

PROJECT LEAD

- **Communication**

- Parties involved in project permitting; Line Officers, Biologists, Botanists, Arch, NEPA, Project Lead, Engineers, Hydrologist, Geologist, Permittees, Range Specialist, Special Use Admin, Pipeline Specialist, LEO, Surveyors, Fire Staff, Permitting Agent, BLM, COE, State Agencies, commentors etc.
- Parties involved in implementation: Most of the above, Dirt Contractors, Pipeliners, Inspectors, Hydrovac, Bore Companies, Truckers, Frac crews, Drilling Rig, Roustabouts, Salesman, Frac Water Companies, Water Transfer, Reclamation Crew etc.

- **Identify Project lead**

- Your Forest Service Project Lead should be made aware or included in all communication
- Consistency on project names
 - SF 299
- Project Number
 - Ex: MCK-24-14

- **Priorities**

- Plan and proposal should include all needs for a project
- Understand priorities

- **Communication**





Forest Service
U.S. DEPARTMENT OF AGRICULTURE

Botany / Wildlife Fieldwork and Reporting

Dakota Prairie Grasslands

U.S. Forest Service

Botany/Wildlife Staff

- **Medora District**

- JJ Nelson (Biologist)
- Jack Dahl (Botanist)
- Kail Larsen (Biologist)

- **McKenzie District**

- Lisa McDonald (Botanist)
- Sarah Bickerdyke (Biologist)
- Anna Rivera (Biologist)

- **Sheyenne District**

- Jamie Kienzle (Range/Wildlife)
- Stacy Swenson (Range PM)

- **Grand River District**

- Dave Hodgson (Range/Botany)
- Greg Schonert (Zone Biologist)

- **Supervisors Office**

- Greg Schonert (PM)

Updates to the Regional Foresters Sensitive Species List (Nov. 2023)

- New Additions (official):

- Interior Least Tern
- Swift Fox
- Monarch Butterfly
- Little Brown Bat
- Townsend's Big-eared Bat
- Long-Eared Myotis (NOT NLEB)

- Removals:

- Loggerhead Shrike
- Bald Eagle
- Peregrine Falcon
- Broad-Winged Skipper
- Dion Skipper
- Mulberry Wing
- Arogos Skipper
- Red-Bellied Dace

Updates to the Regional Foresters Sensitive Species List (Nov. 2023)

- Additions:
 - *Equisetum variegatum*
 - Variegated Horsetail or variegated scouring rush
 - Found throughout ND and Portions of SD
 - part shade, sun; shallow water, wet thickets, ditches, bogs
 - *Tripterocalyx micranthus*
 - Sandpuff or small flowered sand-verbena
 - Sandy and scrubby desert regions and sagebrush
 - Sparsely vegetated dunes or blowouts

Updates to the Regional Foresters Sensitive Species List (Nov. 2023)

- Removals:
 - *Carex leptalea*
 - *Cyperus bipartitus*
 - ***Escobaria missouriensis** (Missouri Foxtail Cactus)**
 - *Euonymus atropurpureus*
 - *Galium labradoricum*
 - *Gentiana affinis*
 - *Mertensia ciliata*
 - *Ribes cynosbati*
 - *Salix pedicellaris*
 - ***Sporobolus airoides** (Alkali Sacaton)**

NLEB Status Change

- November 29th, 2022 – FWS Final Rule to reclassify NLEB as Endangered
- Interim Guidance and Tools (interim habitat modification and Section 7 Framework) will be extended to remain into effect until final tools are issued this summer.
- Draft final guidance and tools released – comments due May 1st
- [Northern Long-eared Bat \(*Myotis septentrionalis*\) | U.S. Fish & Wildlife Service \(fws.gov\)](#)
- Continue to use interim guidance until final materials are released this summer – will update if anything changes for DPG

Monarch Habitat Assessment

Appendix E. Monarch Habitat Description/Mapping and Requisite Plants for Reproductive Habitat

Habitat Description In North Dakota, monarchs (*Danaus plexippus*) inhabit mesic and riparian habitats where milkweed (*Asclepias*) species are present that can provide the necessary brood habitat for their larval life stages. Monarch butterflies also rely on nectar-rich forbs for forage for adult butterflies. Milkweed dominance was correlated with mollisol soil, non-saline sites, neutral pH, well-drained soils, loam and sandy loam soil textures, and soil organic matter at 1.5-3 percent (Spaeth Jr et al. 2022). Milkweeds and other plant species that may potentially host monarch caterpillars are discussed in Greenstein et al. 2022 as high performance, (H) low performance (L) and unsubstantiated hosts for caterpillar presence and survival rates. A North Dakota specific plant list for milkweed species is available in Table 7 and comprises species found on the Dakota Prairie Grasslands.

Based on the best available science (Brower et al. 2011; Pleasants and Oberhauser 2012) the most limiting factors for monarchs are the availability of reproductive habitats (i.e., the abundance and distribution of the monarch caterpillar's hostplants: milkweed) and availability of nectar plants to fuel adult flight (Inamine et al. 2016). Search time (rate at which species encounter suitable habitat) can be a key factor limiting individual fitness and subsequent population growth rates due to individuals spending too much time looking for resources to meet its physiological reproductive capacity. The process of animals searching for habitat patches in fragmented landscapes is directly analogous to ungulates searching for browse plants or predators searching for prey (Crone & Schultz, 2022). This analogy is particularly appropriate for specialist insect herbivores, including the monarch, for whom habitat patches are defined by the presence of host plants.

A milkweed density of 15 plants/hectare (2.47 acres) has been suggested to avoid monarch search time limitation and it is estimated that many North American locations have milkweed densities below this threshold (Crone & Schultz, 2022). These habitats are often invaded by Kentucky bluegrass (*Poa pratensis*), smooth brome (*Bromus inermis*) and Canada thistle (*Cirsium arvense*) on the Dakota Prairie Grasslands. For the purposes of habitat surveys for the monarch on the Dakota Prairie Grasslands, areas containing approximately 15 milkweed stems/hectare are considered high value habitat.

Methodologies For project-level surveys, areas containing a density of milkweed as described above should be delineated and described as high value monarch habitat. Dominant forb composition (including estimated milkweed stem count) should also be noted, please refer to Table 8 for list of high value forbs for monarchs. Densities below this threshold can be noted/recorded; however, there is no need to map or describe every milkweed stem found during a survey. Objective is to begin to identify high value monarch habitat with milkweed and forb abundance on the Little Missouri National Grassland and to aid in effects analysis for Biological Evaluations. If the survey area(s) contain intensely grazed pasture or is dominated by invasive species or brush, then it is of low value to monarchs and can be rapidly screened as poor value habitat. No data on milkweeds or nectar plants need to be collected in these instances. Results of monarch habitat assessment should be summarized in the Biological Evaluation.

Table 7. Known Milkweed Species on the Dakota Prairie Grasslands

| Known DPG Range and Species | Host ranking for caterpillar observations and survival | |
|------------------------------------|--|---------------------------|
| DPG wide <i>Asclepias speciosa</i> | H3 | Survival over 50% |
| DPG wide <i>Asclepias pumila</i> | L3 | Lack of data/observations |
| SNG <i>Asclepias syriaca</i> | H3 | Survival over 50% |

- Rolled this out last year
- Monarch listing decision expected in late 2024
- Continue to identify and delineate monarch habitat
- Objective is to begin to identify high value monarch habitat with milkweed and forb abundance on the Little Missouri National Grassland and to aid in effects analysis for Biological Evaluations
- High value vs low value
 - Intense grazed pasture or dominated by invasives
 - If milkweed abundant – please still document these areas as suitable habitat

Biological Assessment/Biological Evaluation (BA/BE)

- 2672.4 - Biological Evaluations. Review all Forest Service programs and activities for possible effects on endangered, threatened, proposed, or sensitive species.
 - The biological evaluation is the means of conducting the review and of documenting the findings. Seven components (2672.42)
 - The biological evaluation may be used or modified to satisfy consultation requirements for a biological assessment
 - If no effect for all T/E species – one document
 - Please title Biological Assessment/Biological Evaluation
 - If “may affect” for one or more spp., - BA needed
 - Reference consultation/concurrence in BE
 - When do they need to be updated?
 - Survey data: 3-5 years (at USFS discretion)
 - Which projects do / do not require a BE or BA? Ask!

Biological Assessment/Biological Evaluation (BA/BE) Continued

- Contents – More is **not** better!
 - Clear and Concise
- Appendices –
 - Biology Letter – Can be referenced, do not include as attachment
 - Maps
 - Project Location Maps
 - Wildlife/Botany
 - Don't go overboard – include what is necessary to support determinations
- Field Photos
 - Habitat Conditions – document changes
 - Support your rationale
 - Species / Nests
- Action Area / Analysis Area
 - Dependent on species and project

Communication Continued

- **Have information prepared prior to making a call or sending an email –**
 - What is the project? Where is the project? Which District(s)? Maps?
 - Who is the lead or project proponent? Has one been identified?
 - When is the proposed work anticipated to occur?
 - Never hesitate to reach out and ask questions or to talk things through
- **Email Subject Lines – Be Specific!**
- **Prior to conducting fieldwork**
 - Notify District Biologist/Botanist and cc Program Manager

Communication with USFWS

- **U.S. FISH AND WILDLIFE SERVICE**

- District Biologists and Biology PM – Direct Correspondence
- USFS is the lead Federal Agency and is responsible for Section 7 Consultations – Consultation history needs to be tracked (all phone calls, emails, meetings, etc.)

IPaC Website

- <https://ipac.ecosphere.fws.gov/>
- Species Lists
 - Pay attention to species and critical habitat!

Quality Assurance/Quality Control

- Length of documents / Level of documentation
 - Complex vs simple project
 - Again – more is not better!
- Leftover language from previous document/project
- Ensure all species/critical habitat are adequately addressed
- Support your determinations!
- Be consistent in determinations (field forms, various sections of reports).
- Be consistent in use of terms –
 - Proposed Action vs Proposed Project
 - Action Area, Analysis Area, Project Area
 - Thorough review
 - Another set of eyes
 - Word search – read backwards

Wildlife Fieldwork / Reporting

- **QUALIFICATIONS**

- Combination of education, training, and/or experience in conducting surveys of wildlife and habitats.
 - New hires – If little to no experience should not be field lead– need close supervision
 - Dakota Skipper Habitat Assessments – Botany experience
 - Presence/absence surveys - 10(a)(1)(A) permitted surveyor
 - Northern Long-Eared Bat – Specialized experience for acoustical monitoring/mist netting

- **DAKOTA SKIPPER HABITAT AND PRESENCE/ABSENCE SURVEYS**

- Follow most current USFWS protocol – updated for 2024
- Timing -

- **EXPECTATIONS FOR RAPTOR SURVEYS**

- Existing Data/Historical Nests
- Ground-based – potential nesting habitat and pre-identified points to assess presence
- Aerial – contact us
- Active nest discovery – notify within 7 days – Document with Photos!

Wildlife Fieldwork / Reporting

- **LIST OF MITIGATION MEASURES / DESIGN FEATURES**

- **Include Design Features in Separate Section of BE**
- Need to be discussed/agreed upon by project proponent, and ensure included in COA's
- Consistent with Land and Resource Management Plan
- USFWS Consultation

- **SENSITIVE WILDLIFE SPECIES DETERMINATIONS**

- **Population Level Analysis**

- **MIS / RAPTOR SPECIES DETERMINATIONS**

- **Individual Level Analysis**
- **Bald and Golden Eagle Protection Act**

- **USFS REGION 1 SENSITIVE SPECIES LIST**

- **In effect as of November 2023**

Botany Fieldwork/Reporting

- Botany Survey information pages 4-6 of the Biology letter
- Qualifications
 - Degree in Botany or Plant Ecology
- Survey dates May 15 through September 15
 - *Townsendia* species and Sand lily
- Surveyed areas (Best to call us and communication with Archy and Wildlife)
 - Best to call us
 - Communication with Archy and Wildlife
 - 125 ft from the centerline
 - Roadways, pipelines, and utility lines
 - 50 ft from the centerline
 - Electric lines, fiber optic cable, other utilities

Botany Fieldwork/Reporting

- Plant Survey Field Form and Sensitive Plant Field Form
- Sensitive and Watch species
 - If an occurrence occurs FS need to be contacted within 7 days.
- Shapefiles
 - Need to be sent with the BE. We will not move on the BE

Data Collection

- We are developing AGOL Field Maps for internal/external use and will be continuing to test out this field season.
- 3 External accounts for this field season
- Hope to refine and make available for use next year
- Goal to make data collection and management more efficient for all
- Will be sending out more details later this fall/winter

Reference Materials

Land and Resource Management Plan for Dakota Prairie Grasslands

- [Dakota Prairie Grassland - Land & Resources Management \(usda.gov\)](#)

Biological Survey and Reporting Guidelines

- https://www.fs.usda.gov/Internet/FSE_DOCUMENTS/fseprd923162.pdfHeading 1 (usda.gov)
- Will be available soon, no significant changes

Forest Service Manual (FSM)

- [FSM - Series 2000](#)

Conclusion

- Thank you!
- Communicate early and often
- Refer to reference materials
- Ask Questions



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3rd Party Contractors Kickoff

NEPA

April 23, 2024

NEPA Contacts

LeAnn Colburn, Resources & Planning Staff Officer, Supervisor's Office

- LeAnn.Colburn@usda.gov, 701-989-7304

Kate Kenninger, Environmental Coordinator, Supervisor's Office

- Kate.Kenninger@usda.gov, 701-989-7308

Bree Sondrol, NEPA Planner, Supervisor's Office

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Haley Olson, Writer/Editor, McKenzie District

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Bobby Henderson, NEPA Planner, Medora District

- Bobby.Henderson@usda.gov, 701-227-7849

Policy Updates

Phase 2 – CEQ regulation revisions

April 20, 2023, CEQ issues the final rule for Phase 1

July 31, 2023: CEQ issued a proposed rule to make further revisions (Phase 2, anticipated late April/early May)

- The primary emphasis areas:
 - Incorporate fundamentals of Fiscal Responsibility Act
 - Meaningful public engagement and transparency
 - Improve environmental and climate change outcomes
 - Improve environmental justice and respect tribal sovereignty
 - Efficient process and regulatory certainty

CEQ Guidance on Greenhouse Gas and Climate Change:

- [Federal Register :: National Environmental Policy Act Guidance on Consideration of Greenhouse Gas Emissions and Climate Change](#)
- Carbon white paper
 - Will provide a consistent qualitative and quantitative approach to analyzing carbon stocks on the unit to use as part of the effects analysis
 - The regional office will take on this effort for the DPG

Electronic NEPA Notifications and Comments

GovDelivery

- Electronic application to send out NEPA notifications (scoping/comment period; objection period; notice of decision)
- Sign up for GovDelivery messages:
<https://www.fs.usda.gov/detail/dpg/home/?cid=fseprd1066207>

Comment Analysis and Response Application (CARA)

- Comment(s) received through project website
- Public reading room to view comments submitted

NEPA Reporting Guidelines

- When you have an EA to complete with the DPG, the first step is contacting DPG NEPA staff early in project development
 - Set up initial meeting
 - Discuss process in detail
 - Provide templates
- The DPG NEPA team has developed a clear process document for completing an EA called the NEPA Reporting Guidelines:
 - [Dakota Prairie Grassland - Contracting \(usda.gov\)](https://www.usda.gov/land-grassland/contracting/dakota-prairie-grassland-contracting)

Thank You

Helpful Links

[Land and Resource Management Plan for the Dakota Prairie Grasslands](#)

[Dakota Prairie Grasslands Projects](#)

[Forest Service Handbook 1909.15](#)

[The Bismarck Tribune Public Notices](#)

[Phase 1 of the CEQ Regulations Revisions, effective May 20, 2022:](#)

- [Federal Register: National Environmental Policy Act Implementing Regulations Revisions\)](#)
 - Effects definition revised to include direct, indirect, and cumulative
 - Requirements for purpose and need statement in EIS
 - Allow agencies to develop/revise NEPA procedures that go beyond CEQ regulatory requirements



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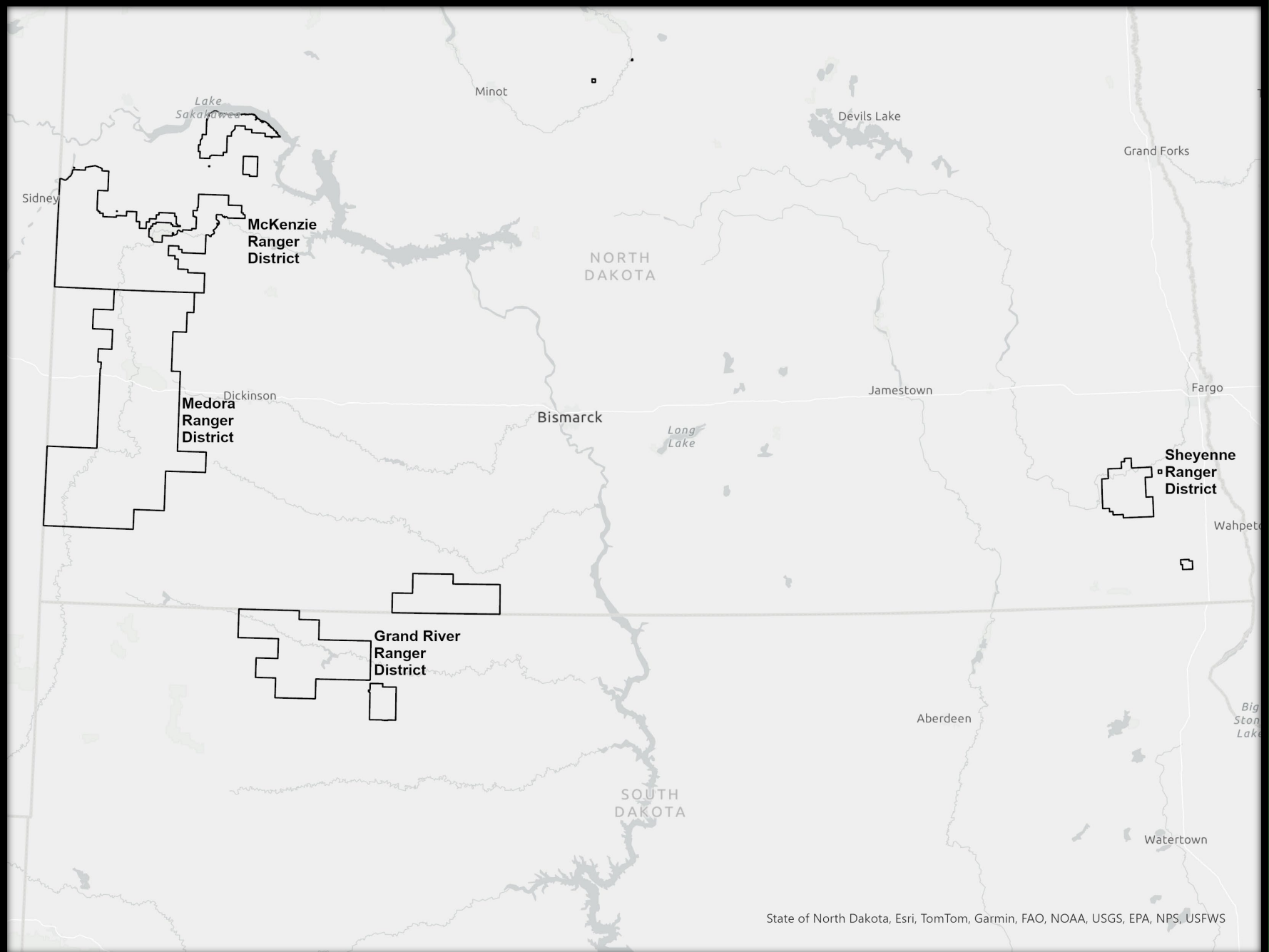
Range Program Contacts

- Supervisors Office: Stacy Swenson, Range/Invasives Program Manager, 701-680-1578, email: stacy.swenson@usda.gov
- McKenzie Ranger District: Lauren Schwartz, Range Specialist, 701-713-6534, email: lauren.schwartz@usda.gov
- Medora Ranger District: Alex Mergen, Range Specialist, 701-227-7839, email: alexander.mergen@usda.gov



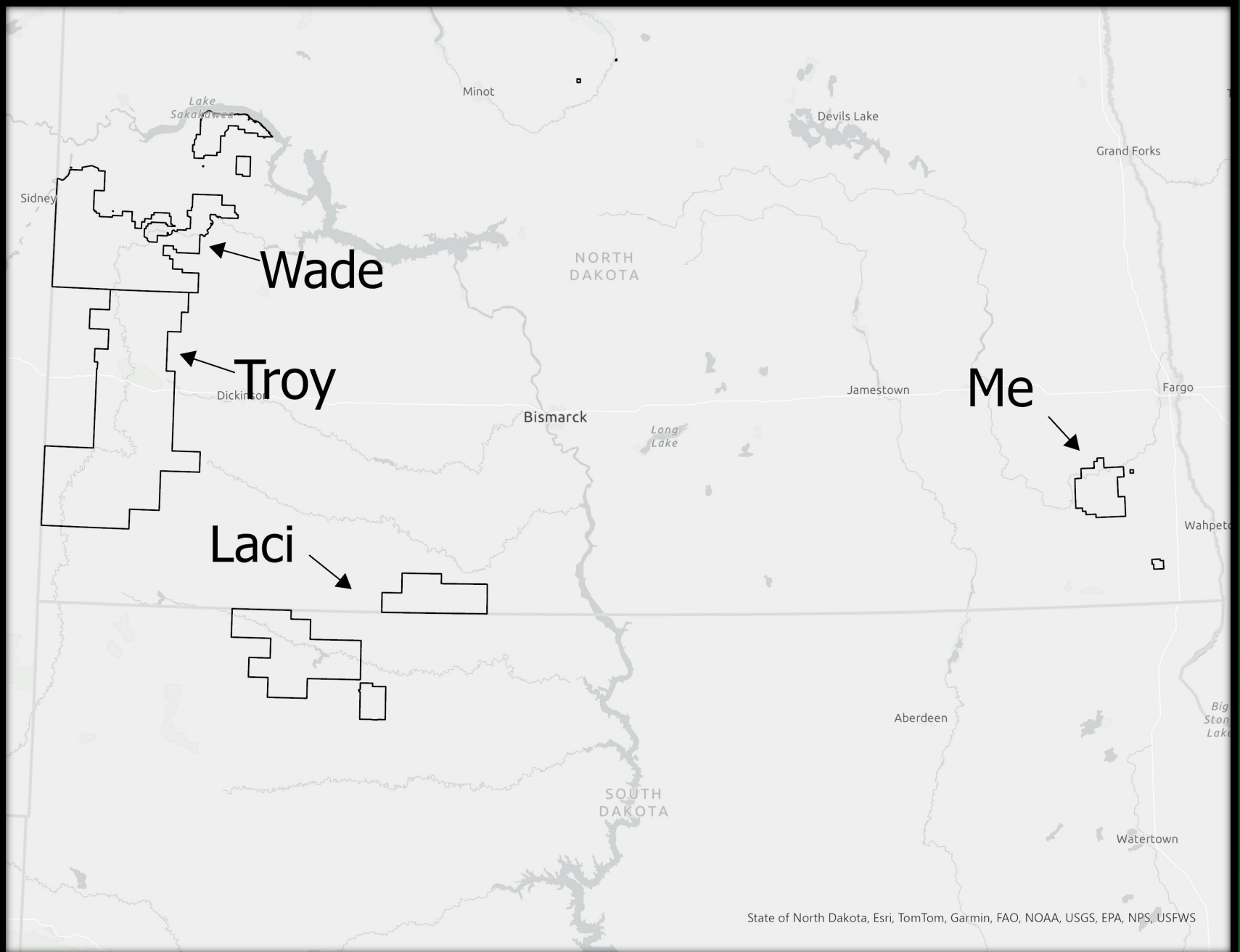
Dakota Prairie Grasslands Heritage Program





District Archaeologists!

- McKenzie Ranger District – Wade Haakenson
 - Wade.Haakenson@USDA.gov
- Medora Ranger District – Troy Price
 - Troy.Price@USDA.gov
- Grand River Ranger District – Laci Paul
 - Laci.Paul@USDA.gov
- Sheyenne Ranger District – Aidan McCarty (for now)
 - Aidan.McCarty@USDA.gov



Roles and Responsibilities

- The Forest Service (FS) is responsible for consultation with the North Dakota and South Dakota State Historic Preservation Offices (SHPOs) and Tribal Historic Preservation Offices (THPOs).
- The FS is responsible for Tribal consultation – having a Traditional Cultural Specialist (TCS) participate in fieldwork is welcome but does not constitute consultation.
- Archaeologists do not identify Traditional Cultural Properties (TCPs), THPOs or TCSs working for/with a THPO are primarily responsible for this
- The FS defines the Area of Potential Effects (APE) in consultation with SHPO or THPO.

Organics Act/ARPA Permits

- Permits are being issued for a three-year period.
- Permits are currently processed by our Special Use folks on the McKenzie Ranger District. Ben Poindexter has been our go-to!
- Permit holders are still responsible for submitting their reporting annually (summary of all work on Forest System lands).
- Your permit allows for limited shovel testing to:
 - Explore possible Isolated Finds
 - Delineate or confirm resource boundaries
 - Investigate areas with high resource potential and low ground surface visibility (this is professional judgement and should be supported in subsequent reporting)

Initial Notification

- Notify the District Archaeologist prior to conducting fieldwork. If you don't know who this is, reach out to the Heritage Program Manager in the Supervisors Office.
- Please provide relevant project information including a description of all proposed ground disturbing activities, construction methods, access and timelines.
- Please provide overview maps with the results of your Class I inventory, and/or spatial data (shapefiles or KMLs). Please keep in mind that the agency will need to determine the adequacy of previous inventory.
- If you have questions about delineating, evaluating, or avoiding known resources, now is the time to ask. Please don't wait until the reporting phase of the project!

Additional Notification

(when you should be calling and asking more questions)

- If the applicant changes the proposed project.
- You identify a new resource and have questions about delineating or evaluating it.
- Prior to producing the final report to ensure that:
 - The APE is appropriate
 - All resources have been adequately addressed
- Any time that you are unsure of the agencies preferred approach.
- Waiting to bring it forward in the reporting phase will just slow down the process, and may require substantial re-work.

Isolated Finds and Shovel Probes

- IFs **may** need a shovel probe or two to explore the potential for buried components.
 - If the soils/sediments indicate very low potential for buried components, make that case in your reporting by discussing the soils, current or previous land use, disturbance etc.
 - A surface artifact does not equal a positive shovel test, so radials aren't needed. If you excavate a shovel test and buried materials are found, then radials are needed to delineate the resource.

Limited Shovel Probes at Sites

- Shovel testing may be required to confirm the horizontal and vertical extent of a resource, especially a resource with an apparent or known buried component.
- When conducting revisits, don't redraw the boundary of a resource based on surface expression without shovel testing to confirm the extent of buried materials, or providing solid reasoning for not shovel testing. Make a case.
- Be prepared to provide justification for shovel testing, or the lack there of, in subsequent reporting

Do NOT excavate shovel probes in the vicinity of surface stone features without first discussing with FS Heritage Team to allow for appropriate consultation.

Having a TCS present during survey does not allow for impacts to these resources.

Reporting

If you have questions about reporting, ask before you get started.

A Couple of things to keep in mind

- Make the case. Please support your assertions/recommendations with evidence. This applies to all aspects of your reporting. Just saying it doesn't make it so.
- Please provide justification for resource boundaries. Take into consideration the surface expression of the site, shovel probes, landform etc. Please include this information in your narrative and in your supporting figures.
- When making eligibility recommendations, provide the supporting information including background research and historic contexts.
- If you think that an area is previously disturbed, and may require a different level of effort in the field, provide evidence.

Maps

- **More isn't necessarily better**
- Please remember to provide:
 - Class I information
 - The **APE** (confirm the APE with the appropriate district archaeologist)
 - Disturbance
- Resource sketch maps
 - Prefer these on an aerial background
 - Include the location of features, diagnostic surface artifacts and concentrations, and shovel probes

Figures

- Please include overview photos of the APE to provide context when discussing the current land use and resource potential
- Please include photos of features
- Photos and/or profile drawings of shovel tests and excavation units
 - This is especially important when using stratigraphy to make a case for the vertical extent of a resource
 - Don't have to include every shovel test or unit, but should include representative samples.

GIS

- Provide shapefiles with report drafts to facilitate the review. Many are submitting shapefiles with a final, but not the initial draft.
 - Survey Area(s) and/or the APE
 - Resource boundaries
 - Shovel probe locations
 - Formal excavation unit locations

Submitting Reports

- No hard copies for initial review
- Please provide a Word version of the document for review. You may send a pdf as well for your records.
- PDF of final versions, and hard copies. Please remember to send the digital version of the final report.

Thank you!



Watershed & Soils

Supervisor's Office

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