

MEMORANDUM FOR THE RECORD

MEMORANDUM FOR:

Jill A. Springer
Senior Policy Advisor for Permitting
Chief Environmental Review and Permitting Officer
Office of Internet Connectivity and Growth

Amanda Pereira
Environmental and Historic Preservation Team Lead
Office of Internet Connectivity and Growth

FROM:

Brian D. Newby
Broadband Program Director
North Dakota Office of Broadband
ND Department of Information Technology

PREPARED BY:

Mala Goodrich and Jacob Lester
Broadband Consultants
Tilson Technology Management

SUBJECT:

FirstNet Regional Programmatic Environmental Impact Statement Revalidation – North Dakota

DATE:

August 8, 2025

The First Responder Network Authority (FirstNet) published the Final Regional Programmatic Environmental Impact Statement (PEIS) for the Central United States in June of 2017. A subsequent Record of Decision (ROD) was issued in October of 2017. The National Telecommunications and Information Administration (NTIA), as a Cooperating Agency for this analysis, is revalidating these original assessments in accordance with Section 108 of the National Environmental Policy Act (NEPA), amended by the Fiscal Responsibility Act of 2003. This revalidation will review changes to the proposed action, regulatory setting, or areas of concern from the original PEIS to determine if NTIA can still rely on this analysis for future environmental documents. In October of 2024, NTIA published a ROD adopting the PEIS for the Central United States for NTIA's Internet for All (IFA).

The North Dakota State Broadband Program Office, in accordance with its responsibilities as joint lead agency for the Broadband Expansion, Access, and Deployment (BEAD) Program has prepared this revalidation memo of Chapter 13 of the PEIS for the Central United States.

Changes in Environmental Setting

13.1.1. Infrastructure

This section of Chapter 13 of the PEIS for the Central United States provides a comprehensive summary of the environmental setting pertaining to North Dakota infrastructure. This assessment and verdict apply to the following PEIS subsections: Transportation (Ss. 13.1.1.3); Public Safety Services (Ss. 13.1.1.4.); Telecommunications Resources (Ss. 13.1.1.5.); Utilities (Ss. 13.1.1.6.); and related introductory subsections. No significant changes have occurred to the environment since the publication of the PEIS. The analysis conducted at the time of the PEIS remains accurate and valid.

13.1.2. Soils

This section of Chapter 13 of the PEIS for the Central United States provides a comprehensive summary of the environmental setting pertaining to North Dakota soil. No significant changes have occurred to the environment since the publication of the PEIS. The analysis conducted at the time of the PEIS remains accurate and valid.

Since the PEIS was published, regulatory authority over air, land, and water resources shifted from NDDH to NDDEQ.

13.1.3. Geology

This section of Chapter 13 of the PEIS for the Central United States provides a comprehensive summary of the environmental setting pertaining to North Dakota's geology. No significant changes have occurred to the environment since the publication of the PEIS. The analysis conducted at the time of the PEIS remains accurate and valid.

13.1.4. Water Resources

This section of Chapter 13 of the PEIS for the Central United States provides a comprehensive summary of the environmental setting pertaining to North Dakota's water resources. This assessment and verdict apply to the following PEIS subsections: *Surface Water* (Ss. 13.1.4.3.); *Sensitive or Protected Waterbodies* (13.1.4.4.); *Impaired Waterbodies* (Ss. 13.1.4.5.); *Floodplains* (Ss. 13.1.4.6.); *Groundwater* (Ss. 13.1.4.7.); and introductory subsections. No significant changes have occurred to the environment since the publication of the PEIS. The analysis conducted at the time of the PEIS remains accurate and valid.

While the sensitivity of resources included in subsection has not been significantly modified, the state transitioned regulatory authority to new or renamed agencies after the PEIS's publication. See subsection 13.1.4. of Section *Changes in Environmental Circumstance* for more information.

13.1.5. Wetlands

This section of Chapter 13 of the PEIS for the Central United States provides a comprehensive summary of the environmental setting pertaining to North Dakota's wetlands. No significant changes have occurred to the environment since the publication of the PEIS. The analysis conducted at the time of the PEIS remains accurate and valid.

While the sensitivity of resources included in subsection has not been significantly modified, the state transitioned regulatory authority to new or renamed agencies after the PEIS's publication. See subsection 13.1.5. of Section *Changes in Environmental Circumstance* for more information.

13.1.6. Biological Resources

This section of Chapter 13 of the PEIS for the Central United States provides a comprehensive summary of the environmental setting pertaining to North Dakota's biological resources. This assessment and verdict apply to the following PEIS subsections:

Terrestrial Vegetation (13.1.6.3.); *Terrestrial Wildlife* (13.1.6.4.); *Fisheries and Aquatic Habitat* (13.1.6.5.); *Threatened and Endangered Species and Species of Conservation Concern* (13.1.6.6.)

The PEIS could be updated to reflect new state conservation designations, protected species, invasive or nuisance species, and transfers of oversight authority between state agencies as discussed further in subsection 13.1.6. of Section *Changes in Environmental Circumstance*.

No significant changes have occurred to the environment since the publication of the PEIS. The analysis conducted at the time of the PEIS remains accurate and valid.

13.1.7. Land Use, Recreation, and Airspace

This section of Chapter 13 of the PEIS for the Central United States provides a comprehensive summary of the environmental setting pertaining to North Dakota's Land Use, Recreation, and Airspace. This assessment and verdict apply to the following PEIS subsections: *Recreation* (Ss. 13.1.7.4.); *Airspace* (Ss. 13.1.7.5.); *Aerial System Considerations* (Ss. 13.1.7.6.); *Obstructions to Airspace Considerations* (Ss. 13.1.7.7.); *North Dakota Airspace* (Ss. 13.1.7.8.); and introductory subsections. No significant changes have occurred to the environment since the publication of the PEIS. The analysis conducted at the time of the PEIS remains accurate and valid.

Changes to setting in subsection Land Use and Ownership (Ss. 13.1.7.3.) result from expansion of tribally administered lands. In March of 2025, the U.S. Fish and Wildlife Service transferred 680 acres of land next to the existing Berthold Reservation to the Bureau of Indian Affairs, to be held in trust for the Spirit Lake Nation in Benson County.¹ During that time, the Mandan, Hidatsa, and Arikara Nations (together the "MHA Nation") purchased 2,100 acres of private land adjacent to the reservation. The MHA nation designated the area as Three Affiliated Tribes National Park.^{2,3}

13.1.8. Visual Resources

This section of Chapter 13 of the PEIS for the Central United States provides a comprehensive summary of the environmental circumstances pertaining to North Dakota's Visual Resources. This

¹ Department of the Interior. 2025. "Department of the Interior Announces Completed Land Transfer from U.S. Fish and Wildlife Service for Spirit Lake Nation." Press release, March 17, 2025. Accessed via <https://www.doi.gov/pressreleases/department-interior-announces-completed-land-transfer-us-fish-and-wildlife-service>.

² Associated Press. 2025. "New Tribal National Park in North Dakota Aims to Preserve Rugged and Scenic Landscape." AP News, April 26, 2025. Accessed via <https://www.newsdakota.com/2025/05/20/new-tribal-national-park-in-n-d-badlands/>.

³ Note that "national" here refers to MHA authority, not the United States.

assessment and verdict apply to the PEIS subsection *Character and Visual Quality of the Existing Landscape* (Ss. 13.1.8.3.).

While the sensitivity of resources included in subsection *Visually Important Historic Properties and Cultural Resources* (Ss. 13.1.8.4.), *Parks and Recreation Areas* (Ss. 13.1.8.5.); and *Additional Areas* (Ss. 13.1.8.6.) has not been significantly modified, the following changes occurred after the PEIS was published.

With respect to the subsection *Visually Important Historic Properties and Cultural Resources*, there have been additions to both the state and national register of historic places. These locations were not considered in the PEIS.⁴⁵ See subsection 13.1.8. of Section *Changes in Environmental Circumstance* for more information.

With respect to *Parks and Recreation Areas*, Pembina Gorge State Recreation Area was redesignated as a state park in May 2023.⁶⁷ See subsection 13.1.8. of Section *Changes in Environmental Circumstance* for more information.

With respect to *Additional Areas*, two new state byways have been designated (or were otherwise excluded from discussion) in the PEIS.⁸⁹ See subsection 13.1.8. of Section *Changes in Environmental Circumstance* for more information.

13.1.9. Socioeconomics

This section of Chapter 13 of the PEIS for the Central United States provides a comprehensive summary of North Dakota's socioeconomic status as it pertains to the states' environmental setting. No significant changes have occurred to the environment since the publication of the PEIS. The analysis conducted at the time of the PEIS remains accurate and valid.

13.1.10. Environmental Justice

Environmental Justice is no longer a mandated analysis for NEPA reviews. In January of 2025, the Administration issued Executive Order 14173, revoking E.O. 12898, E.O. 14096, and E.O. 11246. While this section of Chapter 13 of the PEIS for the Central United States provides a comprehensive

⁴ National Park Service. 2025. "Data Downloads – National Register of Historic Places." National Park Service, U.S. Department of the Interior. Accessed August 2025. <https://www.nps.gov/subjects/nationalregister/data-downloads.htm>.

⁶Governor of North Dakota. 2023. "Burgum Announces Development of 14th State Park at Pembina Gorge with Funding Approved During Session." News Release, May 23, 2023. Accessed via <https://www.governor.nd.gov/news/burgum-announces-development-14th-state-park-pembina-gorge-funding-approved-during-session>.

⁸ North Dakota Tourism Division. 2025. "Byways & Backways." North Dakota Tourism Division. Accessed August 7, 2025. Accessed via <https://www.ndtourism.com/bywaysbackways>.

summary of the environmental setting pertaining to Environmental Justice for the people of North Dakota, such analysis is no longer considered in determining the sufficiency of the PEIS.

13.1.11. Cultural Resources

This section of Chapter 13 of the PEIS for the Central United States provides a comprehensive summary of the environmental setting pertaining to North Dakota's Cultural Resources. This assessment and verdict apply to the following PEIS subsections: *Cultural Setting* (Ss. 13.1.11.3.); *Prehistoric Setting* (Ss. 13.1.11.4.); *Federally Recognized Tribes of North Dakota* (Ss. 13.1.11.5.); *Significant Archaeological Sites of North Dakota* (Ss. 13.1.11.6.); *Historic Context* (Ss. 13.1.11.7.); *Architectural Context* (Ss. 13.1.11.8.); and introductory subsections. No significant changes have occurred to the environment since the publication of the PEIS. The analysis conducted at the time of the PEIS remains accurate and valid.

13.1.12. Air Quality

This section of Chapter 13 of the PEIS for the Central United States provides a comprehensive summary of the environmental setting pertaining to North Dakota's air quality. No significant changes have occurred to the environment since the publication of the PEIS. The analysis conducted at the time of the PEIS remains accurate and valid.

13.1.13. Noise and Vibration

This section of Chapter 13 of the PEIS for the Central United States provides a comprehensive summary of the environmental setting pertaining to noise and vibration's effect on North Dakota's ecology. No significant changes have occurred to the environment since the publication of the PEIS. The analysis conducted at the time of the PEIS remains accurate and valid.

13.1.14. Climate Change

Climate change-related analysis is no longer mandated for NEPA reviews. In May of 2025, the Council on Environmental Quality withdrew interim guidance on the treatment of greenhouse gases under NEPA reviews in response to E.O. 14154 issued earlier that year. While this section provides a comprehensive summary of the environmental setting pertaining to climate change's potential effect on North Dakota's ecology, such analysis is no longer considered in determining the sufficiency of the PEIS.

13.1.15. Health and Human Safety

This section of Chapter 13 of the PEIS for the Central United States provides a comprehensive summary of the environmental setting as it pertains to health and human safety for both telecommunication workers and the general public. No significant changes have occurred to the environment since the publication of the PEIS. The analysis conducted at the time of the PEIS remains accurate and valid.

Changes in Environmental Circumstances

13.1.1. Infrastructure

This section of Chapter 13 of the PEIS for the Central United States provides a comprehensive summary of the environmental circumstances pertaining to infrastructure in North Dakota. No significant changes have occurred to the environment since the publication of the PEIS. The analysis conducted at the time of the PEIS remains accurate and valid.

13.1.2. Soils

This section of Chapter 13 of the PEIS for the Central United States provides a comprehensive summary of the environmental circumstances pertaining to soil in North Dakota. No significant changes have occurred to the environment since the publication of the PEIS. The analysis conducted at the time of the PEIS remains accurate and valid.

Since the PEIS's publication, authority over the states' air, land, and water resources was transferred from the North Dakota Department of Health (NDDH) North Dakota Department of Environmental Quality (NDDEQ). While the PEIS can be updated to reflect new authorities and regulatory structure if appropriate, the PEIS remains valid.

13.1.3. Geology

This section of Chapter 13 of the PEIS for the Central United States provides a comprehensive summary of the environmental circumstances pertaining to geology in North Dakota. No significant changes have occurred to the environment since the publication of the PEIS. The analysis conducted at the time of the PEIS remains accurate and valid.

13.1.4. Water Resources

This section of Chapter 13 of the PEIS for the Central United States provides a comprehensive summary of the environmental circumstances pertaining to water resources in North Dakota. No significant changes have occurred to the environment since the publication of the PEIS. The analysis conducted at the time of the PEIS remains accurate and valid.

Since the PEIS's publication, authority was transferred from the NDDH to NDDEQ.^{10 11} These changes recodified rules from NDAC Title 33 to Title 33.1,¹² though regulatory structures were largely unchanged.¹³ While the PEIS can be updated to reflect new authorities and regulatory structure if appropriate, the PEIS remains valid.

A new General Permit for Stormwater Discharges from Construction Activities (NDR11-0000) replaced NDR10-0000 referred to in the PEIS with minor revisions. NDR11-0000 closely aligns state requirements for SWPP with measures and BMPs outlined the EPA Construction General Permit (CGP-2017) and the requirements of the Construction and Development Effluent Guidelines (40

¹⁰ NDDEQ was officially established on April 29, 2019, following the passage of Senate Bill 2327 during the 2017 legislative session.

¹¹ Department of Environmental Quality, *New North Dakota Department of Environmental Quality Established*. May 1, 2019. <https://deq.nd.gov/PressReleases/2019-05-01-NDDEQ-Established.pdf>.

¹² See Appendix G for a comparison of NDAC Title 33 prior to restructuring and current Title 33.1 equivalent

¹³ The Environmental Chief, authorized under S.L. 2017, ch. 199, § 1 (S.B. 2327), adopted several existing NDDH rules from N.D. Admin. Code Title 33 into the new NDDEQ Title 33.1, with only minor edits reflecting the agency transition. Additional NDDEQ rules were proposed in separate rulemakings.

CFR 450).¹⁴ See equivalent subsection in *Changes in Environmental Circumstance; Changes to Avoidance, Minimization, Mitigation Measures, or Best Management Practices* for further discussion.

13.1.5. Wetlands

This section of Chapter 13 of the PEIS for the Central United States provides a comprehensive summary of the environmental circumstances pertaining to wetlands in North Dakota. No significant changes have occurred to the environment since the publication of the PEIS. The analysis conducted at the time of the PEIS remains accurate and valid.

Since the PEIS's publication, the North Dakota Department of Water Resources (DWR) was officially established on August 1, 2021, by legislative action,¹⁵ effectively renaming the State Water Commission to DWR. DWR administers water permits, floodplain management plans, water supply oversight, draining permits, and dam safety. The department also manages spatial datasets used to model hydrologic systems. While the PEIS can be updated to reflect new authorities and regulatory structure if appropriate, the PEIS remains valid.

13.1.6. Biological Resources

This section of Chapter 13 of the PEIS for the Central United States provides a comprehensive summary of the environmental circumstances pertaining to biological resources in North Dakota.

The PEIS could be updated to include new state conservation designations, protected species, invasive or nuisance species, and to reflect transfers of oversight authority between state agencies. Besides these minor updates, no significant changes have occurred to environmental circumstances since the publication of the PEIS. The analysis conducted at the time of the PEIS remains accurate and valid.

Minor changes occurred for state protected or prohibited species designations as discussed in *Vegetation* (13.1.6.3.) and *Threatened and Endangered Species* (13.1.6.6.). Changes in regulatory circumstance since the PEIS's publication are:

The Plant Pests Act referred to in the PEIS was repealed in 2017 under S.L. 2017, ch. 61, § 13 and replaced by Plant Pests (NDCC 4.1 – 23). This transition tasked the North Dakota Department of Agriculture with managing invasive plant species, removing equivalent duties from the North Dakota Game and Fish Department. In addition to the transfer of authority, NDCC 4.1-23 now mandates county pest coordinators. Previously this role was implied, not required (§ 4.1-23-11).

North Dakota's 2018 State Wildlife Action Plan (SWAP) revised the conservation priority categories used to classify protected species. Previous SWAPs used a three-tier system, while the 2018 version uses only two. This change does not impact underlying conservation protocols.

¹⁴ North Dakota Department of Environmental Quality. 2020. Fact Sheet for NDPDES Permit NDR11-0000: General Permit for Stormwater Discharges from Construction Activities. Bismarck, ND: North Dakota Department of Environmental Quality. April 1, 2020. Accessed August 2025.

https://deq.nd.gov/publications/wq/2_NDPDES/Stormwater/Construction/NDR11sob20200401F.pdf.

¹⁵ NDCC § 61-03-01.1 et seq.

The species in Table 1 below were removed from state protected status after the PEIS's publication.¹⁶

Table 1: Species Removed from State Protected Status since PEIS Publication

Taxa	Subtaxon	Common Name	Scientific Name
Birds	Landbird	Bald Eagle	Haliaeetus leucocephalus
Birds	Landbird	Swainson's Hawk	Buteo swainsoni
Birds	Landbird	Dickcissel	Spiza americana
Mammals	Carnivore	American Marten	Martes americana
Mammals	Carnivore	River Otter	Lontra canadensis
Amphibians	Toad	Canadian Toad	Anaxyrus hemiophrys
Fishes	Catfish	Yellow Bullhead	Ameiurus natalis
Fishes	Lamprey	Chestnut Lamprey	Ichthyomyzon castaneus
Fishes	Lamprey	Silver Lamprey	Ichthyomyzon unicuspis
Fishes	Minnow	Logperch	Percina caprodes
Fishes	Minnow	River Darter	Percina shumardi

See Appendix A for the current list of state protected species in North Dakota, Appendix B for federally protected species, and Appendix C for critical habitats. With respect to Invasive Species, North Dakota's current list of aquatic nuisance species can be found in Appendix D, and terrestrial noxious weeds in Appendix E. North Dakota is now home to 48 national and international bird areas, 10 more than described in the PEIS. While the PEIS can be updated to reflect these new designations if appropriate, the PEIS remains valid.

13.1.7. Land Use, Recreation, and Airspace

This section of Chapter 13 of the PEIS for the Central United States provides a comprehensive summary of the environmental circumstances pertaining to land use, recreation, and airspace in North Dakota. No significant changes have occurred to the environment since the publication of the PEIS. The analysis conducted at the time of the PEIS remains accurate and valid.

13.1.8. Visual Resource

This section of Chapter 13 of the PEIS for the Central United States provides a comprehensive summary of the environmental circumstances pertaining to visual resources in North Dakota. No significant changes have occurred to the environment since the publication of the PEIS. The analysis conducted at the time of the PEIS remains accurate and valid with the exception of resource designations as discussed in *Visually Important Historic Properties and Cultural*

¹⁶ North Dakota Game and Fish Department. 2025. *Draft North Dakota State Wildlife Action Plan 2025 with Appendices*. Bismarck, ND: North Dakota Game and Fish Department. Accessed June 2025. <https://gf.nd.gov/gnf/conservation/docs/2025-swap-draft/draft-nd-swap-2025-with-appendices.pdf>.

Resources (Ss. 13.1.8.4.), *Parks and Recreation Areas* (Ss. 13.1.8.5.) and *Additional Areas* (Ss. 13.1.8.6.).

With respect to subsection *Visually Important Historic Properties and Cultural Resources*, the locations presented in Appendix F have been added to the National Register or state historic places register since the PEIS's publication or were otherwise excluded from review. While the PEIS can be updated to reflect this new designation if appropriate, the PEIS remains valid.

With respect to *Parks and Recreation Areas*, Pembina Gorge State Recreation Area was redesigned as a state park in May 2023.¹⁷

With respect to *Additional Areas*, North Dakota designated the following as state scenic byways after the PEIS's publication, or were otherwise not considered in the PEIS:

Devil's Lake Loop
Enchanted Highway (backway)¹⁸

While the PEIS can be updated to reflect this new designation if appropriate, the PEIS remains valid.

13.1.9. Socioeconomics

This section of Chapter 13 of the PEIS for the Central United States provides a comprehensive summary of North Dakota's socioeconomic status as it pertains to the states' environmental circumstances. No significant changes have occurred to the environment since the publication of the PEIS. The analysis conducted at the time of the PEIS remains accurate and valid.

13.1.10. Environmental Justice

Environmental Justice is no longer a mandated analysis for NEPA reviews. In January of 2025, the Administration issued Executive Order 14173, revoking E.O. 12898, E.O. 14096, and E.O. 11246. While this section of Chapter 13 of the PEIS for the Central United States provides a comprehensive summary of the environmental setting pertaining to Environmental Justice for the people of North Dakota, such analysis is no longer considered in determining the sufficiency of the PEIS.

13.1.11. Cultural Resources

This section of Chapter 13 of the PEIS for the Central United States provides a comprehensive summary of the environmental circumstances pertaining to cultural resources in North Dakota. No significant changes have occurred to the environment since the publication of the PEIS. The analysis conducted at the time of the PEIS remains accurate and valid in addition to those already reviewed in the subsection Visual Resource (Ss. 13.1.8.) above. While the PEIS can be updated to reflect this new designation if appropriate, the PEIS remains valid.

¹⁷ Governor of North Dakota. 2023. "Burgum Announces Development of 14th State Park at Pembina Gorge with Funding Approved During Session." Office of Governor, State of North Dakota, May 23, 2023. Accessed via <https://www.governor.nd.gov/news/burgum-announces-development-14th-state-park-pembina-gorge-funding-approved-during-session>.

¹⁸ North Dakota Tourism Division. 2025. "North Dakota Scenic Byways and Backways – And More." North Dakota Tourism Division. Accessed August 7, 2025. <https://www.ndtourism.com/bywaysbackways>.

13.1.12. Air Quality

This section of Chapter 13 of the PEIS for the Central United States provides a comprehensive summary of the environmental circumstances pertaining to air quality in North Dakota. No significant changes have occurred to the environment since the publication of the PEIS. The analysis conducted at the time of the PEIS remains accurate and valid.

13.1.13. Noise and Vibration

This section of Chapter 13 of the PEIS for the Central United States provides a comprehensive summary of the environmental circumstances pertaining to noise and vibration's effect on North Dakota's ecology. No significant changes have occurred to the environment since the publication of the PEIS. The analysis conducted at the time of the PEIS remains accurate and valid.

13.1.14. Climate Change

Climate change-related analysis is no longer mandated for NEPA reviews. In May of 2025, the Council on Environmental Quality withdrew interim guidance on the treatment of greenhouse gases under NEPA reviews in response to E.O. 14154 issued earlier that year. While this section provides a comprehensive summary of the environmental circumstances pertaining to climate change's potential effect on North Dakota's ecology, such analysis is no longer necessary.

13.1.15. Health and Human Safety

This section of Chapter 13 of the PEIS for the Central United States provides a comprehensive summary of the environmental circumstances as it pertains to health and human safety for both telecommunication workers and the public. No significant changes have occurred to the environment since the publication of the PEIS. The analysis conducted at the time of the PEIS remains accurate and valid.

Changes to Environmental Impacts of the Project

13.2.1. Infrastructure

The PEIS considers all activities relevant to and likely to occur under the BEAD Program with potential to affect infrastructure in North Dakota. The impact analysis presented remains valid.

13.2.2. Soils

The PEIS considers all activities relevant to and likely to occur under the BEAD Program with potential to affect North Dakota's soil. The impact analysis presented remains valid.

13.2.3. Geology

The PEIS considers all activities relevant to and likely to occur under the BEAD Program with potential to affect North Dakota's geology. The impact analysis presented remains valid.

13.2.4. Water Resources

The PEIS considers all activities relevant to and likely to occur under the BEAD Program with potential to affect water resources in North Dakota. The impact analysis presented remains valid.

13.2.5. Wetlands

The PEIS considers all activities relevant to and likely to occur under the BEAD Program with potential to affect North Dakota's wetlands. The impact analysis presented remains valid.

13.2.6. Biological Resources

The PEIS considers all activities relevant to and likely to occur under the BEAD Program with potential to affect North Dakota's biological resources. The impact analysis presented remains valid.

13.2.7. Land Use, Recreation, and Airspace

The PEIS considers all activities relevant to and likely to occur under the BEAD Program with potential to affect land use, recreation, and airspace in North Dakota. The impact analysis presented remains valid.

13.2.8. Visual Resource

The PEIS considers all activities relevant to and likely to occur under the BEAD Program with potential to affect North Dakota's visual resources. The impact analysis presented remains valid.

13.2.9. Socioeconomics

The PEIS considers all activities relevant to and likely to occur under the BEAD Program with potential to affect North Dakota's socioeconomic status. The impact analysis presented remains valid.

13.2.10. Environmental Justice

Environmental Justice is no longer a mandated analysis for NEPA reviews. In January of 2025, the Administration issued Executive Order 14173, revoking E.O. 12898, E.O. 14096, and E.O. 11246. While no longer required, the PEIS considers all activities relevant to and likely to occur under the BEAD Program with potential to affect environmental justice for the people of North Dakota. The analysis presented, though valid, is no longer considered in determining the sufficiency of the PEIS.

13.2.11. Cultural Resources

The PEIS considers all activities relevant to and likely to occur under the BEAD Program with potential to affect North Dakota's cultural resources. The impact analysis presented remains valid.

13.2.12. Air Quality

The PEIS considers all activities relevant to and likely to occur under the BEAD Program with potential to affect air quality in North Dakota. The impact analysis presented remains valid.

13.2.13. Noise and Vibration

The PEIS considers all activities relevant to and likely to occur under the BEAD Program with potential to affect North Dakota's ecology through noise and vibration. The impact analysis presented remains valid.

13.2.14. Climate Change

Climate change-related analysis is no longer mandated for NEPA reviews. In May of 2025, the Council on Environmental Quality withdrew interim guidance on the treatment of greenhouse gases under NEPA reviews in response to E.O. 14154 issued earlier that year. While the PEIS considers all activities relevant to and likely to occur under the BEAD Program that may be affected by the potential future impact of climate change on North Dakota, such analysis is no longer necessary

13.2.15. Health and Human Safety

The PEIS considers all activities relevant to and likely to occur under the BEAD Program with potential to impact the health and human safety of the people of North Dakota and telecommunications workers. The analysis presented remains valid.

Changes to Avoidance, Minimization, Mitigation Measures, or Best Management Practices

19.1. Infrastructure

The PEIS presents Best Management Practices and mitigation measures (together referred to here as BMPs, for simplicity) that remain effective, valid methods for minimizing any potential impact on infrastructure in North Dakota. The measures and practices outlined in the PEIS remain unchanged and continue to be applicable.

19.2. Soils

The PEIS presents BMPs that remain effective, valid methods for minimizing any potential impact on North Dakota's soil. The measures and practices outlined in the PEIS remain unchanged and continue to be applicable. The PEIs could be revised to reflect BMPs are defined in the draft proposed renewal of NDR11-0000, which replaced NDR10-0000 referenced in the PEIS if appropriate.^{19 20}

19.3. Geology

¹⁹ North Dakota Department of Environmental Quality. 2020. Fact Sheet for NDPDES Permit NDR11-0000: General Permit for Stormwater Discharges from Construction Activities. Bismarck, ND: North Dakota Department of Environmental Quality. Accessed August 2025.

https://deq.nd.gov/publications/wq/2_NDPDES/Stormwater/Construction/NDR11sob20200401F.pdf.

²⁰ The first version of NDR11-0000 replaced NDR10-0000 in January of 2020 and expired on March 31, 2025. A draft reissuance was circulated for public comment in early 2025. As of August 2025, a final version has not been released. Potential updates include It introduces enhanced erosion and sediment control standards, pollution prevention plans, inspection protocols, and BMP reporting requirements. See

https://deq.nd.gov/publications/wq/2_NDPDES/Stormwater/Construction/NDR11sob20250401F.pdf.

The PEIS presents BMPs that remain effective, valid methods for minimizing any potential impact on North Dakota's geology. The measures and practices outlined in the PEIS remain unchanged and continue to be applicable.

19.4. Water Resources

The PEIS presents BMPs that remain effective, valid methods for minimizing any potential impact on North Dakota's water resources.

Since the PEIS's publication, authority was transferred from the NDDH to NDDEQ. These changes recodified rules from NDAC Title 33 to Title 33.1, though regulatory structures were largely unchanged. While the PEIS can be updated to reflect new authorities and regulatory structure if appropriate, the PEIS remains valid.

A new General Permit for Stormwater Discharges from Construction Activities (NDR11-0000) replaced NDR10-0000 referred to in the PEIS with minor revisions. NDR11-0000 closely aligns state requirements for SWPP with measures and BMPs outlined the EPA Construction General Permit (CGP-2017) and the requirements of the Construction and Development Effluent Guidelines (40 CFR 450). Irrespective of these developments, the measures and practices outlined in the PEIS continue to be applicable.

19.5. Wetlands

The PEIS presents BMPs that remain effective, valid methods for minimizing any potential impact on wetlands in North Dakota. The measures and practices outlined in the PEIS remain unchanged and continue to be applicable.

Since the PEIS's publication, the State Water Commission was effectively reestablished as the North Dakota Department of Water Resources (DWR). DWR administers water permits, floodplain management plans, water supply oversight, draining permits, and dam safety. While the PEIS can be updated to reflect new authorities and regulatory structure if appropriate, the PEIS remains valid.

19.6. Biological Resources

The PEIS presents BMPs that remain effective, valid methods for minimizing any potential impact on North Dakota's biological resources. The measures and practices outlined in the PEIS remain unchanged and continue to be applicable.

19.7. Land Use, Recreation, and Airspace

The PEIS presents BMPs that remain effective, valid methods for minimizing any potential impact on the use of land, recreational resources, or airspace in North Dakota. The measures and practices outlined in the PEIS remain unchanged and continue to be applicable.

19.8. Visual Resource

The PEIS presents BMPs that remain effective, valid methods for minimizing any potential impact on North Dakota's visual resources. The measures and practices outlined in the PEIS remain unchanged and continue to be applicable.

19.13. Socioeconomics

The PEIS presents BMPs that remain effective, valid methods for minimizing any potential impact on North Dakota's socioeconomic status. The measures and practices outlined in the PEIS remain unchanged and continue to be applicable.

19.10. Environmental Justice

Environmental Justice is no longer a mandated analysis for NEPA reviews. In January of 2025, the Administration issued Executive Order 14173, revoking E.O. 12898, E.O. 14096, and E.O. 11246. While no longer required, the PEIS presents BMPs that remain effective, valid methods for minimizing any potential effect on environmental justice for the people of North Dakota. The measures and practices outlined in the PEIS remain unchanged and continue to be applicable.

19.11. Cultural Resources

The PEIS presents BMPs that remain effective, valid methods for minimizing any potential impact on North Dakota's cultural resources. The measures and practices outlined in the PEIS remain unchanged and continue to be applicable.

19.12. Air Quality

The PEIS presents BMPs that remain effective, valid methods for minimizing any potential impact on air quality in North Dakota. The measures and practices outlined in the PEIS remain unchanged and continue to be applicable.

19.13. Noise and Vibration

The PEIS presents BMPs that remain effective, valid methods for minimizing any potential impact on North Dakota's ecology through noise and vibration. The measures and practices outlined in the PEIS remain unchanged and continue to be applicable.

19.14. Climate Change

The PEIS presents BMPs that remain effective, valid methods for minimizing the potential impact of climate change on network deployments in North Dakota. The measures and practices outlined in the PEIS remain unchanged and continue to be applicable.

19.15. Health and Human Safety

The PEIS presents BMPs that remain effective, valid methods for minimizing any potential impact on the health and human safety of the people of North Dakota or telecommunications workers. The measures and practices outlined in the PEIS remain unchanged and continue to be applicable.

Recommendation:

Based on a thorough review of Chapter 13 of the Central Regional PEIS, the North Dakota State Broadband Program Office has determined that the analysis of this PEIS remains valid for use in subsequent project-specific environmental documents in the North Dakota BEAD program. The PEIS can be confidently applied to guide environmental compliance under the BEAD program, ensuring that construction and development activities align with established environmental regulations and best practices. Its comprehensive analysis is sufficient to support informed decision-making and regulatory compliance throughout the North Dakota BEAD program's implementation.

Appendix A-1: North Dakota Species of Greatest Conservation Need²¹

Classifications:

- a. Regionally or globally imperiled
- b. At-risk, North Dakota important
- c. At-risk, expert review

Taxa	Common Name	Scientific Name	a.	b.	c.
Birds	American Kestrel	<i>Falco sparverius</i>			X
Birds	Baird's Sparrow	<i>Centronyx bairdii</i>	X	X	
Birds	Black-billed Cuckoo	<i>Coccyzus erythrophthalmus</i>			X
Birds	Bobolink	<i>Dolichonyx oryzivorus</i>	X	X	
Birds	Brewer's Sparrow	<i>Spizella breweri</i>			X
Birds	Brown Thrasher	<i>Toxostoma rufum</i>			X
Birds	Burrowing Owl	<i>Athene cunicularia</i>			X
Birds	Chestnut-collared Longspur	<i>Calcarius ornatus</i>	X	X	
Birds	Ferruginous Hawk	<i>Buteo regalis</i>		X	
Birds	Golden Eagle	<i>Aquila chrysaetos</i>			X
Birds	Grasshopper Sparrow	<i>Ammodramus savannarum</i>	X	X	
Birds	Greater Prairie-Chicken	<i>Tympanuchus cupido</i>	X		
Birds	Greater Sage-Grouse	<i>Centrocercus urophasianus</i>	X		
Birds	Harris's Sparrow	<i>Zonotrichia querula</i>		X	X
Birds	Horned Lark	<i>Eremophila alpestris</i>			X
Birds	Lark Bunting	<i>Calamospiza melanocorys</i>	X	X	
Birds	LeConte's Sparrow	<i>Ammodramus leconteii</i>	X	X	
Birds	Loggerhead Shrike	<i>Lanius ludovicianus</i>	X		
Birds	Nelson's Sparrow	<i>Ammodramus nelsoni</i>		X	
Birds	Northern Harrier	<i>Circus hudsonius</i>		X	
Birds	Prairie Falcon	<i>Falco mexicanus</i>			X
Birds	Red-headed Woodpecker	<i>Melanerpes erythrocephalus</i>			X
Birds	Ruffed Grouse	<i>Bonasa umbellus</i>			X
Birds	Sharp-tailed Grouse	<i>Tympanuchus phasianellus</i>		X	
Birds	Short-eared Owl	<i>Asio flammeus</i>	X		X
Birds	Sprague's Pipit	<i>Anthus spragueii</i>	X	X	
Birds	Thick-billed Longspur	<i>Rhynchophanes mccownii</i>	X		
Birds	Western Meadowlark	<i>Sturnella neglecta</i>		X	
Birds	American Avocet	<i>Recurvirostra americana</i>		X	

²¹ North Dakota Game and Fish Department. State Wildlife Action Plan. Accessed August 2025.
<https://gf.nd.gov/wildlife/swap>.

Taxa	Common Name	Scientific Name	a.	b.	c.
Birds	American Golden-Plover	<i>Pluvialis dominica</i>	X		X
Birds	Buff-breasted Sandpiper	<i>Calidris subruficollis</i>	X		X
Birds	Dunlin	<i>Calidris alpina</i>	X		X
Birds	Hudsonian Godwit	<i>Limosa haemastica</i>	X	X	
Birds	Lesser Yellowlegs	<i>Tringa flavipes</i>	X	X	
Birds	Long-billed Curlew	<i>Numenius americanus</i>			X
Birds	Long-billed Dowitcher	<i>Limnodromus scolopaceus</i>	X	X	
Birds	Marbled Godwit	<i>Limosa fedoa</i>	X	X	
Birds	Pectoral Sandpiper	<i>Calidris melanotos</i>	X	X	
Birds	Piping Plover	<i>Charadrius melodus</i>	X	X	
Birds	Ruddy Turnstone	<i>Arenaria interpres</i>	X	X	
Birds	Semipalmated Sandpiper	<i>Calidris pusilla</i>	X	X	
Birds	Short-billed Dowitcher	<i>Limnodromus griseus</i>	X		
Birds	Stilt Sandpiper	<i>Calidris himantopus</i>	X	X	
Birds	Upland Sandpiper	<i>Bartramia longicauda</i>		X	
Birds	Willet	<i>Tringa semipalmata</i>		X	
Birds	Wilson's Phalarope	<i>Phalaropus tricolor</i>		X	X
Birds	American Bittern	<i>Botaurus lentiginosus</i>		X	
Birds	Black Tern	<i>Chlidonias niger</i>	X	X	
Birds	Franklin's Gull	<i>Leucophaeus pipixcan</i>		X	
Birds	Horned Grebe	<i>Podiceps auritus</i>	X	X	
Birds	Least Tern (Interior)	<i>Sternula antillarum</i>	X		
Birds	Western Grebe	<i>Aechmophorus occidentalis</i>		X	
Birds	Whooping Crane	<i>Grus americana</i>	X		
Birds	Yellow Rail	<i>Coturnicops noveboracensis</i>		X	X
Birds	Canvasback	<i>Aythya valisineria</i>		X	
Birds	Lesser Scaup	<i>Aythya affinis</i>		X	
Birds	Northern Pintail	<i>Anas acuta</i>	X	X	
Mammals	Big Brown Bat	<i>Eptesicus fuscus</i>	X		
Mammals	Eastern Red Bat	<i>Lasiurus borealis</i>			X
Mammals	Hoary Bat	<i>Lasiurus cinereus</i>			X
Mammals	Little Brown Bat	<i>Myotis lucifugus</i>	X		
Mammals	Northern Long-eared Bat	<i>Myotis septentrionalis</i>	X		
Mammals	Silver-haired Bat	<i>Lasionycteris noctivagans</i>			X
Mammals	Black-footed Ferret	<i>Mustela nigripes</i>	X		
Mammals	Eastern Spotted Skunk	<i>Spilogale putorius</i>	X		
Mammals	Gray Fox	<i>Urocyon cinereoargenteus</i>	X		
Mammals	Swift Fox	<i>Vulpes velox</i>			X

Taxa	Common Name	Scientific Name	a.	b.	c.
Mammals	Black-tailed Prairie Dog	<i>Cynomys ludovicianus</i>	X		
Mammals	Richardson's Ground Squirrel	<i>Urocitellus richardsonii</i>		X	
Amphibians	American Toad	<i>Anaxyrus americanus</i>			X
Amphibians	Plains Spadefoot	<i>Spea bombifrons</i>			X
Reptile	Northern Prairie Skink	<i>Plestiodon septentrionalis</i>			X
Reptile	Plains Hog-nosed Snake	<i>Heterodon nasicus</i>			X
Reptile	Smooth Green Snake	<i>Opheodrys vernalis</i>			X
Reptile	Snapping Turtle	<i>Chelydra serpentina</i>			X
Fishes	Burbot	<i>Lota lota</i>			X
Fishes	Blacknose Shiner	<i>Notropis heterolepis</i>			X
Fishes	Blue Sucker	<i>Cyprinus elongatus</i>		X	
Fishes	Carmine Shiner	<i>Notropis percobromus</i>			X
Fishes	Finescale Dace	<i>Chrosomus neogaeus</i>			X
Fishes	Flathead Chub	<i>Platygobio gracilis</i>			X
Fishes	Hornyhead Chub	<i>Nocomis biguttatus</i>			X
Fishes	Northern Pearl Dace	<i>Margariscus nachtriebi</i>			X
Fishes	Northern Redbelly Dace	<i>Chrosomus eos</i>			X
Fishes	Pugnose Shiner	<i>Notropis anogenus</i>			X
Fishes	Sicklefin Chub	<i>Macrhybopsis meeki</i>		X	
Fishes	Sturgeon Chub	<i>Macrhybopsis gelida</i>		X	
Fishes	Trout-perch	<i>Percopsis omiscomaycus</i>			X
Fishes	Lake Sturgeon	<i>Acipenser fulvescens</i>	X		
Fishes	Paddlefish	<i>Polyodon spathula</i>		X	
Fishes	Pallid Sturgeon	<i>Scaphirhynchus albus</i>	X		
Terrestrial Invertebrates	American Bumble Bee	<i>Bombus pensylvanicus</i>	X		X
Terrestrial Invertebrates	Indiscriminate Cuckoo Bumble Bee	<i>Bombus insularis</i>			X
Terrestrial Invertebrates	Yellow-banded Bumble Bee	<i>Bombus terricola</i>			X
Terrestrial Invertebrates	Western Bumble Bee	<i>Bombus occidentalis</i>	X		X
Terrestrial Invertebrates	Yellow Bumble Bee	<i>Bombus fervidus</i>	X	X	X
Terrestrial Invertebrates	Ainslie's Cuckoo Nomad Bee	<i>Epeolus ainsliei</i>			X
Terrestrial Invertebrates	Badlands Tiger Beetle	<i>Cicindela decemnotata</i>			X
Terrestrial Invertebrates	Ghost Tiger Beetle	<i>Cicindela lepida</i>			X
Terrestrial Invertebrates	Northern Sandy Tiger Beetle	<i>Cicindela limbata nympha</i>			X

Taxa	Common Name	Scientific Name	a.	b.	c.
Terrestrial Invertebrates	Monarch Butterfly	<i>Danaus plexippus</i>			X
Terrestrial Invertebrates	Mulberry Wing	<i>Poanes massasoit</i>	X		
Terrestrial Invertebrates	Regal Fritillary	<i>Argynnis idalia</i>		X	X
Terrestrial Invertebrates	Tawny Crescent	<i>Phyciodes batesii</i>			X
Terrestrial Invertebrates	Abbreviated Underwing	<i>Catocala abbreviatella</i>			X
Terrestrial Invertebrates	Hera Sheepmoth	<i>Hemileuca hera</i>			X
Terrestrial Invertebrates	Whitney's Underwing	<i>Catocala whitneyi</i>	X		X
Terrestrial Invertebrates	Broad-winged Skipper	<i>Poanes viator</i>	X		X
Terrestrial Invertebrates	Dakota Skipper	<i>Hesperia dacotae</i>	X	X	X
Terrestrial Invertebrates	Dion Skipper	<i>Euphyes dion</i>	X		X
Terrestrial Invertebrates	Edwards' Hairstreak	<i>Satyrrium edwardsii</i>			X
Terrestrial Invertebrates	Hobomok Skipper	<i>Lon hobomok</i>			X
Terrestrial Invertebrates	Ottoe Skipper	<i>Hesperia ottoe</i>			X
Terrestrial Invertebrates	Poweshiek Skipperling	<i>Oarisma poweshiek</i>	X		X
Aquatic Invertebrates	Plains Emerald	<i>Somatochlora ensigera</i>			X
Aquatic Invertebrates	Subarctic Darner	<i>Aeshna subarctica</i>			X
Aquatic Invertebrates	Black Sandshell	<i>Ligumia recta</i>	X		
Aquatic Invertebrates	Creek Heelsplitter	<i>Lasmigona compressa</i>		X	
Aquatic Invertebrates	Creeper	<i>Strophitus undulatus</i>			X
Aquatic Invertebrates	Deertoe	<i>Truncilla truncata</i>		X	
Aquatic Invertebrates	Fragile Papershell	<i>Leptodea fragilis</i>			X
Aquatic Invertebrates	Mapleleaf	<i>Quadrula quadrula</i>			X
Aquatic Invertebrates	Pink Heelsplitter	<i>Potamilus alatus</i>			X

Taxa	Common Name	Scientific Name	a.	b.	c.
Aquatic Invertebrates	Pink Papershell	Potamilus ohioensis		X	
Aquatic Invertebrates	Threeridge	Amblema plicata			X
Aquatic Invertebrates	Wabash Pigtoe	Fusconaia flava	X		
Aquatic Invertebrates	a mayfly	Raptoheptagenia cruentata			X
Aquatic Invertebrates	a mayfly	Apobaetis lakota			X
Aquatic Invertebrates	a mayfly	Cercobrachys cree			X
Aquatic Invertebrates	a mayfly	Traverella lewisi			X
Aquatic Invertebrates	a sand-dwelling mayfly	Lachlania saskatchewanensis		X	
Aquatic Invertebrates	Dakota Stonefly	Perlesta dakota		X	
Aquatic Invertebrates	Pawnee Stonefly	Perlesta xube			X
Aquatic Invertebrates	Plains Stripetail	Isoperla longiseta			X

Appendix A-2: North Dakota Species of Greatest Information Need²²

Classifications:

- d. Scientific Knowledge deficient
- e. Potentially Stable in North Dakota, declining in range
- f. Potentially stable but life history trait vulnerability
- g. Declining, North Dakota Significance uncertain

Species denoted with an asterisk (*) have been moved from the 2015 Species Conservation Priority (SCP) list to the 2025 Species of Greatest Information Need (SGIN) list.

Taxa	Common Name	Scientific Name	d.	e.	f.	g.
Birds	Black-billed Magpie	<i>Pica hudsonia</i>		X	X	
Birds	Chimney Swift	<i>Chaetura pelagica</i>				X
Birds	Common Nighthawk	<i>Chordeiles minor</i>	X		X	
Birds	Eastern Screech-Owl	<i>Megascops asio</i>	X			X
Birds	Northern Flicker	<i>Colaptes auratus</i>				X
Birds	Peregrine Falcon*	<i>Falco peregrinus</i>			X	
Birds	Smith's Longspur	<i>Calcarius pictus</i>	X			
Birds	Snowy Owl	<i>Bubo scandiacus</i>	X			
Birds	Western Kingbird	<i>Tyrannus verticalis</i>				X
Birds	Red Knot (Rufa)*	<i>Calidris canutus</i>				X
Birds	American White Pelican*	<i>Pelecanus erythrorhynchos</i>			X	
Mammals	Fringed Myotis	<i>Myotis thysanodes</i>				X
Mammals	Long-eared Bat*	<i>Myotis evotis</i>	X			
Mammals	Long-legged Bat*	<i>Myotis volans</i>	X			
Mammals	Townsend's Big-eared Bat*	<i>Corynorhinus townsendii</i>				X
Mammals	Western Small-footed Bat*	<i>Myotis ciliolabrum</i>	X			
Mammals	Franklin's Ground Squirrel	<i>Poliocitellus franklinii</i>		X		
Mammals	Hispid Pocket Mouse*	<i>Chaetodipus hispidus</i>	X			
Mammals	Plains Pocket Mouse*	<i>Perognathus flavescens</i>	X			
Mammals	Sagebrush Vole*	<i>Lemmyscus curtatus</i>	X			
Mammals	Ord's Kangaroo Rat	<i>Dipodomys ordii</i>	X			
Mammals	Arctic Shrew*	<i>Sorex arcticus</i>	X			
Mammals	Merriam's Shrew*	<i>Sorex merriami</i>	X			
Mammals	Northern Water Shrew	<i>Sorex palustris</i>	X			
Mammals	Pygmy Shrew*	<i>Sorex minutus</i>	X			
Amphibians	Cope's Gray Treefrog	<i>Hyla chrysoscelis</i>	X			
Amphibians	Eastern Gray Treefrog	<i>Hyla versicolor</i>	X			
Amphibians	Wood Frog	<i>Lithobates sylvaticus</i>			X	
Amphibians	Common Mudpuppy	<i>Necturus maculosus</i>	X			

²² North Dakota Game and Fish Department. State Wildlife Action Plan. Accessed August 2025.
<https://gf.nd.gov/wildlife/swap>.

Taxa	Common Name	Scientific Name	d.	e.	f.	g.
Reptiles	Sagebrush Lizard*	Sceloporus graciosus			X	
Reptiles	Short-horned Lizard*	Phrynosoma hernandesi			X	
Reptiles	Common Gartersnake	Thamnophis sirtalis			X	
Reptiles	Plains Gartersnake	Thamnophis radix			X	
Reptiles	Red-bellied Snake	Storeria occipitomaculata			X	
Reptiles	False Map Turtle*	Graptemys pseudogeographica			X	
Reptiles	Smooth Softshell*	Apalone mutica			X	
Reptiles	Spiny Softshell*	Apalone spinifera			X	
Fishes	silvery minnows	Hybognathus spp.	X			
Fishes	Largescale Stoneroller*	Campostoma oligolepis	X			
Fishes	Silver Chub*	Macrhybopsis storeriana	X			
Terrestrial Invertebrates	Ashton's Cuckoo Bumble Bee	Bombus ashtonii	X			X
Terrestrial Invertebrates	Black-and-gold Bumble Bee	Bombus auricomus	X			
Terrestrial Invertebrates	Rusty-patched Bumble Bee	Bombus affinis				X
Terrestrial Invertebrates	Suckley's Cuckoo Bumble Bee	Bombus suckleyi				X
Terrestrial Invertebrates	a leaf-cutter bee	Megachile dakotensis				X
Terrestrial Invertebrates	a mason bee	Osmia illinoensis				X
Terrestrial Invertebrates	a nomia bee	Nomia universitatis				X
Terrestrial Invertebrates	Nude Yellow Loosestrife Bee	Macropis nuda				X
Terrestrial Invertebrates	Susanna's Cellophane Bee	Colletes susannae	X			
Terrestrial Invertebrates	Nine-spotted Lady Beetle	Coccinella novemnotata				X
Terrestrial Invertebrates	Great Plains Tiger Beetle	Amblycheila cylindriformis	X			
Terrestrial Invertebrates	Splendid Tiger Beetle	Cicindela splendida				X
Terrestrial Invertebrates	Baird's Swallowtail	Papilio machaon bairdii	X			
Terrestrial Invertebrates	Gray Copper	Tharsalea dione		X		
Terrestrial Invertebrates	Greenish Blue	Icaricia saepiolus		X		
Terrestrial Invertebrates	Large Marble	Euchloe ausonides				X

Taxa	Common Name	Scientific Name	d.	e.	f.	g.
Terrestrial Invertebrates	Mead's Wood-Nymph	<i>Cercyonis meadii</i>	X			
Terrestrial Invertebrates	Mormon Metalmark	<i>Apodemia mormo</i>	X			
Terrestrial Invertebrates	Persius Dusky Wing	<i>Erynnis persius</i>				X
Terrestrial Invertebrates	Purplish Copper	<i>Lycaena helloides</i>		X		
Terrestrial Invertebrates	Ridings' Satyr	<i>Neominois ridingsii</i>	X			
Terrestrial Invertebrates	Silvery Blue	<i>Glaucopsyche lygdamus</i>		X		
Terrestrial Invertebrates	a crambid snout moth	<i>Pyrausta pythialis</i>	X			
Terrestrial Invertebrates	Juanita Sphinx Moth	<i>Proserpina juanita</i>	X			
Terrestrial Invertebrates	Leadplant Flower Moth	<i>Schinia lucens</i>	X			
Terrestrial Invertebrates	Manitoba Oakworm Moth	<i>Anisota manitobensis</i>				X
Terrestrial Invertebrates	Arogos Skipper	<i>Atrytone arogos</i>				X
Terrestrial Invertebrates	Garita Skipperling	<i>Oarisma garita</i>	X			
Terrestrial Invertebrates	Leonard's Skipper	<i>Hesperia leonardus</i>				X
Terrestrial Invertebrates	Pahaska Skipper	<i>Hesperia pahaska</i>				X
Terrestrial Invertebrates	Plains Branded Skipper	<i>Hesperia assinboia</i>	X			
Terrestrial Invertebrates	Rhesus Skipper	<i>Polites rhesus</i>				X
Terrestrial Invertebrates	Strecker's Giant-skipper	<i>Megathymus streckeri</i>				X
Terrestrial Invertebrates	Uncas Skipper	<i>Hesperia uncas</i>				X
Terrestrial Invertebrates	Greenish-white Grasshopper	<i>Hypochlora alba</i>	X			
Terrestrial Invertebrates	Apache Jumping Spider	<i>Phidippus apacheanus</i>				X
Aquatic Invertebrates	Ornate Fairy Shrimp	<i>Eubbranchipus ornatus</i>		X		
Aquatic Invertebrates	a giant case maker	<i>Ptilostomus angustipennis</i>	X			
Aquatic Invertebrates	Long-horned Caddisfly	<i>Oecetis ochracea</i>	X			

Taxa	Common Name	Scientific Name	d.	e.	f.	g.
Aquatic Invertebrates	long-horned case makers	Ceraclea spp.	X			
Aquatic Invertebrates	Footed Micro Caddisfly	Ochrotrichia tarsalis	X			
Aquatic Invertebrates	Net-spinning Caddisfly	Hydropsyche piatrix	X			
Aquatic Invertebrates	Northern Caddisfly	Anabolia ozburni	X			
Aquatic Invertebrates	Northern Case Maker	Limnephilus perpusillus	X			
Aquatic Invertebrates	Boreal Whiteface	Leucorrhinia borealis	X			
Aquatic Invertebrates	clubtails	Stylurus spp	X			
Aquatic Invertebrates	Paiute Dancer	Argia alberta	X			
Aquatic Invertebrates	spinylegs	Dromogomphus spp.	X			
Aquatic Invertebrates	sprites	Promenetus spp.		X		
Aquatic Invertebrates	Water Scorpion	Nepa apiculata	X			
Aquatic Invertebrates	a sand-dwelling mayfly	Anaetris eximia	X			
Aquatic Invertebrates	small minnow mayflies	Camelobaetidius spp.	X			
Aquatic Invertebrates	a small square-gilled mayfly	Sparbarus lacustris	X			
Aquatic Invertebrates	a small square-gilled mayfly	Caenis youngi	X			
Aquatic Invertebrates	a spiny-headed burrowing mayfly	Pentagenia vittigera	X			
Aquatic Invertebrates	Flat-headed Mayfly	Stenacron minnetonka	X			
Aquatic Invertebrates	White Sand-river Mayfly	Pseudiron centralis	X			

Appendix B: Federal Listed Species in North Dakota²³

Group	Common Name	Scientific Name	Status	Critical Habitat
Mammals	Black-footed Ferret	<i>Mustela nigripes</i>	Endangered	None
	Northern Long-eared Bat	<i>Myotis septentrionalis</i>	Endangered	None
	Tricolored Bat	<i>Perimyotis subflavus</i>	Proposed Endangered	None
Birds	Piping Plover	<i>Charadrius melodus</i>	Threatened	Final
	Rufa Red Knot	<i>Calidris canutus rufa</i>	Threatened	Proposed
	Whooping Crane	<i>Grus americana</i>	Endangered	Final
Fishes	Pallid Sturgeon	<i>Scaphirhynchus albus</i>	Endangered	None
	Topeka Shiner	<i>Notropis topeka</i> (=tristis)	Endangered	Final
Insects	Dakota Skipper	<i>Hesperia dacotae</i>	Threatened	Final
	Monarch Butterfly	<i>Danaus plexippus</i>	Proposed Threatened	Proposed
	Suckley's Cuckoo Bumble Bee	<i>Bombus suckleyi</i>	Proposed Endangered	None
	Western Regal Fritillary	<i>Argynnis idalia occidentalis</i>	Proposed Threatened	None
Flowering Plants	Western Prairie Fringed Orchid	<i>Platanthera praeclara</i>	Threatened	None

²³ U.S. Fish and Wildlife Service, IPaC: Explore Location Resources, species list generated for North Dakota, accessed August 8, 2025, IPaC (Interactive, Names and Place-based Code) tool, <https://ipac.ecosphere.fws.gov/>.

Appendix C: Critical Habitat in North Dakota²⁴

Common Name	Scientific Name	Critical Habitat Type
Dakota Skipper	<i>Hesperia dacotae</i>	Final
Piping Plover	<i>Charadrius melodus</i>	Final
Poweshiek Skipperling	<i>Oarisma poweshiek</i>	Final

²⁴ U.S. Fish and Wildlife Service, Ibid.

Appendix D: North Dakota Nuisance Aquatic Species List²⁵

Category	Scientific Name	Common Name	Class / Status
Fish	<i>Hypophthalmichthys molitrix</i>	Bighead carp (Asian carp)	Class III - Listed (Present)
Fish	<i>Mylopharyngodon piceus</i>	Black carp	Class I – Prohibited (Not present)
Fish	<i>Channa maculata</i>	Blotched snakehead	Class I – Prohibited (Not present)
Fish	<i>Channa marulius</i>	Bullseye snakehead	Class I – Prohibited (Not present)
Fish	<i>Cyprinus carpio</i>	Common carp	Class III - Listed (Present)
Fish	<i>Gymnocephalus cernuus</i>	Eurasian ruffe	Class I – Prohibited (Not present)
Fish	<i>Scardinius erythrophthalmus</i>	European rudd	Class I – Prohibited (Not present)
Fish	<i>Channa micropeltes</i>	Giant snakehead	Class I – Prohibited (Not present)
Fish	<i>Ctenopharyngodon idella</i>	Grass carp	Class III - Listed (Present)
Fish	<i>Channa argus</i>	Northern snakehead	Class I – Prohibited (Not present)
Fish	<i>Carassius gibelio</i>	Prussian carp	Class I – Prohibited (Not present)
Fish	<i>Neogobius melanostomus</i>	Round goby	Class I – Prohibited (Not present)
Fish	<i>Hypophthalmichthys nobilis</i>	Silver carp (Asian carp)	Class III - Listed (Present)
Fish	<i>Proterorhinus semilunaris</i>	Tubenose goby	Class I – Prohibited (Not present)
Invertebrates	<i>Cercopagis pengoi</i>	Fishhook waterflea	Class I – Prohibited (Not present)
Invertebrates	<i>Procambarus clarkia</i>	Red swamp crayfish	Class I – Prohibited (Not present)
Invertebrates	<i>Orconectes rusticus</i>	Rusty crayfish	Class I – Prohibited (Not present)
Invertebrates	<i>Echinogammarus ischnus</i>	Scud	Class I – Prohibited (Not present)
Invertebrates	<i>Bythotrephes cederstroemi</i>	Spiny waterflea	Class I – Prohibited (Not present)
Mollusks	<i>Viviparus georgianus</i>	Banded mystery snail	Class I – Prohibited (Not present)
Mollusks	<i>Cipangopaludina chinensis</i>	Chinese mysterysnail	Class I – Prohibited (Not present)
Mollusks	<i>Bithynia tentaculata</i>	Faucet snail	Class I – Prohibited (Not present)
Mollusks	<i>Corbicula fluminea</i>	Golden clam	Class I – Prohibited (Not present)
Mollusks	<i>Potamopyrgus antipodarum</i>	New Zealand mudsnail	Class I – Prohibited (Not present)
Mollusks	<i>Dreissena bugensis</i>	Quagga mussel	Class I – Prohibited (Not present)
Mollusks	<i>Dreissena polymorpha</i>	Zebra mussel	Class I – Prohibited (Present)
Plants	<i>Egeria densa</i>	Brazilian elodea / waterweed	Class I – Prohibited (Not present)
Plants	<i>Najas minor</i>	Brittle naiad / waternymph	Class I – Prohibited (Not present)

²⁵ North Dakota Game and Fish Department, Aquatic Nuisance Species in North Dakota, accessed August 2025, <https://gf.nd.gov/ans/species>.

Category	Scientific Name	Common Name	Class / Status
Plants	<i>Potamogeton crispus</i>	Curly-leaf pondweed	Class II - Regulated (Present)
Plants	<i>Didymosphenia geminata</i>	Didymo / rock snot	Class I – Prohibited (Not present)
Plants	<i>Myriophyllum spicatum</i>	Eurasian watermilfoil	Class II - Regulated (Present)
Plants	<i>Butomus umbellatus</i>	Flowering rush	Class II - Regulated (Present)
Plants	<i>Nitellopsis obtuse</i>	Starry Stonewort	Class I – Prohibited (Not present)

Appendix E: North Dakota Noxious Terrestrial Weeds List²⁶

Common Name	Scientific Name
Absinth wormwood	<i>Artemisia absinthium</i> L.
Canada thistle	<i>Cirsium arvense</i> (L.) Scop.
Dalmatian toadflax	<i>Linaria genistifolia</i> subsp. <i>dalmatica</i>
Diffuse knapweed	<i>Centaurea diffusa</i> Lam.
Houndstongue	<i>Cynoglossum officinale</i> L.
Leafy spurge	<i>Euphorbia esula</i> L.
Musk thistle	<i>Carduus nutans</i> L.
Palmer amaranth	<i>Amaranthus palmeri</i>
Purple loosestrife	<i>Lythrum salicaria</i> L., <i>Lythrum virgatum</i> L., and all cultivars
Russian knapweed	<i>Centaurea repens</i> L.
Saltcedar	<i>Tamarisk</i> spp.
Spotted knapweed	<i>Centaurea maculosa</i> Lam.
Yellow toadflax	<i>Linaria vulgaris</i>

²⁶ North Dakota Department of Agriculture, 2021 Noxious Weeds of North Dakota (Bismarck, ND: North Dakota Department of Agriculture, 2021), accessed August 2025.
<https://www.ndda.nd.gov/sites/www/files/documents/files/2021%20Noxious%20Weeds%20Book.pdf>.

Appendix F: Changes to State and National Register of Historic Places since PEIS Publication²⁷

Property Name	Type	County	Significance			List Date
			Local	State	Nat'l	
First Presbyterian Church	building	Cass	X			6/4/2025
Fort Union Trading Post National Historic Site Historic District (Boundary Increase)	site	Williams		X	X	5/9/2025
Fort Union Trading Post National Historic Site Historic District (Boundary Increase)	site	Williams			X	5/9/2025
Towner County Fairgrounds Pavilion	building	Towner	X			10/25/2024
Ophaug, Nels, Barn	building	Nelson		X		10/24/2024
Highland Acres Historic District (Boundary Increase)	district	Burleigh	X			7/1/2024
Erickson, Andrew, Barn	building	Hettinger		X		12/26/2023
Chester Fritz Auditorium	building	Grand Forks	X			10/20/2023
Baukol Historic District	district	Grand Forks	X			10/11/2023
DeRoche Block	building	Grand Forks	X			3/10/2023
Schlafmann Barn	building	McLean		X		12/13/2022
Highland Acres Historic District	district	Burleigh	X			7/6/2022
Fargo-Moorhead YMCA Sign	object	Cass	X			3/17/2022
St. George's Episcopal Memorial Church	building	Burleigh		X		10/5/2021
Federal Building and U.S. Post Office	building	Cass	X			6/4/2021
Administration Building for the City of Grand Forks at the Grand Forks Airport	building	Grand Forks	X			12/3/2020
Wilder Elementary School	building	Grand Forks	X			7/17/2020
West Elementary School	building	Grand Forks	X			7/17/2020
Viking Elementary School	building	Grand Forks	X			7/17/2020
Valley Junior High School	building	Grand Forks	X			7/17/2020
Lewis and Clark Elementary School	building	Grand Forks	X			7/17/2020
Ben Franklin Elementary School	building	Grand Forks	X			7/17/2020
Our Lady of the Annunciation Chapel at Annunciation Priory	building	Burleigh	X	X		6/16/2020
Harvey Power Plant	building	Wells	X			6/5/2020

²⁷ National Park Service, "Data Downloads," National Register of Historic Places, accessed August 2025, <https://www.nps.gov/subjects/nationalregister/data-downloads.htm>.

Property Name	Type	County	Significance			List Date
			Local	State	Nat'l	
Icelandic Evangelical Lutheran Church	building	Pembina	X			12/5/2019
Forest River State Bank	building	Walsh	X			12/5/2019
Fort Buford Stage Road	site	McLean		X		10/25/2019
Wabek Consolidated School	building	Mountrail	X			10/22/2019
State Bank of Antler	building	Bottineau	X			4/15/2019
De Mores Memorial Park	site	Billings	X			3/4/2019
RSL-3	structure	Cavalier			X	10/23/2018
Assyrian Muslim Cemetery	site	Mountrail		X		7/17/2018
Robinson Hall	building	Kidder	X			3/26/2018
Burke County World War Memorial Hall	building	Burke	X	X		1/4/2018
Dease-Martineau House, Trading Post, and Oxcart Trail Segments	district	Pembina		X		12/22/2017
Manfred Historic District	district	Wells		X		11/13/2017
Episcopal Church of the Good Shepard-Lakota	building	Nelson		X		10/10/2017
Mandan High School	building	Morton	X			7/24/2017
Anderson, George and Beth, House	building	Cass		X		6/19/2017
Sons of Jacob Cemetery	site	Ramsey	X			6/5/2017
Black Building	building	Cass	X			12/6/2016
St. Michael's Parochial School	building	Grand Forks	X			7/18/2016
Creaser Building	building	Williams	X			7/11/2016
Zeeland Hall	building	McIntosh	X			6/14/2016

Appendix G: Summary of Regulatory Changes and Codification Updates Related to NDDH, NDDEQ roles in North Dakota Since PEIS Publication

Subject Area	Current (under NDDEQ)		Pre-Restructure (under NDDH)		Last Major Update / Enactment
	NNCC Ch.	NDAC Ch.	NDCC Ch.	NDAC Ch.	
Department of Environmental Quality	23.1-01	33.1-01	Title 23, various	Title 33, various	Amended via SB 2308, 2025 (new well-drilling & septic standards)
Radiation	23.1-02	33.1-10	23-20	33-10	Unchanged since recodification
Ionizing Radiation Development	23.1-03	33.1-10.1	23-20.1	33-10.1	No amendments after creation in 2019
Hazardous Waste Management	23.1-04	33.1-24	23-20.3	33-24	Unchanged since recodification
Aboveground Storage Tank Regulations	23.1-04.1	33.1-25	N/A	N/A	Created by HB 1058 in 2025, enacted by 69th Assembly
SW Low-Level Radioactive Waste Compact	23.1-05	33.1-26	23-20.5	33-25	Unchanged since recodification
Air Pollution Control	23.1-06	33.1-15	23-25	33-15	Unchanged since recodification
Water/Wastewater Operators	23.1-07	33.1-21	43-23	33-21	Amended by HB 1577 in 2023 to add infrastructure grant authority and adjust operator certification penalties
Onsite Wastewater Systems	23.1-07.1	33.1-22	N/A	N/A	Created alongside HB 1577 in 2023; codified in the same session law
Solid Waste Management & Land Protection	23.1-08	33.1-20	23-29	33-20	Amended in 2023 to authorize pilot waste projects, updating §23.1-08-03 and §23.1-08-09
Waste Landfill Release Compensation Fund	23.1-09	None	23-29.2	33-20.3	Repealed
Environmental Emergency Costs	23.1-10	33.1-27	23-31	33-27	Unchanged since recodification
Ground Water Protection	23.1-11	33.1-17	23-33	33-17	Unchanged since recodification
Petroleum Release Remediation	23.1-12	33.1-28	23-34	33-28	Amended by HB 1058 in 2025 for related registration fee updates (§23.1-12-02 & 12-17-7)
Petroleum Products	23.1-13	33.1-29	23-35	33-29	2025: SB 2308 updated Chapter 23.1-01 (well drilling, septic)
Antifreeze Regulation	23.1-14	33.1-30	23-36	33-30	Unchanged since recodification

Subject Area	Current (under NDDEQ)		Pre-Restructure (under NDDH)		Last Major Update / Enactment
	NNCC Ch.	NDAC Ch.	NDCC Ch.	NDAC Ch.	
Abandoned Motor Vehicles	23.1-15	33.1-31	23-37	33-31	Updated in 2023 via SB 2118, amending §23.1-15-03 relating to custody/title procedures for law enforcement/tow operators
Boiler Inspection	23.1-16	33.1-32	23-38	33-32	Unchanged since recodification