

Willow Creek Watershed Project Plan-EIS  
Public Scoping Meeting Notes  
January 24, 2019, 6:00 pm

1. Initial introduction provided by Amy Darlinton.
2. Project history provided by Steve Becker, USDA NRCS State Conservation Engineer:
  - a. In July 2017, BTBC requested planning assistance from NRCS to develop a Willow Creek flood control plan. Flooding problem was identified in 1975 at which time significant project planning was conducted. Project planning was suspended shortly after planning completion.
  - b. Infrastructure funding currently made available for the Willow Creek Watershed Project under the Watershed Flood Control Program. Projects are conducted in three phases: Phase 1 for planning, Phase 2 for final design, and Phase 3 for construction. The Tribe received funding for planning in October 2017 and NRCS then executed a contract with NECI to develop the Plan-EIS. NECI subcontracted with DOWL to complete technical analysis to evaluate flood control alternatives.
  - c. Phase 1 entails mapping the frequency and extent of flooding in Browning. Community meeting are held to verify if the community identifies with flooding problem or if flooding doesn't impact community. The day's prior meeting indicates that much of the community identifies with flood concern, although personal interviews will be held throughout town to confirm.
  - d. The community's input is also requested to determine the extent of flood protection desired. Flood frequency is typically identified by a yearly probability of exceedance. Most communities typically identify the 100-year event as the desired level of protection, which is equivalent to 5 or 6-inches of rain throughout the Upper Willow Creek Watershed. The 100-year level of protection qualifies the community for participation in the NFIP, although more frequent storms may qualify for NRCS Watershed Flood Control Program funding. To participate in the National Flood Insurance Program, the community must adopt floodplain zoning and permitting practices. Flood insurance premiums will also be required for some properties within the floodplain. Development in the floodplain would be regulated and flood insurance coverage would be available.
  - e. Mapping has been conducted for the 2 and 50-year events and additional mapping will be conducted.
3. Public Member (name not provided) expressed that they purchased a flood insurance policy as a condition of mortgage for home in the floodplain of Browning and has the following question and concerns:

- i. Most Browning residents are under the Tribe and don't have demands of having to pay for amenities, such as flood insurance. The bank would not allow home purchase unless flood insurance policy purchased.
  - ii. Would like to see flood control measures implemented and is wondering if Council supports project since most Browning residents don't carry flood insurance. Residents not carrying flood insurance will be dependent on BIA or other federal program to recover from catastrophe. Concerned that few tribal members are concerned with flood potential since they do not take on responsibility to take on loan and purchase flood insurance.
  - iii. Mark Pollock responded that the Tribal Council supports the project. Mr. Pollock personally carries flood insurance on his business.
  - iv. Steve Becker stated that upon project implementation, BTBC stated that project was desired to reduce flooding and flood insurance requirements for Browning.
  - v. Homeowner inquired about resistance to Tribe purchasing property for flood control improvements; specifically does the Tribe have the ability to acquire or condemn fee property. Steve Becker responded that land purchase feasibility would be determined during alternative analysis as cost-benefit analysis conducted. Virgil Edwards stated that the Tribe has the constitutional authority to condemn fee lands on the reservation, but is unaware of any instances where this has been done.
- b. Virgil Edwards inquired if there was a cap on construction funding. Steve Becker responded that there is no cap on funding. The program has been funded for the last 10 years and will likely be funded for another couple of years.
  - c. Ardis Dayrider provided the following:
    - i. NRCS has many incentive programs that assist with land, such as the CRP program. Programs are also available to mitigate uses of land. Ms. Dayrider expressed that ability to acquire land is the most important part of the project. Steve Becker verified that DOWL is in the preliminary process of developing floodplain mapping and that alternatives can then be developed for environmental and economic standpoint. The Tribe will then have to select a preferred alternative and determine if land can be acquired.
    - ii. Groundwater and surface water uses and impacts should be identified. Groundwater data currently available.
    - iii. Willow Creek feeds many other watersheds and effects to downstream watersheds should be evaluated although hydraulics only developed to about Highway 464.

- iv. Operation and maintenance funding should be considered by Tribal council for long term project effectiveness.
- 4. Flood mapping overview provided by Russ Reid:
  - a. Depth map produced for 50-year flood indicating that significant flooding will occur during 50-year event.
  - b. Alternatives will be developed and flood model to be re-simulated to determine effectiveness of proposed improvements.
  - c. Preliminary mitigation options include channel improvements like those in All Chief's Park that convey the 25-year flood. Another 2-feet of depth would be required to convey the 50-year flood and 1.5 times the channel current channel size would be needed to convey the 100-year flood. Terraced cross sections will provide bottom section for natural stream functions, as well as overflow bank for flood carrying capacity. In-stream storage in Browning will not likely retain sufficient flood flows for adequate flood protection.
  - d. Unnamed drainage to the south contributes to flooding near the casino and flows to the unmaintained drainage system along West Boundary Road where flooding also occurs. Dams would reduce flood flows, but downstream improvements may also be needed to convey lower watershed flood flows. Base flow would be maintained through dams to maintain surface water flows. Flood mitigation in Browning will likely have multiple components.
- 5. Ardis Dayrider - A lot of historical sites are within the Willow Creek area, including the children's school and graves. Contact THPO for further information. Portions of Willow Creek fenced off to protect cultural sites and culturally significant plants.
- 6. Public outreach includes mailing to landowners within known areas of flooding and adjacent to Willow Creek. Personal interviews will also be conducted in the days following the initial scoping meetings.