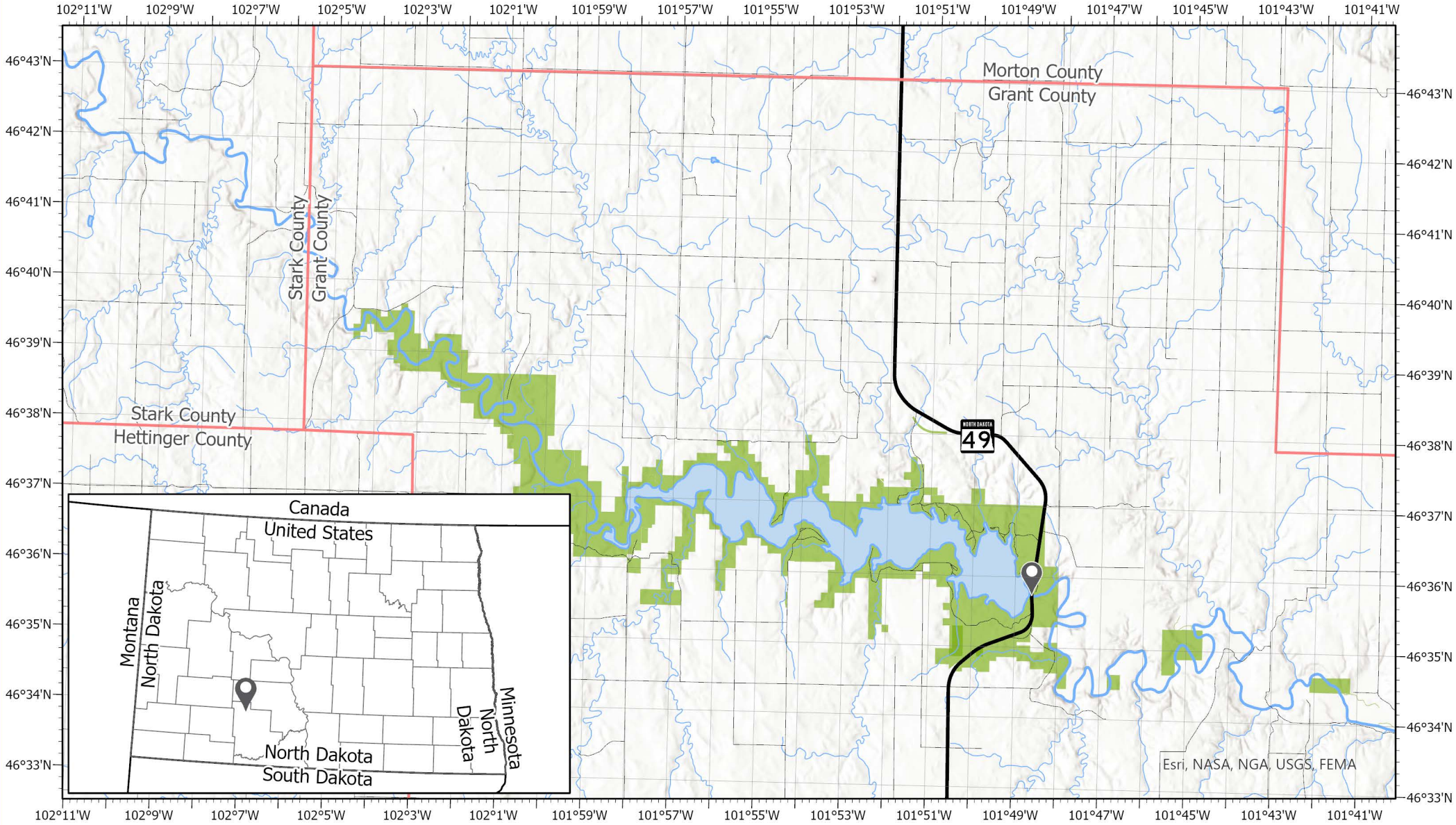
Joseph E. Hall  
Area Manager

Enclosure

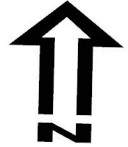
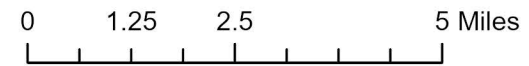


BUREAU OF RECLAMATION

# Heart Butte Safety of Dams Modification Project Lake Tschida | Elgin, North Dakota



	Heart Butte Dam		USBR Lands		ND Hwy 49
	ND Counties		Lake Tschida		Local Roads
			Heart River		



Esri, NASA, NGA, USGS, FEMA

**From:** [Lon Romsaas](#)  
**To:** [Persinger, Ashley C](#)  
**Subject:** [EXTERNAL] EA Heart Butte Dam  
**Date:** Wednesday, May 22, 2024 8:22:34 AM

---

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

This 2 year draw down has a significant effect on those of us who pay a fee for a land lease for cabins at the Lake.

The price of the lease (land value ) is based on the use of the lake as a recreational use. With the draw down, we basically lose the use of the lake. Boat ramps will not be useable even if there was sufficient water to boat on.

The Bureau of Reclamation has indicated that they will not consider a reduction in our lease while the draw down occurs. That is a financial impact that needs to be considered.

We would prefer not to have to contact our Senators or Congress member during an election year regarding this issue and are hopeful that BOR will step up to this issue and do what is right and fair.

Please respond so we know if we need to move on to the next step.

Lon Romsaas

--

**Lon Romsaas**

Civil Engineer

email: [lromsaas@swensonhagen.com](mailto:lromsaas@swensonhagen.com)



**SWENSON, HAGEN & COMPANY P.C.**  
CONSULTING ENGINEERS

909 Basin Avenue  
Bismarck, North Dakota 58504  
Phone (701) 223 - 2600

This e-mail, including attachments, is covered by the Electronic Communications Privacy Act,

18 U.S.C. 2510 et seq., may be confidential, or may contain confidential material. It is intended for use only by the person(s) to whom it is directed. If you are not the intended recipient and/or received it in error, you should (1) reply by e-mail to the sender; (2) delete this e-mail, including deletion of all associated text files from all storage locations including individual and network storage devices; and (3) refrain from disseminating or copying this communication. The media in which any electronic data files are transmitted can deteriorate over time and under various conditions. Swenson, Hagen & Company does not warrant the accuracy of any information contained in electronic data files transmitted by e-mail.





June 13, 2024

Ashley Persinger  
Bureau of Reclamation  
Great Plains Regions-Dakotas Area Office  
304 E Broadway RM 110  
Bismarck, ND 58502

**ND SHPO Ref: 24-0270 Heart Butte Safety of Dams Modification Project in portions of [T136N R89W Section 13] Grant County, North Dakota**

Dear Ashley,

We've reviewed the project ND SHPO Ref: 24-0270 Heart Butte Safety of Dams Modification Project in portions of [T136N R89W Section 13] Grant County, North Dakota as received by our office on May 17, 2024. Our understanding is that the project is to complete repairs on the Heart Butte Dam including conduit joint repair, a seepage cutoff system, and a seepage blanket filtration system.

Heart Butte Dam is recorded as 32GT340 and we concur with a determination of "No Adverse Effect" provided the project takes place as described in the documentation and all borrow comes from an approved source.

Thank you for the opportunity to review this project. Please include the ND SHPO Ref number in future correspondence for this project. If you have any questions please contact Margaret Patton, Research Archaeologist at 701-328-3576 or [mmpatton@nd.gov](mailto:mmpatton@nd.gov).

Sincerely,

for William D. Peterson, PhD  
State Historic Preservation Officer  
(North Dakota)

24-0270

**From:** [Persinger, Ashley C](#)  
**To:** [Persinger, Ashley C](#)  
**Subject:** Comment Phone Call Heart Butte SOD Project  
**Date:** Friday, June 14, 2024 1:58:53 PM

---

Comment Call from Mr. Patrick O'Brien- Trailer Area 1

Summary of Call:

Mr. O'Brien has general concerns regarding the following topics:

1. Loss of the fishery and how the fishery will be replaced.
2. Questions on how the seasonal inflows will affect the construction crew at the outlet works.
3. If there are any other alternatives that allow for the repair without a drawdown of Lake Tschida.

[Ashley Persinger](#)

[Supervisory Natural Resource Specialist](#)

Bureau of Reclamation- Dakotas Area Office

304 E Broadway Avenue

Bismarck, ND 58501

Ph: (701) 221-1282



— BUREAU OF —  
RECLAMATION



June 3, 2024

Joseph E. Hall  
 Area Manager  
 US Dept. of Interior  
 304 East Broadway Ave  
 Bismarck, ND 58501

<b>OFFICIAL FILE COPY RECEIVED</b>		
10 JUN 2024		
REPLY DATE		
INFO. COPY TO:		
DATE	INITIAL	TO
		Ashley
CLASSIFICATION		
PROJECT		
CONTROL NO.		
FOLDER I.D.		

**ENVIRONMENTAL ASSESSMENT FOR HEART BUTTE SAFETY OF DAM  
 MODIFICATION PROJECT, GRANT COUNTY, NORTH DAKOTA**

We have reviewed your May 21, 2024, letter.

This project should have no adverse effect on the North Dakota Department of Transportation highways; however, if the work involves detours or impacts to our roadway it will be necessary to perform further reviews.

Additionally, if because of this project any work needs to be done on highway right of way, appropriate permits and risk management documents will need to be obtained from the Department of Transportation District Engineer, Larry Gangl at 701-328-6955.



JON KETTERLING, P.E., DIRECTOR OFFICE OF PROJECT DEVELOPMENT

57/jk/js  
 c: Larry Gangl, Bismarck District Engineer

OFFICIAL FILE COPY RECEIVED		
14 JUN 2024		
REPLY DATE		
INFO. COPY TO:		
DATE	INITIAL	TO
		Ashley
CLASSIFICATION		
PROJECT		
CONTROL NO.		
FOLDER I.D.		

June 11, 2024

Ashley Persinger  
 Natural Resources Supervisor  
 Bureau of Reclamation Dakota Area Office  
 304 East Broadway Ave.  
 Bismarck, ND 58501

Re: Project Code: DK-5000 2.1.4.17, Heart Butte Safety of Dams Modification Project in Grant County

Dear Ms. Persinger:

The North Dakota Department of Environmental Quality (Department) has reviewed the information concerning the above-referenced project received at the Department on May 17, 2024, with respect to possible environmental impacts.

- Care is to be taken during construction activity near any water of the state to minimize adverse effects on a water body. This includes minimal disturbance of stream beds and banks to prevent excess siltation, and the replacement and revegetation of any disturbed area as soon as possible after work has been completed. Caution must also be taken to prevent spills of oil and grease that may reach the receiving water from equipment maintenance and/or the handling of fuels on the site. Guidelines for minimizing degradation to waterways during construction are attached.
- Projects disturbing one or more acres are required to have a permit to discharge stormwater runoff until the site is stabilized by the re-establishment of vegetation or other permanent cover. Further information on the stormwater permit may be obtained from the Department's website or by calling the Division of Water Quality at 701-328-5210. Check with the local officials to be sure any local stormwater management considerations are addressed. Stormwater runoff from the project area discharges to a 303(d) listed water body (Lake Tschida). Extra care should be taken to ensure construction activity does not affect the water body.
- Care should be taken to avoid spills of any materials that may have an adverse effect on groundwater quality. All spills must be immediately reported to this Department and appropriate remedial actions performed.
- All solid waste materials must be managed and transported in accordance with the state's solid and hazardous waste rules. Appropriate efforts to reduce, reuse and/or recycle waste materials are strongly encouraged. As appropriate, segregation of inert waste from non-inert waste can generally reduce the cost of waste management. Further information on waste

management and recycling is available from the Department's Division of Waste Management at 701-328-5166.

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

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

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

Sincerely,



L. David Glatt, P.E., Director  
North Dakota Department of Environmental Quality

LDG:ll  
Attach.

## **Construction and Environmental Disturbance Requirements**

The following are the minimum requirements of the North Dakota Department of Environmental Quality (Department) for projects that involve construction and environmental disturbance in or near waters of the State of North Dakota. They ensure that minimal environmental degradation occurs as a result of construction or related work which has the potential to affect waters of the state. All projects must be constructed to minimize the loss of soil, vegetative cover, and pollutants (chemical or biological) from a site.

### **Soils**

Prevent the erosion and sediment loss using erosion and sediment controls. Fragile and sensitive areas such as wetlands, riparian zones, delicate flora, and land resources must be prohibited against compaction, vegetation loss and unnecessary damage.

### **Surface Waters**

All construction must be managed to minimize impacts to aquatic systems. Follow safe storage and handling procedures to prevent the contamination of water from fuel spills, lubricants, and chemicals. Stream bank and stream bed disturbances must be contained to minimize silt movement, nutrient upsurges, plant dislocations, and any physical chemicals, or biological disruption. The use of pesticides or herbicides in or near surface waters is allowed under the Department's pesticide application permit with notification to the Department.

### **Fill Material**

Any fill material placed below the ordinary high-water mark must be free of topsoil, decomposable materials, and persistent synthetic organic compounds, including, but not limited to, asphalt, tires, treated lumber, and construction debris. The Department may require testing of fill material. All temporary fills must be removed. Debris and solid waste must be properly disposed or recycled. Impacted areas must be restored to near original condition.





United States Department of Agriculture

OFFICIAL FILE COPY RECEIVED		
4 JUN 2024		
REPLY DATE		
INFO. COPY TO:		
DATE	INITIAL	TO
		Ashley
CLASSIFICATION		
PROJECT		
CONTROL NO.		
FOLDER I.D.		

Natural Resources Conservation Service

Bismarck State Office  
PO Box 1458  
Bismarck, ND  
58502-1458

Voice 701.530.2000  
Fax 855-813-7556

May 30, 2024

Joseph E. Hall, Area Manager  
U.S. Department of the Interior  
Bureau of Reclamation  
Dakotas Area Office  
304 East Broadway Avenue  
Bismarck, ND 58501

Dear Mr. Hall:

The Natural Resources Conservation Service (NRCS) has reviewed your letter received on May 22, 2024, concerning Bureau of Reclamation's Environmental Assessment for the Heart Butte Safety of Dams Modification in Grant County, North Dakota.

NRCS has a major responsibility with the Farmland Protection Policy Act (FPPA) in documenting conversion of farmland (i.e., Prime, Statewide Importance and/or Local Importance) to non-agricultural use. Your proposed project is exempted from FPPA (Part 658) since this is a rehabilitation of an existing structure built in 1948-49, and acquisition of land occurred at that time, prior to 1984 FPPA legislation. FPPA does not apply and no further action is needed.

If you have additional questions pertaining to FPPA, please contact Wade Bott, State Soil Scientist, NRCS, Bismarck, North Dakota at (701) 530-2021.

Sincerely,

**WADE BOTT**

Digitally signed by WADE BOTT  
Date: 2024.05.31 07:35:57 -05'00'

WADE D. BOTT  
State Soil Scientist

*Helping People Help the Land*

An Equal Opportunity Provider, Employer, and Lender

Ashley Persinger  
Bureau of Reclamation  
304 E. Broadway Ave  
Bismarck, ND 58501

Re: Heart Butte Dam

Dear Ashely ,

The North Dakota Parks and Recreation Department (NDPRD) has reviewed the above-referenced proposed Construction of a Safety of Dams Modification project for Heart Butte Dam in Grant County North Dakota.

NDPRD's scope of authority and expertise covers properties that NDPRD owns, leases, or manages; properties protected under Section 6(f) of the Land and Water Conservation Fund (LWCF); rare plants; and ecological communities established through the Natural Heritage Program.

The project does not appear to affect properties NDPRD owns, leases, or manages.

The project does not appear to affect any properties protected under Section 6(f) of the LWCF.

A North Dakota Natural Heritage biological conservation database query determines if any current or historical plant or animal species of concern or other significant ecological communities are known to occur within an approximate one-mile radius of the project area. Based on this review, no known plant and animal species of concern or significant ecological communities are documented within or immediately adjacent to the project site.

We appreciate your commitment to rare plant, animal, and ecological community conservation, management, and inter-agency cooperation. For additional information, please contact Kathy Duttenhefner at 701-328-5370, 701-220-3377 (cell), or [kgdutzenhefner@nd.gov](mailto:kgdutzenhefner@nd.gov).

Thank you for the opportunity to comment on the proposed project.

Sincerely,



Kathy Duttenhefner, Chief Natural Resources Division

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

State Scientific Name	State Common Name	State Rank	Global Rank	Federal Status	Township Range Section	County	Last Observation	Estimated Representation Accuracy	Precision
<i>Bartramia longicauda</i>	Upland Sandpiper	SNRB	G5		136N088W - 19; 136N088W - 20; 136N089W - 26; 136N089W - 36; 136N088W - 18; 136N089W - 23; 136N088W - 31; 136N088W - 17; 136N089W - 25; 136N089W - 13; 136N089W - 24; 136N088W - 30; 136N088W - 29	Grant	1994-06		M
<i>Juniperus horizontalis</i> / <i>carex inops</i> spp. <i>heliophila</i> dwarf-shrubland	Horizontal Juniper Shrubland	S3	GNR		136N089W - 13	Grant	1990-06-06		S
<i>Stipa comata</i> - <i>bouteloua gracilis</i> / <i>carex filifolia</i> prairie	Needle-and-thread Mixed Grass Prairie	S2	GNR		136N089W - 13	Grant	1990-06-06		S



# North Dakota Parks and Recreation Department North Dakota Natural Heritage Inventory

