Public Notice

U.S. ARMY CORPS OF ENGINEERS BUILDING STRONG®

Subject: Public Notice of Permit Application

Action ID: NWO-2014-01468-BIS

Comments Period: December 6, 2019 – December 27, 2019

SUBJECT: The U.S. Army Corps of Engineers, Omaha District, (Corps) is evaluating a permit application for BU-1 – Burlington Project as another component of the Mouse River Enhanced Flood Protection Project (MREFPP). The project would impact approximately 0.71 acre/1,035 linear feet of the Des Lacs River, 1.26 acre/2,310 linear feet of Souris (Mouse) River and 1.12 acres of permanent and 1.19 acres of temporary impacts to jurisdictional wetlands. This notice is to inform interested parties of the proposed activity and to solicit comments. This notice may also be viewed at the Corps web site at *http://www.nwo.usace.army.mil/Missions/RegulatoryProgram/NorthDakota/PublicNotices.aspx*

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

APPLICANT: Souris River Joint Board
Attn: Mr. Dave Ashley, Chairman
1025 - 31st Street SE
Minot, North Dakota 58701

LOCATION: The project is located in and adjacent to the Des Lacs and Souris (Mouse) Rivers in Sections 1 and 2, Township 155 North, Range 84 West, Latitude 48.280087° North, Longitude -101.421408° West, Burlington, Ward County, North Dakota, and can be seen on the Burlington USGS Topographic Quadrangle.

PROJECT DESCRIPTION: The Souris River Joint Board is proposing to construct approximately 8,770 feet of levee; seepage cut-off wall; interior stormwater storage areas; levee ramps for maintenance and inspection access; the Kittelson Pump Station and interior drainage improvements; overbank excavation; river bank and levee stabilization; and municipal infrastructure modifications and improvement, including sanitary sewer, water main, storm sewer and street reconstruction as part of the Mouse (Souris) River Enhanced Flood Protection Plan. The project would impact approximately 0.71 acre/1,035 linear feet of the Des Lacs River, 1.26 acre/2,310 linear feet of Souris (Mouse) River and 1.12 acres of permanent and 1.19 acres of temporary impacts to jurisdictional wetlands.

Approximately 200 cubic yards of material would be removed from below the OHWM during overbank excavation as the storage capacity between the proposed levees is increased. Additional upland area above the OHWM will also be lowered to fulfill this purpose. Stabilization of the river banks would result in the discharge of 1,700 cubic yards of granular bedding material and 10,500 cubic yards of rock riprap. Impacts to wetlands would result

primarily due to excavation, levee construction and placement of riprap. Approximately 12,600 cubic yards of compacted clay fill would be placed during levee construction. An additional 700 cubic yards of riprap and 275 cubic yards of granular underlay would be discharged for erosion control and proposed utility improvements.

The attached figures provide a general project location overview, preferred alternative features, wetland impact areas, OHWM impact areas and mitigation site location. Additional project details are available upon request.

ADDITIONAL INFORMATION:

Environmental Setting. The Burlington segment of the project extends along the eastern/northeastern outskirts of the city. Land cover generally reflects the general types of land use (i.e., developed) within the area. Within and directly adjacent to the project boundary are residential properties, a cemetery, Old Settlers Park, and the Canadian Pacific Railway. Land cover of the project area near Burlington is predominately low-intensity developed area, with some open space, pasture/hay, and cultivated crop areas. Other land cover includes developed areas, woody and emergent herbaceous wetlands associated with areas directly adjacent to Souris River, and old oxbows associated with the river channel.

The existing flood control project consists of 6,500 feet of levee that protects approximately 81 acres, including 54 acres of low-density suburban residential property, 11 acres of farmland and 16 acres of park. Interior drainage is conveyed to the Souris (Mouse) River through a series of ditches and culverts into an interior storage pond created in a cutoff oxbow, then through the levee to the River via a 30-inch gravity outlet, gatewell and pump with station.

Work would occur throughout the City of Burlington, with the majority of regulated work in and adjacent to the Des Lacs and Souris (Mouse) Rivers. Activities within the City affect mainly cutoff oxbows and drainage ditches/wetlands. Burlington is located at the most upstream reach of the MREFPP.

Alternatives. The applicant provided information concerning project alternatives that were included in the Programmatic Environmental Impact Statement (PEIS) completed for the entire MREFPP. The Section 404(b)(1) Guidelines take practicability of alternatives into consideration and no alternative may be permitted if there is a less environmentally damaging practicable alternative. Only the Least Damaging Practicable Alternative (LEDPA) can be permitted, unless there are other significant adverse environmental consequences. Based on the information provided, there may not be a less damaging alternative; however, that LEDPA determination would be made during the evaluation phase of this project.

Mitigation. The Corps requires that applicants consider and use all reasonable and practical measures to avoid and minimize impacts to aquatic resources. If the applicant is unable to avoid or minimize all impacts, the Corps may require compensatory mitigation. The applicant has incorporated a 1.4-acre on-site, in-kind wetland mitigation site into the plans, which would include emergent wetland seed mix for permanent cover establishment, and buffer maintenance requirements. The source of hydrology would be from precipitation, runoff

and when high flows occur in the Souris (Mouse) River. A mitigation plan to offset impacts below the OHWM of the Des Lacs and Souris (Mouse) Rivers is currently being developed.

OTHER GOVERNMENTAL AUTHORIZATIONS: Water quality certification or a waiver, as required under Section 401 of the Clean Water Act from the North Dakota Department of Environmental Quality, Division of Water Quality (NDDEQ), is required for this project. A copy of this notice and the permit application will be forwarded to the NDDEQ with a request for review and certification, if appropriate.

HISTORIC PROPERTIES: Because this project would affect an existing Federal project constructed under the Civil Works authorities of the St. Paul District (MVP), MVP is considered the lead District and is responsible for compliance. Cultural and Architectural Surveys have been completed, a determination of 'No Historic Properties Affected' has been made and concurrence from the North Dakota State Historic Preservation Office (ND SHPO) requested by MVP.

ENDANGERED SPECIES: As stated above, MVP is considered the lead District and is responsible for compliance. MVP assessed potential effect on the endangered Whooping crane *(Grus americana);* the threatened Piping plover *(Charadrius melodus),* Dakota skipper *Herperia dacotae)*, Rufa red knot *(Calidris cantus rufa)* and Northern long-eared bat *(Myotis septentronalis)*; and critical habitat for the Piping plover. MVP has determined the project will have 'No Effect' on any of the Federally-listed species or critical habitat protected by the Endangered Species Act.

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

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

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

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

SUBMITTING COMMENTS: Written comments, referencing Public Notice NWO-2014-01468-BIS must be submitted to the office listed below on or before December 27, 2019.

Toni Erhardt, Project Manager
US Army Corps of Engineers, Omaha District
North Dakota Regulatory Office
3319 University Drive
Bismarck, North Dakota 58504

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

The Corps is particularly interested in receiving comments related to the proposal's probable impacts on the affected aquatic environment and the secondary and cumulative effects. Anyone may request, in writing, that a public hearing be held to consider this application. Requests shall specifically state, with particularity, the reason(s) for holding a public hearing. If the Corps determines that the information received in response to this notice is inadequate for thorough evaluation, a public hearing may be warranted. If a public hearing is warranted, interested parties will be notified of the time, date, and location. Please note that all comment letters received are subject to release to the public through the Freedom of Information Act.

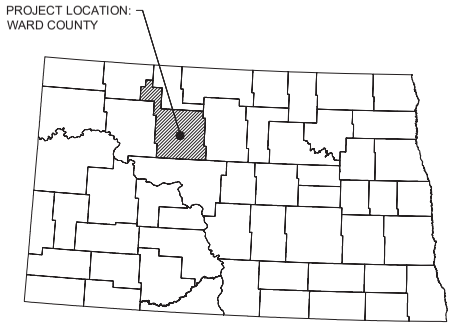
If you have questions or need additional information please contact the applicant or the Corps' project manager Toni Erhardt at the above address, by phone at (701) 255-0015, extension 2003 or by email at *Toni.R.Erhardt@usace.army.mil*.

Attachments: 6 Figures

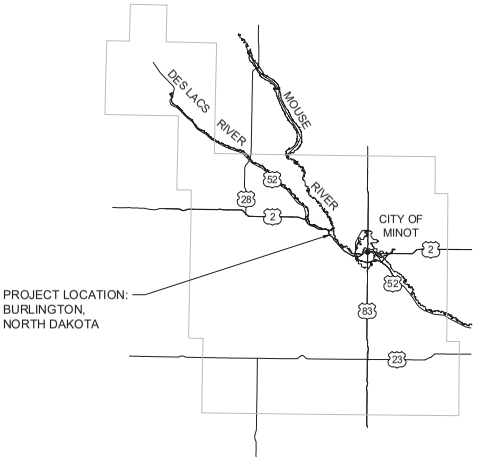
MOUSE RIVER ENHANCED FLOOD PROTECTION PROJECT

PHASE BU-1 BURLINGTON

SOURIS RIVER JOINT WATER RESOURCE BOARD



LOCATION MAP
NOT TO SCALE



REGIONAL MAP
NOT TO SCALE

PROJECT AREA MAP
0 500 1000
SCALE IN FEET

NORTH DAKOTA ONE CALL:
CALL BEFORE YOU DIG.
1-800-795-0555 or 811

MREFP PROJECT DATUM:
HORIZONTAL: NORTH DAKOTA STATE PLANE (NAD83), NORTH, US FT
VERTICAL: NAVD 88

NO.	BY	CHK.	APP.	DATE	REVISION DESCRIPTION

CONTRACTOR SHALL BE RESPONSIBLE FOR FIELD-LOCATING ALL SITE UTILITIES, PRIVATE AND PUBLIC, PRIOR TO STARTING THE WORK. ALL UTILITIES SHOWN ON THE PLANS ARE APPROXIMATE. ANY UTILITIES DAMAGED BY CONTRACTOR SHALL BE REPAIRED BY CONTRACTOR TO THE SATISFACTION OF THE UTILITY OWNER.

CLIENT	6/23/17	10/19/17	7/27/18					
AGENCY	6/23/17	10/19/17	7/27/18	01/24/19				
BID				01/24/19				
CONSTRUCTION								
RELEASED TO/FOR	A	B	C	0	1	2	3	
DATE RELEASED								

BARR
Corporate Headquarters:
Minneapolis, Minnesota
Ph: 1-800-632-2277

Project Office:
BARR ENGINEERING CO.
234 WEST CENTURY AVE.
BISMARCK, ND
58503
Ph: 1-800-632-2277
Fax: (701) 222-6371
www.barr.com

ACKERMAN ESTVOLD
1907 17th Street Southeast
Minot, ND 58701
701.837.8737
www.ackerman-estvold.com

Scale	AS SHOWN
Date	01/09/2017
Drawn	RRR2
Checked	SBA
Designed	SBA
Approved	MAK2

SOURIS RIVER JOINT
WATER RESOURCE BOARD
MINOT, ND

MOUSE RIVER - PHASE BU-1
BURLINGTON

COVER SHEET

ENG. PROJECT No.	34/51-1018.00
CLIENT PROJECT No.	3529.05
DWG. No.	G-101
REV. No.	0

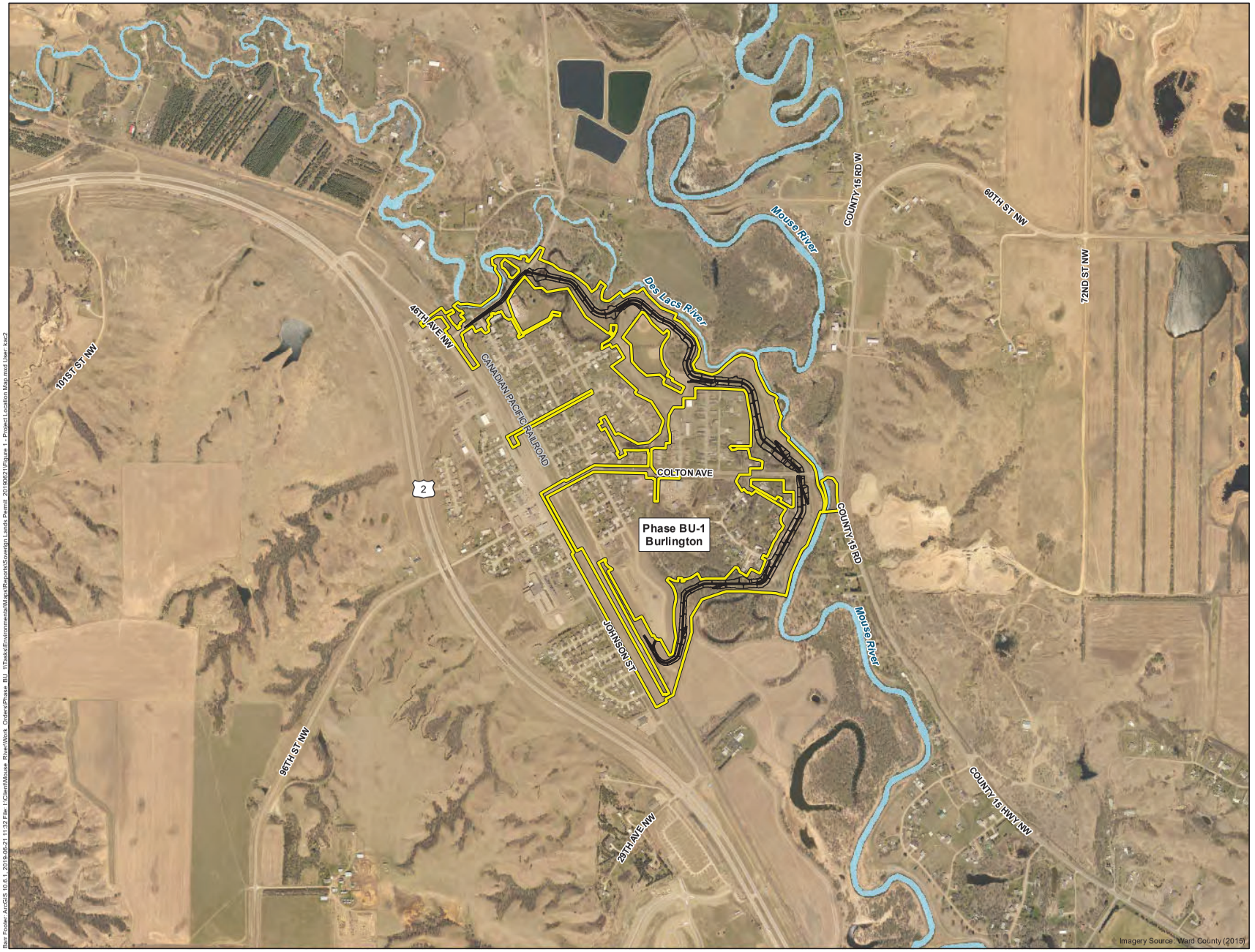


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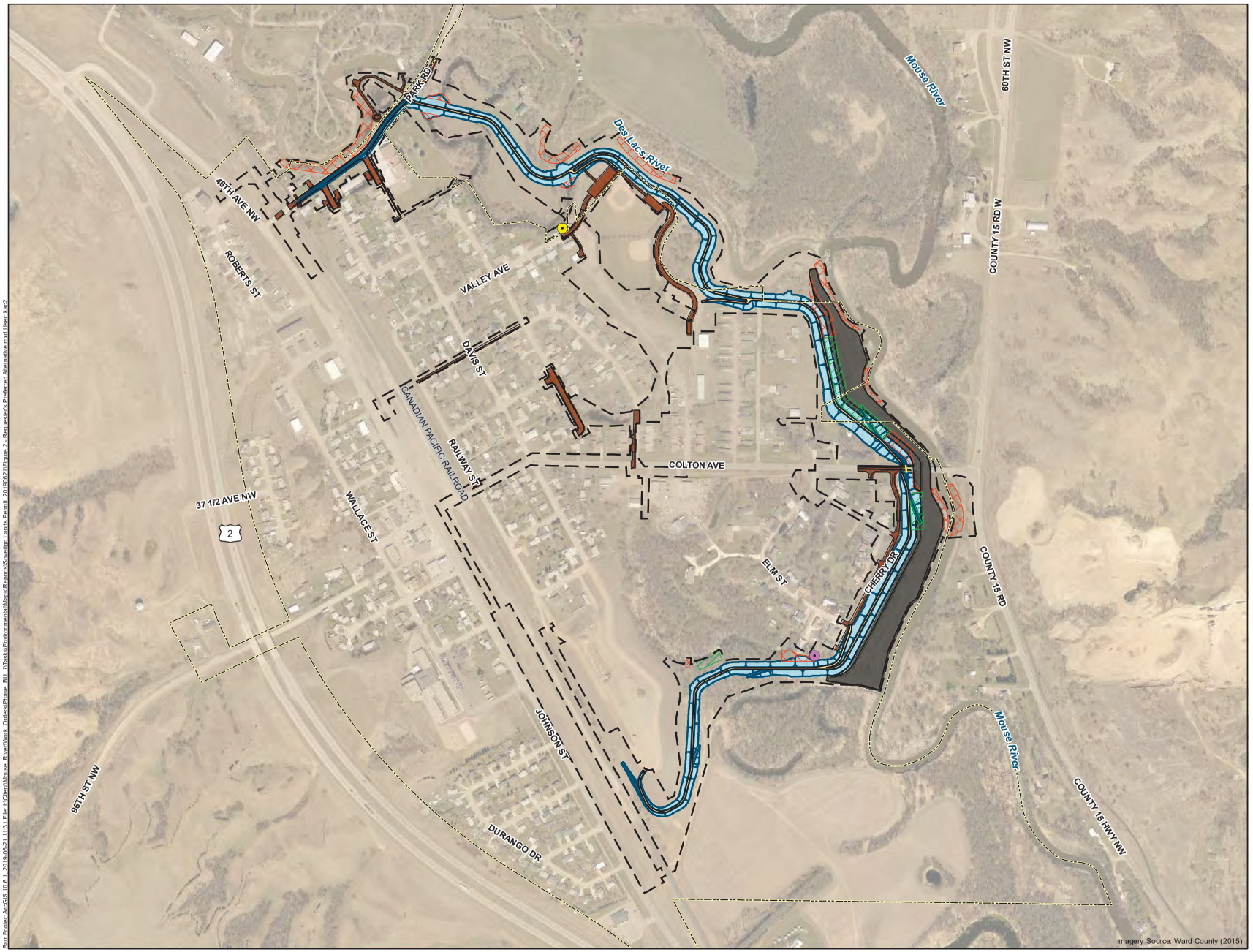
Figure 1

PROJECT LOCATION MAP
Mouse River Enhanced Flood Protection Project



Phase BU-1
Municipalities
Levee Footprint
Transportation Closure
Road Modifications and Parking Areas
Bank Stabilization Rip-Rap
Turf Reinforcement Mat
Overbank Excavation
Proposed Pump Station (New)
Existing Pump Station (Replacement)

0 275 550 1,100
Feet

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Figure 2

REQUESTER'S PREFERRED ALTERNATIVE
Mouse River Enhanced Flood Protection Project

Phase BU-1
Wetland Boundaries
Temporary Wetland Impacts
Permanent Wetland Impacts

N

0 275 550 1,100
Feet

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Figure 3

WETLAND IMPACT AREA
Mouse River Enhanced Flood Protection Project

Phase BU-1

Ordinary High Water Mark

Approximate Permanent Impacts Below OHWM

0 275 550 1,100

Feet

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Figure 4

OHWM IMPACT AREA
Mouse River Enhanced Flood Protection Project

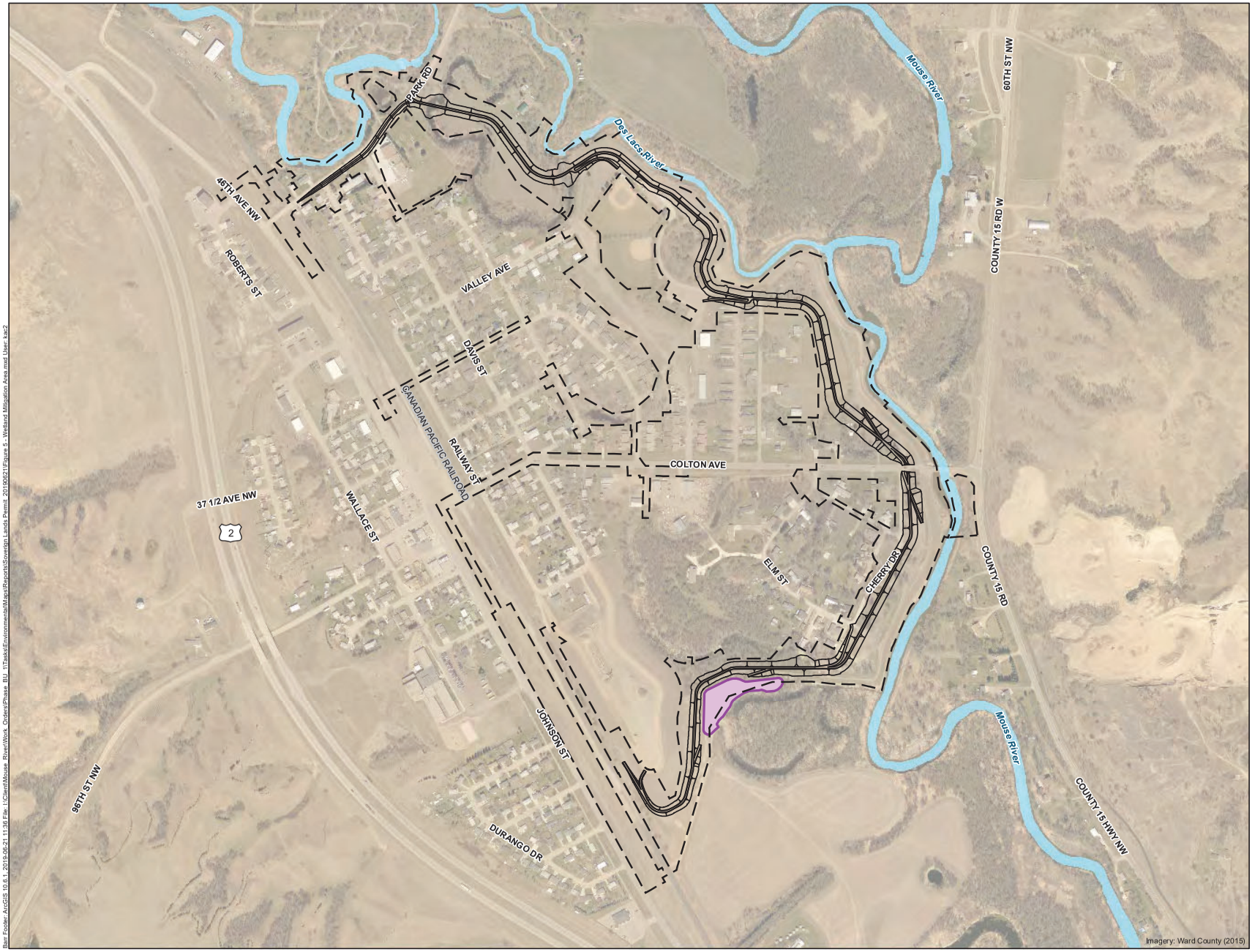

Figure 5

WETLAND MITIGATION AREA
Mouse River Enhanced Flood Protection Project