

Appendix C

Agency Correspondence and Permits

Part 1 – May 3, 2012 SOV Letters and Responses

Part 2 - January 31, 2012 HMGP Letters and Responses

Part 3 – Permits

Part 1

May 3, 2012 SOV Letters and Responses

1401 21st Avenue North Fargo ND 58102



May 3, 2012

Ms. Jeani Borchert, Cultural Resource Specialist
Cultural Resource Section
ND Department of Transportation
608 E. Boulevard Ave.
Bismarck, ND 58505-0700

**SUBJECT: Mickelson Field Area Flood Risk Management – Project 5902
City of Fargo
H.E. Project No. 10_6059_035**

On behalf of the City of Fargo, Houston Engineering, Inc. is working on design of a Flood Risk Management Project for the Mickelson Field Area. The Mickelson Field Area is located along Oak Street, generally between 8th and 11th Avenues North along the west side of the Red River of the North (see enclosed map).

A detailed description of the project is given below.

The proposed project will involve the construction of an earthen levee along the west side of the Red River in this area (see enclosed map). In order to install the levee, several of the existing ball fields and adjacent features that are operated by the Fargo Park District will be abandoned. The City of Fargo is actively working with the Park District to facilitate a replacement of these fields in a new location within the city. In addition, two existing under-performing lift stations will be abandoned and a new lift station installed at the line of protection that will provide for added pumping capacity.

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Please forward any comments or information you may have to our Fargo office on or before **June 4, 2012**. If we do not receive a reply from your office by this date, we will assume that you have no comments on this project.

Please forward any comments or information you may have to:

Houston Engineering, Inc.
Attn: Jerry Bents, PE
1401 21st Avenue North
Fargo, ND 58102

Thank you for your assistance. If you have questions or would like more information on the proposed improvements, please call Jerry Bents or Kristen Lotvedt, Houston Engineering, Inc., at (701) 237-5065, in Fargo, North Dakota.

Sincerely,

HOUSTON ENGINEERING, INC.



Jerry D. Bents, P.E.

JDB:
Enclosure

1401 21st Avenue North Fargo ND 58102



May 3, 2012

Chief Missile Engineer
91st Missile Maintenance Squadron
Cable Affairs Office
417 Bomber Blvd.
Minot AFB, ND 58705

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1401 21st Avenue North Fargo ND 58102



May 3, 2012

Mr. Weldon Loudermilk, Acting Regional Director
Bureau of Indian Affairs
115 4th Ave. SE
Aberdeen, SD 57401

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1401 21st Avenue North Fargo ND 58102



May 3, 2012

Mr. Richard Nelson, Chief, Resource Management
Dakotas Area Office
Bureau of Reclamation
PO Box 1017
Bismarck, ND 58502-1017

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1401 21st Avenue North Fargo ND 58102



May 3, 2012

Sir or Madam, Acting Regional Administrator
Regional Office
Department of HUD
1670 Broadway, Ste. 200
Denver, CO 80202-4813

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1401 21st Avenue North Fargo ND 58102



May 3, 2012

Ms. Mary Giltner, Deputy Base Civil Engineer
319 CES/CEVA
Grand Forks Air Force Base
525 Tuskagee Airmen Rd.
Grand Forks AFB, ND 58205-6434

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1401 21st Avenue North Fargo ND 58102



May 3, 2012

Mr. Aaron Snyder, Chief, Project Management & Development Branch
St. Paul District
US Army Corps of Engineers
180 5th St. E., Ste 700
St. Paul, MN 55101-1678

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May 3, 2012

Ms. Mary Podoll, State Conservationist
US Department of Agriculture
PO Box 1458
Bismarck, ND 58502-1458

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May 3, 2012

Mr. Gerald Paulson, Director, Transmission Lines and Substations
Western Area Power Admin.
US Department of Energy
PO Box 1173
Bismarck, ND 58502-1173

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Mr. Jeffrey Towner, Field Supervisor
ND Field Office
US Fish & Wildlife Service
3425 Miriam Ave.
Bismarck, ND 58501

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Mr. Greg Wiche, Director
Water Resources Division
US Geological Survey
821 E. Interstate Ave.
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1401 21st Avenue North
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Sincerely,

HOUSTON ENGINEERING, INC.



Jerry D. Bents, P.E.

JDB:
Enclosure

1401 21st Avenue North Fargo ND 58102



May 3, 2012

Mr. Scott Davis, Executive Director
Indian Affairs Commission
600 E. Blvd. Ave.
1st Floor, Judicial Wing, Rm 117
Bismarck, ND 58505-0300

SUBJECT: Mickelson Field Area Flood Risk Management – Project 5902
City of Fargo
H.E. Project No. 10_6059_035

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Enclosure

1401 21st Avenue North Fargo ND 58102



May 3, 2012

Mr. Lonnie Hoffer, Disaster Recovery Chief
Department of Homeland Security
ND Department of Emergency Services
PO Box 5511
Bismarck, ND 58506

SUBJECT: Mickelson Field Area Flood Risk Management – Project 5902
City of Fargo
H.E. Project No. 10_6059_035

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Enclosure

1401 21st Avenue North Fargo ND 58102



May 3, 2012

Mr. L. David Glatt, Chief
Environmental Health Section
Gold Seal Center
ND Department of Health
918 E. Divide Ave., 4th floor
Bismarck, ND 58501-1947

**SUBJECT: Mickelson Field Area Flood Risk Management – Project 5902
City of Fargo
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Enclosure

1401 21st Avenue North Fargo ND 58102



May 3, 2012

Mr. Steve Dyke, Supervisor
Conservation Section
ND Game & Fish Department
100 Bismarck Expressway
Bismarck, ND 58501-5095

SUBJECT: Mickelson Field Area Flood Risk Management – Project 5902
City of Fargo
H.E. Project No. 10_6059_035

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HOUSTON ENGINEERING, INC.



Jerry D. Bents, P.E.

JDB:
Enclosure

1401 21st Avenue North Fargo ND 58102



May 3, 2012

Mr. Ed Murphy, State Geologist
ND Geological Survey
600 E. Blvd. Ave.
Bismarck, ND 58505-0840

SUBJECT: Mickelson Field Area Flood Risk Management – Project 5902
City of Fargo
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Enclosure

1401 21st Avenue North Fargo ND 58102



May 3, 2012

Mr. Mark Zimmerman, Director
ND Parks & Recreation Dept.
1600 E. Century Ave., Suite 3
Bismarck, ND 58503-0649

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City of Fargo
H.E. Project No. 10_6059_035

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1401 21st Avenue North Fargo ND 58102



May 3, 2012

Mr. Todd Sando, State Engineer
ND State Water Commission
900 E. Blvd. Ave.
Bismarck, ND 58505-0850

SUBJECT: Mickelson Field Area Flood Risk Management – Project 5902
City of Fargo
H.E. Project No. 10_6059_035

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1401 21st Avenue North Fargo ND 58102



May 3, 2012

Mr. Scott Hochhalter, Soil Conservation Specialist
NDSU Extension Service
Soil Conservation Committee
2718 Gateway Ave., #104
Bismarck, ND 58503

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Enclosure

1401 21st Avenue North Fargo ND 58102



May 3, 2012

Mr. Jessica Lee,
Chamber of Commerce
F-M Chamber of Commerce
321 N. 4th St. - PO Box 2443
Fargo, ND 58108

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Jerry D. Bents, P.E.

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1401 21st Avenue North Fargo ND 58102



May 3, 2012

Kevin McKinnon, President
Economic Development
City of Fargo
51 Broadway Suite 500
Fargo, ND 58102

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1401 21st Avenue North Fargo ND 58102



May 3, 2012

Joe Deutsch, President
Park Board
City of Fargo
701 Main Ave.
Fargo, ND 58103

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Attn: Jerry Bents, PE
1401 21st Avenue North
Fargo, ND 58102

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Sincerely,

HOUSTON ENGINEERING, INC.



Jerry D. Bents, P.E.

JDB:
Enclosure

1401 21st Avenue North Fargo ND 58102



May 3, 2012

Roger Gress, Director
Parks & Recreation
City of Fargo
701 Main Ave.
Fargo, ND 58103

SUBJECT: Mickelson Field Area Flood Risk Management – Project 5902
City of Fargo
H.E. Project No. 10_6059_035

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Jerry D. Bents, P.E.

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Enclosure

1401 21st Avenue North Fargo ND 58102



May 3, 2012

John Q. Paulson, Chairman
Planning/Zoning Committee
City Hall
200 N. 3rd St.
Fargo, ND 58102

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City of Fargo
H.E. Project No. 10_6059_035**

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HOUSTON ENGINEERING, INC.



Jerry D. Bents, P.E.

JDB:
Enclosure

1401 21st Avenue North Fargo ND 58102



May 3, 2012

Superintendent
Public Works
City of Fargo
402 N. 23rd St.
Fargo, ND 58102

SUBJECT: Mickelson Field Area Flood Risk Management – Project 5902
City of Fargo
H.E. Project No. 10_6059_035

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Enclosure

1401 21st Avenue North Fargo ND 58102



May 3, 2012

Ron Hendricksen, Superintendent
Water Works
City of Fargo
435 14th Ave. S.
Fargo, ND 58103

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City of Fargo
H.E. Project No. 10_6059_035**

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Jerry D. Bents, P.E.

JDB:
Enclosure

1401 21st Avenue North Fargo ND 58102



May 3, 2012

Steve Sprague, Auditor
City of Fargo
City Hall
200 3rd St. N.
Fargo, ND 58102

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City of Fargo
H.E. Project No. 10_6059_035

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JDB:
Enclosure

1401 21st Avenue North Fargo ND 58102



May 3, 2012

Bruce Hoover, Fire Chief
City of Fargo
637 NP Ave N
Fargo, ND 58102

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City of Fargo
H.E. Project No. 10_6059_035**

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HOUSTON ENGINEERING, INC.



Jerry D. Bents, P.E.

JDB:
Enclosure

1401 21st Avenue North Fargo ND 58102



May 3, 2012

Scott Liudahl, Forester
Forestry Department
City of Fargo
402 23rd St N
Fargo, ND 58102

SUBJECT: Mickelson Field Area Flood Risk Management – Project 5902
City of Fargo
H.E. Project No. 10_6059_035

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Enclosure

1401 21st Avenue North Fargo ND 58102



May 3, 2012

Dennis Walaker, Mayor
City of Fargo
City Hall
200 N. 3rd St.
Fargo, ND 58102

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City of Fargo
H.E. Project No. 10_6059_035**

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1401 21st Avenue North Fargo ND 58102



May 3, 2012

Keith Ternes, Police Chief
City of Fargo
Police Department
222 4th Street North
Fargo, ND 58102

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City of Fargo
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Jerry D. Bents, P.E.

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Enclosure

1401 21st Avenue North Fargo ND 58102



May 3, 2012

Clay Whittlesey, Recreation Director
Fargo Parks
701 Main Ave.
Fargo, ND 58103

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1401 21st Avenue North Fargo ND 58102



May 3, 2012

Benjamin Dow, Services Manager
Fargo Street Department
402 N. 23rd St.
Fargo, ND 58102

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Houston Engineering, Inc.
Attn: Jerry Bents, PE
1401 21st Avenue North
Fargo, ND 58102

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Sincerely,

HOUSTON ENGINEERING, INC.



Jerry D. Bents, P.E.

JDB:
Enclosure

1401 21st Avenue North Fargo ND 58102



May 3, 2012

Dr. Rick Buresh, Superintendent
Fargo School District
414 North 4th St.
Fargo, ND 58102

SUBJECT: Mickelson Field Area Flood Risk Management – Project 5902
City of Fargo
H.E. Project No. 10_6059_035

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Jerry D. Bents, P.E.

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Enclosure

1401 21st Avenue North Fargo ND 58102



May 3, 2012

Darrell Vanyo,
Cass County Park Board
PO Box 2806
Fargo, ND 58108-2806

**SUBJECT: Mickelson Field Area Flood Risk Management – Project 5902
City of Fargo
H.E. Project No. 10_6059_035**

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Jerry D. Bents, P.E.

JDB:
Enclosure

1401 21st Avenue North Fargo ND 58102



May 3, 2012

Chairman
Planning/Zoning Committee
Cass County Highway Dept.
1201 Main Ave W
West Fargo, ND 58078

SUBJECT: Mickelson Field Area Flood Risk Management – Project 5902
City of Fargo
H.E. Project No. 10_6059_035

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Enclosure

1401 21st Avenue North Fargo ND 58102



May 3, 2012

Chairman
Soil Conservation District
Cass County
1665 43RD St. S., Unit 103
Fargo, ND 58103

SUBJECT: Mickelson Field Area Flood Risk Management – Project 5902
City of Fargo
H.E. Project No. 10_6059_035

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Enclosure

1401 21st Avenue North Fargo ND 58102



May 3, 2012

Tom Fischer, Chairman
Water Resource Board
SE Cass Water Resource Board
1201 Main Ave. W.
West Fargo, ND 581078-1301

SUBJECT: Mickelson Field Area Flood Risk Management – Project 5902
City of Fargo
H.E. Project No. 10_6059_035

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1401 21st Avenue North Fargo ND 58102



May 3, 2012

Mike Montplaisir, Cass County Auditor
PO Box 2806
Fargo, ND 58108-2806

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JDB:
Enclosure

1401 21st Avenue North Fargo ND 58102



May 3, 2012

Ken Pawluk, Cass County Commission
PO Box 2806
Fargo, ND 58106

SUBJECT: Mickelson Field Area Flood Risk Management – Project 5902
City of Fargo
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1401 21st Avenue North Fargo ND 58102



May 3, 2012

Dave Rogness, Disaster Management
Cass County-Fargo Emergency Management
4630 15th Avenue North
Fargo, ND 58102

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May 3, 2012

Keith Berndt, Highway Engineer/Supervisor
Cass County Highway Dept.
1201 Main Ave W
West Fargo, ND 58078

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HOUSTON ENGINEERING, INC.



Jerry D. Bents, P.E.

JDB:
Enclosure

1401 21st Avenue North Fargo ND 58102



May 3, 2012

Paul Laney, Sheriff
Cass County
PO Box 488
Fargo, ND 58107-0488

**SUBJECT: Mickelson Field Area Flood Risk Management – Project 5902
City of Fargo
H.E. Project No. 10_6059_035**

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Sincerely,

HOUSTON ENGINEERING, INC.



Jerry D. Bents, P.E.

JDB:
Enclosure



Cass County Electric Cooperative

Your Touchstone Energy® Partner



May 3, 2012

RECEIVED

MAY 07 2012

Houston Engineering, Inc.

Jerry Bents
Houston Engineering, Inc.
1401 21st Avenue North
Fargo, ND 58102

RE: Mickelson Field Area Flood Risk Management

Dear Mr. Bents:

Cass County Electric has no plant in the project area, and has no plans for any plant in the future. Xcel is the energy provider for this area of Fargo.

Thank you for the chance to review project.

Kenn Haugen
Distribution system Designer

KH:ke



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
CORPS OF ENGINEERS, OMAHA DISTRICT
NORTH DAKOTA REGULATORY OFFICE
1513 SOUTH 12TH STREET
BISMARCK ND 58504-6640

May 3, 2012

North Dakota Regulatory Office

RECEIVED

Houston Engineering Inc
Attn: Jerry Bents PE
1401 21st Avenue North
Fargo, ND 58102

MAY 07 2012

Houston Engineering, Inc.

Dear Mr. Bents:

This is in response to your letter dated May 2, 2012 requesting US Army Corps of Engineers (Corps) comments regarding the flood risk management project for the Mickelson Field Area located along Oak Street, generally between 8th and 11th Avenues North along the west side of the Red River of the North.

Corps regulatory offices administer Section 10 of the Rivers and Harbors Act (Section 10) and Section 404 of the Clean Water Act (Section 404). Section 10 regulates work impacting navigable waters. Section 10 waters in North Dakota are the Missouri River (including Lake Sakakawea and Lake Oahe), Yellowstone River, James River south of the railroad track in Jamestown, North Dakota, Bois de Sioux River, Red River of the North, and the Upper Des Lacs Lake. Work over, in, or under navigable waters is considered to have an impact. Section 404 of the Clean Water Act regulates the discharge of dredged or fill material (temporarily or permanently) in waters of the United States. Waters of the United States may include, but are not limited to, rivers, streams, ditches, coulees, lakes, ponds, and their adjacent wetlands. Fill material includes, but is not limited to, rock, sand, soil, clay, plastics, construction debris, wood chips, overburden from mines or other excavation activities and materials used to create any structure or infrastructure in waters of the United States.

Please submit a location map and completed Corps permit application (copy enclosed) describing all proposed work and construction methodology, to the letterhead address if a Section 10/404 permit is required.

Do not hesitate to contact this office by letter or telephone (701-255-0015) if we can be of further assistance.

Sincerely,


Daniel E. Cimarosti
Regulatory Program Manager
North Dakota

Enclosure

APPLICATION FOR DEPARTMENT OF THE ARMY PERMIT
(33 CFR 325)

OMB APPROVAL NO. 0710-0003
EXPIRES: 31 August 2012

Public reporting burden for this collection of information is estimated to average 11 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to Department of Defense, Washington Headquarters, Executive Services and Communications Directorate, Information Management Division and to the Office of Management and Budget, Paperwork Reduction Project (0710-0003). Respondents should be aware that notwithstanding any other provision of law, no person shall be subject to any penalty for failing to comply with a collection of information if it does not display a currently valid OMB control number. Please DO NOT RETURN your form to either of those addresses. Completed applications must be submitted to the District Engineer having jurisdiction over the location of the proposed activity.

PRIVACY ACT STATEMENT

Authorities: Rivers and Harbors Act, Section 10, 33 USC 403; Clean Water Act, Section 404, 33 USC 1344; Marine Protection, Research, and Sanctuaries Act, Section 103, 33 USC 1413; Regulatory Programs of the Corps of Engineers; Final Rule 33 CFR 320-332. Principal Purpose: Information provided on this form will be used in evaluating the application for a permit. Routine Uses: This information may be shared with the Department of Justice and other federal, state, and local government agencies, and the public and may be made available as part of a public notice as required by Federal law. Submission of requested information is voluntary, however, if information is not provided the permit application cannot be evaluated nor can a permit be issued. One set of original drawings or good reproducible copies which show the location and character of the proposed activity must be attached to this application (see sample drawings and instructions) and be submitted to the District Engineer having jurisdiction over the location of the proposed activity. An application that is not completed in full will be returned.

(ITEMS 1 THRU 4 TO BE FILLED BY THE CORPS)

1. APPLICATION NO.	2. FIELD OFFICE CODE	3. DATE RECEIVED	4. DATE APPLICATION COMPLETE
--------------------	----------------------	------------------	------------------------------

(ITEMS BELOW TO BE FILLED BY APPLICANT)

5. APPLICANT'S NAME: First - Middle - Last - Company - E-mail Address -		9. AUTHORIZED AGENT'S NAME AND TITLE (an agent is not required) First - Middle - Last - Company - E-mail Address -	
6. APPLICANT'S ADDRESS. Address - City - State - Zip - Country -		9. AGENT'S ADDRESS Address - City - State - Zip - Country -	
7. APPLICANT'S PHONE NOS. W/AREA CODE a. Residence b. Business c. Fax		10. AGENT'S PHONE NOS. W/AREA CODE a. Residence b. Business c. Fax	

STATEMENT OF AUTHORIZATION

11. I hereby authorize _____ to act in my behalf as my agent in the processing of this application and to furnish, upon request, supplemental information in support of this permit application.

APPLICANT'S SIGNATURE

DATE

NAME, LOCATION, AND DESCRIPTION OF PROJECT OR ACTIVITY

12. PROJECT NAME OR TITLE (see instructions)	
13. NAME OF WATERBODY, IF KNOWN (if applicable)	14. PROJECT STREET ADDRESS (if applicable) Address City - State - Zip -
15. LOCATION OF PROJECT Latitude: °N Longitude: °W	
16. OTHER LOCATION DESCRIPTIONS, IF KNOWN (see instructions) State Tax Parcel ID Municipality Section - Township - Range -	
17. DIRECTIONS TO THE SITE	

19. Project Purpose (Describe the reason or purpose of the project, see instructions)

USE BLOCKS 20-23 IF DREDGED AND/OR FILL MATERIAL IS TO BE DISCHARGED

20. Reason(s) for Discharge

21. Type(s) of Material Being Discharged and the Amount of Each Type in Cubic Yards:

Type Amount in Cubic Yards	Type Amount in Cubic Yards	Type Amount in Cubic Yards
-------------------------------	-------------------------------	-------------------------------

22. Surface Area in Acres of Wetlands or Other Waters Filled (see instructions)

Acres
Or
Liner Feet

23. Description of Avoidance, Minimization, and Compensation (see instructions)

24. Is Any Portion of the Work Already Complete? Yes No IF YES, DESCRIBE THE COMPLETED WORK

25. Addresses of Adjoining Property Owners, Lessees, Etc., Whose Property Adjoins the Waterbody (if more than can be entered here, please attach a supplemental list).

Address –
City – State – Zip –

26. List of Other Certifications or Approvals/Denials Received from other Federal, State, or Local Agencies for Work Described in This Application.

AGENCY	TYPE APPROVAL*	IDENTIFICATION NUMBER	DATE APPLIED	DATE APPROVED	DATE DENIED
--------	----------------	-----------------------	--------------	---------------	-------------

* Would include but is not restricted to zoning, building, and flood plain permits

27. Application is hereby made for a permit or permits to authorize the work described in this application. I certify that the information in this application is complete and accurate. I further certify that I possess the authority to undertake the work described herein or am acting as the duly authorized agent of the applicant.

SIGNATURE OF APPLICANT

DATE

SIGNATURE OF AGENT

DATE

The application must be signed by the person who desires to undertake the proposed activity (applicant) or it may be signed by a duly authorized agent if the statement in block 11 has been filled out and signed.

18 U.S.C. Section 1001 provides that: Whoever, in any manner within the jurisdiction of any department or agency of the United States knowingly and willfully falsifies, conceals, or covers up any trick, scheme, or disguises a material fact or makes any false, fictitious or fraudulent statements or representations or makes or uses any false writing or document knowing same to contain any false, fictitious or fraudulent statements or entry, shall be fined not more than \$10,000 or imprisoned not more than five years or both.

**Instructions for Preparing a
Department of the Army Permit Application**

Blocks 1 through 4. To be completed by Corps of Engineers.

Block 5. Applicant's Name. Enter the name and the E-mail address of the responsible party or parties. If the responsible party is an agency, company, corporation, or other organization, indicate the name of the organization and responsible officer and title. If more than one party is associated with the application, please attach a sheet with the necessary information marked Block 5.

Block 6. Address of Applicant. Please provide the full address of the party or parties responsible for the application. If more space is needed, attach an extra sheet of paper marked Block 6.

Block 7. Applicant Telephone Number(s). Please provide the number where you can usually be reached during normal business hours.

Blocks 8 through 11. To be completed, if you choose to have an agent.

Block 8. Authorized Agent's Name and Title. Indicate name of individual or agency, designated by you, to represent you in this process. An agent can be an attorney, builder, contractor, engineer, or any other person or organization. Note: An agent is not required.

Blocks 9 and 10. Agent's Address and Telephone Number. Please provide the complete mailing address of the agent, along with the telephone number where he / she can be reached during normal business hours.

Block 11. Statement of Authorization. To be completed by applicant, if an agent is to be employed.

Block 12. Proposed Project Name or Title. Please provide name identifying the proposed project, e.g., Landmark Plaza, Burned Hills Subdivision, or Edsall Commercial Center.

Block 13. Name of Waterbody. Please provide the name of any stream, lake, marsh, or other waterway to be directly impacted by the activity. If it is a minor (no name) stream, identify the waterbody the minor stream enters.

Block 14. Proposed Project Street Address. If the proposed project is located at a site having a street address (not a box number), please enter it here.

Block 15. Location of Proposed Project. Enter the latitude and longitude of where the proposed project is located. If more space is required, please attach a sheet with the necessary information marked Block 15.

Block 16. Other Location Descriptions. If available, provide the Tax Parcel Identification number of the site, Section, Township, and Range of the site (if known), and / or local Municipality that the site is located in.

Block 17. Directions to the Site. Provide directions to the site from a known location or landmark. Include highway and street numbers as well as names. Also provide distances from known locations and any other information that would assist in locating the site. You may also provide description of the proposed project location, such as lot numbers, tract numbers, or you may choose to locate the proposed project site from a known point (such as the right descending bank of Smith Creek, one mile downstream from the Highway 14 bridge). If a large river or stream, include the river mile of the proposed project site if known

Block 18. Nature of Activity. Describe the overall activity or project. Give appropriate dimensions of structures such as wing walls, dikes (identify the materials to be used in construction, as well as the methods by which the work is to be done), or excavations (length, width, and height). Indicate whether discharge of dredged or fill material is involved. Also, identify any structure to be constructed on a fill, piles, or float-supported platforms.

The written descriptions and illustrations are an important part of the application. Please describe, in detail, what you wish to do. If more space is needed, attach an extra sheet of paper marked Block 18.

Block 19. Proposed Project Purpose. Describe the purpose and need for the proposed project. What will it be used for and why? Also include a brief description of any related activities to be developed as the result of the proposed project. Give the approximate dates you plan to both begin and complete all work.

Block 20. Reasons for Discharge. If the activity involves the discharge of dredged and/or fill material into a wetland or other waterbody, including the temporary placement of material, explain the specific purpose of the placement of the material (such as erosion control).

Block 21. Types of Material Being Discharged and the Amount of Each Type in Cubic Yards. Describe the material to be discharged and amount of each material to be discharged within Corps jurisdiction. Please be sure this description will agree with your illustrations. Discharge material includes: rock, sand, clay, concrete, etc.

Block 22. Surface Areas of Wetlands or Other Waters Filled. Describe the area to be filled at each location. Specifically identify the surface areas, or part thereof, to be filled. Also include the means by which the discharge is to be done (backhoe, dragline, etc.). If dredged material is to be discharged on an upland site, identify the site and the steps to be taken (if necessary) to prevent runoff from the dredged material back into a waterbody. If more space is needed, attach an extra sheet of paper marked Block 22.

Block 23. Description of Avoidance, Minimization, and Compensation. Provide a brief explanation describing how impacts to waters of the United States are being avoided and minimized on the project site. Also provide a brief description of how impacts to waters of the United States will be compensated for, or a brief statement explaining why compensatory mitigation should not be required for those impacts.

Block 24. Is Any Portion of the Work Already Complete? Provide any background on any part of the proposed project already completed. Describe the area already developed, structures completed, any dredged or fill material already discharged, the type of material, volume in cubic yards, acres filled, if a wetland or other waterbody (in acres or square feet). If the work was done under an existing Corps permit, identify the authorization, if possible.

Block 25. Names and Addresses of Adjoining Property Owners, Lessees, etc., Whose Property Adjoins the Project Site. List complete names and full mailing addresses of the adjacent property owners (public and private) lessees, etc., whose property adjoins the waterbody or aquatic site where the work is being proposed so that they may be notified of the proposed activity (usually by public notice). If more space is needed, attach an extra sheet of paper marked Block 24.

Information regarding adjacent landowners is usually available through the office of the tax assessor in the county or counties where the project is to be developed.

Block 26. Information about Approvals or Denials by Other Agencies. You may need the approval of other federal, state, or local agencies for your project. Identify any applications you have submitted and the status, if any (approved or denied) of each application. You need not have obtained all other permits before applying for a Corps permit.

Block 27. Signature of Applicant or Agent. The application must be signed by the owner or other authorized party (agent). This signature shall be an affirmation that the party applying for the permit possesses the requisite property rights to undertake the activity applied for (including compliance with special conditions, mitigation, etc.).

DRAWINGS AND ILLUSTRATIONS

General Information.

Three types of illustrations are needed to properly depict the work to be undertaken. These illustrations or drawings are identified as a Vicinity Map, a Plan View or a Typical Cross-Section Map. Identify each illustration with a figure or attachment number.

Please submit one original, or good quality copy, of all drawings on 8½ x11 inch plain white paper (electronic media may be substituted). Use the fewest number of sheets necessary for your drawings or illustrations.

Each illustration should identify the project, the applicant, and the type of illustration (vicinity map, plan view, or cross-section). **While illustrations need not be professional (many small, private project illustrations are prepared by hand), they should be clear, accurate, and contain all necessary information.**



NORTH DAKOTA
DEPARTMENT of HEALTH

ENVIRONMENTAL HEALTH SECTION
Gold Seal Center, 918 E. Divide Ave.
Bismarck, ND 58501-1947
701.328.5200 (fax)
www.ndhealth.gov



May 10, 2012

RECEIVED

Mr. Jerry D. Bents, P.E.
Houston Engineering, Inc.
1401 21st Avenue North
Fargo, ND 58102

MAY 16 2012

Houston Engineering, Inc.

Re: Mickelson Field Area Flood Risk Management – Project 5902
City of Fargo, Cass County

Dear Mr. Bents:

This department has reviewed the information concerning the above-referenced project submitted under date of May 2, 2012, with respect to possible environmental impacts.

This department believes that environmental impacts from the proposed construction will be minor and can be controlled by proper construction methods. With respect to construction, we have the following comments:

1. All necessary measures must be taken to minimize fugitive dust emissions created during construction activities. Any complaints that may arise are to be dealt with in an efficient and effective manner.
2. Care is to be taken during construction activity near any water of the state to minimize adverse effects on a water body. This includes minimal disturbance of stream beds and banks to prevent excess siltation, and the replacement and revegetation of any disturbed area as soon as possible after work has been completed. Caution must also be taken to prevent spills of oil and grease that may reach the receiving water from equipment maintenance, and/or the handling of fuels on the site. Guidelines for minimizing degradation to waterways during construction are attached.
3. Projects disturbing one or more acres are required to have a permit to discharge storm water runoff until the site is stabilized by the reestablishment of vegetation or other permanent cover. Further information on the storm water permit may be obtained from the Department's website or by calling the Division of Water Quality (701-328-5210). Also, cities may impose additional requirements and/or specific best management practices for construction affecting their storm drainage system. Check with the local officials to be sure any local storm water management considerations are addressed.
4. Noise from construction activities may have adverse effects on persons who live near the construction area. Noise levels can be minimized by ensuring that construction equipment is

equipped with a recommended muffler in good working order. Noise effects can also be minimized by ensuring that construction activities are not conducted during early morning or late evening hours.

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

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

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

Sincerely,

A handwritten signature in blue ink, appearing to read "L. David Glatt".

L. David Glatt, P.E., Chief
Environmental Health Section

LDG:cc
Attach.



Construction and Environmental Disturbance Requirements

These represent the minimum requirements of the North Dakota Department of Health. They ensure that minimal environmental degradation occurs as a result of construction or related work which has the potential to affect the waters of the State of North Dakota. All projects will be designed and implemented to restrict the losses or disturbances of soil, vegetative cover, and pollutants (chemical or biological) from a site.

Soils

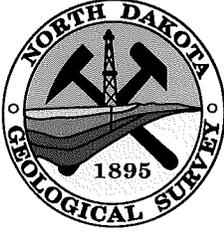
Prevent the erosion of exposed soil surfaces and trapping sediments being transported. Examples include, but are not restricted to, sediment dams or berms, diversion dikes, hay bales as erosion checks, riprap, mesh or burlap blankets to hold soil during construction, and immediately establishing vegetative cover on disturbed areas after construction is completed. Fragile and sensitive areas such as wetlands, riparian zones, delicate flora, or land resources will be protected against compaction, vegetation loss, and unnecessary damage.

Surface Waters

All construction which directly or indirectly impacts aquatic systems will be managed to minimize impacts. All attempts will be made to prevent the contamination of water at construction sites from fuel spillage, lubricants, and chemicals, by following safe storage and handling procedures. Stream bank and stream bed disturbances will be controlled to minimize and/or prevent silt movement, nutrient upsurges, plant dislocation, and any physical, chemical, or biological disruption. The use of pesticides or herbicides in or near these systems is forbidden without approval from this Department.

Fill Material

Any fill material placed below the high water mark must be free of top soils, decomposable materials, and persistent synthetic organic compounds (in toxic concentrations). This includes, but is not limited to, asphalt, tires, treated lumber, and construction debris. The Department may require testing of fill materials. All temporary fills must be removed. Debris and solid wastes will be removed from the site and the impacted areas restored as nearly as possible to the original condition.



North Dakota Geological Survey

Edward C. Murphy - State Geologist

Department of Mineral Resources

Lynn D. Helms - Director

North Dakota Industrial Commission

www.state.nd.us/ndgs

May 14, 2012

Mr. Jerry Bents
Houston Engineering, Inc.
1401 21st Avenue North
Fargo, ND 58102

Re: NEPA Section 102(2) (D) (IV) Letter – Request for Environmental Comment
City of Fargo, Mickelson Field Area Flood Risk Management (Project 5902)

Dear Mr. Bents,

The North Dakota Geological Survey (NDGS) appreciates the notification and opportunity to review and provide comment on your upcoming project work. The NEPA Section 102 (2) (D) (IV) comment solicitation letters sent to us, dated May 2, 2012, was reviewed on May 14, 2011. Regarding the project at the current proposed location, our agency would not have any properties in the described project areas under ownership nor of current property interest.

As you are likely well aware, the project area is located in the Glacial Lake Agassiz Plain adjacent to the Red River, and may be underlain by as much as 100 feet of soft and expansive, glacial-lake clays. These clays are problematic throughout the Red River Valley and make for difficult construction conditions for surface engineered works. Additionally, bank stability issues have also been of concern along the Red River main stem throughout the city of Fargo area.

We have recently completed a depth to bedrock map for the greater Fargo area (NDGS Geologic Investigation No. 142) that may be of interest from an engineering geologic perspective: https://www.dmr.nd.gov/ndgs/Publication_List/pdf/GEO.INV/GI_142.pdf

Please feel free to contact me at (701) 328-8000 or via email at fjanderson@nd.gov at any time if there are any questions or comments.

Sincerely,

North Dakota Geological Survey:


Fred J. Anderson
Geologist

FJA\



DATE: 5/22/2012

Send to: JERRY BENTZ

Attention:

Office Location:

Fax Number: 237-5101

From: BILL REISENAUER

409 1ST AVE N

FARGO,ND 58102

701-241-3214 OFFICE

701-241-4075 FAX

701-371-6245 WIRELESS

bill.reisenauer@centurylink.com

Number of Pages, Including Cover: 4

URGENT

REPLY ASAP

PLEASE COMMENT

PLEASE REVIEW

FOR YOUR INFORMATION

COMMENTS: CENTURYLINK HAS A CABLE THAT GOES TO THE CONCESSION AREA. LET ME KNOW IF YOU HAVE ANY QUESTIONS.

THANKS BILL

fax cover

Company Name
Street Address, City, ST ZIP Code Country
phone number | fax number

Fargo Corporate Office	701.237.5065	701.237.5101
------------------------	--------------	--------------

1401 21st Avenue North Fargo ND 58102



Houston Engineering Inc.

May 2, 2012

Dave Buen
 Qwest Communications
 409 1st Avenue North
 Fargo, ND 58102

SUBJECT: Mickelson Field Area Flood Risk Management – Project 5902
City of Fargo
H.E. Project No. 10_6059_035

On behalf of the City of Fargo, Houston Engineering, Inc. is working on design of a Flood Risk Management Project for the Mickelson Field Area. The Mickelson Field Area is located along Oak Street, generally between 8th and 11th Avenues North along the west side of the Red River of the North (see enclosed map).

A detailed description of the project is given below.

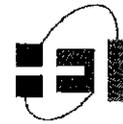
The proposed project will involve the construction of an earthen levee along the west side of the Red River in this area (see enclosed map). In order to install the levee, several of the existing ball fields and adjacent features that are operated by the Fargo Park District will be abandoned. The City of Fargo is actively working with the Park District to facilitate a replacement of these fields in a new location within the city. In addition, two existing under-performing lift stations will be abandoned and a new lift station installed at the line of protection that will provide for added pumping capacity.

It is anticipated that excess material for the construction of the levees will be imported. Nearly all property is currently under the ownership of the City of Fargo Park District, and the City is currently in the process of obtaining access rights to the remaining areas. Construction is intended to begin in the fall of 2012 and be completed in the summer of 2013.

To ensure that all social, economic, and environmental effects are considered in the development of this project, we are soliciting your views and comments on the proposed project pursuant to Section 102(2) (D) (IV) of the National Environmental Policy Act of 1969, as amended. We are particularly interested in any property which your department may own or have an interest in and which would be adjacent to the proposed project. We would also appreciate being made aware of any proposed developments your department may be contemplating in the areas under consideration for the proposed project. Any information that might help us in our studies would be appreciated.

HOUSTON ENGINEERING, INC.

Bismarck	P 701.323.0200	F 701.323.0300	Minot	P 701.852.7931	F 701.858.5655
Maple Grove	P 763.493.4522	F 763.493.5572	Thief River Falls	P 218.681.2951	F 218.681.2987



Houston Engineering Inc.

Page 2

Information or comments relating to environmental or other matters that you might furnish will be used in determining if this project is a "categorical exclusion" or whether an "Environmental Assessment" or a "Draft Environmental Impact Statement" will be prepared.

Please forward any comments or information you may have to our Fargo office on or before **June 4, 2012**. If we do not receive a reply from your office by this date, we will assume that you have no comments on this project.

Please forward any comments or information you may have to:

Houston Engineering, Inc.
Attn: Jerry Bents, PE
1401 21st Avenue North
Fargo, ND 58102

Thank you for your assistance. If you have questions or would like more information on the proposed improvements, please call Jerry Bents or Kristen Lotvedt, Houston Engineering, Inc., at (701) 237-5065, in Fargo, North Dakota.

Sincerely,

HOUSTON ENGINEERING, INC.

Jerry D. Bents, P.E.

JDB:
Enclosure

Mickelson Field Location Map

Mickelson Field Area

Century Lake
Cable





Southeast Cass
Water Resource
District

RECEIVED

MAY 22 2012

Houston Engineering, Inc.

Mark Brodshaug
Chairman
Fargo, North Dakota

Dan Jacobson
Manager
West Fargo, North Dakota

Lance Yohe
Manager
Fargo, North Dakota

May 21, 2012

Jerry Bents
Houston Engineering, Inc.
1401 21st Avenue North
Fargo, ND 58102

Dear Jerry:

RE: Mickelson Field Area Flood Risk Management – Project 5902
City of Fargo
H.E. Project No. 10_6059_035

This is to inform you that the Southeast Cass Water Resource District has no comment with regard to the above referenced project, as outlined in your letter of May 2, 2012.

Thank you.

Sincerely,

SOUTHEAST CASS WATER RESOURCE DISTRICT

Carol Harbeke Lewis
Secretary-Treasurer

Carol Harbeke Lewis
Secretary-Treasurer
1201 Main Avenue West
West Fargo, ND 58078-1301

701-298-2381
FAX 701-298-2397
wrld@casscountynnd.gov
www.casscountynnd.gov



Jack Dalrymple, Governor
Mark A. Zimmerman, Director

1600 East Century Avenue, Suite 3
Bismarck, ND 58503-0649
Phone 701-328-5357
Fax 701-328-5363
E-mail parkrec@nd.gov
www.parkrec.nd.gov

RECEIVED

MAY 25 2012

May 25, 2012

Houston Engineering, Inc.
Attn: Jerry Bents
1401 21 St. Ave. North
Fargo, ND 58102

Houston Engineering, Inc.
Houston Engineering, Inc.

Re: Mickelson Field Area Flood Risk Management – Project 5902, City of Fargo HE Project # 10-6059-035

Dear Mr. Bents,

The North Dakota Parks and Recreation Department (the Department) has reviewed the above referenced proposal for the construction of an earthen levee along the west side of the Red River in the City of Fargo.

Our agency scope of authority and expertise covers recreation and biological resources (in particular rare plants and ecological communities). The project as defined does not affect state park lands that we manage but may affect state Land and Water Conservation Fund (LWCF) project sites that we manage. A map with LWCF project locations has been attached. We have concerns regarding a Land and Water Conservation Fund (LWCF) site near the project area. The Fargo Boat/Canoe Access project (#38-01127) received assistance from the federal Land and Water Conservation Fund and is under protection of section 6(f) of the LWCF Act. Any property taken from within the 6f boundary of this site for non-recreational use must be replaced with property of equal market value. Should any public or private utilities need to be added or relocated on the LWCF recreational lands, the NDPRD must be consulted prior to any action taken. Please contact Jessica Riepl (701-328-5364 or jriep1@nd.gov) if additional LWCF information is needed.

The North Dakota Natural Heritage biological conservation database has been reviewed to determine if any current or historical plant or animal species of concern or other significant ecological communities are known to occur within an approximate one-mile radius of the project area. Based on this review, one plant of concern has been identified within or adjacent to the project areas. Please see the attached spreadsheet and maps for more specific information on these species. We defer further comments regarding animal species to the North Dakota Game and Fish Department and the United States Fish and Wildlife Service.

Because this information is not based on a comprehensive inventory, there may be species of concern or otherwise significant ecological communities in the area that are not represented in the database. The lack of data for any project area cannot be construed to mean that no significant features are present. The absence of data may indicate that the project area has not been surveyed, rather than confirm that the area lacks natural heritage resources.

The Department recommends that the project be accomplished with minimal impacts and that all efforts be made to ensure that critical habitats not be disturbed in the project area to help secure rare species conservation in North Dakota. Regarding any reclamation efforts, we recommend that any impacted areas be revegetated with species native to the project area.

We appreciate your commitment to rare plant, animal and ecological community conservation, management and inter-agency cooperation to date. For additional information please contact Kathy Duttenehner (701-328-5370 or kgduttenehner@nd.gov) of our staff. Thank you for the opportunity to comment on this proposed project.

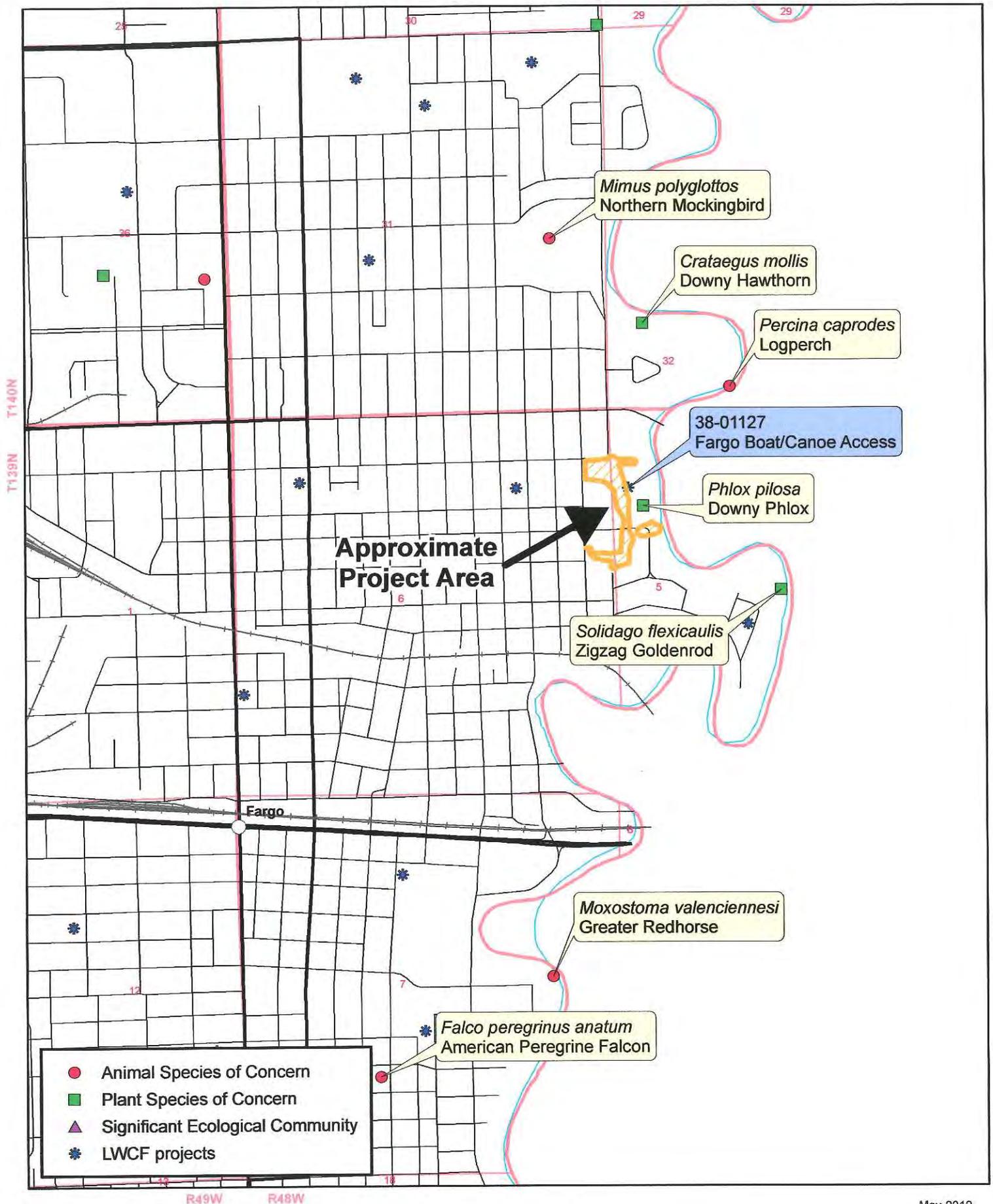
Sincerely,

Jesse Hanson, Manager
Planning and Natural Resources Division

R.USNDNHI*2012_124 KD5/22/2012DL6.4.2012

.....
Play in our backyard!

North Dakota Parks and Recreation Department North Dakota Natural Heritage Inventory



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

State Scientific Name	State Common Name	State Rank	Global Rank	Federal Status	Township Range Section	County	Last Observation	Estimated Representation Accuracy	Precision
<i>Crataegus mollis</i>	Downy Hawthorn	S1	G5		140N048W - 32; 140N049W - 28; 139N049W - 04; 139N049W - 11; 140N048W - 29; 140N049W - 21; 140N049W - 12; 140N049W - 34; 140N049W - 24; 140N048W - 31; 140N049W - 35; 139N048W - 30; 139N049W - 12; 139N048W - 18; 140N049W - 27; 139N048W - 06; 140N048W - 21	Cass	1913-06-08		G
<i>Falco peregrinus anatum</i>	American Peregrine Falcon	S1	G4T4		139N048W - 07; 139N049W - 01; 139N048W - 05; 139N049W - 13; 139N049W - 12; 139N048W - 18; 139N048W - 06; 139N048W - 08; 139N048W - 17	Cass	1990		M
<i>Mimus polyglottos</i>	Northern Mockingbird	SU	G5		140N048W - 31; 139N049W - 15; 140N048W - 19; 139N049W - 25; 140N049W - 26; 139N049W - 03; 140N048W - 21; 140N048W - 32; 140N049W - 36; 140N049W - 15; 140N048W - 06; 140N049W - 23; 139N048W - 06; 140N049W - 01; 139N049W - 23; 139N049W - 01; 139N049W - 24	Cass	1946-07-28		G
<i>Moxostoma valenciennesi</i>	Greater Redhorse	S2	G4		139N048W - 07	Cass	1974-10		S
<i>Percina caprodes</i>	Logperch	S3	G5		140N048W - 32; 140N048W - 31; 139N048W - 05; 139N048W - 06; 139N048W - 07; 139N048W - 08; 140N048W - 29; 140N048W - 30	Cass	1982		M
<i>Phlox pilosa</i>	Downy Phlox	S1	G5		139N048W - 05; 140N049W - 24; 139N048W - 08; 140N049W - 34; 139N049W - 22; 140N048W - 17; 140N049W - 26; 139N049W - 24; 140N049W - 22; 140N049W - 28; 139N049W - 04; 139N049W - 11; 140N048W - 29; 140N049W - 21; 140N049W - 12; 139N049W - 14; 139N049W - 27	Cass	1891		G
<i>Solidago flexicaulis</i>	Zigzag Goldenrod	S2	G5		139N048W - 05; 140N048W - 32; 139N048W - 06; 139N048W - 07; 139N048W - 08; 140N048W - 31	Cass	1937-09-03		M

North Dakota Natural Heritage Inventory Biological and Conservation Data Disclaimer

The quantity and quality of data collected by the North Dakota Natural Heritage Inventory are dependent on the research and observations of many individuals and organizations. In most cases, this information is not the result of comprehensive or site-specific field surveys; many natural areas in North Dakota have never been thoroughly surveyed, and new species are still being discovered. For these reasons, the Natural Heritage Inventory cannot provide a definite statement on the presence, absence, or condition of biological elements in any part of North Dakota. Natural Heritage data summarize the existing information known at the time of the request. Our data are continually upgraded and information is continually being added to the database. This data should never be regarded as final statements on the elements or areas that are being considered, nor should they be substituted for on-site surveys.

Estimated Representation Accuracy

Value that indicates the approximate percentage of the Element Occurrence Representation (EO Rep) that was observed to be occupied by the species or community (versus buffer area added for locational uncertainty). Use of estimated representation accuracy provides a common index for the consistent comparison of EO reps, thus helping to ensure that aggregated data are correctly analyzed and interpreted.

Very high (>95%)

High (>80%, <= 95%)

Medium (>20%, <= 80%)

Low (>0%, <= 20%)

Unknown

(null) - Not assessed

Precision

A single-letter code for the precision used to map the Element Occurrence (EO) on a U.S. Geological Survey (USGS) 7.5' (or 15') topographic quadrangle map, based on the previous Heritage methodology in which EOs were located on paper maps using dots.

S - Seconds: accuracy of locality mappable within a three-second radius; 100 meters from the centerpoint

M - Minute: accuracy of locality mappable within a one-minute radius; 2 km from the centerpoint

G - General: accuracy of locality mappable to map or place name precision only; 8 km from centerpoint

U - Unmappable

Midcontinent CDCs

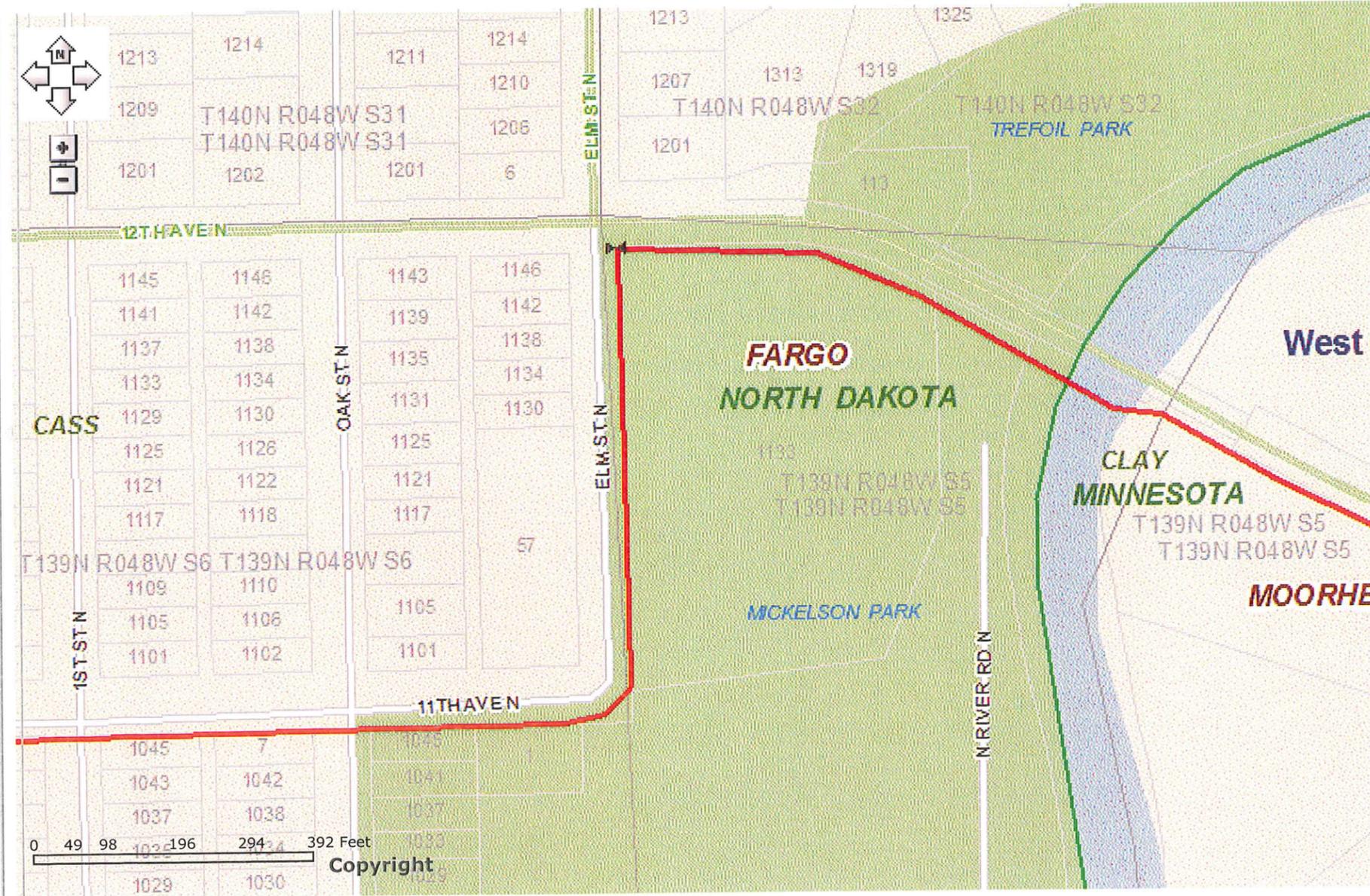
Add\Subtract from CDC Find CDC



Results ▾

Map Contents ▴

- LongHaul
 - Fiber Layers
 - Mile Markers
 - Locate Edits
 - Minnesota CDCs
 - North Dakota CDCs
 - South Dakota CDCs
 - Basemap
- World_Imagery
 - World Imagery
 - Low Resolution 15m Imagery
 - High Resolution 60cm Imagery
 - High Resolution 30cm Imagery



Over Fifty Years of Service

Dennis Zelmer
Construction Manager
West Fargo Region

50 22nd Street East
West Fargo, ND 58078
Office: 701/532-2016
Fax: 701/532-2001
Cell: 701/541-7976
dennis_zelmer@mimi.net
www.midcocomm.com



North Dakota State Water Commission

900 EAST BOULEVARD AVENUE, DEPT 770 • BISMARCK, NORTH DAKOTA 58505-0850
701-328-2750 • TDD 701-328-2750 • FAX 701-328-3696 • INTERNET: <http://swc.nd.gov>

May 30, 2012

Jerry Bents
Houston Engineering, Inc.
1401 21st Avenue North
Fargo, ND 58102

RECEIVED

JUN 01 2012

Houston Engineering, Inc.

Dear Mr. Bents:

This is in response to your request for review of environmental impacts associated with the Mickelson Field Area Flood Risk Management – Project 5902, City of Fargo, H.E. Project No. 10_6059_035. The Mickelson field Area is located along Oak Street, generally between 8th and 11th Avenues North along the west side of the Red River of the North.

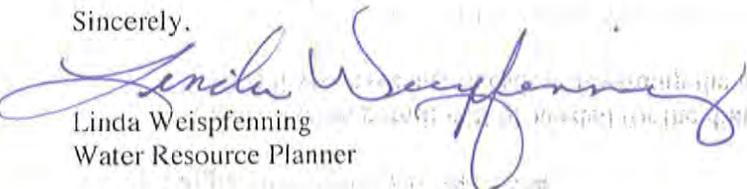
The proposed project has been reviewed by State Water Commission staff and the following comments are provided:

- There are floodplains identified and/or mapped where this proposed project is to take place. The area is designated as a Zone AE. North Dakota has no formal “permitting” authority as a state entity in the National Flood Insurance Program (NFIP) identified floodplain areas. The permitting is always done by the local entity, which has jurisdiction in the area in question. Please work closely with the County Administrators. The NFIP map used to make this determination is Fargo City/Cass Co. Map, Panel #3853640020E, Date 11/2/1995. The City of Fargo’s Floodplain Administrators are: Ron Strand, 701-241-1566 and April Walker; 200 N 3rd Street; Fargo, ND 58102; 701-241-1544.
- A construction permit will be needed for the dike. The permit application is enclosed. Please contact Dwight Comfort if you have any questions regarding the permit at 701-328-4949.
- It is the responsibility of the project sponsor to ensure that local, state and federal agencies are contacted for any required approvals, permits, and easements.
- All waste material associated with the project must be disposed of properly and not placed in identified floodway areas.
- No sole-source aquifers have been designated in ND.

There are no other concerns associated with this project that affect State Water Commission or State Engineer regulatory responsibilities.

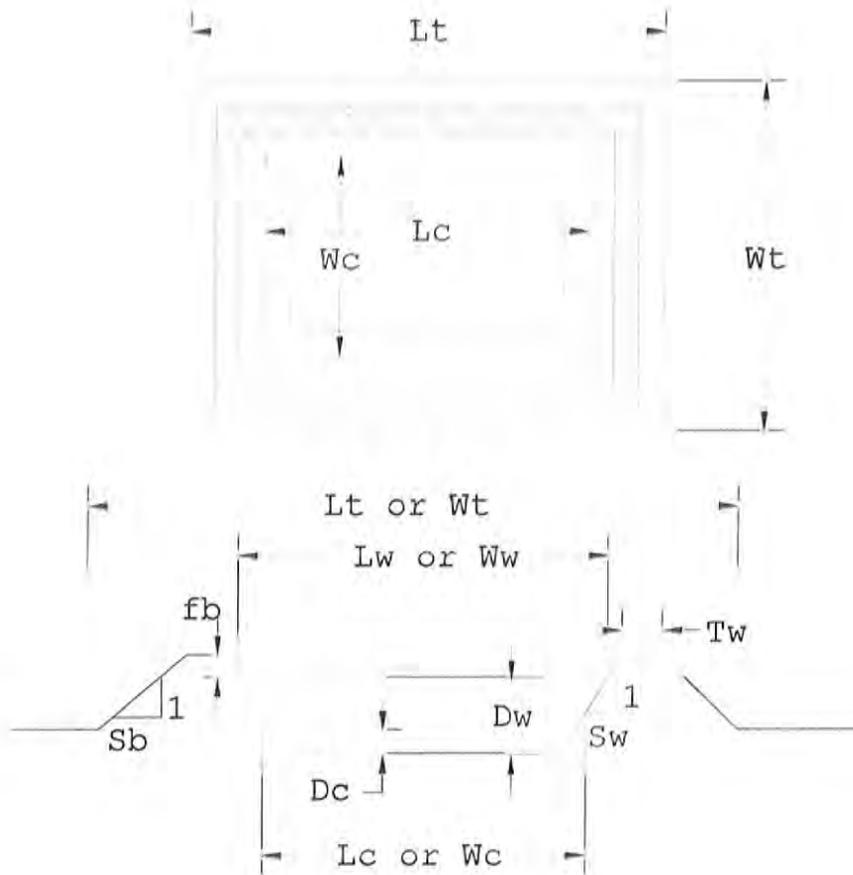
Thank you for the opportunity to provide review comments. If you have any questions, please call me at 701-328-4967.

Sincerely,


Linda Weispfenning
Water Resource Planner

LW:dp/1570

B. OTHER WATER RESOURCE FACILITY (continued):



DESCRIPTION	ABBREVIATION	DIMENSION (feet)
Total length of pond (includes banks)	L_t	
Total width of pond (includes banks)	W_t	
Length of water surface at full service level	L_w	
Width of water surface at full service level	W_w	
Length of cut into the soil surface	L_c	
Width of cut into the soil surface	W_c	
Depth of cut into soil surface	D_c	
Depth of water in the pond at the full service level	D_w	
Freeboard (the distance between the full service level and the top of the structure that is used to manage wave action, usually 2-3 feet)	fb	
Top width of embankment surrounding the pond	T_w	
Outside bank sideslope ratio (usually 4:1, which is 4 horizontal feet for every 1 foot of rise)	S_b	
Inside bank sideslope ratio (will vary between 4:1 and 6:1, depending on the soil type)	S_w	



RECEIVED

JUN 01 2012

Houston Engineering, Inc.

May 30, 2012

Houston Engineering, Inc.
Attn: Jerry Bents, PE
1401 21st Avenue North
Fargo, ND 58102

RE: Mickelson Field Area Flood Risk Management – Project 5902
City of Fargo
H.E. Project No. 10_6059_035

I am writing to inform you of the gas and electric utilities owned by Xcel Energy that may be impacted by the proposed project for the Mickelson Field Area. I have attached sketches of the existing gas and electric facilities in this area.

Please contact me with any further questions or information on the project.

Attn: Deb Thompson
Xcel Energy
PO Box 13038
Grand Forks, ND 58208-3038

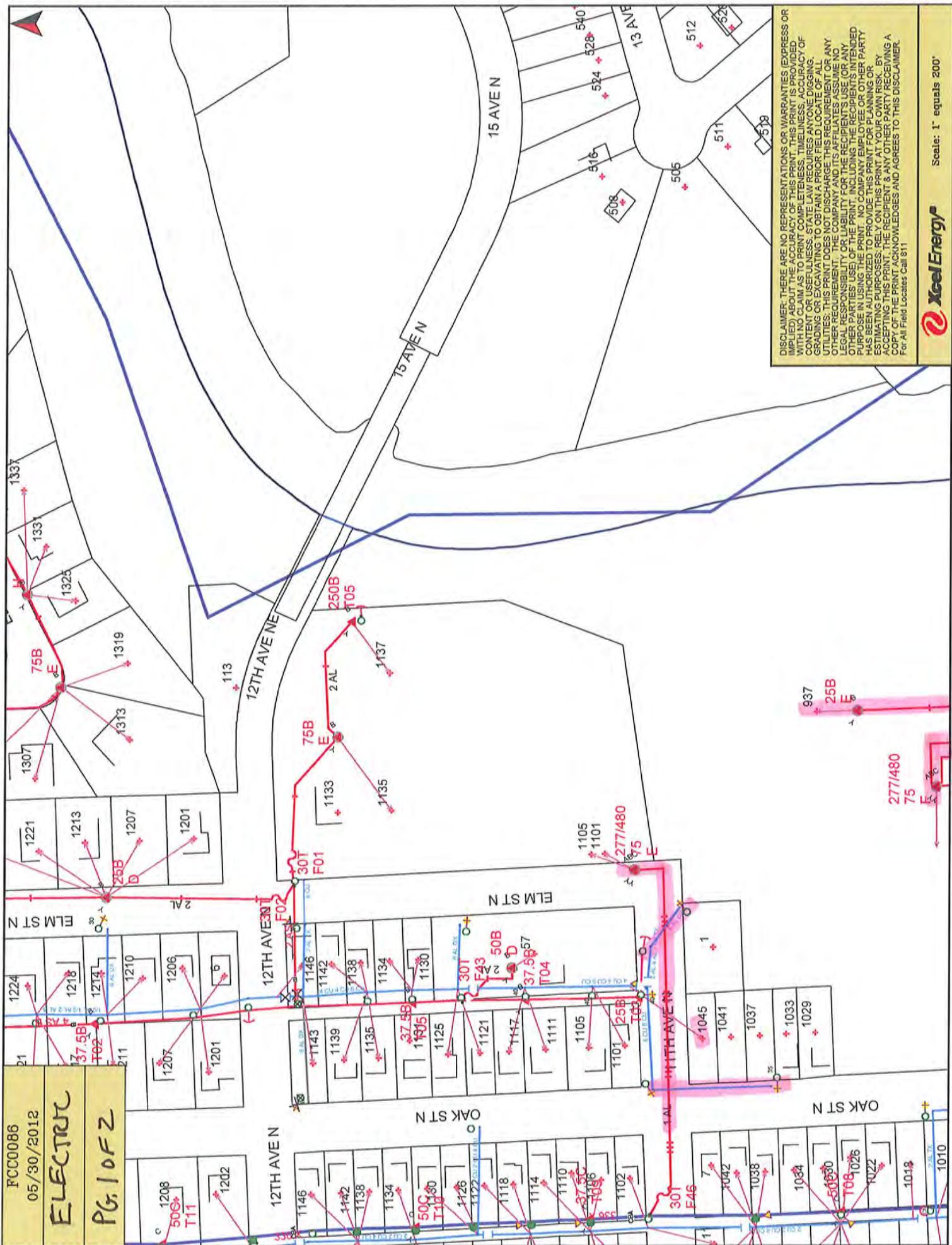
Office: 701-795-5229
Fax: 701-795-5297
e-mail: debora.l.thompson@xcelenergy.com.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Deb Thompson', written over a horizontal line.

Deb Thompson
Designer
Xcel Energy

Enc.

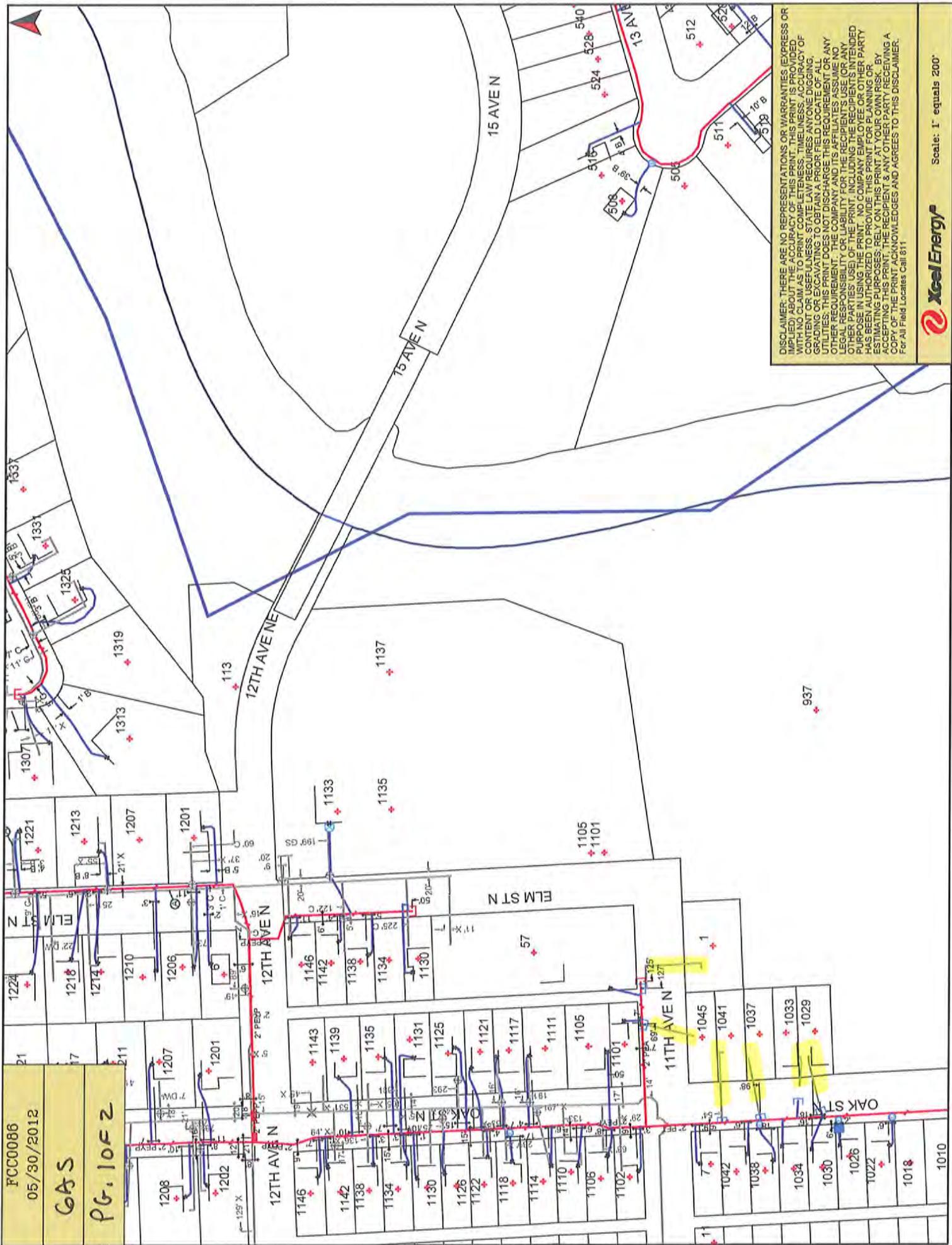


FCC0086
05/30/2012
ELECTRICAL
Pg. 1 of 2

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Scale: 1" equals 200'



FCC0086
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Scale: 1" equals 200'

United States Department of Agriculture



Natural Resources Conservation Service
P.O. Box 1458
Bismarck, ND 58502-1458

June 5, 2012

Jerry D. Bents
Houston Engineering Inc.
1401 21st Avenue North
Fargo, ND 58102

RE: Mickelson Field Area Flood Risk Management – Project 5902
City of Fargo
H. E. Project No. 10_6059_035

Dear Mr. Bents:

The Natural Resources Conservation Service (NRCS) has reviewed your letter dated May 2, 2012, concerning a design of a Flood Risk Management Project for the Mickelson Field Area located along Oak Street in Fargo, North Dakota.

NRCS has a major responsibility with the Farmland Protection Policy Act (FPPA) in documenting conversion of farmland (i.e., prime, statewide, and local importance) to non-agricultural use when federal funding is used. Your proposed project is within city limits where FPPA does not apply; therefore, no further action is required.

If you have additional questions pertaining to FPPA, please contact Steve Sieler, State Soil Liaison, at (701) 530-2019.

Sincerely,

A handwritten signature in black ink that reads "STEVEN J. SIELER" with "ACTING FOR" written below it in a smaller, less legible script.

STEVEN J. SIELER
State Soil Scientist/MO 7 Leader (Acting)

RECEIVED

JUN 07 2012



United States Department of the Interior

FISH AND WILDLIFE SERVICE

Ecological Services
3425 Miriam Avenue
Bismarck, North Dakota 58501

MAY 30 2012



RECEIVED

JUN 01 2012

Houston Engineering, Inc.

Jerry Bents, PE
Houston Engineering, Inc.
1401 21st Avenue North
Fargo, North Dakota 58102

Re: Mickelson Field Area Flood Risk Management –
Project 5902 City of Fargo
In reply, please reference TAILS #2012-CPA-0574

Dear Mr. Bents:

This is in response to your May 2, 2012, letter, concerning a proposed earthen levee and lift station installed along the west side of the Red River in the City of Fargo. The proposed construction is a part of the Flood Risk Management Project for the Mickelson Field area located along Oak Street, generally between 8th and 11th Avenues North. We offer the following comments under the authority of and in accordance with the Migratory Bird Treaty Act (MBTA) (16 U.S.C. 703 et seq.), Executive Order 13186 Responsibilities of Federal Agencies to Protect Migratory Birds, the Endangered Species Act (ESA) (16 U.S.C. 1531 et seq.), the National Environmental Policy Act (NEPA) (Pub. L. 91-190, 42 U.S.C. 4321-4347, January 1, 1970, as amended) and the National Wildlife Refuge System Improvement Act of 1997 (Public Law 105-57).

Project as described will have no significant impact on fish and wildlife resources. No endangered or threatened species are known to occupy the project area and/or are not likely to be adversely affected. If project design changes are made, please submit plans for review.

Threatened and Endangered Species

To obtain information on Service trust resources including federally threatened, endangered and candidate species and designated critical habitat that may occur in the identified areas, or may be affected by the proposed activities, we recommend you access the North Dakota Ecological Service Field Office website at (<http://www.fws.gov/northdakotafieldoffice/>). You may also access the Service Information, Planning, and Conservation System (IPaC) website at (<http://ecos.fws.gov/ipac/>).

If a Federal agency authorizes, funds, or carries out a proposed action, the responsible Federal agency, or its designated agent, is required to evaluate whether the action may affect listed species and critical habitat. If the Federal agency determines the action may affect, is likely to

adversely affect listed species and/or critical habitat, then the responsible Federal agency shall request formal section 7 consultation with this office, or work with this office to remove the likely adverse effects before proceeding. If the evaluation shows a no effect determination on listed species or critical habitat, further consultation is not necessary. If a non-Federal entity receives Federal funding for an activity, or if a Federal permit or license is required, the Federal funding, licensing, or permitting agency may designate in writing the fund recipient or permittee as its agent for purposes of informal section 7 consultation. The Federal action agency is responsible to ensure that its actions comply with the ESA, including obtaining concurrence from the Service for any action that may affect a threatened or endangered species or designated critical habitat prior to carrying out the activity, funding, permitting or licensing the activity.

Migratory Birds

The MBTA prohibits the taking, killing, possession, and transportation, (among other actions) of migratory birds, their eggs, parts, and nests, except when specifically permitted by regulations. While the MBTA has no provision for allowing incidental take, the Service realizes that some birds may be killed during project construction and operation even if all known reasonable and effective measures to protect birds are used. The Service Office of Law Enforcement carries out its mission to protect migratory birds through investigations and enforcement, as well as by fostering relationships with individuals, companies, and agencies that have taken effective steps to avoid take of migratory birds and by encouraging others to implement measures to avoid take of migratory birds. It is not possible to absolve individuals, companies, or agencies from liability even if they implement bird mortality avoidance or other similar protective measures. However, the Office of Law Enforcement focuses its resources on investigating and prosecuting individuals and companies that take migratory birds without identifying and implementing all reasonable, prudent, and effective measures to avoid that take. Individuals, companies and agencies are encouraged to work closely with Service biologists to identify available protective measures when developing project plans and/or avian protection plans, and to implement those measures prior to/during construction or similar activities.

To the extent practicable, schedule construction for late summer or fall/early winter so as not to disrupt migratory birds during the breeding season February 1 to July 15. If work is proposed to take place during the breeding season or at any other time which may result in the take of migratory birds, their eggs, or active nests, the Service recommends that the project proponent implement all practicable measures to avoid all take, such as suspending construction where necessary, and/or maintaining adequate buffers to protect the birds until the young have fledged. The Service further recommends that if you choose to conduct field surveys for nesting birds with the intent of avoiding take, that you maintain any documentation of the presence of migratory birds, eggs, and active nests, along with information regarding the qualifications of the biologist(s) performing the survey(s), and any avoidance measures implemented at the project site. Should surveys or other available information indicate a potential for take of migratory birds, their eggs, or active nests, the Service requests that you contact this office for further coordination on the extent of the impact and the long-term implications of the intended use of the project on migratory bird populations.

Bald and Golden Eagles

The BGEPA prohibits anyone without a permit issued by the Secretary of the Interior from taking bald eagles, including their parts, nests, or eggs. The Act provides criminal and civil penalties for persons who take, possess, sell, purchase, barter, offer to sell, purchase or barter, transport, export or import, at any time or any manner, any bald or golden eagle, alive or dead, or any part, nest, or egg thereof. The Act defines take as pursue, shoot, shoot at, poison, wound, kill, capture, trap, collect, molest or disturb. "Disturb means to agitate or bother a bald or golden eagle to a degree that causes, or is likely to cause, based on the best scientific information available, 1) injury to an eagle, 2) a decrease in its productivity, by substantially interfering with normal breeding, feeding, or sheltering behavior, or 3) nest abandonment, by substantially interfering with normal breeding, feeding, or sheltering behavior." In addition to immediate impacts, this definition also covers impacts that result from human-induced alterations initiated around a previously used nest site during a time when eagles are not present, if, upon the eagles return, such alterations agitate or bother an eagle to a degree that injures an eagle or substantially interferes with normal breeding, feeding, or sheltering habits and causes, or is likely to cause, a loss of productivity or nest abandonment.

Thank you for the opportunity to provide comments and if you have any questions or require additional information, please contact Karine Becker of my staff at telephone number (701) 250-4481, or at the letterhead address.

Sincerely,



Jeffrey K. Towner
Field Supervisor
North Dakota Field Office

cc: Regulatory Office, Army Corps of Engineers, Bismarck, ND
Attn: D. Cimarosti



North Dakota Department of Transportation

Francis G. Ziegler, P.E.
Director

Jack Dalrymple
Governor

June 12, 2012

Jerry D Bents, P.E.
Houston Engineering, Inc.
1401 21st Avenue North
Fargo, ND 58102

DESIGN A FLOOD RISK MANAGEMENT PROJECT FOR MIKELSON FIELD AREA,
CASS COUNTY, FARGO, NORTH DAKOTA

We have reviewed your May 2, 2012, letter.

This project should have no adverse effect on the North Dakota Department of Transportation highways.

However, if any work needs to be done on highway right-of-way, appropriate permits and risk management documents will need to be obtained from the Department of Transportation District Engineer, Robert Walton at 701-239-8903.

Handwritten signature of Robert A. Fode in blue ink.

ROBERT A. FODE, P.E., DIRECTOR – OFFICE OF PROJECT DEVELOPMENT

57/raf/js

c: Robert Walton, Fargo District Engineer

RECEIVED

JUN 15 2012

Houston Engineering, Inc.

Part 2

January 31, 2012 HMGP Letters and Responses

CITY OF Fargo Fire Department



January 31, 2012

Ms. Becky Rude
3203 32nd Ave S Suite 201
PO Box 9767
Fargo, ND 58106-9767

Ms. Rude:

I have reviewed two letters addressed to former Fire Chief Bruce Hoover concerning the improvement projects for Lift Station #29 and Lift Station #2. I reviewed them with my Senior Staff and we have concluded that the projects in question will have no impact on our current or future operations.

Thank you for consulting with us prior to the project. We wish you the best in your completion of these projects. If you have any questions please feel free to contact me at any time.

Sincerely,

A handwritten signature in blue ink that reads "Steven J. Dirksen". The signature is fluid and cursive.

Steven J. Dirksen
Fire Chief, City of Fargo



Fargo-Moorhead Metropolitan Council of Governments

701.232.3242 • FAX 701.232.5043 • Case Plaza Suite 232 • One 2nd Street North • Fargo, North Dakota 58102-4807

Email: metrocof@fmmetrocog.org

<http://www.fmmetrocog.org>

February 9, 2012

Ms. Becky Rude
Environmental Planner
Kadmas Lee & Jackson
3203 32nd Avenue South Suite 201
PO Box 9767
Fargo, North Dakota 58106-9767



Re: Utility Improvements, Fargo North Dakota

Dear Ms. Rude:

Metro COG has reviewed the letter dated January 20, 2012 regarding proposed utility improvements along the Red River in Fargo, North Dakota. We have no comments regarding potential environmental impacts from the proposed project. However, we would request that KLJ staff maintain the existing shared use path facility at that location, or relocate it on top of the levee to maintain connectivity for non-motorized transportation. The supporting documentation provided with the January 20 letter does not illustrate the existing shared use path.

Sincerely,

Wade E. Kline
Executive Director



United States Department of the Interior

BUREAU OF INDIAN AFFAIRS
Great Plains Regional Office MC-208
115 Fourth Avenue S.E., Suite 400
Aberdeen, South Dakota 57401



IN REPLY REFER TO:
DESCRM
MC-208

JAN 31 2012



Ms. Becky Rude
Environmental Planner
Kadmas Lee & Jackson
P.O. Box 9767
Fargo, North Dakota 58106-9767

Dear Ms. Rude:

We received your letters regarding the proposed utility improvement projects in Fargo, North Dakota. We have considered the potential for both environmental damage and impacts to archaeological and Native American religious sites on lands held in trust by the Bureau of Indian Affairs, Great Plains Region. You should be aware, however, that Tribes or Tribal members may have lands in fee status near the sites of interest. These lands would not necessarily be in our databases, and the Tribes should be contacted directly to ensure all concerns are recognized. The actions considered have the following notification dates and project locations:

- January 20, 2012 Re: Utility Improvements (Lift Station #29 & Lift Station #38)
Fargo, North Dakota
- January 20, 2012 Re: Utility Improvements (Lift Station #2)
Fargo, North Dakota

We have no environmental objections to these actions as long as the projects comply with all pertinent laws and regulations. Questions regarding environmental opinions and conditions can be addressed to Jeffrey R. Davis, Environmental Protection Specialist, at (605) 226-7656.

We also find that the listed actions will not affect cultural resources on Tribal or individual landholdings for which we are responsible. Methodologies for the treatment of cultural resources now known or yet to be discovered – particularly human remains – must nevertheless utilize the best available science in accordance with provisions of the Native American Graves Protection and Repatriation Act, the Archaeological Resources Protection Act of 1979 (as amended), and all other pertinent legislation and implementing regulations. Archaeological concerns can be addressed to Dr. Carson N. Murdy, Regional Archaeologist, at (605) 226-7656.

Sincerely,

Alice A. Herwood

Deputy Regional Director – Indian Services



FEMA

R8-Mitigation

February 8, 2012]

Kadmas Lee & Jackson
Becky Rude, Environmental Planner
3203 32nd Ave S Suite 201
Fargo, ND 58106-9767



Dear Ms Rude:

Thank you for your invitation to comment on the utility improvements in Fargo, North Dakota, Lift Station #29 and Lift Station #38. For floodplain management purposes, FEMA's major concern is if the proposed project is located within a mapped Special Flood Hazard Area on a FEMA Flood Insurance Rate Map (FIRM). Under the National Flood Insurance Program (NFIP), development in these areas requires further consideration.

Our records show that the City of Fargo is a participating community in the NFIP and has a FIRM dated 09/04/2002. We recommend that you contact the local Floodplain Manager for the City of Fargo, R. Strand, Floodplain Administrator, phone 701-241-1566 or email at rstrnd@cityoffargo.com to receive further guidelines regarding any special permits required in order to adhere to the regulations and policies of the NFIP.

Please feel free to contact me at 303-235-4721 if you require additional assistance. Thank you for giving us the opportunity to assist you in this project.

Sincerely,


Dave Kyner
Natural Hazards Program Specialist



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
CORPS OF ENGINEERS, OMAHA DISTRICT
NORTH DAKOTA REGULATORY OFFICE
1513 SOUTH 12TH STREET
BISMARCK ND 58504-6640

January 26, 2012



North Dakota Regulatory Office

Kadrmass, Lee and Jackson Inc.
Attn: Becky Rude, Environmental Planner
3203 32nd Avenue S, Suite 201
PO Box 9767
Fargo, North Dakota 58106-9767

Dear Ms. Rude:

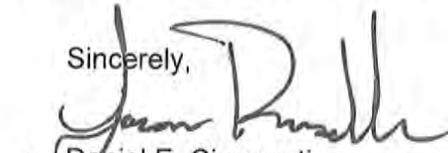
This is in response to a letter received January 23, 2012 on behalf of the City of Fargo, requesting Department of the Army, U.S. Army Corps of Engineers (Corps) comments regarding improvements involving two existing lift stations (Lift Station #38 and #29) in Fargo, North Dakota.

Corps regulatory offices administer Section 10 of the Rivers and Harbors Act and Section 404 of the Clean Water Act. Section 10 of the Rivers and Harbors Act regulates work impacting navigable waters. Work over, in, or under navigable waters is considered to have an impact. Section 404 of the Clean Water Act regulates the discharge of dredge or fill material (temporarily or permanently) in waters of the United States. Waters of the United States may include, but are not limited to, rivers, streams, ditches, coulees, lakes, ponds, and their adjacent wetlands. Fill material includes, but is not limited to, rock, sand, soil, clay, plastics, construction debris, wood chips, overburden from mines or other excavation activities and materials used to create any structure or infrastructure in the waters of the United States.

Please submit a location map and completed Corps permit application (copy enclosed) describing all proposed work and construction methodology, to the letterhead address if a Section 10/404 permit is required.

Do not hesitate to contact this office by letter or telephone (701-255-0015) if we can be of further assistance.

Sincerely,


Daniel E. Cimarosti
Regulatory Program Manager
North Dakota

Enclosure

**Instructions for Preparing a
Department of the Army Permit Application**

Blocks 1 through 4. To be completed by Corps of Engineers.

Block 5. Applicant's Name. Enter the name and the E-mail address of the responsible party or parties. If the responsible party is an agency, company, corporation, or other organization, indicate the name of the organization and responsible officer and title. If more than one party is associated with the application, please attach a sheet with the necessary information marked Block 5.

Block 6. Address of Applicant. Please provide the full address of the party or parties responsible for the application. If more space is needed, attach an extra sheet of paper marked Block 6.

Block 7. Applicant Telephone Number(s). Please provide the number where you can usually be reached during normal business hours.

Blocks 8 through 11. To be completed, if you choose to have an agent.

Block 8. Authorized Agent's Name and Title. Indicate name of individual or agency, designated by you, to represent you in this process. An agent can be an attorney, builder, contractor, engineer, or any other person or organization. Note: An agent is not required.

Blocks 9 and 10. Agent's Address and Telephone Number. Please provide the complete mailing address of the agent, along with the telephone number where he / she can be reached during normal business hours.

Block 11. Statement of Authorization. To be completed by applicant, if an agent is to be employed.

Block 12. Proposed Project Name or Title. Please provide name identifying the proposed project, e.g., Landmark Plaza, Burned Hills Subdivision, or Edsall Commercial Center.

Block 13. Name of Waterbody. Please provide the name of any stream, lake, marsh, or other waterway to be directly impacted by the activity. If it is a minor (no name) stream, identify the waterbody the minor stream enters.

Block 14. Proposed Project Street Address. If the proposed project is located at a site having a street address (not a box number), please enter it here.

Block 15. Location of Proposed Project. Enter the latitude and longitude of where the proposed project is located. If more space is required, please attach a sheet with the necessary information marked Block 15.

Block 16. Other Location Descriptions. If available, provide the Tax Parcel Identification number of the site, Section, Township, and Range of the site (if known), and / or local Municipality that the site is located in.

Block 17. Directions to the Site. Provide directions to the site from a known location or landmark. Include highway and street numbers as well as names. Also provide distances from known locations and any other information that would assist in locating the site. You may also provide description of the proposed project location, such as lot numbers, tract numbers, or you may choose to locate the proposed project site from a known point (such as the right descending bank of Smith Creek, one mile downstream from the Highway 14 bridge). If a large river or stream, include the river mile of the proposed project site if known

Block 18. Nature of Activity. Describe the overall activity or project. Give appropriate dimensions of structures such as wing walls, dikes (identify the materials to be used in construction, as well as the methods by which the work is to be done), or excavations (length, width, and height). Indicate whether discharge of dredged or fill material is involved. Also, identify any structure to be constructed on a fill, piles, or float-supported platforms.

The written descriptions and illustrations are an important part of the application. Please describe, in detail, what you wish to do. If more space is needed, attach an extra sheet of paper marked Block 18.

Block 19. Proposed Project Purpose. Describe the purpose and need for the proposed project. What will it be used for and why? Also include a brief description of any related activities to be developed as the result of the proposed project. Give the approximate dates you plan to both begin and complete all work.

Block 20. Reasons for Discharge. If the activity involves the discharge of dredged and/or fill material into a wetland or other waterbody, including the temporary placement of material, explain the specific purpose of the placement of the material (such as erosion control).

Block 21. Types of Material Being Discharged and the Amount of Each Type in Cubic Yards. Describe the material to be discharged and amount of each material to be discharged within Corps jurisdiction. Please be sure this description will agree with your illustrations. Discharge material includes: rock, sand, clay, concrete, etc.

Block 22. Surface Areas of Wetlands or Other Waters Filled. Describe the area to be filled at each location. Specifically identify the surface areas, or part thereof, to be filled. Also include the means by which the discharge is to be done (backhoe, dragline, etc.). If dredged material is to be discharged on an upland site, identify the site and the steps to be taken (if necessary) to prevent runoff from the dredged material back into a waterbody. If more space is needed, attach an extra sheet of paper marked Block 22.

Block 23. Description of Avoidance, Minimization, and Compensation. Provide a brief explanation describing how impacts to waters of the United States are being avoided and minimized on the project site. Also provide a brief description of how impacts to waters of the United States will be compensated for, or a brief statement explaining why compensatory mitigation should not be required for those impacts.

Block 24. Is Any Portion of the Work Already Complete? Provide any background on any part of the proposed project already completed. Describe the area already developed, structures completed, any dredged or fill material already discharged, the type of material, volume in cubic yards, acres filled, if a wetland or other waterbody (in acres or square feet). If the work was done under an existing Corps permit, identify the authorization, if possible.

Block 25. Names and Addresses of Adjoining Property Owners, Lessees, etc., Whose Property Adjoins the Project Site. List complete names and full mailing addresses of the adjacent property owners (public and private) lessees, etc., whose property adjoins the waterbody or aquatic site where the work is being proposed so that they may be notified of the proposed activity (usually by public notice). If more space is needed, attach an extra sheet of paper marked Block 24.

Information regarding adjacent landowners is usually available through the office of the tax assessor in the county or counties where the project is to be developed.

Block 26. Information about Approvals or Denials by Other Agencies. You may need the approval of other federal, state, or local agencies for your project. Identify any applications you have submitted and the status, if any (approved or denied) of each application. You need not have obtained all other permits before applying for a Corps permit.

Block 27. Signature of Applicant or Agent. The application must be signed by the owner or other authorized party (agent). This signature shall be an affirmation that the party applying for the permit possesses the requisite property rights to undertake the activity applied for (including compliance with special conditions, mitigation, etc.).

DRAWINGS AND ILLUSTRATIONS

General Information.

Three types of illustrations are needed to properly depict the work to be undertaken. These illustrations or drawings are identified as a Vicinity Map, a Plan View or a Typical Cross-Section Map. Identify each illustration with a figure or attachment number.

Please submit one original, or good quality copy, of all drawings on 8½ x11 inch plain white paper (electronic media may be substituted). Use the fewest number of sheets necessary for your drawings or illustrations.

Each illustration should identify the project, the applicant, and the type of illustration (vicinity map, plan view, or cross-section). **While illustrations need not be professional (many small, private project illustrations are prepared by hand), they should be clear, accurate, and contain all necessary information.**

**U.S. ARMY CORPS OF ENGINEERS
APPLICATION FOR DEPARTMENT OF THE ARMY PERMIT
(33 CFR 325)**

OMB APPROVAL NO. 0710-0003
EXPIRES: 31 AUGUST 2012

Public reporting for this collection of information is estimated to average 11 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of the collection of information, including suggestions for reducing this burden, to Department of Defense, Washington Headquarters, Executive Services and Communications Directorate, Information Management Division and to the Office of Management and Budget, Paperwork Reduction Project (0710-0003). Respondents should be aware that notwithstanding any other provision of law, no person shall be subject to any penalty for failing to comply with a collection of information if it does not display a currently valid OMB control number. Please **DO NOT RETURN** your form to either of those addresses. Completed applications must be submitted to the District Engineer having jurisdiction over the location of the proposed activity.

PRIVACY ACT STATEMENT

Authorities: Rivers and Harbors Act, Section 10, 33 USC 403; Clean Water Act, Section 404, 33 USC 1344; Marine Protection, Research, and Sanctuaries Act, Section 103, 33 USC 1413; Regulatory Programs of the Corps of Engineers; Final Rule 33 CFR 320-332. Principal Purpose: Information provided on this form will be used in evaluating the application for a permit. Routine Uses: This information may be shared with the Department of Justice and other federal, state, and local government agencies, and the public and may be made available as part of a public notice as required by Federal law. Submission of requested information is voluntary, however, if information is not provided the permit application cannot be evaluated nor can a permit be issued. One set of original drawings or good reproducible copies which show the location and character of the proposed activity must be attached to this application (see sample drawings and/or instructions) and be submitted to the District Engineer having jurisdiction over the location of the proposed activity. An application that is not completed in full will be returned.

(ITEMS 1 THRU 4 TO BE FILLED BY THE CORPS)

1. APPLICATION NO.	2. FIELD OFFICE CODE	3. DATE RECEIVED	4. DATE APPLICATION COMPLETE
--------------------	----------------------	------------------	------------------------------

(ITEMS BELOW TO BE FILLED BY APPLICANT)

5. APPLICANT'S NAME First - Middle - Last - Company - E-mail Address -			8. AUTHORIZED AGENT'S NAME AND TITLE (agent is not required) First - Middle - Last - Company - E-mail Address -		
6. APPLICANT'S ADDRESS: Address- City - State - Zip - Country -			9. AGENT'S ADDRESS: Address- City - State - Zip - Country -		
7. APPLICANT'S PHONE NOs. w/AREA CODE a. Residence b. Business c. Fax			10. AGENTS PHONE NOs. w/AREA CODE a. Residence b. Business c. Fax		

STATEMENT OF AUTHORIZATION

11. I hereby authorize, _____ to act in my behalf as my agent in the processing of this application and to furnish, upon request, supplemental information in support of this permit application.

SIGNATURE OF APPLICANT DATE

NAME, LOCATION, AND DESCRIPTION OF PROJECT OR ACTIVITY

12. PROJECT NAME OR TITLE (see instructions)			
13. NAME OF WATERBODY, IF KNOWN (if applicable)		14. PROJECT STREET ADDRESS (if applicable) Address	
15. LOCATION OF PROJECT Latitude: °N Longitude: °W		City - State- Zip-	
16. OTHER LOCATION DESCRIPTIONS, IF KNOWN (see instructions) State Tax Parcel ID Municipality Section - Township - Range -			

17. DIRECTIONS TO THE SITE

18. Nature of Activity (Description of project, include all features)

19. Project Purpose (Describe the reason or purpose of the project, see instructions)

USE BLOCKS 20-23 IF DREDGED AND/OR FILL MATERIAL IS TO BE DISCHARGED

20. Reason(s) for Discharge

21. Type(s) of Material Being Discharged and the Amount of Each Type in Cubic Yards:

Type Amount in Cubic Yards	Type Amount in Cubic Yards	Type Amount in Cubic Yards
-------------------------------	-------------------------------	-------------------------------

22. Surface Area in Acres of Wetlands or Other Waters Filled (see instructions)

Acres
or
Linear Feet

23. Description of Avoidance, Minimization, and Compensation (see instructions)

24. Is Any Portion of the Work Already Complete? Yes No IF YES, DESCRIBE THE COMPLETED WORK

25. Addresses of Adjoining Property Owners, Lessees, Etc., Whose Property Adjoins the Waterbody (if more than can be entered here, please attach a supplemental list).

a. Address-

City - State - Zip -

b. Address-

City - State - Zip -

c. Address-

City - State - Zip -

d. Address-

City - State - Zip -

e. Address-

City - State - Zip -

26. List of Other Certificates or Approvals/Denials received from other Federal, State, or Local Agencies for Work Described in This Application.

AGENCY	TYPE APPROVAL*	IDENTIFICATION NUMBER	DATE APPLIED	DATE APPROVED	DATE DENIED

* Would include but is not restricted to zoning, building, and flood plain permits

27. Application is hereby made for permit or permits to authorize the work described in this application. I certify that this information in this application is complete and accurate. I further certify that I possess the authority to undertake the work described herein or am acting as the duly authorized agent of the applicant.

SIGNATURE OF APPLICANT

DATE

SIGNATURE OF AGENT

DATE

The Application must be signed by the person who desires to undertake the proposed activity (applicant) or it may be signed by a duly authorized agent if the statement in block 11 has been filled out and signed.

18 U.S.C. Section 1001 provides that: Whoever, in any manner within the jurisdiction of any department or agency of the United States knowingly and willfully falsifies, conceals, or covers up any trick, scheme, or disguises a material fact or makes any false, fictitious or fraudulent statements or representations or makes or uses any false writing or document knowing same to contain any false, fictitious or fraudulent statements or entry, shall be fined not more than \$10,000 or imprisoned not more than five years or both.



Natural Resources Conservation Service
P.O. Box 1458
Bismarck, ND 58502-1458



January 31, 2012

Becky Rude
Kadrmaz, Lee & Jackson
3203 32nd Ave S, Suite 201
PO Box 9767
Fargo, ND 58106-9767

RE: Utility Improvements
Fargo, ND

Dear Ms. Rude:

The Natural Resources Conservation Service (NRCS) has reviewed your letter dated January 20, 2012, concerning lift stations #29 and #38 utility improvements in Fargo, North Dakota.

NRCS has a major responsibility with the Farmland Protection Policy Act (FPPA) in documenting conversion of farmland (i.e., prime, statewide, and local importance) to non-agricultural use when federal funding is used. Your proposed project is within city limits where FPPA does not apply; therefore, no further action is required.

If you have additional questions pertaining to FPPA, please contact Steve Sieler, State Soil Liaison, at (701) 530-2019.

Sincerely,

A handwritten signature in blue ink that reads "Steve Sieler acting".

MICHAEL G. ULMER
State Soil Scientist/MO 7 Leader (Acting)

Leech Lake Band of Ojibwe



Arthur "Archie" Larose, Chairman
Donald "Mick" Finn, Secretary/Treasurer

District I Representative
Robbie Howe

District II Representative
Steven White

District III Representative
Eugene "Ribs" Whitebird

January 24, 2012

Kadrmass, Lee & Jackson
Attn: Becky Rude
3203 32nd Ave S Suite 201
Fargo, ND 58106-9767



RE: **Utility Improvements to Lift Station #'s 29 and 38**
Fargo, Cass County, North Dakota
LLBO Land Claim Area
LLTHPO# 12-008-NCRI-LCA

Dear Ms Rude:

Thank you for the opportunity to comment on the above-referenced project. It has been reviewed pursuant to the responsibilities given the Tribal Historic Preservation Officer (THPO) by the National Historic Preservation Act of 1966, as amended in 1992 and the Procedures of the Advisory Council on Historic Preservation (38CFR800).

I have reviewed the documentation; after careful consideration of our records, I have determined that the Leech Lake Band of Ojibwe does not have any known recorded sites of religious or cultural importance in these areas.

Should any human remains or suspected human remains be encountered, all work shall cease and the following personnel should be notified immediately in this order: County Sheriff's Office and Office of the State Archaeologist. If any human remains or culturally affiliated objects are inadvertently discovered this will prompt the process to which the Band will become informed.

Please note: The above determination does not "exempt" future projects from Section 106 review. In the event of any other tribe notifying us of concerns for a specific project, we may re-enter into the consultation process.

You may contact me at (218) 335-2940 if you have questions regarding our review of these projects. Please refer to the LL-THPO Number as stated above in all correspondence with this project.

Respectfully submitted,


Gina M. Lemon
Tribal Historic Preservation Officer

Leech Lake Tribal Historic Preservation Office * Established in 1996

An office within the Division of Resource Management
115 Sixth Street NW, Suite E * Cass Lake, Minnesota 56633
(218) 335-2940 * FAX (218) 335-2974

gilemon@live.com or www.nathpo.org (Active Members since 1998)



January 30, 2012

Ms. Becky Rude
Environmental Planner
Kadmas Lee & Jackson, Inc.
P.O. Box 9767
Fargo, ND 58106-9767



Re: Improvements to Lift Stations #2, #29 and #38, Fargo, Cass County

Dear Ms. Rude:

This department has reviewed the information concerning the above-referenced projects submitted under date of January 20, 2012, with respect to possible environmental impacts.

This department believes that environmental impacts from the proposed construction will be minor and can be controlled by proper construction methods. With respect to construction, we have the following comments:

1. All necessary measures must be taken to minimize fugitive dust emissions created during construction activities. Any complaints that may arise are to be dealt with in an efficient and effective manner.
2. Care is to be taken during construction activity near any water of the state to minimize adverse effects on a water body. This includes minimal disturbance of stream beds and banks to prevent excess siltation, and the replacement and revegetation of any disturbed area as soon as possible after work has been completed. Caution must also be taken to prevent spills of oil and grease that may reach the receiving water from equipment maintenance, and/or the handling of fuels on the site. Guidelines for minimizing degradation to waterways during construction are attached.
3. Projects disturbing one or more acres are required to have a permit to discharge storm water runoff until the site is stabilized by the reestablishment of vegetation or other permanent cover. Further information on the storm water permit may be obtained from the Department's website or by calling the Division of Water Quality (701-328-5210). Also, cities may impose additional requirements and/or specific best management practices for construction affecting their storm drainage system. Check with the local officials to be sure any local storm water management considerations are addressed.
4. All necessary measures must be taken to minimize the disturbance of any asbestos-containing material and to prevent any asbestos fiber release episodes. Any facility that is to

be renovated or demolished must be inspected for asbestos. Notification of the Department's Division of Air Quality (701-328-5188) is required before any demolition. Removal of any friable asbestos-containing material must be accomplished in accordance with section 33-15-13-02 of the North Dakota air pollution control rules.

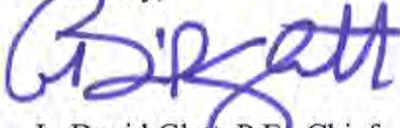
5. Noise from construction activities may have adverse effects on persons who live near the construction area. Noise levels can be minimized by ensuring that construction equipment is equipped with a recommended muffler in good working order. Noise effects can also be minimized by ensuring that construction activities are not conducted during early morning or late evening hours.

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

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

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

Sincerely,



L. David Glatt, P.E., Chief
Environmental Health Section

LDG:cc
Attach.



Construction and Environmental Disturbance Requirements

These represent the minimum requirements of the North Dakota Department of Health. They ensure that minimal environmental degradation occurs as a result of construction or related work which has the potential to affect the waters of the State of North Dakota. All projects will be designed and implemented to restrict the losses or disturbances of soil, vegetative cover, and pollutants (chemical or biological) from a site.

Soils

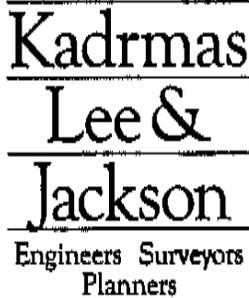
Prevent the erosion of exposed soil surfaces and trapping sediments being transported. Examples include, but are not restricted to, sediment dams or berms, diversion dikes, hay bales as erosion checks, riprap, mesh or burlap blankets to hold soil during construction, and immediately establishing vegetative cover on disturbed areas after construction is completed. Fragile and sensitive areas such as wetlands, riparian zones, delicate flora, or land resources will be protected against compaction, vegetation loss, and unnecessary damage.

Surface Waters

All construction which directly or indirectly impacts aquatic systems will be managed to minimize impacts. All attempts will be made to prevent the contamination of water at construction sites from fuel spillage, lubricants, and chemicals, by following safe storage and handling procedures. Stream bank and stream bed disturbances will be controlled to minimize and/or prevent silt movement, nutrient upsurges, plant dislocation, and any physical, chemical, or biological disruption. The use of pesticides or herbicides in or near these systems is forbidden without approval from this Department.

Fill Material

Any fill material placed below the high water mark must be free of top soils, decomposable materials, and persistent synthetic organic compounds (in toxic concentrations). This includes, but is not limited to, asphalt, tires, treated lumber, and construction debris. The Department may require testing of fill materials. All temporary fills must be removed. Debris and solid wastes will be removed from the site and the impacted areas restored as nearly as possible to the original condition.



2/15

January 20, 2012

Mr. Steve Dyke
Supervisor
Conservation Section
ND Game & Fish Department
100 Bismarck Expressway
Bismarck, ND 58501-5095

**Re: Utility Improvements
Fargo, North Dakota**

Dear Mr. Steve Dyke:

On behalf of the City of Fargo, Houston Engineering is performing an engineering study and Kadrmas, Lee & Jackson is performing an environmental study for utility improvements within Fargo, North Dakota. The focus of these improvements would involve two existing lift stations located at 8th Avenue N and Oak Street (Lift Station #29) and at 11th Avenue North and Elm Street (Lift Station #38) in Fargo. **Please refer to the enclosed Project Overview exhibit.**

The proposed project would involve the construction of one new lift station located east of the current Lift Station #29. This new lift station would be placed atop the proposed future levee as indicated in the enclosed **Project Overview exhibit**. The existing Lift Station #29 would be removed and the storm sewer would gravity-flow to the proposed wet well at the levee location. The proposed wet well and gate well would be combined into one vault.

Lift Station #38 would also be removed and a storm sewer connection would connect the Lift Station #38 outfall with the Lift Station #29 outfall. Pumping capacity at the new lift station would be increased from 10,000 gallons per minute (gpm) to 20,000 gpm (both at 30' TDH), providing enough capacity to handle both former lift stations. A new control panel and electrical system would accompany the new lift station. The green space east of Oak Street (Mickelson Field) would act as a temporary storage area to allow for a controlled storm sewer surcharge.

The proposed project would result in an overall reduction in the storm sewer hydraulic grade line by approximately four feet. The existing condition surcharging that occurs in the 800 and 900 blocks of Oak Street would be offset by the proposed storage area in the green space. Flooding in this area will greatly be reduced on all modeled events. It is anticipated that flooding north of the Elm Street/North terrace intersection would be completely eliminated.

A second alternative is also being considered for this project. This alternative is similar to the first with the exception that Lift Station #38 would not be removed, nor would its outfall connect to the new lift station. This alternative would provide slightly less flood protection to residents located northwest of the project area.

701 232 5353
3203 32nd Ave S Suite 201
PO Box 9767
Fargo, ND 58106-9767
Fax 701 232 5354
kljeng.com

Currently, the proposed future levee has not begun construction. This levee would play a pivotal role in retaining water for both alternatives. To ensure functionality of the proposed design in absences of the levee, two berms would be constructed at the northeast and southeast ends of the project area to facilitate ponding. The location of these berms can be seen in the enclosed *Project Overview exhibit*.

The proposed utility improvements would primarily be funded through the Federal Emergency Management Administration's Hazard Mitigation Grant Program, with supporting funds from the State of North Dakota and the City of Fargo. The utility improvements are anticipated to begin in early spring 2012 and be completed by the spring of 2013.

To ensure that all social, economic and environmental effects are considered in the development of this project, we are soliciting your views and comments on the proposed project pursuant to Section 102(2) (D) (IV) of the National Environmental Policy Act of 1969, as amended. We are particularly interested in any property which your department may own or have an interest in and which would be adjacent to the proposed improvements. We would also appreciate being made aware of any proposed developments your department may be contemplating in the areas under consideration for the proposed project. Any information that might help us in our studies would be appreciated.

Information or comments relating to environmental or other matters that you might furnish will be used in determining if this project is a "categorical exclusion" or whether an "Environmental Assessment" or a "Draft Environmental Impact Statement" will be prepared.

It is requested that any comments or information be forwarded to our office on or before February 20, 2012. If further information is desired regarding the proposed utility improvements please contact myself at 406.207.0273 or Molly Sullivan, Government Affairs Specialist, at 701.355.8717.

Sincerely,

Kadrmass, Lee & Jackson



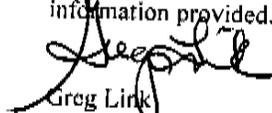
Becky Rude
Environmental Planner



North Dakota Game & Fish Dept.
100 N. Bismarck Expressway
Bismarck, ND 58501-5095

Enclosure

We have reviewed the project and foresee no identifiable conflict with wildlife or wildlife habitat based on the information provided.



Greg Link
Chief, Conservation & Communication Division

Date: 1/24/12

Kadrmass
Lee &
Jackson
Engineers Surveyors
Planners

DLK



**STATE
HISTORICAL
SOCIETY**
OF NORTH DAKOTA

Jack Dalrymple
Governor of North Dakota

North Dakota
State Historical Board

Gerold Gerntholz
Valley City - President

Calvin Grinnell
New Town - Vice President

A. Ruric Todd III
Jamestown - Secretary

Albert I. Berger
Grand Forks

Diane K. Larson
Bismarck

Chester E. Nelson, Jr.
Bismarck

Margaret Puetz
Bismarck

Sara Otte Coleman
*Director
Tourism Division*

Kelly Schmidt
State Treasurer

Alvin A. Jaeger
Secretary of State

Mark Zimmerman
*Director
Parks and Recreation
Department*

Francis Ziegler
*Director
Department of Transportation*

Merlan E. Paaverud, Jr.
Director

*Accredited by the
American Association
of Museums since 1989*

January 26, 2012

Ms. Becky Rude
Environmental Planner
Kadrmass, Lee & Jackson
800 Kensington Avenue, Suite 202
Missoula, MT 59801

ND SHPO REF.:12-5628 Utility Improvements, Lift Stations #29 (8th Ave N and Oak St) and #38 (11th Ave N and Elm Street), Fargo, Cass County, North Dakota

Dear Ms. Rude,

We reviewed ND SHPO REF.:12-5628 Utility Improvements, Lift Stations #29 (8th Ave N and Oak St) and #38 (11th Ave N and Elm Street), Fargo, Cass County, North Dakota and if consulted by a federal agency we would concur with a "No Historic Properties Affected" determination provided the project is of the nature specified, and is restricted to the specific areas described in the correspondence dated January 20, 2012.

Thank you for the opportunity to review this project. Please include the ND SHPO Reference number listed above in further correspondence for this specific project. If you have any questions please contact Lisa Steckler, Preservation Planner at (701) 328-3577, lsteckler@nd.gov

Sincerely,

Merlan E. Paaverud, Jr.
State Historic Preservation Officer
(North Dakota) and Director
State Historical Society of North Dakota



North Dakota State Water Commission

900 EAST BOULEVARD AVENUE, DEPT 770 • BISMARCK, NORTH DAKOTA 58505-0850
701-328-2750 • TDD 701-328-2750 • FAX 701-328-3696 • INTERNET: <http://swc.nd.gov>



March 14, 2012

Becky Rude
Kadrmass, Lee and Jackson
PO Box 9767
Fargo, ND 58106-9767

Dear Mr. Rude:

This is in response to your request for review of environmental impacts associated with the utility improvements involving Lift Station #29 and #38 located within the City of Fargo, ND.

The proposed project has been reviewed by State Water Commission staff and the following comments are provided:

- There is a floodplain identified and/or mapped where the proposed Lift Station projects are to take place. North Dakota has no formal "permitting" authority as a state entity in NFIP identified floodplain areas. The permitting is always done by the local entity, which has jurisdiction in the area in question. The Floodplain Administrators are Ron Strand, Building Inspector, 200 N 3rd Street, Fargo, ND 58201, 701-241-1566, rstrand@cityoffargo.com and April Walker, Floodplain Engineer, 200 N 3rd Street, Fargo, ND 58201, 701-241-1544, awalker@cityoffargo.com

It is the responsibility of the project sponsor to ensure that local, state and federal agencies are contacted for any required approvals, permits, and easements.

- All waste material associated with the project must be disposed of properly and not placed in identified floodway areas.

- No sole-source aquifers have been designated in ND.

There are no other concerns associated with this project that affect State Water Commission or State Engineer regulatory responsibilities.

Thank you for the opportunity to provide review comments. If you have any questions, please call me at 328-4967.

Sincerely,

Linda Weispfenning
Water Resource Planner

LW:dp/1570

Part 3

Permits



May 10, 2013

Nathan Boerboom, P.E., CFM
 Floodplain Coordinator
 City of Fargo
 200 N. 3rd Street
 Fargo, ND 58102

**Subject: Mickelson Field Area Flood Risk Management Project
 Hydraulic Analysis
 HEI Project No. 6059_035**

Mr. Boerboom:

As part of the proposed Mickelson Field Area Flood Risk Management Project between 8th Ave. N. and 11th Ave. N., we have completed a floodplain development permit application (see enclosure). Although embankment for the proposed project remains outside of the regulatory floodway for the Red River, a hydraulic analysis was conducted to disclose the associated project impacts.

The hydraulic analysis utilized the hydraulic model developed as part of the preliminary Flood Insurance Study (FIS) for the Federal Emergency Management Agency (FEMA) and the City of Fargo. The model contains cross section data that defines the channel geometry. [Figure 1](#) illustrates the project location and existing hydraulic model cross sections (shown in green). Additional cross sections were added to the model (shown in orange) to better reflect the features of the proposed project.

The overbank elevation data for the new cross sections was developed using the 2008 IWI LiDAR information. Bathymetry elevation data for the Red River developed by the U.S. Army Corps of Engineers – St. Paul District in 2008, was utilized to form the channel geometry for each added cross section. Land use for the overbank areas of the added cross sections varies from park areas to residential development. Manning's "n" values were attributed to the cross sections at various locations depending on the land use, in a manner consistent with the FIS. The "n" values for the overbank areas of the new cross sections vary from 0.07-0.11. The "n" value used for the channel is 0.045 which was used to maintain uniformity with the existing cross sections in the preliminary FIS hydraulic model.

The hydraulic model, with the additional cross sections, was analyzed both with (proposed conditions) and without (revised existing conditions) the proposed levee project. The hydraulic

Nathan Boerboom
 Page 2
 May 10, 2013

model indicated that the proposed levee project at Mickelson Field would not cause significant impact on the 100-year water surface elevations, with a maximum stage increase of +0.02 feet (0.24 inches). The table below summarizes the computed water surface elevations at various locations along the Red River near the proposed levee. Additionally, output from the hydraulic model for the study reach is attached along with the floodplain development permit application. A copy of the digital HEC-RAS model can be supplied upon request.

HEC-RAS Cross Section ID	Location Description	Revised Existing Conditions	*Proposed Conditions	Change in WSE
		NAVD88		feet
	BNSF Railway			
357	FIS Cross Section	900.05	900.06	+0.01
356	FIS Cross Section	900.05	900.06	+0.01
355	FIS Cross Section	899.74	899.75	+0.01
354	7 th Ave N FIS Cross Section	899.54	899.56	+0.02
353.5	FIS Cross Section	899.32	899.34	+0.02
353.3	Upstream of Proposed Levee. Added XS	899.16	899.18	+0.02
353.2	9 th Ave N. Added XS	899.18	899.18	+0.00
353	10 th Ave N FIS Cross Section	899.15	899.15	+0.00
352.6	Added XS	899.05	899.02	-0.03
352.4	11 th Ave N. Added XS	898.99	898.97	-0.02
352.2	Downstream of Proposed Levee. Added XS	898.94	898.94	+0.00
352	FIS Cross Section	898.93	898.93	+0.00
351.6	FIS Cross Section	898.92	898.92	+0.00
	12 th Avenue North			

**Proposed conditions only evaluate the impacts of the proposed levee. Impacts of potential emergency levees constructed during large flood events were not analyzed.*



Nathan Boerboom
Page 3
May 10, 2013

Based on the analysis that was performed, I hereby certify that the proposed improvements as part of the Mickelson Field Area Flood Risk Management Project will not cause a significant increase in stage on the Red River during the FEMA defined 100-year flood as outlined above.

Sincerely,

HOUSTON ENGINEERING, INC.

Gregory S. Thompson, PE, CFM

GST:

Z:\6000\6059\11_6059_035\Design\HEC-RAS\Boerboom Floodplain Development Permit Letter 05-10-2013.docx

I hereby certify that this plan, specification, or report was prepared by me or under my direct supervision, and that I am a duly Registered Professional Engineer under the laws of the State of North Dakota.

Gregory S. Thompson
ND Registration No. 5959

Date: May 10, 2013





Floodplain Development Permit Application

PERMIT # _____

Please complete all items on this page.

Applicant City of Fargo Date: 5/14/2013
 Address 200 3rd Street N. Fargo, ND 58102 Telephone 701-241-1554
 Location of proposed development: Mickelson Field, Oak Street and 7th Ave. N. to 12th Ave. N.
 Legal Description: NE 1/4 Section 6, NW 1/4 Section 5, T139N, R49W
 Contractor: unknown Telephone _____
 Project Contact Person: Jerry Bents, Houston Engineering, Inc. Telephone 701-237-5065

Note: all buildings/structures 120 Square Feet or more must be permitted by the Building Inspections Department.

SECTION 1: DEVELOPMENT ACTIVITY

Please check the permit you are applying for: **Floodplain** **MDZS** **LDZS**

Check all that apply:

- Fill Mining Drilling Grading
- Excavation (except for structural development)
- Watercourse Alterations (including channel modifications)
- Drainage Improvements (including culvert work)
- Road, Street or Bridge Construction
- Subdivision (new or expansion)
- Other (specify on space below)

Comments or further explanation of work:

Construct flood mitigation levee, storm sewer, lift station, outflow channel

Attach/submit plans, description, blueprints, etc., as available to this application.

SECTION 2: FLOODPLAIN DETERMINATION

- Floodplain (Flood Fringe)
- Floodway
- Project is not located in a Special Flood Hazard Area

FIRM Panel & Date

FIRM ZONE

BFE at Development Site: _____ (MSL)

SECTION 3: MDZS / LDZS CONDITIONS

- Bike Path / Walking Trail / Multi-use Path
- Building / Structure under 120 Square Feet
- Construction of Flood Protection Levee / Floodwall
- Public Rest Room / Public Facility
- Road / Bridge / Trail / Storm Drainage
- Stairway / Lift / Landing / Ramp / Mobility Path

Other City of Fargo Permits that are Required as a condition of this permit:

- Erosion and Sediment Control (ESC)
- Other described below

SECTION 4: ACTION / APPROVAL / DENIAL

Permit is Approved

Permit is Denied

SIGNATURE, Floodplain Coordinating Engineer

DATE

NOTES TO USERS

This map is for use in administering the National Flood Insurance Program. It does not necessarily identify all areas subject to flooding, particularly from local drainage sources of small size. The community map repository should be consulted for possible updated or additional flood hazard information.

To obtain more detailed information in areas where **Base Flood Elevations (BFEs)** and/or **Floodways** have been determined, users are encouraged to consult the **Flood Profiles and Floodway Data** and/or **Summary of Stillwater Elevations** tables contained within the Flood Insurance Study (FIS) report that accompanies this FIRMs. Users should be aware that BFEs shown on the FIRM represent rounded whole-foot elevations. These BFEs are intended for flood insurance rating purposes only and should not be used as the sole source of flood elevation information. Accordingly, flood elevation data presented in the FIS report should be utilized in conjunction with the FIRM for purposes of construction and/or floodplain management.

Coastal Base Flood Elevations shown on this map apply only to **landward** of the **North American Vertical Datum of 1988 (NAVD 88)**. Users of this FIRM should be aware that coastal flood elevations are also provided in the **Summary of Stillwater Elevations** table in the Flood Insurance Study report for this jurisdiction. Elevations shown in the Summary of Stillwater Elevations table should be used for construction and/or floodplain management purposes when they are higher than the elevations shown on this FIRM.

Boundaries of the **floodways** were computed at cross sections and interpolated between cross sections. The floodways were based on hydraulic considerations with regard to requirements of the National Flood Insurance Program. Floodway width and other pertinent floodway data are provided in the Flood Insurance Study report for this jurisdiction.

Certain areas not in Special Flood Hazard Areas may be protected by **flood control structures**. Refer to Section 2.4 "Flood Protection Measures" of the Flood Insurance Study report for information on flood control structures for this jurisdiction.

The projection used in the preparation of this map was Universal Transverse Mercator (UTM) zone 14. The horizontal datum was NAD83, GRS1980 ellipsoid. Differences between datum, spheroid, projection or UTM zones used in the production of FIRMs for adjacent jurisdictions may result in slight positional differences in map features across jurisdiction boundaries. These differences do not affect the accuracy of this FIRM.

Flood elevations on this map are referenced to the North American Vertical Datum of 1988. These flood elevations must be compared to structure and ground elevations referenced to the same vertical datum. For information regarding conversion between the National Geodetic Vertical Datum of 1929 and the North American Vertical Datum of 1988, visit the National Geodetic Survey website at <http://www.ngs.noaa.gov/> or contact the National Geodetic Survey at the following address:
 NGS Information Services
 NOAA, NNGS12
 National Geodetic Survey
 SSCM-3, #6202
 1315 East-West Highway
 Silver Spring, MD 20910-3282

To obtain current elevation, description, and/or location information for **bench marks** shown on this map, please contact the Information Services Branch of the National Geodetic Survey at (301) 713-3242, or visit its website at <http://www.ngs.noaa.gov/>.

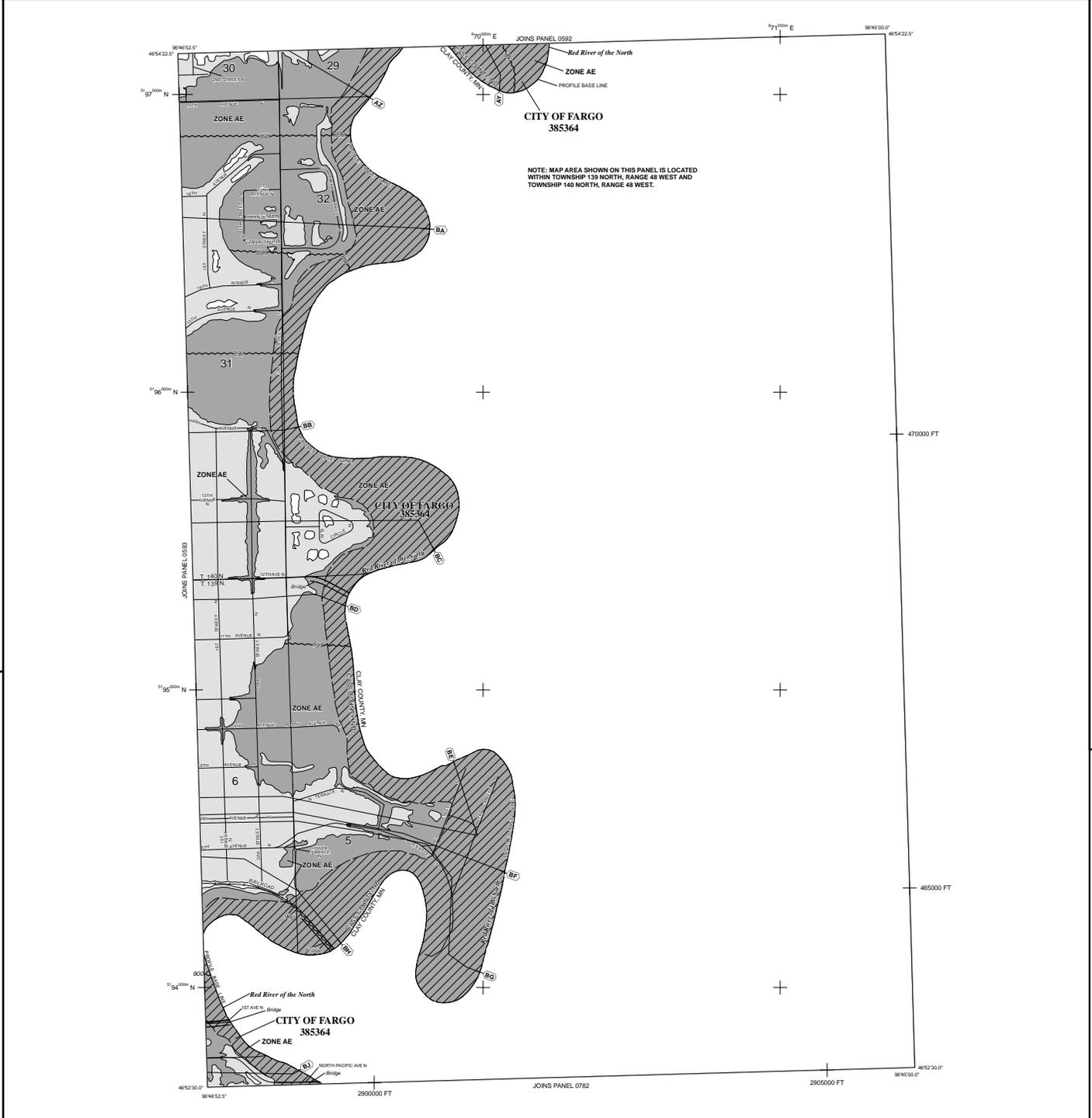
Base map information shown on this FIRM was provided by the Cass County GIS Department. Transportation data is current as of 2009. Political boundaries are current as of 2012.

This map reflects more detailed and up-to-date **stream channel configurations** than those shown on the previous FIRM for this jurisdiction. The floodplains and floodways that were transferred from the previous FIRM may have been adjusted to conform to these new stream channel configurations. As a result, the Flood Profiles and Floodway Data tables in the Flood Insurance Study report (which contain authoritative hydraulic data) may reflect stream channel distances that differ from what is shown on this map.

Corporate limits shown on this map are based on the best data available at the time of publication. Because changes due to annexations or de-annexations may have occurred after this map was published, map users should contact appropriate community officials to verify current corporate limit locations.

Please refer to the separately printed **Map Index** for an overview map of the county showing the layout of map panels, community map repository addresses, and a Listing of Communities table containing National Flood Insurance Program dates for each community as well as a listing of the panels on which each community is located.

For information and questions about this map, available products associated with this FIRM including historic versions of this FIRM, how to order products or the National Flood Insurance Program in general, please call the FEMA Map Information Exchange at 1-877-FEMA-MAP (1-877-336-2627) or visit the **FEMA Map Service Center** website at <http://msc.fema.gov/>. Available products may include previously issued Letters of Map Change, a Flood Insurance Study Report, and/or digital versions of this map. Many of these products can be ordered or obtained directly from the website. Users may determine the current map date for each FIRM panel by visiting the **FEMA Map Service Center** website or by calling the FEMA Map Information Exchange.



LEGEND

SPECIAL FLOOD HAZARD AREAS (SFHA) SUBJECT TO INUNDATION BY THE 1% ANNUAL CHANCE FLOOD

The 1% annual chance flood (100-year flood), also known as the base flood, is the flood that has a 1% chance of being equal or exceeded in any given year. The Special Flood Hazard Area is the area subject to flooding by the 1% annual chance flood. Areas of Special Flood Hazard include Zones A, AE, AH, AO, AV, A99, and VE. The Base Flood Elevation is the water-surface elevation of the 1% annual chance flood.

ZONE A No Base Flood Elevations determined.

ZONE AH Base Flood Elevations determined. Flood depths of 1 to 3 feet (usually areas of ponding); Base Flood Elevations determined.

ZONE AO Flood depths of 1 to 3 feet (usually areas of ponding); Base Flood Elevations determined; average depths determined for areas of elevated sea flooding; velocities also determined.

ZONE AR Special Flood Hazard Area formerly protected from the 1% annual chance flood by a flood control system that was subsequently identified. Zone AR indicates that the former flood control system is being removed to provide protection from the 1% annual chance or greater flood.

ZONE A99 Area to be protected from the 1% annual chance flood by a Federal flood protection system under construction; no Base Flood Elevations determined.

ZONE V Coastal flood zone with velocity hazard (wave action); no Base Flood Elevations determined.

ZONE VE Coastal flood zone with velocity hazard (wave action); no Base Flood Elevations determined.

FLOODWAY AREAS IN ZONE AE

The floodway is the channel of a stream plus any adjacent floodplain areas that must be kept free of encroachment so that the 1% annual chance flood can be carried without substantial increases in flood heights.

OTHER FLOOD AREAS

ZONE X Areas of 0.2% annual chance flood; areas of 1% annual chance flood with average depths of less than 1 foot or with damage areas less than 1 square mile; and areas protected by levees from 1% annual chance flood.

OTHER AREAS

ZONE X Areas determined to be outside the 0.2% annual chance floodplain.

ZONE D Areas in which flood hazards are undetermined, but possible.

COASTAL BARRIER RESOURCES SYSTEM (CBRS) AREAS

OTHERWISE PROTECTED AREAS (OPAs)

CBRS areas and OPAs are normally located within or adjacent to Special Flood Hazard Areas.

Floodplain boundary
 Floodway boundary
 Zone D boundary
 CBRS and OPA boundary
 Boundary dividing Special Flood Hazard Areas of different Base Flood Elevations, flood depths or flood velocities
 Base Flood Elevation line and value; elevation in feet* (EL 987)
 Base Flood Elevation value where uniform within zone; elevation in feet*
 Cross section line
 Transect line
 Geographic coordinates referenced to the North American Datum of 1983 (NAD 83)
 1000-meter Universal Transverse Mercator grid zone, zone 14
 5000-foot grid scale; North Dakota State Plane coordinate system, south zone (SPSZONE 3302); Lambert Conformal Conic
 DMS10, X
 M1.5
 River Mile
 MAP REPOSITORIES
 Refer to Map Repositories list on Map Index
 EFFECTIVE DATE OF COMMUNITY FLOOD INSURANCE RATE MAP
 EFFECTIVE DATE(S) OF REVISION(S) TO THIS PANEL

NATIONAL FLOOD INSURANCE PROGRAM

PANEL 0594G

FIRM FLOOD INSURANCE RATE MAP

CASS COUNTY, NORTH DAKOTA (ALL JURISDICTIONS)

PANEL 594 OF 995
 SEE MAP INDEX FOR FIRM PANEL LAYOUT

CONTAINS:
 COMMUNITY NUMBER PANEL SUFFIX
 FARGO, CITY OF 38534 0594 G

REVISED PRELIMINARY
JULY 31, 2012

Notice to User: This Map Number should be used when placing map orders. The Community Number shown above should be used on insurance applications for the subject community.

MAP NUMBER 38017C0594G
EFFECTIVE DATE

Federal Emergency Management Agency

10yr Water Surface Elevation

Max WSE Increase: 0.00

River Station	Existing Conditions Alternative A	Proposed Conditions Alternative E	Impacts
Main Avenue			
376	891.50	891.50	0.00
375	891.47	891.47	0.00
374	891.47	891.47	0.00
BNSF Railway			
372	891.42	891.42	0.00
371	891.43	891.43	0.00
370	891.43	891.43	0.00
NP Avenue			
368	891.43	891.43	0.00
367 AH	891.40	891.40	0.00
366	891.26	891.26	0.00
364	891.23	891.23	0.00
First Avenue North			
361.5	891.19	891.19	0.00
361 AG	891.04	891.04	0.00
359	890.93	890.93	0.00
BNSF Railway			
357	890.89	890.89	0.00
356 AF	890.89	890.89	0.00
355 AE	890.61	890.61	0.00
354 AD 7th Ave N	890.50	890.50	0.00
353.5 AC	890.32	890.32	0.00
353.3	890.23	890.23	0.00
353.2 9th Ave N	890.22	890.22	0.00
353 10th Ave N	890.20	890.20	0.00
352.6	890.14	890.14	0.00
352.4 11th Ave N	890.12	890.12	0.00
352.2	890.10	890.10	0.00
352 AB	890.08	890.08	0.00
351.6	890.08	890.08	0.00
12th Avenue North			

50yr Water Surface Elevation

Max WSE Increase: 0.01

River Station	Existing Conditions Alternative A	Proposed Conditions Alternative E	Impacts
Main Avenue			
376	898.46	898.47	0.01
375	898.41	898.41	0.00
374	898.40	898.41	0.01
BNSF Railway			
372	898.36	898.37	0.01
371	898.36	898.37	0.01
370	898.37	898.38	0.01
NP Avenue			
368	898.36	898.37	0.01
367 AH	898.33	898.34	0.01
366	898.08	898.08	0.00
364	898.06	898.06	0.00
First Avenue North			
361.5	897.99	898.00	0.01
361 AG	897.81	897.82	0.01
359	897.65	897.66	0.01
BNSF Railway			
357	897.61	897.62	0.01
356 AF	897.61	897.62	0.01
355 AE	897.31	897.32	0.01
354 AD 7th Ave N	897.14	897.15	0.01
353.5 AC	896.93	896.94	0.01
353.3	896.80	896.81	0.01
353.2 9th Ave N	896.80	896.80	0.00
353 10th Ave N	896.78	896.78	0.00
352.6	896.69	896.67	-0.02
352.4 11th Ave N	896.64	896.63	-0.01
352.2	896.60	896.60	0.00
352 AB	896.60	896.60	0.00
351.6	896.59	896.59	0.00
12th Avenue North			

100yr Water Surface Elevation

Max WSE Increase: 0.02

River Station	Existing Conditions Alternative A	Proposed Conditions Alternative E	Impacts
Main Avenue			
376	901.13	901.15	0.02
375	901.06	901.08	0.02
374	901.05	901.07	0.02
BNSF Railway			
372	901.01	901.03	0.02
371	901.01	901.02	0.01
370	901.02	901.03	0.01
NP Avenue			
368	900.98	901.00	0.02
367 AH	900.95	900.96	0.01
366	900.64	900.65	0.01
364	900.62	900.64	0.02
First Avenue North			
361.5	900.52	900.53	0.01
361 AG	900.32	900.33	0.01
359	900.13	900.15	0.02
BNSF Railway			
357	900.05	900.06	0.01
356 AF	900.05	900.06	0.01
355 AE	899.74	899.75	0.01
354 AD 7th Ave N	899.54	899.56	0.02
353.5 AC	899.32	899.34	0.02
353.3	899.16	899.18	0.02
353.2 9th Ave N	899.18	899.18	0.00
353 10th Ave N	899.15	899.15	0.00
352.6	899.05	899.02	-0.03
352.4 11th Ave N	898.99	898.97	-0.02
352.2	898.94	898.94	0.00
352 AB	898.93	898.93	0.00
351.6	898.92	898.92	0.00
12th Avenue North			

500yr Water Surface Elevation

Max WSE Increase: 0.05

River Station	Existing Conditions Alternative A	Proposed Conditions Alternative E	Impacts
Main Avenue			
376	905.16	905.18	0.02
375	905.06	905.09	0.03
374	904.94	904.97	0.03
BNSF Railway			
372	904.92	904.94	0.02
371	904.92	904.94	0.02
370	904.94	904.96	0.02
NP Avenue			
368	904.88	904.91	0.03
367 AH	904.83	904.86	0.03
366	904.50	904.53	0.03
364	904.49	904.52	0.03
First Avenue North			
361.5	904.33	904.36	0.03
361 AG	904.03	904.06	0.03
359	903.71	903.74	0.03
BNSF Railway			
357	903.63	903.66	0.03
356 AF	903.65	903.68	0.03
355 AE	903.28	903.32	0.04
354 AD 7th Ave N	903.07	903.11	0.04
353.5 AC	902.82	902.86	0.04
353.3	902.50	902.55	0.05
353.2 9th Ave N	902.55	902.55	0.00
353 10th Ave N	902.52	902.51	-0.01
352.6	902.35	902.26	-0.09
352.4 11th Ave N	902.23	902.16	-0.07
352.2	902.13	902.13	0.00
352 AB	902.15	902.15	0.00
351.6	902.15	902.15	0.00
12th Avenue North			



Floodplain Development Permit Application

PERMIT # 1308

Please complete all items on this page.

Applicant City of Fargo Date: 5/14/2013
 Address 200 3rd Street N. Fargo, ND 58102 Telephone 701-241-1554
 Location of proposed development: Mickelson Field, Oak Street and 7th Ave. N. to 12th Ave. N.
 Legal Description: NE 1/4 Section 6, NW 1/4 Section 5, T139N, R49W
 Contractor: unknown Telephone _____
 Project Contact Person: Jerry Bents, Houston Engineering, Inc. Telephone 701-237-5065

Note: all buildings/structures 120 Square Feet or more must be permitted by the Building Inspections Department.

SECTION 1: DEVELOPMENT ACTIVITY

Please check the permit you are applying for: Floodplain MDZS LDZS

Check all that apply:

- Fill Mining Drilling Grading
- Excavation (except for structural development)
- Watercourse Alterations (including channel modifications)
- Drainage Improvements (including culvert work)
- Road, Street or Bridge Construction
- Subdivision (new or expansion)
- Other (specify on space below)

Comments or further explanation of work:

Construct flood mitigation levee, storm sewer, lift station, outflow channel
 - City of Fargo project #5902-02
 - work occurring within MDZS/LDZS is only the excavation of the outflow channel

Attach/submit plans, description, blueprints, etc., as available to this application.

SECTION 2: FLOODPLAIN DETERMINATION

- Floodplain (Flood Fringe)
- Floodway (Drainage Channel Only)
- Project is not located in a Special Flood Hazard Area

FIRM Panel & Date

385364 0020 E / Nov. 2, 1995

FIRM ZONE

AE

BFE at Development Site: 897.5 (MMSD29) (MSL)

-Prelim Map date 7/31/2012 => 38017C - 05946, Zone AE, BFE = 899.0 (MMSD80)

SECTION 3: MDZS / LDZS CONDITIONS

- Bike Path / Walking Trail / Multi-use Path
- Building / Structure under 120 Square Feet
- Construction of Flood Protection Levee / Floodwall
- Public Rest Room / Public Facility
- Road / Bridge / Trail / Storm Drainage
- Stairway / Lift / Landing / Ramp / Mobility Path

Other City of Fargo Permits that are Required as a condition of this permit:

- Erosion and Sediment Control (ESC)
- Other described below

SECTION 4: ACTION / APPROVAL / DENIAL

Permit is Approved

Plans are on file at Fargo City Hall

Permit is Denied


SIGNATURE, Floodplain Coordinating Engineer

DATE 5/23/2013



State of North Dakota

Office of the State Engineer

900 EAST BOULEVARD AVE. • BISMARCK, ND 58505-0850
701-328-2750 • FAX 701-328-3696 • <http://swc.nd.gov>

April 29, 2013

City of Fargo
Attn: April Walker
200 3rd Street North
Fargo, ND 58102

RE: Possible Pond Permit

Dear Ms. Walker:

This is to acknowledge receipt of State Water Commission Form SFN-51695 for the construction of a pond capable of holding less than 50 acre-feet located in NW ¼, Section 5, Township 139 North, Range 48 West of Cass County. State law does not require a permit for ponds with less than 50 acre-feet of storage. The State Water Commission Form SFN-51695 regarding the pond is considered for information only to enable the State Engineer to record locations of all such water control structures with its reservoir acreage and volumes.

It is your responsibility to ensure that the project will not backwater onto land not under your control. Should the pond wash out, you may be liable for any damages caused. Construction of a water holding structure does not constitute a water right.

If you should have any questions or are in need of assistance, please feel free to contact us at 701-328-2752.

Sincerely,

Dwight Comfort, P.E.
Regulatory Section

DC:ph/1271
cc: (Via Email) SE Cass WRD

TODD SANDO, P.E.
STATE ENGINEER

1401 21st Avenue North Fargo ND 58102



Houston Engineering Inc.

April 3, 2013

John Paczkowski, Chief, Regulatory Section
North Dakota State Water Commission
Office of the State Engineer
900 East Boulevard Avenue
Bismarck, ND 58505-0850

James Lindseth
North Dakota State Water Commission
900 East Boulevard Avenue
Bismarck, ND 58505-0850

**Subject: ND State Water Commission Approval
City of Fargo Mickelson Field Area Flood Management Project
HE Project No. 6059.035**

Houston Engineering, Inc. is working on behalf of the City of Fargo to design and construct the above referenced project.

Enclosed is a permit application we have prepared on behalf of the City of Fargo for the project. The levee construction details are shown on the enclosed design drawings. In addition, a small stormwater pond will also be constructed to assist with cycle timing of the lift station. Work within the Red River of the North is expected to be limited to the replacement of one storm sewer outlet. The existing outlet will be removed and replaced with a new lift station and outfall swale. This work is not anticipated to result in any additional fill material to be placed in the river channel. A permit application has also been submitted to the USACE.

The City is hoping to start construction in 2013. If you have any questions or require additional information, please contact me at 701-237-5065.

Sincerely,

HOUSTON ENGINEERING, INC.

Jerry D. Bents, PE

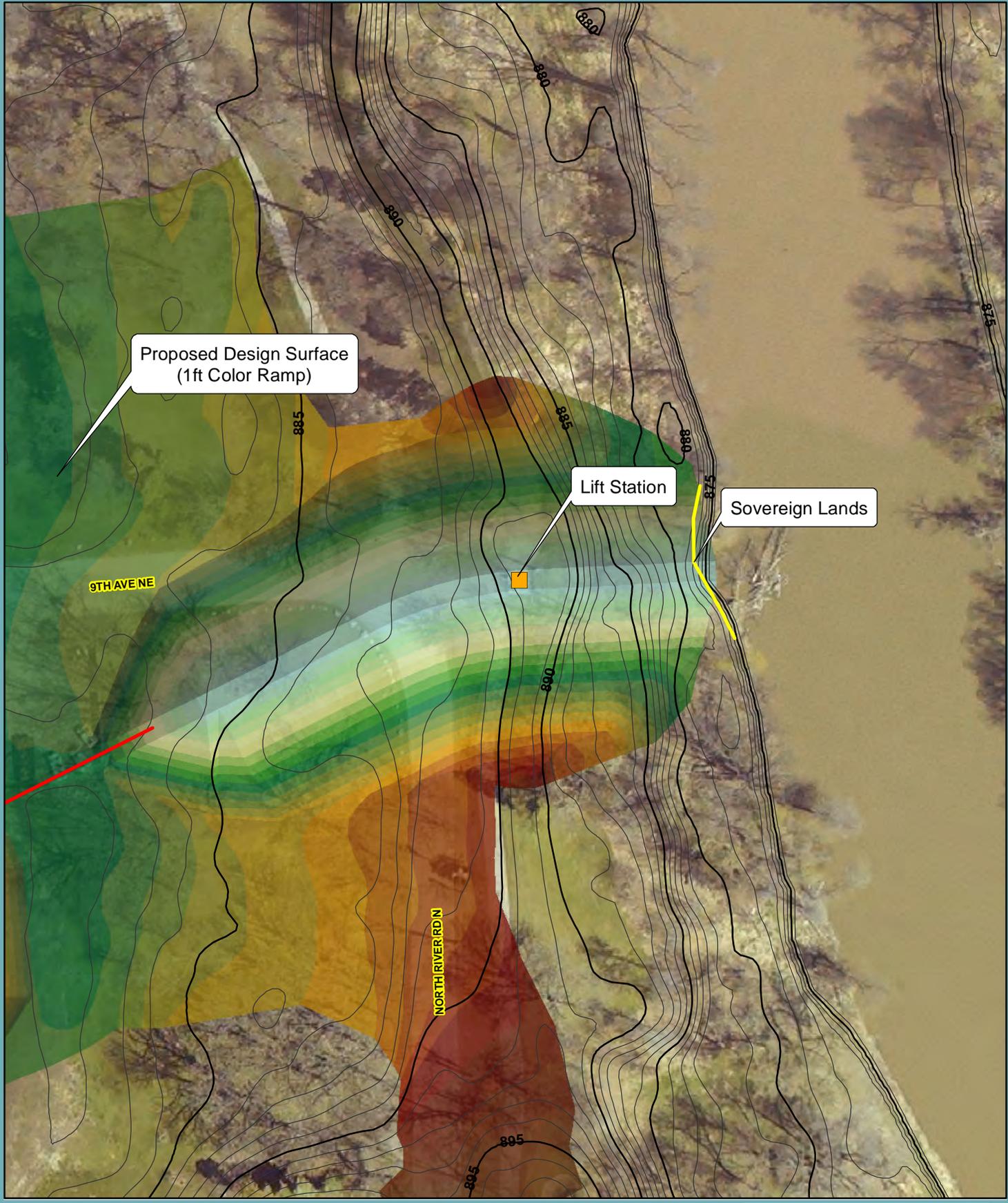
JDB:mda
Enclosures

cc: April Walker, City of Fargo Engineering, 200 3rd St. N, Fargo, ND 58102

Z:\6000\6059\11_6059_035\Permitting\SWC letter 4-3-13.doc

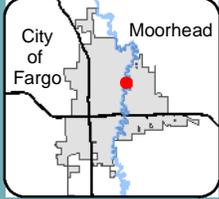
COPY

Path: Z:\6000\6059\11_6059_03\GIS\Michigan SWC Permit Map.mxd 4/18/2013 2:12:57 PM (maarensen)



Legend

- Lift Station
- Sovereign Lands
- Proposed STS Pipe
- Contours (1 ft)
- Contours (5 ft)



1 inch = 67 feet

**Figure F-1
State Water Commission Permit Map**

Scale: AS SHOWN	Drawn by: DCK	Checked by: GST	Project No : 6059-035	Date: 4/18/2013	Sheet: 1 of 1
--------------------	------------------	--------------------	--------------------------	--------------------	------------------



Houston Engineering Inc.



APPLICATION FOR AUTHORIZATION TO CONSTRUCT A PROJECT WITHIN ISLANDS AND BEDS OF NAVIGABLE STREAMS AND WATERS

Office of the State Engineer
900 East Boulevard
Bismarck, ND 58505-0850

Permit No. _____
Project No. 1625



I, the undersigned, do hereby submit the following information to the Office of the State Engineer as an application to construct a project that may impact islands and beds of navigable streams and waters of North Dakota under NDCC Chapter 61-33.

GENERAL INFORMATION:

This Application must include a map from an actual survey, aerial photo or topographic map and plot map (if a development). The size of the map shall be 8½ by 11 inches. The map shall have a north arrow and approximate scale. Indicate the existing or proposed work on the drawing. Plans and specifications must be submitted if project includes construction work.

- (1) Project will be located in the: Southeast Cass Water Resource District
- (2) Legal description to the nearest 40 acre tract: SW ¼ NW ¼ Section 5 Township 139 Range 48
- (3) Is this application for modification of an existing project Yes No If so, what year was project constructed: _____
By whom: _____
- (4) Proposed project involves water crossing, type _____ boat dock, boat ramp, water intake, dredge, volume _____ cu. yds. filling, volume _____ cu. yds. , type _____, other (explain) Work on a storm sewer outlet swale.
- (5) Water body on which project will be located: Red River of the North
- (6) Purpose: Flood Protection
- (7) Project Description: Work within waters and wetlands will be limited to the replacement of one storm sewer outlet. The existing outlet will be removed and replaced with a new lift station and outfall swale. This work is not anticipated to result in any additional fill material to be placed in the river channel.
- (8) Contractor, if known: not known
- (9) Anticipated construction start date: 9/1/13 Completion date: 6/15/15

The filing of this application and its approval in no way relieves the applicant or riparian landowner from any responsibility or liability resulting from the construction, operation or failure of the project.

Riparian Land Owner or Organization Sponsor: (Print) City of Fargo Park District

Applicant: (Print) City of Fargo

Address: 200 3rd Street North
Fargo, ND 58102

Phone: (H) _____

(W) 701 241-1554

Signature: *April E. Walker* Date Submitted: 4/26/13
(Riparian landowner or Organization Sponsoring the project)

1401 21st Avenue North Fargo ND 58102



Houston Engineering Inc.

April 3, 2013

Toni Erhardt
U.S. Army Corps of Engineers
Bismarck Regulatory Office
1513 South 12th Street
Bismarck ND 58504

**SUBJECT: Application for Department of the Army Permit
City of Fargo Mickelson Field Area Flood Management Project
HE Project No. 6059.035**

Houston Engineering, Inc. is working on behalf of the City of Fargo to design and construct the above referenced project.

Enclosed is a permit application we have prepared on behalf of the City of Fargo for the project. Work within waters and wetlands will be limited to the replacement of one storm sewer outlet. The existing outlet will be removed and replaced with a new lift station and outfall swale. This work is not anticipated to result in any additional fill material to be placed in the river channel.

The City is hoping to start construction in 2013. If you have any questions or require additional information, please contact me at 701-237-5065.

Sincerely,

HOUSTON ENGINEERING, INC.

Jerry D. Bents, PE

JDB:mda

Enclosures

cc: April Walker, City of Fargo Engineering, 200 3rd St. N., Fargo, ND 58102

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COPY



DEPARTMENT OF THE ARMY
CORPS OF ENGINEERS, OMAHA DISTRICT
NORTH DAKOTA REGULATORY OFFICE
1513 SOUTH 12TH STREET
BISMARCK ND 58504-6640

April 22, 2013

North Dakota Regulatory Office

[NWO-2013-0619-BIS]

Mr. Jerry D. Bents, PE
Houston Engineering, Inc.
1401 – 21st Avenue North
Fargo, North Dakota 58102

Dear Mr. Bents:

We have reviewed your request on behalf of the **City of Fargo** for Department of the Army (DA) authorization to relocate a storm sewer outfall in conjunction with construction of the Mickelson Field Area Flood Management Project. Work would include construction of a permanent levee system south of Mickelson Field in uplands and an outfall swale on the bank of the Red River of the North in Section 33, Township 140 North, Range 48 West, Cass County, North Dakota.

We have prepared a preliminary jurisdictional determination (JD) for the site which is a written indication that the waters in the project area may be jurisdictional waters of the United States. Such waters have been treated as jurisdictional for purposes of computation of impacts and compensatory mitigation requirements. If you concur with the preliminary JD, please sign it and return it to the letterhead address. If you believe the preliminary JD is inaccurate, you may request this office complete an approved JD prior to commencement of any work in waters of the US. An approved JD is an official determination regarding the presence or absence of such waters. Completion of an approved JD may require coordination with the US Environmental Protection Agency.

If you do not want the Corps to complete an approved JD, you may proceed with your project in accordance with the terms and conditions of DA Nationwide Permit No. 7, found in the February 21, 2012 Federal Register (77 FR 10184), Reissuance of Nationwide Permits. Enclosed is a fact sheet that fully describes this Nationwide Permit and lists the General, Regional and Water Quality Certification Conditions that must be adhered to for this authorization to remain valid. **Please note that deviations from the original plans and specifications of your project could require additional authorization from this office.**

This determination is applicable only to the permit program administered by the Corps of Engineers. It does not eliminate the need to obtain other Federal, state, tribal, and local approvals before beginning work.

You are responsible for all work accomplished in accordance with the terms and conditions of the Nationwide Permit, **including the Regional Conditions specific to projects undertaken in North Dakota.** If a contractor or other authorized representative will be accomplishing the work authorized by the Nationwide Permit on your behalf, it is strongly recommended that they be provided a copy of this letter and the attached conditions so that they are aware of the limitations of the applicable Nationwide Permit. Any activity that fails to comply with all of the terms and conditions of the Nationwide Permit will be considered unauthorized and subject to appropriate enforcement action.

In compliance with General Condition 30, you are required to submit the following project compliance certification within thirty (30) days of project completion. [Please check all applicable statements]

- I certify that I have completed the projects as permitted.
- I certify that I have completed a modified version of the projects.
- I certify that I have completed all required mitigation.

Permittee's Signature: _____ Date: _____

This verification will be valid until **March 18, 2017**. If the nationwide permit is modified, suspended, or revoked prior to this date, but is reissued without modification or the activity complies with any subsequent modification, this authorization remains valid until the expiration date. All of the existing nationwide permits are scheduled to be modified, reissued, or revoked prior to March 18, 2017. It is incumbent upon you to remain informed of changes to the nationwide permits. We will issue a public notice when the nationwide permits are reissued. Furthermore, if you commence or are under contract to commence this activity before the date that the relevant nationwide permit is modified or revoked, you will have twelve (12) months from the date of the modification or revocation to complete the activity under the present terms and conditions.

Should you at any time become aware that either an endangered and/or threatened species or its critical habitat exists within the project area, you must immediately notify this office.

The Omaha District, Regulatory Branch is committed to providing quality and timely service to our customers. In an effort to improve customer service, please take a moment to complete our Customer Service Survey found on our website at <http://per2.nwp.usace.army.mil/survey.html>. If you do not have Internet access, you may call and request a paper copy of the survey that you can complete and return to us by mail or fax.

If you have any questions concerning this determination or jurisdiction, please feel free to contact Ms. Toni R. Erhardt of this office at (701) 255-0015 and reference Nationwide Permit No. **NWO-2013-0619-BIS**.

Sincerely,



Daniel E. Cimarosti
State Program Manager
North Dakota Regulatory Office

Enclosures

PRELIMINARY JURISDICTIONAL DETERMINATION FORM

BACKGROUND INFORMATION

A. REPORT COMPLETION DATE FOR PRELIMINARY JURISDICTIONAL DETERMINATION (JD): 22 April 2013

B. NAME AND ADDRESS OF PERSON REQUESTING PRELIMINARY JD:
City of Fargo by Houston Engineering, Jerry Bents, PE, 1401 – 21st Avenue North, Fargo, North Dakota 58102

C. DISTRICT OFFICE, FILE NAME, AND NUMBER: Omaha District NDRO | City of Fargo's Mickelson Field Flood Risk Management Project | NWO-2013-0619-BIS

D. PROJECT LOCATION(S) AND BACKGROUND INFORMATION: The City of Fargo proposes to construct a permanent levee system south of Mickelson Field adjacent the Red River of the North area to protect the area from frequent spring flooding. While all of the permanent levee system is in uplands, the project requires replacement and relocation of a storm water outfall structure at the Red. Work includes reshaping of a section of bankline to construct a swale to carry water from the outfall to the River. Work would occur in Section 33, Township 140 North, Range 48 West, Cass County, North Dakota.

The Red River of the North is an interstate and international navigable waterway that is subject to regulation under Section 10 of the Rivers and Harbors Act and Section 404 of the Clean Water Act. The Red was declared navigable under Section 10 based on a 1973 Corps navigability study.

State: North Dakota County/parish/borough: Cass City: Fargo
Center coordinates of site (lat/long in degree decimal format):
 Lat. 46.885843° N, Long. -96.774478° W.
 Universal Transverse Mercator: 14
Name of nearest waterbody: Red River of the North

Identify (estimate) amount of waters in the review area:
Non-wetland waters: 50 linear feet: 20 width (ft) and/or 0.02 acres.
Cowardin Class: R2UBH

Stream Flow:
Wetlands: acre
Cowardin Class:

Name of any water bodies on the site that have been identified as Section 10 waters:
Tidal: N/A
Non-Tidal: Red River of the North

E. REVIEW PERFORMED FOR SITE EVALUATION (CHECK ALL THAT APPLY):

Office (Desk) Determination. Date: 22 April 2013

Field Determination. Date(s):

1. The Corps of Engineers believes that there may be jurisdictional waters of the United States on the subject site, and the permit applicant or other affected party who requested this preliminary JD is hereby advised of his or her option to request and obtain an approved jurisdictional determination (JD) for that site. Nevertheless, the permit applicant or other person who requested this preliminary JD has declined to exercise the option to obtain an approved JD in this instance and at this time.

2. In any circumstance where a permit applicant obtains an individual permit, or a Nationwide General Permit (NWP) or other general permit verification requiring "pre-construction notification" (PCN), or requests verification for a non-reporting NWP or other general permit, and the permit applicant has not requested an approved JD for the activity, the permit applicant is hereby made aware of the following: (1) the permit applicant has elected to seek a permit authorization based on a preliminary JD, which does not make an official determination of jurisdictional waters; (2) that the applicant has the option to request an approved JD before accepting the terms and conditions of the permit authorization, and that basing a permit authorization on an approved JD could possibly result in less compensatory mitigation being required or different special conditions; (3) that the applicant has the right to request an individual permit rather than accepting the terms and conditions of the NWP or other general permit authorization; (4) that the applicant can accept a permit authorization and thereby agree to comply with all the terms and conditions of that permit, including whatever mitigation requirements the Corps has determined to be necessary; (5) that undertaking any activity in reliance upon the subject permit authorization without requesting an approved JD constitutes the applicant's acceptance of the use of the preliminary JD, but that either form of JD will be processed as soon as is practicable; (6) accepting a permit authorization (e.g., signing a proffered individual permit) or undertaking any activity in reliance on any form of Corps permit authorization based on a preliminary JD constitutes agreement that all wetlands and other water bodies on the site affected in any way by that activity are jurisdictional waters of the United States, and precludes any challenge to such jurisdiction in any administrative or judicial compliance or enforcement action, or in any administrative appeal or in any Federal court; and (7) whether the applicant elects to use either an approved JD or a preliminary JD, that JD will be processed as soon as is practicable. Further, an approved JD, a proffered individual permit (and all terms and conditions contained therein), or individual permit denial can be administratively appealed pursuant to 33 C.F.R. Part 331, and that in any administrative appeal, jurisdictional issues can be raised (see 33 C.F.R. 331.5(a)(2)). If, during that administrative appeal, it becomes necessary to make an official determination whether CWA jurisdiction exists over a site, or to provide an official delineation of jurisdictional waters on the site, the Corps will provide an approved JD to accomplish that result, as soon as is practicable.

This preliminary JD finds that there "may be" waters of the United States on the subject project site, and identifies all aquatic features on the site that could be affected by the proposed activity, based on the following information:

SUPPORTING DATA. Data reviewed for preliminary JD (check all that apply - checked items should be included in case file and, where checked and requested, appropriately reference sources below):

- Maps, plans, plots or plat submitted by or on behalf of the applicant/consultant.
- Data sheets prepared/submitted by or on behalf of the applicant/consultant.
 - Office concurs with data sheets/delineation report.
 - Office does not concur with data sheets/delineation report.
- Data sheets prepared by the Corps:
- Corps navigable waters' study:
- U.S. Geological Survey Hydrologic Atlas:
 - USGS NHD data.
 - USGS 8 and 12 digit HUC maps. 09020104 | Upper Red
- U.S. Geological Survey map(s). Cite scale & quad name: 1:24,000 | Fargo North, ND.
- USDA Natural Resources Conservation Service Soil Survey. Citation:.
- National wetlands inventory map(s). Cite name: Fargo North, ND.
- State/Local wetland inventory map(s):
- FEMA/FIRM maps:
- 100-year Floodplain Elevation is: (National Geodetic Vertical Datum of 1929)
- Photographs: Aerial (Name & Date): ArcMap/ORM2/GoogleEarthPro.
or Other (Name & Date): Aerials provided by Houston Engineering prior to and with the application.
- Previous determination(s). File no. and date of response letter:
- Other information (please specify):

IMPORTANT NOTE: The information recorded on this form has not necessarily been verified by the Corps and should not be relied upon for later jurisdictional determinations.

1. a. R. Schardt 4/22/13
Signature and date of
Regulatory Project Manager
(REQUIRED)

Signature and date of
person requesting preliminary JD
(REQUIRED, unless obtaining the
signature is impracticable)

RECEIVED

APR 25 2013

Houston Engineering, Inc.

U.S. Army Corps of Engineers
North Dakota Regulatory Office
1513 South 12th Street
Bismarck, North Dakota 58504
Telephone (701) 255-0015 Fax (701) 255-4917

IMPORTANT INSTRUCTIONS FOR OUR PERMIT CUSTOMERS

Notice of the Reissuance of Nationwide Permits was published in the Federal Register [77 FR 10184] on February 21, 2012. The Nationwide Permits went into effect on March 19, 2012. Project compliance certification is required by General Condition 30. The following instructions are provided to clarify the information contained within the nationwide permit authorization letter and attachments.¹

STEP 1

Review the permit authorization and be sure you understand the terms and conditions for the authorization to remain valid. If you do not understand, or have any questions, please do not hesitate to contact this office at the above address.

STEP 2

Complete your project in accordance with the permit terms and conditions. [Remember that any deviation from the original plans and specifications of your project could require additional authorization from this office.]

STEP 3

Within thirty (30) days of project completion, please complete the permit compliance certification contained within your permit authorization letter. A photocopy of the first page (marked with a colored COPY stamp) has been provided for this purpose. Mark the applicable statements, sign and date where indicated, and forward the COPY to this office at the above address.

¹There is no charge associated with any aspect of this nationwide authorization or the follow-up compliance certification.

COPY

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If you have any questions concerning this determination or jurisdiction, please feel free to contact Ms. Toni R. Erhardt of this office at (701) 255-0015 and reference Nationwide Permit No. **NWO-2013-0619-BIS**.

Sincerely,

Daniel E. Cimarosti
State Program Manager
North Dakota Regulatory Office

Enclosures

**FACT SHEET
NATIONWIDE PERMIT 7
(2012)**

OUTFALL STRUCTURES AND ASSOCIATED INTAKE STRUCTURES.

Activities related to the construction or modification of outfall structures and associated intake structures, where the effluent from the outfall is authorized, conditionally authorized, or specifically exempted by, or otherwise in compliance with regulations issued under the National Pollutant Discharge Elimination System Program (Section 402 of the Clean Water Act). The construction of intake structures is not authorized by this NWP, unless they are directly associated with an authorized outfall structure. (Sections 10 and 404)

Notification: The permittee must submit a pre-construction notification to the district engineer prior to commencing the activity.

Nationwide Permit General Conditions

Note: To qualify for NWP authorization, the prospective permittee must comply with the following general conditions, as applicable, in addition to any regional or case-specific conditions imposed by the division engineer or district engineer.

1. Navigation. (a) No activity may cause more than a minimal adverse effect on navigation.

(b) Any safety lights and signals prescribed by the U.S. Coast Guard, through regulations or otherwise, must be installed and maintained at the permittee's expense on authorized facilities in navigable waters of the United States.

(c) The permittee understands and agrees that, if future operations by the United States require the removal, relocation, or other alteration, of the structure or work herein authorized, or if, in the opinion of the Secretary of the Army or his authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters, the permittee will be required, upon due notice from the Corps of Engineers, to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the United States. No claim shall be made against the United States on account of any such removal or alteration.

2. Aquatic Life Movements. No activity may substantially disrupt the necessary life cycle movements of those species of aquatic life indigenous to the waterbody, including those species that normally migrate through the area, unless the activity's primary purpose is to impound water. All permanent and temporary crossings of waterbodies shall be suitably culverted, bridged, or otherwise designed and constructed to maintain low flows to sustain the movement of those aquatic species.

3. Spawning Areas. Activities in spawning areas during spawning seasons must be avoided to the maximum extent practicable. Activities that result in the physical destruction (e.g., through excavation, fill, or downstream smothering by substantial turbidity) of an important spawning area are not authorized.

4. Migratory Bird Breeding Areas. Activities in waters of the United States that serve as breeding areas for migratory birds must be avoided to the maximum extent practicable.

5. Shellfish Beds. No activity may occur in areas of concentrated shellfish populations, unless the activity is directly related to a shellfish harvesting activity authorized by NWP 4 and 48, or is a shellfish seeding or habitat restoration activity authorized by NWP 27.

6. Suitable Material. No activity may use unsuitable material (e.g., trash, debris, car bodies, asphalt, etc.). Material used for construction or discharged must be free from toxic pollutants in toxic amounts (see Section 307 of the Clean Water Act).

7. Water Supply Intakes. No activity may occur in the proximity of a public water supply intake, except where the activity is for the repair or improvement of public water supply intake structures or adjacent bank stabilization.

8. Adverse Effects From Impoundments. If the activity creates an impoundment of water, adverse effects to the aquatic system due to accelerating the passage of water, and/or restricting its flow must be minimized to the maximum extent practicable.

9. Management of Water Flows. To the maximum extent practicable, the pre-construction course, condition, capacity, and location of open waters must be maintained for each activity, including stream channelization and storm water management activities, except as provided below. The activity must be constructed to withstand expected high flows. The activity must not restrict or impede the passage of normal or high flows, unless the primary purpose of the activity is to impound water or manage high flows. The activity may alter the pre-construction course, condition, capacity, and location of open waters if it benefits the aquatic environment (e.g., stream restoration or relocation activities).

10. Fills Within 100-Year Floodplains. The activity must comply with applicable FEMA-approved state or local floodplain management requirements.

11. Equipment. Heavy equipment working in wetlands or mudflats must be placed on mats, or other measures must be taken to minimize soil disturbance.

12. Soil Erosion and Sediment Controls. Appropriate soil erosion and sediment controls must be used and maintained in effective operating condition during construction, and all exposed soil and other fills, as well as any work below the ordinary high water mark or high tide line, must be permanently stabilized at the earliest practicable date. Permittees are encouraged to perform work within waters of the United States during periods of low-flow or no-flow.

13. Removal of Temporary Fills. Temporary fills must be removed in their entirety and the affected areas returned to pre-construction elevations. The affected areas must be revegetated, as appropriate.

14. Proper Maintenance. Any authorized structure or fill shall be properly maintained, including maintenance to ensure public safety and compliance with applicable NWP general conditions, as well as any activity-specific conditions added by the district engineer to an NWP authorization.

15. Single and Complete Project. The activity must be a single and complete project. The same NWP cannot be used more than once for the same single and complete project.

16. Wild and Scenic Rivers. No activity may occur in a component of the National Wild and Scenic River System, or in a river officially designated by Congress as a "study river" for possible inclusion in the system while the river is in an official study status, unless the appropriate Federal agency with direct management responsibility for such river, has determined in writing that the proposed activity will not adversely affect the Wild and Scenic River designation or study status. Information on Wild and Scenic Rivers may be obtained from the appropriate Federal land management agency responsible for the designated Wild and Scenic River or study river (e.g., National Park Service, U.S. Forest Service, Bureau of Land Management, U.S. Fish and Wildlife Service).

17. Tribal Rights. No activity or its operation may impair reserved tribal rights, including, but not limited to, reserved water rights and treaty fishing and hunting rights.

18. Endangered Species. (a) No activity is authorized under any NWP which is likely to directly or indirectly jeopardize the continued existence of a threatened or endangered species or a species proposed for such designation, as identified under the Federal Endangered Species Act (ESA), or which will directly or indirectly destroy or adversely modify the critical habitat of such species. No activity is authorized under any NWP which "may affect" a listed species or critical habitat, unless Section 7 consultation addressing the effects of the proposed activity has been completed.

(b) Federal agencies should follow their own procedures for complying with the requirements of the ESA. Federal permittees must provide the district engineer with the appropriate documentation to demonstrate compliance with those requirements. The district engineer will review the documentation and determine whether it is sufficient to address ESA compliance for the NWP activity, or whether additional ESA consultation is necessary.

(c) Non-federal permittees must submit a pre-construction notification to the district engineer if any listed species or designated critical habitat might be affected or is in the vicinity of the project, or if the project is located in designated critical habitat, and shall not begin work on the activity until notified by the district engineer that the requirements of the ESA have been satisfied and that the activity is authorized. For activities that might affect Federally-listed endangered or threatened species or designated critical habitat, the pre-construction notification must include the name(s) of the endangered or threatened species that might be affected by the proposed work or that utilize the designated critical habitat that might be affected by the proposed work. The district engineer will determine whether the proposed activity "may affect" or will have "no effect" to listed species and designated critical habitat and will notify the non-Federal applicant of the Corps' determination within 45 days of receipt of a complete pre-construction notification. In cases where the non-Federal applicant has identified listed species or critical habitat that might be affected or is in the vicinity of the project, and has so notified the Corps, the applicant shall not begin work until the Corps has provided notification the proposed activities will have "no effect" on listed species or critical habitat, or until Section 7 consultation has been completed. If the non-Federal applicant has not heard back from the Corps within 45 days, the applicant must still wait for notification from the Corps.

(d) As a result of formal or informal consultation with the FWS or NMFS the district engineer may add species-specific regional endangered species conditions to the NWPs.

(e) Authorization of an activity by a NWP does not authorize the "take" of a threatened or endangered species as defined under the ESA. In the absence of separate authorization (e.g., an ESA Section 10 Permit, a Biological Opinion with "incidental take" provisions, etc.) from the U.S. FWS or the NMFS, The Endangered Species Act prohibits any person subject to the jurisdiction of the United States to take a listed species, where "take" means to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct. The word "harm" in the definition of "take" means an act which actually kills or injures

wildlife. Such an act may include significant habitat modification or degradation where it actually kills or injures wildlife by significantly impairing essential behavioral patterns, including breeding, feeding or sheltering.

(f) Information on the location of threatened and endangered species and their critical habitat can be obtained directly from the offices of the U.S. FWS and NMFS or their world wide web pages at <http://www.fws.gov/> or <http://www.fws.gov/ipac> and <http://www.noaa.gov/fisheries.html> respectively.

19. Migratory Birds and Bald and Golden Eagles. The permittee is responsible for obtaining any "take" permits required under the U.S. Fish and Wildlife Service's regulations governing compliance with the Migratory Bird Treaty Act or the Bald and Golden Eagle Protection Act. The permittee should contact the appropriate local office of the U.S. Fish and Wildlife Service to determine if such "take" permits are required for a particular activity.

20. Historic Properties. (a) In cases where the district engineer determines that the activity may affect properties listed, or eligible for listing, in the National Register of Historic Places, the activity is not authorized, until the requirements of Section 106 of the National Historic Preservation Act (NHPA) have been satisfied.

(b) Federal permittees should follow their own procedures for complying with the requirements of Section 106 of the National Historic Preservation Act. Federal permittees must provide the district engineer with the appropriate documentation to demonstrate compliance with those requirements. The district engineer will review the documentation and determine whether it is sufficient to address section 106 compliance for the NWP activity, or whether additional section 106 consultation is necessary.

(c) Non-federal permittees must submit a pre-construction notification to the district engineer if the authorized activity may have the potential to cause effects to any historic properties listed on, determined to be eligible for listing on, or potentially eligible for listing on the National Register of Historic Places, including previously unidentified properties. For such activities, the pre-construction notification must state which historic properties may be affected by the proposed work or include a vicinity map indicating the location of the historic properties or the potential for the presence of historic properties. Assistance regarding information on the location of or potential for the presence of historic resources can be sought from the State Historic Preservation Officer or Tribal Historic Preservation Officer, as appropriate, and the National Register of Historic Places (see 33 CFR 330.4(g)). When reviewing pre-construction notifications, district engineers will comply with the current procedures for addressing the requirements of Section 106 of the National Historic Preservation Act. The district engineer shall make a reasonable and good faith effort to carry out appropriate identification efforts, which may include background research, consultation, oral history interviews, sample field investigation, and field survey. Based on the information submitted and these efforts, the district engineer shall determine whether the proposed activity has the potential to cause an effect on the historic properties. Where the non-Federal applicant has identified historic properties on which the activity may have the potential to cause effects and so notified the Corps, the non-Federal applicant shall not begin the activity until notified by the district engineer either that the activity has no potential to cause effects or that consultation under Section 106 of the NHPA has been completed.

(d) The district engineer will notify the prospective permittee within 45 days of receipt of a complete pre-construction notification whether NHPA Section 106 consultation is required. Section 106 consultation is not required when the Corps determines that the activity does not have the potential to cause effects on historic properties (see 36 CFR §800.3(a)). If NHPA section 106 consultation is required and will occur, the district engineer will notify the non-Federal applicant that he or she cannot begin work until Section 106 consultation is completed.

If the non-Federal applicant has not heard back from the Corps within 45 days, the applicant must still wait for notification from the Corps.

(e) Prospective permittees should be aware that section 110k of the NHPA (16 U.S.C. 470h-2(k)) prevents the Corps from granting a permit or other assistance to an applicant who, with intent to avoid the requirements of Section 106 of the NHPA, has intentionally significantly adversely affected a historic property to which the permit would relate, or having legal power to prevent it, allowed such significant adverse effect to occur, unless the Corps, after consultation with the Advisory Council on Historic Preservation (ACHP), determines that circumstances justify granting such assistance despite the adverse effect created or permitted by the applicant. If circumstances justify granting the assistance, the Corps is required to notify the ACHP and provide documentation specifying the circumstances, the degree of damage to the integrity of any historic properties affected, and proposed mitigation. This documentation must include any views obtained from the applicant, SHPO/THPO, appropriate Indian tribes if the undertaking occurs on or affects historic properties on tribal lands or affects properties of interest to those tribes, and other parties known to have a legitimate interest in the impacts to the permitted activity on historic properties.

21. Discovery of Previously Unknown Remains and Artifacts. If you discover any previously unknown historic, cultural or archeological remains and artifacts while accomplishing the activity authorized by this permit, you must immediately notify the district engineer of what you have found, and to the maximum extent practicable, avoid construction activities that may affect the remains and artifacts until the required coordination has been completed. The district engineer will initiate the Federal, Tribal and state coordination required to determine if the items or remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.

22. Designated Critical Resource Waters. Critical resource waters include, NOAA-managed marine sanctuaries and marine monuments, and National Estuarine Research Reserves. The district engineer may designate, after notice and opportunity for public comment, additional waters officially designated by a state as having particular environmental or ecological significance, such as outstanding national resource waters or state natural heritage sites. The district engineer may also designate additional critical resource waters after notice and opportunity for public comment.

(a) Discharges of dredged or fill material into waters of the United States are not authorized by NWPs 7, 12, 14, 16, 17, 21, 29, 31, 35, 39, 40, 42, 43, 44, 49, 50, 51, and 52 for any activity within, or directly affecting, critical resource waters, including wetlands adjacent to such waters.

(b) For NWPs 3, 8, 10, 13, 15, 18, 19, 22, 23, 25, 27, 28, 30, 33, 34, 36, 37, and 38, notification is required in accordance with general condition 31, for any activity proposed in the designated critical resource waters including wetlands adjacent to those waters. The district engineer may authorize activities under these NWPs only after it is determined that the impacts to the critical resource waters will be no more than minimal.

23. Mitigation. The district engineer will consider the following factors when determining appropriate and practicable mitigation necessary to ensure that adverse effects on the aquatic environment are minimal:

(a) The activity must be designed and constructed to avoid and minimize adverse effects, both temporary and permanent, to waters of the United States to the maximum extent practicable at the project site (i.e., on site).

(b) Mitigation in all its forms (avoiding, minimizing, rectifying, reducing, or compensating for resource losses) will be required to the extent necessary to ensure that the adverse effects to the aquatic environment are minimal.

(c) Compensatory mitigation at a minimum one-for-one ratio will be required for all wetland losses that exceed 1/10-acre and require pre-construction notification, unless the district engineer determines in writing that either some other form of mitigation would be more environmentally appropriate or the adverse effects of the proposed activity are minimal, and provides a project-specific waiver of this requirement. For wetland losses of 1/10-acre or less that require pre-construction notification, the district engineer may determine on a case-by-case basis that compensatory mitigation is required to ensure that the activity results in minimal adverse effects on the aquatic environment. Compensatory mitigation projects provided to offset losses of aquatic resources must comply with the applicable provisions of 33 CFR part 332.

(1) The prospective permittee is responsible for proposing an appropriate compensatory mitigation option if compensatory mitigation is necessary to ensure that the activity results in minimal adverse effects on the aquatic environment.

(2) Since the likelihood of success is greater and the impacts to potentially valuable uplands are reduced, wetland restoration should be the first compensatory mitigation option considered.

(3) If permittee-responsible mitigation is the proposed option, the prospective permittee is responsible for submitting a mitigation plan. A conceptual or detailed mitigation plan may be used by the district engineer to make the decision on the NWP verification request, but a final mitigation plan that addresses the applicable requirements of 33 CFR 332.4(c)(2) – (14) must be approved by the district engineer before the permittee begins work in waters of the United States, unless the district engineer determines that prior approval of the final mitigation plan is not practicable or not necessary to ensure timely completion of the required compensatory mitigation (see 33 CFR 332.3(k)(3)).

(4) If mitigation bank or in-lieu fee program credits are the proposed option, the mitigation plan only needs to address the baseline conditions at the impact site and the number of credits to be provided.

(5) Compensatory mitigation requirements (e.g., resource type and amount to be provided as compensatory mitigation, site protection, ecological performance standards, monitoring requirements) may be addressed through conditions added to the NWP authorization, instead of components of a compensatory mitigation plan.

(d) For losses of streams or other open waters that require pre-construction notification, the district engineer may require compensatory mitigation, such as stream rehabilitation, enhancement, or preservation, to ensure that the activity results in minimal adverse effects on the aquatic environment.

(e) Compensatory mitigation will not be used to increase the acreage losses allowed by the acreage limits of the NWPs. For example, if an NWP has an acreage limit of 1/2-acre, it cannot be used to authorize any project resulting in the loss of greater than 1/2-acre of waters of the United States, even if compensatory mitigation is provided that replaces or restores some of the lost waters. However, compensatory mitigation can and should be used, as necessary, to ensure that a project already meeting the established acreage limits also satisfies the minimal impact requirement associated with the NWPs.

(f) Compensatory mitigation plans for projects in or near streams or other open waters will normally include a requirement for the restoration or establishment, maintenance, and legal protection (e.g., conservation easements) of riparian areas next to open waters. In some cases, riparian areas may be the only compensatory mitigation required. Riparian areas should consist of native species. The width of the required riparian area will address documented water quality or aquatic habitat loss concerns. Normally, the riparian area will be 25 to 50 feet wide on each side of the stream, but the district engineer may require slightly wider riparian areas to address

documented water quality or habitat loss concerns. If it is not possible to establish a riparian area on both sides of a stream, or if the waterbody is a lake or coastal waters, then restoring or establishing a riparian area along a single bank or shoreline may be sufficient. Where both wetlands and open waters exist on the project site, the district engineer will determine the appropriate compensatory mitigation (e.g., riparian areas and/or wetlands compensation) based on what is best for the aquatic environment on a watershed basis. In cases where riparian areas are determined to be the most appropriate form of compensatory mitigation, the district engineer may waive or reduce the requirement to provide wetland compensatory mitigation for wetland losses.

(g) Permittees may propose the use of mitigation banks, in-lieu fee programs, or separate permittee-responsible mitigation. For activities resulting in the loss of marine or estuarine resources, permittee-responsible compensatory mitigation may be environmentally preferable if there are no mitigation banks or in-lieu fee programs in the area that have marine or estuarine credits available for sale or transfer to the permittee. For permittee-responsible mitigation, the special conditions of the NWP verification must clearly indicate the party or parties responsible for the implementation and performance of the compensatory mitigation project, and, if required, its long-term management.

(h) Where certain functions and services of waters of the United States are permanently adversely affected, such as the conversion of a forested or scrub-shrub wetland to a herbaceous wetland in a permanently maintained utility line right-of-way, mitigation may be required to reduce the adverse effects of the project to the minimal level.

24. Safety of Impoundment Structures. To ensure that all impoundment structures are safely designed, the district engineer may require non-Federal applicants to demonstrate that the structures comply with established state dam safety criteria or have been designed by qualified persons. The district engineer may also require documentation that the design has been independently reviewed by similarly qualified persons, and appropriate modifications made to ensure safety.

25. Water Quality. Where States and authorized Tribes, or EPA where applicable, have not previously certified compliance of an NWP with CWA Section 401, individual 401 Water Quality Certification must be obtained or waived (see 33 CFR 330.4(c)). The district engineer or State or Tribe may require additional water quality management measures to ensure that the authorized activity does not result in more than minimal degradation of water quality. *Specifically for North Dakota, the North Dakota Department of Health has issued water quality certification for projects under this Nationwide Permit provided the attached Construction and Environmental Disturbance Requirements are followed.*

26. Coastal Zone Management. In coastal states where an NWP has not previously received a state coastal zone management consistency concurrence, an individual state coastal zone management consistency concurrence must be obtained, or a presumption of concurrence must occur (see 33 CFR 330.4(d)). The district engineer or a State may require additional measures to ensure that the authorized activity is consistent with state coastal zone management requirements.

27. Regional and Case-By-Case Conditions. The activity must comply with any regional conditions that may have been added by the Division Engineer (see 33 CFR 330.4(e)) and with any case specific conditions added by the Corps or by the state, Indian Tribe, or U.S. EPA in its section 401 Water Quality Certification, or by the state in its Coastal Zone Management Act consistency determination.

28. Use of Multiple Nationwide Permits. The use of more than one NWP for a single and complete project is prohibited, except when the acreage loss of waters of the United States authorized by the NWPs does not exceed the acreage limit of the NWP with the highest specified acreage limit. For example, if a road crossing over tidal waters is constructed under NWP 14, with associated bank stabilization authorized by NWP 13, the maximum acreage loss of waters of the United States for the total project cannot exceed 1/3-acre.

29. Transfer of Nationwide Permit Verifications. If the permittee sells the property associated with a nationwide permit verification, the permittee may transfer the nationwide permit verification to the new owner by submitting a letter to the appropriate Corps district office to validate the transfer. A copy of the nationwide permit verification must be attached to the letter, and the letter must contain the following statement and signature:

"When the structures or work authorized by this nationwide permit are still in existence at the time the property is transferred, the terms and conditions of this nationwide permit, including any special conditions, will continue to be binding on the new owner(s) of the property. To validate the transfer of this nationwide permit and the associated liabilities associated with compliance with its terms and conditions, have the transferee sign and date below."

(Transferee)

(Date)

30. Compliance Certification. Each permittee who receives an NWP verification letter from the Corps must provide a signed certification documenting completion of the authorized activity and any required compensatory mitigation. The success of any required permittee-responsible mitigation, including the achievement of ecological performance standards, will be addressed separately by the district engineer. The Corps will provide the permittee the certification document with the NWP verification letter. The certification document will include:

- (a) A statement that the authorized work was done in accordance with the NWP authorization, including any general, regional, or activity-specific conditions;
- (b) A statement that the implementation of any required compensatory mitigation was completed in accordance with the permit conditions. If credits from a mitigation bank or in-lieu fee program are used to satisfy the compensatory mitigation requirements, the certification must include the documentation required by 33 CFR 332.3(l)(3) to confirm that the permittee secured the appropriate number and resource type of credits; and
- (c) The signature of the permittee certifying the completion of the work and mitigation.

31. Pre-Construction Notification—(a) Timing. Where required by the terms of the NWP, the prospective permittee must notify the district engineer by submitting a pre-construction notification (PCN) as early as possible. The district engineer must determine if the PCN is complete within 30 calendar days of the date of receipt and, if the PCN is determined to be incomplete, notify the prospective permittee within that 30 day period to request the additional information necessary to make the PCN complete. The request must specify the information needed to make the PCN complete. As a general rule, district engineers will request additional information necessary to make the PCN complete only once. However, if the prospective permittee does not provide all of the requested information, then the district engineer will notify the prospective permittee that the PCN is still incomplete and the PCN review process will not commence until all of the requested information has been received by the district engineer. The prospective permittee shall not begin the activity until either: (1) He or

she is notified in writing by the district engineer that the activity may proceed under the NWP with any special conditions imposed by the district or division engineer; or (2) 45 calendar days have passed from the district engineer's receipt of the complete PCN and the prospective permittee has not received written notice from the district or division engineer. However, if the permittee was required to notify the Corps pursuant to general condition 18 that listed species or critical habitat might be affected or in the vicinity of the project, or to notify the Corps pursuant to general condition

20 that the activity may have the potential to cause effects to historic properties, the permittee cannot begin the activity until receiving written notification from the Corps that there is "no effect" on listed species or "no potential to cause effects" on historic properties, or that any consultation required under Section 7 of the Endangered Species Act (see 33 CFR 330.4(f)) and/or Section 106 of the National Historic Preservation (see 33 CFR 330.4(g)) has been completed. Also, work cannot begin under NWPs 21, 49, or 50 until the permittee has received written approval from the Corps. If the proposed activity requires a written waiver to exceed specified limits of an NWP, the permittee may not begin the activity until the district engineer issues the waiver. If the district or division engineer notifies the permittee in writing that an individual permit is required within 45 calendar days of receipt of a complete PCN, the permittee cannot begin the activity until an individual permit has been obtained. Subsequently, the permittee's right to proceed under the NWP may be modified, suspended, or revoked only in accordance with the procedure set forth in 33 CFR 330.5(d)(2).

(b) *Contents of Pre-Construction Notification:* The PCN must be in writing and include the following information: (1) Name, address and telephone numbers of the prospective permittee; (2) Location of the proposed project; (3) A description of the proposed project; the project's purpose; direct and indirect adverse environmental effects the project would cause, including the anticipated amount of loss of water of the United States expected to result from the NWP activity, in acres, linear feet, or other appropriate unit of measure; any other NWP(s), regional general permit(s), or individual permit(s) used or intended to be used to authorize any part of the proposed project or any related activity. The description should be sufficiently detailed to allow the district engineer to determine that the adverse effects of the project will be minimal and to determine the need for compensatory mitigation. Sketches should be provided when necessary to show that the activity complies with the terms of the NWP. (Sketches usually clarify the project and when provided results in a quicker decision. Sketches should contain sufficient detail to provide an illustrative description of the proposed activity (e.g., a conceptual plan), but do not need to be detailed engineering plans); (4) The PCN must include a delineation of wetlands, other special aquatic sites, and other waters, such as lakes and ponds, and perennial, intermittent, and ephemeral streams, on the project site. Wetland delineations must be prepared in accordance with the current method required by the Corps. The permittee may ask the Corps to delineate the special aquatic sites and other waters on the project site, but there may be a delay if the Corps does the delineation, especially if the project site is large or contains many waters of the United States. Furthermore, the 45 day period will not start until the delineation has been submitted to or completed by the Corps, as appropriate; (5) If the proposed activity will result in the loss of greater than 1/10-acre of wetlands and a PCN is required, the prospective permittee must submit a statement describing how the mitigation requirement will be satisfied, or explaining why the adverse effects are minimal and why compensatory mitigation should not be required. As an alternative, the prospective permittee may submit a conceptual or detailed mitigation plan. (6) If any listed species or designated critical habitat might be affected or is in the vicinity of the project, or if the project is located in designated critical habitat, for non-Federal applicants the PCN must include the name(s) of those endangered or threatened species that might be affected by the proposed work or utilize the designated critical habitat that may be affected by the proposed work. Federal applicants

must provide documentation demonstrating compliance with the Endangered Species Act; and (7) For an activity that may affect a historic property listed on, determined to be eligible for listing on, or potentially eligible for listing on, the National Register of Historic Places, for non-Federal applicants the PCN must state which historic property may be affected by the proposed work or include a vicinity map indicating the location of the historic property. Federal applicants must provide documentation demonstrating compliance with Section 106 of the National Historic Preservation Act. (c) *Form of Pre-Construction Notification*: The standard individual permit application form (Form ENG 4345) may be used, but the completed application form must clearly indicate that it is a PCN and must include all of the information required in paragraphs (b)(1) through (7) of this general condition. A letter containing the required information may also be used. (d) *Agency Coordination*: (1) The district engineer will consider any comments from Federal and state agencies concerning the proposed activity's compliance with the terms and conditions of the NWP and the need for mitigation to reduce the project's adverse environmental effects to a minimal level. (2) For all NWP activities that require pre-construction notification and result in the loss of greater than 1/2-acre of waters of the United States, for NWP 21, 29, 39, 40, 42, 43, 44, 50, 51, and 52 activities that require pre-construction notification and will result in the loss of greater than 300 linear feet of intermittent and ephemeral stream bed, and for all NWP 48 activities that require pre-construction notification, the district engineer will immediately provide (e.g., via email, facsimile transmission, overnight mail, or other expeditious manner) a copy of the complete PCN to the appropriate Federal or state offices (U.S. FWS, state natural resource or water quality agency, EPA, State Historic Preservation Officer (SHPO) or Tribal Historic Preservation Office (THPO), and, if appropriate, the NMFS). With the exception of NWP 37, these agencies will have 10 calendar days from the date the material is transmitted to telephone or fax the district engineer notice that they intend to provide substantive, site specific comments. The comments must explain why the agency believes the adverse effects will be more than minimal. If so contacted by an agency, the district engineer will wait an additional 15 calendar days before making a decision on the preconstruction notification. The district engineer will fully consider agency comments received within the specified time frame concerning the proposed activity's compliance with the terms and conditions of the NWPs, including the need for mitigation to ensure the net adverse environmental effects to the aquatic environment of the proposed activity are minimal. The district engineer will provide no response to the resource agency, except as provided below. The district engineer will indicate in the administrative record associated with each pre-construction notification that the resource agencies' concerns were considered. For NWP 37, the emergency watershed protection and rehabilitation activity may proceed immediately in cases where there is an unacceptable hazard to life or a significant loss of property or economic hardship will occur. The district engineer will consider any comments received to decide whether the NWP 37 authorization should be modified, suspended, or revoked in accordance with the procedures at 33 CFR 330.5. (3) In cases of where the prospective permittee is not a Federal agency, the district engineer will provide a response to NMFS within 30 calendar days of receipt of any Essential Fish Habitat conservation recommendations, as required by Section 305(b)(4)(B) of the Magnuson-Stevens Fishery Conservation and Management Act. (4) Applicants are encouraged to provide the Corps with either electronic files or multiple copies of preconstruction notifications to expedite agency coordination.

Further Information

1. District Engineers have authority to determine if an activity complies with the terms and conditions of an NWP.
2. NWPs do not obviate the need to obtain other federal, state, or local permits, approvals, or authorizations required by law.

3. NWPs do not grant any property rights or exclusive privileges.
4. NWPs do not authorize any injury to the property or rights of others.
5. NWPs do not authorize interference with any existing or proposed Federal project.

**2012 Nationwide Permits
Regional Conditions
Omaha District
State of North Dakota**

The following Nationwide Permit regional conditions will be used in the State of North Dakota. Regional conditions are placed on Nationwide Permits to ensure projects result in less than minimal adverse impacts to the aquatic environment and to address local resources concerns.

Wetlands Classified as Peatlands – Revoked for Use

All Nationwide Permits, with the exception of 3, 5, 20, 32, 38 and 45, are revoked for use in peatlands in North Dakota.

Peatlands are saturated and inundated wetlands where conditions inhibit organic matter decomposition and allow for the accumulation of peat. Under cool, anaerobic, and acidic conditions, the rate of organic matter accumulation exceeds organic decay. Peatlands can be primarily classified into ombrotrophic bogs and minerotrophic fens; the latter subdivided into poor, moderate-rich, and extreme-rich fens, each with distinctive indicator species, community physiognomy, acidity, alkalinity, and base cation content.

Wetlands Classified as Peatlands – Pre-construction Notification Requirement

For Nationwide Permits 3, 5, 20, 32, 38, and 45 permittees must notify the Corps in accordance with General Condition 31 (Notification) prior to initiating any regulated activity impacting peatlands in North Dakota.

Waters Adjacent to Natural Springs – Pre-construction Notification Requirement

For all Nationwide Permits permittees must notify the Corps in accordance with General Condition No. 31 (Notification) for regulated activities located within 100 feet of the water source in natural spring areas in North Dakota. For purposes of this condition, a spring source is defined as any location where there is artesian flow emanating from a distinct point at any time during the growing season. Springs do not include seeps and other groundwater discharge areas where there is no distinct point source.

Missouri River, including Lake Sakakawea and Lake Oahe within the State of North Dakota – Pre-construction Notification Requirement

For all Nationwide Permits permittees must notify the Corps in accordance with General Condition No. 31 (Notification) prior to initiating any regulated activity in the Missouri River, including Lake Sakakawea and Lake Oahe, within the State of North Dakota.

Borrow Site Identification – All Nationwide Permits

The permittee is responsible for ensuring that the Corps is notified of the location of any borrow site that will be used in conjunction with the construction of the authorized activity so that the Corps may evaluate the site for potential impacts to aquatic resources, historic properties, and endangered species. For projects where there is another lead Federal agency, the permittee shall provide the Corps documentation indicating that the lead Federal agency has complied with the National Historic Preservation Act and Endangered Species Act for the borrow site. The permittee shall not initiate work at the borrow site in conjunction with the authorized activity until approval is received from the Corps.

Counter-sinking Culverts and Associated Riprap – All Nationwide Permits

That culverts and riprap proposed to be installed within waters of the United States listed as Class III or higher on the 1978 Stream Evaluation Map for the State of North Dakota shall be installed one foot below the natural streambed. The 1978 Stream Evaluation Map for the State of North Dakota can be accessed on the North Dakota Regulatory Office's website at: <http://www.nwo.usace.army.mil/html/od-rnd/ndhome.htm>.

REGIONAL CONDITIONS APPLICABLE TO SPECIFIC NATIONWIDE PERMITS

Nationwide Permit 7 – Outfall Structures and Associated Intake Structures and Nationwide Permit 12 – Utility Line Activities

Intake Structures - Intake screens with a maximum mesh opening of 1/4-inch must be provided, inspected annually, and maintained. Wire, Johnson-like, screens must have a maximum distance between wires of 1/8-inch. Water velocity at the intake screen shall not exceed 1/2-foot per second.

Pumping plant sound levels will not exceed 75 dB at 50 feet.

Intakes located in Lake Sakakawea, above river mile 1519, are subject to the following conditions:

- The intakes shall be floating.
- At the beginning of the pumping season, the intake shall be placed over water with a minimum depth of 20 feet.
- If the 20-foot depth is not attainable, then the intake shall be located over the deepest water available.
- If the water depth falls below six feet, the intake shall be moved to deeper water or the maximum intake velocity shall be limited to 1/4 foot per second.

Intakes located in Lake Sakakawea, below river mile 1519, and in the Missouri River below Garrison Dam are subject to the following conditions:

- The intakes shall be submerged.
- At the beginning of the pumping season, the intake will be placed at least 20 vertical feet below the existing water level.
- The intake shall be elevated 2 to 4 feet off the bottom of the river or reservoir bed.
- If the 20-foot depth is not attainable, then the intake velocity shall be limited to 1/4-foot per second with the intake placed at the maximum practicable attainable depth.

Nationwide Permit 11 – Temporary Recreational Structures - Boat Docks

a. If future operations by the United States require the removal, relocation, or other alteration, of the structure or work herein authorized, or if, in the opinion of the Secretary of the Army or his authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters, the permittee will be required, upon due notice from the Corps of Engineers, to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the United States. No claim shall be made against the United States on account of any such removal or alteration.

b. No boat dock shall be located on a sandbar or barren sand feature located in or along the banks of the Missouri River.

c. The farthest point riverward on the dock located on the Missouri River proper shall not exceed a total length of 30 feet from the ordinary high water line found along the high bank out into the River. Information Note: Issuance of this permit does not supersede authorization required by the North Dakota State Engineer's Office.

d. Any boat dock located on the Missouri River shall be anchored to the top of the high bank.

e. Any boat dock located within an excavated bay or marina off the main river channel may be anchored to the bay or marina bottom with spuds.

Nationwide Permit 13 - Bank Stabilization

Permittees must notify the Corps in accordance with General Condition No. 31 (Notification) prior to initiating any regulated activity within the State of North Dakota.

Nationwide Permit 23 - Approved Categorical Exclusions

Permittees must notify the Corps in accordance with General Condition No. 31 (Notification) prior to initiating any regulated activity within the State of North Dakota. In addition to information required by General Condition 31, permittees must identify the approved categorical exclusion that applies and provide documentation that the project fits the categorical exclusion.

Nationwide Permit 27 - Aquatic Habitat Restoration, Establishment and Enhancement Activities

Permittees must notify the Corps in accordance with General Condition No. 31 (Notification) prior to initiating any regulated activity within the State of North Dakota.

GENERAL CONDITIONS (REGIONAL ADDITIONS)

General Condition 3- Spawning Areas

No regulated activity within waters of the United States listed as Class III or higher on the 1978 Stream Evaluation Map for the State of North Dakota or on the North Dakota Game and Fish Department's website as a North Dakota Public Fishing Water shall occur between 15 April and 1 June. No regulated activity within the Red River of the North shall occur between 15 April and 1 July. North Dakota Public Fishing Waters can be accessed at: <http://gf.nd.gov/fishing/nd-fish-wat.html>. The 1978 Stream Evaluation Map for the State of North Dakota can be accessed on the North Dakota Regulatory Office's website at: <http://www.nwo.usace.army.mil/html/od-rnd/ndhome.htm>.

General Condition 6 – Suitable Material

Permittees are reminded that General Condition No. 6 prohibits the use of unsuitable material. In addition, organic debris, some building waste, and materials excessive in fines are not suitable material. Specific verbiage on prohibited materials can be accessed on the North Dakota Regulatory Office's website at: <http://www.nwo.usace.army.mil/html/od-rnd/ndhome.htm>.

General Condition 9 - Management of Water Flows

Permittees are reminded that water flow management addressed in General Condition 9 is applicable to all aspects of a permitted project, including temporary features.

General Condition 31 – Pre-construction Notification

Prospective permittees should be aware that a **field delineation** may be required for applications where notification is required in accordance with General Condition 31 and/or mitigation may be required. The Corps 1987 Wetland Delineation Manual and applicable Regional Supplements to the Manual can be accessed on the North Dakota Regulatory Office's website at: <http://www.nwo.usace.army.mil/html/od-rnd/ndhome.htm>.



Construction and Environmental Disturbance Requirements

These represent the minimum requirements of the North Dakota Department of Health. They ensure that minimal environmental degradation occurs as a result of construction or related work which has the potential to affect the waters of the State of North Dakota. All projects will be designed and implemented to restrict the losses or disturbances of soil, vegetative cover, and pollutants (chemical or biological) from a site.

Soils

Prevent the erosion of exposed soil surfaces and trapping sediments being transported. Examples include, but are not restricted to, sediment dams or berms, diversion dikes, hay bales as erosion checks, riprap, mesh or burlap blankets to hold soil during construction, and immediately establishing vegetative cover on disturbed areas after construction is completed. Fragile and sensitive areas such as wetlands, riparian zones, delicate flora, or land resources will be protected against compaction, vegetation loss, and unnecessary damage.

Surface Waters

All construction which directly or indirectly impacts aquatic systems will be managed to minimize impacts. All attempts will be made to prevent the contamination of water at construction sites from fuel spillage, lubricants, and chemicals, by following safe storage and handling procedures. Stream bank and stream bed disturbances will be controlled to minimize and/or prevent silt movement, nutrient upsurges, plant dislocation, and any physical, chemical, or biological disruption. The use of pesticides or herbicides in or near these systems is forbidden without approval from this Department.

Fill Material

Any fill material placed below the high water mark must be free of top soils, decomposable materials, and persistent synthetic organic compounds (in toxic concentrations). This includes, but is not limited to, asphalt, tires, treated lumber, and construction debris. The Department may require testing of fill materials. All temporary fills must be removed. Debris and solid wastes will be removed from the site and the impacted areas restored as nearly as possible to the original condition.