



Public Notice

U.S. ARMY CORPS OF ENGINEERS

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Subject: Public Notice of Permit Application

Action ID: NWO-2004-60809-BIS

Comments Period: July 13, 2018 – August 3, 2018

SUBJECT: The U.S. Army Corps of Engineers, Omaha District, (Corps) is evaluating a permit application for Part 2 of the Richland County Legal Drain 7 Reconstruction Project. This notice is to inform interested parties of the proposed activity and to solicit comments. This notice may also be viewed at the Corps web site at

<http://www.nwo.usace.army.mil/Missions/RegulatoryProgram/NorthDakota/PublicNotices.aspx>

AUTHORITY: This application is being evaluated under Section 404 of the Clean Water Act for the discharge of dredged or fill material in waters of the United States.

APPLICANT: Richland County Water Resource District
Attn: Gary Friskop
418 – 2nd Avenue North
Wahpeton, North Dakota 58075

LOCATION: The four mile long project is located in Sections 20, 21, 22 and 23, Township 134 North, Range 51 West, Latitude 46.398436° North, Longitude -97.071457° West, Richland County, North Dakota., and can be seen on the Wyndmere NW USGS Topographic Quadrangle.

PROJECT DESCRIPTION: Richland County Legal Drain 7 is 10 miles long. It begins in Section 23, Township 134 North, Range 52 West and flows east to where it discharges into the north branch of Antelope Creek in Section 20, Township 134 North, Range 50 West. Drain maintenance and/or improvement projects nearly always need to be completed in financially manageable parts. Part 1 of the Reconstruction Project was authorized in 2010.

Richland County's current request, identified as Part 2, includes one mile of reconstruction on the current alignment. The bottom width of the channel will be increased to 10 feet and the sideslopes flattened to 4:1. It also includes reconstruction of three miles of channel on a new alignment, filling the existing channel. The new channel will have a bottom width of 8 feet and sideslopes of 4:1. Completion of the project will result in a permanent loss of 4 acres of waters of the United States (WOUS) as 3 miles of the existing channel is filled and temporary losses of one acre as 1 mile of channel is reshaped and the grade corrected. Culverts in three locations will be replaced with larger metal pipes. All inlet culverts from field laterals will be moved with their field side elevations maintained. Spoil not used to fill the channel will be spoiled on adjacent upland farmland.

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North Dakota Regulatory Office, 3319 University Drive, Bismarck, North Dakota 58504

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Based on the available information, the overall project purpose is to improve/increase the capacity of the channel to contain floodwaters and improve stability to reduce maintenance from erosion and sliding of the side slopes. The applicant believes there is a need to complete this project to reduce maintenance costs and control flooding on Ag land and several farmsteads. The attached narrative and drawings provide additional project details.

ADDITIONAL INFORMATION:

Environmental Setting. Richland County Drain 7 is approximately ten miles long and discharges into Antelope Creek. There are a few farmsteads near the Drain, but the majority of the adjacent property is cropland that appears to be extensively drained. The North Dakota State Water Commission website indicates drains in the vicinity were almost exclusively established to drain farmland and/or improve cropland. Despite being regularly maintained, wetlands have developed in the bottom the entire length of the Drain, which brings it into jurisdiction under Section 404 of the Clean Water Act. With the exception of Antelope Creek, there does not appear to be other major waterways in the vicinity of the Drain. The only trees that exist are located in tree rows likely established in conjunction with the Department of Agriculture to check soil erosion from wind.

Alternatives. No alternatives analysis was provided with the application, nor is one necessary prior to issuance of a public notice. The analysis required by the 404(b)(1) Guidelines would likely include the current alternative, No Action (does not mean that no work would occur, only that no work requiring authorization would occur); Alternative Project Designs (cleanout and reconstruction on the existing alignment or design modifications (two-stage design); and Alternative Sites (construction in a different location). Other alternatives may develop during the review process for this permit application. All reasonable project alternatives, in particular those which may be less damaging to the aquatic environment, will be considered.

Mitigation. The Corps requires that applicants consider and use all reasonable and practical measures to avoid and minimize impacts to aquatic resources. If the applicant is unable to avoid or minimize all impacts, the Corps may require compensatory mitigation. No actual mitigation plan was provided because wetlands are expected to redevelop in the bottom of the new drain. Because of the increased bottom width and flatter slopes more wetlands are expected to develop than what currently exists. This project is considered as 'self-mitigating' because of design.

OTHER GOVERNMENTAL AUTHORIZATIONS: Water quality certification or a waiver, as required under Section 401 of the Clean Water Act from the North Dakota Department of Health, Water Quality Division (NDDH) is required for this project. A copy of this notice and application information has been provided to NDDH, along with a request for certification.

HISTORIC PROPERTIES: Based on the available information the Corps preliminary determination is there is 'little likelihood to cause effects' to historic properties. The entire project area was disturbed by initial construction in the mid-1970s, subsequent maintenance

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and construction of lateral surface and subsurface drains; road construction and subsequent maintenance; and farming activities adjacent the main drain. The Corps will consider all information provided during this public comment period and will initiate consultation with the State Historic Preservation Officer under Section 106 of the National Historic Preservation Act, as appropriate.

ENDANGERED SPECIES: This project is within the known range of the endangered Whooping crane (*Grus americanis*), Gray wolf (*Canis lupus*) and Poweshiek skipperling (*Pediomelum esculentum*) and the threatened Western prairie fringed orchid (*Platanthera praeclara*), Dakota skipper (*Hesperia dacotae*) and Northern long-eared bat (*Myotis septentrionalis*). No critical habitat for the threatened Piping plover (*Charadrius melodus*) has been identified in Richland County; however, there is critical habitat for the Dakota skipper and Poweshiek skipperling.

Pursuant to the Endangered Species Act, the Corps has made a preliminary determination that the project, as proposed, would have “no effect” on threatened or endangered species, or critical habitat. The Corps will consider all information and recommendations of the US Fish and Wildlife Service in response to this public notice to make its final effects determination.

ESSENTIAL FISH HABITAT: The proposed project would not adversely affect Essential Fish Habitat (EFH) as defined in the Magnuson-Stevens Fishery Conservation and Management Act.

The above determinations are based on information provided by the applicant and our preliminary review.

EVALUATION FACTORS: The decision whether to issue a permit will be based on an evaluation of the probable impacts, including cumulative impacts, of the described activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit, which reasonably may be expected to accrue from the described activity, must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the described activity will be considered, including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, consideration of property ownership and, in general, the needs and welfare of the people. The activity's impact on the public interest will include application of the Section 404(b)(1) guidelines promulgated by the Administrator, Environmental Protection Agency (40 CFR Part 230).

The Corps is soliciting comments from the public, Federal, State, and local agencies and officials, Indian tribes, and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps to determine whether to issue, modify, condition, or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties,

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water quality, general environmental effects, and other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

SUBMITTING COMMENTS: Written comments, referencing Public Notice NWO-2004-60809-BIS must be submitted to the office listed below on or before **August 3, 2018**.

Toni Erhardt, Project Manager
US Army Corps of Engineers, Omaha District
North Dakota Regulatory Office

Email: *CENWO-OD-RND@usace.army.mil*

The Corps is particularly interested in receiving comments related to the proposal's probable impacts on the affected aquatic environment and the secondary and cumulative effects. Anyone may request, in writing, that a public hearing be held to consider this application. Requests shall specifically state, with particularity, the reason(s) for holding a public hearing. If the Corps determines that the information received in response to this notice is inadequate for thorough evaluation, a public hearing may be warranted. If a public hearing is warranted, interested parties will be notified of the time, date, and location. Please note that all comment letters received are subject to release to the public through the Freedom of Information Act. If you have questions or need additional information please contact the applicant or the Corps' project manager Toni Erhardt at (701) 255-0015, extension 2003, or by email at *Toni.R.Erhardt@usace.army.mil*.

Request to Postmasters: Please post this notice in a conspicuous place until the expiration date specified at the top of page one.

Notice to Editors: This notice is provided for your use in developing news stories only. No payment for publication will be provided.

Attachments: 6 including a map, narrative and drawings

**PROJECT NARRATIVE
DRAIN 7 IMPROVEMENTS (PART 2)
RICHLAND COUNTY, ND
2018**

GENERAL

This project will be sponsored by the Richland County Water Resource District Board. Local funding will be obtained from the drain 7 maintenance assessment district. A bid date is anticipated in April 2018. Land acquisition will begin in March 2018. All construction would be completed no later than December 1, 2019.

DESIGN

This project consists of the reconstruction of 4 miles of the existing drain channel. Drain 7 flows easterly and discharges to the north branch of Antelope Creek. The drain collects runoff from adjacent farmland and grassland/pasture land on the west end areas. The existing drain has insufficient capacity to convey floodwaters and overflows out of this drain are known to cause overland flooding and erosion damage. The existing side slopes are steep and sloughing has been a significant issue. This project would reconstruct a portion of drain 7 to increase the stability of the slopes and capacity of the drain. This portion of the drain outlets to a portion of drain 7 that was previously reconstructed in 2010.

Several road crossings have been replaced by previous projects on the drain. The township road crossing culverts on the east side of section 23 would remain as well as the culverts through County Road 29 and State Highway 18. Two township road crossings and one field approach crossing would be replaced with new larger metal culverts to fit the existing upstream and downstream crossing sizes. All field inlet culverts would be replaced with the field side elevations maintained.

The centerline of the drain will be maintained in section 23 as the roadway along the north side is a minimum maintenance dirt trail that can be moved. The existing township road along the south side of the rest of the 3 miles of drain would be maintained thus the drain channel centerline would be moved north. The longitudinal grade would be approximately 0.045%. The design channel bottom width is 8 - 10 feet and the side slopes are 4:1. Spoil will be spread on the adjacent farm fields for all 4 miles.

The completion of this project will reduce the maintenance costs and control flooding on Ag land and several farmsteads.

PERMITS

A State Water Commission Application to Drain permit was applied for January 2018.

The Corp of Engineers permit will be applied for January 2018.

The NRCS has indicated that no permit is required of them on past similar projects.









The contractor will be responsible to obtain the ND Dept. of Health storm water permit.

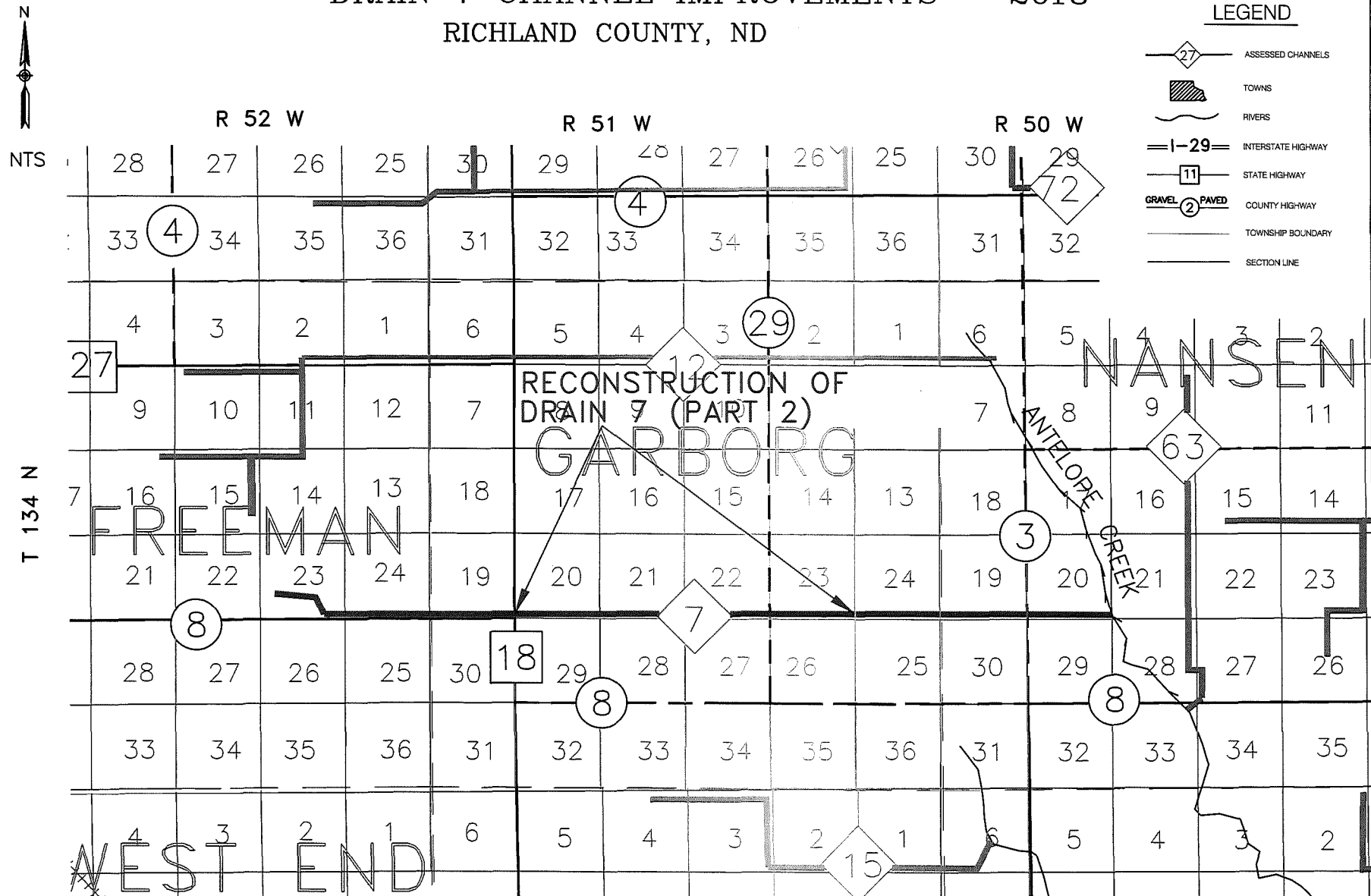
No other permits have been identified as required.

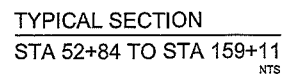
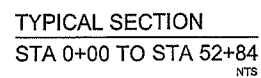
DRAIN 7 CHANNEL IMPROVEMENTS – 2018

RICHLAND COUNTY, ND

LEGEND

-  ASSESSED CHANNELS
-  TOWNS
-  RIVERS
-  INTERSTATE HIGHWAY
-  STATE HIGHWAY
-  COUNTY HIGHWAY
-  TOWNSHIP BOUNDARY
-  SECTION LINE

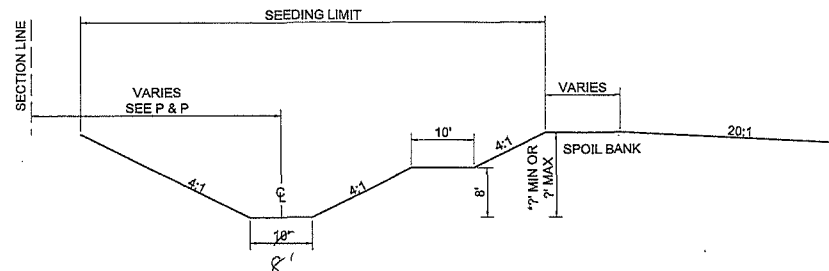




* UNLESS OTHERWISE SHOWN IN THE PLANS OF DIRECTED BY THE ENGINEER- SPOIL BANK SHALL BE MAINTAINED A MINIMUM OF 6" BELOW ROAD ELEVATION

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construction or
implementation
purposes.

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TYPICAL SECTION
STA 159+11 TO STA 204+71
NTS

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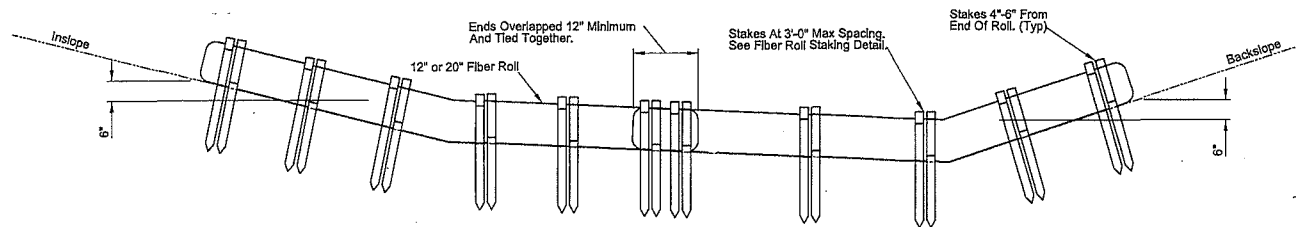
Rev	Date	By	Description

Sheet Title	Project No.	Project Name

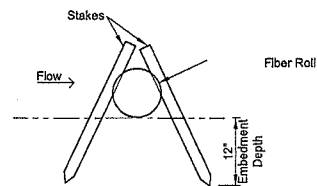
Interstate Engineering, Inc.
1589 4th St. N.
Waukegan, IL 60074-0667
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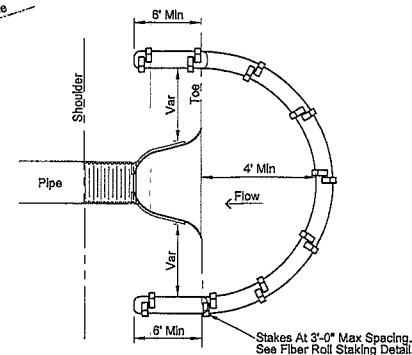
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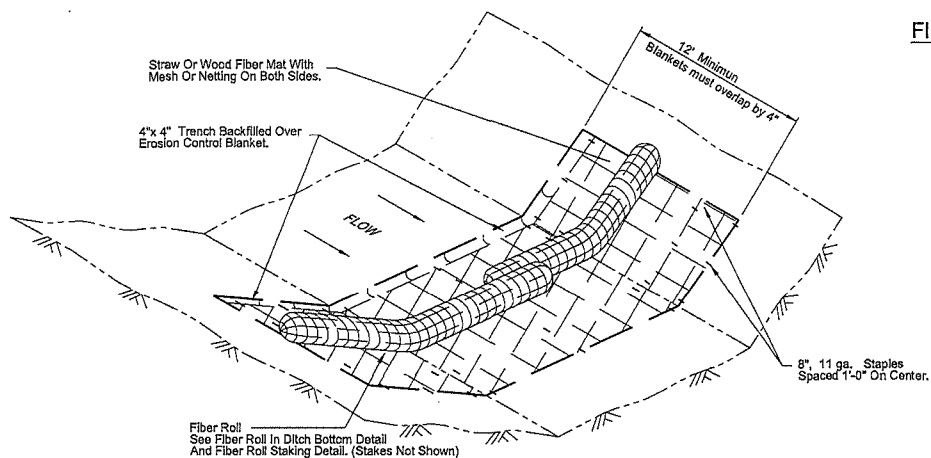
FIBER ROLL IN DITCH BOTTOM
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FIBER ROLL STAKING DETAIL
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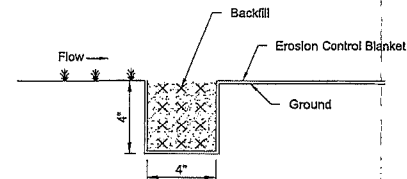


FIBER ROLL AT PIPE INLET
NTS



For use in areas with highly erodible soils. Erosion Blanket materials and labor to be paid for separately from Fiber Rolls 12in or Fiber Rolls 20in.

FIBER ROLL BLANKET SYSTEM
NTS



**EROSION CONTROL BLANKET
UPSTREAM TRENCH**
NTS

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