



BURLEIGH COUNTY WATER RESOURCE DISTRICT AGENDA
Wednesday, November 8, 2023 at 8:00 am
Tom Baker Room, 221 N. 5th Street Bismarck

8:00 a.m. – Call to Order

- Roll Call (Reep, Landenberger, Palm, Smith, Binegar):
- **Approval of 10/11/2023 and 10/19/2023 Minutes:3-6**
- **Amendments and Approval of Agenda:**
- Comments from Members of the Public: (For Items Not on the agenda):
- McDowell Dam (Binegar/Landenberger):
 - Facility Update
 - Supplemental Water Supply
 - Easement Acquisition and Status Map
 - Landowner/BCHD (old Hwy #10) Easements7
- Financial Reports (Reep):
 - **Balance Sheet 10/31/20238-9**
 - **P&L 10/31/2023 10-11**
 - Property Insurance Policy Changes
- Drainage Permits/Complaints/Issues: *Open (Palm)*:
 - 7232 Signal St – Schaff (Notice and Order)
- Drainage Permits/Complaints/Issues: *Closed (Palm)*:
- Projects:
 - Sibley Island (Gunsch\Reep):
 - Preliminary Engineering Report – (Appendices Sorted)
 - Preferred Alternative Memorandum – Completed
 - Economic Assessment – DWR (revisions completed verification to DWR)
 - Sibley Island Information Letter
 - Public Comments
 - Hoge Island Stabilization (Binegar):
 - DWR/USACE/Burleigh County (FDP) – Regulatory Permits Secured12-62
 - Bid Opening (Bid Tab) – October 18th 63
 - Bolhman Trenching – Project Awarded (waiting on contract and insurance)64-76
 - Schedule is to start early November with completion early December
 - Expense Review and Status (Section 32, and Special Assessment District)
- Other Old Business:
 - Burleigh County WRD Assessment District Projects
 - Highway Dept O&M Agreements (draft updates to BCHD-Pending)
 - Annual project inspections – November 2023
 - Educate Advocate Engage Meeting (Linton) - Update
 - Policy Manual (No Update)

- New Business
 - Upper Missouri Water Association Conference, October 24-26 (Manager Reep)
 - USACE Fall Annual Operating Plan Meeting – November 7th
 - Stutsman County Project (Gunsch)
 - Legislative Update (Reep)
 - Surface Drain Permit Application No. 625377-80
 - Project near McKenzie for Arnold Burian Wetland Restoration (Comment).....81-108

- Correspondence or Document Information:
 - Plats & SWMP's – Not included due to size...Available on request.
 - CLH Subdivision Final Plat
 - Braunagel Subdivision – Preliminary Plat
 - Riverbend Subdivision – Final Plat
 - Aberle Industrial Park 4th Subdivision
 - Trillium Fifth Addition – Recorded Plat

- **Approval of Bills (\$64,619.58) 109**
- Detailed Bills110-172
- Next Meeting: Wednesday, December 13, 2023, 8:00 AM, Tom Baker Room
- Adjourn

Note: Bold Items Require Board Action

BCWRD Meeting Minutes
 October 11, 2023
 Draft – Not Yet Approved

Agenda Items	Discussion	Board Action	Responsible Party(s)	Due Date
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Present: James Landenberger; Dennis Reep; Roger Smith; Randy Binegar; Michael Gunsch, Houston Engineering; Dave Bliss, Bliss Law Firm, and Wendy Egli, Fronteer Professional Services
Others Present: Casey Einrem, Burleigh County Highway Dept, Dave Robinson, Bismarck Parks & Rec; Paul King, Ken Huber

Chairman Landenberger called the meeting to order at 8:00 am. Roll call was taken and a quorum was declared.

	Discussion	Action Taken	Responsible Party(s)	Due Date
Approval of 09/13/2023 and 9/29/2023 Minutes		Mgr. Binegar motions to approve 09/13/2023 and 09/29/2023 minutes, Mgr. Smith seconds. Carried by voice vote		
Amendments and Approval of Agenda		Mgr. Reep motions to approve agenda as amended, Mgr. Smith seconds. Carried by voice vote.		
Comments from Members of the Pubic	Ken Huber (8930 Blue Spruce Rd) spoke of his concern with the new Summit Point first subdivision development. Concern is with the difference in culvert sizing (the subdivision put in 24 inch culvert, existing culverts are only 18 inch) and with the change to the flow of water. No action was taken, this was just a notification to the board that this may be an issue.			
McDowell Dam				
Facility Update	No Updates, everything doing great.			
Supplemental Water Supply	Discussions are still ongoing, change in ownership is holding things up. One easement has been signed with payment in the bills to be approved.			
Financial Reports				
Balance Sheet	None noted.	Mgr. Reep motion to approve balance sheet; Mgr. Smith second. Motion passed by unanimous roll call vote.		
Profit & Loss	None Noted	Mgr. Reep motion to approve profit & loss; Mgr. Binegar second. Motion passed by unanimous roll call vote.		
Property Insurance Policy Changes	Attorney Dave Bliss has been unable to connect with Bain Agency, he will continue to try. Changes to property values are in the book.	Mgr. Reep motions to approve the change and Mgr. Smith seconds. Motion passed by unanimous roll call vote.		

Agenda Items	Discussion	Board Action	Responsible Party(s)	Due Date
Drainage Permits/Complaints/ Issues: Open	7232 Signal St – Schaff – Michael Gunsch – the letter for tree removal has gone out			
	1926 48 th Ave SE – Koch – no complaint has been received no actino			
Drainage Permits/Complaints/ Issues: Closed	None			
Projects				
Sibley Island Preferred Alternative Memorandum	Preferred Alternative #5 needs to be formally adopted to proceed	Mgr. Reep moves to receive and approve the memorandum and adoption of preferred alternative #5. Mgr. Smith seconds. Motion passed by unanimous roll call vote.		
Hoge Island Vote Tally	Votes were tallied on September 26 th , result was positive			
DWR/USACE Regulatory permitting discussions	Still waiting on approval from Corps of Engineers (Section 408)			
Bid opening	Scheduled for September 27 th , there were no acceptable bids			
Readvertised Bid Opening	Readvertised bid opening to be held October 18 th .			
Burnt Creek Special Assessment	Special Assessment District for O&M – date on letter is incorrect, Michael Gunsch changed.	Mgr. Smith makes a motion to approve the certification of special assessment with the change in date for Burnt Creek. Mgr. Binegar 2nds. Motion passed by unanimous roll call vote.		
Other Old Business				
Highway Dept O&M Agreements	No Updates			
Policy Manual	No Updates			
New Business				
Upper Missouri Water Association Conference	Mgr. Reep is registered			
US Geological Survey Joint-Funding Agreement	Consensus of the board is for Chairman Landenberger to go ahead and sign.			

Agenda Items	Discussion	Board Action	Responsible Party(s)	Due Date
Solicitation of View	Information Only			
Correspondence or Document Information	Plats received are listed			
Approval of Bills	Bills and payroll were presented totaling \$81,178.46	Mgr. Reep motions to approve payment of bills. Mr. Binegar 2nd. Motion passed by unanimous roll call vote.		
Next Meeting	The next meeting date is November 8, 2023 at 8:00 AM in the Tom Baker Room.			

With no further business the meeting adjourned at 8:54 a.m.

Wendy Egli, BCWRD Admin. Secretary

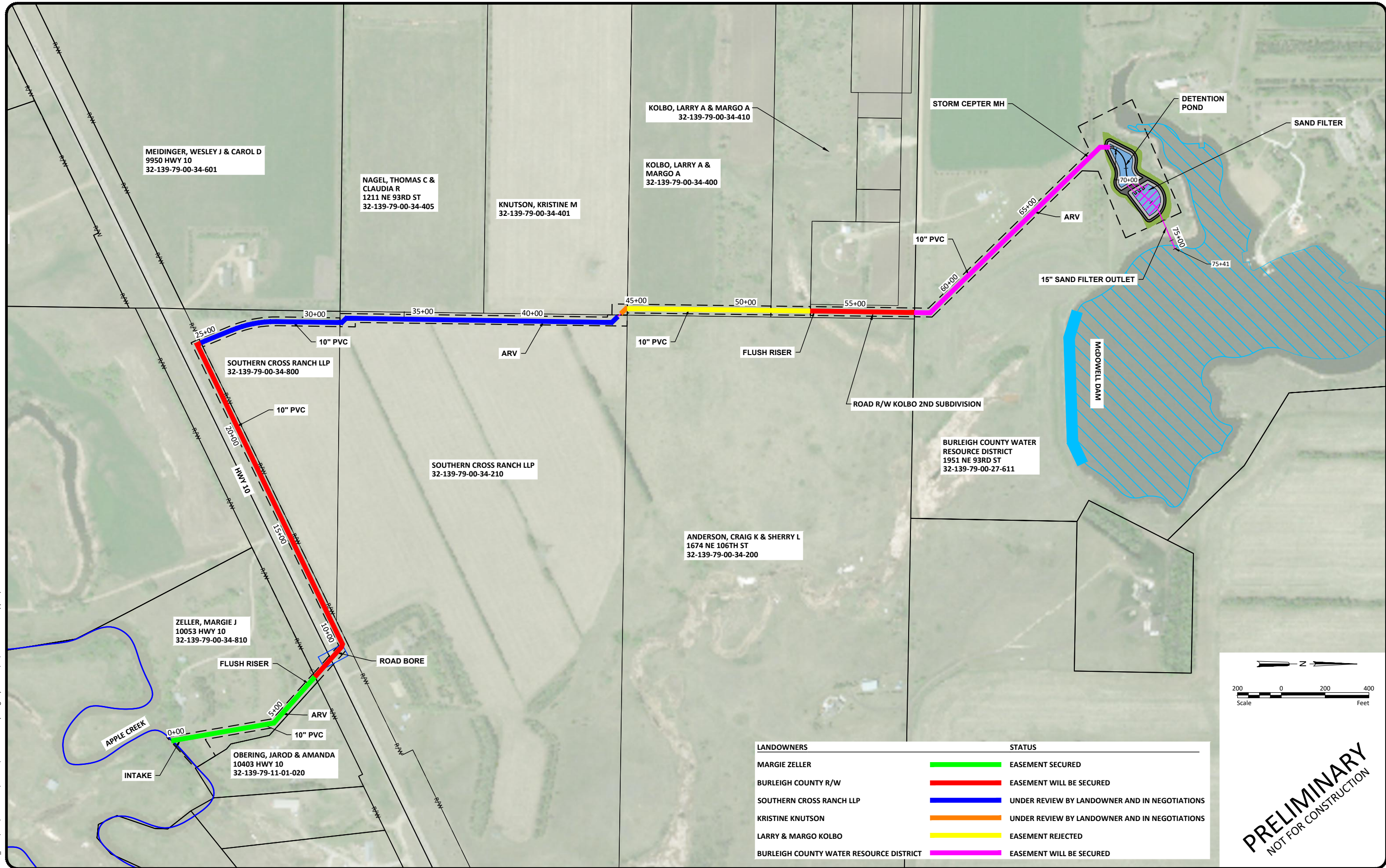
BCWRD Meeting Minutes
 October 19, 2023
 Draft – Not Yet Approved

Agenda Items	Discussion	Board Action	Responsible Party(s)	Due Date
<p>Present: James Landenberger; Dennis Reep; Randy Binegar; Cory Palm; Roger Smith; Michael Gunsch and Travis Johnson, Houston Engineering; Dave Bliss, Bliss Law Firm, and Wendy Egli, Fronteer Professional Services, Others Present: Larry K, South Central Regional Water District</p> <p>Chairman Landenberger called the meeting to order at 8:00 am. Roll call was taken and a quorum was declared.</p>				
	Discussion	Action Taken	Responsible Party(s)	Due Date
Amendments and Approval of Agenda		Mgr. Palm motions to approve agenda, Mgr. Binegar seconds. Carried by unanimous voice vote.		
Hoge Island Bank Stabilization –	<p>One bid was submitted yesterday, and it is within the acceptable amounts at slightly over 3% over the estimate. All necessary permits and approvals have been received.</p> <p>Travis from Houston Engineering will contact Mr. Bohlman and the landowners to update them.</p>	Mgr. Binegar made a motion to award the contract to Bohlman Trenching Service, Inc of Thompson, North Dakota for the base bid, plus alternate #1, at a total price of \$479,499.50. in addition, upon receipt of contract documents, permission is granted to move to notice to Proceed. Second by Mgr. Palm. Motion is approved by unanimous roll call vote.		
Next Meeting	Next meeting is November 8, 2023.			

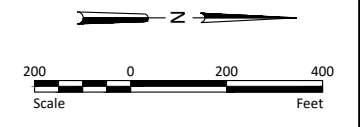
With no further business the meeting adjourned at 8:21 a.m.

Wendy Egli, BCWRD Admin. Secretary

H:\JBM\1000\1032\1032_0200\CAD\Alternate 5\Exhibits\Landowner Map.dwg:Layout 1-10/26/2023 12:11 PM (tpaul)



LANDOWNERS	STATUS
MARGIE ZELLER	EASEMENT SECURED
BURLEIGH COUNTY R/W	EASEMENT WILL BE SECURED
SOUTHERN CROSS RANCH LLP	UNDER REVIEW BY LANDOWNER AND IN NEGOTIATIONS
KRISTINE KNUTSON	UNDER REVIEW BY LANDOWNER AND IN NEGOTIATIONS
LARRY & MARGO KOLBO	EASEMENT REJECTED
BURLEIGH COUNTY WATER RESOURCE DISTRICT	EASEMENT WILL BE SECURED



PRELIMINARY
NOT FOR CONSTRUCTION

No.	Revision	Date	By



Drawn by TP Date 10-26-23
Checked by TJ Scale AS SHOWN

MCDOWELL DAM SUPPLEMENTAL WATER SUPPLY
BURLEIGH COUNTY WATER RESOURCE DISTRICT
BURLEIGH COUNTY, ND

LANDOWNER MAP
PROJECT NO. 1032-0200 of 172
BCWRD Nov 2023

SHEET 1

Burleigh County Water Resource District (BCWRD)

Balance Sheet

11/03/23

As of October 31, 2023

Accrual Basis

	Oct 31, 23
ASSETS	
Current Assets	
Checking/Savings	
Bravera Bank Center Checking	
General Funds	1,819,510.24
O & M Funds	
Brookfield O&M	-2,591.17
Burnt Creek O&M	98,861.24
Country Creek 3rd O&M	221.57
Fox Island O&M	11,359.01
Total O & M Funds	107,850.65
Special Assessment Districts	
Apple Valley Special Assessment	13,259.37
Fox Island Special Assessment	151,003.73
MRCC Special Assessment	117,925.64
Total Special Assessment Districts	282,188.74
Total Bravera Bank Center Checking	2,209,549.63
Designated Reserve Funds	
Aero Club Rent	13.00
Apple Valley	19,000.00
Apple Valley Spec. Assessment	12,626.81
Brookfield Estates	2,377.34
Burnt Creek	115,000.00
Emergency Fund	265,037.13
Hay Creek Watershed	100,000.00
McDowell Dam (Buffer Zone)	80,000.00
McDowell Dam Capital Improvemen	60,000.00
McDowell Dam Fresh Water Intake	410,000.00
McDowell Rent	10,609.00
Missouri River Bank Stabilizati	124,906.33
Sibley Island	500,000.00
Designated Reserve Funds - Other	674.76
Total Designated Reserve Funds	1,700,244.37
Total Checking/Savings	3,909,794.00
Other Current Assets	
11010 - Taxes Receivable	492.18
Total Other Current Assets	492.18
Total Current Assets	3,910,286.18
Fixed Assets	
15005 - Land	112,481.50
15010 - Infrastructure	6,679,991.93
15015 - Land Improvements	1,810,033.62
15020 - Buildings	187,659.68
15025 - Office Furniture & Equipment	162,206.58
15051 - Acc Depr - Infrastructure	-230,788.13
15052 - Acc Depr - Land Improvements	-989,289.34
15053 - Acc Depr - Building	-151,017.71
15054 - Acc Depr - Office Furn & Equip	-114,986.82
Total Fixed Assets	7,466,291.31
TOTAL ASSETS	11,376,577.49
LIABILITIES & EQUITY	
Liabilities	
Current Liabilities	
Accounts Payable	
20000 - Accounts Payable	60,679.58

Burleigh County Water Resource District (BCWRD)

Balance Sheet

As of October 31, 2023

	Oct 31, 23
Total Accounts Payable	60,679.58
Other Current Liabilities	
24000 · Payroll Liabilities	1,061.63
Total Other Current Liabilities	1,061.63
Total Current Liabilities	61,741.21
Long Term Liabilities	
23200 · Rehab Apple Valley Waste Water	130,000.00
237 · Burnt Creek Floodway	250,000.00
23800 · Missouri River Correctional Cen	260,000.00
23900 · Fox Island Improvement	1,210,000.00
25000 · Bond Discount	-26,477.50
Total Long Term Liabilities	1,823,522.50
Total Liabilities	1,885,263.71
Equity	
32000 · Retained Earnings	9,014,347.76
Net Income	476,966.02
Total Equity	9,491,313.78
TOTAL LIABILITIES & EQUITY	11,376,577.49

Burleigh County Water Resource District (BCWRD)
Profit & Loss by Class
January through October 2023

	TOTAL	- General	Apple Valley	Brookfield Est.	Burnt Creek Floodway	Country Ridge/Creek	Fox Island	Hoge Island	McDowell Dam	Missouri River Gen.	MRCC	Sibley Island	TOTAL
Income													
31110 · Real Estate Tax	876,544.97	876,544.97	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	876,544.97
31810 · In Lieu of Tax	444.86	444.86	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	444.86
36110 · Interest	328.68	328.68	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	328.68
36210 · McDowell Dam Recreation Income	22,609.57	0.00	0.00	0.00	0.00	0.00	0.00	0.00	22,609.57	0.00	0.00	0.00	22,609.57
43610 · State Aid Distribution	41,498.01	41,498.01	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	41,498.01
43810 · Reimbursements	245,781.30	1,140.52	11,169.01	0.00	27,990.05	0.00	128,405.92	0.00	17,721.60	0.00	24,731.65	34,622.55	245,781.30
Total Income	1,187,207.39	919,957.04	11,169.01	0.00	27,990.05	0.00	128,405.92	0.00	40,331.17	0.00	24,731.65	34,622.55	1,187,207.39
Gross Profit	1,187,207.39	919,957.04	11,169.01	0.00	27,990.05	0.00	128,405.92	0.00	40,331.17	0.00	24,731.65	34,622.55	1,187,207.39
Expense													
111 · Payroll Expenses													
111A · Payroll Taxes	2,025.64	2,025.64	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	2,025.64
111B · Workforce Safety & Insurance	250.00	250.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	250.00
111 · Payroll Expenses - Other	25,818.75	25,818.75	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	25,818.75
Total 111 · Payroll Expenses	28,094.39	28,094.39	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	28,094.39
113 · Accounting & Contract Services	22,131.25	22,131.25	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	22,131.25
114 · Audit	9,896.09	9,896.09	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	9,896.09
312 · Legal Fees	13,372.85	13,372.85	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	13,372.85
315 · Engineering Administration	14,737.50	14,385.00	0.00	0.00	0.00	352.50	0.00	0.00	0.00	0.00	0.00	0.00	14,737.50
328 · Liability Insurance	5,425.00	5,425.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	5,425.00
376 · Dues & Publications	2,600.00	2,600.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	2,600.00
411 · Office Expense	1,805.01	1,805.01	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	1,805.01
50913 · Interest Expense	33,730.00	1,750.00	1,750.00	0.00	7,050.00	0.00	16,367.50	0.00	0.00	0.00	6,812.50	0.00	33,730.00
904 · McDowell Dam	234,328.13	0.00	0.00	0.00	0.00	0.00	0.00	0.00	234,328.13	0.00	0.00	0.00	234,328.13
905 · McDowell Dam-Capital Improvemen	88,810.26	0.00	0.00	0.00	0.00	0.00	0.00	0.00	88,810.26	0.00	0.00	0.00	88,810.26
910 · Projects													
Administration	3,620.00	350.00	350.00	0.00	1,095.00	0.00	730.00	0.00	0.00	0.00	1,095.00	0.00	3,620.00
Legal Fees	17,228.40	0.00	0.00	0.00	0.00	0.00	0.00	11,221.90	1,816.60	0.00	0.00	4,189.90	17,228.40
O&M	2,244.62	0.00	0.00	2,064.87	0.00	179.75	0.00	0.00	0.00	0.00	0.00	0.00	2,244.62
Total 910 · Projects	23,093.02	350.00	350.00	2,064.87	1,095.00	179.75	730.00	11,221.90	1,816.60	0.00	1,095.00	4,189.90	23,093.02
934 · Missouri River Bank Stabilizati	4,449.48	0.00	0.00	0.00	0.00	0.00	0.00	4,449.48	0.00	0.00	0.00	0.00	4,449.48
937 · Design/Special Assessment	197,236.04	245.00	0.00	0.00	0.00	949.00	98.00	106,020.29	0.00	50,882.00	0.00	39,041.75	197,236.04
940 · Operations & Maintenances													
940A · Burnt Creek Watershed	1,046.25	0.00	0.00	0.00	1,046.25	0.00	0.00	0.00	0.00	0.00	0.00	0.00	1,046.25
940 · Operations & Maintenances - Other	7,673.10	1,967.50	0.00	1,820.00	3,885.60	0.00	0.00	0.00	0.00	0.00	0.00	0.00	7,673.10
Total 940 · Operations & Maintenances	8,719.35	1,967.50	0.00	1,820.00	4,931.85	0.00	0.00	0.00	0.00	0.00	0.00	0.00	8,719.35
941 · Stream Gages	6,000.00	6,000.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	6,000.00
960 · Drainage Complaints	15,813.00	15,813.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	15,813.00
Total Expense	710,241.37	123,835.09	2,100.00	3,884.87	13,076.85	1,481.25	17,195.50	121,691.67	324,954.99	50,882.00	7,907.50	43,231.65	710,241.37
Net Income	476,966.02	796,121.95	9,069.01	-3,884.87	14,913.20	-1,481.25	111,210.42	-121,691.67	-284,623.82	-50,882.00	16,824.15	-8,609.10	476,966.02

Burleigh County Water Resource District (BCWRD)

Profit & Loss Budget vs. Actual

January through October 2023

	Jan - Oct 23	Budget	\$ Over Budget
Income			
31110 · Real Estate Tax	876,544.97	1,014,125.00	-137,580.03
31810 · In Lieu of Tax	444.86	1,000.00	-555.14
33620 · Homestead Credit	0.00	6,000.00	-6,000.00
36110 · Interest	328.68	200.00	128.68
36210 · McDowell Dam Recreation Income	22,609.57	26,500.00	-3,890.43
36215 · McDowell Dam Land Lease	0.00	3,200.00	-3,200.00
43610 · State Aid Distribution	41,498.01	36,000.00	5,498.01
43810 · Reimbursements	245,781.30		
46910 · Misc Revenue	0.00	500.00	-500.00
Total Income	1,187,207.39	1,087,525.00	99,682.39
Gross Profit	1,187,207.39	1,087,525.00	99,682.39
Expense			
111 · Payroll Expenses			
111A · Payroll Taxes	2,025.64	3,000.00	-974.36
111B · Workforce Safety & Insurance	250.00		
111 · Payroll Expenses - Other	25,818.75	30,000.00	-4,181.25
Total 111 · Payroll Expenses	28,094.39	33,000.00	-4,905.61
113 · Accounting & Contract Services	22,668.75	32,000.00	-9,331.25
114 · Audit	9,896.09	11,000.00	-1,103.91
312 · Legal Fees	14,329.10	24,000.00	-9,670.90
315 · Engineering Administration	15,591.50	24,000.00	-8,408.50
328 · Liability Insurance	5,425.00	5,000.00	425.00
341 · Travel	0.00	2,000.00	-2,000.00
376 · Dues & Publications	2,600.00	5,000.00	-2,400.00
411 · Office Expense	1,862.72	3,000.00	-1,137.28
50913 · Interest Expense	33,730.00		
904 · McDowell Dam	226,154.99	300,000.00	-73,845.01
905 · McDowell Dam-Capital Improvemen			
905-A · Fresh Water Intake	0.00	22,525.00	-22,525.00
905 · McDowell Dam-Capital Improvemen - Other	89,855.01	20,000.00	69,855.01
Total 905 · McDowell Dam-Capital Improvemen	89,855.01	42,525.00	47,330.01
910 · Projects			
Administration	3,620.00		
Engineering	20,653.50		
Legal Fees	16,024.60		
O&M	2,244.62		
910 · Projects - Other	0.00	320,000.00	-320,000.00
Total 910 · Projects	42,542.72	320,000.00	-277,457.28
911 · Misc	0.00	2,500.00	-2,500.00
920 · Continuing Education	190.00	2,500.00	-2,310.00
933 · Missouri River General Services	0.00	15,000.00	-15,000.00
937 · Design/Special Assessment	181,859.29	200,000.00	-18,140.71
940 · Operations & Maintenances			
940A · Burnt Creek Watershed	1,046.25		
940 · Operations & Maintenances - Other	7,673.10	20,000.00	-12,326.90
Total 940 · Operations & Maintenances	8,719.35	20,000.00	-11,280.65
941 · Stream Gages	6,000.00	6,000.00	0.00
960 · Drainage Complaints	15,813.00	20,000.00	-4,187.00
970 · Storm Water Management Plans	0.00	20,000.00	-20,000.00
Total Expense	705,331.91	1,087,525.00	-382,193.09
Net Income	481,875.48	0.00	481,875.48



October 17, 2023

NWO-2023-00210-BIS

Burleigh County Water Resource District
ATTN: James Landenberger, Chairman
PO Box 1255
Bismarck, North Dakota 58502-1255

Dear Mr. Landenberger:

We are responding to your request for a Department of the Army permit for the Hogue Island Bank Stabilization Project. The project site is located on the left bank of the Missouri River in the SE¼ of Section 33, Township 140 North, Range 81 West, centered on Latitude 46.899622° North, Longitude -100.901334° West, Burleigh County, North Dakota.

Based on the information you provided to this office, the project involves two components that would be completed simultaneously. Federal Section 32 structures located at River Miles 1322.1, 1322.0, 1321.95 and 1321.92 would be repaired and/or reconstructed as required by an agreement between the Corps of Engineers and the local sponsor(s). As indicated in the agreement, no permit is required to complete this work.

To prevent additional failures between and immediately downstream of the structures, the District would shape the bank and install rock riprap on a total of 950 linear feet. Work would be completed in accordance with the preliminary construction plans by Houston Engineering entitled *Burleigh County Water Resource District, Hogue Island Bank Stabilization, Bismarck, ND dated July, 2023*. These activities trigger the need for authorization under Section 10 of the Rivers and Harbors Act and Section 404 of the Clean Water Act. State law prohibits reclamation of land lost to erosion; therefore, encroachment into the River would be prevented by removing material and replacing it with rock riprap. Construction does not result in the permanent loss of waters of the United States, therefore, mitigation is not required.

We have determined activities in waters of the U.S. associated with the project are authorized by Nationwide Permit Number (NWP) 45, found in the December 27, 2021 Federal Register (86 FR 73522) and January 13, 2021 Federal Register (86 FR 2744), Reissuance and Modification of Nationwide Permits. Enclosed is a fact sheet that fully describes this Nationwide Permit and lists the General and Regional 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**. Information about the NWP and regional conditions are available on our website at <http://www.nwo.usace.army.mil/Missions/Regulatory-Program/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.

Enclosed is the 408 Determination Memo from Omaha District dated September 25, 2023. You are responsible for providing information and conducting work as specified in the memo.

Within 30 days after completion of the authorized work, you must sign the enclosed Compliance Certification and return it to this office.

This verification will be valid until **March 14, 2026**. 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. If the nationwide permit is modified, suspended, or revoked, and construction has commenced or is under contract to commence 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.

The Omaha District, North Dakota Regulatory Office 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 <https://regulatory.ops.usace.army.mil/customer-service-survey>. 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.

Please refer to identification number NWO-2023-00210-BIS in any correspondence concerning this project. If you have any questions, please contact me by email at Toni.R.Erhardt@usace.army.mil or telephone at (701) 255-0015, extension 2003.

Sincerely,



Toni R. Erhardt
Senior Project Manager
North Dakota Section

Enclosures

COMPLIANCE CERTIFICATION

Permit File Name: Hogue Island Bank Stabilization Project

Action ID: NWO-2023-00210-BIS

Nationwide Permit Number: 45

Permittee: Burleigh County Water Resource District
Attn: James Landenberger, Chairman
PO Box 1255
Bismarck, North Dakota 58502-1255

County: Burleigh

Date of Verification: October 17, 2023

Project Manager: Erhardt

Within 30 days after completion of the activity authorized by this permit, sign this certification and return it to the following address:

U.S. Army Corps of Engineers, Omaha District
North Dakota Regulatory Office
3319 University Drive
Bismarck, North Dakota 58504
CENWO-OD-RND@usace.army.mil

Please note that your permitted activity is subject to a compliance inspection by a U.S. Army Corps of Engineers representative. If you fail to comply with the terms and conditions of the permit your authorization may be suspended, modified, or revoked. If you have any questions about this certification, please contact the U.S. Army Corps of Engineers.

* * * * *

I hereby certify that the work authorized by the above-referenced permit, including all the required mitigation, was completed in accordance with the terms and conditions of the permit verification.

Permittee Signature

Date



DEPARTMENT OF THE ARMY
CORPS OF ENGINEERS, OMAHA DISTRICT
1616 CAPITOL AVENUE
OMAHA NE 68102-4901

CENWO-ODT-N

25 September 2023

MEMORANDUM FOR CENWO-ODR-ND

SUBJECT: Hogue Island Repairs

1. Burleigh County Water Management District has requested permission to make repairs to Hogue Island, a Streambank Erosion Control Evaluation and Demonstration Project located downstream of Oahe Dam, after it sustained damage from ice early in 2023.
2. An interdisciplinary team reviewed the subject proposal and regards the repair as O&M repair of the damaged area including the Federal project. The project will not result in the alteration of the Federal project and Section 408 Permission is not required.
3. The enhancement of additional structures does not impair the performance of the Federal project nor the ability to inspect and maintain the project.
4. USACE requests a copy of the final plans / specs for our records.
5. Due to the proximity to Federal structure, we would ask them to include drawing notes (modified as necessary to follow their project standards):

The project work area includes multiple existing Federal stabilization structures.

- 1) Other than necessary to prepare slopes for project work, the adjustment of Federal structure rock should be avoided to the extent practical. Removal of rock from existing Federal structure proximity is not allowed.
 - 2) For existing Federal structures that will not be repaired, the rock protection at the transition from the new work to the existing Federal structure will be seamless and maintain a minimal layer thickness as specified. Any portion of the existing Federal structure that is damaged by construction activities shall be replaced with new rock.
6. If you have any questions regarding this memorandum, please contact Angel Pletka at (402) 995-2195.

Angel Pletka
408 Coordinator
Omaha District, USACE

Nationwide Permit 45: Repair of Uplands Damaged by Discrete Events

This NWP authorizes discharges of dredged or fill material, including dredging or excavation, into all waters of the United States for activities associated with the restoration of upland areas damaged by storms, floods, or other discrete events. This NWP authorizes bank stabilization to protect the restored uplands. The restoration of the damaged areas, including any bank stabilization, must not exceed the contours, or ordinary high water mark, that existed before the damage occurred. The district engineer retains the right to determine the extent of the pre-existing conditions and the extent of any restoration work authorized by this NWP. The work must commence, or be under contract to commence, within two years of the date of damage, unless this condition is waived in writing by the district engineer. This NWP cannot be used to reclaim lands lost to normal erosion processes over an extended period.

This NWP does not authorize beach restoration or nourishment.

Minor dredging is limited to the amount necessary to restore the damaged upland area and should not significantly alter the pre-existing bottom contours of the waterbody.

Notification: The permittee must submit a pre-construction notification to the district engineer (see general condition 32) within 12 months of the date of the damage; for major storms, floods, or other discrete events, the district engineer may waive the 12-month limit for submitting a pre-construction notification if the permittee can demonstrate funding, contract, or other similar delays. The pre-construction notification must include documentation, such as a recent topographic survey or photographs, to justify the extent of the proposed restoration.

(Authorities: Sections 10 and 404)

Note: The uplands themselves that are lost as a result of a storm, flood, or other discrete event can be replaced without a Clean Water Act Section 404 permit, if the uplands are restored to the ordinary high water mark (in non-tidal waters) or high tide line (in tidal waters). (See also [33 CFR 328.5](#).) This NWP authorizes discharges of dredged or fill material into waters of the United States associated with the restoration of uplands.

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. Prospective permittees should contact the appropriate Corps district office to determine if regional conditions have been imposed on an NWP. Prospective permittees should also contact the appropriate Corps district office to determine the status of Clean Water Act Section 401 water quality certification and/or Coastal Zone Management Act consistency for an NWP. Every person who may wish to obtain permit authorization under one or more NWPs, or who is currently relying on an existing or prior permit authorization under one or more NWPs, has been and is on notice that all of the provisions of [33 CFR 330.1](#) through 330.6 apply to every NWP authorization. Note especially [33 CFR 330.5](#) relating to the modification, suspension, or revocation of any NWP authorization.

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 or her 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. If a bottomless culvert cannot be used, then the crossing should be designed and constructed to minimize adverse effects to aquatic life movements.

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, storm water management activities, and temporary and permanent road crossings, 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, or during low tides.

13. Removal of Temporary Structures and Fills.

Temporary structures must be removed, to the maximum extent practicable, after their use has been discontinued. 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.

(a) No NWP 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.

(b) If a proposed NWP activity will 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, the permittee must submit a pre-construction notification (see general condition 32). The district engineer will coordinate the PCN with the Federal agency with direct management responsibility for that river. Permittees shall not begin the NWP activity until notified by the district engineer that the Federal agency with direct management responsibility for that river has determined in writing that the proposed NWP activity will not adversely affect the Wild and Scenic River designation or study status.

(c) 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). Information on these rivers is also available at: <http://www.rivers.gov/>.

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 designated critical habitat or critical habitat proposed for such designation. No activity is authorized under any NWP which “may affect” a listed species or critical habitat, unless ESA section 7 consultation addressing the consequences of the proposed activity on listed species or critical habitat has been completed. See [50 CFR 402.02](#) for the definition of “effects of the action” for the purposes of ESA section 7 consultation, as well as [50 CFR 402.17](#), which provides further explanation under ESA section 7 regarding “activities that are reasonably certain to occur” and “consequences caused by the proposed action.”

(b) Federal agencies should follow their own procedures for complying with the requirements of the ESA (see [33 CFR 330.4\(f\)\(1\)](#)). If pre-construction notification is required for the proposed activity, the Federal permittee must provide the district engineer with the appropriate documentation to demonstrate compliance with those requirements. The district engineer will verify that the appropriate documentation has been submitted. If the appropriate documentation has not been submitted, additional ESA section 7 consultation may be necessary for the activity and the respective federal agency would be responsible for fulfilling its obligation under section 7 of the ESA.

(c) Non-federal permittees must submit a pre-construction notification to the district engineer if any listed species (or species proposed for listing) or designated critical habitat (or critical habitat proposed such designation) might be affected or is in the vicinity of the activity, or if the activity is located in designated critical habitat or critical habitat proposed for such designation, 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 species proposed for listing) or designated critical habitat (or critical habitat proposed for such designation), the pre-construction notification must include the name(s) of the endangered or threatened species (or species proposed for listing) that might be affected by the proposed activity or that utilize the designated critical habitat (or critical habitat proposed for such designation) that might be affected by the proposed activity. 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. For activities where the non-Federal applicant has identified listed species (or species proposed for listing) or designated critical habitat (or critical habitat proposed for such designation) that might be affected or is in the vicinity of the activity, and has so notified the Corps, the applicant shall not begin work until the Corps has provided notification that the proposed activity will have “no effect” on listed species (or species proposed for listing or designated critical habitat (or critical habitat proposed for such designation), or until ESA section 7 consultation or conference 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 or conference with the FWS or NMFS the district engineer may add species-specific permit conditions to the NWP.

(e) Authorization of an activity by an 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 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) If the non-federal permittee has a valid ESA section 10(a)(1)(B) incidental take permit with an approved Habitat Conservation Plan for a project or a group of projects that includes the proposed NWP activity, the non-federal applicant should provide a copy of that ESA section 10(a)(1)(B) permit with the PCN required by paragraph (c) of this general condition. The district engineer will coordinate with the agency that issued the ESA section 10(a)(1)(B) permit to determine whether the proposed NWP activity and the associated incidental take were considered in the internal ESA section 7 consultation conducted for the ESA section 10(a)(1)(B) permit. If that coordination

results in concurrence from the agency that the proposed NWP activity and the associated incidental take were considered in the internal ESA section 7 consultation for the ESA section 10(a)(1)(B) permit, the district engineer does not need to conduct a separate ESA section 7 consultation for the proposed NWP activity. The district engineer will notify the non-federal applicant within 45 days of receipt of a complete pre-construction notification whether the ESA section 10(a)(1)(B) permit covers the proposed NWP activity or whether additional ESA section 7 consultation is required.

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

19. Migratory Birds and Bald and Golden Eagles.

The permittee is responsible for ensuring that an action authorized by an NWP complies with the Migratory Bird Treaty Act and the Bald and Golden Eagle Protection Act. The permittee is responsible for contacting the appropriate local office of the U.S. Fish and Wildlife Service to determine what measures, if any, are necessary or appropriate to reduce adverse effects to migratory birds or eagles, including whether “incidental take” permits are necessary and available under the Migratory Bird Treaty Act or Bald and Golden Eagle Protection Act for a particular activity.

20. Historic Properties.

(a) No activity is authorized under any NWP which may have the potential to cause effects to properties listed, or eligible for listing, in the National Register of Historic Places 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 (see [33 CFR 330.4\(g\)\(1\)](#)). If pre-construction notification is required for the proposed NWP activity, the Federal permittee must provide the district engineer with the appropriate documentation to demonstrate compliance with those requirements. The district engineer will verify that the appropriate documentation has been submitted. If the appropriate documentation is not submitted, then additional consultation under section

106 may be necessary. The respective federal agency is responsible for fulfilling its obligation to comply with section 106.

(c) Non-federal permittees must submit a pre-construction notification to the district engineer if the NWP activity might 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 might have the potential to be affected by the proposed NWP activity 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 properties can be sought from the State Historic Preservation Officer, Tribal Historic Preservation Officer, or designated tribal representative, 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 commensurate with potential impacts, which may include background research, consultation, oral history interviews, sample field investigation, and/or field survey. Based on the information submitted in the PCN and these identification efforts, the district engineer shall determine whether the proposed NWP activity has the potential to cause effects on the historic properties. Section 106 consultation is not required when the district engineer determines that the activity does not have the potential to cause effects on historic properties (see [36 CFR 800.3\(a\)](#)). Section 106 consultation is required when the district engineer determines that the activity has the potential to cause effects on historic properties. The district engineer will conduct consultation with consulting parties identified under [36 CFR 800.2\(c\)](#) when he or she makes any of the following effect determinations for the purposes of section 106 of the NHPA: No historic properties affected, no adverse effect, or adverse effect.

(d) Where the non-Federal applicant has identified historic properties on which the proposed NWP activity might have the potential to cause effects and has 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 to historic properties or

that NHPA section 106 consultation has been completed. For non-federal permittees, 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. If NHPA section 106 consultation is required, the district engineer will notify the non-Federal applicant that he or she cannot begin the activity 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 ([54 U.S.C. 306113](#)) 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.

Permittees that discover any previously unknown historic, cultural or archeological remains and artifacts while accomplishing the activity authorized by an NWP, they must immediately notify the district engineer of what they 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, 52, 57 and 58 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, 38, and 54, notification is required in accordance with general condition 32, for any activity proposed by permittees in the designated critical resource waters including wetlands adjacent to those waters. The district engineer may authorize activities under these NWPs only after she or he determines 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 the individual and cumulative adverse environmental effects are no more than 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 individual and cumulative adverse environmental effects are no more than 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 environmental effects of the proposed activity are no more than minimal, and provides an activity-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 only minimal adverse environmental effects.

(d) Compensatory mitigation at a minimum one-for-one ratio will be required for all losses of stream bed that exceed 3/100-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 environmental effects of the proposed activity are no more than minimal, and provides an activity-specific waiver of this requirement. This compensatory mitigation requirement may be satisfied through the restoration or enhancement of riparian areas next to streams in accordance with paragraph (e) of this general condition. For losses of stream bed of 3/100-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 only minimal adverse environmental effects. Compensatory mitigation for losses of streams should be provided, if practicable, through stream rehabilitation, enhancement, or preservation, since streams are difficult-to-replace resources (see [33 CFR 332.3\(e\)\(3\)](#)).

(e) Compensatory mitigation plans for NWP activities in or near streams or other open waters will normally include a requirement for the restoration or enhancement, maintenance, and legal protection (*e.g.*, conservation easements) of riparian areas next to open waters. In some cases, the restoration or maintenance/protection of riparian areas may be the only compensatory mitigation required. If restoring riparian areas involves planting vegetation, only native species should be planted. 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 restore or maintain/protect a riparian area on both sides of a stream, or if the waterbody is a lake or coastal waters, then restoring or maintaining/protecting 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 minimization or compensatory mitigation, the district engineer may waive or reduce the requirement to provide wetland compensatory mitigation for wetland losses.

(f) 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 no more than minimal adverse environmental effects. For the NWP, the preferred mechanism for providing compensatory mitigation is mitigation bank credits or in-lieu fee program credits (see [33 CFR 332.3\(b\)\(2\)](#) and (3)). However, if an appropriate number and type of mitigation bank or in-lieu credits are not available at the time the PCN is submitted to the district engineer, the district engineer may approve the use of permittee-responsible mitigation.

(2) The amount of compensatory mitigation required by the district engineer must be sufficient to ensure that the authorized activity results in no more than minimal individual and cumulative adverse environmental effects (see [33 CFR 330.1\(e\)\(3\)](#)). (See also [33 CFR 332.3\(f\)](#).)

(3) Since the likelihood of success is greater and the impacts to potentially valuable uplands are reduced, aquatic resource restoration should be the first compensatory mitigation option considered for permittee-responsible mitigation.

(4) 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\(c\)\(2\)](#) through (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\(k\)\(3\)](#)). If permittee-responsible mitigation is the proposed

option, and the proposed compensatory mitigation site is located on land in which another federal agency holds an easement, the district engineer will coordinate with that federal agency to determine if proposed compensatory mitigation project is compatible with the terms of the easement.

(5) If mitigation bank or in-lieu fee program credits are the proposed option, the mitigation plan needs to address only the baseline conditions at the impact site and the number of credits to be provided (see [33 CFR 332.4\(c\)\(1\)\(ii\)](#)).

(6) 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 (see [33 CFR 332.4\(c\)\(1\)\(ii\)](#)).

(g) 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 NWP activity 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 an NWP activity already meeting the established acreage limits also satisfies the no more than minimal impact requirement for the NWPs.

(h) Permittees may propose the use of mitigation banks, in-lieu fee programs, or permittee-responsible mitigation. When developing a compensatory mitigation proposal, the permittee must consider appropriate and practicable options consistent with the framework at [33 CFR 332.3\(b\)](#). For activities resulting in the loss of marine or estuarine resources, permittee-responsible 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.

(i) Where certain functions and services of waters of the United States are permanently adversely affected by a regulated activity, such as discharges of dredged

or fill material into waters of the United States that will convert 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 environmental effects of the activity to the no more than 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 or federal, 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.

(a) Where the certifying authority (state, authorized tribe, or EPA, as appropriate) has not previously certified compliance of an NWP with CWA section 401, a CWA section 401 water quality certification for the proposed discharge must be obtained or waived (see [33 CFR 330.4\(c\)](#)). If the permittee cannot comply with all of the conditions of a water quality certification previously issued by certifying authority for the issuance of the NWP, then the permittee must obtain a water quality certification or waiver for the proposed discharge in order for the activity to be authorized by an NWP.

(b) If the NWP activity requires pre-construction notification and the certifying authority has not previously certified compliance of an NWP with CWA section 401, the proposed discharge is not authorized by an NWP until water quality certification is obtained or waived. If the certifying authority issues a water quality certification for the proposed discharge, the permittee must submit a copy of the certification to the district engineer. The discharge is not authorized by an NWP until the district engineer has notified the permittee that the water quality certification requirement has been satisfied by the issuance of a water quality certification or a waiver.

(c) The district engineer or certifying authority may require additional water quality management measures to ensure that the authorized activity does not result in more than minimal degradation of water quality.

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\(d\)](#)). If the permittee cannot comply with all of the conditions of a coastal zone management consistency concurrence previously issued by the state, then the permittee must obtain an individual coastal zone management consistency concurrence or presumption of concurrence in order for the activity to be authorized by an NWP. 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 CWA 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 authorized, subject to the following restrictions:

(a) If only one of the NWPs used to authorize the single and complete project has a specified acreage limit, the acreage loss of waters of the United States cannot 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.

(b) If one or more of the NWPs used to authorize the single and complete project has specified acreage limits, the acreage loss of waters of the United States authorized by those NWPs cannot exceed their respective specified acreage limits. For example, if a commercial development is constructed under NWP 39, and the single and complete project includes the filling of an upland ditch authorized by NWP 46, the maximum acreage loss of waters of the United States for the commercial development under NWP 39 cannot exceed 1/2-acre, and the total acreage loss of waters of United States due to the NWP 39 and 46 activities cannot exceed 1 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 implementation of 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 activity 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 activity and mitigation.

The completed certification document must be submitted to the district engineer within 30 days of completion of the authorized activity or the implementation of any required compensatory mitigation, whichever occurs later.

31. Activities Affecting Structures or Works Built by the United States.

If an NWP activity also requires review by, or permission from, the Corps pursuant to [33 U.S.C. 408](#) because it will alter or temporarily or permanently occupy or use a U.S. Army Corps of Engineers (USACE) federally authorized Civil Works project (a “USACE project”), the prospective permittee must submit a pre-construction notification. See paragraph (b)(10) of general condition 32. An activity that requires section 408 permission and/or review is not authorized by an NWP until the appropriate Corps office issues the section 408 permission or completes its review to alter, occupy, or use the USACE project, and the district engineer issues a written NWP verification.

32. 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 are in the vicinity of the activity, or to notify the Corps pursuant to general condition 20 that the activity might 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 Act (see [33 CFR 330.4\(g\)](#)) has been completed. 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 activity;
- (3) Identify the specific NWP or NWP(s) the prospective permittee wants to use to authorize the proposed activity;
- (4) (i) A description of the proposed activity; the activity's purpose; direct and indirect adverse environmental effects the activity would cause, including the anticipated amount of loss of wetlands, other special aquatic sites, and other waters expected to result from the NWP activity, in acres, linear feet, or other appropriate unit of measure; a description of any proposed mitigation measures intended to reduce the adverse environmental effects caused by the proposed activity; and 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, including other separate and distant

crossings for linear projects that require Department of the Army authorization but do not require pre-construction notification. The description of the proposed activity and any proposed mitigation measures should be sufficiently detailed to allow the district engineer to determine that the adverse environmental effects of the activity will be no more than minimal and to determine the need for compensatory mitigation or other mitigation measures.

(ii) For linear projects where one or more single and complete crossings require pre-construction notification, the PCN must include the quantity of anticipated losses of wetlands, other special aquatic sites, and other waters for each single and complete crossing of those wetlands, other special aquatic sites, and other waters (including those single and complete crossings authorized by an NWP but do not require PCNs). This information will be used by the district engineer to evaluate the cumulative adverse environmental effects of the proposed linear project, and does not change those non-PCN NWP activities into NWP PCNs.

(iii) Sketches should be provided when necessary to show that the activity complies with the terms of the NWP. (Sketches usually clarify the activity 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);

(5) The PCN must include a delineation of wetlands, other special aquatic sites, and other waters, such as lakes and ponds, and perennial and intermittent 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 wetlands, other special aquatic sites, and other waters. Furthermore, the 45-day period will not start until the delineation has been submitted to or completed by the Corps, as appropriate;

(6) If the proposed activity will result in the loss of greater than 1/10-acre of wetlands or 3/100-acre of stream bed 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 environmental effects are no more than minimal and why

compensatory mitigation should not be required. As an alternative, the prospective permittee may submit a conceptual or detailed mitigation plan.

(7) For non-federal permittees, if any listed species (or species proposed for listing) or designated critical habitat (or critical habitat proposed for such designation) might be affected or is in the vicinity of the activity, or if the activity is located in designated critical habitat (or critical habitat proposed for such designation), the PCN must include the name(s) of those endangered or threatened species (or species proposed for listing) that might be affected by the proposed activity or utilize the designated critical habitat (or critical habitat proposed for such designation) that might be affected by the proposed activity. For NWP activities that require pre-construction notification, Federal permittees must provide documentation demonstrating compliance with the Endangered Species Act;

(8) For non-federal permittees, if the NWP activity might have the potential to cause effects to a historic property listed on, determined to be eligible for listing on, or potentially eligible for listing on, the National Register of Historic Places, the PCN must state which historic property might have the potential to be affected by the proposed activity or include a vicinity map indicating the location of the historic property. For NWP activities that require pre-construction notification, Federal permittees must provide documentation demonstrating compliance with section 106 of the National Historic Preservation Act;

(9) For an activity that will 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, the PCN must identify the Wild and Scenic River or the “study river” (see general condition 16); and

(10) For an NWP activity that requires permission from, or review by, the Corps pursuant to [33 U.S.C. 408](#) because it will alter or temporarily or permanently occupy or use a U.S. Army Corps of Engineers federally authorized civil works project, the pre-construction notification must include a statement confirming that the project proponent has submitted a written request for section 408 permission from, or review by, the Corps office having jurisdiction over that USACE project.

(c) *Form of Pre-Construction Notification:* The nationwide permit pre-construction notification form (Form ENG 6082) should be used for NWP PCNs. A letter containing the required information may also be used. Applicants may provide electronic files of PCNs and supporting materials if the district engineer has established tools and procedures for electronic submittals.

(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 NWPs and the need for mitigation to reduce the activity's adverse environmental effects so that they are no more than minimal.

(2) Agency coordination is required for: (i) 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; (ii) NWP 13 activities in excess of 500 linear feet, fills greater than one cubic yard per running foot, or involve discharges of dredged or fill material into special aquatic sites; and (iii) NWP 54 activities in excess of 500 linear feet, or that extend into the waterbody more than 30 feet from the mean low water line in tidal waters or the ordinary high water mark in the Great Lakes.

(3) When agency coordination is required, 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 (FWS, state natural resource or water quality agency, EPA, 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 notify the district engineer via telephone, facsimile transmission, or email that they intend to provide substantive, site-specific comments. The comments must explain why the agency believes the adverse environmental 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 pre-construction 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 that the net adverse environmental effects of the proposed activity are no more than 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](#).

(4) 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.

(5) Applicants are encouraged to provide the Corps with either electronic files or multiple copies of pre-construction 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 (see general condition 31).

The following Nationwide Permit (NWP) regional conditions will be used in the State of North Dakota. The issuance of the NWPs was announced in the January 13, 2021, issue of the Federal Register (86 FR 2744) and December 27, 2021, issue of the Federal Register (86 FR 73522). Regional conditions are placed on NWPs to ensure projects result in no more than minimal adverse impacts to the aquatic environment and to address local resources concerns.

A. PRECONSTRUCTION NOTIFICATION REQUIREMENTS APPLICABLE TO ALL NWPs OR LIMITED REVOCATION OF NWPs

For all NWPs, permittees must notify the Corps in accordance with General Condition 32 Preconstruction Notification (PCN) requirements for regulated activities located within or comprised of the following:

1. Wetlands Classified as Peatlands:

For purposes of this condition, peatlands are permanently or seasonally waterlogged areas with a surface accumulation of peat (organic matter) 30 centimeters (12 inches) or more thick. Under cool, anaerobic, and acidic conditions, the rate of organic matter accumulation exceeds organic decay. Any peat-covered areas, including fens, bogs, and muskegs, are all peatlands.

- a. PCN required for NWP 3, 5, 20, 32, 38 and 45.
- b. All NWPs not listed above are revoked for use in peatlands.

2. Waters Adjacent to Natural Springs:

PCN required for any regulated activity located within 100 feet of the water source in natural spring areas. For purposes of this condition, a spring source is defined as any location where there is 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.

Springs do not include drain tile outlets.

3. Bank Stabilization Activities:

PCN required for any regulated activity that involves bank stabilization impacting an area greater than 1/10 of an acre below the Ordinary High Water Mark or includes features that extend out from the existing bank line greater than 25% of the bankfull channel width.

4. Specific Waterways:

PCN required for any regulated activity occurring in or under the Missouri River, including Lake Sakakawea and Lake Oahe. In addition, a PCN is required for any activity occurring in an off channel area (e.g. marinas and bays) of any of these waterways.

B. PRECONSTRUCTION NOTIFICATION REQUIREMENTS APPLICABLE TO SPECIFIC NWP

1. NWP 23 – Approved Categorical Exclusions:

In addition to PCN requirements identified in Regulatory Guidance Letter (RGL) 05-07 or the applicable Corps RGL, PCN is required prior to initiating any regulated activity under NWP 23 that would permanently impact an area greater than 1/2 an acre of waters of the United States. In addition to information required for PCN, the applicant must identify the approved categorical exclusion that applies in RGL 05-07 or the applicable Corps RGL and provide documentation that the project fits the categorical exclusion.

C. BEST MANAGEMENT PRACTICES

Required Best Management Practices:

In addition to the Regional Conditions above, additional required best management practices apply to NWPs within the Omaha District follow. These are also available at:

<https://www.nwo.usace.army.mil/Missions/Regulatory-Program/Nation-Wide-Permit-Information/>

The following Nationwide Permit regional condition best management practices are required for Montana, Nebraska, North Dakota, South Dakota, and Wyoming in the Omaha District. The issuance of the NWPs was announced in the January 13, 2021, issue of the Federal Register (86 FR 2744) and December 27, 2021, issue of the Federal Register (86 FR 73522). Regional conditions are placed on NWPs to ensure projects result in no more than minimal adverse impacts to the aquatic environment and to address local resources concerns.

A. REQUIRED BEST MANAGEMENT PRACTICES APPLICABLE TO MONTANA, NEBRASKA, NORTH DAKOTA, SOUTH DAKOTA, AND WYOMING

1. Suitable Material:

Permittees are reminded of General Condition No. 6 which prohibits use of unsuitable material. A list of materials prohibited or restricted as fill material in waters of the United States can be found at:

<http://www.nwo.usace.army.mil/Media/FactSheets/FactSheetArticleView/tabid/2034/Article/12320/prohibited-restricted-materials.aspx>

PARAGRAPHS PERTAINING TO ALL STATES EXCEPT NORTH DAKOTA HAVE BEEN REMOVED FROM THIS VERSION FOR CLARITY.

B. NORTH DAKOTA REQUIRED BEST MANAGEMENT PRACTICES

2. Minimum Culvert Width:

For all NWPs in jurisdictional streams, the culvert opening width of a stream crossing shall not be less than the mean bank to bank width as measured from the Ordinary High Water Mark in the affected stream reach. In stable stream channels, the Ordinary High Water Mark is often found at the point where over-bank flow begins during a flood event. In incised stream channels that do not frequently access a floodplain or upper terrace, the Ordinary High Water Mark is generally located within the entrenched channel. The Ordinary High Water Mark may be identified by observing indicators such as a distinct change in slope, a change in vegetation characteristics, or a change in sediment characteristics, see 33 CFR 328.3(e).

3. Culvert Countersink Depth:

For all NWPs in jurisdictional streams and a stable stream bed, culvert stream crossings shall be installed with the culvert invert set below the natural stream channel flow line according to the table below. This regional condition does not apply in instances where the lowering of the culvert invert would allow a headcut to migrate upstream of the project into an unaffected stream reach or result in lowering the elevation of the stream reach.

Culvert Type	Drainage Area	Minimum Distance Culvert Invert Shall Be Lowered Below Stream Flow Line
All culvert types	< 100 acres	Not required
Pipe diameter <8.0 ft	100 to 640 acres	1/2 ft
Pipe diameter <8.0 ft	>640 acres	1.0 ft
Pipe diameter > 8.0 ft	All drainage sizes	20% of pipe diameter
Box culvert	All drainage sizes	1.0 ft

- a. The stream flow line shall be defined as the longitudinal average of the low flow stream channel.
- b. The slope of the culvert should be parallel to the slope of the stream flow line.
- c. The culvert invert depression depth shall be measured at the culvert inlet for culverts installed at a slope less than the slope of the stream flow line.
- d. Riprap inlet and outlet protection shall be placed to match the height of the culvert invert.

4. Spawning Areas:

Spawning areas and seasons can be accessed on the North Dakota Game & Fish Department's website at: <http://gf.nd.gov/gnf/conservation/docs/spawning-restriction-exclusions.pdf>

5. Intake Structures:

- a. 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.
- b. Pumping plant sound levels will not exceed 75 dB at 50 feet.
- c. Intakes located in Lake Sakakawea, above river mile 1519, and on the Yellowstone River, are subject to the following conditions:
 - i. The intakes shall be floating.
 - ii. At the beginning of the pumping season, the intake shall be placed over water with a minimum depth of 20 feet.
 - iii. If the 20-foot depth is not attainable, then the intake shall be located over the deepest water available.
 - iv. 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.
- d. Intakes located in Lake Sakakawea, below river mile 1519, and the Missouri River below

Garrison Dam are subject to the following conditions:

- i. The intakes shall be submerged.
 - ii. At the beginning of the pumping season, the intake will be placed at least 20 vertical feet below the existing water level.
 - iii. The intake shall be elevated 2 to 4 feet off the bottom of the river or reservoir bed.
 - iv. If the 20-foot depth is not attainable, then the intake velocity shall be limited to ¼-foot per second with intake placed at the maximum practicable attainable depth.
- e. Intakes and associated utility lines that are proposed to cross sandbars in areas designated as piping plover critical habitat are prohibited.
 - f. Any temporary open trench associated with utility lines are to be closed within 30 days of excavation. This time limit may be extended by notifying the North Dakota Regulatory Office and receiving a written response that the extension is acceptable

6. Boat Docks:

To ensure that the work or structure shall not cause unreasonable obstruction to the free navigation of the navigable waters, the following conditions are required:

- a. No boat dock shall be located on a sandbar or barren sand feature. The farthest point riverward of a dock shall not exceed a total length of 30 feet from the Ordinary High Water Mark. Information Note: Issuance of this permit does not supersede authorization required by the North Dakota State Engineer's Office.
- b. Any boat dock shall be anchored to the top of the high bank.
- c. Any boat dock located within an excavated bay or marina that is off the main river channel may be anchored to the bay or marina bottom with spuds.
- d. Section 10 Waters located in the State of North Dakota are:
 - i. Bois de Sioux River
 - ii. James River Missouri River
 - iii. Red River of the North
 - iv. Upper Des Lacs Lake
 - v. Yellowstone River



2022 Nationwide Permits Regional Conditions State of North Dakota Section 401 Water Quality Certification

The following Nationwide permit (NWP) regional conditions pertaining to Section 401 Water Quality Certification (WQC) will be used in the State of North Dakota for NWP 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 13, 14, 15, 16, 17, 18, 19, 20, 22, 23, 24, 25, 27, 28, 30, 31, 32, 33, 34, 35, 36, 37, 38, 41, 45, 46, 49, 53, 54 and 59.

The Environmental Protection Agency is responsible for providing WQC for activities that occur on Indian Lands in the State of North Dakota.

The North Dakota Department of Environmental Quality is responsible for providing WQC for Section 404 activities that occur in the State of North Dakota, excluding Indian Lands.

WQC by NWP follows:

- **NWP 1 – Aids to Navigation**
-Certification not required (Section 10 Only)
- **NWP 2 – Structures in Artificial Canals**
-Certification not required (Section 10 Only)
- **NWP 3 – Maintenance**
-EPA certified with conditions (see EPA certification following this listing).
-NDDEQ certified for all activities.
- **NWP 4 – Fish and Wildlife Harvesting, Enhancement, and Attraction Devices and Activities**
-EPA waived certification for all activities.
-NDDEQ certified for all activities.
- **NWP 5 – Scientific Measurement Devices**
-EPA certified with conditions (see EPA certification following this listing).
-NDDEQ certified for all activities.
- **NWP 6 – Survey Activities**
-EPA certified with conditions (see EPA certification following this listing).
-NDDEQ certified for all activities.
- **NWP 7 – Outfall Structures and Associated Intake Structures**
-EPA certified with conditions (see EPA certification following this listing).
-NDDEQ certified with a condition requiring a copy of the preconstruction notification (PCN) be provided for any projects affecting classified rivers, streams or lakes.
Classified waters are listed in Appendixes I and II of the State Water Quality Standards.
- **NWP 8 – Oil and Gas Structures on the Outer Continental Shelf**
-Not applicable in North Dakota

- **NWP 9 – Structures in Fleeting and Anchorage Areas**
-Certification not required (Section 10 Only)
- **NWP 10 – Mooring Buoys**
-Certification not required (Section 10 Only)
- **NWP 11 – Temporary Recreational Structures**
-Certification not required (Section 10 Only)
- **NWP 13 – Bank Stabilization**
-EPA certified with conditions (see EPA certification following this listing).
-NDDEQ certified with a condition requiring that a copy of the PCN be provided for any projects affecting classified waters.
- **NWP 14 – Linear Transportation Projects**
-EPA certified with conditions (see EPA certification following this listing).
-NDDEQ certified for all activities.
- **NWP 15 – U.S. Coast Guard Approved Bridges**
-EPA certified with conditions (see EPA certification following this listing).
-NDDEQ certified for all activities, except those affecting classified waters. Individual certification is required for projects affecting classified waters.
- **NWP 16 – Return Water From Upland Contained Disposal Areas**
-EPA denied certification and individual certification is required for all activities.
-NDDEQ certified with a condition requiring that a copy of the PCN be provided for any projects affecting classified waters.
- **NWP 17 – Hydropower Projects**
-EPA denied certification and individual certification is required for all activities.
-NDDEQ certified for all activities, except those affecting classified waters. Individual certification is required for projects affecting classified waters.
- **NWP 18 – Minor Discharges**
-EPA certified with conditions (see EPA certification following this listing).
-NDDEQ certified for all activities.
- **NWP 19 – Minor Dredging**
-EPA certified with conditions (see EPA certification following this listing).
-NDDEQ certified for all activities, provided spoils are disposed of at an upland site and are not allowed to drain back to waters of the state.
- **NWP 20 – Response Operations for Oil or Hazardous Substances**
-EPA certified with conditions (see EPA certification following this listing).
-NDDEQ certified for all activities.
- **NWP 22 – Removal of Vessels**
-EPA waived certification for all activities.
-NDDEQ certified for all activities.

- **NWP 23 – Approved Categorical Exclusions**
 - EPA certified with conditions (see EPA certification following this listing).
 - NDDEQ certified for all activities, except those impacting classified waters and bank loss exceeds 300 linear feet. Individual certification is required for the excepted projects.
- **NWP 24 – Indian Tribe or State Administered Section 404 Programs**
 - Not applicable in North Dakota.
- **NWP 25 – Structural Discharges**
 - EPA certified with conditions (see EPA certification following this listing).
 - NDDEQ certified for all activities.
- **NWP 27 – Aquatic Habitat Restoration, Establishment, and Enhancement Activities**
 - EPA certified with conditions (see EPA certification following this listing).
 - NDDEQ certified with conditions: 1) PCN must be provided for projects affecting classified waters; 2) Projects must not result in a net loss of wetland or wetland type; and 3) no in-stream berms, dams, or similar structures in classified waters, unless constructed in such a way that the stream assimilative capacity and aquatic life passage are maintained or the structures are part of a restoration project.
- **NWP 28 – Modifications of Existing Marinas**
 - Certification not required (Section 10 Only)
- **NWP 30 – Moist Soil Management for Wildlife**
 - EPA certified with conditions (see EPA certification following this listing).
 - NDDEQ certified for all activities.
- **NWP 31 – Maintenance of Existing Flood Control Facilities**
 - EPA certified with conditions (see EPA certification following this listing).
 - NDDEQ certified for all activities.
- **NWP 32– Completed Enforcement Actions**
 - EPA certified with conditions (see EPA certification following this listing).
 - NDDEQ certified with a condition requiring that a copy of the PCN be provided for any projects affecting classified waters.
- **NWP 33 – Temporary Construction, Access, and Dewatering**
 - EPA certified with conditions (see EPA certification following this listing).
 - NDDEQ certified for all activities.
- **NWP 34 – Cranberry Production Activities**
 - EPA denied certification and individual certification is required for all activities.
 - NDDEQ N/A
- **NWP 35 – Maintenance Dredging of Existing Basins**
 - Certification not required (Section 10 Only)

- **NWP 36 – Boat Ramps**
 - EPA certified with conditions (see EPA certification following this listing).
 - NDDEQ certified for all activities.
- **NWP 37 – Emergency Watershed Protection and Rehabilitation**
 - EPA certified with conditions (see EPA certification following this listing).
 - NDDEQ certified for all activities.
- **NWP 38 – Cleanup of Hazardous and Toxic Waste**
 - EPA certified with conditions (see EPA certification following this listing).
 - NDDEQ certified for all activities.
- **NWP 41 – Reshaping Existing Drainage Ditches**
 - EPA certified with conditions (see EPA certification following this listing).
 - NDDEQ certified for all activities.
- **NWP 45 – Repair of Uplands Damaged by Discrete Events**
 - EPA certified with conditions (see EPA certification following this listing).
 - NDDEQ certified for all activities.
- **NWP 46 – Discharges in Ditches**
 - EPA certified with conditions (see EPA certification following this listing).
 - NDDEQ certified for all activities.
- **NWP 49 – Coal Remining Areas**
 - EPA denied certification and individual certification is required for all activities.
 - NDDEQ certified for all activities.
- **NWP 53 – Removal of Low-Head Dams**
 - EPA denied certification and individual certification is required for all activities.
 - NDDEQ certified for all activities.
- **NWP 54 – Living Shorelines**
 - EPA waived certification for all activities.
 - NDDEQ N/A
- **NWP 59 – Water Reclamation and Reuse Facilities**
 - EPA certified with conditions (see EPA certification following this listing).
 - NDDEQ N/A

EPA certification follows.

**U.S. Environmental Protection Agency Region 8 Clean Water Act Section 401
Water Quality Certification for the U.S. Corps of Engineers CWA Section 404
2021 Nationwide Permits Reissuance**

This Certification applies to any potential point source discharges from potential projects authorized under the proposed re-issuance of the following U.S. Army Corps of Engineers CWA 404 Nationwide Permit (NWP) into waters of the United States that occur within Indian country¹ lands within the state of North Dakota: NWP 3, 4, 5, 6, 7, 13, 14, 15, 16, 17, 18, 19, 20, 22, 23, 25, 27, 30, 31, 32, 33, 34, 36, 37, 38, 41, 45, 46, 49, 53, 54, and 59/E.²

Section 401(a)(1) of the Clean Water Act requires applicants for Federal permits and licenses that may result in discharges into waters of the United States to obtain certification that potential discharges will comply with applicable provisions of the CWA, including Sections 301, 302, 303, 306 and 307. Where no state agency or tribe has authority to give such certification, the U.S. Environmental Protection Agency (EPA) is the certifying authority. In this case, the Sisseton-Wahpeton Oyate, Spirit Lake Tribe, Standing Rock Sioux Tribe, Three Affiliated Tribes (the Mandan, Hidatsa and Arikara Nation), and Turtle Mountain Band of Chippewa Indians currently are not authorized to provide CWA Section 401 certifications for discharges occurring on reservations, or any other Indian country lands, within the State of North Dakota, therefore, the EPA is making the certification decisions for discharges that may result from potential projects authorized under the proposed Corps CWA 404 NWPs listed above. Although the above Tribes currently are not authorized to provide CWA Section 401 certifications, EPA will condition certifications using Tribal water quality requirements where applicable and appropriate.

General Information

The general information provided in this section is intended to provide context for EPA's certification decision and does not itself constitute a certification condition(s). The information in this section is being provided to help project proponents comply with the terms and conditions of the CWA Section 401 certification on the NWPs on applicable Indian country lands.

- Prior to work commencing, project proponents should notify the appropriate Tribal Environmental Office.
- The project proponents for projects authorized under the NWPs should obtain all other permits, licenses, and certifications that may be required by federal, state, or tribal authority.

¹ Indian country is defined in 18 U.S.C. Section 1151. Indian country in North Dakota generally includes (1) lands within the exterior boundaries of the following Indian reservations located within North Dakota: the Fort Berthold Indian Reservation, the Spirit Lake Reservation, the Lake Traverse Reservation, the Standing Rock Sioux Reservation, and the Turtle Mountain Reservation; (2) any land held in trust by the United States for an Indian tribe; and (3) any other areas that are "Indian country" within the meaning of 18 U.S.C. Section 1151.

² This Certification does not apply to the following NWPs: 1, 2, 8, 9, 10, 11, 24, 28, and 35. The Corps has not requested certification for these NWPs. If any activity authorized by these listed NWPs may result in a discharge into a water of the United States, the project proponent should contact the Corps or EPA to determine if a CWA Section 401 certification is required. Furthermore, NWPs 12, 21, 29, 39, 40, 42, 43, 44, 48, 50, 51, 52, A/55, B/56, C/57, and D/58 were reissued in January 2021. 86 FR 2744. EPA denied certification for all these NWPs, except NWP 48. Project proponents must apply for an individual CWA Section 401 certification from EPA for all NWPs reissued in January 2021, except NWP 48, for which EPA expressly waived certification authority.

- If a project is unable to meet the enclosed conditions, or if certification is denied for an applicable NWP, the project proponent should request an individual CWA Section 401 certification from EPA. An individual certification request is subject to the requirements outlined in 40 CFR 121.
- Copies of this certification should be kept on the job site and readily available for reference.
- Pursuant to CWA section 308(a), EPA representatives may inspect the authorized activity and any mitigation areas to determine compliance with the terms and conditions of the NWP.
- If you have questions regarding this certification, or need assistance contacting the appropriate tribe, please contact EPA Region 8 at: R8CWA401@epa.gov and Aaron Blair at (303) 312-6883 or via email at blair.aaron@epa.gov or Toney Ott at (303) 312-6906 or via email at ott.toney@epa.gov. Additional information on tribes in EPA Region 8 also can be found at: <https://www.epa.gov/tribal/region-8-tribal-program>.

NWPs Granted with Conditions (121.7(d)(2))

On behalf of the tribes listed above, CWA Section 401 certification is granted with the following conditions for NWPs 3, 5, 6, 7, 13, 14, 15, 18, 19, 20, 23, 25, 27, 30, 31, 32, 33, 36, 37, 38, 41, 45, 46, and 59/E. EPA Region 8 has determined that any discharge authorized under these proposed NWPs will comply with water quality requirements, as defined in 40 C.F.R. 121.1(n), subject to the following conditions pursuant to Section 401(d). Note that all correlating justification statements and citations as required by 40 CFR 121.7(d)(2) are included in Appendix A.

General Condition 1: Point source discharges shall not occur in jurisdictional waters of these special aquatic resources: (1) fens, bogs, or other peatlands; (2) within 100 feet of the point of discharge of a known natural spring source; (3) riffle-pool complexes of streams; or (4) water sources above hanging gardens. Projects or activities expected to have potential discharges into these areas are not covered by this certification and require a project-specific CWA Section 401 certification from EPA Region 8.

A peatland is defined by the U.S. Forest Service as any type of peat covered terrain with an accumulation of at least 20 to 40 centimeters of peat within the upper 80 centimeters of the soil profile. More resources on peatlands and hanging gardens can be found here:

<https://www.fws.gov/mountain-prairie/es/fen/FWSRegion6FenPolicy1999.pdf>

https://www.fs.fed.us/wildflowers/beauty/California_Fens/what.shtml

<https://cnhp.colostate.edu/cnhpblog/2009/08/11/hanging-gardens/>

<https://springstewardshipinstitute.org/hanging-garden>

General Condition 2: Except as specified in the project plan, no debris, silt, sand, cement, concrete, oil or petroleum, organic material, or other construction related materials or wastes shall be allowed to enter or be stored within 100 feet of waters of the U.S. If materials are stored within 100 feet of waters of the U.S., the project plan shall identify the measures and controls that will be used to ensure the materials will not enter waters of the U.S. No activities shall result in an unconfined discharge of liquid cement into waters of the U.S.

Any materials not specified in the project plan that do enter waters of the U.S. shall be reported to EPA (R8CWA401@epa.gov) with a remediation plan within 15 days.

For emergency spills, including any spills of petroleum products, contact EPA's National Response Center at 1-800-424-8802, the appropriate Tribal Environmental Office, and local spill response hotlines within 24 hours.

General Condition 3: Activities that may result in a point source discharge shall occur during seasonal low flow or no flow periods. Activities that cannot meet this condition require a project-specific CWA Section 401 certification from EPA Region 8.

General Condition 4: When operating equipment or otherwise undertaking construction activities (including grouting riprap) in aquatic resources:

- Work shall be completed in the dry, unless justification for working in the wet can be documented by the project proponent prior to construction.³
- Concrete grouting shall be allowed to dry thoroughly before exposure to waters of the U.S.
- All equipment shall be cleaned prior to arriving on the project site. All equipment shall be inspected daily and prior to entering any streams or wetlands for oil, gas, diesel, anti-freeze, hydraulic fluid, and other petroleum leaks.
- All contaminated areas shall be cleaned immediately, and contaminated soil removed from the site or contained in enclosed containers. Containers shall not be stored within 100 feet of waters of the U.S. If site conditions do not allow for storage at least 100 feet away from waters of the U.S., or if the topography is such that storage can occur within 100 feet without risk to waters of the U.S., the project proponent shall document this along with the measures and controls that will be used to ensure contaminants will not enter waters of the U.S. All equipment detected with leaks shall be repaired promptly or moved offsite within 24 hours.
- Containment booms and/or absorbent material shall be available onsite. In the case of spills, containment booms and/or absorbent materials shall be employed immediately to prevent discharges from reaching waters of the U.S.

General Condition 5: For projects that require coverage under EPA's Construction General Permit, the project proponent shall submit the Stormwater Pollution Prevention Plan (SWPPP) to EPA Region 8 (R8CWA401@epa.gov).

For projects that do not require the development of a SWPPP, the project proponent shall document how the project will utilize construction techniques, including soil erosion and sediment controls, to prevent or minimize water quality degradation because of the project. Projects shall not permanently impact the overall health of the aquatic resource; beneficial uses shall not be lost or impaired.

General Condition 6: Vegetation in jurisdictional wetlands and waterbodies shall be protected except where its removal is necessary for completion of the work. Locations disturbed by construction activities shall be revegetated with appropriate native vegetation in a manner that optimizes plant establishment for the specific site (e.g., stockpiling of existing topsoil that is weed-seed free). Revegetation may include topsoil replacement, planting, seeding, fertilization, liming, and weed-free mulching. All revegetation materials, including plants and plant seed shall be on site or scheduled for delivery prior to or upon completion of the earth moving activities. Exceptions to native revegetation include agricultural lands that are being returned to crop or pasture vegetation, with Corps permission.

Where removal of vegetation occurs, the project proponent shall develop a restoration plan prior to initiating construction on the project. The restoration plan shall include measures, including but not limited to:

- The project proponent shall describe and photo document where the disturbance or removal of riparian/wetland vegetation will occur during the completion of the work.

³ See "Working in the dry: Cofferdams, in-river construction, and the United States Army Corps of Engineers" <https://usace.contentdm.oclc.org/digital/collection/p16021coll4/id/156/>

- The project proponent shall revegetate disturbed jurisdictional areas within three months of completion of construction, based on pre-disturbance or reference site conditions, including percent cover and native species diversity.
- The project proponent shall revegetate any disturbed wetland soil with native plant species. Non-native and invasive species shall not be used for restoration activities.

General Condition 7: The placement of material (discharge) for the construction of new dams is not certified, except for stream restoration projects. Activities that cannot meet this condition require a project-specific CWA Section 401 certification from EPA Region 8.

General Condition 8 – Applicable only to the following NWP: 3, 7, 13, 14, 15, 19, 23, 27, 37, and 59/E. Project proponents shall provide notice to EPA Region 8 at least 30 days prior to commencing work in water of the U.S. to provide EPA Region 8 with the opportunity to review and inspect the activity for the purposes of determining whether any discharge from the proposed project will violate this water quality certification. In cases where the Corps requires a PCN for the applicable NWP, in accordance with Corps’ National General Condition 32(b), Pre-Construction Notification (86 FR 2873), the applicant shall also provide the PCN to Region 8.

Additionally, the applicant shall include a summary of communications with the affected Tribe's water quality staff regarding the project, including any concerns or issues, in its submission to EPA.

NWP-Specific Conditions:

NWP 3, Specific Condition 1: No more than 25 cubic yards of new or additional riprap shall be placed to protect the structure or fill. If a project proponent seeking NWP authorization plans to use more than 25 cubic yards of new or additional riprap to protect the structure or fill, the project proponent shall request a project-specific CWA Section 401 certification from EPA Region 8.

NWP 3, Specific Condition 2: Bridge replacements shall span the bankfull width and/or the ordinary highwater mark of the affected waters of the U.S. Projects or activities that cannot meet this condition require a project-specific CWA Section 401 certification from EPA Region 8.

NWP 3, Specific Condition 3: Fill or dredged material shall not result in an increase in land contour height beyond the original dimensions for the repair of low water crossings, or loss of stream cross section dimensions. Original land contour dimensions shall be documented prior to construction to confirm contours are returned to these dimensions post-maintenance activities.

NWP 3, Specific Condition 4: Silt and sediment removal shall not exceed:

- 1) 50 linear feet for low water crossings; and
- 2) 100 linear feet for bridge crossings.

Projects or activities that cannot meet this condition require a project-specific CWA Section 401 certification from EPA Region 8.

NWP 7, Specific Condition 1: Construction of the outfall structure shall be placed at the streambed elevation and, at a minimum, the pipe should be sized to prevent high pressure discharge of stormwater. Pipe sizing selection methods and justification that high pressure discharge will be minimized shall be documented by the

project proponent.

NWP 7, Specific Condition 2: Outfall structures shall not be constructed in jurisdictional wetlands. If a project proponent plans to construct an outfall structure in a jurisdictional wetland, the project proponent shall request a project-specific CWA Section 401 certification from EPA Region 8.

NWP 7, Specific Condition 3: For activities that do not require a SWPPP, the project proponent shall submit to EPA, an erosion and sediment control plan prior to construction that includes outfall stabilization controls. (Projects or activities requiring a SWPPP must submit the SWPPP to EPA per General Condition 5.)

The plan shall describe type, location, and maintenance schedules for all controls to be put in place prior to, during, and after construction to stabilize all areas of the bed and bank around and adjacent to the outfall structure and associated intake structures that may be affected by outfall or stream flows, respectively. The plan shall provide for maintenance of measures, and adaptive management processes if any measures are determined to be ineffective. During monitoring and maintenance, if water quality requirements are exceeded or if measures are identified as ineffective, then descriptions of additional measures taken to ensure compliance shall be sent to EPA within 48 hours of the exceedance or measure failure.

Rip rap aprons and/or energy dissipation structures shall be constructed to provide protection from the erosive potential of high-velocity flows, as documented in the erosion and sediment control plan, with adaptive management in place for potential structure failures.

NWP 7, Specific Condition 4: The project proponent shall submit a monitoring plan to EPA Region 8 prior to initiating construction on the project.

- The project proponent shall monitor the project site through the next growing season or until the site is restored to pre-disturbance or reference site conditions. The monitoring plan shall contain the restoration plan (as outlined in General Condition 6) and any additional adaptive management methods if the site is not achieving pre-disturbance or reference site conditions.
- The project proponent shall use referenced photographs to document the status of all relevant locations at the project site prior to construction, during project construction, after project completion, and upon completion of all restoration activities, consistent with the monitoring plan.
- The project proponent shall submit electronic photos (prior to, during and post-construction, and post-restoration) in an annual monitoring report to EPA Region 8 (R8CWA401@epa.gov). The report shall be labeled with the project name and Corps District number.

NWP 13, Specific Condition 1: The project proponent shall submit a project plan with design techniques and stabilization methods to EPA Region 8 prior to construction. Activities shall use native vegetation or other bioengineered design techniques (e.g., willow plantings, root wads, large woody debris, etc.) or a combination of hard-armoring (e.g., rock) and predominately native vegetation or bioengineered design techniques. Artificial soil stabilizing material (e.g., mulch, matting, netting, etc.) shall be used to reduce soil erosion. These materials, to include all plants and plant seed, shall be on site or scheduled for delivery prior to or upon completion of the earth moving activities. Sediment control measures shall be maintained in good working order at all times.

Any project proposing bank stabilization solely using hard armoring methods, or where the scope of the entire project is greater than 500 linear feet, is not authorized under this certification and the project proponent shall seek a project-specific CWA Section 401 certification from EPA Region 8.

NWP 13, Specific Condition 2: The slopes of disturbed banks shall be configured to mimic a stable reference reach and not reduce the bottom width of the stream. Pre-construction cross sections shall be included in the project plan submitted to EPA Region 8.

NWP 13, Specific Condition 3: The project proponent shall submit a monitoring plan to EPA Region 8 prior to initiating construction on the project.

- The project proponent shall monitor the project site through the next growing season or until the site is restored to pre-disturbance or reference site conditions. The monitoring plan shall contain the restoration plan (as outlined in General Condition 6) and any additional adaptive management methods if the site is not achieving pre-disturbance or reference site conditions.
- The project proponent shall use referenced photographs to document the status of all relevant locations at the project site prior to construction, during project construction, after project completion, and upon completion of all restoration activities, consistent with the monitoring plan.
- The project proponent shall submit electronic photos (prior to, during and post-construction, and post-restoration) in an annual monitoring report to EPA Region 8 (R8CWA401@epa.gov). The report shall be labeled with the project name and Corps District number (if available).

NWP 14, Specific Condition 1: NWP 14 is conditionally certified, except that a project-specific CWA section 401 certification is required for projects authorized under one or more NWP by the Corps that result(s) in:

1. Greater than 1/10 acre of impacts to waters of the U.S.; or
2. Greater than 300 linear feet of impacts to waters of the U.S.

NWP 14, Specific Condition 2: The project proponent shall submit a project design plan to EPA Region prior to construction. Affected streambanks shall be sloped such that the stream bottom width is not reduced, and bottom elevations are restored to original elevations. Stream bank slopes should not be steeper than 3:1. Justification for banks steeper than 3:1 shall be included in the project design plan. The project design plan also shall document how all temporary fills and structures will be removed, and the area restored to pre-project conditions.

NWP 14, Specific Condition 3: Permanent culverts shall be installed using an established culvert analysis and design tool (ex. HY-8, HEC-RAS, USGS CAP, etc.). Culverts shall span the bankfull width and/or ordinary high-water mark of the affected waterbody. The culvert bottom shall be installed below the existing streambed elevation to allow aquatic organism passage and the natural substrate to reestablish.

NWP 14, Specific Condition 4: The project proponent shall submit a monitoring plan to EPA Region 8 prior to initiating construction on the project.

- The project proponent shall monitor the project site through the next growing season or until the site is restored to pre-disturbance or reference site conditions. The monitoring plan shall contain the restoration plan (as outlined in General Condition 6) and any additional adaptive management methods if the site is not achieving pre-disturbance or reference site conditions.
- Impacts to aquatic resource buffers shall be avoided. If avoidance is not possible, methods for buffer restoration and monitoring shall be in the monitoring plan.
- The project proponent shall use referenced photographs to document the status of all relevant locations at the project site prior to construction, during project construction, after project completion, and upon completion of all restoration activities, consistent with the monitoring plan.

- The project proponent shall submit electronic photos (prior to, during and post-construction, and post-restoration) in an annual monitoring report to EPA Region 8 (R8CWA401@epa.gov). The report shall be labeled with the project name and Corps District number (if available).

NWP 15, Specific Condition 1: Fill or dredged material shall not result in an increase in land contour height beyond the original dimensions of the waterbody. Original land contour dimensions shall be documented prior to construction to confirm contours are restored to pre-disturbance conditions. Affected streambanks shall be sloped such that the stream bottom width is not reduced, and bottom elevations are restored to original elevations. Stream bank slopes should not be steeper than 3:1. Justification for banks steeper than 3:1 shall be included in the project design plan. The project design plan also shall document how all temporary fills and structures will be removed, and the area restored to pre-project conditions.

NWP 15, Specific Condition 2: Crossings shall be placed perpendicular to the water course, unless the project proponent can document that this would result in increased impacts to aquatic resources or compromise the safety of the structure.

NWP 15, Specific Condition 3: Bridge decks shall be designed such that they do not drain directly into the waterbody.

NWP 15, Specific Condition 4: Bridges shall span the bankfull width, adjacent wetlands, and/or ordinary high-water mark of the affected waterbody. Projects that cannot meet this condition require a project-specific CWA Section 401 certification from EPA Region 8.

NWP 19, Specific Condition 1: Dredged or fill materials shall be placed in non-jurisdictional areas and controlled such that it cannot return to waters of the U.S. Dredged or fill material shall not be placed on islet, islands, sandbars, landmass or other area of sediment accumulation within the banks of a stream, shore of lake, edge of wetland or other type of waterbody, unless the project proponent can document that the vegetation and geomorphology signify a long-term stable configuration (e.g., areas of sediment accumulation are not formed from temporary situations such as drought conditions or upstream reservoir release conditions).

NWP 27, Specific Condition 1: NWP 27 is conditionally certified, subject to the general conditions listed above, except for the following activities, where an individual project-specific CWA Section 401 certification is required: (1) the project involves dam removal; and/or (2) the project or activities involve greater than 1-acre of impacts to waters of the U.S.; and/or (3) the project impacts greater than 500 linear feet of waters of the U.S.

NWP 37, Specific Condition 1: Original and planned stream contours shall be documented by the project proponent. Construction activities shall not result in the channelization of streams or sloughs. Channelization is defined, for this purpose, as the placement of excess material in a manner that modifies the bank alignment, and subsequently the channel alignment, from its present condition.

NWP 37, Specific Condition 2: Construction activities shall not remove silt beyond what was deposited by the emergency event. Based on the original site conditions and planned project design, the project proponent shall justify the amount of silt identified for removal, such that the construction activities do not result in the removal of silt beyond what was deposited by the emergency event (e.g., excavating a wetland area to the point it's a stormwater retention pond, or deepening/widening a stream channel to accommodate higher flow capacity).

NWP 37, Specific Condition 3: Construction of temporary structures or drains for the purpose of reducing or preventing flood damage shall be removed within 60 days following the emergency event, unless justification for retaining the structures for a longer period is documented by the project proponent.

NWPs Denied (121.7(e)(2))

On behalf of the Sisseton-Wahpeton Oyate, Spirit Lake Tribe, Standing Rock Sioux Tribe, Three Affiliated Tribes (the Mandan, Hidatsa and Arikara Nation), and Turtle Mountain Band of Chippewa Indians, EPA Region 8 cannot certify that the range of discharges from potential projects authorized under the following proposed NWPs will comply with water quality requirements, as defined in 40 CFR 121.1(n). Therefore, CWA Section 401 water quality certification is denied for NWPs 16, 17, 34, 49, and 53 and applicants must request an individual water quality certification, consistent with 40 CFR 121.5.

Certification denial is due to insufficient information. 40 CFR 121.7(e)(2)(iii). In EPA's unique role certifying on behalf of a tribe, EPA lacks important information about tribal water resources. In the case of the Sisseton-Wahpeton Oyate, Spirit Lake Tribe, Standing Rock Sioux Tribe, Three Affiliated Tribes (the Mandan, Hidatsa and Arikara Nation), and Turtle Mountain Band of Chippewa Indians, EPA Region 8 lacks sufficient information on sensitive resources that may exist on these tribal lands, potential impaired waters on these tribal lands, and potential cultural importance of the water resources on these tribal lands. Additional information on these specific subjects would be needed for EPA Region 8 to assure that the range of discharges from potential projects authorized under NWPs 16, 17, 34, 49, and 53 will comply with water quality requirements, as defined in 40 CFR 121.1(n).

This information would also be necessary for EPA Region 8 to identify specific water quality requirements and evaluate whether the range of discharges from potential projects will comply with such requirements, in accordance with CWA section 401(a)(1) and 40 CFR 121.7(b). Lacking this information, EPA Region 8 is therefore denying certification.

NWPs Waived (121.9(a)(1))

On behalf of the Sisseton-Wahpeton Oyate, Spirit Lake Tribe, Standing Rock Sioux Tribe, Three Affiliated Tribes (the Mandan, Hidatsa and Arikara Nation), and Turtle Mountain Band of Chippewa Indians, EPA Region 8 is expressly waiving its authority to act on the CWA § 401 certification request for the following proposed NWPs: 4, 22, and 54.

December 8, 2020

Patricia L. McQueary
Regulatory Program Manager, North Dakota
US Army Corps of Engineers
1513 South 12th Street
Bismarck, ND 58504-6640

Dear Ms. McQueary:

The department has completed reviewing the proposed 2020 Nationwide Permits (NWP) for compliance with Standards of Quality for Water of the State (WQ-standards) and for Certification under Section 401 of the Clean Water Act.

The department has Clean Water Act Section 401 authority for North Dakota. Under that authority the department certifies, certifies with conditions, or denies select 2020 NWP. Certification, certification with condition, and denials are issued to ensure that the water quality requirements as defined in the Standards of Quality of Water Quality of the State, North Dakota Administrative Code Chapter 33.1-16-02.1 (WQ-Standards) are supported as intended by the Clean Water Act (CWA) Sections 301, 301, 303, 306, and 307, the 40 Code of Federal Registry Part 121 and the ND Century Code 28-61-04.

If a project is unable to meet the enclosed conditions, or if certification is denied for an applicable NWP, the applicant may request an individual certification from the department. An individual certification request must follow the requirements outlined in §121.5 of EPA's CWA § 401 Certification Rule, effective September 11, 2020.

The department may inspect any authorized activity to determine compliance with the terms and conditions (Section 121.11).

Under Section 401 of the Clean Water Act this department grants certification to the following Nationwide Permits as the discharge(s) will comply with water quality requirements:

- 1) **Nationwide Permits Not Applicable:** No. 8, 24, 34, 54, A, B, and E.
- 2) **Nationwide Permits Clean Water Certified:** No. 1, 2, 3, 4, 5, 6, 9, 10, 11, 14, 18, 20, 21, 22, 25, 28, 30, 31, 33, 36, 37, 38, 41, 43, 44, 45, 46, 48, 49, 50, 51, 53, and C.

Under Section 401 of the Clean Water Act the department grants certification with conditions (Section 121.7(d)(2)) to the following Nationwide Permits, as with the conditions discharge(s) will comply with water quality requirements:

- 3) **Nationwide Permits 7, 13, 16, 32, 35, and 52:** Nationwide Permits 7, 13, 16, 35 and 52 are granted Section 401 Clean Water Certification with the condition that all projects, (Including Federal and Non-Federal Permittees), provide preconstruction notification (PCN) for projects in, over or under Class I, IA, II and class III rivers and streams, and classified lakes listed in Appendixes I and II of the WQ-Standards

Section 121.7(d)(2)

(i) A preconstruction notification (PCN) requirements for Federal and Federal Permittees provides the department the means to ascertain if the Water Quality Standards are being supported and to confirm if the action was implemented as permitted. Both of these are required under 40 CFR § 121.2 [Clean Water Certification is required for any license or permit that authorizes an activity that may result in a discharge] and 40 CFR 121.11(b) [The certifying authority, prior to the initial operation of a certified project, shall be afforded the opportunity to inspect the facility or activity of the purpose of determining whether the discharge from the certified project will violate the certification].

(ii) Without a PCN the department and USACE regulator will be blind to any violations, preventing the requirements of 40 CFR 121.11(c) [The Federal agency shall be responsible for enforcing certification condition that are incorporated into a license or permit]. Without a PCN Sections 301,302,303,306 and 307 of the Clean water act (CWA) cannot be supported.

- 4) **Nationwide Permits 15, and 17:** Nationwide Permits 15 and 17 are granted Section 401 Clean Water Certification except those in, on or over Class I, IA, II Rivers and Streams.

Section 121.7(d)(2)

(i) Bridges and hydropower dams sequester sediments and other pollutants from runoff, as well as reduce or increase flow velocities in waters of the state. Maintaining natural stream morphology reduces the destabilization of the stream/river.

Drainage directly from hydropower surfaces and bridge decks may cause erosion, and introduce additional pollutants, such as oil, gas, sediment, and toxics. Directing bridge deck drainage into constructed runoff water quality control systems will help prevent erosion and keep pollutants from directly entering the waterway.

The placement of a structure within the ordinary highwater alters the hydrologic characteristics of the waterbody leading to increased erosional forces, scour around the structures, increased sediment loads to the waterbody, abandonment of the primary channel, and undermining of the structure itself.

(ii) All streams are waters of the state under North Dakota Century Code 28-61-04 and protected by North Dakota Administrative Code Chapter 33.1-16-02.1 for the

beneficial uses, municipal, domestic, aquatic life, recreation, agriculture, and industry. In order to ensure that state law is supported bridges and hydropower projects need project and specific conditions and allow inspections during and after construction (Section 121.11).

Authority for NWP 15 and 17 are 40 CFR § 121.2 [Clean Water Certification is required for any license or permit that authorizes an activity that may result in a discharge] and 40 CFR 121.11(b) [The certifying authority, prior to the initial operation of a certified project, shall be afforded the opportunity to inspect the facility or activity of the purpose of determining whether the discharge from the certified project will violate the certification]. Conditioning of NWP 17 and 19 insure support of Sections 301,302,303,306 and 307 of the CWA.

- 5) **Nationwide Permit 19:** Nationwide Permit 19 is granted Section 401 Clean Water Certification with the condition spoils are disposed at an upland site where they will not drain back to waters of the state.

Section 121.7(d)(2)

(i) Discharge of dredge material has the capacity to bury the biological community, impact stream function, and release trace elements in concentration exceeding the numeric criteria in the WQ-standards.

(ii) All streams, rivers, lakes, ponds and wetlands are waters of the state under North Dakota Century Code 28-61-04 are protected by North Dakota Administrative Code Chapter 33.1-16-02.1 for the beneficial uses, municipal, domestic, aquatic life, recreation, agriculture, and industry. Conditioning of NWP 19 insure support of Sections 301,302,303,306 and 307 of the CWA.

- 6) **Nationwide Permits 23, and 29:** Nationwide Permits 23 and 29 are granted Section 401 Clean Water Certification with the condition that the project will not result in a stream bank loss exceeding 300 Linear feet in Class I, IA, II and III streams. Projects that cannot meet the condition under nationwide Permits 23 and 29 will require an individual certification.

Section 121.7(d)(2)

(i) Projects exceeding 300 linear feet of stream bank have the capacity to remove the biological, hydraulic and geomorphic stream function, disconnect and fragment the watershed and potentially result in the total loss of a stream.

(iii) All streams are waters of the state under North Dakota Century Code 28-61-04 and protected by North Dakota Administrative Code Chapter 33.1-16-02.1 for the beneficial uses of municipal, domestic, aquatic life, recreation, agriculture, and industry. Conditioning of NWP 19 insure support of Sections 301,302,303,306 and 307 of the CWA.

- 7) **Nationwide Permit 27:** Nationwide Permit 27 is granted Section 401 Clean Water Certification with the following conditions: (1) Projects in Class I, IA, II, III rivers and streams, and classified lakes listed in Appendixes I and II of the WQ-Standards must provide a preconstruction notification, (2) projects will not result in a net loss of wetland or wetland type, and (3) no in-stream berms, dams, or similar structures on Class I, IA, and II, III river or stream listed in the Appendix I of the standards unless constructed in such a way that the stream assimilative capacity and aquatic life passage are maintained or the structures are part of a stream, river, wetland, or lake restoration project.

Section 121.7(d)(2)

(i) NWP 27 is sometimes used for damming, ephemeral and intermittent drainages. A PCN is required to ensure appropriate conditions are applied during and after construction to protect aquatic life passage, existing beneficial uses and prevent construction in ecological settings likely to become contaminant sinks (WQ-Standards). Projects need to demonstrate that at maturity there will be no net loss of wetland and wetland types. Wetland/wetland type and associated vegetation ensure no loss of assimilative capacity of contaminants, nutrients, and sediment to protect aquatic life (WQ-Standards).

(iv) Under 40 CFR § 121.2 [Clean Water Certification is required for any license or permit that authorizes an activity that may result in a discharge], 40 CFR 121.11(b) [The certifying authority, prior to the initial operation of a certified project, shall be afforded the opportunity to inspect the facility or activity of the purpose of determining whether the discharge from the certified project will violate the certification], and 40 CFR 121.11(c) [The Federal agency shall be responsible for enforcing certification condition that are incorporated into a license or permit]. Without a PCN, 40 CFR § 121.2, 40 CFR 121.11(b), or 40 CFR 121.11(c) cannot be satisfied. Conditioning of NWP 27 insure support of Sections 301,302,303,306 and 307 of the CWA.

- 8) **Nationwide Permits 39, 40, and 42:** Nationwide Permits 39, 40 and 42 are granted Section 401 Clean Water Certification with the condition that the resulting will not cause a loss or relocation of 150 feet or more of any river or stream. Projects that cannot meet the condition under nationwide Permits 39, 40 and 42 will require an individual certification.

Section 121.7(d)(2)

(i) North Dakota has many intermittent and perennial streams with bed widths of less than four (4) feet. Projects with large footprints (i. g., Commercial, Industrial, Agricultural, and Recreational) that remove ≥ 150 linear feet of stream bank have the capacity to remove the capability, singularly or cumulatively, of the biological, assimilative, hydraulic and geomorphic stream function, disconnect and fragment the watershed and potentially result in the total loss of a stream.

(v) All streams are waters of the state under North Dakota Century Code 28-61-04 and protected by North Dakota Administrative Code Chapter 33.1-16-02.1 for the beneficial uses, municipal, domestic, aquatic life, recreation, agriculture, and industry.

Conditioning of NWP 39, 40, and 42 insure support of Sections 301,302,303,306 and 307 of the CWA.

9) **Nationwide Permit D (Utility Line Activities for Water and Other Substances):**

Utility line activities under Nationwide Permit D for water and other substances are granted Section 401 Clean Water Certification with the condition they do not carry oil and gas production water, produce water, or brine water. Pipelines that carry oil or gas production water, produced water, or brine water, collectively called saltwater pipelines, in, over or under Class I, IA, II and class III rivers and streams, and classified lakes listed in Appendixes I and II of the WQ-standards will require an individual certification with conditions based on the specific waterbody, location on the water, type of construction, and safety controls applied prior, during, and after construction.

Section 121.7(d)(2)

(i) Documentation of the “may discharge” by saltwater pipelines in violation of North Dakota’s Administrative Code Chapter 33.1-16-02.1, the Clean Water Act 301, 302 (40 CFR part 121) are the 284 reported pipeline releases/failures reported in North Dakota between January 1, 2016 and October 1, 2020.

Saltwater pipelines in, over or under Class I, IA, II and class III rivers and streams, and classified lakes listed in Appendixes I and II of the WQ-standards need to be conditioned based on the waterbody, location on the water, type of construction, and safety controls applied prior during and after construction.

Pipelines carrying oil or gas production water, produced water, or brine water can be constructed to minimize discharge and failure potential through appropriate permit conditions. Under the proposed 2020 NWP D information is required to develop project specific conditions. General information needed to certify or certify with conditions is, but not limited to is: 1) construction type, 2) design, 3) crossing type, 4) monitoring, 5) safety systems installed, and 6) what toxin or pollutant is being transported by the pipeline.

Specific information required: (1) The geologic and geomorphic conditions at the constructions site to determine the likelihood of point source releases from construction activities such as the common frac-out of directional drilling fluids and the toxicity of the fluids, and (2) the location of the project in order to inspect during and after construction to ensure compliance with conditions (§121.11). Finally, there is a physical requirement to know that that all saltwater pipelines are installed at depths below any potential scour to protect them from the hydraulic energies of water.

(ii) Class I, IA, II and III streams under 40 CFR 131.10 and state law ND Century Code 28-61-04 have federally and state defined beneficial uses. These include the Clean Water Act (CWA) 101(a)(2) beneficial uses of “*wherever attainable, an interim goal of water quality which provides for the protection and propagation of fish, shellfish, and wildlife and provides for recreation in and on the water be achieved by July 1, 1983*”. Class I, IA, II and III streams under 40 CFR 131.10 and state law ND Century Code 28-

61-04 also have state defined beneficial uses. These include municipal, domestic, agriculture, and industrial uses. Pollutant releases into state waters may occur during and after construction of production, produced and brine water (saltwater) pipelines. Releases will violate sections 301, 302, 303, and 306 of the Clean Water Act, and WQ-Standards.

The department has the legal obligation to ensure the protection of the beneficial uses: municipal and industrial, fish and aquatic biota, recreation, agriculture, and industrial by insuring the ND Century Code 28-61-04 is supported by the WQ-Standards as determined by the Clean Water Act 301, 302, 303, and 306 and information to do so (§121.11).

Under Section 401 of the Clean Water Act the department denies (CFR 40 Section 121.7(e)(2)) certification of the following Nationwide Permits as the discharge(s) will not comply with water quality requirements:

- 10) **Nationwide Permit 12:** Oil and gas natural related projects in Class I, IA, II and class III rivers and streams, and classified lakes listed in Appendixes I and II of the standards are denied Section 401 Water Quality Certification.

Denied Section 121.7(e)(2)

(i) Documented "May discharge" by oil and natural gas pipelines in violation of North Dakota's Administrative Code Chapter 33.1-16-02.1, the Clean Water Act 301, 302 and 40 CFR Part 121 is documented by the 183 crude oil pipeline releases/failures reported in North Dakota between January 1, 2016 and October 1, 2020.

Pipeline permitted under NWP 12 can be built/constructed to minimize discharge and failure potential through appropriate conditioning. Under the proposed 2020 NWP there is not enough information to do so. General information needed to certify or certify with conditions is, but not limited to is: 1) construction type, 2) design, 3) crossing type, 4) monitoring, 5) safety systems installed, and 6) what toxin or pollutant is being transported by the pipeline.

Specific information required: (1) The geologic and geomorphic conditions at the constructions site to determine the likelihood of point source releases from construction activities such as the common frac-out of directional drilling fluids and the toxicity of the fluids, and (2) the location of the project in order to inspect during and after construction to ensure compliance with conditions (§121.11). Finally, there is a requirement to know that all oil and natural gas pipelines are installed at depths below any potential scour to protect them from the hydraulic energies of water.

(ii) Class I, IA, II and III streams under 40 CFR 131.10 and state law ND Century Code 28-61-04 have federally and state defined beneficial uses. These include the Clean Water Act (CWA) 101(a)(2) beneficial uses of "*wherever attainable, an interim goal of water quality which provides for the protection and propagation of fish, shellfish, and wildlife and provides for recreation in and on the water be achieved by July 1, 1983*".

Class I, IA, II and III streams under 40 CFR 131.10 and state law ND Century Code 28-61-04 also have state defined beneficial uses. These include municipal, domestic, agriculture, and industrial uses. Pollutant releases into state waters may occur during and after construction of crude oil, natural gas and oil related pipelines. Releases will violate sections 301, 302, 303, 306 and 307 of the Clean Water Act, and WQ-Standards.

The department has the legal obligation to ensure the protection of the beneficial uses: municipal and industrial, fish and aquatic biota, recreation, agriculture, and industrial by ensuring the ND Century Code 28-61-04 is supported by the WQ-Standards as determined by the Clean Water Act 301, 302, 303, 306, and 307 and information to do so (§121.11).

The WQ-Standards may be found at <https://www.legis.nd.gov/information/acdata/pdf/33.1-16-02.1.pdf>. Within the WQ-Standards are the Authority 33.1-16-02.1-01, Beneficial uses 33.1-16-02.1-04, Narrative standards 33.1-16-02.1-08, Numeric standards 33.1-16-02.1-09, Stream and stream class (Appendix I), Lake and lake classifications (Appendix II), Antidegradation policy (Appendix IV).

Sincerely,



Karl H. Rockeman, P.E.
Director, Division of Water Quality

PNW:saj

Permit No.

BURLEIGH COUNTY

Date of Submittal

Building in the Floodplain Development Permit Application

This form is used for any development in a Special Flood Hazard Area as shown on the community's effective FEMA Flood Insurance Rate Map. Development is defined as any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavating or drilling operation or storage of equipment or materials.

Property Information

Property Address/Location 8626 to 8812 Island Road, Bismarck, ND		
Legal Disc.	Lot&Blk Block 10, Lot 2-10	Subdivision Island Park Estates

Owner Information

Owner's Name Burleigh County Water Resource District on Behalf of Owners	Phone # 701-354-1501
Address PO Box 1255, Bismarck, ND 58502-1255	
Email BCWRD@midco.net	Mobile Phone #

Contractor Information

Contractor Name David Bohlman	Phone # 701-599-2360
Company Name Bohlman Trenching Service, Inc	Fax #
Address Thompson, ND 58278-0238	
Email	Mobile Phone #

Floodplain Map Information

Map # 570D	Panel # 38015C0570D	Flood Zone AE	Floodway? <input checked="" type="checkbox"/> Y <input type="checkbox"/> N	Base Flood Elevation 1641.9
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Description of Development: Placement of rock riprap to restore three existing hardpoints on the Missouri River that have failed, and to reinforce a fourth hardpoint. Placement of rock riprap to stabilize bankline between the existing hardpoints to protect private property, stop ongoing erosion, and protect from further erosion losses. Total length of affected area is approximately 950 linear feet of Missouri River bankline.

Submittal Requirements: Site Plan showing the location of all existing and proposed structures, water bodies, adjacent roads, lot dimensions, 100-year floodplain boundary, and floodway boundary, if applicable, and proposed development. If proposed development is a new structure or substantial improvement of an existing structure, a certified and completed FEMA Elevation Certificate that includes the proposed elevation of the structure's lowest floor (including basement) shall be submitted.

Certification and Acknowledgement:

I certify that I am the owner or the authorized agent of the owner of the property upon which the work authorized by the permit sought will be performed. I further certify that the information given is true and correct to the best of my knowledge. All work will be performed in accordance with all applicable laws of the State of North Dakota and Burleigh County.

Nicholas Cullen
Printed Name of Owner or Owner Representative

[Signature] 10-19-2023
Signature of Owner or Owner Representative Date

[Signature] 10-30-2023
Application Approved/ Denied By Date

This is an Application only and not the Actual Permit.

Hogue Island Bank Stabilization 2023 (Rebid)

Bid Opening 11:00 AM October 18, 2023

Base Bid (Section 32 Structures)

Estimate					Bohlman Trenching		CONTRACTOR	
<u>Description</u>	<u>Unit</u>	<u>Quantity</u>	<u>Unit Price</u>	<u>Amount</u>	<u>Unit Price</u>	<u>Amount</u>	<u>Unit Price</u>	<u>Amount</u>
Contract Bond	LSUM	1			\$4,900.00	\$4,900.00		
Mobilization	LSUM	1			\$15,000.00	\$15,000.00		
Clearing and grubbing (Structures)	LSUM	1			\$12,150.00	\$12,150.00		
Riprap D50 24"	TON	1330	\$95.00	\$126,350.00	\$80.00	\$106,400.00		
Gravel Void Fill	CY	20			\$265.00	\$5,300.00		
Import Topsoil	CY	34	\$30.00	\$1,020.00	\$30.00	\$1,020.00		
Seeding & Mulching Class II	ACRE	0.09	\$6,000.00	\$540.00	\$20,000.00	\$1,800.00		
Total Base Bid =				\$127,910.00	TOTAL BASE BID=	\$146,570.00	TOTAL BASE BID=	

ALTERNATE #1 (Residential Stabilization)					CONTRACTOR		CONTRACTOR	
Clearing and Grubbing (Residential)	LSUM	1			\$26,225.00	\$26,225.00		
Geotextile Fabric	SY	1602	\$3.00	\$4,806.00	\$4.75	\$7,609.50		
Riprap D50 24"	TON	3387	\$95.00	\$321,765.00	\$85.00	\$287,895.00		
Import Topsoil	CY	230	\$30.00	\$6,900.00	\$30.00	\$6,900.00		
Seeding & Mulching Class II	ACRE	0.56	\$6,000.00	\$3,360.00	\$5,000.00	\$2,800.00		
Response Mobilization	EA	1			\$1,500.00	\$1,500.00		
TOTAL ALTERNATE #1 ITEMS =				\$336,831.00		\$332,929.50		
TOTAL BASE BID PLUS ALL ALTERNATES				\$464,741.00		\$479,499.50		

% of Estimate: 103.18%

October 18, 2023

VIA EMAIL

James Landenberger, Manager
Burleigh County Water Resource District
P.O. Box 1255
Bismarck, ND 58502-1255

**Subject: Hogue Island Bank Stabilization 2023 Project
HE Project No. 6025-0021**

We have opened and reviewed the bid received on October 18th at 11:00 a.m. for the above referenced project. This project involves geotextile fabric and riprap placement for bank stabilization, seeding, and restoration at 4 existing Section 32 structures and 8 private residential properties along the Missouri River at Hogue Island.

One bid was received, opened, and read aloud. Upon examination, the bid was determined to be conforming and no irregularities were noted.

Contractor	Total Base Bid with Alternates	Difference from Low
Bohlman Trenching, Inc.	\$479,499.50	\$0.00
Engineer's Estimate	\$464,741.00	\$14,758.50

Enclosed is a copy of the low bidder's bid package, including the Contractor's License and Bid Bond.

The Hogue Island Bank Stabilization 2023 project award requires concurrence by the Burleigh County Water Resource District. The contract and the Notice to Proceed are dependent on the satisfactory completion and submission of the contract documents by the Contractor. We are prepared to begin Construction Management Services at the direction of the District in coordination with the Contractor.

Alternate #1 was added to this project to provide the option for only constructing the improvements to the Section 32 Corps structures in the event that the assessment district failed for the improvements at the private residences. The votes for the stabilization on the private residences have been tallied and the assessment district passed, so the assessment district will move forward, and the work included in Alternate #1 is able to proceed.

We are hereby recommending award of the contract to Bohlman Trenching Service, Inc. of Thompson, North Dakota for the base bid, plus alternate #1, at a total price of \$479,499.50. In addition, in the interest of expediting the project, we recommend granting authorization to send the Notice to Proceed immediately upon receipt of the required contract documents from Bohlman Trenching since the project has received the necessary State and Corps permits.

If you have any questions, please advise.

Sincerely,

HOUSTON ENGINEERING, INC.



Travis G. Johnson, Project Manager

Enclosures

c: Michael Gunsch, Houston Engineering, Inc., Bismarck, ND (email)

**Hogue Island
Bank Stabilization 2023 Project
BURLEIGH COUNTY, NORTH DAKOTA**



E. The Bidder hereby proposes to undertake and complete the work embraced in these improvements in accordance with said plans, specifications and contract documents and at the following schedule of rates and prices:

Hogue Island Bank Stabilization 2023				
Base Bid (Section 32 Structures)				
Description	Unit	Quantity	Unit Price	Amount
Contract Bond	LSUM	1	4,900 ⁰⁰	4,900 ⁰⁰
Mobilization	LSUM	1	15,000 ⁰⁰	15,000 ⁰⁰
Clearing and Grubbing (Structures)	LSUM	1	12,150 ⁰⁰	12,150 ⁰⁰
Riprap D50 24"	TON	1330	80 ⁰⁰	106,400 ⁰⁰
Gravel Void Fill	CY	20	265 ⁰⁰	5,300 ⁰⁰
Import Topsoil	CY	34	30 ⁰⁰	1,020 ⁰⁰
Seeding & Mulching Class II	ACRE	0.09	20,000 ⁰⁰	1,800 ⁰⁰
Total Base Bid =				146,570 ⁰⁰
ALTERNATE #1 (Residential Stabilization)				
Clearing and Grubbing (Residential)	LSUM	1	26,225 ⁰⁰	26,225 ⁰⁰
Geotextile Fabric	SY	1602	4.75	7,609.50
Riprap D50 24"	TON	3387	85 ⁰⁰	287,895 ⁰⁰
Import Topsoil	CY	230	30.00	6,900 ⁰⁰
Seeding & Mulching Class II	ACRE	0.56	5,000 ⁰⁰	2,800 ⁰⁰
Response Mobilization	EA	1	1,500 ⁰⁰	1,500 ⁰⁰
Total Alternate #1 Items =				332,929.50
Total Base Bid plus All Alternates				629,968.50

479,499.50

Hogue Island
 Bank Stabilization 2023 Project
 BURLEIGH COUNTY, NORTH DAKOTA



F. The Bidder hereby certifies:

1. That this bid is genuine and is not made in the interest of or on behalf of any undisclosed person, firm or corporation and is not submitted in conformity with any agreement or rules of any groups, associations, or organizations.
2. That he has not directly or indirectly induced or solicited any other bidder to put in a false or sham bid.
3. That he has not solicited or induced any person, firm or corporation to refrain from bidding.
4. That he has not sought by collusion or otherwise to obtained for himself any advantage over any other bidder or over the **Owner**.
5. All work performed under this contract shall be by the company or firm to which the contract is awarded, and no portion shall be awarded to a subcontractor unless authorized in writing by the **Owner**.
6. He has received addenda:

No.	Dated	Initial
<u>None</u>	_____	<u>DB</u>
<u>None</u>	_____	<u>PB</u>
<u>None</u>	_____	<u>DM</u>

G. The following documents are attached and made a condition of this bid: Copy of North Dakota Contractor's License or Certificate of Renewal.

H. The **Contractor** shall be required to submit the **entire Project Manual** with the proposal attached.

I. The **Contractor** shall indicate the type of organization by placing an "X" in the correct designation.

Individual _____ Partnership _____ Corporation X

**Hogue Island
Bank Stabilization 2023 Project
BURLEIGH COUNTY, NORTH DAKOTA**



J. The **Contractor** shall fill in the following information regarding their North Dakota Contractor's License:

License Class A
License Number 30303
Date Issued/Renewed 2-27-23

K. The **Contractor** shall sign and supply all the following information:

Firm Name David Bohlman
Signature *[Handwritten Signature]*
Title of Signee President
Official Address 1372 7th AVE NE, Thompson ND 58278
Phone No. (Office) 701 599-2360

Bid Bond

CONTRACTOR:

(Name, legal status and address)

**Bohlman Trenching Service, Inc.
1372 7th Ave NE
Thompson, ND 58278-0238**

SURETY:

(Name, legal status and principal place of business)

**Great Midwest Insurance Company
800 Gessner, Suite 600
Houston, TX 77024**

OWNER:

(Name, legal status and address)

**Burleigh County Water Resource District
PO Box 1255, 221 N 5th St
Bismarck, ND 58502**

This document has important legal consequences. Consultation with an attorney is encouraged with respect to its completion or modification.

Any singular reference to Contractor, Surety, Owner or other party shall be considered plural where applicable.

BOND AMOUNT: Five Percent (5%) of Amount Bid

PROJECT:

(Name, location or address, and Project number, if any)

**Hogue Island Bank Stabilization 2023 Project
Bismarck, ND**

The Contractor and Surety are bound to the Owner in the amount set forth above, for the payment of which the Contractor and Surety bind themselves, their heirs, executors, administrators, successors and assigns, jointly and severally, as provided herein. The conditions of this Bond are such that if the Owner accepts the bid of the Contractor within the time specified in the bid documents, or within such time period as may be agreed to by the Owner and Contractor, and the Contractor either (1) enters into a contract with the Owner in accordance with the terms of such bid, and gives such bond or bonds as may be specified in the bidding or Contract Documents, with a surety admitted in the jurisdiction of the Project and otherwise acceptable to the Owner, for the faithful performance of such Contract and for the prompt payment of labor and material furnished in the prosecution thereof; or (2) pays to the Owner the difference, not to exceed the amount of this Bond, between the amount specified in said bid and such larger amount for which the Owner may in good faith contract with another party to perform the work covered by said bid, then this obligation shall be null and void, otherwise to remain in full force and effect. The Surety hereby waives any notice of an agreement between the Owner and Contractor to extend the time in which the Owner may accept the bid. Waiver of notice by the Surety shall not apply to any extension exceeding sixty (60) days in the aggregate beyond the time for acceptance of bids specified in the bid documents, and the Owner and Contractor shall obtain the Surety's consent for an extension beyond sixty (60) days.


If this Bond is issued in connection with a subcontractor's bid to a Contractor, the term Contractor in this Bond shall be deemed to be Subcontractor and the term Owner shall be deemed to be Contractor.



By arrangement with the American Institute of Architects, the National Association of Surety Bond Producers (NASBP) (www.nasbp.org) makes this form document available to its members, affiliates, and associates in Microsoft Word format for use in the regular course of surety business. NASBP vouches that the original text of this document conforms exactly to the text in AIA Document A310-2010, Bid Bond. Subsequent modifications may be made to the original text of this document by users, so careful review of its wording and consultation with an attorney are encouraged before its completion, execution or acceptance.

When this Bond has been furnished to comply with a statutory or other legal requirement in the location of the Project, any provision in this Bond conflicting with said statutory or legal requirement shall be deemed deleted herefrom and provisions conforming to such statutory or other legal requirement shall be deemed incorporated herein. When so furnished, the intent is that this Bond shall be construed as a statutory bond and not as a common law bond.

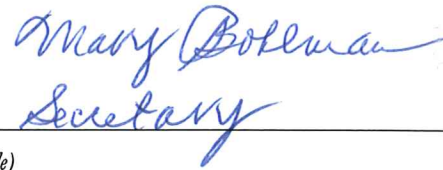
Signed and sealed this 13th day of October, 2023.



(Witness)

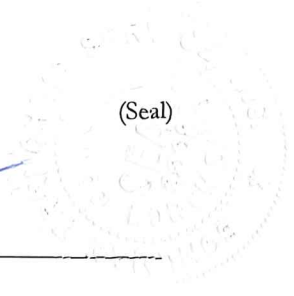
Bohlman Trenching Service, Inc.

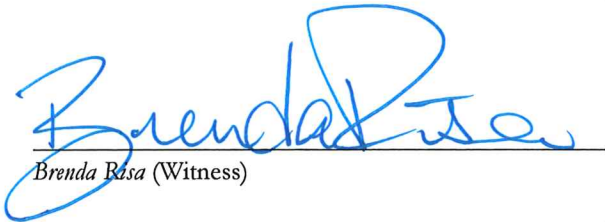
(Principal)



Secretary
(Title)

(Seal)






Brenda Raza (Witness)

Great Midwest Insurance Company

(Surety)



Rita Jorgenson, Attorney-in-Fact

(Seal)



ACKNOWLEDGMENT OF PRINCIPAL (Individual)

State of _____ }
County of _____ }

On this _____ day of _____, in the year _____, before me personally comes _____, to me known and known to me to be the person who is described in and executed the foregoing instrument, and acknowledges to me that he/she executed the same.

Notary Public

ACKNOWLEDGMENT OF PRINCIPAL (Partnership)

State of _____ }
County of _____ }

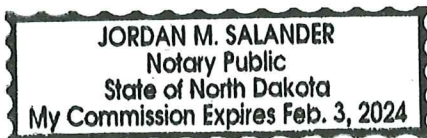
On this _____ day of _____, in the year _____, before me personally come(s) _____, a member of the co-partnership of _____, to me known and known to me to be the person who is described in and executed the foregoing instrument, and acknowledges to me that he/she executed the same as the act and deed of the said co-partnership.

Notary Public

ACKNOWLEDGMENT OF PRINCIPAL (Corporation/LLC)

State of North Dakota }
County of Grand Forks }

On this 16th day of October, in the year 2023, before me personally come(s) Mary Bohlman, to me known, who being duly sworn, deposes and says that he/she resides in the City of Thompson that he/she is the Secretary of the Bohlman Trenching Service, Inc., the corporation described in and which executed the foregoing instrument, and that he/she signed his/her name thereto by like order.



Jordan M. Salander
Notary Public

POWER OF ATTORNEY

Great Midwest Insurance Company

KNOW ALL MEN BY THESE PRESENTS, that GREAT MIDWEST INSURANCE COMPANY, a Texas Corporation, with its principal office in Houston, TX, does hereby constitute and appoint: Jack Anderson, Rita Jorgenson

its true and lawful Attorney(s)-In-Fact to make, execute, seal and deliver for, and on its behalf as surety, any and all bonds, undertakings or other writings obligatory in nature of a bond.

This authority is made under and by the authority of a resolution which was passed by the Board of Directors of GREAT MIDWEST INSURANCE COMPANY, on the 1st day of October, 2018 as follows:

Resolved, that the President, or any officer, be and hereby is, authorized to appoint and empower any representative of the Company or other person or persons as Attorney-In-Fact to execute on behalf of the Company any bonds, undertakings, policies, contracts of indemnity or other writings obligatory in nature of a bond not to exceed Ten Million dollars (\$10,000,000.00), which the Company might execute through its duly elected officers, and affix the seal of the Company thereto. Any said execution of such documents by an Attorney-In-Fact shall be as binding upon the Company as if they had been duly executed and acknowledged by the regularly elected officers of the Company. Any Attorney-In-Fact, so appointed, may be removed in the Company's sole discretion and the authority so granted may be revoked as specified in the Power of Attorney.

Resolved, that the signature of the President and the seal of the Company may be affixed by facsimile on any power of attorney granted, and the signature of the Secretary, and the seal of the Company may be affixed by facsimile to any certificate of any such power and any such power or certificate bearing such facsimile signature and seal shall be valid and binding on the Company. Any such power so executed and sealed and certificate so executed and sealed shall, with respect to any bond of undertaking to which it is attached, continue to be valid and binding on the Company.

IN WITNESS THEREOF, GREAT MIDWEST INSURANCE COMPANY, has caused this instrument to be signed by its President, and its Corporate Seal to be affixed this 11th day of February, 2021.

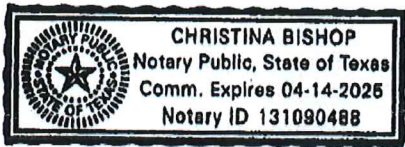


GREAT MIDWEST INSURANCE COMPANY

BY [Signature] Mark W. Haushill President

ACKNOWLEDGEMENT

On this 11th day of February, 2021, before me, personally came Mark W. Haushill to me known, who being duly sworn, did depose and say that he is the President of GREAT MIDWEST INSURANCE COMPANY, the corporation described in and which executed the above instrument; that he executed said instrument on behalf of the corporation by authority of his office under the By-laws of said corporation.



BY [Signature] Christina Bishop Notary Public

CERTIFICATE

I, the undersigned, Secretary of GREAT MIDWEST INSURANCE COMPANY, A Texas Insurance Company, DO HEREBY CERTIFY that the original Power of Attorney of which the foregoing is a true and correct copy, is in full force and effect and has not been revoked and the resolutions as set forth are now in force.

Signed and Sealed at Houston, TX this 13th Day of October, 2023.

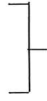


BY [Signature] Leslie K. Shaunty Secretary

WARNING: Any person who knowingly and with intent to defraud any insurance company or other person, files and application for insurance of claim containing any materially false information, or conceals for the purpose of misleading, information concerning any fact material thereto, commits a fraudulent insurance act, which is a crime and subjects such person to criminal and civil penalties.

ACKNOWLEDGEMENT OF SURETY

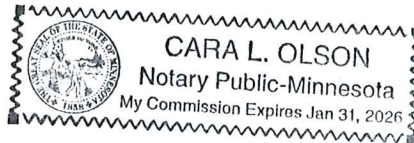
STATE OF MINNESOTA
COUNTY OF CHIPPEWA



On this 13th day of October, 2023, before me, a Notary Public within and for said County, personally appeared **Rita Jorgenson** to me personally known, who being by me duly sworn he/she did say that he/she is the attorney-in-fact of **Great Midwest Insurance Company**, the corporation named in the foregoing instrument, and the seal affixed to said instrument is the corporation seal of said corporation, and sealed on behalf of said corporation by authority of its Board of Directors and said **Rita Jorgenson** acknowledged said instrument to be the free act and deed of said corporation.

Cara L. Olson

NOTARY PUBLIC
My Commission Expires *1/31/2026*



State of North Dakota

SECRETARY OF STATE



CONTRACTOR LICENSE

NO: 30303

CLASS: A

The undersigned, as Secretary of State of the state of North Dakota and Registrar of Contractors, certifies that **BOHLMAN TRENCHING SERVICE, INC.** whose address is in THOMPSON, ND, has filed in this office proper documents for a Contractor License valid until March 1, 2024, and has complied with all requirements of North Dakota Century Code, chapter 43-07.

BOHLMAN TRENCHING SERVICE, INC. is entitled to bid on and accept contracts as authorized by law under this license without limit as to the value of any single contract project.

Dated: February 27, 2023

A handwritten signature in black ink that reads "Michael Howe".

Michael Howe
Secretary of State

**STATEMENT OF SPECIAL MEETING OF DIRECTORS AND SHAREHOLDERS
OF BOHLMAN TRENCHING SERVICE, INC.**

The undersigned, being all the Directors and Shareholders of Bohlman Trenching Service, Inc (Company), do hereby adopt this joint statement in lieu of a special meeting of the Directors and Shareholders, and the undersigned specifically waive all notice requirements thereto.

WHEREAS, the Board of Directors desire to appoint a new officers and a board member to separate positions caused by the resignation of Tim Bohlman; and,

WHEREAS, the Board of Directors has determined a need for additional officers to have authority to sign documents on behalf of the company, including but not limited to bid forms, and all contracts, bank checks and documents for loans, security and asset pledges to lending institutions.

NOW, THEREFORE, BE IT RESOLVED, that the following persons are appointed to the offices so designated by a persons name:

David Bohlman, President, and Board member.

Mary Bohlman, Vice president, Secretary, Treasurer and Board member.

The above officers shall serve until a successor has been appointed.

BE IT FURTHER RESOLVED, that the Vice President or Treasurer of the Company, shall have all and similar authority granted to the President under Company bylaws to sign, execute, bind and commit the corporation to any and all contracts, bid documents, bonding instruments, bank transactions, including but not limited to signing checks, drafts, loans, security agreements, mortgages, bid forms or bid proposals.

BE IT FURTHER RESOLVED, that the Officers shall execute a banking resolution and such signature cards to accomplish the foregoing resolution authority and directive and to execute and deliver the same in the name of and on behalf of the Corporation, with such changes therein or additions thereto as the officers, in their sole discretion, shall deem necessary, advisable or appropriate, the agreement by them to be conclusive evidence of such approval.

BE IT FURTHER RESOLVED, that the officers of the Corporation are authorized, empowered and directed to take such further actions and to execute and deliver all such further instruments and documents in the name and on behalf of the Corporation, and to pay and incur expenses as the officers in their judgment deem to be necessary or appropriate to carry out the purposes of the foregoing resolutions.

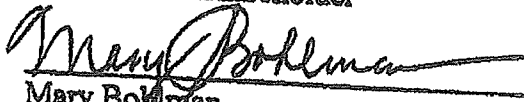
There being no further business, the undersigned do hereby adopt and unanimously consent to the aforementioned actions, and said actions and all actions of the officers since the last meeting of the

Board of Directors and Shareholders are hereby approved and such resolution herein are the acts
the Board of Directors and Shareholders.

Dated this 5th day of January, 2009.


Timothy Bohlman,
Shareholder


David Bohlman,
Director and Shareholder


Mary Bohlman
Director

October 12, 2023

MBR PROPERTIES, LLC
PO BOX 1272
BISMARCK, ND 58502

RE: Surface Drain Permit Application No. 6253

Dear MBR PROPERTIES, LLC:

The Department of Water Resources (DWR) has reviewed the enclosed Surface Drain No. 6253 (Application), submitted by MBR PROPERTIES, LLC. The requested surface drain is located in Section 21, Township 138 North, Range 80 West, Burleigh County.

Upon review, the DWR has determined that the proposed drainage by placement of fill under this Application does **not** require a drain permit (see technical memorandum enclosed).

Please contact Jennifer Martin at (701) 328-1347 or jennifermartin@nd.gov if you have any questions concerning this correspondence.

Sincerely,



Courtney Evoniuk
Program Specialist, Regulatory Division

JSM/1581

Enclosures: DWR Technical Memorandum
ND DEQ Construction and Environmental Disturbance Requirements
Other Potential, Local, State, and Federal Water Regulations document
Surface Drain Application No. 6253 Materials

Cc (Emailed only): Burleigh County Water Resource District

DEPARTMENT OF WATER RESOURCES
TECHNICAL MEMORANDUM

Document Routing
10/11/23 : mlindsay

To: Matthew Lindsay, P.E., Engineering and Permitting Section Manager
From: Jennifer Martin, E.I.T., Water Resource Engineer
Subject: Paradise Valley Development Placement of Fill – Drain Permit Requirement Review
Project: Surface Drain Permit Application No. 6253
Date: September 19, 2023

The Department of Water Resources (DWR) received the following surface drain application:

Application Number: 6253
Application Received Date: August 16, 2023
Applicant: MBR Properties LLC
Project Location: Section 21, Township 138 North, Range 80 West, Burleigh County
New Drain Construction or Modification to Existing Drain: New Drain Construction
Purpose of Drainage: Urban Development
Feature to be Drained: Pond, Slough, Lake, Or Any Series Thereof

PROJECT BACKGROUND

The Applicant submitted Surface Drain Application No. 6235 on August 16, 2023, for placement of fill in a wetland at the site of the new Paradise Valley Development in Bismarck, ND (**Figure 1**).

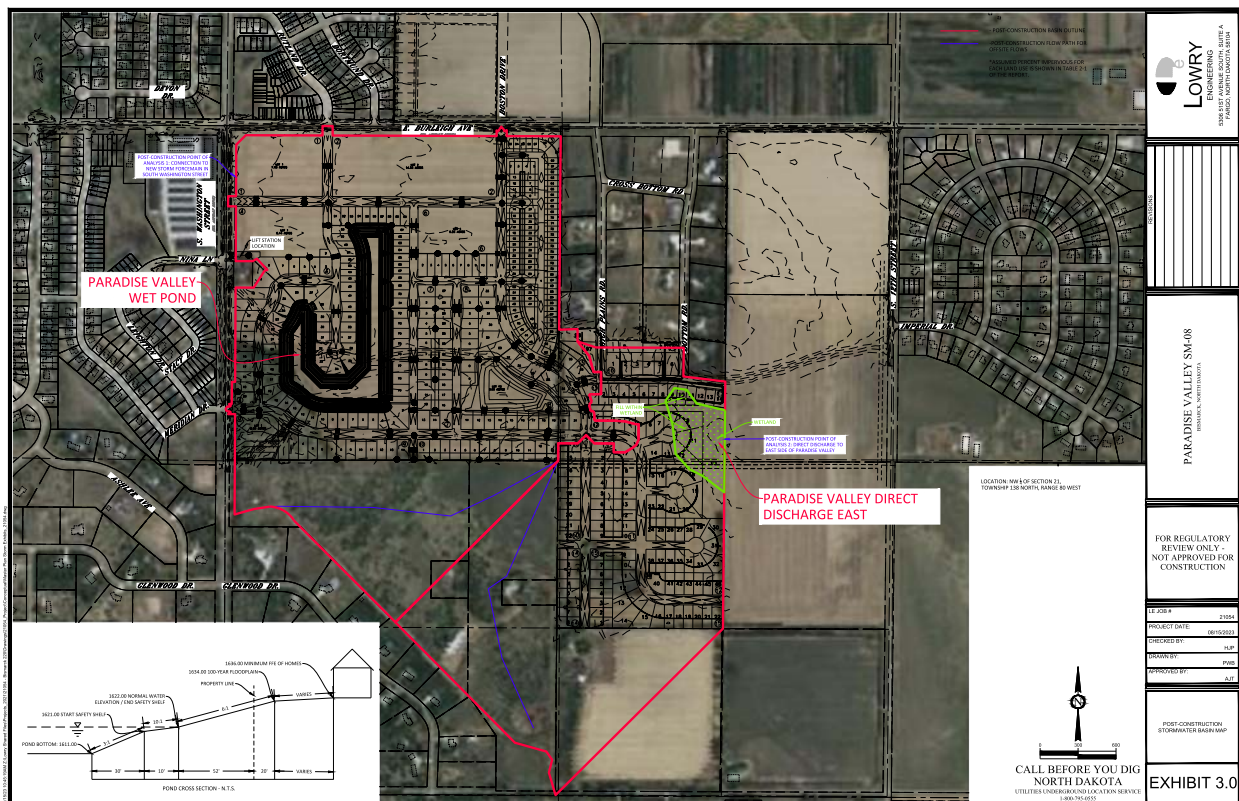


Figure 1. Project location map by Lowry Engineering. Area for planned placement of fill in hatched in green.

Fill will be placed at the wetland to ensure the finished floor elevations of homes are constructed at least two feet above the 100-year FEMA floodplain elevation. The site is currently used for row crop production and drains to the wetland and east through South 12th Street, then south to the Missouri River. Post-construction conditions will direct some flows from the wetland's drainage area to a newly constructed wet pond at the west end of the development (**Figure 1**), which will be discharged into the City of Bismarck's storm sewer infrastructure at South Washington Street. Post-construction flows to the east through the wetland are anticipated to decrease for the 10-year and 100-year, 24-hour storm events, but increase for 2-year and 5-year, 24-hour storm events. As a result, the Applicant intends to design a dry pond to regulate flows to the east of the project to ensure post-construction discharges are equal to or less than existing conditions.

PERMIT REQUIREMENT REVIEW

Section 3.5.1 of DWR Policy REG-2020-2 provides that a drain permit will be required for placement of fill if a wetland is reduced by at least 10% when dividing the fill volume by the wetland surface area. Based on historical aerial imagery, the wetland identified in the application is part of a larger wetland covering approximately 150 acres in portions of the E 1/2 of Section 21, W 1/2 of Section 22, and NW 1/4 of Section 27 (Figures 2-3).



Figure 2. Sentinel Hub satellite imagery from March 29, 2020, in Township 138 North, Range 80 West.

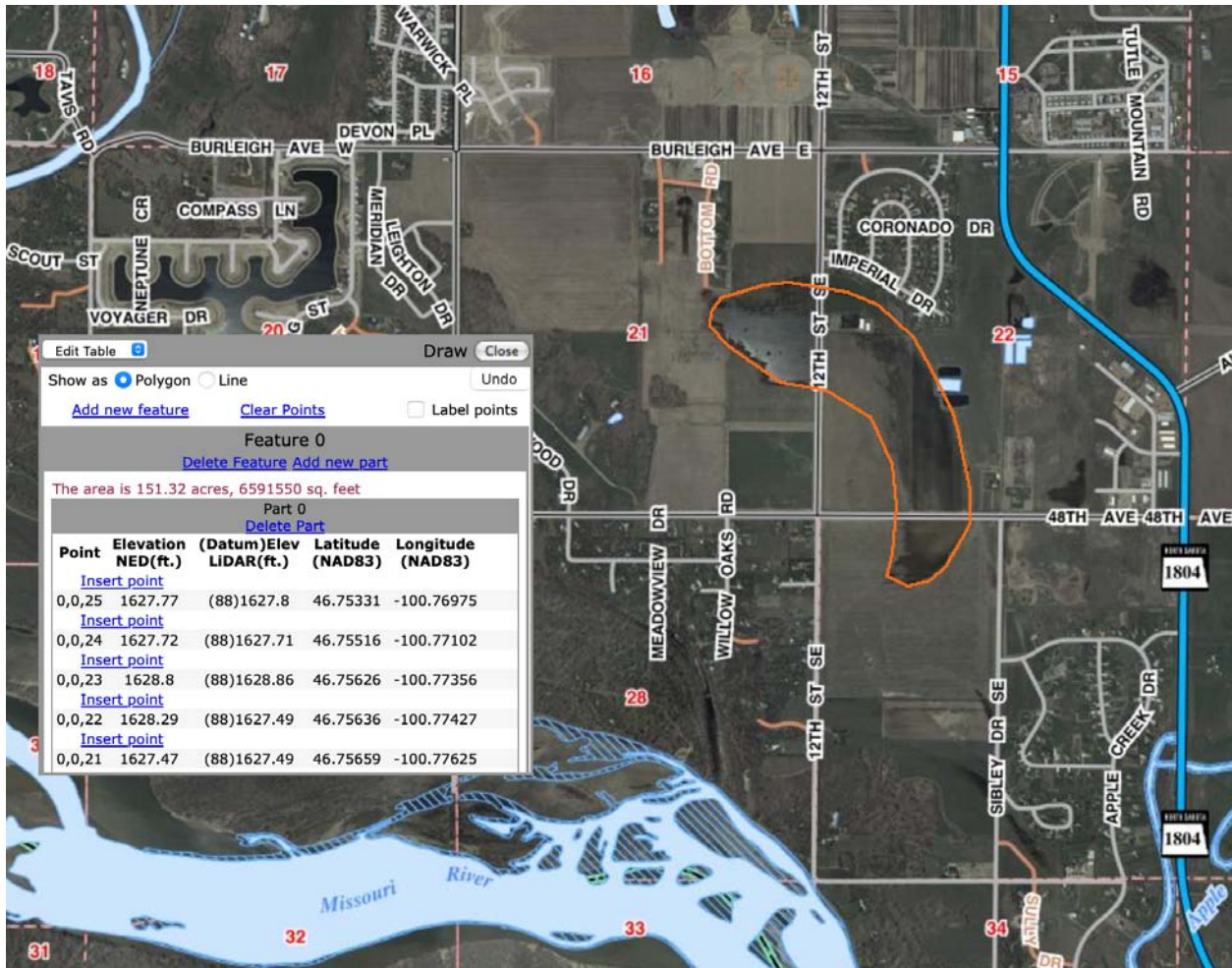


Figure 3. Approximate boundary of wetland subject to Surface Drain Application No. 6235 for placement of fill is outlined in red. Background image contains 2009 National Agriculture Imagery Program air photos.

The Applicant provided that 12,500 cubic yards, or 7.75 acre-feet, of fill will be placed in the wetland, resulting in a reduction of 5.2% over the 150-acre surface area. Therefore, the project does not meet the 10% permitting threshold from DWR Policy REG-2020-2 and a drain permit will not be required.

Of note, historical imagery suggests that the wetland may not meet the definitions of a pond, slough, or lake as provided in North Dakota Administrative Code § 89-02-01-02. A drain permit is not required for placement of fill in sheetwater per DWR Policy REG-2020-2. Any storage that does exist where fill is to be placed will not be entirely lost due to the Applicant's plan to construct a dry pond to regulate outflows.

CONCLUSION

Due to the determination that fill is proposed to be placed in a wetland that will result in less than 10% reduction, the Applicant will be notified that a drain permit is not required for the project.


 Jennifer Martin, Water Resource Engineer

October 17, 2023

James Landenberger, Chairman
Burleigh County Water Resource District
4007 State St
Ste #20
Bismarck, ND 58503

SENT VIA EMAIL: dwrburleighwrd@gmail.com

RE: Application to Construct No. C02738

Dear Mr. Landenberger:

The Department of Water Resources (DWR) has received the enclosed Application to Construct or Modify a Dam or Wetland Restoration (Application) from ARNOLD BURIAN. The Application is for proposed work located in NE 1/4 of Section 03, Township 139 North, Range 077 West, Burleigh County. The DWR has conducted an initial review of the Application and is forwarding this Application to your district as required under North Dakota Century Code (N.D.C.C.) § 61-16.1-38.

Your district is required to consider the Application within 45 days of receipt and suggest any changes, conditions, or modifications to the DWR. If your district does not respond to the DWR within this time frame, the DWR will determine that your district has no changes, conditions, or modifications to the Application as outlined in N.D.C.C. § 61-16.1-38. The Department will then conduct a comprehensive review of the Application, make a final decision regarding the Application, and forward a copy of the Department's decision to the Applicant and your district.

If you need assistance or guidance, please contact me at (701) 328-4956.

Sincerely,



Courtney Evoniuk
Program Specialist
Regulatory Division

CME
Enclosures

cc: USACE – ND Regulatory Office (Electronic)
ND DEQ – Pete Wax (Electronic)
Houston Engineering, Inc. – Travis Johnson, P.E. (Electronic)



**APPLICATION/NOTIFICATION TO CONSTRUCT OR MODIFY A
DAM, DIKE, RING DIKE OR OTHER WATER RESOURCE FACILITY**
NORTH DAKOTA DEPARTMENT OF WATER RESOURCES
REGULATORY DIVISION
SFN 51695 (9/2021)

No. 2738

(DWR USE ONLY)

Mail To:
Department of Water Resources
900 East Boulevard Ave
Bismarck, ND 58505-0850

Contact Info:
(P) (701) 328-2750
(F) (701) 328-3696
www.dwr.nd.gov

DEPARTMENT OF
WATER RESOURCES
USE ONLY

I, the undersigned, do hereby submit the following information to the Department of Water Resources for determination and use as a filing of information required under North Dakota Century Code §61-04-02 or as an application to construct or modify a facility under North Dakota Century Code §61-16.1-38.

A. General Information

This Application/Notification Must Include A Map From An Actual Survey, Aerial Photo Or Topographic Map. The Size Of The Map Shall Be 8½ By 11 Inches. The Map Shall Have A North Arrow And Approximate Scale. If, In The Opinion Of The Department of Water Resources, The Map Does Not Contain Information To Properly Evaluate The Project, It Will Be Returned.

The Proposed Facility Is A

- Dam (Complete Sections A, C & F) Pond, Lagoon, or Dugout (Complete Sections A, B & F)
 Dike (Complete Sections A, D & F) Diversion Ditch (Complete Sections A, B & F)
 Ring Dike (Complete Sections A, D & F) Other (Complete Sections A, B & F)
 Wetland Restoration (Complete Sections A, C, E & F)

Application/Notification For Modification Of An Existing Structure Yes No

If So, What Year Was Existing Structure Constructed

By Whom?

Water Resource District Where Project Located
Burleigh County Water Resource District

Property Description	¼	¼ NE	Section 03	Township 139	Range 77
----------------------	---	------	---------------	-----------------	-------------

(Optional) Latitude

Longitude

Waterway On Which Project Will Be Located Unnamed creek

A Tributary To Apple Creek

Will Project, Including Any Area Affected As A Result Of The Project, Be Located Entirely On Land Owned By The Applicant?

 Yes No

If Any Portion Of The Project Will Be Constructed On Land Not Owned In Fee Title By The Applicant, Written Authorization To Construct The Project Must Be Obtained From The Landowner Of Record And A Copy Of The Authorization Provided To This Office. If The Project Will Affect Land Not Owned By The Applicant, Evidence Of A Property Right Must Be Obtained By The Applicant And A Copy Of The Property Right Provided To This Office. If Any Portion Of The Project Will Be Constructed Within The Right-Of-Way Of A Section Line, Roadway, Or Railroad, Or If The Project Will Impound Water Within The Right-Of-Way Of A Section Line, Roadway, Or Railroad, Written Authorization To Do So Must Be Obtained From The Appropriate Authority And A Copy Provided To This Office.

Project Sponsor (Water Resource District/City/Us Fish & Wildlife Service, Etc.) If Applicable
North Dakota Natural Resources Trust

Contractor, If Known

Anticipated Construction Start Date

Completion Date

Party Responsible For Operation And Maintenance Of This Project
North Dakota Natural Resources Trust

B. Pond, Lagoon, Dugout, Diversion Ditch, Or Other Water Resource Facility

Design Data

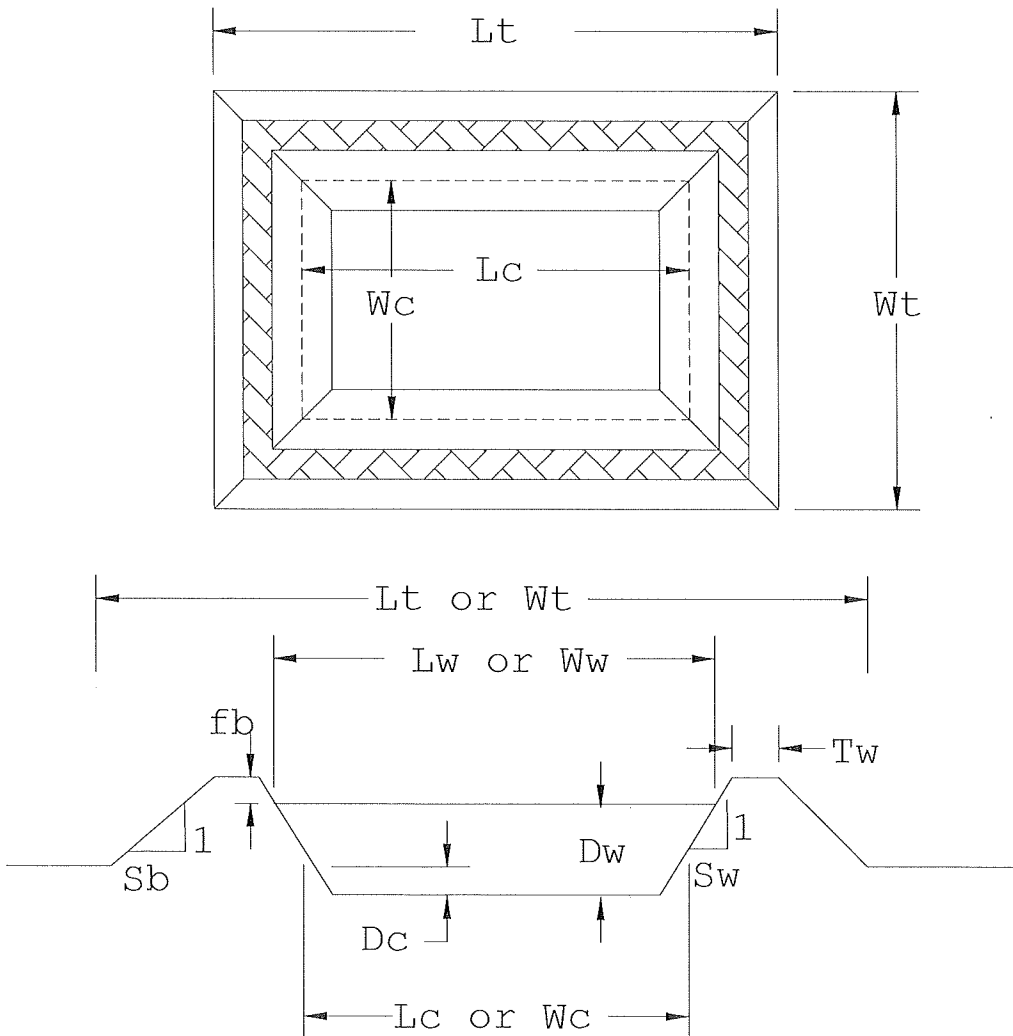
A. Pond, Lagoon, Or Dugout (Complete Below And Diagram Next Page For Each Pond Or Cell, Photocopy If Necessary)

Surface/Area Top Of Structure (Acres)	Surface/Area Service Level (Acres)
Storage/Top Of Structure (Acre-Feet)	Storage/Service Level (Acre-Feet)
Maximum Depth Of Water (Feet)	Maximum Embankment Height (Feet)

B. Diversion Ditch

Length (feet)	Bottom Width (feet)	Side Slopes (feet)
Maximum Cut (feet)	Gradient (foot/foot)	

Description Of Project, if Not A Pond, Lagoon, Dugout, Or Diversion Ditch



DESCRIPTION	ABBREVIATION	DIMENSION (FEET)
Total Length Of Pond (Includes Banks)	Lt	
Total Width Of Pond (Includes Banks)	Wt	
Length Of Water Surface At Full Service Level	Lw	
Width Of Water Surface At Full Service Level	Ww	
Length Of Cut Into The Soil Surface	Lc	
Width Of Cut Into The Soil Surface	Wc	
Depth Of Cut Into Soil Surface	Dc	
Depth Of Water In The Pond At The Full Service Level	Dw	
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	Tw	
Outside Bank Side Slope Ratio (Usually 4:1, Which Is 4 Horizontal Feet For Every 1 Foot Of Rise)	Sb	
Inside Bank Side Slope Ratio (Will Vary Between 4:1 And 6:1, Depending On The Soil Type)	Sw	

C. Dams

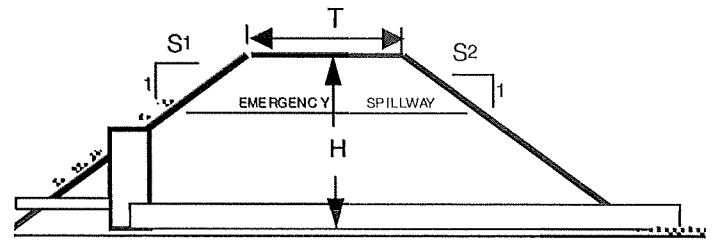
Drainage Area Above Dam

Square Miles 6.78

Acres

Purpose Creation of wetland habitat

Geometric Description Of Dam



Maximum Height (H) (feet) 6.5

Elevation (T) (feet msl) 1791.50

Top Width (feet) 10

Side Slopes/ Upstream (S1) (:1) 4:1

Side Slopes/ Downstream (S2) (:1)

Type Of Embankment Protection Sheetpile and Riprap

Emergency Spillway Open Weir

Type Sheetpile

If Earthen

Width (feet)

Side Slopes (:1)

Level Section Length (feet)

Dimensions If Other Than Earthen

Principal Spillway				Stoplog structure			
Outlet Pipe	Type	None	Diameter	Length (feet)			
Riser	Type					Diameter	
Control Gate	Type					Dimensions	
Drawdown Pipe	Type					Diameter	

Distance To Nearest Downstream Occupied Dwelling(S) 1.8 Miles

	ELEVATION (feet)		RESERVOIR SURFACE AREA (acres)	RESERVOIR CAPACITY (acre-feet)
	Indicate Datum			
	<input type="checkbox"/> Local	<input type="checkbox"/> NGVD 29	<input checked="" type="checkbox"/> NAVD88	
Top Of Dam	1791.50			
Emergency Spillway	1788.00		46.6	54.5
Principal Spillway	1785.00			
Drawdown Pipe	N/A			
Streambed At Dam	1784.00 (approx)			

D. Dike

Is Application/Notification For Construction Of A Ring Dike Yes No

If So, Will Ring Dike Tie Into Existing Dike Roadway High Ground Other

Purpose

Area Of Land To Be Protected By Dike (acres)

Description Of Dike		
Dike Length (feet)		
Dike Design		
Top Width (T) (feet)		
Side Slopes/ Interior (S1) (:1)		
Maximum Height (H) (feet)	Maximum Elevation (feet msl)	
Minimum Height (H) (feet)	Minimum Elevation (feet msl)	

Embankment Erosion Protection

Will Dike Flood Or Adversely Affect Adjacent, Upstream Or Downstream Land Yes No

If Yes, Attach Flowage Easements. Easements Must Include A Description Of Provisions, And Names And Signatures Of Grantors. Page 85 of 172
BCWRD Nov 2023

E. Wetland Restoration

The Proposed Wetlands Are Temporary Permanent

Drainage Area Above Dam (square miles) 6.78 Or (acres)

Is Project Mitigation For Another Project Yes No

If Yes, Please Describe

Describe The Proposed Operation Plan For The Wetland

	OVERFLOW ELEVATION (feet)	CAPACITY (acres)	SURFACE AREA (acre-feet)
	Indicate Datum <input type="checkbox"/> Local <input type="checkbox"/> NGVD 29 <input checked="" type="checkbox"/> NAVD88		
Existing	1785		
Natural	1784		
Proposed	1788	54.5 Acre-Feet	46.6 Acres
Top Of Structure	1791.50		

F. Additional Information, Affidavit Of Design Engineer, And Signature

Additional Information And Comments

A complete set of plans and specifications prepared by a professional engineer registered in the State of North Dakota must be submitted with and made part of this Application/Notification if the proposed structure will be capable of retaining, obstructing, or diverting more than 50 acre-feet of water, or if the structure is a medium or high hazard dam, as determined by the Department of Water Resources, capable of retaining more than 25 acre-feet of water. Low hazard dams, as determined by the Department of Water Resources, less than 10 feet in height are exempt from the requirement for professional engineering services. If plans and specifications are required, the following affidavit must be completed.

I, _____ (name), _____ (PE license number), a Professional Engineer registered in the State of North Dakota, designed and/or personally supervised the design of the project as described in this application and on any attached sheets, and construction will be inspected in accordance with North Dakota Administrative Code §89-08-03-01. Date: _____

The filing of this Application/Notification in no way relieves the applicant or landowner from any responsibility or liability resulting from the construction, operation or failure of the project.

Land Owner (print) Arnold Burian

Address 238 Redstone Drive City Bismarck State ND ZIP Code 58503

Telephone Number 701-226-2111

Signature *Arnold A. Burian* Date 7-20-23

Sponsoring Agency North Dakota Natural Resources Trust

Address 1605 East Capitol Avenue Suite 101 City Bismarck State ND ZIP Code 58501-2102

Telephone Number 701-221-8501

Signature *Rick Warhurst* Date 7/20/23

Burleigh County

7 Miles Northwest of Sterling, ND



2022 Aerial Photo

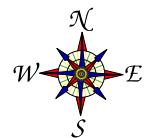
Project Location



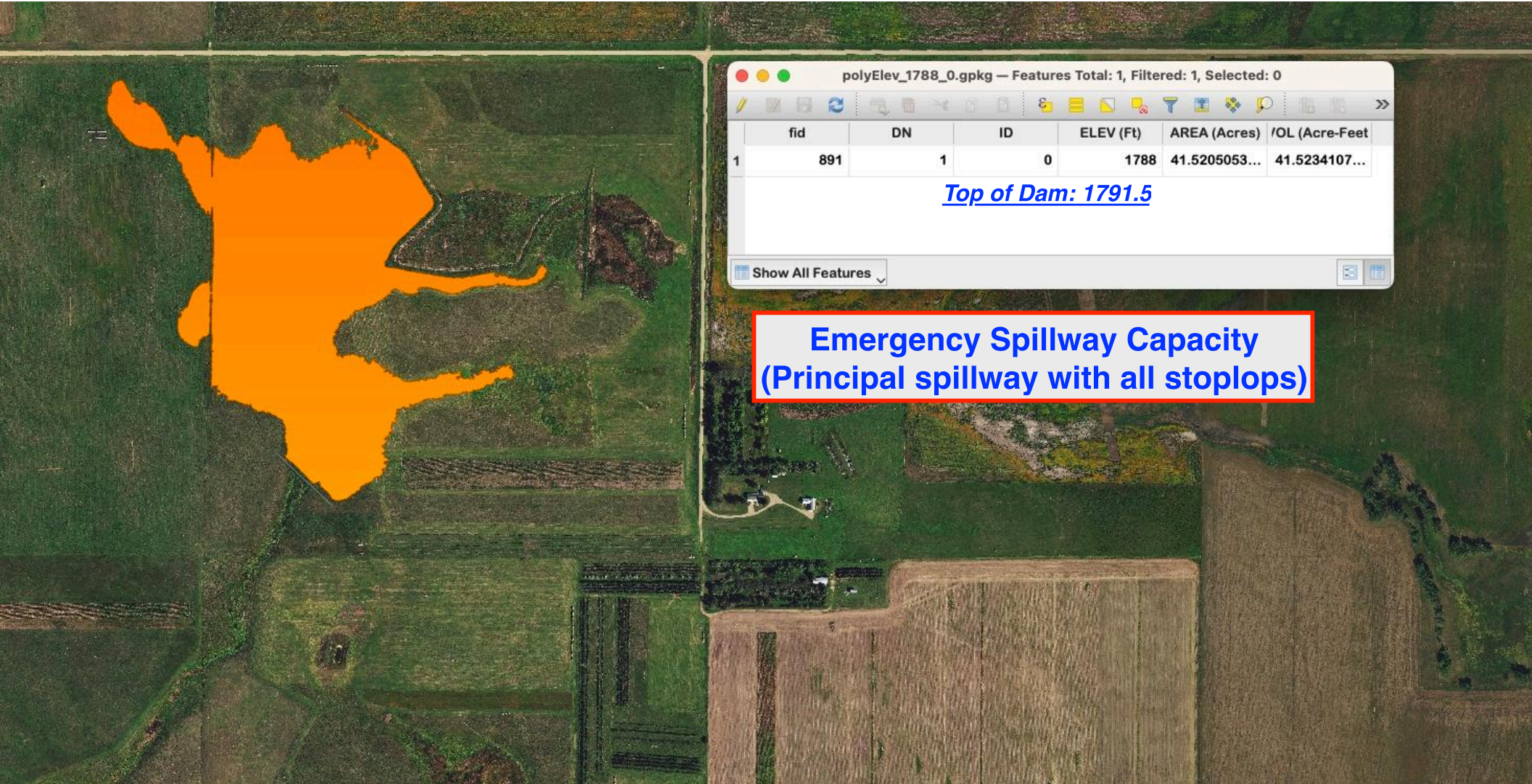
Construction Permit Application No. 2738

Arnold Burian

Wetland



NE 1/4 Section 3, T139N, R77W, Burleigh County



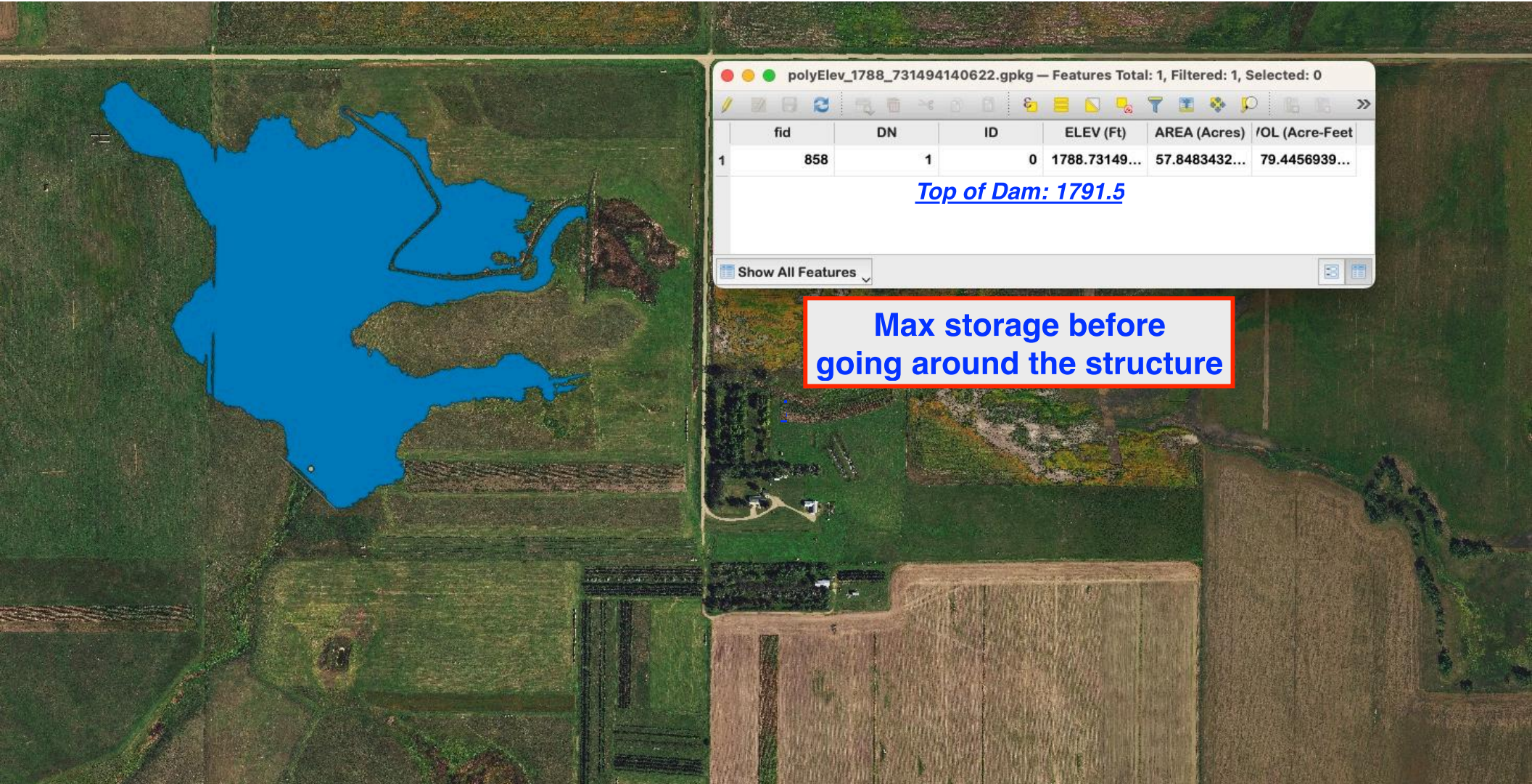
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fid	DN	ID	ELEV (Ft)	AREA (Acres)	/OL (Acre-Feet)
1	891	1	0	1788	41.5205053... 41.5234107...

[Top of Dam: 1791.5](#)

Show All Features

**Emergency Spillway Capacity
(Principal spillway with all stoplops)**



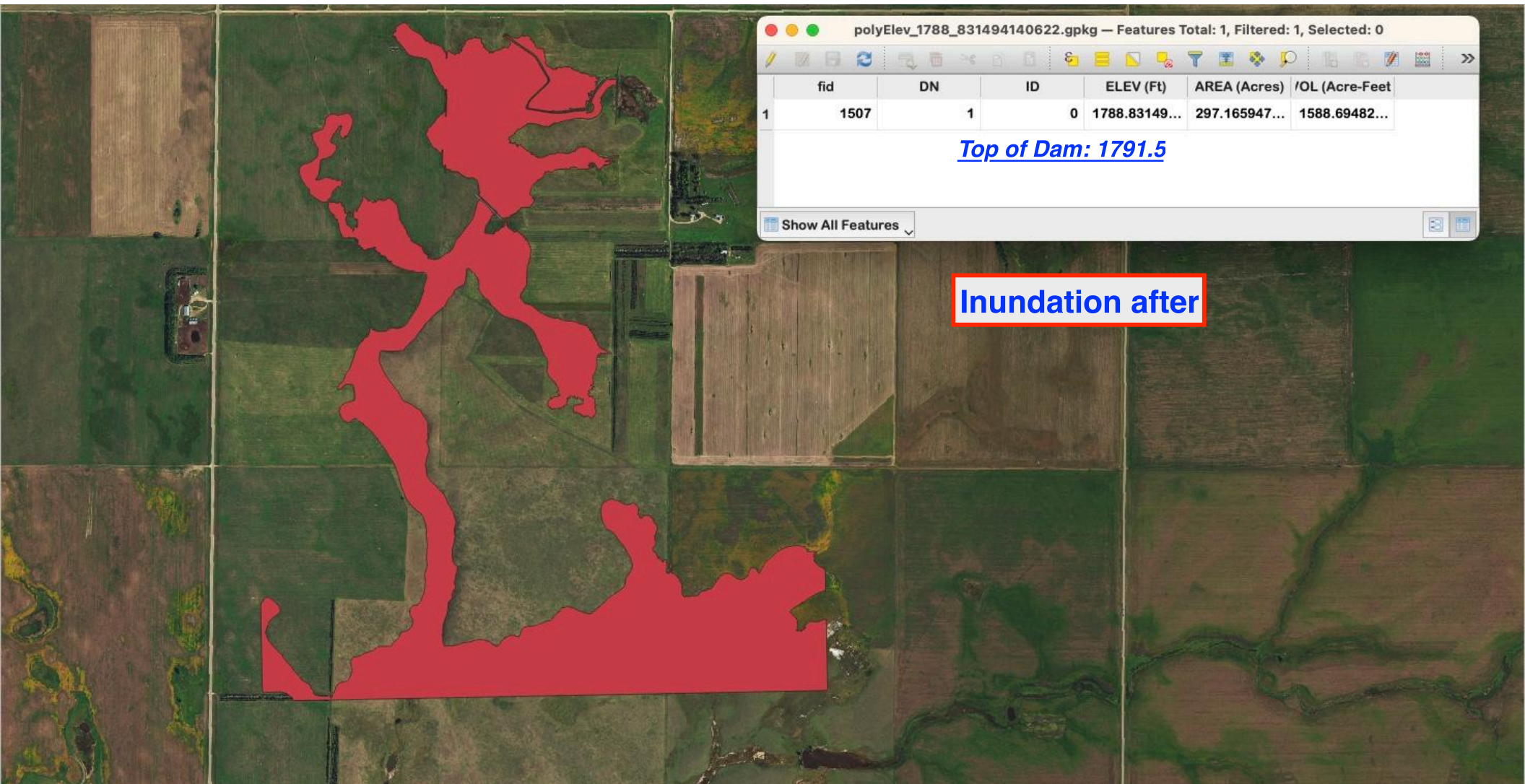
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fid	DN	ID	ELEV (Ft)	AREA (Acres)	/OL (Acre-Feet)
1	858	1	0 1788.73149...	57.8483432...	79.4456939...

[Top of Dam: 1791.5](#)

Show All Features

Max storage before going around the structure



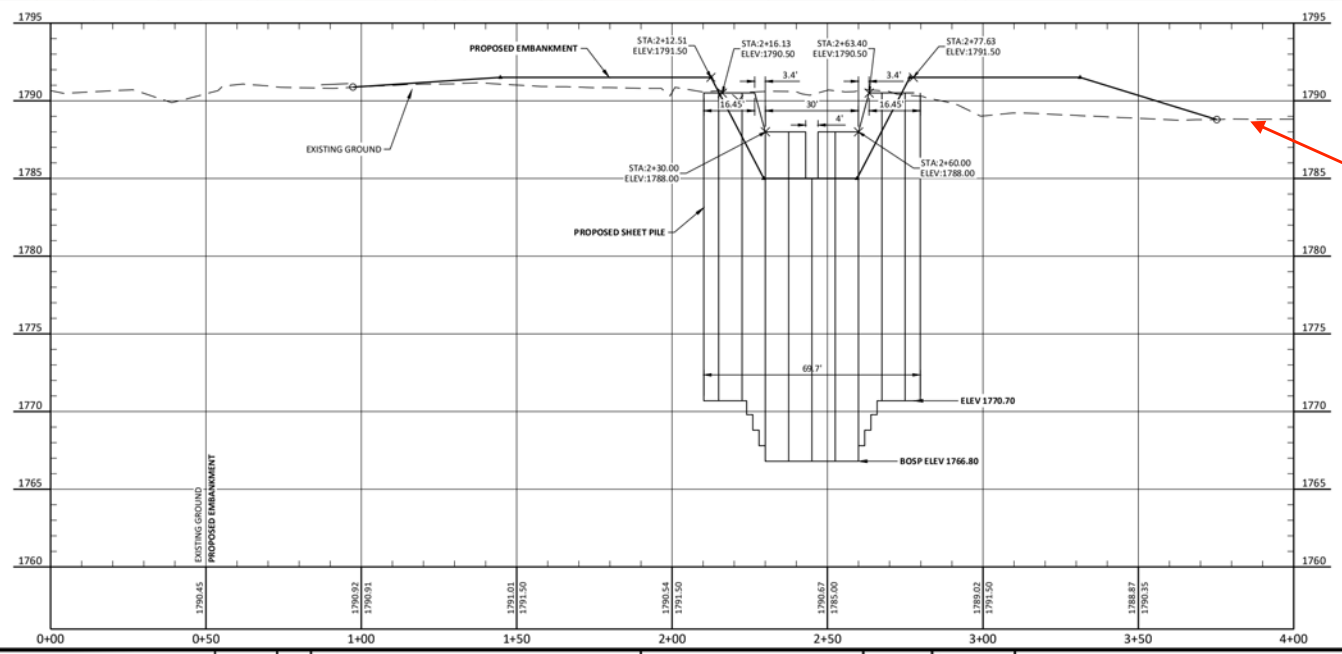
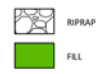
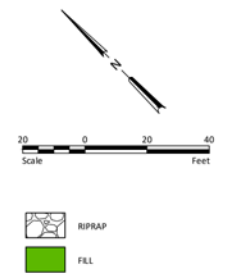
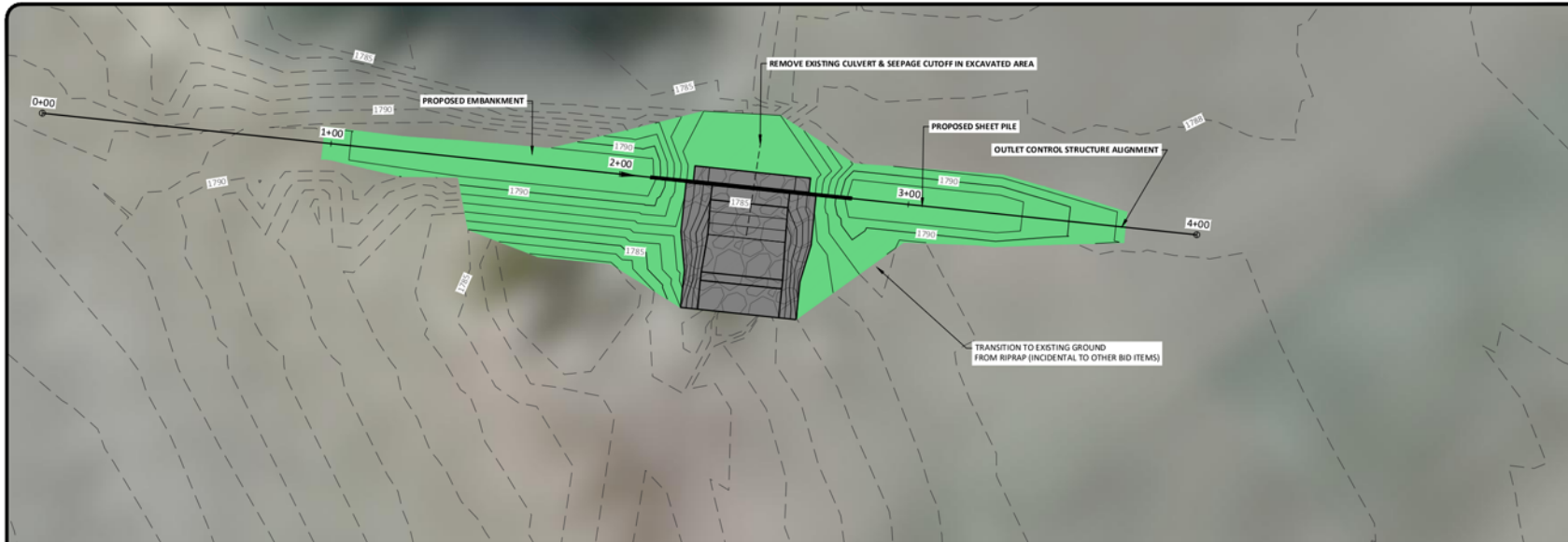
polyElev_1788_831494140622.gpkg — Features Total: 1, Filtered: 1, Selected: 0

fid	DN	ID	ELEV (Ft)	AREA (Acres)	/OL (Acre-Feet)	
1	1507	1	0	1788.83149...	297.165947...	1588.69482...

[Top of Dam: 1791.5](#)

Show All Features

Inundation after



Area where water goes
around structure
1788.83 ft

PRELIMINARY
NOT FOR CONSTRUCTION

H:\HNK\11063\11063_0001\CAD\Plan\11063_0001_Proposed Conditions.dwg (Project: 7/6/2023 11:40 AM (Local))

<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 10%;">No.</th> <th style="width: 10%;">Revision</th> <th style="width: 10%;">Date</th> <th style="width: 10%;">By</th> </tr> </thead> <tbody> <tr> <td> </td> <td> </td> <td> </td> <td> </td> </tr> </tbody> </table>	No.	Revision	Date	By						Drawn by CB, TP Date 7-6-23 Checked by TJ Scale AS SHOWN	ARNOLD BURIAN WETLAND RESTORATION NORTH DAKOTA NATURAL RESOURCES TRUST BURLEIGH COUNTY, NORTH DAKOTA	SHEET PILING & EMBANKMENT PLAN & PROFILE PROJECT NO. 11063-0001	SHEET 4
No.	Revision	Date	By										

HEI NO. 11063-0001

CONSTRUCTION PLANS FOR NORTH DAKOTA NATURAL RESOURCES TRUST ARNOLD BURIAN WETLAND RESTORATION BURLEIGH COUNTY, NORTH DAKOTA JULY, 2023

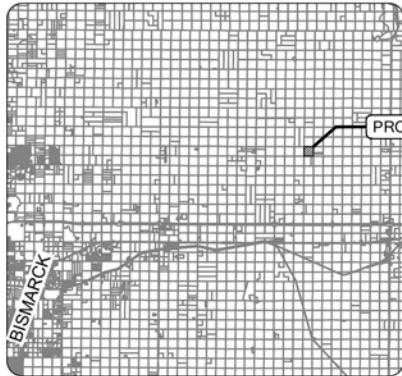
SHEET INDEX

- 1 COVER SHEET
- 2 EXISTING CONDITIONS & REMOVALS
- 3 PROPOSED CONDITIONS
- 4 SHEET PILING & EMBANKMENT PLAN & PROFILE
- 5-8 DETAILS

ESTIMATED QUANTITIES

ITEM NO.	ITEM DESCRIPTION	UNIT	QUANTITY
1	CONTRACT BOND	LSUM	1
2	MOBILIZATION	LSUM	1
3	BORROW EXCAVATION	CY	250
4	UNCLASSIFIED EXCAVATION	CY	341
5	CULVERT REMOVAL	LF	34
6	SHEET PILE	SF	1491
7	STOPLOG STRUCTURE	LSUM	1
8	24" RIPRAP	CY	272
9	GEOTEXTILE FABRIC	SY	227
10	8" AGGREGATE	TON	101
11	LOW WATER CROSSING	LSUM	1
12	SEEDING & MULCHING	AC	0.2

BASIS OF ESTIMATIONS:
RIPRAP: 1.8 TONS/CY
8" AGGREGATE: 9.44444 TONS/SY
FILL FACTOR: 1.15



VICINITY MAP



LOCATION MAP



GOVERNING STANDARDS:

MANUAL FOR UNIFORM TRAFFIC CONTROL DEVICES (MUTCD), 2009 EDITION. THIS SPECIFICATION INCLUDES THE SHAPES, COLORS, AND FONTS USED IN ROAD MARKINGS AND SIGNS. ALL TRAFFIC CONTROL DEVICES MUST CONFORM TO THESE STANDARDS.

GOVERNING SPECIFICATIONS:

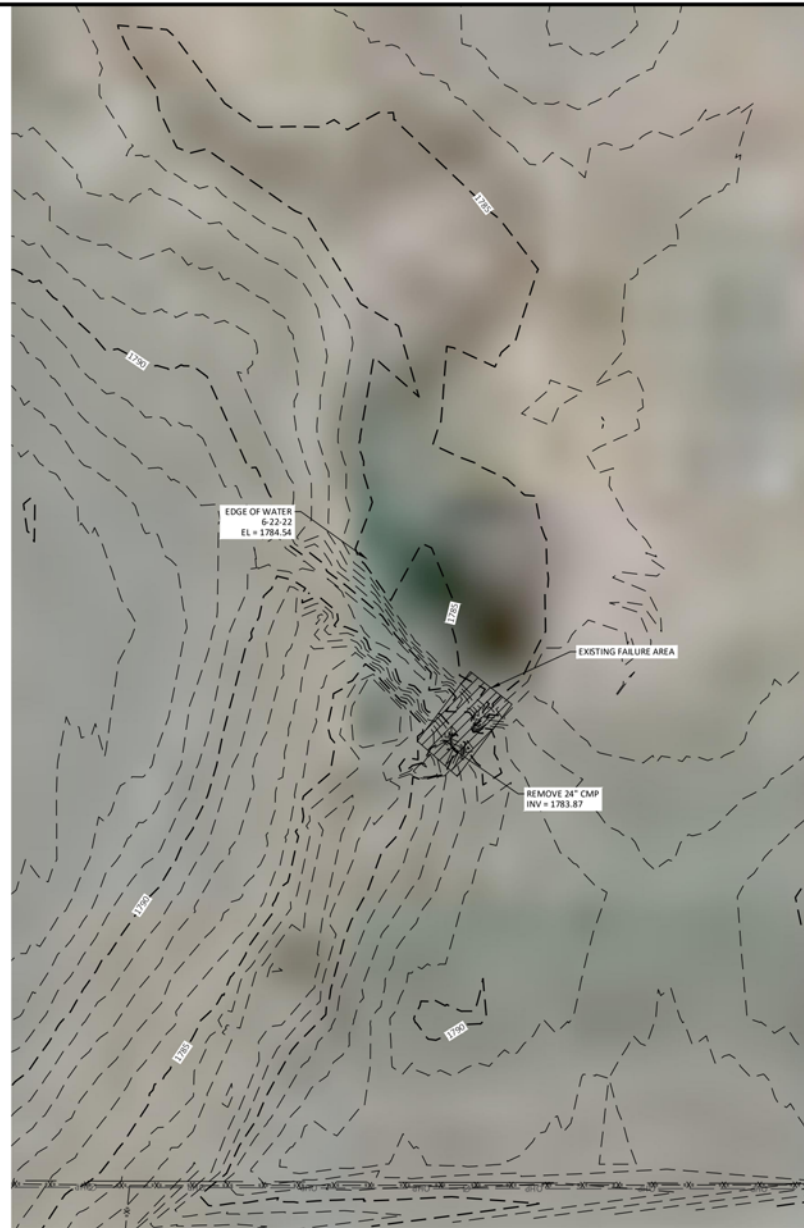
CONSTRUCTION SPECIFICATIONS FOR MUNICIPAL PUBLIC WORKS IMPROVEMENTS, ADOPTED BY THE CITY OF BISMARCK, NORTH DAKOTA, SHALL APPLY TO ALL STANDARD DRAWINGS CURRENTLY IN EFFECT AND OTHER CONTRACT PROVISIONS SUBMITTED HEREIN.

UTILITY NOTE:

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PRELIMINARY
NOT FOR CONSTRUCTION

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NOTES:
 1. CONTRACTOR TO VERIFY BORROW/WASTE AREA WITH LANDOWNER REPRESENTATIVE OR ENGINEER AND VERIFY BORROW MATERIAL IS SUITABLE FOR USE

PRELIMINARY
 NOT FOR CONSTRUCTION

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No.	Revision	Date	By



Drawn by
CB, TP
Date
7-6-23
Checked by
TJ
Scale
AS SHOWN

ARNOLD BURIAN WETLAND RESTORATION
 NORTH DAKOTA NATURAL RESOURCES TRUST
 BURLEIGH COUNTY, NORTH DAKOTA

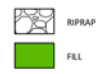
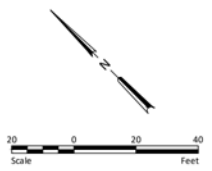
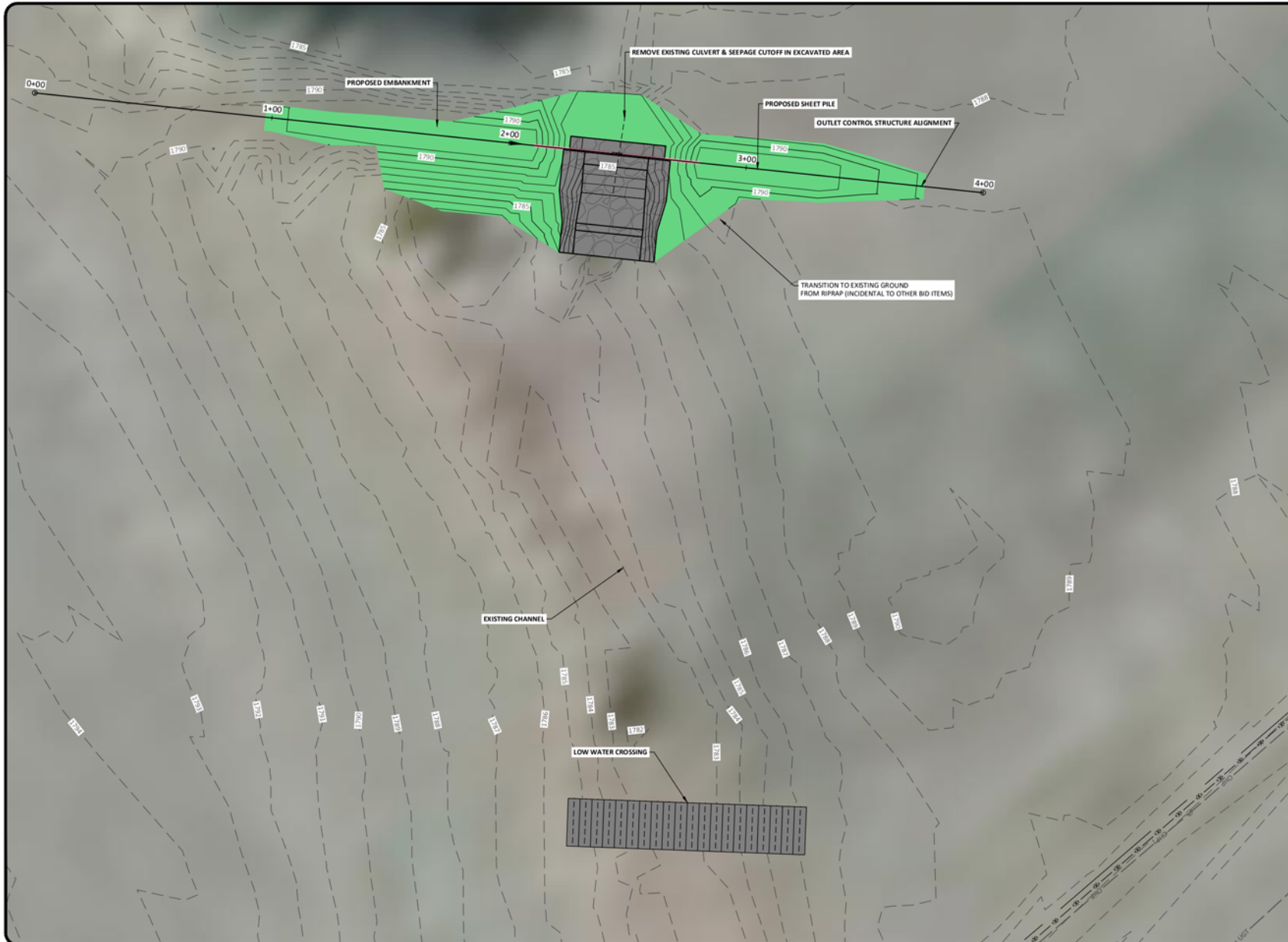
EXISTING CONDITIONS

PROJECT NO. 11063-0001

SHEET

2

HEI NO. PPPP-PPP



NOTES:
 1. LOW WATER CROSSING LOCATION IS APPROXIMATE. EXACT PLACEMENT TO BE VERIFIED IN THE FIELD.

PRELIMINARY
 NOT FOR CONSTRUCTION

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No.	Revision	Date	By



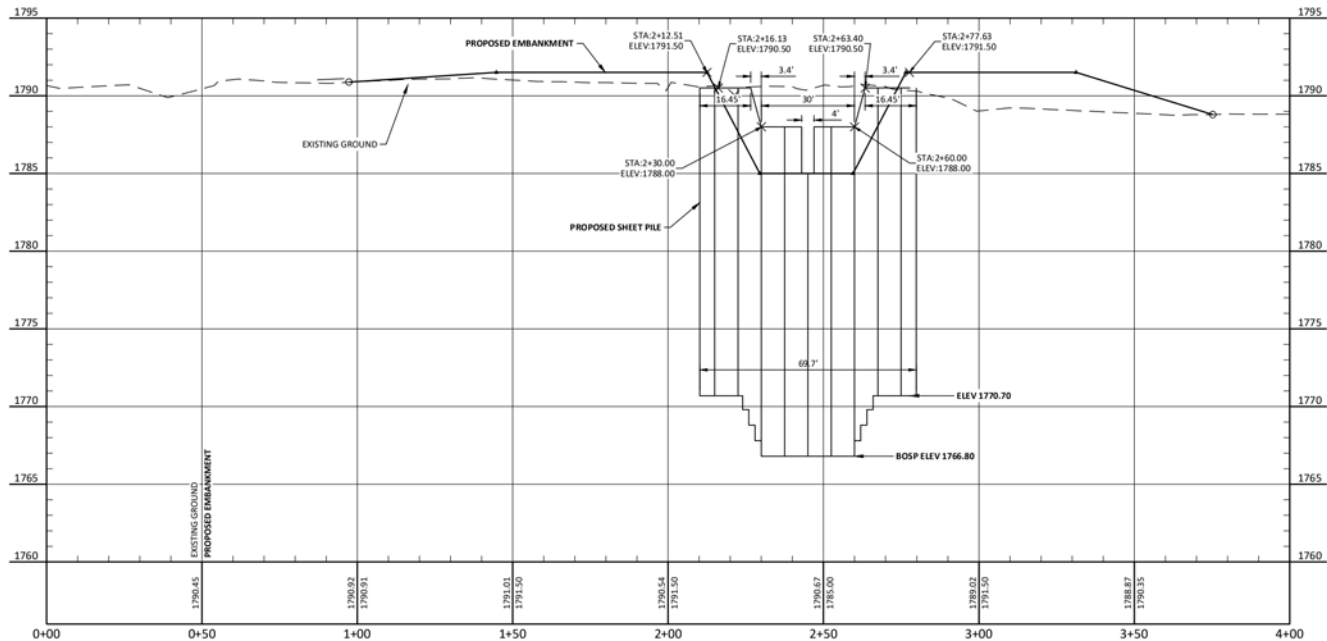
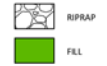
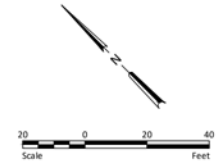
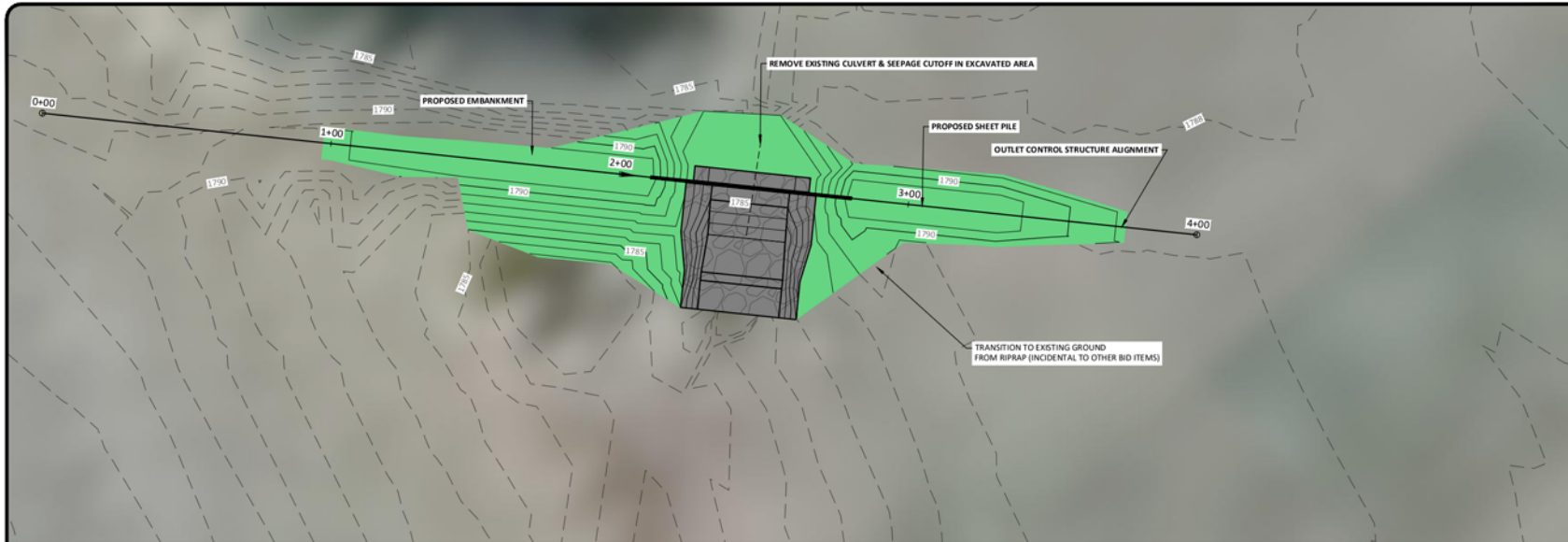
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Date
7-6-23
Checked by
TJ
Scale
AS SHOWN

ARNOLD BURIAN WETLAND RESTORATION
 NORTH DAKOTA NATURAL RESOURCES TRUST
 BURLEIGH COUNTY, NORTH DAKOTA

PROPOSED CONDITIONS
 PROJECT NO. 11063-0001

SHEET
 3

HEI NO. 11063-0001

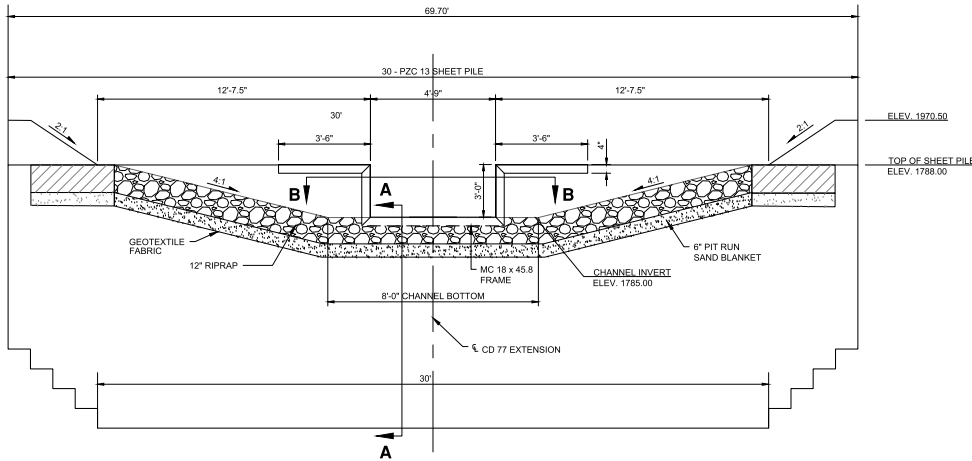


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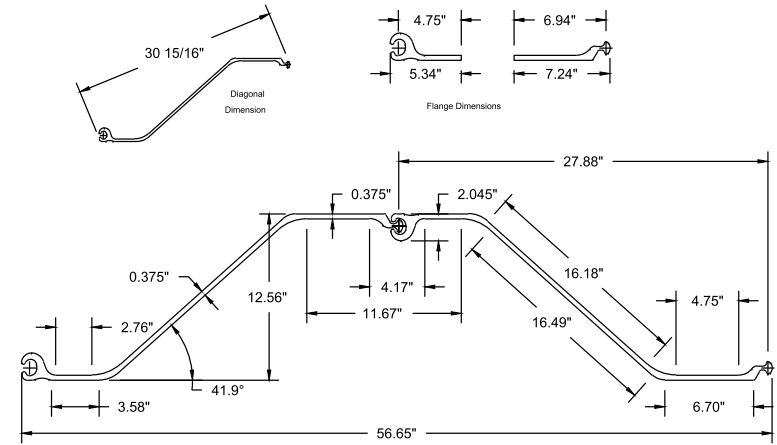
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No.	Revision	Date	By		Drawn by CB, TP	Date 7-6-23	ARNOLD BURIAN WETLAND RESTORATION NORTH DAKOTA NATURAL RESOURCES TRUST BURLEIGH COUNTY, NORTH DAKOTA	SHEET PILING & EMBANKMENT PLAN & PROFILE PROJECT NO. 11063-0001	SHEET 4
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HEI NO. 11063-0001

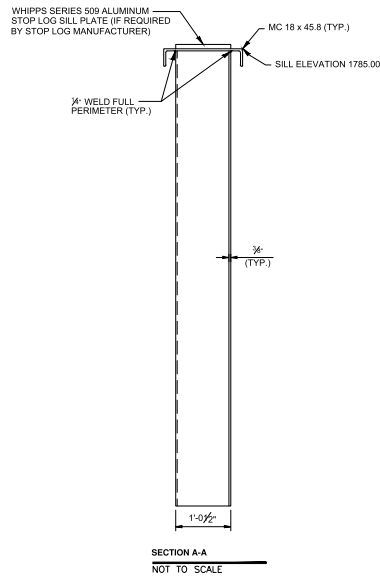


TYPICAL SECTION - SHEET PILE
NOT TO SCALE



Sheet Pile Section Properties								Bending Moment Capacity			
Nominal Width (in)	Area (in ²)		Weight (lbs)		Moment of Inertia (in ⁴)		Section Modulus (in ³)		Surface Area (ft ² /ft)	Total Area	Nominal Coating Area *
	Single Section	Per Linear Foot of Wall	Per Foot of Sheet	Per Square Foot	Single Section	Per Linear Foot of Wall	Single Section	Per Linear Foot of Wall			
27.88	14.82	6.38	50.4	21.7	353.0	152.0	56.2	24.2	6.10	5.60	20% Increase Over A572 Grade 50

* Excludes socket interior & ball of interlock.

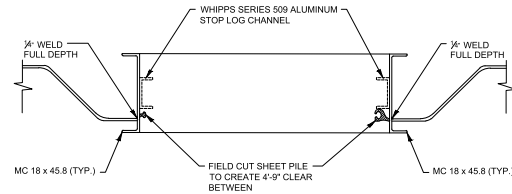


SECTION A-A
NOT TO SCALE

NOTES:

- GOVERNING SPECIFICATION: STANDARD SPECIFICATIONS FOR CONSTRUCTION ADOPTED BY THE NORTH DAKOTA DEPARTMENT OF TRANSPORTATION.
- OPENING SHALL CONTAIN A WHIPPS SERIES 509 ALUMINUM STOP LOG SYSTEM. SYSTEM SHALL CONTAIN THREE 1" STOP LOGS.
- MATERIAL FOR MC FRAME SHALL CONFORM TO ASTM A36 STRUCTURAL STEEL. BOLTS AND NUTS SHALL MEET THE REQUIREMENTS OF ASTM A307.
- SHEET PILE SHALL BE PZC 13 OR APPROVED EQUIVALENT. SUBMITTED SHEET PILE SHALL HAVE STRUCTURAL PROPERTIES EQUAL TO OR GREATER THAN THOSE LISTED. COLD-ROLLED SHEET PILE WILL NOT BE PERMITTED.
- PRIOR TO CONSTRUCTION, CONTRACTOR SHALL SUBMIT TO THE ENGINEER FOR APPROVAL, SHOP DRAWINGS DETAILING DIMENSIONS AND CONNECTION DETAILS OF THE STOP LOG CHANNEL AND BASE PLATE.
- CONTRACTOR SHALL PLACE RIPRAP ARMOR 10' DOWNSTREAM OF STOPLOG STRUCTURE AND 5' UPSTREAM.
- CONTRACTOR SHALL BE RESPONSIBLE FOR RESTORING ALL DISTURBED TURF PER THE PROJECT SPECIFICATIONS.
- CONTRACTOR SHALL USE SUITABLE EXCAVATED MATERIAL TO CONSTRUCT AN EARTHEN DAM FOR OF THE CONTROL STRUCTURE IN ACCORDANCE WITH THE PROJECT SPECIFICATIONS.

SHEET PILE DETAIL (PZC 13)
NOT TO SCALE



SECTION B-B
NOT TO SCALE

PRELIMINARY
NOT FOR CONSTRUCTION



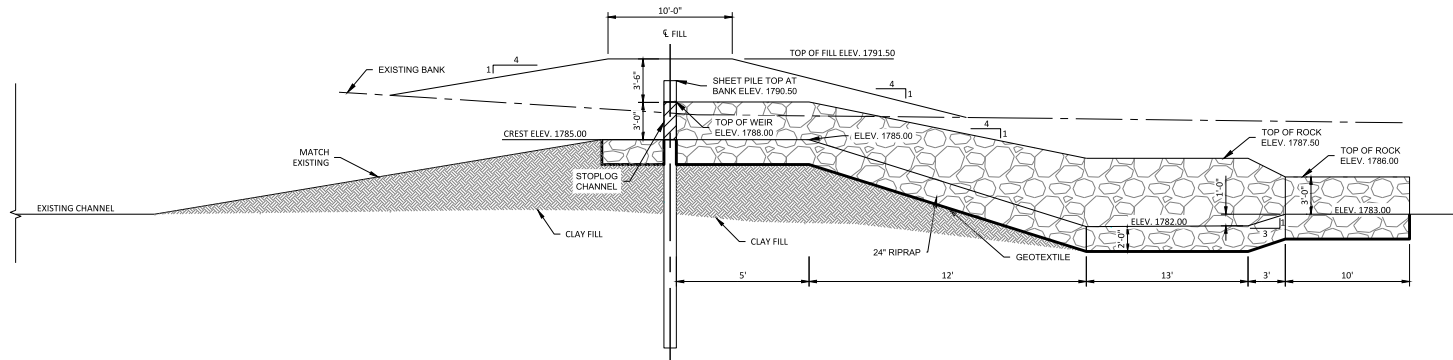
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Date
7-6-23
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TJ
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ARNOLD BURIAN WETLAND RESTORATION
NORTH DAKOTA NATURAL RESOURCES TRUST
BURLEIGH COUNTY, NORTH DAKOTA

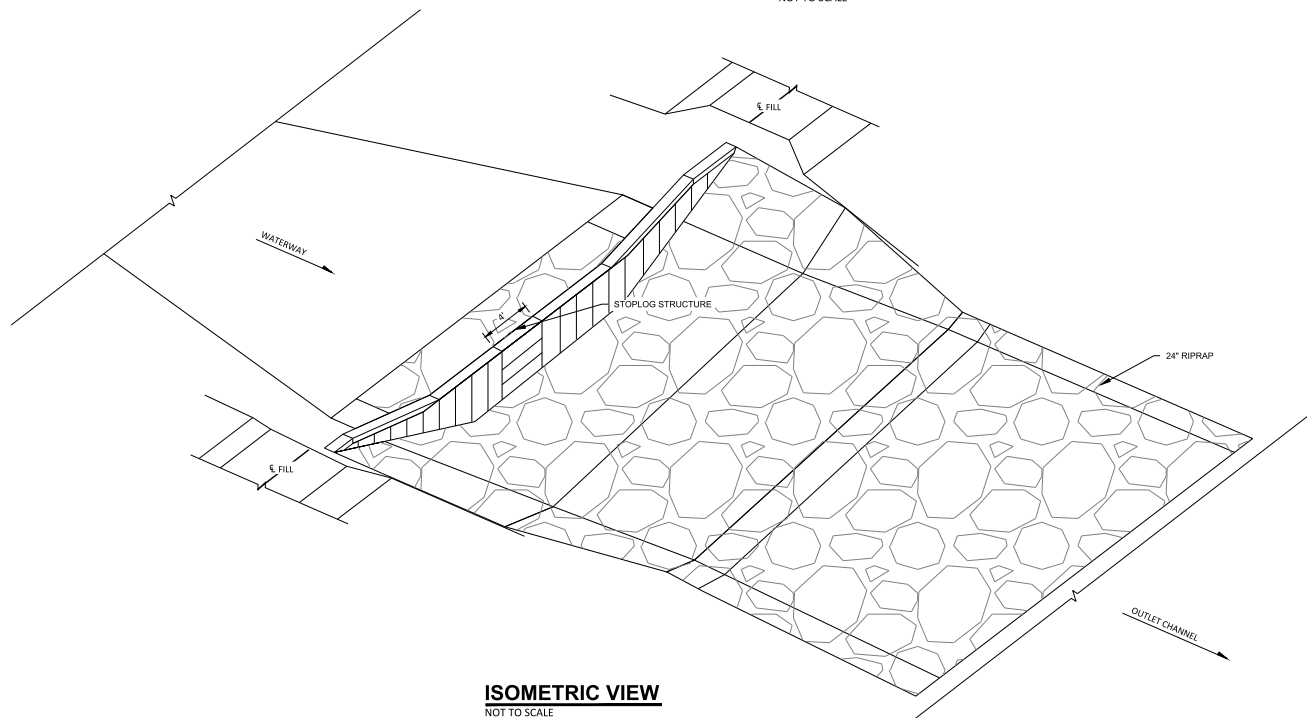
DETAILS I
PROJECT NO. 11063-0001

SHEET
5

HEI NO. 11063-0001



CROSS SECTION
NOT TO SCALE



ISOMETRIC VIEW
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PRELIMINARY
NOT FOR CONSTRUCTION

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No.	Revision	Date	By



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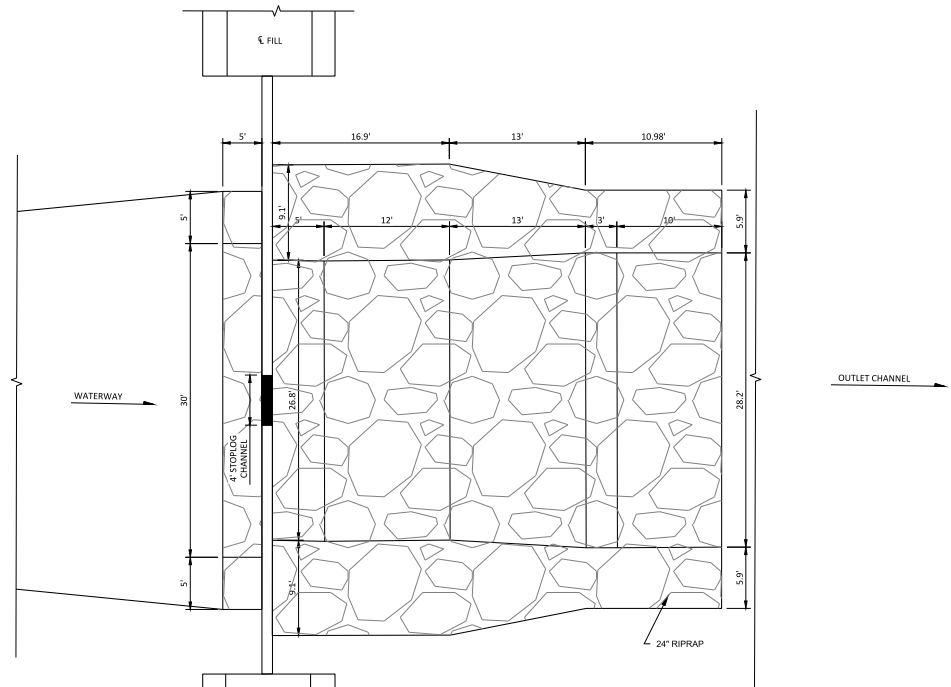
ARNOLD BURIAN WETLAND RESTORATION
NORTH DAKOTA NATURAL RESOURCES TRUST
BURLEIGH COUNTY, NORTH DAKOTA

DETAILS II
PROJECT NO. 11063-0001

SHEET
6

HEI NO. 11063-0001

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PLAN VIEW
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NOT FOR CONSTRUCTION

No.	Revision	Date	By



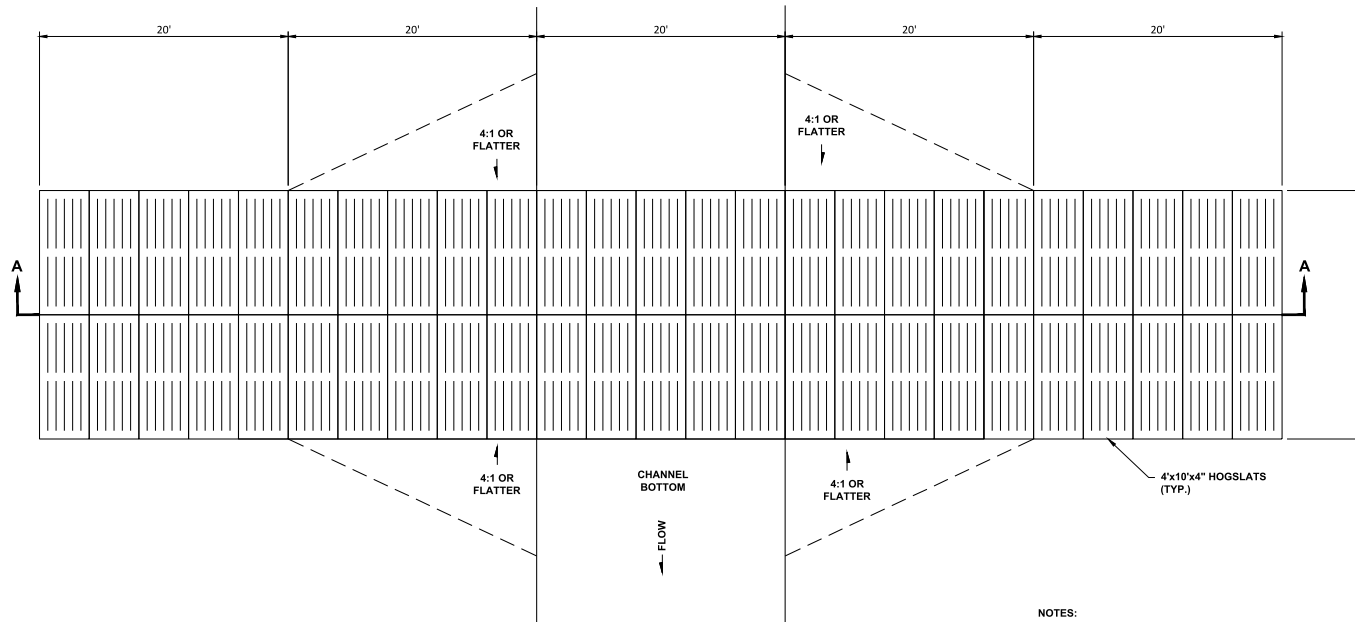
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ARNOLD BURIAN WETLAND RESTORATION
 NORTH DAKOTA NATURAL RESOURCES TRUST
 BURLEIGH COUNTY, NORTH DAKOTA

DETAILS III
 PROJECT NO. 11063-0001

SHEET
7

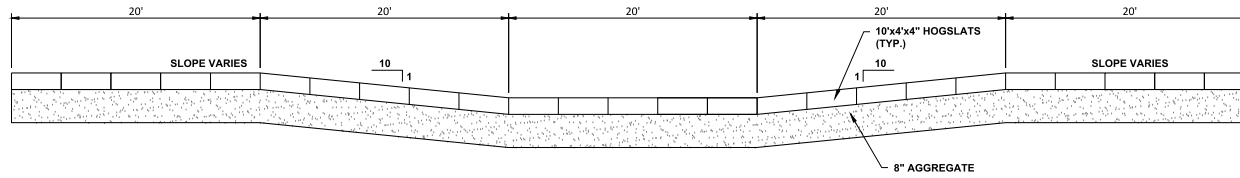
HEI NO. 11063-0001



PLAN VIEW

NOTES:

1. 50 - 4' x 10' x 4" HOGSLATS AS MANUFACTURED BY HANSON SILO COMPANY OR APPROVED EQUIVALENT.
2. EXACT LOCATION OF LOW WATER CROSSING TO BE DETERMINED IN THE FIELD DURING CONSTRUCTION BY THE ENGINEER.
3. HOGSLATS, CLASS 5 AGGREGATE, AND FOUNDATION PREPARATION WILL NOT BE MEASURED FOR SEPARATE PAYMENT BUT SHALL BE CONSIDERED AS A SUBSIDIARY ITEM TO THE CONSTRUCTION OF BID ITEM "LOW WATER CROSSING."



LOW WATER CROSSING
NOT TO SCALE

PRELIMINARY
NOT FOR CONSTRUCTION

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Date
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TJ
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ARNOLD BURIAN WETLAND RESTORATION
NORTH DAKOTA NATURAL RESOURCES TRUST
BURLEIGH COUNTY, NORTH DAKOTA

DETAILS IV
PROJECT NO. 11063-0001

SHEET
8

HEI NO. 11063-0001

CONSTRUCTION PLANS FOR NORTH DAKOTA NATURAL RESOURCES TRUST ARNOLD BURIAN WETLAND RESTORATION BURLEIGH COUNTY, NORTH DAKOTA JULY, 2023

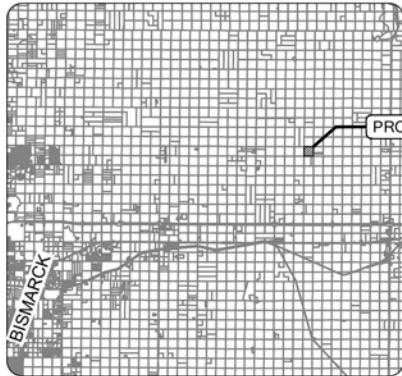
SHEET INDEX

- 1 COVER SHEET
- 2 EXISTING CONDITIONS & REMOVALS
- 3 PROPOSED CONDITIONS
- 4 SHEET PILING & EMBANKMENT PLAN & PROFILE
- 5-8 DETAILS

ESTIMATED QUANTITIES

ITEM NO.	ITEM DESCRIPTION	UNIT	QUANTITY
1	CONTRACT BOND	LSUM	1
2	MOBILIZATION	LSUM	1
3	BORROW EXCAVATION	CY	250
4	UNCLASSIFIED EXCAVATION	CY	341
5	CULVERT REMOVAL	LF	34
6	SHEET PILE	SF	1491
7	STOPLOG STRUCTURE	LSUM	1
8	24" RIPRAP	CY	272
9	GEOTEXTILE FABRIC	SY	227
10	8" AGGREGATE	TON	101
11	LOW WATER CROSSING	LSUM	1
12	SEEDING & MULCHING	AC	0.2

BASIS OF ESTIMATIONS:
RIPRAP: 1.8 TONS/CY
8" AGGREGATE: 9.44444 TONS/SY
FILL FACTOR: 1.15



VICINITY MAP



LOCATION MAP



GOVERNING STANDARDS:

MANUAL FOR UNIFORM TRAFFIC CONTROL DEVICES (MUTCD), 2009 EDITION. THIS SPECIFICATION INCLUDES THE SHAPES, COLORS, AND FONTS USED IN ROAD MARKINGS AND SIGNS. ALL TRAFFIC CONTROL DEVICES MUST CONFORM TO THESE STANDARDS.

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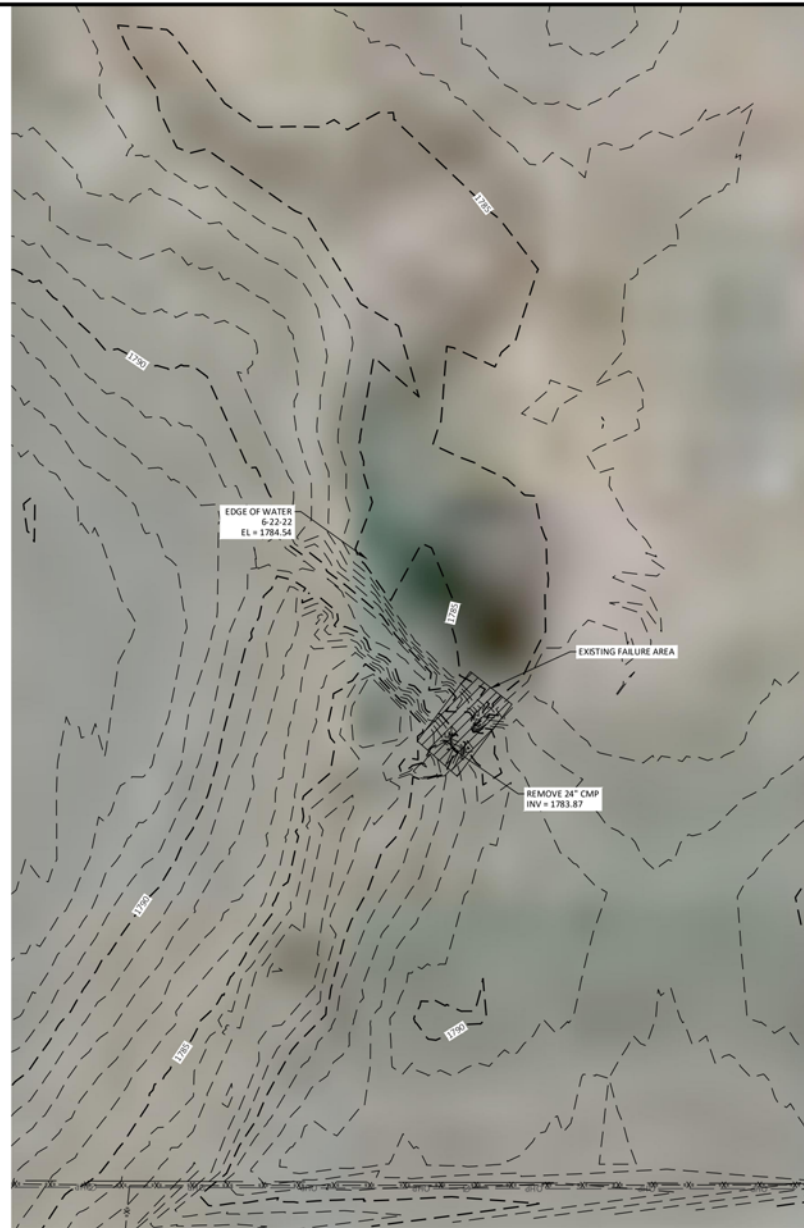
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PRELIMINARY
NOT FOR CONSTRUCTION

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NOTES:
 1. CONTRACTOR TO VERIFY BORROW/WASTE AREA WITH LANDOWNER REPRESENTATIVE OR ENGINEER AND VERIFY BORROW MATERIAL IS SUITABLE FOR USE

PRELIMINARY
 NOT FOR CONSTRUCTION

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No.	Revision	Date	By



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CB, TP
Date
7-6-23
Checked by
TJ
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AS SHOWN

ARNOLD BURIAN WETLAND RESTORATION
 NORTH DAKOTA NATURAL RESOURCES TRUST
 BURLEIGH COUNTY, NORTH DAKOTA

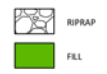
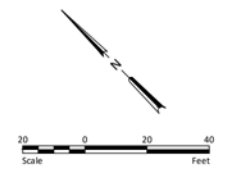
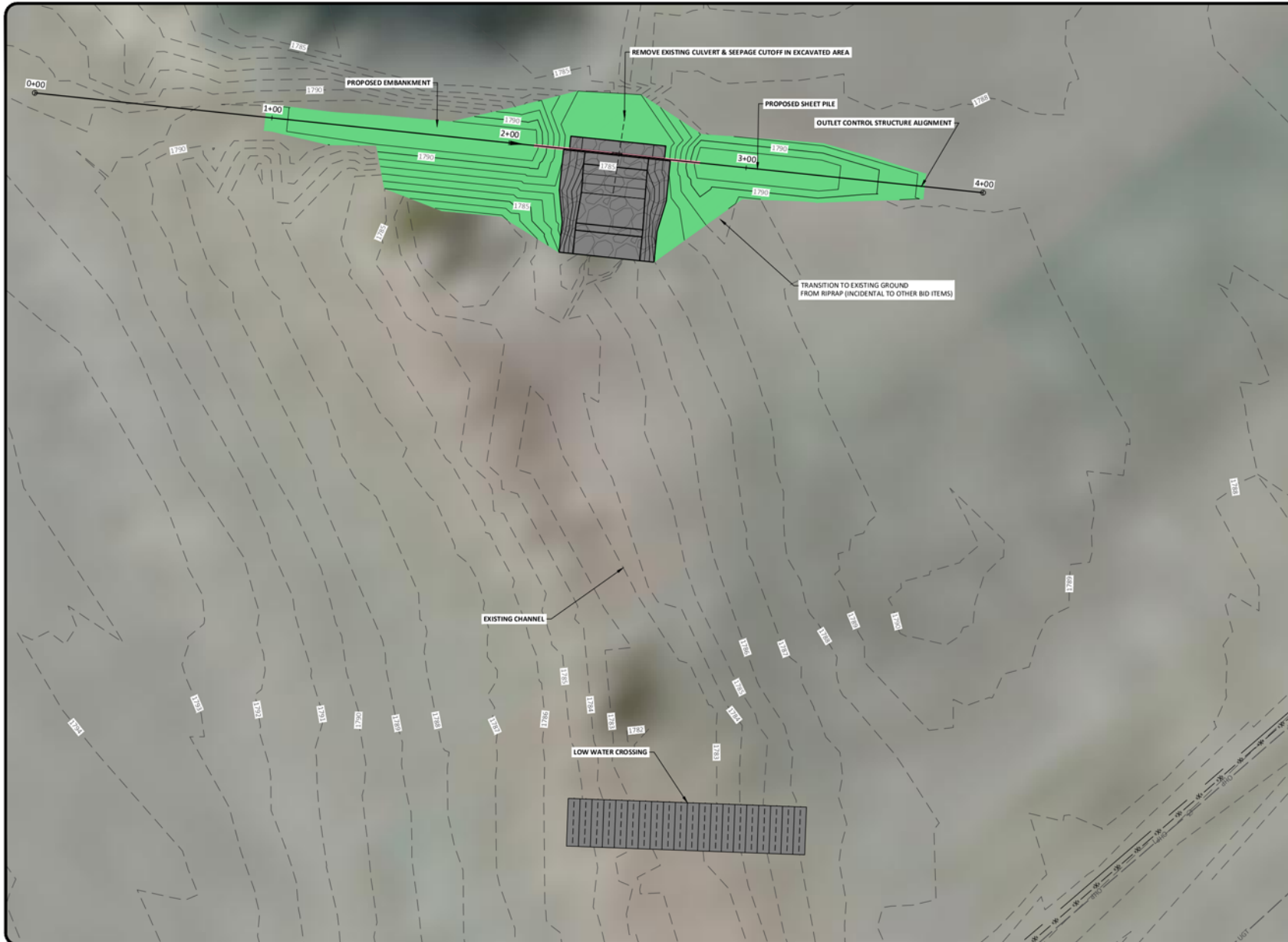
EXISTING CONDITIONS

PROJECT NO. 11063-0001

SHEET

2

HEI NO. PPPP-PPP



NOTES:
 1. LOW WATER CROSSING LOCATION IS APPROXIMATE. EXACT PLACEMENT TO BE VERIFIED IN THE FIELD

PRELIMINARY
 NOT FOR CONSTRUCTION

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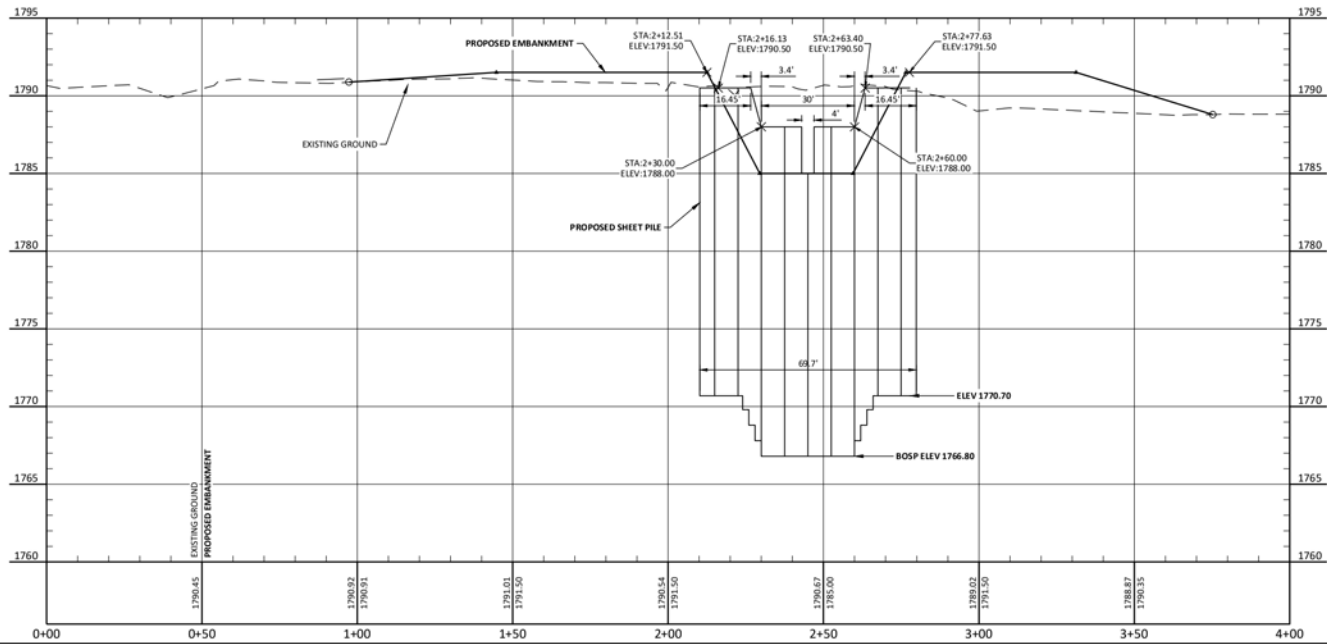
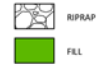
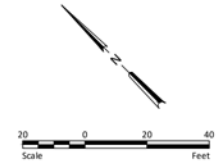
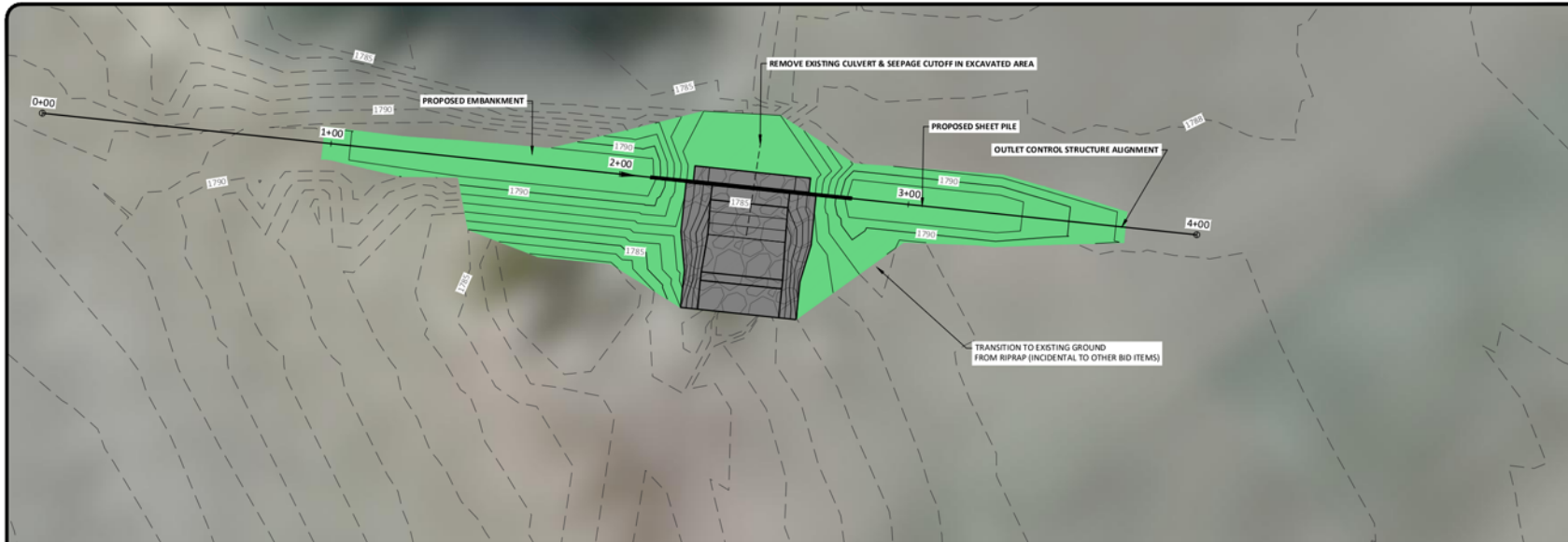
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ARNOLD BURIAN WETLAND RESTORATION
 NORTH DAKOTA NATURAL RESOURCES TRUST
 BURLEIGH COUNTY, NORTH DAKOTA

PROPOSED CONDITIONS
 PROJECT NO. 11063-0001

SHEET
 3

HEI NO. 11063-0001

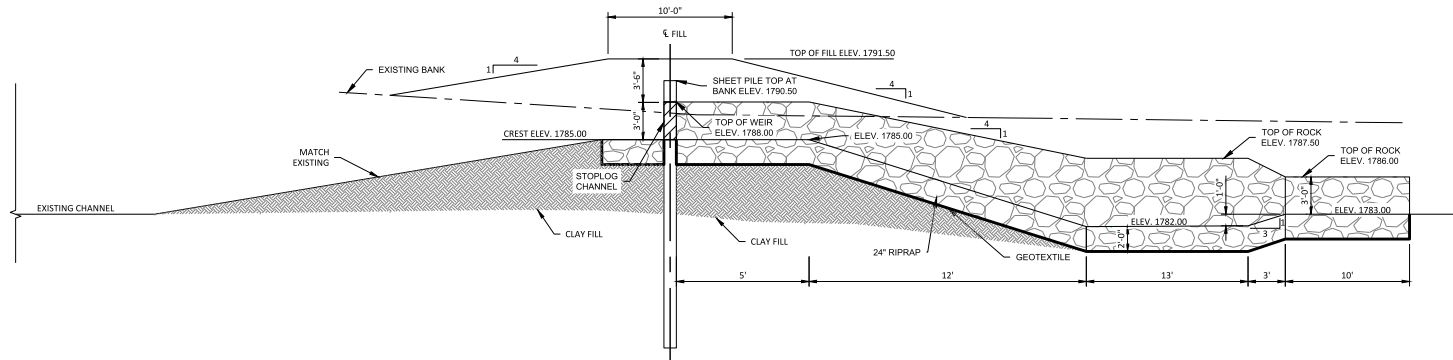


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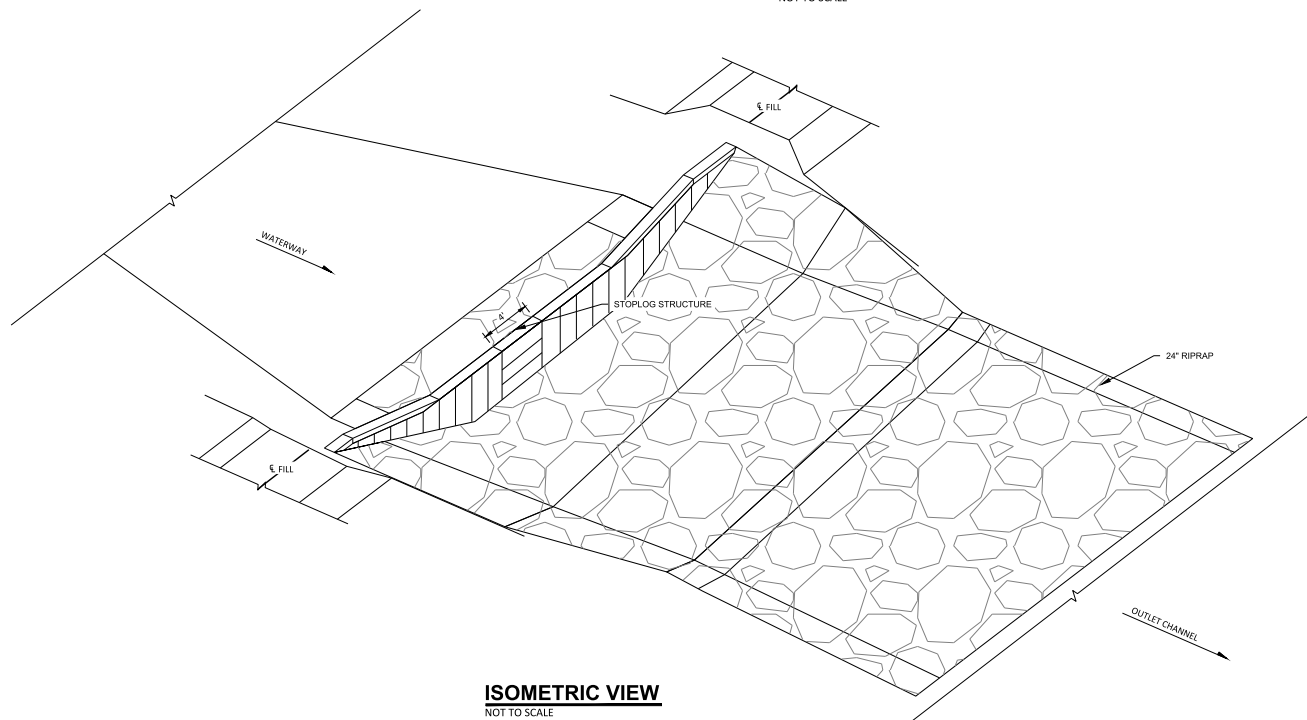
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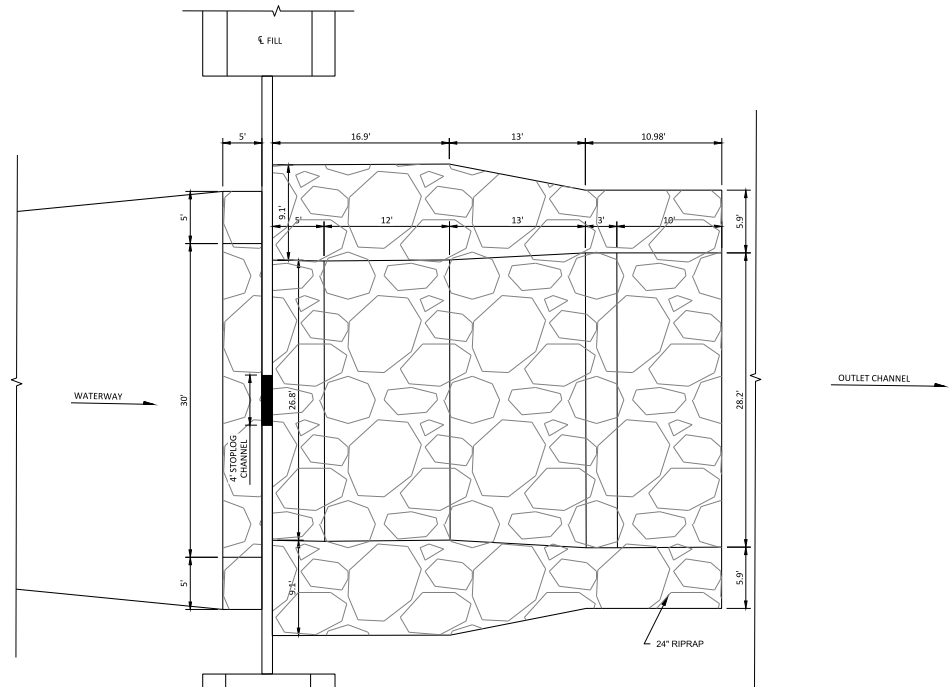
ARNOLD BURIAN WETLAND RESTORATION
NORTH DAKOTA NATURAL RESOURCES TRUST
BURLEIGH COUNTY, NORTH DAKOTA

DETAILS II
PROJECT NO. 11063-0001

SHEET
6

HEI NO. 11063-0001

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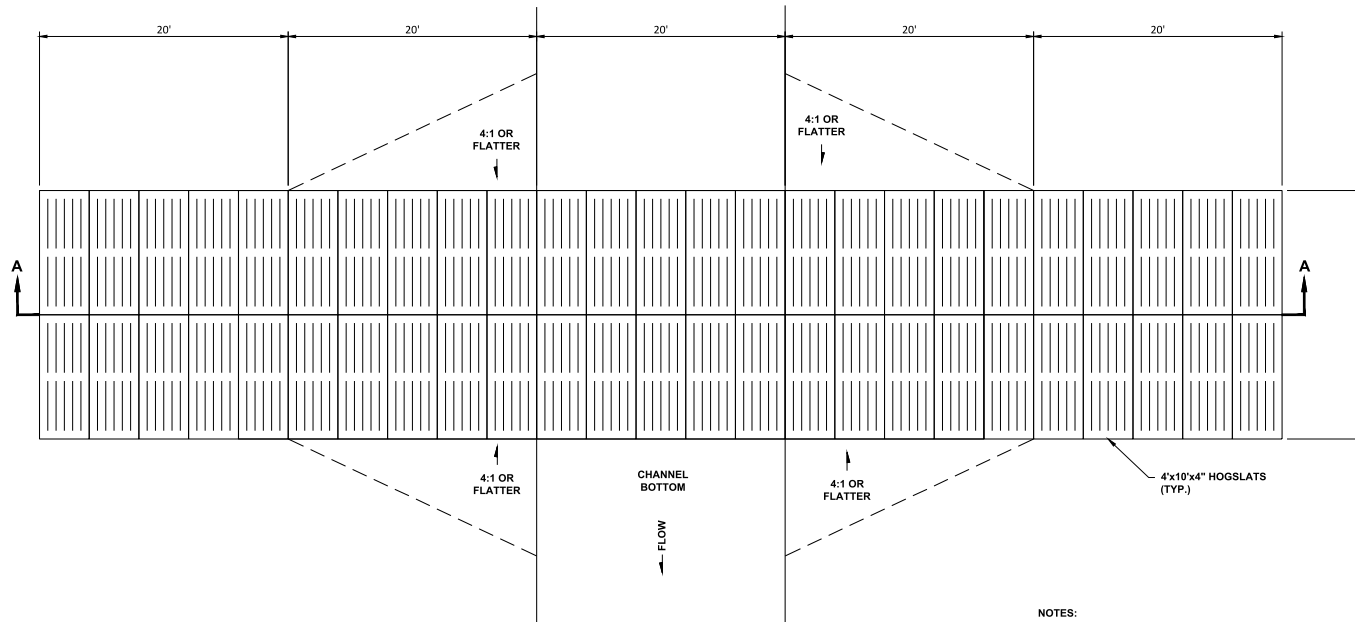
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Checked by TJ	Scale AS SHOWN

ARNOLD BURIAN WETLAND RESTORATION
NORTH DAKOTA NATURAL RESOURCES TRUST
BURLEIGH COUNTY, NORTH DAKOTA

DETAILS III
PROJECT NO. 11063-0001

SHEET
7

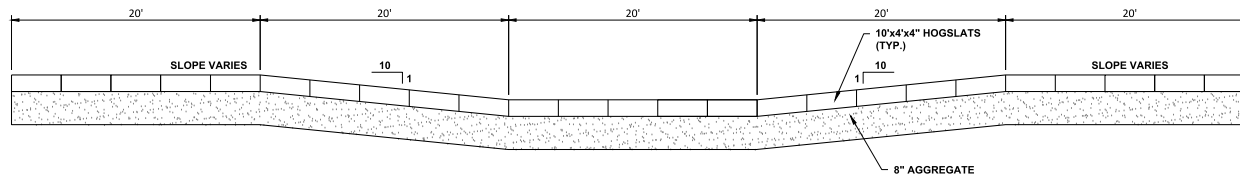
HEI NO. 11063-0001



PLAN VIEW

NOTES:

1. 50 - 4' x 10' x 4" HOGSLATS AS MANUFACTURED BY HANSON SILO COMPANY OR APPROVED EQUIVALENT.
2. EXACT LOCATION OF LOW WATER CROSSING TO BE DETERMINED IN THE FIELD DURING CONSTRUCTION BY THE ENGINEER.
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LOW WATER CROSSING

NOT TO SCALE

PRELIMINARY
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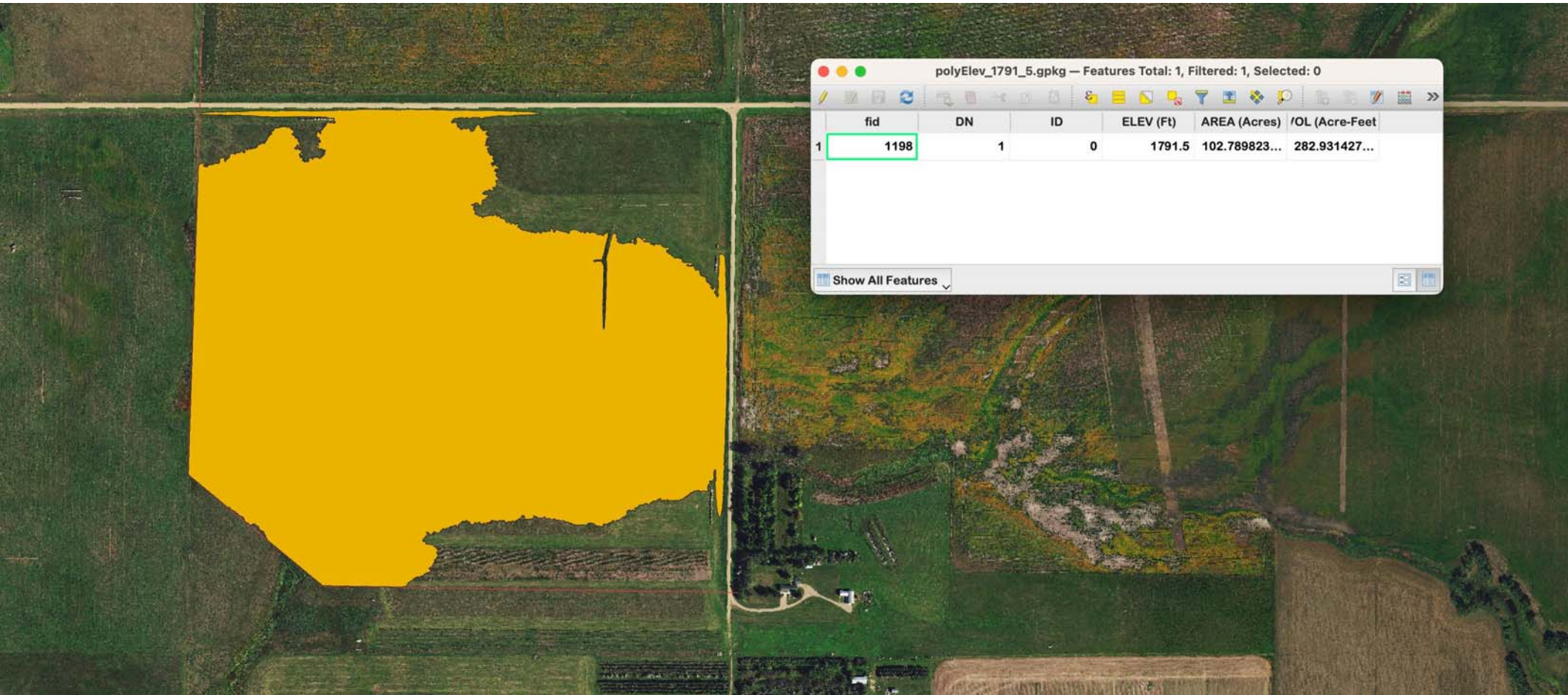
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ARNOLD BURIAN WETLAND RESTORATION
NORTH DAKOTA NATURAL RESOURCES TRUST
BURLEIGH COUNTY, NORTH DAKOTA

DETAILS IV
PROJECT NO. 11063-0001

SHEET
8

HEI NO. 11063-0001



polyElev_1791_5.gpkg — Features Total: 1, Filtered: 1, Selected: 0

fid	DN	ID	ELEV (Ft)	AREA (Acres)	/OL (Acre-Feet)
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Show All Features

November
2023 Bills

Name	Project	Invoice	Amount
Bismarck Parks & Rec	McDowell Dam (October)	4765	\$ 27,602.85
Bliss Law Firm	Hoge Island	450	\$ 1,259.90
Bliss Law Firm	McDowell Dam	450	\$ 117.20
Bliss Law Firm	Sibley Island	450	\$ 87.90
Bliss Law Firm	Copies	459	\$ 43.75
Fronteer Professional Services	Presort - September	3489	\$ 52.00
Fronteer Professional Services	October Admin	3455	\$ 2,165.00
Houston Engineering	Hoge Island Stabilization - Special Assessment District	67856	\$ 15,376.75
Houston Engineering	Hoge Island Stabilization - Section 32 Revetments	67857	\$ 4,449.48
Houston Engineering	General Engineering Services	67858	\$ 1,753.75
Houston Engineering	Apple-McDowell Water Supply Diversion	67859	\$ 7,771.00
	Total		\$ 60,679.58
Starion Financial	Burnt Creek Interest and Fees (Pd 10/16/23)		\$ 3,940.00
	Grand Total		\$ 64,619.58



BISMARCK PARKS AND RECREATION DISTRICT
Est. 1927

400 E Front Ave
Bismarck, ND 58504-5641
Phone: 701.222.6455

INVOICE

BILLED TO:
Burleigh County Water Resource District
Wendy Egli
PO Box 1255
Bismarck, ND 58502-1255

DATE: 11/3/2023
INVOICE #: 04765
DUE DATE: 12/3/2023
TOTAL DUE: 27,602.85

CUSTOMER ACCOUNT # : 1017

ITEM DESCRIPTION	UNITS	PRICE	AMOUNT
McDowell Dam-October 2023	1.00	27,602.85	27,602.85
TOTAL THIS INVOICE			27,602.85

Please include account number with your payment.

For questions, contact Julie Fornshell 701.222.6455

REMIT TO:

Bismarck Parks and Recreation District
400 E Front Ave
Bismarck ND 58504-5641

Please remit bottom portion of invoice with your payment.
Thank you!

CUSTOMER ACCOUNT # : 1017
DATE: 11/3/2023
INVOICE #: 04765
DUE DATE: 12/3/2023
TOTAL DUE: 27,602.85

BURLEIGH COUNTY WATER RESOURCE DISTRICT
McDowell Dam Monthly Billing

Bismarck Parks & Recreation District
400 E. Front Ave
Bismarck, ND 58504

For The Month Ended October 31, 2023

Date Submitted: 11/3/2023

Salaries & Wages	\$	9,542.46
Employer Payroll Taxes		730.00
Employee Pension & Health/Life/ Diability Benefits		2,425.02
Property & Liability Insurance		-
Operating Expenses		9,384.80
Capital Improvement Expenses		-
Total Expenses	\$	22,082.28
Administrative Fee (25% of Operating Expenses) (5% of Capital Improvement Expenses)	\$	5,520.57
Total Amount Requested	\$	27,602.85

KC Feist

Prepared By

Board Member

Finance Director

Title

McDowell Dam Monthly Billing
October-23

Salaries & Wages

Salaries - Full time	\$ 4,266.08	
Sick Leave Overage	-	
Wages - Part time	5,276.38	
Wages - Part time (Overtime)	-	
Total Salaries & Wages		\$ 9,542.46

Employer Payroll Taxes

Social Security/Medicare	730.00	
Unemployment- ND Job Service	-	
Total Employer Payroll Taxes		730.00

Employee Benefits

Pension	443.67	
Health, Life, & Disability Insurance	1,981.35	
Total Employee Benefits		2,425.02

Property & Liability Insurance

General Liability	-	
Multi Coverage	-	
Auto Liability	-	
Total Property & Liability Insurance		-

Operating Expenses

Professional Services	-	
Service Contracts	-	
Sanitary Systems	-	
Parking Lots & Trail Repair	3,610.00	
Shop Supplies	-	
Janitorial Supplies	-	
Miscellaneous Supplies	254.98	
Fuel	998.21	
Repairs & Replacement	1,669.59	
Uniforms	-	
Concession Purchases	237.40	
Tools & Small Equipment less \$500	-	
Equipment over \$500	-	
Misc. Charges, Permits, and Licenses	-	
Misc. Charges, Permits, and Licenses-Credit Card Terminal	-	

Expenses Incurred - NOT Previously Billed

Aug 2023 - Credit Card Fees	57.92	
		6,828.10

Utilities

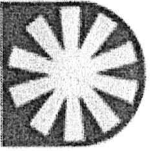
Natural Gas	1,548.78	
Electricity	480.15	
Garbage Removal	-	
Water	325.25	
Telephone	202.52	
Total Utilities	2,556.70	
Total Operating Expenses		9,384.80

Capital Improvements

Building and Building Remodeling	-	
Capital Equipment	-	
Capital Outlay	-	
Total Capital Improvements		-

Total Expenses

\$ 22,082.28



Bismarck Parks and Recreation District

Date Range: 10/01/2023 - 10/31/2023

Detail Report

Account Detail

Page 1 of 4
2023
10/31/2023
11:38 AM
BWRD No. 08

Account	Name	Beginning Balance	Total Activity	Ending Balance
Fund: 01 - GENERAL FUND				
01.12.000.510100	FULL-TIME SALARIES	40,527.76	4,266.08	44,793.84
10/06/2023	PYPKT01342 PYPKT01342 - 2023-10		2,133.04	42,660.80
10/20/2023	PYPKT01350 PYPKT01350 - 2023-10		2,133.04	44,793.84
01.12.000.510200	PART-TIME SALARIES	46,155.84	5,276.38	51,432.22
10/06/2023	PYPKT01343 PYPKT01343 - 2023-10		275.00	46,430.84
10/06/2023	PYPKT01343 PYPKT01343 - 2023-10		694.69	47,125.53
10/06/2023	PYPKT01343 PYPKT01343 - 2023-10		845.00	47,970.53
10/06/2023	PYPKT01343 PYPKT01343 - 2023-10		767.81	48,738.34
10/20/2023	PYPKT01349 PYPKT01349 - 2023-10		914.06	49,652.40
10/20/2023	PYPKT01349 PYPKT01349 - 2023-10		555.19	50,207.59
10/20/2023	PYPKT01349 PYPKT01349 - 2023-10		415.94	50,623.53
10/20/2023	PYPKT01349 PYPKT01349 - 2023-10		808.69	51,432.22
01.12.000.520900	PKG LOTS,SNOW REM,TRAIL REPAIR	0.00	3,610.00	3,610.00
10/12/2023	APPKT03207 APPKT03207		1,200.00	1,200.00
10/12/2023	APPKT03207 APPKT03207		2,410.00	3,610.00
01.12.000.530140	MISCELLANEOUS SUPPLIES	2,028.70	254.98	2,283.68
10/10/2023	APPKT03219 APPKT03219		21.00	2,049.70
10/10/2023	APPKT03219 APPKT03219		80.18	2,129.88
10/10/2023	APPKT03219 APPKT03219		10.88	2,140.76
10/10/2023	APPKT03219 APPKT03219		116.94	2,257.70
10/10/2023	APPKT03219 APPKT03219		25.98	2,283.68

Detail Report

Date Range: 10/01/2023 - 10/31/2023

Account	Name	Beginning Balance	Total Activity	Ending Balance
01.12.000.531300	FUEL	3,662.78	998.21	4,660.99
10/12/2023	APPKT03207		Amount	Running Balance
	120306		832.32	4,495.10
10/12/2023	APPKT03207		165.89	4,660.99
	FUELS-2023-00000009			0.00
	214374			24,267.31
01.12.000.531400	REPAIRS & REPLACEMENT	22,597.72	1,669.59	24,267.31
10/10/2023	APPKT03219		Amount	Running Balance
	0922023-03322191		6.98	22,604.70
	Source Transaction			
	0922023-03322191			
	Pmt Number			
	DFT0001328			
	Description			
	HITCH PINS			
	Purchased From Vendor:			
	0428 - HARBOR FREIGHT TOOLS			
10/10/2023	APPKT03219		74.73	22,679.43
	09212023-09779			
	52009 05 9657			
	DFT0001328			
	WIPERS, WIPER FLUID, HEAD LIGHT			
	Purchased From Vendor:			
	0964 - WALMART COMMUNITY BRC			
10/10/2023	APPKT03219		51.27	22,730.70
	52222 03 8328			
	DFT0001328			
	SHOP LIGHTS, UTILITY PAN, FLANGE, DR			
	Purchased From Vendor:			
	0581 - MENARDS INC			
10/10/2023	APPKT03219		69.15	22,799.85
	6467998			
	DFT0001328			
	LUMBER, HOLE SAW KIT			
	Purchased From Vendor:			
	0581 - MENARDS INC			
10/10/2023	APPKT03219		15.41	22,815.26
	6467998			
	DFT0001328			
	BUSHING, PLUGS - IRRG			
	Purchased From Vendor:			
	0785 - RUNNINGGS SUPPLY INC			
10/10/2023	APPKT03219		-15.41	22,799.85
	6468021			
	DFT0001328			
	RETURN FOR SALES TAX - BUSHING, PLU			
	Purchased From Vendor:			
	0785 - RUNNINGGS SUPPLY INC			
10/10/2023	APPKT03219		60.45	22,860.30
	6470970			
	DFT0001328			
	FILTER, BULB, SW30 OIL, PAINT, BATT FI			
	Purchased From Vendor:			
	0785 - RUNNINGGS SUPPLY INC			
10/10/2023	APPKT03219		10.99	22,871.29
	6477302			
	DFT0001328			
	CRIMP RINGS			
	Purchased From Vendor:			
	0785 - RUNNINGGS SUPPLY INC			
10/10/2023	APPKT03219		7.27	22,878.56
	666394			
	DFT0001328			
	ROOF EDGE			
	Purchased From Vendor:			
	0112 - BISMARCK LUMBER COMPANY, INC.			
10/10/2023	APPKT03219		145.19	23,023.75
	75998 03 8770			
	DFT0001328			
	PVC PIPE, BLADES, PIPE TAPE, ELBOW			
	Purchased From Vendor:			
	0581 - MENARDS INC			
10/10/2023	APPKT03219		32.56	23,056.31
	F10327-8B			
	DFT0001328			
	AIR HOSE, COUP, SCREWS			
	Purchased From Vendor:			
	0562 - MAC'S HARDWARE			
10/10/2023	APPKT03219		51.94	23,108.25
	INV15615430			
	DFT0001328			
	THROTTLE CABLE - GOLF CART			
	Purchased From Vendor:			
	0948 - US BANK - ONE CARD			
10/12/2023	APPKT03207		1,050.00	24,158.25
	106671			
	DFT0001328			
	REPL TREES, TREE PROTECTORS - MCD			
	Purchased From Vendor:			
	0964 - WALMART COMMUNITY BRC			
10/12/2023	APPKT03207		90.00	24,248.25
	165645-1			
	DFT0001328			
	TOW FORD F150 TO SHOP			
	Purchased From Vendor:			
	0964 - WALMART COMMUNITY BRC			
10/12/2023	APPKT03207		19.06	24,267.31
	6487630			
	DFT0001328			
	COUPLER SAFETY PIN, HEADLIGHT BULB			
	Purchased From Vendor:			
	0785 - RUNNINGGS SUPPLY INC			
01.12.000.531600	CONCESSION PURCHASES	2,017.33	237.40	2,254.73
10/10/2023	APPKT03219		Amount	Running Balance
	09012023-02195		144.72	2,162.05
	Source Transaction			
	09012023-02195			
	Pmt Number			
	DFT0001328			
	Description			
	ICE CREAM, BEVERAGES - MCD CONC			
	Purchased From Vendor:			
	0964 - WALMART COMMUNITY BRC			
10/10/2023	APPKT03219		6.48	2,168.53
	83123-00595			
	DFT0001328			
	WATER - MCD CONCESSION			
	Purchased From Vendor:			
	0964 - WALMART COMMUNITY BRC			

Account	Name	Beginning Balance	Total Activity	Ending Balance
01.12.000.531600	CONCESSION PURCHASES - Continued	2,017.33	237.40	2,254.73
10/12/2023	APPKT03207 323900039335 214400		Amount Running Balance	2,254.73
	REIMB MCD CONCESSION PURCHASE 8/		86.20	2,168.53
	Vendor: 0776 - ROBINSON, DAVID			1,548.78
01.12.000.540110	NATURAL GAS	0.00	1,548.78	1,548.78
10/12/2023	APPKT03207 148323 214405		Amount Running Balance	1,548.78
	PROpane 550.2 7/11/23 - MCD SHOP		753.77	795.01
10/12/2023	APPKT03207 148324 214405		Amount Running Balance	795.01
	PROPANE 580.3 7/11/23 - MCD HOUSE			1,548.78
01.12.000.540130	ELECTRICITY	4,500.82	480.15	4,980.97
10/12/2023	APPKT03207 SEPTEMBER 23 BILLIN 214373		Amount Running Balance	4,980.97
	SEPTEMBER 23 (9/1/23 - 10/1/23)		480.15	4,500.82
	Vendor: 0175 - CAPITAL ELECTRIC COOPERATIVE			1,923.35
01.12.000.540150	WATER	1,923.35	325.25	2,248.60
10/26/2023	APPKT03225 OCTOBER 23 BILLING 214534		Amount Running Balance	2,248.60
	OCTOBER 23 BILLING		325.25	1,923.35
	Vendor: 0837 - SOUTH CENTRAL REGIONAL WATER			1,036.16
01.12.000.540160	TELEPHONE	1,036.16	202.52	1,238.68
10/10/2023	APPKT03219 9012023-1 DFT0001328		Amount Running Balance	1,238.68
	SEPT23 PHONE/INTERNET CHARGES		202.52	1,036.16
	Vendor: 0948 - US BANK - ONE CARD			202.52
	Purchased From Vendor: 0087 - BEK COMMUNICATIONS			202.52
01.12.000.550100	HEALTH INSURANCE	17,832.15	1,981.35	19,813.50
10/25/2023	APPKT03222 EINS-2023-00000010 214456		Amount Running Balance	19,813.50
	OCTOBER 23 HEALTH BENEFITS		1,981.35	17,832.15
	Vendor: 0209 - CITY OF BISMARCK			1,981.35

Total Fund: 01 - GENERAL FUND: Beginning Balance: 142,282.61 Total Activity: 20,850.69 Ending Balance: 163,133.30

Grand Totals: Beginning Balance: 142,282.61 Total Activity: 20,850.69 Ending Balance: 163,133.30

Couch N Sons
PO Box 356 Mandan ND
58554
Phone 406 3420 11

Contractors Invoice

TO
Bismarck Parks and Rec
Attn: Brian Lahr

McDowell Dam
Roadway

DATE
(9-28-23)

DESCRIPTION OF WORK PERFORMED

Crack Seal McDowell Dam Roadway

\$ 2,410.00

Thank you sons
Couch N

All Material is guaranteed to be as specified, and the above work was performed in accordance with the drawings and specifications provided for the above work and was completed in a substantial workmanlike manner for the agreed sum of

Dollars (\$ 2,410.00)

This is a Partial Full invoice due and payable by _____
in accordance with our Agreement Proposal No. _____ Dated _____
E:\admin 11.2.22

Coach N Sons
PO Box 356 Mandan ND
58554

Contractors Invoice

Phone 400 3420 11
to Bismarck Parks and Rec
Att: Bonnie Lohr

WORK PERFORMED AT

Mc Dowell Dam
Shovel Path

DATE

9-21-23

YOUR WORK ORDER NO.

QUANTITY NO.

DESCRIPTION OF WORK PERFORMED

Crack Seal Mc Dowell Dam Path

\$ 1,200.00

Thank You
Coach N Sons

All Material is guaranteed to be as specified, and the above work was performed in accordance with the drawings and specifications provided for the above work and was completed in a substantial workmanlike manner for the agreed sum of

Dollars (\$ 1,200.00)

This is a Partial Full invoice due and payable by

in accordance with our Agreement Proposal

No.

Dated

Give us feedback @ survey.walmart.com
Thank you! ID #:7SKJ3LJXR0



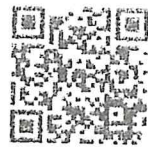
701-223-3066 Mgr: TIM
2717 ROCK ISLAND PL
BISMARCK ND 58504

ST# 01534	CP# 008304	TER 95	TR# 00195	
WASP	007112127221			6.28 0
WASP	007112127221			6.28 0
BUNGE CORP	695760070117			5.47 0
MS LW LINER	075680910528			2.97 0
	SUBTOTAL			21.00
	TOTAL			21.00
	VISA TEND			21.00

VISA CREDIT **** * 6405 1 2
 APPROVAL # 056074
 REF # 00
 TRANS ID - 303247537218100
 VALIDATION - B6M3
 PAYMENT SERVICE - E
 ATD #0000000631010
 AAC 6C013035A7B25A06
 TERMINAL # SC010696
 *NO SIGNATURE REQUIRED
 09/04/23 09:55:33
 CHANGE DUE 0.00
 # ITEMS SOLD 4
 TCR 9613 1450 1245 5232 9009



Become a member
Scan for free 30-day trial



Low Prices You Can Trust. Every Day.
09/04/23 09:55:40
CUSTOMER COPY

COPY



Sep 18, 2023 order
Order# 2000112-91519939



VTech CD1103WH Standard Phone White	Qty 1	\$10.88
Unger Professional Nifty Nabber Reacher Grabber Tool and Trash Picker, 36-inch	Qty 2	\$46.50
WiFi Range Extender, 1200Mbps Signal Booster Repeater Cover up to 8000 sq.ft, 2.4 & 5GHz Dual Band WiFi Extender, 4 Antennas 360° Full Coverage Wireless Internet Amplifier for Smart Home Devices	Qty 1	\$21.99
Gegong RJ45 Ethernet Splitter 6PCS 1 to 2 Network Exdender Male to Female Ethernet Adapter Splitter Adapter LAN Ethernet Socket(Black)	Qty 1	\$11.69

80.18

Subtotal		\$129.06
Savings		-\$38.00
		\$91.06
Tax		\$2.56
Total		\$93.62

Payment method

Ending in 6485

COPY

MENARDS - BISMARCK
3300 State Street
Bismarck, ND 58503

KEEP YOUR RECEIPT
RETURN POLICY VARIES BY PRODUCT TYPE

Unless noted below allowable returns for
items on this receipt will be in the form
of an in store credit voucher if the
return is done after 11/30/23

If you have questions regarding the
charges on your receipt, please
email us at:
BISMfrontend@menards.com



Sale Transaction

Tax Exempt Certificate ID: 5021339
Exempt Type: Local Government

50' PHONE LINE CORD WHT		
3033211	2 @5.99	11.98 NT
100' RG6 W/GRND BLACK		
3013764		22.99 NT
100' CAT6 PATCHCABLE BLU		
3016120	2 @39.99	79.98 NT
RJ11 (4-WIRE) COUPLER WH		
3033074		1.99 NT

TOTAL SALE 116.94
VISA CREDIT 6485 116.94

PO # mcdowell

Auth Code:053139

Chip Inserted

a000000031010

TC - ed621d594f41b585

TOTAL NUMBER OF ITEMS = 6

THE FOLLOWING REBATE RECEIPTS WERE
PRINTED FOR THIS TRANSACTION:
2317

GUEST COPY

The Cardholder acknowledges receipt of
goods/services in the total amount shown
hereon and agrees to pay the card issuer
according to its current terms.

THIS IS YOUR CREDIT CARD SALES SLIP
PLEASE RETAIN FOR YOUR RECORDS.

THANK YOU, YOUR CASHIER, Patty

51807 06 3690 09/01/23 12:23PM 3055

Mac's-Bismarck
900 26th Street S
Bismarck, ND 58504

PHONE: (701) 221-0654

CUST NO: 700850 JOB NO: 000 PURCHASE ORDER: REFERENCE: TERMS: COTC CLERK: MS6275 DATE / TIME: 9/7/23 11:19

SOLD TO:
 BISMARCK PARK & RECREATION
 400 E. FRONT AVE.
 BISMARCK ND 58504
 701-222-6464

SHIP TO:
 ROBINSON/DAVID

DUE DATE: 10/10/23 TERMINAL: 1811

TAX: 108 BISMARCK 1.5 ND 5 CO.

INVOICE: F10327/8

LINE	SHIPPED	ORDERED	UM	SKU	DESCRIPTION	SUGG	UNITS	PRICE/ PER	EXTENSION
1	2	2	EA	1207284	FC4P12D RODENT REPELLENT 4PK	22.99	2	12.99 /EA	25.98 SN
2	1	1	EA	1091287	CHUCK DUAL FOOT EXTENTION 17-383		1	11.99 /EA	11.99 N
3	1	1	EA	1366149	13-513 1/4IN COMBO COUPLER MNPT		1	8.69 /EA	8.69 N
4	1	1	EA	1033851	21-143 1/4X3/8IN AIR HOSE FITTING		1	3.79 /EA	3.79 N
5	0.9	0.9	LB	1500997	SCREWS, SELF DRILL W/O WASHER		.90	8.99 /LB	8.09 N

COPY

** PAID IN FULL **

58.54 TAXABLE 0.00
 NON-TAXABLE 58.54
 SUBTOTAL 58.54

TAX AMOUNT 0.00

TOTAL 58.54

BANKCARD PAYMENT
 BKCRD#XXXXXXXXXXXX6485

58.54



TOT WT: 0.00
 MID: ***6749

APP: 031930 XR: 510327

X

 Received By

PURCHASE ORDER
BISMARCK PARKS AND RECREATION DISTRICT
 400 East Front Avenue • Bismarck, ND 58504
 Phone: (701) 222-6455 • Fax (701) 221-6838

No. 97661

ND Tax Exempt Number: E-4674
 Federal ID Number: 45-0409352

Name Tri Energy
 Address _____

Vendor 918

Date 10/2/23

Notes Fuel

Acct #	Description	Project Number	Cost
01.12.000.531300	Fuel		\$32.32
Acct #	Description		
Acct #	Description		
Acct #	Description		
Acct #	Description		
Acct #	Description		
Acct #	Description		
Acct #	Description		
Acct #	Description		
Acct #	Description		
Acct #	Description		
Acct #	Description		
Total			

Employee's Signature [Signature]

Manager's Signature [Signature] DM

Approved By [Signature]



219 N. 20TH STREET
BISMARCK, ND 58501
701-223-8707

INVOICE NUMBER

120306

PREVIOUS SALE NO.	CODE	METER READING - START	10 TH
YOUR SALE NO.		METER READING - FINISH	

300 943
500 FM

All Gasoline is Detergent Additized

UN-DYED
THE PRICE OF THIS DIESEL FUEL
 DOES DOES NOT
INCLUDE FEDERAL MOTOR FUEL TAXES
AND DOES NOT CONTAIN VISIBLE
EVIDENCE OF DYE

DYED
THIS PRODUCT IS DYED DIESEL FUEL
NON-TAXABLE USE ONLY. PENALTY FOR
TAXABLE USE IF THIS BOX MARKED.
OFF HIGHWAY/NOT LEGAL FOR MOTOR
VEHICLE USE.

SOLD TO Parks & Rec

ADDRESS McDowell Dam

ACCOUNT NUMBER 166430 DATE 9-21-23

0 MEMO
1 CASH
2 CHARGE
3 PAID ON ACCT
4 CREDIT ACCT. (ADJ)
6 CREDIT CARD
7 PREPAY

DESCRIPTION	CODE		QUANTITY (TOTAL UNITS)	UNIT PRICE		AMOUNT
	MAJOR	SUB		UNITS	TAX	
PREMIUM UNLEADED	402	B	185	4.269		789.77
SUPER UNLEADED	403					
UNLEADED	404					
#1 DIESEL ROAD TAX #1	405					
DYED DIESEL A-C. This product does not meet the excise tax requirements for reformulated gasoline, and may not be used in any reformulated gasoline area.	406					
#2 DIESEL ROAD TAX	406					
KEROSENE	407					
FM DIESEL EXCISE TAX	408					
RM DIESEL ROAD TAX	409					
STATE EXCISE TAX						
ND HIGHWAY TAX			185 GAL @	.23		42.55
FEDERAL TAX				GAL. @		
TOTAL DUE						832.32

DELIVERED BY John CUSTOMER SIGNATURE

Thank You

Patron - White File - Pink, Yellow, Card

INVOICE

City of Bismarck
 PO Box 5503
 Bismarck, ND 58506
 (701) 355-1615

DATE: 09/30/2023
 DUE DATE: 10/31/2023
 CUSTOMER NO: 509
 INVOICE NO: FLTS-2023-00000009
 DEPARTMENT: 660 Public Works Service Operations

PARKS & RECREATION
 400 E FRONT AVE

 BISMARCK, ND 58504-5641

Billing Inquiries:
 Public Works
 (701)355-1700

Description	Quantity	Unit Price	Total Price
Sale of Fuel-Hwys/Streets	1	\$410.4300	\$410.43
Sale of Unleaded Fuel-Hwy/St	1	\$4,267.2700	\$4,267.27

Invoice Total: \$4,677.70
 Prepaid Amount: -\$0.00

Balance Due: \$4,677.70

Park ops Sibley McDowell AWC County
 3,522⁰⁵ 612²⁵ 165⁸⁹ 50.77 326⁷⁴ = 24,677.70

----- tear here -----

HARBOR FREIGHT

QUALITY TOOLS LOWEST PRICES

BISMARCK ND #00620
2700 STATE ST STE B-1
BISMARCK, ND 58503
Telephone: (701) 258-1551

SALE

Customer Name Bismarck Bismarck Parks And R
Customer Number: 888019404876

60660 SQUARE BAIL PTO LOCK PIN	\$3.49E
60660 SQUARE BAIL PTO LOCK PIN	\$3.49E
Subtotal <i>Hitch pins</i>	\$6.98
Tax Exempt No. 3936362	
DEFAULT TAX RULE 0.000%	\$0.00
Total	\$6.98

Visa \$6.98

Card No. XXXXXXXXXXXX6485
Expiration Date XX/XX
Auth. No. 069688
VISA CREDIT

Chip Read
Signature Verified
Mode: Issuer
AID: A0000000031010
TVR: 0000008000
IAD: 06011203600002
TSI: E800
ARC: 00

COPY

Please Retain for Your Records

Store: 00620 Res: 03 Tran: 322191
Date: 9/20/2023 12:14:08 PM Assoc: XXXXXX
Ticket: 03322191

Item(s) Sold: 2
Item(s) Returned: 0

Jeffrey served you today.
Thank you for shopping at
BISMARCK ND #00620

Proof of Purchase Required for Returns/
Exchanges Within 90 Days of Purchase.

GET EXCLUSIVE DEALS

Sign up today at HarborFreight.com/email
or Text TOOLS to 34648



Give us feedback @ survey.walmart.com
Thank you! ID #:7SKKWBJM7Q5



701-223-3066 Mgr:TIN
2717 ROCK ISLAND PL.
BISMARCK ND 58504

ST# 01534	OP# 000135	TE# 90	TR# 09779
HEAD LIGHT	004613534069		13.97 0
RX LAT WR22	007911810081		18.44 0
RX LAT WR22	007911810081		18.44 0
-25F W/ RAIN	068113113276		
6 AT 1 FOR	3.98		23.88 0
<i>wipers</i>		SUBTOTAL	74.73
<i>wiper fluid</i>		TOTAL	74.73
VISA CREDIT	**** * 6485	TEND	74.73

APPROVAL # 065714
REF # 1042000314
TRANS ID - 303264560454138
VALIDATION - 3XNH
PAYMENT SERVICE - E
AID A0000000031010
AAC 7F84CBA6F10465D5
TERMINAL # SC010069
*NO SIGNATURE REQUIRED

09/21/23 10:34:11
CHANGE DUE 0.00
ITEMS SOLD 9

TC# 9239 6313 6992 4443 7820



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Low Prices You Can Trust. Every Day.
09/21/23 10:34:22
CUSTOMER COPY

COPY

MENARDS - BISMARCK
3300 State Street
Bismarck, ND 58503

KEEP YOUR RECEIPT
RETURN POLICY VARIES BY PRODUCT TYPE

Unless noted below allowable returns for
items on this receipt will be in the form
of an in store credit voucher if the
return is done after 12/17/23

If you have questions regarding the
charges on your receipt, please
email us at:
BISMfrontend@menards.com



Sale Transaction

Tax Exempt Certificate ID: 5021339
Exempt Type: Local Government

44" 5500L SHOP LIGHT	2	@14.99	*	29.98	NT
3482175					
GRY 1-GNG WP BLNK CVR				1.36	NT
3652138				4.37	NT
1/2" 3HL 1 GANG BOX				7.99	NT
3613834				4.98	NT
3 GAL STEEL UTILITY PAN				2.59	NT
2610721					
3" INSIDE CLOSET FLANGE				51.27	
6895895				51.27	
4" PVC SNAP-IN DRAIN					
6890955					
TOTAL SALE					
VISA CREDIT 6485					
PO # Mcdowe11					
Auth Code:074012					
Chip Inserted					
a0000000031010					
TC - 2041929adb16d959					

TOTAL SAVINGS 10.00
TOTAL NUMBER OF ITEMS = 7

COPY

THE FOLLOWING REBATE RECEIPTS WERE
PRINTED FOR THIS TRANSACTION:
2320

GUEST COPY

The Cardholder acknowledges receipt of
goods/services in the total amount shown
hereon and agrees to pay the card issuer
according to its current terms.

THIS IS YOUR CREDIT CARD SALES SLIP
PLEASE RETAIN FOR YOUR RECORDS.

THANK YOU, YOUR CASHIER, Ariana

52009 05 9657 09/18/23 03:42PM 3055

MENARDS - BISMARCK
3300 State Street
Bismarck, ND 58503

KEEP YOUR RECEIPT
RETURN POLICY VARIES BY PRODUCT TYPE

Unless noted below allowable returns for items on this receipt will be in the form of an in store credit voucher if the return is done after 11/28/23

If you have questions regarding the charges on your receipt, please email us at:
BISMfrontend@menards.com



Sale Transaction

Tax Exempt Certificate ID: 5021339
Exempt Type: Local Government

7PC BIM HOLE SAW KIT
2526021 39.98 NT
ORDER 65198

2X6-10' AC2 GREEN TREATE-PICK
1111037 12.26 NT
2X10-8' AC2 GREEN TREATE-PICK
1111626 16.91 NT
END OF ORDER

COPY

TOTAL SALE 69.15
VISA CREDIT 6485 69.15
PO # mcdowell
Auth Code:018086
Chip Inserted
a0000000031010
TC - d4fb110f2ff05af0

TOTAL NUMBER OF ITEMS = 3

THE FOLLOWING REBATE RECEIPTS WERE
PRINTED FOR THIS TRANSACTION:
2317

GUEST COPY

The Cardholder acknowledges receipt of goods/services in the total amount shown hereon and agrees to pay the card issuer according to its current terms.

THIS IS YOUR CREDIT CARD SALES SLIP
PLEASE RETAIN FOR YOUR RECORDS.

THANK YOU, YOUR CASHIER 1172

Page 13400172
BCWRD Nov 2023

52222 03 8328 08/30/23 01:47PM 3055



701 South Washington
 Bismarck, ND 58504
 701-223-9582

PROD CD	QTY	UM	PRICE	TOTAL
PLUG 1/2 MIP CORED HEX HEAD BARSTCK				
Original Tran: 75350396016				
1686876	-1	EA	3.140	-3.14 n
BUSHING PIPE BRASS 3/4 X 1/2				
Original Tran: 75350396016				
1685136	-1	EA	1.430	-1.43 n
PLUG PIPE BRASS 1/2				
Original Tran: 75350396016				
1685009	-1	EA	1.250	-1.25 n
PLUG PIPE BRASS 3/4				
Original Tran: 75350396016				
1685042	-1	EA	2.330	-2.33 n
PLUG 1/2 MIP CORED HEX HEAD BARSTCK				
Original Tran: 75350396016				
1686876	1	EA	4.390	4.39 n
BUSHING PIPE BRASS 3/4 X 1/2				
Original Tran: 75350396016				
1685136	1	EA	6.490	6.49 n
PLUG PIPE BRASS 1/2				
Original Tran: 75350396016				
1685009	1	EA	6.290	6.29 n
PLUG PIPE BRASS 3/4				
Original Tran: 75350396016				
1685042	1	EA	6.390	6.39 n
SUBTOTAL				15.41
Tax				0.00
TOTAL				15.41
Visa				15.41
xxxxxxx6485 (Approved)				
ROBERTSON/DAVID				

08/25/23 12:55:32 016 75420336016
 1610111 BISMARCK PARKS & RECREATION
 ATB: *ALL NEED A PO
 GOV: 1610111
 PO NUMBER: mcdell
 INVOICE #: 6467998 WSID: RSIWS1952
 1E331B9-003E-4756-8448-71CD1F6DDF68
 0508HC 5.1 23.531 TILL ID: 02
 Original Tran: d73c69b6-58ed-4d43-a881-12fcdf9656fe
 75350396016 08/16/2023 01:39:13

Thanks for choosing Runnings!
 Earn rewards for every purchase.
 Apply for the NEW Runnings Mastercard®





701 South Washington
 Bismarck, ND 58504
 701-223-9582

PROD ID	QTY	UM	PRICE	TOTAL
PLUG 1/2 MIP CORED HEX HEAD BARSTCK				
Original Tran: 75420336016				
1E86876	-1	EA	4.390	-4.39 n
PLUG PIPE BRASS 3/4				
Original Tran: 75420336016				
1E85042	-1	EA	6.390	-6.39 n
PLUG PIPE BRASS 1/2				
Original Tran: 75420336016				
1E85039	-1	EA	6.290	-6.29 n
BLSHING PIPE BRASS 3/4 X 1/2				
Original Tran: 75420336016				
1E85136	-1	EA	6.490	-6.49 n
SLBTOTAL				-23.56
Tax				0.00
TCTAL				-23.56
Visa Refund				-15.41
xxxxxxxxxxxx6485 (Approved)				

0E/25/23 13:11:44 016 75420356016
 1E10111 BISMARCK PARKS & RECREATION
 ATB: *AL NEED A PO
 GOV: 1610111
 PO NUMBER: mcdell
 INVOICE #: 6468021 WSID: RSIWS1947
 D0:F2330-C719-43D7-ADBE-398559831D79
 10E3VV 5.1.23.531 TILL ID: 05
 Original Tran: 1e331b91-0d33-4756-b440-71cd1f6ddf6b
 75420336016 08/25/2023 12:55:32

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 Apply for the NEW Runnings Mastercard®





701 South Washington
 Bismarck, ND 58504
 701-223-9582

PROD ID	QTY	UM	PRICE	TOTAL
QT GLOSS WHITE				
7220582	1	EA	16.990	16.99 n
BULB TYPE BATTERY FILLER				
2433358	1	EA	5.990	5.99 n
AC DELCO OIL FILTER PF46E				
10870123	1	EA	7.990	7.99 n
LONG LIFE INCANDESCENT 2 PK 31				
8191995	1	EA	3.490	3.49 n
OIL HAVOLINE 5W30 5 QUART				
790174	1	EA	25.990	25.99 n
SUBTOTAL				60.45
Tax				0.00
TOTAL				60.45
Visa				60.45
xxxxxxxxxxxx6485 (Approved)				
ROBINSON/DAVID				

08/29/23 11:04:02 016 75460146016
 1610111 BISMARCK PARKS & RECREATION
 ATB: *ALL NEED A PO
 GOV: 1610111
 PO NUMBER: mcdowell
 INVOICE #: 6470970 WSID: RSIWS1949
 7F808B8A-0694-4ECA-8F0E-84D009062D44
 0928SV 5.1.23.531 TILL ID: 03

Thanks for choosing Runnings!

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COPY



701 South Washington
Bismarck, ND 58504
701-223-9582

PROD ID	QTY	UNIT	PRICE	TOTAL
PEX CRMP 3/4 COPPER RINGS 25/BAG				
611305	1	BA	10.990	10.99 n
SUBTOTAL				10.99
Tax				0.00
TOTAL				10.99
Visa				10.99

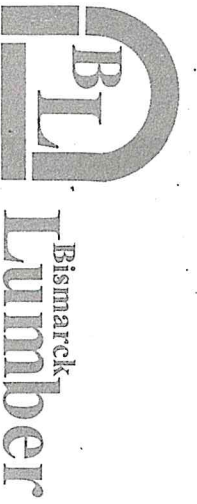
xxxxxxx648: (Approved)
ROBINSON/DAVID

09/06/23 12:06:13 016 75540249016
 1610111 BISMARCK PARKS & RECREATION
 ATB: *ALL NEED A ID
 GOV: 1610111
 PO NUMBER: mcdowel
 INVOICE #: 6477302 WSID: RSIWS1280
 497346F2-E9C7-4CA3-92CD-01E437FF3CAA
 6382TT 5.1.23.531 TILL :): 04
 Thanks for choosin Runnings!

Earn rewards for every purchase.
 Apply for the NEW Runnings Mastercard®



COPY



2200 E. MAIN • P.O. BOX 427 • BISMARCK, ND 58501
 TEL. (701) 223-2145 • FAX (701) 224-8395

Customer No.	Job No.	Purchase Order No.	Reference	Terms	Clerk	Date	Time
226455		MCDOWEL	PO # MCDOWEL ORB# 666394	NET-25FH	AK	9/19/23	9:23

Sold To
 BISMARCK PARKS & REC
 400 E FRONT AVENUE
 BISMARCK ND 58504

Ship To
 ROBINSON/DAVID

THE LUMBER YARDS regular billing date is the 25th of each month with balances due and payable net by the 10th of the following month. A LATE CHARGE or FINANCE CHARGE may be made in the amount of 2% calculated on the 25th day of each month on the balance as of the 25th day of the previous month.

DEL. DATE: 9/19/23 TERM#565
 TAX : NT NO TAX
 DOC# 666394

 * INVOICE *

 ORDR 666394

SHIPPED	ORDERED	UM	SKU	DESCRIPTION	LOCATION	UNITS	PRICE / PER	EXTENSION
1		EA	REBRZ	ROOF EDGE ODE BRNZ 12' (25 PC CTN TO MATCH TERRATONE	MTINB	1	7.27 /EA	7.27 N

MID:*****0500

APP:066335 XR:666394

** PAYMENT RECEIVED **
 ** PAID IN FULL **

7.27	TAXABLE	0.00
7.27	NON-TAXABLE	7.27
7.27	SUBTOTAL	7.27
7.27	TAX AMOUNT	0.00
7.27	TOTAL AMOUNT	7.27

COPY

BANKCARD PAYMENT
 BKCRD#XXXXXXXXXXXXXXXXXXXX6485

X *Ben P...*

Received By

MENARDS - BISMARCK
3300 State Street
Bismarck, ND 58503

KEEP YOUR RECEIPT
RETURN POLICY VARIES BY PRODUCT TYPE

Unless noted below allowable returns for
items on this receipt will be in the form
of an in store credit voucher if the
return is done after 12/01/23

If you have questions regarding the
charges on your receipt, please
email us at:
BISMfrontend@menards.com



Sale Transaction

Tax Exempt Certificate ID: 5021339
Exempt Type: Local Government

2X10 SOLID CORE PVC PIPE		
6899943	3 @15.78	47.34 NT
2" 90DEG SCH40 ELBOW		
6897770	4 @3.89	15.56 NT
2" PVC COUPLING		
6892018	4 @1.09	4.36 NT
1-3/8" PRECISION BLADE		
2360981		21.99 NT
3-1/2" SEMICIRCLE BLADE		
2360961		9.99 NT
1-1/4" END CUT SAW BLADE		
2360996	PKG	14.99 NT
BIG 12 SPEED SQUARE		
2435937		15.98 NT
30' MF SELF-LOCK TAPE		LW
2376559		14.98 NT

TOTAL SALE 145.19
VISA CREDIT 6485 145.19

PO # MCDOWELL
Auth Code:069033
Chip Inserted
a000000031010
TC - 222f91203fc253ef

TOTAL NUMBER OF ITEMS = 16

THE FOLLOWING REBATE RECEIPTS WERE
PRINTED FOR THIS TRANSACTION:
2317

GUEST COPY

The Cardholder acknowledges receipt of
goods/services in the total amount shown
hereon and agrees to pay the amount shown
according to its current terms.

THIS IS YOUR CREDIT CARD SALES RECEIPT
PLEASE RETAIN FOR YOUR RECORDS.

LW - Lifetime warranty item that ever
fails to provide complete satisfaction
returnable to any Menards Store for

COPY

Mac's-Bismarck
 900 26th Street S
 Bismarck, ND 58504

PHONE: (701) 221-0654

CUST NO: 700850 JOB NO: 000 PURCHASE ORDER: REFERENCE: TERMS: COTC CLERK: MS6275 DATE / TIME: 9/7/23 11:19

DUE DATE: 10/10/23 TERMINAL: 1811

SOLD TO:
 BISMARCK PARK & RECREATION
 400 E. FRONT AVE.

 BISMARCK ND 58504
 701-222-6464

SHIP TO:
 ROBINSON/DAVID

TAX: 108 BISMARCK 1.5 ND 5 CO.

INVOICE: F10327/8

LINE	SHIPPED	ORDERED	UM	SKU	DESCRIPTION	SUGG	UNITS	PRICE/ PER	EXTENSION
1	2	2	EA	1207284	FC4P12D RODENT REPELLENT 4PK	22.99	2	12.99 /EA	25.98 SN
2	1	1	EA	1091287	CHUCK DUAL FOOT EXTENTION 17-383		1	11.99 /EA	11.99 N
3	1	1	EA	1366149	13-513 1/4IN COMBO COUPLER MNPT		1	8.69 /EA	8.69 N
4	1	1	EA	1033851	21-143 1/4X3/8IN AIR HOSE FITTIN		1	3.79 /EA	3.79 N
5	0.9	0.9	LB	1500997	SCREWS, SELF DRILL W/O WASHER		.90	8.99 /LB	8.09 N

COPY

** PAID IN FULL **

58.54

TAXABLE 0.00
 NON-TAXABLE 58.54
 SUBTOTAL 58.54

TAX AMOUNT 0.00

58.54

TOTAL 58.54

BANKCARD PAYMENT
 BKCRD#XXXXXXXXXXXX6485



TOT WT: 0.00
 MID: **6749

APP: 031930 XR: 510327

X

Received By _____



INVOICE

Powersports Plus, LLC
3006 Kensington Court
Albany, GA 31721
229-299-9562

Ship Date: 9/8/2023
Invoice: INV15615430

Bill To
BISMARCK PARKS & REC 400 E Front Ave Bismarck, ND 58504 United States

Ship To
BISMARCK PARKS & REC 627 W Arbor Ave ATTN: BONNIE Bismarck, ND 58504 United States

PO No: MCDOWELL
Customer No: GOV20511A

Order No: PGOV003007
Ship Via: Best Way Standard

Item Number	Description	Qty	Unit Price	Ext Price
10-JW7-F6311-00-00	CABLE, THROTTLE 1	1	\$51.94	\$51.94

Tracking Numbers
1Z81FF920270827444

Subtotal	\$51.94
Freight	\$0.00
Tax	\$0.00
Discount	\$0.00
Total	\$51.94

Country of Origin: USA

COPY

106671

ORDER INFO

customer's order no. _____ phone 701-276-4955 date 15 MAY 2023

name David Robinson

address Parks and Rec Bldg ND 58501

city, state, zip _____

sold by _____

cash charge check shipping information _____
 c.o.d. on acct. # _____

quantity	description	price	amount
1	1 poplar		30.00
2	4 Cherry	75	300.00
3	1 Blaze		135
4	1 Honeycrisp		55.00
5	1 parker		65.00
6	1 summercrisp		65.00
7	1 early gold		65.00
8		Tree	65.00
9	20 tree protectors	total \$	850.00
10		\$	200.00
11			
12			
13			
14			
15			
16			
		TOTAL \$	1,050.00

received by _____

adams

keep this slip for reference

DC5808UV/10-13

Ace 24 Hr Towing

PO Box 117

Bismarck, ND 58502

Ph: 701-258-0451 Fax: 701-355-0812

jessicak@bergstowing.com



Invoice #165645-1

Date: 9/26/2023

COPY

For:

Bismarck Parks & Rec (A)

400 East Front

Bismarck, ND 58504

Due Date	Terms	P.O. Number
10/11/2023	Net 15	

From: Macs Hardware, Bismarck, ND
To: ND
Vehicle: Brown 2009 Ford F150 Pickup RWD
VIN:
Tag: **Odometer:**

Service Date: 9/26/2023 11:14:00 AM
Owner: Dave
Member #:
Ticket #: 165645

Qty	Service	Rate	Adjustment	Tax	Amount
1.00	Tow Light	\$90.00	\$0.00	\$0.00	\$90.00
Total Amount Due					\$90.00

Received By:

Date:



Charge

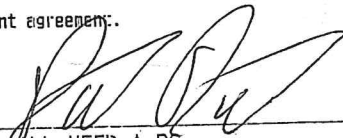
016 - Bismarck

PROD ID	QTY	UM	PRICE	TOTAL
COUPLER SAFETY PIN 1/4"				
1652729	1	EA	3.990	3.99 n
LONG LIFE INCANDESCENT 2 PK 3057				
8191940	1	EA	3.490	3.49 n
HOOK, CLEVIS SLIP G43 1/4"				
4460866	2	EA	5.790	11.58 n
SUBTOTAL				19.06
Tax				0.00
TOTAL				19.06
Charge Account				19.06

Runnings

701 S. Washington
Bismarck, ND 58504

I certify that I am authorized to charge on this account. I also agree to pay according to the charge-account agreement.

X: 
*ALL NEED A PO

09/20/23 14:24:19 016 75680389016
1610111 BISMARCK PARKS & RECREATION
400 E FRONT AVE
BISMARCK, ND 58504-0000 USA
ATB: *ALL NEED A PO
GOV: 1610111
PO NUMBER: McDowell
INVOICE #: 6487630 WSID: RSIWS1948
FC5A172E-E10A-4CCA-A9F1-0FB3C06B1498
0417FE 5.1.23.825 TILL ID: 06

COPY

Charge

016 - Bismarck
Copy 1 of 2

Give us feedback @ survey.walmart.com
Thank you! ID #:7SKHQHJLZTJ



701-223-3066 Mgr:TIM
2717 ROCK ISLAND Pl
BISMARCK ND 58504

ST# 01534	OP# 005312	TE# 20	TR# 02195	
BONBPOP DR24	007064001472	F		5.48 0
KLONDIKE	007585601120	F		4.24 0
KLONDIKE	007585601120	F		4.24 0
KLONDIKE	007585613901	F		4.24 0
KLONDIKE	007585613901	F		4.24 0
BRC FDG BAR	007064030007	F		6.48 0
BRC FDG BAR	007064030007	F		6.48 0
PEPSI	001200080999	F		6.98 0
MT DEW	001200080996	F		6.98 0
BRC ECLR BAR	007064001550	F		6.48 0
BRC ECLR BAR	007064001550	F		6.48 0
MARS IC	004767733645	F		7.98 0
MARS IC	004767733645	F		7.98 0
MARS IC	004767733645	F		7.98 0
THX IC 12PK	004767748495	F		7.98 0
BRC STR BAR	007064001551	F		6.48 0
BRC STR BAR	007064001551	F		6.48 0
BRC STR BAR	007064001551	F		6.48 0
GREAT VALUE	007874214223	F		5.36 0
GREAT VALUE	007874214223	F		5.36 0
GREAT VALUE	007874214223	F		5.36 0
GATORADE	005200020844	F		7.48 0
GATORADE	005200020806	F		7.48 0
			SUBTOTAL	144.72
			TOTAL	144.72
			VISA TEND	144.72

VISA CREDIT ***** 0405 1 2
 APPROVAL # 036162
 REF # 1042000314
 TRANS ID - 463244699128101
 VALIDATION - 76K6
 PAYMENT SERVICE - E
 P.O. # 0
 AID A0000000031010
 AAC B9CEE594DF47809F
 TERMINAL # SC011660
 *NO SIGNATURE REQUIRED

LOANER

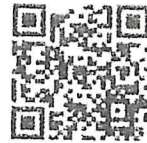
09/01/23 14:25:21
CHANGE DUE 0.00

ITEMS SOLD 23

TC# 3875 7507 3555 7959 4137 8



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09/01/23 14:25:32

CUSTOMER COPY

COPY

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Thank you! ID #:7SK8F9JLY4X



WM Supercenter
701-223-3066 Mgr. TIM
2717 ROCK ISLAND PL
BISMARCK ND 58504
ST# 01534 OP# 009008 TE# 03 TR# 00595

ITEMS SOLD 1
TC# 4857 7364 7556 8186 1924



AQUAFINA

concession

013110 F 6.48 N
RTOTAL 6.48
TAX 6.48
TEND 6.48
CHANGE DUE 0.00

VISA CREDIT - 6485 I 2 APPR#051131
6.48 TOTAL PURCHASE
REF # 324300592383
TRANS ID - 303243729628166
VALIDATION - CTGJ
PAYMENT SERVICE - E
AID A0000000031010
TC D58751ABACBD96CC
TERMINAL # 21632597
*No Signature Required
08/31/23 15:16:01



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Low prices You Can Trust. Every Day.
08/31/23 15:16:09

COPY

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Thank you! ID #:7SK80PJYW2



701-223-3066 Mgr:TIM
2717 ROCK ISLAND PL
BISMARCK ND 58504

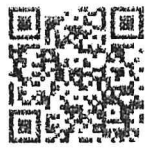
ST# 01534	OP# 007462	TER 17	TR# 01282
GREAT VALUE	907874214223	F	
2 AT 1 FOR	5.36		10.72 0
TMX IC 12PK	004767748495	F	
2 AT 1 FOR	7.98		15.96 0
BRC FDG BAR	007064030007	F	5.48 0
KLONDIKE	007585601120	F	
3 AT 1 FOR	4.24		12.72 0
PEPSI	001200080999	F	6.98 0
FRUIT SHOOT	069963200100	F	
5 AT 1 FOR	0.78		3.90 0
FRUIT SHOOT	069963200085	F	
6 AT 1 FOR	0.78		4.68 0
TUM-E YUMMIL	088331509026	F	0.88 0
FLYING INSET	004285377301		
4 AT 1 FOR	5.97		23.88 0
	SUBTOTAL		86.20
	TOTAL		86.20
	DEBIT TEND		86.20
	CHANGE DUE		0.00

EFT DEBIT PAY FROM PRIMARY
86.20 TOTAL PURCHASE
DEBIT **** * 6428 1 0
REF # 323600039395
NETWORK ID 0069 APPR CODE 117846
DEBIT
AID A000000042203
AAC A4C3FA2DD34E322
*Pin Verified
TERMINAL # SC010472

08/27/23 11:24:01
ITEMS SOLD 25
TC# 6959 6546 6882 4746 3810



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Low Prices You Can Trust. Every Day.
08/27/23 11:24:16

PURCHASE ORDER
BISMARCK PARKS AND RECREATION DISTRICT
 400 East Front Avenue • Bismarck, ND 58504
 Phone: (701) 222-6455 • Fax (701) 221-6838

No. 97663

ND Tax Exempt Number: E-4674
 Federal ID Number: 45-0409352

Name Tri Energy

Vendor 918

Address _____

Date 10/3/23

Notes Propane fill

Acct #	Project Number	Cost
01.12.000.540110		
Propane fill shop		753.77
01.12.000.540110		
Propane fill house		795.01
		}
Total		1548.78

Employee's Signature [Signature]

Manager's Signature [Signature] DM

Approved By [Signature]

PREVIOUS SALE NO.	CODE	METER READING-START	10THS

DATE	YOUR SALE NO.	METER READING-FINISH	CASH
7-11-23			1

SOLD TO *Bismarck Propane*
 ADDRESS *Summit 16hp*

ACCT # *166130 #*

DESCRIPTION	CODE		QUANTITY (TOTAL UNITS)	UNIT PRICE			AMOUNT	
	MAJOR	SUB		\$	CENTS	1/10		
LP TANK LEASE	4190							
Gallons PROPANE AUTOMATICALLY TEMPERATURE CORRECTED TO 60 DEGREES F.	4150		<i>580.3</i>			<i>795 01</i>		
STATE EXCISE TAX	2300							
SALES TAX	5 1/2% 7%	2294 2292						
SUBTOTAL								
DISCOUNT (If paid in 7 days)	4902							
TOTAL							<i>795 01</i>	

MATERIAL DELIVERED INTO *new* TANK FILLED TO *25/80* OF % CAPACITY
 MATERIAL DELIVERED BY TIME A.M. P.M.

Thank You

MATERIAL RECEIVED BY
 ABOVE DEPOSIT MADE IN ACCORDANCE WITH BY-LAW PROVISIONS.
 White-Original Copy Yellow-Our Copy Pink-Our Copy White Hard Copy-Patron

PREVIOUS SALE NO.	CODE	METER READING-START	10THS

DATE	YOUR SALE NO.	METER READING-FINISH	CASH
7-11-23			1

SOLD TO *Bismarck Propane*
 ADDRESS *Summit 16hp*

ACCT # *166130 #*

DESCRIPTION	CODE		QUANTITY (TOTAL UNITS)	UNIT PRICE			AMOUNT	
	MAJOR	SUB		\$	CENTS	1/10		
LP TANK LEASE	4190							
Gallons PROPANE AUTOMATICALLY TEMPERATURE CORRECTED TO 60 DEGREES F.	4150		<i>550.0</i>			<i>763 77</i>		
STATE EXCISE TAX	2300							
SALES TAX	5 1/2% 7%	2294 2292						
SUBTOTAL								
DISCOUNT (If paid in 7 days)	4902							
TOTAL							<i>763 77</i>	

MATERIAL DELIVERED INTO *new* TANK FILLED TO *25/80* OF % CAPACITY
 MATERIAL DELIVERED BY TIME A.M. P.M.

Thank You

MATERIAL RECEIVED BY
 ABOVE DEPOSIT MADE IN ACCORDANCE WITH BY-LAW PROVISIONS.
 White-Original Copy Yellow-Our Copy Pink-Our Copy White Hard Copy-Patron



A Touchstone Energy® Cooperative

7401 Yukon Drive
Bismarck, ND 58503
Office: (701) 223-1513
Payments: (877) 853-5928
www.capitalelec.com

Statement Date
Account Number
Due Date

10/05/2023
868001
10/25/2023

Billing Summary

Table with 2 columns: Description and Amount. Rows include Previous Balance, Payment(s) Received, Balance Forward, Charges, and Amount Due.

BIS CITY PARK DISTRICT
PARK & REC
400 E FRONT AVE
BISMARCK ND 58504-5641

Message(s) Grid Capacity Occurred: 07/16/2023 2:15 PM - 3:15 PM

Service Address: SEC 27SW MCDOWELL HOUSE

Table with 9 columns: Meter #, Rate Description, From, To, Days, Previous, Present, Mult., kWh. Row 1: 86861804, RURAL SMALL COMM UNDER 10KW, 09/01/2023, 10/01/2023, 30, 91652, 93553, 1, 1901

Detail of Charges

Table with 3 columns: Description, Rate, Amount. Rows include Monthly Base Charge, Usage Charge, Grid Capacity Charge, and Current Charges.

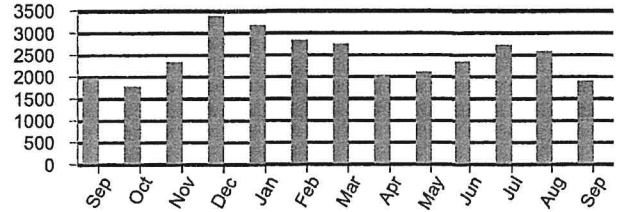


Table with 3 columns: PERIOD ENDING, SEP 2022, SEP 2023. Rows include Avg Daily Temp and Avg Daily kWh.

RETURN BOTTOM PORTION WITH YOUR PAYMENT. PLEASE DO NOT FOLD, STAPLE, TAPE, OR PAPERCLIP.

Capital Electric Cooperative is an equal opportunity provider and employer.

BIS CITY PARK DISTRICT
PARK & REC
400 E FRONT AVE
BISMARCK ND 58504-5641
PRIMARY: (701) 222-6455

SECONDARY:

Account Number 868001
Due Date 10/25/2023
Amount Due \$201.01

See reverse side for payment options

Please notify us of any changes to your account information below:

Three horizontal lines for account information changes.

CAPITAL ELECTRIC COOPERATIVE, INC.
PO BOX 730
BISMARCK ND 58502-0730





7401 Yukon Drive
Bismarck, ND 58503
Office: (701) 223-1513
Payments: (877) 853-5928
www.capitalelec.com

Statement Date
Account Number
Due Date

10/05/2023
868002
10/25/2023

Billing Summary

Previous Balance		\$353.14
Payment(s) Received	<i>Thank You!</i>	\$-353.14
Balance Forward		\$0.00
Charges		\$233.65
Amount Due		\$233.65

A Touchstone Energy* Cooperative

BIS CITY PARK DISTRICT
PARK & REC
400 E FRONT AVE
BISMARCK ND 58504-5641

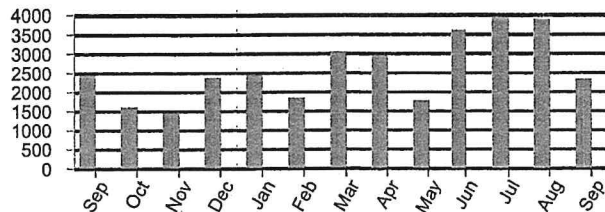
Message(s) Grid Capacity Occurred: 09/01/2023 4:30 PM - 5:30 PM

Service Address: SEC 27 MCDOWELL REC AREA

Meter #	Rate Description	From	To	Days	Previous	Present	Mult.	kWh
78904864	RURAL SMALL COMM UNDER 10KW	09/01/2023	10/01/2023	30	2625	2683	40	2320

Detail of Charges

Monthly Base Charge		\$31.00
Usage Charge	1500 kWh @ \$0.08161	\$122.42
	820 kWh @ \$0.07711	\$63.23
Grid Capacity Charge	13.6 kW @ \$1.25	\$17.00
Current Charges		\$233.65



PERIOD ENDING	SEP 2022	SEP 2023
Avg Daily Temp	64	64
Avg Daily kWh	81	77

RETURN BOTTOM PORTION WITH YOUR PAYMENT. PLEASE DO NOT FOLD, STAPLE, TAPE, OR PAPERCLIP.

Capital Electric Cooperative is an equal opportunity provider and employer.

BIS CITY PARK DISTRICT
PARK & REC
400 E FRONT AVE
BISMARCK ND 58504-5641
PRIMARY: (701) 222-6455

SECONDARY:

Account Number 868002
Due Date 10/25/2023
Amount Due \$233.65

See reverse side for payment options

Please notify us of any changes to your account information below:

CAPITAL ELECTRIC COOPERATIVE, INC.
PO BOX 730
BISMARCK ND 58502-0730





(701) 258-8710 • Fax (701) 223-6041
Office Hours M-Th 8-4:30 and F 8-4
www.southcentralwaternd.com

P.O. Box 4182
Bismarck, ND 58502-4182

Account Number: 05790400-00
Service Address: MCDOWELL DAM HOUSE
Billing Date: 10/20/2023
Current Charges: 222.25
Past Due Charges: 0.00
Amount Due by 11/10/2023: 222.25
Amount Due After 11/10/2023: 226.25

Check here if you have had a mailing address change and indicate this change on the back of the stub.



BISMARCK PARK DISTRICT
400 E FRONT AVE
BISMARCK ND 58504-5641

776 Web ID

Amount Enclosed: _____

PLEASE DETACH AND RETURN THIS PORTION WITH YOUR PAYMENT

Please Make Checks Payable to: SOUTH CENTRAL REGIONAL WATER or SCWD

Account Number: 05790400-00
Service Address: MCDOWELL DAM HOUSE
Last Payment: 265.80 - 10/02/2023
Billing Date: 10/20/2023

BISMARCK PARK - MCDOWELL DAM
400 E FRONT AVE
BISMARCK ND 585045641

Current Reading: 10/01/2023 2121400
Previous Reading: 09/01/2023 2093400
Usage: 28000

Important Messages

REMINDER: YOU MAY NOW PAY YOUR BILL VIA DEBIT OR CREDIT CARD. YOU CAN CALL 844-793-7222 OR VISIT [HTTPS://SOUTHCENTRAL.BILLINGDOC.NET](https://southcentral.billingdoc.net) IN ORDER TO DO SO YOU WILL NEED YOUR WEB ID FROM YOUR BILL

IF YOU PAY BY CREDIT OR DEBIT CARD THE VENDOR THAT PROCESSES THE PAYMENTS DOES CHARGE A SERVICE FEE

IF YOU WOULD LIKE YOUR BILL E-MAILED TO YOU SEND REQUEST TO JSCHMIDT@SOUTHCENTRALWATERND.COM

IF YOU ARE INTERESTED IN AUTO PAY PLEASE CALL US AT 258-8710

USAGE ON THIS BILL IS FROM SEPTEMBER

OUR OFFICE WILL BE CLOSED ON FRIDAY, NOVEMBER 10 IN HONOR OF VETERAN'S DAY & THURSDAY, NOVEMBER 23 FOR THANKSGIVING DAY!

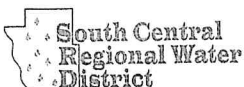
Service	Current	Past-Due	Balance
MONTHLY MINIMUM	34.00	0.00	34.00
WATER COST	188.25	0.00	188.25
Totals:	222.25	0.00	222.25
DUE DATE	11/10/2023		

THANK YOU FOR YOUR PREVIOUS PAYMENT

USAGE HISTORY IN GALLONS

OCT 2022	NOV 2022	DEC 2022	JAN 2023	FEB 2023	MAR 2023	APR 2023	MAY 2023	JUN 2023	JUL 2023	AUG 2023	SEP 2023	OCT 2023
38900	6100	3600	4400	4000	3500	3700	3600	16600	34000	34000	34700	28000
H-HELD	H-HELD	H-HELD	H-HELD	H-HELD	H-HELD	H-HELD	H-HELD	H-HELD	H-HELD	H-HELD	H-HELD	H-HELD

PLEASE KEEP THIS PORTION FOR YOUR RECORDS
SOUTH CENTRAL REGIONAL WATER DISTRICT
(701) 258-8710





(701) 258-8710 • Fax (701) 223-6041
Office Hours M-Th 8-4:30 and F 8-4
www.southcentralwaternd.com

P.O. Box 4182
Bismarck, ND 58502-4182

Account Number: 05791540-00
Service Address: MCDOWELL DAM PARK
Billing Date: 10/20/2023
Current Charges: 103.00
Past Due Charges: 0.00
Amount Due by 11/10/2023: 103.00
Amount Due After 11/10/2023: 107.00

Check here if you have had a mailing address change and indicate this change on the back of the stub.



BISMARCK PARK DISTRICT
400 E FRONT AVE
BISMARCK ND 58504-5641

883 Web ID

Amount Enclosed: _____

PLEASE DETACH AND RETURN THIS PORTION WITH YOUR PAYMENT

Please Make Checks Payable to: SOUTH CENTRAL REGIONAL WATER or SCWD

Account Number: 05791540-00
Service Address: MCDOWELL DAM PARK
Last Payment: 140.35 - 10/02/2023
Billing Date: 10/20/2023

BISMARCK PARK - MCDOWELL DAM
400 E FRONT AVE
BISMARCK ND 585045641

Current Reading: 10/01/2023 476600
Previous Reading: 09/01/2023 466900
Usage: 9700

Important Messages

REMINDER: YOU MAY NOW PAY YOUR BILL VIA DEBIT OR CREDIT CARD. YOU CAN CALL 844-793-7222 OR VISIT [HTTPS://SOUTHCENTRAL.BILLINGDOC.NET](https://southcentral.billingdoc.net) IN ORDER TO DO SO YOU WILL NEED YOUR WEB ID FROM YOUR BILL

IF YOU PAY BY CREDIT OR DEBIT CARD THE VENDOR THAT PROCESSES THE PAYMENTS DOES CHARGE A SERVICE FEE

IF YOU WOULD LIKE YOUR BILL E-MAILED TO YOU SEND REQUEST TO JSCHMIDT@SOUTHCENTRALWATERND.COM

IF YOU ARE INTERESTED IN AUTO PAY PLEASE CALL US AT 258-8710

USAGE ON THIS BILL IS FROM SEPTEMBER

OUR OFFICE WILL BE CLOSED ON FRIDAY, NOVEMBER 10 IN HONOR OF VETERAN'S DAY & THURSDAY, NOVEMBER 23 FOR THANKSGIVING DAY!

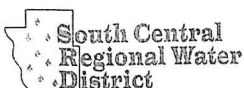
Service	Current	Past-Due	Balance
MONTHLY MINIMUM	34.00	0.00	34.00
WATER COST	69.00	0.00	69.00
Totals:	103.00	0.00	103.00
DUE DATE	11/10/2023		

THANK YOU FOR YOUR PREVIOUS PAYMENT

USAGE HISTORY IN GALLONS

OCT 2022	NOV 2022	DEC 2022	JAN 2023	FEB 2023	MAR 2023	APR 2023	MAY 2023	JUN 2023	JUL 2023	AUG 2023	SEP 2023	OCT 2023
29900	1100	200	200	100	100	200	900	6900	14900	18300	15400	9700
H-HELD	H-HELD	H-HELD	H-HELD	H-HELD	H-HELD	H-HELD	H-HELD	H-HELD	H-HELD	H-HELD	H-HELD	H-HELD

PLEASE KEEP THIS PORTION FOR YOUR RECORDS
SOUTH CENTRAL REGIONAL WATER DISTRICT
(701) 258-8710





200 EAST BROADWAY
PO BOX 230
STEELE, ND 58482
1.888.475.2361

Telephone No.: (701)223-7016

ACCOUNT NO: 1205800

BILL AT A GLANCE 09/01/2023
BISMARCK PARKS & REC

BALANCE FROM LAST BILLING 304.02
Payments Received 08-02 304.02CR
Previous Balance Due .00

SUMMARY BY SERVICE TYPE

BUSINESS LINE METERED 64.00
TELEPHONE SERVICES 2.06
MISCELLANEOUS SERVICES 30.90
MANDATED FEES 4.06
INTERNET SERVICES 203.00
INTERNET SERVICES .00

CURRENT BILLING AMOUNT 304.02

Credit Card Payment -- Do Not Pay 304.02

4A - 101.50

McDowell - 202.52

Previous Bill	Payment/Adj	Current Billing	Total Due
\$304.02	\$304.02CR	\$304.02	\$304.02

MESSAGE CENTER

Billing Inquiries Call: 1(888)475-2361

Payments received after 08-31 have not been applied to this statement.

To pay by credit card using BEK's Pay-by-Phone System, please call 1-844-252-5273 toll-free. Have your credit card and BEK account number ready.

The CURRENT AMOUNT of your BEK payment is due by the 20th day of each month. If you have an unpaid balance, it will be applied to your next statement plus a \$30 late fee. PAST DUE accounts are subject to disconnection on SEPTEMBER 20, 2023 unless payment or arrangements have been made prior. If your services are disconnected for nonpayment, you will be required to pay all past due balances including reconnect charges.

Payment of this invoice constitutes acceptance of the Terms and Conditions of BEK Communications services. These Terms and Conditions should be reviewed periodically as they will change from time to time and can be found at www.bek.coop or by request at 1-888-475-2361.

Federal Universal Service Charge (FUSC): The purpose of this charge is to help keep rates affordable for all customers, regardless of where they live in the U.S. as well as to assist schools, libraries and rural healthcare providers obtain leading edge telecommunications services. The Federal Communications Commission (FCC) reviews the FUSC factor each quarter. This rate may increase or decrease and will not be determined until later in the month. If there is a change, the new FUSC rate will be implemented on your next billing statement.

BEK Communications is a participating provider for the FCC Affordable Connectivity Program, helping households afford essential broadband needed for work, school, healthcare and more. Visit getinternet.gov or call (Continued on subsequent pages)

Please return lower portion with your payment...retain upper portion for your records.
Please do not attach payment to the stub.



200 EAST BROADWAY
PO BOX 230
STEELE, ND 58482
1.888.475.2361

Check for Address Change

09/01/2023 000000

BISMARCK PARKS & REC
ACCOUNT NO: 1205800
Telephone No.: (701)223-7016

Payment Due	Total Due
Invoiced	\$304.02
Enter Amount Paid	
Credit Card	

9049 1 SP 0.660
BISMARCK PARKS & REC
MCDOWELL DAM
400 EAST FRONT
BISMARCK ND 58504

5 9049
C-33

BEK COMMUNICATIONS COOPERATIVE
200 EAST BROADWAY
PO BOX 230
STEELE ND 58482-0230





200 EAST BROADWAY
PO BOX 230
STEELE, ND 58482
1.888.475.2361

BISMARCK PARKS & REC
ACCOUNT NO: 1205800
Telephone No.: (701)223-7016
BILL DATE: 09/01/2023
Page: 3 of 8

MONTHLY USAGE FOR Telephone No.: (701)223-7016
Service Address: 1951 93 ST NE BISMARCK, ND

Description	Date	Quantity	Amount
SUMMARY FOR: McDowell Dam			
Previous Balance Due			.00
BUSINESS LINE METERED	09/01-09/30		32.00
BUSINESS LINE			
CALLER ID			
BUSINESS LINE METERED SUBTOTAL			32.00
MANDATED FEES			
E911 FEE-BURLEIGH CO	09/01-09/30	1 @	2.00
TELECOMMUNICATIONS RELAY SERVICE FUND		1 @	.03
MANDATED FEES SUBTOTAL			2.03
SUB-TOTAL			34.03
CURRENT BILLING AMOUNT			34.03

The carrier you have chosen for your long distance (IntraLATA) calls is BEK LD.
The carrier you have chosen for your long distance (IntraLATA) calls is BEK LD.



200 EAST BROADWAY
PO BOX 230
STEELE, ND 58482
1.888.475.2361

BISMARCK PARKS & REC
ACCOUNT NO: 1205800
Telephone No.: (701)223-7016
BILL DATE: 09/01/2023
Page: 4 of 8

MONTHLY USAGE FOR Telephone No.: (701)255-7385
Service Address: 1951 93 ST NE STR 1 BISMARCK, ND

Description	Date	Quantity	Amount
SUMMARY FOR: McDowell Dam-Concession/Shop			
Previous Balance Due			.00
BUSINESS LINE METERED	09/01-09/30		32.00
BUSINESS LINE			
CALLER ID			
BUSINESS LINE METERED SUBTOTAL			32.00
TELEPHONE SERVICES			
ON PREMISE EXTENSION - PHONE ONLY	09/01-09/30	1 @	2.00
FEDERAL TAX			.06
TELEPHONE SERVICES SUBTOTAL			2.06
MANDATED FEES			
E911 FEE-BURLEIGH CO	09/01-09/30	1 @	2.00
TELECOMMUNICATIONS RELAY SERVICE FUND		1 @	.03
MANDATED FEES SUBTOTAL			2.03
SUB-TOTAL			36.09
CURRENT BILLING AMOUNT			36.09

The carrier you have chosen for your long distance (IntraLATA) calls is BEK LD.
The carrier you have chosen for your long distance (IntraLATA) calls is BEK LD.





200 EAST BROADWAY
PO BOX 230
STEELE, ND 58482
1.888.475.2361

BISMARCK PARKS & REC
ACCOUNT NO: 1205800
Telephone No.: (701)223-7016
BILL DATE: 09/01/2023
Page: 7 of 8



200 EAST BROADWAY
PO BOX 230
STEELE, ND 58482
1.888.475.2361

BISMARCK PARKS & REC
ACCOUNT NO: 1205800
Telephone No.: (701)223-7016
BILL DATE: 09/01/2023
Page: 8 of 8

MONTHLY USAGE FOR INTERNET: 701-161-2230
Service Address: 1951 93 ST NE STR 2 BISMARCK, ND

Description	Date	Quantity	Amount
Previous Balance Due			.00
MISCELLANEOUS SERVICES			
36 MONTH AGREEMENT	09/01-09/30		
YOUR 36 MONTH AGREEMENT EXPIRES ON 04/05/24			
MULTI-LOCATION SERVICES		1 @ 15.00	15.00
MULTI-LOCATION SERVICES - 1/2G LIGHTBAND			
FEDERAL TAX			.45
MISCELLANEOUS SERVICES SUBTOTAL			15.45
SUB-TOTAL			15.45
CURRENT BILLING AMOUNT			15.45

Credit Card Payment -- Do Not Pay

MONTHLY USAGE FOR INTERNET: 701-161-2431
Service Address: 1951 93 ST NE STR 1 BISMARCK, ND

Description	Date	Quantity	Amount
Previous Balance Due			.00
MISCELLANEOUS SERVICES			
36 MONTH AGREEMENT	09/01-09/30		
YOUR 36 MONTH AGREEMENT EXPIRES ON 04/05/24			
MULTI-LOCATION SERVICES		1 @ 15.00	15.00
MULTI-LOCATION SERVICES - 1/2G LIGHTBAND			
MULTI-LOCATION SERVICES - PHONE			
FEDERAL TAX			.45
MISCELLANEOUS SERVICES SUBTOTAL			15.45
SUB-TOTAL			15.45
CURRENT BILLING AMOUNT			15.45

Credit Card Payment -- Do Not Pay





13 VERTICALS
1500 MEDICAL CENTER MURFREESBORO, TN 37129

YOUR CARD PROCESSING STATEMENT

005578/000001/1347503/STMT/5578/0000/040537 000 01 000000
KATHY FEIST
BISMARCK P&R MCDOWELL DAM
400 E FRONT AVE
BISMARCK ND 58504-5641

Page 1 of 11	THIS IS NOT A BILL
Statement Period	08/01/23 - 08/31/23
Merchant Number	5166 1880 0107880
Customer Service	1-855-786-5871

SUMMARY		An overview of account activity for the statement period.	
Page 6	Amounts Submitted		\$1,100.00
Page 6	Third Party Transactions		0.00
Page 6	Adjustments/Chargebacks		-\$290.00
Page 6	Fees Charged		-\$57.92
Total Amount Funded to Your Bank			\$752.08

See page 2 for Key Definition of Terms

(Amount Submitted - Third Party) + Adjustments + Chargebacks + Fees Charged = Amount Funded

IMPORTANT INFORMATION ABOUT YOUR ACCOUNT

!ATTENTION!

EFFECTIVE OCTOBER 2023, VISA WILL ASSESS A 0.0075% FEE ON ALL CARD-NOT-PRESENT SETTLED TRANSACTIONS, WITH A MINIMUM OF \$0.0075 PER TRANSACTION. EFFECTIVE OCTOBER 2023, MASTERCARD WILL ASSESS A 0.0075% FEE FOR PRE-AUTHORIZATIONS ON CARD-PRESENT TRANSACTIONS, AND A 0.0125% FEE FOR PRE-AUTHORIZATIONS ON CARD-NOT-PRESENT TRANSACTIONS, WITH A MINIMUM \$0.01 CHARGE FOR EACH FEE. EFFECTIVE OCTOBER 2023, MASTERCARD WILL ASSESS A \$0.02 TRANSACTION FEE TO ELIGIBLE TRANSACTIONS WHEN AN ISSUER DECLINES THE TRANSACTION FOR INSUFFICIENT FUNDS AND MASTERCARD HAS TO GENERATE A NEW MERCHANT ADVICE CODE (MAC). EFFECTIVE NOVEMBER 1, 2023, INTERLINK WILL ASSESS A

Bliss Law Firm, LLC
 400 East Broadway, Suite 308
 Bismarck, ND 58501

Burleigh County Water Resource District
 PO Box 1255
 Bismarck, ND 58502-1255

October 9, 2023

Invoice #459

Professional Services

	<u>Hrs/Rate</u>	<u>Amount</u>
9/18/2023 (910J) Telephone call from Mike Gunsch with regard to Sibley Island protocols.	0.30 293.00/hr	87.90
(904) Telephone call from Mike Gunsch with regard to Kolbo easement matters.	0.40 293.00/hr	117.20
9/27/2023 (910B) Conference with Mike Gunsch with regard to Hogue Island assessment district matters.	0.40 293.00/hr	117.20
9/28/2023 (910B) Discussion with Board, Houston Engineering with regard to bud submission sequences and protocols in regard to the same.	0.50 293.00/hr	146.50
9/29/2023 (910B) Legal research with regard to contract bids by political subdivisions and appropriate procedures therefore; follow-up conference call with Travis Johnson and Mike Gunsch with regard to potential discrepancies to shorten billing dates to October 18th from October 24th; receipt and review of confirmation of changes from the Tribune; follow-up email to Water Board managers with regard to the same; follow-up telephone calls to Randy, Dennis, and James with regard to the status of bid procedures.	2.40 293.00/hr	703.20
(910B) Preconference call with Travis Johnson and Mike Gunsch with regard to bids and bidding process.	0.50 293.00/hr	146.50
(910B) Attend Teams conference call with regard to the Hogue Island assessment district.	0.50 293.00/hr	146.50
For professional services rendered	<hr/> 5.00	<hr/> \$1,465.00

Additional Charges :

	<u>Amount</u>
10/9/2023 (312) Copying costs.	43.75
Total additional charges	<u>\$43.75</u>
Total amount of this bill	<u>\$1,508.75</u>
Previous balance	\$7,567.73
Balance due	<u><u>\$9,076.48</u></u>

Payment in full must be made within 30 days of the date of this bill. Past due amounts will incur an additional 1.5% monthly fee.



Fronteer Professional Services Inc
 1838 E Interstate Ave Ste B
 Bismarck, ND 58503

Date: September 30, 2023
 Invoice #: 0000003489
 Terms: Net

Burleigh Co. Water Resource District
 Bismarck, ND

Total Due: \$52.00

Detach And Return With Payment

Fronteer Professional Services Inc 1838 E Interstate Ave Ste B, Bismarck, ND 58503

Description	Amount	Total
September 2023 Presort Charges	\$52.00	\$52.00
	Total:	\$52.00

Thank you for your business!



Fronteer Professional Services Inc
 1838 E Interstate Ave Ste B
 Bismarck, ND 58503

Date: October 31, 2023
 Invoice #: 0000003501
 Terms: Net

Burleigh Co. Water Resource District
 Bismarck, ND

Total Due: \$2,165.00

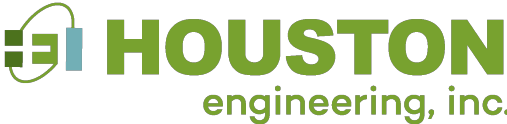
Detach And Return With Payment

Fronteer Professional Services Inc 1838 E Interstate Ave Ste B, Bismarck, ND 58503

Description	Amount	Total
Monthly Administrative Work - Per Agreement	\$2,110.00	\$2,110.00
Terminal Server Fees	\$55.00	\$55.00
Total:		\$2,165.00

Thank you for your business!

INVOICE



Remit to:

1401 21st Ave N, Fargo, ND 58102

Phone: 701.237.5065

Fed Tax ID: 45-0314557

Interest of 1%/month applied to past due invoices

Burleigh County Water Resource District

PO Box 1255
Bismarck, ND 58502-1255

Invoice Number: 67856

Date: October 31, 2023

Project Number: R006025-0032

HOGUE ISLAND BANK STABILIZATION – MR 1321.89 TO MR 1322.22

For Professional Services Rendered Through: October 28, 2023

Invoice per the PSR Provided

002 - Preliminary Design and Engineering Report

Professional Services

	Hours	Rate	Amount
Engineer 10	.50	215.00	\$107.50
Engineer 12	18.25	235.00	\$4,288.75
	18.75		\$4,396.25

002 - Preliminary Design and Engineering Report Total: \$4,396.25

003 - Regulatory Permitting and Coordination

Professional Services

	Hours	Rate	Amount
Engineer 12	1.75	235.00	\$411.25
Engineer 8	3.75	196.00	\$735.00
	5.50		\$1,146.25

003 - Regulatory Permitting and Coordination Total: \$1,146.25

004 - Bidding Services

Professional Services

	Hours	Rate	Amount
Engineer 10	37.00	215.00	\$7,955.00
Project Assistant 2	1.75	91.00	\$159.25
	38.75		\$8,114.25

004 - Bidding Services Total: \$8,114.25

005 - Construction Management Services

Professional Services

	Hours	Rate	Amount
Engineer 10	8.00	215.00	\$1,720.00
	8.00		\$1,720.00

005 - Construction Management Services Total: \$1,720.00

Invoice Total \$15,376.75

Outstanding Invoices

Invoice Number	Invoice Date	0 - 30	31 - 60	61-90	Over 90	Balance
Total Prior Billing						

HEI Project No.: 6025-0032: Missouri River Mile 1321.89 through 1322.22
BCWRD Account No. 937H
Project Name: Hogue Island Stabilization Special Assessment District

Billing Period: *September 3, 2023 through October 28, 2023*

Professional engineering and surveying services related to Missouri River Bank Stabilization associated with the creation of the Special Assessment District by the BCWRD to protect those residential properties identified in the Preliminary Engineering Report. *This invoice is specific to the 2023 bank line erosion on the south end of Hogue Island associated only with the Residentials Stabilization Measures.*

Tasks Completed:

- Coordination with Landowners, BCWRD/NDDWR, and interested parties to conduct bidding for bank stabilization project.
- Completing and secured the floodplain development permit.
- Conducted bid services for project advertisement and bidding.
- Conducted bid opening and review where irregularities were discovered in the bid. Held meetings to discuss results and elected to rebid the project.
- Redrafted the advertisement, made edits to project manual, resealed project documents and re-advertised project for bid.
- Conducted second bidding process and responded to planholder questions.
- Conducted second bid opening process, drafted recommendation letter and issued Notice of Award.
- Project received USACE, Section 408 was avoided, and NDWRD approvals.
- Sent Notice of Award and contract documents to Contractor and discussed completion of contract documents and project startup.

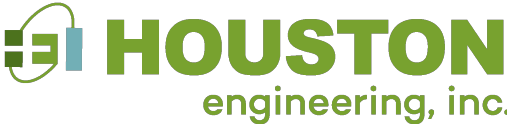
Comments and Issues

- The cost to install these features will be charged to the landowners based on actual work completed on their properties.
- The BCWRD has received the final permits and a favorable ballot approval. The Special Assessment District is approved so all project features will be constructed.
- Bid opening and award occurred in October with construction to be substantially completed in November with final cleanup in the spring of 2024.
- First bid opening received one bid which was unacceptable due to being in excess of the amount which can be awarded by special assessment district (too high above estimate) as well as irregularities in the bid documents which invalidated the bid. A second advertisement and opening were completed, and an acceptable bid was received.

See accompanying invoice for personnel cost breakdown.

Phase (002) Preliminary Design and Engineering Report	\$ 4,396.25
Phase (003) Regulatory Permitting and Coordination	\$ 1,146.25
Phase (004) Bidding Services	\$ 8,114.25
Phase (005) Construction Management Services	\$ 1,720.00
Total Invoice	\$ 15,376.75

INVOICE



Remit to:

1401 21st Ave N, Fargo, ND 58102
 Phone: 701.237.5065
 Fed Tax ID: 45-0314557

Interest of 1%/month applied to past due invoices

Burleigh County Water Resource District

PO Box 1255
 Bismarck, ND 58502-1255

Invoice Number: 67857
 Date: October 31, 2023
 Project Number: R146025-0021

Missouri River Bank Stabilization Issues

For Professional Services Rendered Through: October 28, 2023

BCWRD Account No.: 937I-1

See attached Project Status Report and Invoice Description.

006 - Hogue Island Stabilization

Professional Services

	Hours	Rate	Amount
Engineer 12	14.25	235.00	\$3,348.75
Engineer 8	1.00	196.00	\$196.00
Project Assistant 2	.25	91.00	\$22.75
	15.50		\$3,567.50

Reimbursable Expenses

	Units	Rate	Amount
General Expense	1.0000	881.980	\$881.98
			\$881.98

006 - Hogue Island Stabilization Total: \$4,449.48

Invoice Total \$4,449.48

Outstanding Invoices

Invoice Number	Invoice Date	0 - 30	31 - 60	61-90	Over 90	Balance
Total Prior Billing						

HEI Project No.: 6025-0021-006: Missouri River Bank Stabilization
BCWRD Account No. 937I-1
Project Name: Phase 006 – Hogue Island Stabilization

Billing Period: September 2, 2023 through October 28, 2023

Professional engineering and surveying services related to Missouri River Bank Stabilization O&< Agreement between the BCWRD and the SWC, associated with the Section 32 revetments. This invoice is specific to the 2023 bank line erosion on the south end of Hogue Island and design of the Section 32 revetment restoration/rehabilitation project.

Tasks Completed:

Bank Stabilization Design and Regulatory

- Continued coordination with the BCWRD, NDDWR and USACE related to the restoration and rehabilitation project.
- Completing floodway review and approval, including floodplain development permit.
- Conducted bid services for project advertisement and bidding.
- Conducted bid opening and review where irregularities were discovered in the bid. Held meetings to discuss results and the Board elected to rebid the project.
- Redrafted the advertisement for completion date revisions, made edits to project manual, resealed project documents and re-advertised project for bid.
- Conducted second bidding process and responded to plan holder questions.
- Conducted second bid opening process, drafted recommendation letter and issued Notice of Award.
- The State Sovereign Lands permits were approved.
- Project received USACE permit approval to proceed. Disseminated approval information and informed the Board of the status of the regulatory approval.
- Sent Notice of Award and contract documents to Contractor and discussed completion of contract documents and project startup.

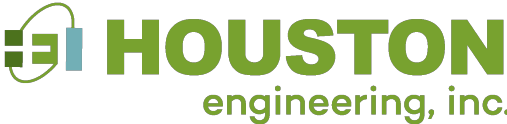
Comments and Issues

- The BCWRD has created a special assessment district to assist the landowners in implementing and paying for the private stabilization efforts. These design features are completed separately and will be charged to the landowners based on work completed on their properties. All features are included on a single plan set with cost distributions noted with the bidding and construction process. The residential systems are described as an alternate on the plan set for bidding purposes.
- River bathymetry and topographic surveys were updated, however there were no material changes identified that conflicted with the current design.
- The BCWRD has received the final permits and a favorable ballot approval. The Special Assessment District is approved so all that project features will be constructed.
- Bid opening and award occurred in October with construction to be substantially completed in November with final cleanup in the spring of 2024.
- First bid opening received one bid which was unacceptable due to being in excess of the amount which can be awarded by special assessment district (too high above estimate) as well as irregularities in the bid documents which invalidated the bid. A second advertisement and opening were completed, and an acceptable bid was received.

See accompanying invoice for personnel cost breakdown.

Bismarck Tribune Advertisement	\$ 881.98
Phase (006) Hogue Island Stabilization 32	\$ 3,567.50
Total Invoice	\$ 4,449.48

INVOICE



Remit to:

1401 21st Ave N, Fargo, ND 58102

Phone: 701.237.5065

Fed Tax ID: 45-0314557

Interest of 1%/month applied to past due invoices

Burleigh County Water Resource District

PO Box 1255
Bismarck, ND 58502-1255

Invoice Number: 67858
Date: October 31, 2023
Project Number: R084241-0000

BCWRD - General Engineering Services

For Professional Services Rendered Through: October 28, 2023

Email Invoices: BCWRD@midco.net & dwrburleighwrd@gmail.com

BCWRD Project No.: 315 - Engineering Administration

See attached Project Status Report and Invoice Description.

Fee Services

000 - Burleigh Co. WRD - General

Burleigh Co. WRD - General Lump Sum Total: \$1,000.00

007 - General Services - Hourly

Professional Services

	Hours	Rate	Amount
Engineer 10	.50	215.00	\$107.50
Engineer 12	2.75	235.00	\$646.25
	3.25		\$753.75

007 - General Services - Hourly Total: \$753.75

Invoice Total \$1,753.75

Outstanding Invoices

Invoice Number	Invoice Date	0 - 30	31 - 60	61-90	Over 90	Balance
Total Prior Billing						

HEI Project No.: 4241-0000: BCWRD General Services
BCWRD Account No. 315 – Engineering Administration
Project Name: General Engineering Services

Billing Period: *October 1, 2023 through October 28, 2023*

Professional engineering administrative services related to routine monthly activities and issues addressed at the request and direction of the BCWRD during this billing period, including time associated with, but not limited to the following:

- **October Board Meeting**
- Meeting preparation and discussion, rescheduling
- Review minutes and provide agenda updates
- Various BCWRD issues, contacts, and calls
- Hourly time as noted below.

Comments:

- This invoice is for Board meeting related time along with limited small contact and coordination items that are not project related. In accordance with Board direction, all costs associated with drainage complaints, stormwater plan review, and other project related activities are invoiced to assigned project numbers.
- The hourly services for this month were related in part to the Summit Hills Subdivision SWMP, which may become an issue before the board in the months ahead. A landowner presented a verbal complaint or concerns to the board, which were taken under advisement. In addition, we needed to resend the three special assessment district letters and certification to the County Auditor for the 2023 tax statements. Also contacts related to the fall O&M project inspections, which given weather are unlikely to be completed.

General Services	\$ 1,000.00
Hourly Services	\$ 753.75
Total	\$ 1,753.75

INVOICE



Remit to:

1401 21st Ave N, Fargo, ND 58102
 Phone: 701.237.5065
 Fed Tax ID: 45-0314557

Interest of 1%/month applied to past due invoices

Burleigh County Water Resource District

PO Box 1255
 Bismarck, ND 58502-1255

Invoice Number: 67859
 Date: October 31, 2023
 Project Number: R001032-0200

Apple-McDowell Water Supply Diversion

For Professional Services Rendered Through: October 28, 2023

BCWRD Account No.: 905 - Capital Improvements

See attached Project Status Report and Invoice Description.

003 - Preliminary Design

Professional Services

	Hours	Rate	Amount
Engineer 10	3.00	215.00	\$645.00
Technician 7	6.75	156.00	\$1,053.00
	9.75		\$1,698.00

003 - Preliminary Design Total: \$1,698.00

004 - Easement Acquisition

Professional Services

	Hours	Rate	Amount
Engineer 10	24.50	215.00	\$5,267.50
Engineer 12	2.75	235.00	\$646.25
Project Assistant 2	1.75	91.00	\$159.25
	29.00		\$6,073.00

004 - Easement Acquisition Total: \$6,073.00

Invoice Total \$7,771.00

Outstanding Invoices

Invoice Number	Invoice Date	0 - 30	31 - 60	61-90	Over 90	Balance
Total Prior Billing						

HEI Project No.: 1032-0200
BCWRD Account No. 905
Project Name: Apple-McDowell Water Supply Diversion

Billing Period: *October 1, 2023 through October 28, 2023*

Professional engineering and surveying services related to Preliminary Design and Easement Acquisition for the Apple-McDowell Water Supply Diversion Project including, but not limited to the following:

- Updating the plan sheets with a shift in alignment on the Knutson property and new routing through Kolbo property.
- Additional meetings and negotiations with Kolbo to discuss easement located within the future county right of way alignment and attempt to secure easement.
- Contacted new landowner who just purchased property along the alignment to explain the project intent and scope and discuss the desire to acquire easement for the pipeline. Sent information on the project for new landowner to review.
- Updated the Board on pipe alignment and status and progress with landowner contacts and easement acquisition.
- Follow up with two landowners and left numerous messages regarding easement acquisition.

Comments:

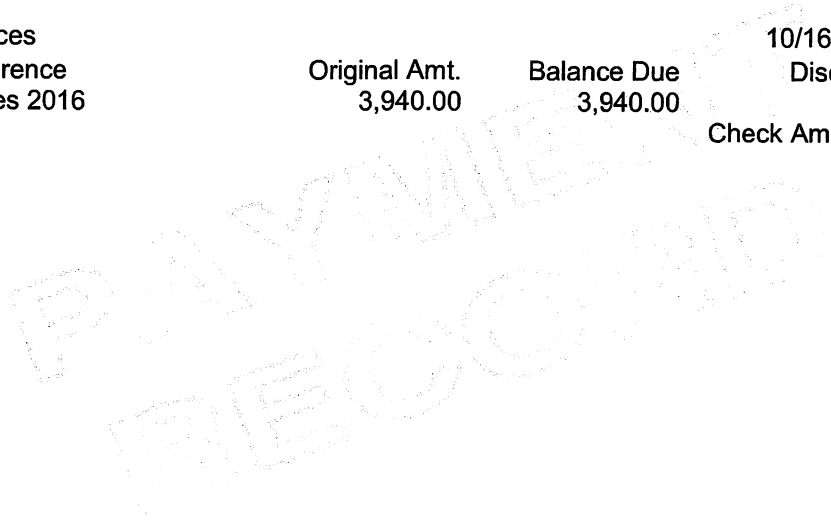
- BCWRD has elected to hold off on submitting a OHF grant application until easements are secured, or agreements are in hand for easements.
- Zeller easement has been signed – payment has been made and document recorded, other easements pending
- Kolbo’s refusal to sign easement has raised the question regarding action to acquire.
- The new landowner who purchased Bernice Steinke property required additional investigation to determine ownership and track down contact information. Easement negotiations have started over with new landowner.

See accompanying invoice and cost summary for personnel cost breakdown.

Phase (003) Preliminary Design	\$ 1,698.00
Phase (004) Easement Acquisition	\$ 6,073.00
Total Invoice:	\$ 7,771.00

Starion Bond Services

Date	Type	Reference	Original Amt.	Balance Due	10/16/2023 Discount	Payment
10/13/2023	Bill	Series 2016	3,940.00	3,940.00		3,940.00
					Check Amount	3,940.00



General Funds

3,940.00

Starion Bond Services

C/O Starion Bank
333 N. 4th Street
Bismarck, ND 58501
bonds@starionbank.com

Payment Address:
Starion Bond Services
333 N. 4th Street
PO Box 777
Bismarck, ND 58501

STATEMENT

BURLEIGH CTY WTR RES DIST
PO BOX 1255
BISMARCK ND 58502

OCTOBER 13, 2023
BURLEIGHWTRREF2016

RE: BURLEIGH COUNTY WATER RESOURCE DISTRICT
NORTH DAKOTA
\$360,000 REFUNDING IMPROVEMENT BONDS,
SERIES 2016

Interest Due	3,450.00
Principal Due	0.00
Fees and Expenses*	490.00
Total Due	3,940.00

**DUE DATE: 15 calendar days prior to 11/01/2023.
Please send payment via check or wire.**

Checks can be mailed to the following address:
Make checks payable to Starion Bond Services

Starion Bond Services
333 N. 4th Street
PO Box 777
Bismarck, ND 58501

Wires can be sent via the following instructions.
Please send wires by 10am CST.

Starion Bank
ABA Number 091310767
for further credit to Starion Bond Services
Account Number 10199877

Payment of these funds were authorized in the proceedings authorized and issuing the above bonds.
*INCLUDED ON THE NEXT PAGE IS A DETAIL OF THE FEES & EXPENSES LISTED ABOVE.
If you have any questions, please email bonds@starionbank.com.

Thank you!
Starion Bond Services
Operations Team