



North Dakota Department of Transportation

Thomas K. Sorel
Director

Doug Burgum
Governor

November 13, 2017

ADDENDUM 2 – JOB 47

TO: All prospective bidders on project TAU-8-984(154)157, Job No. 47 scheduled for the November 17, 2017 bid opening.

The following request for proposal revision shall be made:

Plan Revisions:

See attached summary from Eric Laidley PE, SRF Consulting Group, Inc. dated November 13, 2017 for an explanation.

Request for Proposal Revisions:

**Remove and replace SP 5182(14) PERMITS AND ENVIRONMENTAL
CONSIDERATIONS with the revised, dated 11/13/17.**

This addendum is to be incorporated into the bidder's proposal for this project.


PHILLIP MURDOFF – CONSTRUCTION SERVICES ENGINEER

80:dch

Enclosure



ENGINEERS
PLANNERS
DESIGNERS

SRF No. 9428

November 13, 2017

ADDENDUM 2 – JOB 47

TO: All prospective bidders on project TAU-8-984(154)157, Job No. 47 scheduled for the November 17, 2017 bid opening.

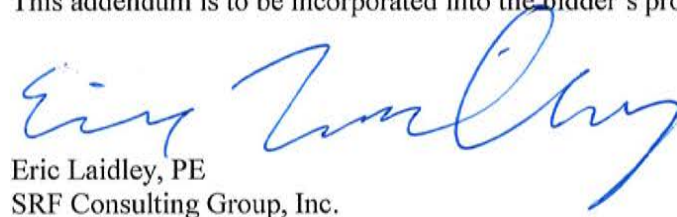
Addendum 2 is to address: Replacing SP 5182(14) Permits and Environmental Considerations due to receiving approved Sovereign Lands permit.

The following plan and proposal revisions shall be made:

Proposal Revisions:

Remove and replace SP 5182(14) Permits and Environmental Considerations with the enclosed SP 5182(14) revised 11/13/17.

This addendum is to be incorporated into the bidder's proposal for this project.

A handwritten signature in blue ink, appearing to read "Eric Laidley", is written over the typed name and title.

Eric Laidley, PE
SRF Consulting Group, Inc.

www.srfconsulting.com

Case Plaza, One North Second Street, Suite 226 | Fargo, ND 58102-4801 | 701.237.0010 Fax: 701.237.0017

An Equal Opportunity Employer

NORTH DAKOTA DEPARTMENT OF TRANSPORTATION

SPECIAL PROVISION

PERMITS AND ENVIRONMENTAL CONSIDERATIONS

PROJECT NUMBER: TAU-8-984(154)157 – PCN 21690

This Special Provision incorporates the Section 404, Sovereign Lands, Floodway Review, City of Fargo Floodway Development, City of Moorhead Floodway Development, City of Moorhead Conditional Use, Minnesota DNR Public Waters, and Buffalo/Red River Watershed District Permits into the project.

The Contractor shall be responsible for complying with all the terms and conditions as contained in the permit(s) attached hereto. Bidders shall become familiar with all standard conditions and special conditions of the permit(s) and submit their bid for the construction of this project based on the following:

- **Section 404 Permit**
The Section 404 Permit number NWO-2009-300-BIS authorizes fill within USACE jurisdictional waters. This 404 permit authorizes 0.00 acre of temporary and 0.03 acre of permanent jurisdictional wetland impacts. Temporary impacts were assumed by the designer and will be restored to preconstruction contours. See the Section 75 sheets of the design plans for the permitted impact areas. The Section 404 Permit is attached.
- **Sovereign Lands Permit**
- **Floodway Review Permit**
- **City of Fargo Floodplain Development Permit**
- **City of Moorhead Floodplain Development Permit**
- **City of Moorhead Conditional Use Permit**
- **Minnesota DNR Public Waters Permit**
- **Buffalo/Red River Watershed District Permit**

The contractor shall be responsible for obtaining permits for impacts not authorized by the attached Permit obtained by the NDDOT.

Renschler, Jason J CIV USARMY CENWO (US)

Subject: FW: [EXTERNAL] RE: Oak Grove Pedestrian Bridge - Red River. #2009-300.
(UNCLASSIFIED)
Attachments: NDDoH C&EDR.pdf

From: Wax, Peter N. [mailto:pwax@nd.gov]
Sent: Friday, October 20, 2017 8:29 AM
To: Renschler, Jason J CIV USARMY CENWO (US) <Jason.J.Renschler@usace.army.mil>
Subject: [EXTERNAL] RE: Oak Grove Pedestrian Bridge - Red River. #2009-300. (UNCLASSIFIED)

Section §401 Clean Water Certification approved for Application No: 2009-300 [Oak Grove Pedestrian & Bicycle Bridge - Red River]

Dear Mr. Renschler:

The department approves 401 Certification for the approve application provided:

- 1) Clean rip-rap free of wood or rubbish that is sized and shaped appropriately for the energy of the river, and
- 2) The Environmental Disturbance Requirements (attached) are followed.

Should you have any questions, I may be reached at 701.328.5268.

Sincerely,



Construction and Environmental Disturbance Requirements

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

Soils

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

Surface Waters

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

Fill Material

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

COMPLIANCE CERTIFICATION

Permit File Name: SRF Consulting / City of Fargo. Oak Grove / Memorial Park
Pedestrian Lift Bridge. Red River of the North.

Action ID: NWO-2009-300-BIS.

Nationwide Permit Number: #23

Permittee: City of Fargo – Engineering Dept.
Attn: Jeremy Gorden
200 North Third Street
Fargo, North Dakota 58102

County: Cass

Date of Verification: October 20, 2017

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
1513 South 12th Street
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.



DEPARTMENT OF THE ARMY
CORPS OF ENGINEERS, OMAHA DISTRICT
NORTH DAKOTA REGULATORY OFFICE
3319 UNIVERSITY DRIVE
BISMARCK ND 58504

October 20, 2017

NWO-2009-300-BIS

SRF Consulting Group, Inc.
Attn: Jonathan Morgenroth
One North Second Street
Fargo, North Dakota 58102

Dear Mr. Morgenroth:

We have reviewed your request for Department of the Army (DA) authorization, on behalf of the City of Fargo, for the removal of the existing and construction of a new Oak Grove / Memorial Garden Pedestrian and Bicycle Lift Bridge over the Red River of the North. The project includes placement of approximately 96 cubic yards of fill material and 191 cubic yards of rock riprap associated with the new bridge abutments. The project is located in the SW¼ of Section 5, Township 139 North, Range 48 West, Cass County, North Dakota.

Based on the information provided to this office, it has been determined that this project and associated work is authorized by Department of the Army Nationwide Permit No. 23 found in the January 6, 2017 Federal Register (82 FR 1860), Reissuance of Nationwide Permits. Enclosed is a fact sheet that fully describes the Nationwide Permit and lists the General, Regional and a copy of the individual Water Quality Certification that must be adhered to for this authorization to remain valid.

This determination is applicable only to the permit program administered by the US Army Corps of Engineers. It does not eliminate the need to obtain other applicable Federal, State, Tribal and local permits as required. Please note that deviations from the original plans and specifications of the project could require additional authorization from this office. Within 30 days after completion of the authorized work, you must sign the enclosed Compliance Certification and return it to this office.

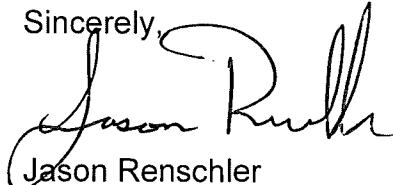
The City of Fargo is responsible for all work accomplished in accordance with the terms and conditions of this nationwide permit. If a contractor or other authorized representative will be accomplishing the work authorized by this nationwide permit, it is recommended that they be provided a copy of this letter and the attached conditions so that they are aware of the limitations of the nationwide permit. Failure to comply with all the terms and conditions of this authorization may result in an enforcement action.

This verification will be valid until **March 18, 2022**. If the nationwide permit is modified, suspended, or revoked prior to this date, but is reissued without modification or the activity complies with any subsequent modification, this authorization remains valid until the expiration date. All of the existing nationwide permits are scheduled to be modified, reissued, or revoked prior to March 18, 2022. It is incumbent upon you to remain informed of changes to the nationwide permits. We will issue a public notice when the nationwide permits are reissued. Furthermore, if you commence or are under contract to commence this activity before the date that the relevant nationwide permit is modified or revoked, you will have twelve (12) months from the date of the modification or revocation to complete the activity under the present terms and conditions.

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 out Customer Service Survey found on our website at http://corpsmapu.usace.army.mil/cm_apex/f?p=regulatory_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.

If you have any questions concerning this determination, please contact Mr. Jason Renschler of this office by letter or telephone at (701) 255-0015 ext. 2010 and reference project identification number **NWO-2009-300-BIS**.

Sincerely,

A handwritten signature in black ink, appearing to read "Jason Renschler", written over a horizontal line.

Jason Renschler
Regulatory Project Manager
North Dakota

Enclosures

- compliance certification
- Fact Sheet #23
- copy of 401 WQC

**FACT SHEET
NATIONWIDE PERMIT 23
(2017)**

APPROVED CATEGORICAL EXCLUSIONS

Activities undertaken, assisted, authorized, regulated, funded, or financed, in whole or in part, by another Federal agency or department where:

(a) That agency or department has determined, pursuant to the Council on Environmental Quality's implementing regulations for the National Environmental Policy Act (40 CFR part 1500 et seq.), that the activity is categorically excluded from the requirement to prepare an environmental impact statement or environmental assessment analysis, because it is included within a category of actions which neither individually nor cumulatively have a significant effect on the human environment; and

(b) The Office of the Chief of Engineers (Attn: CECW-CO) has concurred with that agency's or department's determination that the activity is categorically excluded and approved the activity for authorization under NWP 23.

The Office of the Chief of Engineers may require additional conditions, including pre-construction notification, for authorization of an agency's categorical exclusions under this NWP.

Notification: Certain categorical exclusions approved for authorization under this NWP require the permittee to submit a pre-construction notification to the district engineer prior to commencing the activity (see general condition 32). The activities that require pre-construction notification are listed in the appropriate Regulatory Guidance Letters. (Sections 10 and 404)

Note: The agency or department may submit an application for an activity believed to be categorically excluded to the Office of the Chief of Engineers (Attn: CECW-CO).

Prior to approval for authorization under this NWP of any agency's activity, the Office of the Chief of Engineers will solicit public comment. As of the date of issuance of this NWP, agencies with approved categorical exclusions are: the Bureau of Reclamation, Federal Highway Administration, and U.S. Coast Guard. Activities approved for authorization under this NWP as of the date of this notice are found in Corps Regulatory Guidance Letter 05-07, which is available at: <http://www.usace.army.mil/Portals/2/docs/civilworks/RGLS/rgl05-07.pdf>. Any future approved categorical exclusions will be announced in Regulatory Guidance Letters and posted on this same Web site.

Nationwide Permit General Conditions

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

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

14. Proper Maintenance.

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

15. Single and Complete Project.

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

16. Wild and Scenic Rivers.

(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. The permittee 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 NWP activity may cause more than minimal adverse effects on tribal rights (including treaty rights), protected tribal resources, or tribal lands.

18. Endangered Species.

- (a) No activity is authorized under any NWP which is likely to directly or indirectly jeopardize the continued existence of a threatened or endangered species or a species proposed for such designation, as identified under the Federal Endangered Species Act (ESA), or which will directly or indirectly destroy or adversely modify the critical habitat of such species. No activity is authorized under any NWP which "may affect" a listed species or critical habitat, unless ESA section 7 consultation addressing the effects of the proposed activity has been completed. Direct effects are the immediate effects on listed species and critical habitat caused by the NWP activity. Indirect effects are those effects on listed species and critical habitat that are caused by the NWP activity and are later in time, but still are reasonably certain to occur.
- (b) Federal agencies should follow their own procedures for complying with the requirements of the ESA. 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 designated critical habitat might be affected or is in the vicinity of the activity, or if the activity is located in designated critical habitat, and shall not begin work on the activity until notified by the district engineer that the requirements of the ESA have been satisfied and that the activity is authorized. For activities that might affect Federally-listed endangered or threatened species or designated critical habitat, the pre-construction notification must include the name(s) of the endangered or threatened species that might be affected by the proposed activity or that utilize the designated critical habitat 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. In cases where the non- Federal applicant has identified listed species or critical habitat that might be affected or is in the vicinity of the 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 critical habitat, or until ESA section 7 consultation has been completed. If the non-Federal applicant has not heard back from the Corps within 45 days, the applicant must still wait for notification from the Corps.
- (d) As a result of formal or informal consultation with the FWS or NMFS the district engineer may add species- specific permit conditions to the NWPs.
- (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 their action complies with the Migratory Bird Treaty Act and the Bald and Golden Eagle Protection Act. The permittee is responsible for contacting appropriate local office of the U.S. Fish and Wildlife Service to determine applicable measures to reduce impacts 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) In cases where the district engineer determines that the activity may have the potential to cause effects to properties listed, or eligible for listing, in the National Register of Historic Places, the activity is not authorized, until the requirements of Section 106 of the National Historic Preservation Act (NHPA) have been satisfied.

(b) Federal permittees should follow their own procedures for complying with the requirements of section 106 of the National Historic Preservation Act. 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, which may include background research, consultation, oral history interviews, sample field investigation, and 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. Where the non-Federal applicant has identified historic properties on which the activity might have the potential to cause effects and so notified the Corps, the non-Federal applicant shall not begin the activity until notified by the district engineer either that the activity has no potential to cause effects to historic properties or that NHPA section 106 consultation has been completed.

(d) 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.

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

22. Designated Critical Resource Waters.

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

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

(b) For NWPs 3, 8, 10, 13, 15, 18, 19, 22, 23, 25, 27, 28, 30, 33, 34, 36, 37, 38, and 54, notification is required in accordance with general condition 32, for any activity proposed in the designated critical resource waters including wetlands adjacent to those waters. The district engineer may authorize activities under these NWPs only after it is determined that the impacts to the critical resource waters will be no more than minimal.

23. Mitigation.

The district engineer will consider the following factors when determining appropriate and practicable mitigation necessary to ensure that 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) For losses of streams or other open waters that require pre-construction notification, the district engineer may require compensatory mitigation to ensure that the activity results in no more than 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. Restored riparian areas should consist of native species. The width of the required riparian area will address documented water quality or aquatic habitat loss concerns.

Normally, the riparian area will be 25 to 50 feet wide on each side of the stream, but the district engineer may require slightly wider riparian areas to address documented water quality or habitat loss concerns. If it is not possible to 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 NWPs, 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)).

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

(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 dam safety criteria or have been designed by qualified persons. The district engineer may also require documentation that the design has been independently reviewed by similarly qualified persons, and appropriate modifications made to ensure safety.

25. Water Quality.

Where States and authorized Tribes, or EPA where applicable, have not previously certified compliance of an NWP with CWA section 401, individual 401 Water Quality Certification must be obtained or waived (see 33 CFR 330.4(c)). The district engineer or State or Tribe may require additional water quality management measures to ensure that the authorized activity does not

result in more than minimal degradation of water quality. *Specifically for North Dakota, the North Dakota Department of Health has denied water quality certification for all projects proposed to affect Class 1 and 1A rivers and streams, and classified lakes in Appendix I and II of the standards, and individual certification must be obtained. For projects proposed to affect any other waters, the North Dakota Department of Health has issued water quality certification provided the attached Construction and Environmental Disturbance Requirements are followed. The Standards may be found at <http://www.legis.nd.gov/information/acdata/pdf/33-16-02.1.pdf?2016031115632>*

On Tribal Lands, Water Quality Certification is denied for all Nationwide Permits. Applicants must work with EPA to obtain individual water quality certification. Contact: USEPA, Region 8, 401 Certification Program – 8WP-AAP, 1595 Wynkoop Street, Denver, Colorado 80202-1129. (303-312-6909)

26. Coastal Zone Management.

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

27. Regional and Case-By-Case Conditions.

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

28. Use of Multiple Nationwide Permits.

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

29. Transfer of Nationwide Permit Verifications.

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

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

_____ (Transferee) _____ (Date)

30. Compliance Certification.

Each permittee who receives an NWP verification letter from the Corps must provide a signed certification documenting completion of the authorized activity and 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 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 is not authorized by NWP until the appropriate Corps office issues the section 408 permission 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. Also, work cannot begin under NWPs 21, 49, or 50 until the permittee has received written approval from the Corps. If the proposed activity requires a written waiver to exceed specified limits of an NWP, the permittee may not begin the activity until the district engineer issues the waiver. If the district or division engineer notifies the permittee in writing that an individual permit is required within 45 calendar days of receipt of a complete PCN, the permittee cannot begin the activity until an individual permit has been obtained. Subsequently, the permittee's right to proceed under the NWP may be modified, suspended, or revoked only in accordance with the procedure set forth in 33 CFR 330.5(d)(2).

(b) Contents of Pre-Construction Notification: The PCN must be in writing and include the following information:

(1) Name, address and telephone numbers of the prospective permittee;

(2) Location of the proposed activity;

(3) Identify the specific NWP or NWP(s) the prospective permittee wants to use to authorize the proposed activity;

(4) 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. For single and complete linear projects, 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. 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, intermittent, and ephemeral streams, on the project site. Wetland delineations must be prepared in accordance with the current method required by the Corps. The permittee may ask the Corps to delineate the special aquatic sites and other waters on the project site, but there may be a delay if the Corps does the delineation, especially if the project site is large or contains many 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 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 designated critical habitat might be affected or is in the vicinity of the activity, or if the activity is located in designated critical habitat, the PCN must include the name(s) of those endangered or threatened species that might be affected by the proposed activity or utilize the designated critical habitat 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 activity that requires 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 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 the Corps office having jurisdiction over that USACE project.

(c) Form of Pre-Construction Notification: The standard individual permit application form (Form ENG 4345) may be used, but the completed application form must clearly indicate that it

is an NWP PCN and must include all of the applicable information required in paragraphs (b)(1) through (10) of this general condition. 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 21, 29, 39, 40, 42, 43, 44, 50, 51, and 52 activities that require pre-construction notification and will result in the loss of greater than 300 linear feet of stream bed; (iii) 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 (iv) 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 fully consider agency comments received within the specified time frame concerning the proposed activity's compliance with the terms and conditions of the NWPs, including the need for mitigation to ensure the net adverse environmental effects 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).

**2017 NATIONWIDE PERMITS
REGIONAL CONDITIONS
OMAHA DISTRICT
STATE OF NORTH DAKOTA**

The following Nationwide Permit Regional Conditions will be used in the State of North Dakota. Regional conditions are placed on Nationwide Permits to ensure projects result in no more than minimal adverse impacts to the aquatic environment and to address local resource concerns.

1. Wetlands Classified as Peatlands – Revoked for use

All Nationwide Permits, with the exception of 3, 5, 20, 32, 38 and 45, are revoked for use in peatlands. Peatlands are permanently or seasonally saturated and inundated wetlands where conditions inhibit organic matter decomposition and allow for the accumulation of peat. Under cool, anaerobic, and acidic conditions, the rate of organic matter accumulation exceeds organic decay.

2. Wetlands Classified as Peatlands – Preconstruction Notification Requirement

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

3. Waters Adjacent to Natural Springs – Preconstruction Notification Requirement

For all Nationwide Permits permittees must notify the Corps in accordance with General Condition No. 32 (Pre-Construction Notification) for regulated activities 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.

4. Missouri River, including Lake Sakakawea and Lake Oahe – Pre-construction Notification Requirement

For all Nationwide Permits permittees must notify the Corps in accordance with General Condition No. 32 (Pre-Construction Notification) prior to initiating any regulated activity occurring in or under the Missouri River, including Lake Sakakawea and Lake Oahe. In addition, any activity occurring in an off channel area (marinas, bays, etc.) of any of these waterbodies, a preconstruction notification is required.

5. Spawning Areas

Spawning restrictions and important fish habitat areas, if applicable, can be accessed on the North Dakota Game & Fish Department's website at:

<http://gf.nd.gov/gnf/conservation/docs/spawning-restriction-exclusions.pdf>

No regulated activity within the Red River of the North shall occur between 15 April and 1 July. Spawning season restrictions do not apply to projects involving dredging or other discharges of less than 25 cubic yards of material in any jurisdictional water.

6. Counter-Sinking Culverts and Associated Riprap – All Nationwide Permits

In streams with intermittent or perennial flow and a stable stream bed, culvert stream crossings shall be installed with the culvert invert set below the natural streambed 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.

Riprap inlet and outlet protection shall be placed to match the height of the culvert invert.

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	0.5 ft
Pipe diameter <8.0 ft	>640 acres	1.0 ft
Pipe diameter ≥ 8.0 ft	All drainage sizes	1.0 ft
Box culvert	All drainage sizes	1.0 ft

REGIONAL CONDITIONS APPLICABLE TO SPECIFIC NATIONWIDE PERMITS

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

Intake Structures – Intake screens with a maximum mesh opening of ¼-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 ½-foot per second.

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

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

- The intakes shall be floating.
- At the beginning of the pumping season, the intake shall be placed over water with a minimum depth of 20 feet.
- If the 20-foot depth is not attainable, then the intake shall be located over the deepest water available.

- If the water depth falls below six feet, the intake shall be moved to deeper water or the maximum intake velocity shall be limited to ¼ foot per second.

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

- The intakes shall be submerged.
- At the beginning of the pumping season, the intake will be placed at least 20 vertical feet below the existing water level.
- The intake shall be elevated 2 to 4 feet off the bottom of the river or reservoir bed.
- If the 20-foot depth is not attainable, then the intake velocity shall be limited to ¼-foot per second with intake placed at the maximum practicable attainable depth.

Intakes and associated utility lines that are proposed to cross sandbars in areas designated as piping plover critical habitat are prohibited.

Utility Lines

- 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.

Nationwide Permit 11 – Temporary Recreational Structures – 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:

- 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 watermark. Information Note: Issuance of this permit does not supersede authorization required by the North Dakota State Engineer's Office.
- Any boat dock shall be anchored to the top of the high bank.
- 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.

Section 10 Waters located in the State of North Dakota are:

Bois de Sioux River
James River
Missouri River
Red River of the North
Upper Des Lacs Lake
Yellowstone River

Nationwide Permit 13 – Bank Stabilization

Permittees must notify the Corps in accordance with General Condition No. 32 (Pre-Construction Notification) prior to initiating any regulated activity. The notification must also include photo evidence of erosion in the area. Prohibited materials found at

<http://www.nwo.usace.army.mil/Media/FactSheets/FactSheetArticleView/tabid/2034/Article/487696/prohibited-restricted-materials.aspx> cannot be used in waters of the United States.

Nationwide Permit 23 – Approved Categorical Exclusions

Permittees must notify the Corps in accordance with General Condition No. 32 (Pre-Construction Notification) prior to initiating any regulated activity. In addition to information required by General Condition 32 (Pre-Construction Notification), permittees must identify the approved categorical exclusion that applies and provide documentation that the project fits the categorical exclusion.

GENERAL CONDITIONS (REGIONAL ADDITIONS)

General Condition 32 Notification– Pre-construction Notification

Prospective permittees should be aware that a field aquatic resources delineation may be required for applications where notification is required in accordance with General Condition 32 (Pre-Construction Notification) and/or mitigation may be required. Specific guidelines outlining the aquatic resources delineation process in the State of North Dakota and the Corps 1987 Wetland Delineation Manual and applicable Regional supplements to the Manual can be accessed on the North Dakota Regulatory Office's website at:

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

Sovereign Land Permit No. S-1478-B

Permittee: City of Fargo
200 3rd St North
Fargo, ND 58102

Location: SE ¼ SW ¼ of Section 5, Township 139 North, Range 48 West, Cass County

Project Description:

The Permittee is hereby authorized to remove an existing pedestrian bridge and install the Memorial Park Pedestrian & Bicycle Lift Bridge (Project) over the Red River in Cass County.

The existing pedestrian bridge will be removed with a crane and remain in one piece. The new bridge will be a prefabricated structure which will be placed in the same location as the existing bridge and will feature a mechanical lift system for structure protection during flood events. Approximately 92 cubic yards of grade I riprap will be used to protect the abutments and the shoreline beneath the bridge. All other construction activities will take place above the ordinary high water mark.


The Permittee must obtain any other local, state, or federal permits or approvals that may be necessary prior to construction.

This authorization is subject to the conditions listed below and to the attached North Dakota Department of Health "Construction and Environmental Disturbance Requirements." Any other use of sovereign land is prohibited. Any proposed additional use must comply with the application and permitting process and all other requirements of state law.

General Conditions

1. Authorization of this undertaking is a privileged use of a public resource and does not constitute a property right. The public use and enjoyment of the Red River is of high priority.
2. All construction, maintenance, and reclamation activities shall be carried out in a manner reasonably designed to prevent degradation of the Red River.
3. The Permittee must comply with all state regulations with regard to the prevention of introduction of Aquatic Nuisance Species (ANS) into the state's waters. The Permittee must contact Ms. Jessica Howell, ANS Biologist, North Dakota Game and Fish Department at (701) 368-8368 to schedule an inspection of all vehicles and equipment a minimum of 72 hours prior to those items being launched or placed in the Red River.
4. The Permittee must implement measures to minimize the opportunity for sediment to enter the Red River during construction.
5. The Permittee must comply with the North Dakota Department of Health's *Construction and Environmental Disturbance Requirements* (copy attached).

6. Prior to or during construction, if items of substantial archeological value are discovered or a deposit of such items is disturbed, the Permittee must cease construction activities in the area so affected. The State Engineer and the State Historical Preservation Office must be promptly notified of the discovery, and construction will not resume until both offices give written permission.
7. This Authorization is site specific for the project as proposed and outlined in the application and supporting documents. Any changes or deviation from the site or design will need authorization from the State Engineer.
8. At the discretion of the State Engineer, in accordance with the exercise of any of the State Engineer's duties, the project is subject to modification or removal at the expense of the Permittee.
9. The State Engineer or the State Engineer's representative must have access to inspect the authorized project during construction and associated activities and for the life of the project to ensure that it is being or has been accomplished and maintained in accordance with the terms and conditions of this Authorization.
10. The Permittee must obtain any other local, state, or federal permits or approvals that may be necessary prior to construction.
11. By granting this Authorization, no liability for damages of any kind, including those caused by improper construction, operation and maintenance, design or failure in design, materials, or workmanship, is assumed by or transferred to the State of North Dakota, the State Engineer, the State Water Commission or any of their respective employees, agents, or assigns. The Permittee will indemnify and hold harmless the State of North Dakota, its officials, employees, agents, boards, commissions, and assigns for any and all liability for work performed and action taken under this Authorization.



Garland Erbele, P.E.
State Engineer

Date: Nov 13, 2017



Permit Application No. S-1478-B
City of Fargo
 SE 1/4 of SW 1/4 Section 5, T139N, R48W, Cass County
 Bridge Construction (Modification)



Date: 8/23/2017
Prepared by: CWN



Construction and Environmental Disturbance Requirements

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

Soils

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

Surface Waters

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

Fill Material

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



September 22, 2017

Ashley C. Persinger
Sovereign Lands Specialist
900 East Boulevard Ave
Bismarck, ND 58505-0850



Application No: S-1478 [Pedestrian & Bicycle Bridge between Fargo and Moorhead]

Dear Ms. Persinger:

The department appreciates the opportunity to review the above referenced project for compliance with the Standards of Quality for Waters of the State (standards). In summary the project proposes to install a pedestrian and bicycle lift-bridge and will need to place 92 cubic yards of riprap to protect the abutments. The department is reasonably assured that no violations of the standards will occur provided:

- 1) Clean rip-rap free of wood or rubbish is utilized,
- 2) The stones are sized and shaped appropriately for the energy of the river, and
- 3) The Environmental Disturbance Requirements (attached) are followed.

The department reserves the right to amend this opinion if it is determined that the impacts to water quality were underestimated, conditions change or they no longer provide reasonable assurance that the project is complying with the standards or other appropriate requirements of State law. Should you have any questions, I may be reached at 701.328.5268.

Sincerely,

Peter Wax
Environmental Scientist
Division of Water Quality

PNW:dlp
Encl:



STATE
HISTORICAL
SOCIETY
OF NORTH DAKOTA

RECEIVED

AUG 28 2017

STATE WATER COMMISSION

Doug Burgum
Governor of North Dakota

North Dakota
State Historical Board

Terrance Rockstad
Bismarck - President

Gereld Gerntholz
Valley City - Vice President

H. Patrick Weir
Medora - Secretary

Calvin Grinnell
New Town

Albert I. Berger
Grand Forks

Steve C. Martens
Fargo

Daniel Stenberg
Watford City

Sara Otte Coleman
Director
Tourism Division

Kelly Schmidt
State Treasurer

Alvin A. Jaeger
Secretary of State

Melissa Baker
Director
Parks and Recreation Department

Thomas Sorel
Interim Director
Department of Transportation

Claudia J. Berg
Director

Accredited by the
American Alliance
of Museums since 1986

August 25, 2017

Ms. Ashley C. Persinger
Sovereign Lands Specialist
Office of the State Engineer
900 East Boulevard Avenue
Bismarck, ND 58505-0850

ND SHPO REF: 17-1387 OSE S-1478-B City of Fargo install the Memorial Park Pedestrian and bicycle lift-bridge over the Red River in portions of [T139N R48W Section 5 SE of SW] Cass County, North Dakota

Dear Ms. Persinger,

We reviewed ND SHPO REF: 17-1387 OSE S-1478-B City of Fargo install the Memorial Park Pedestrian and bicycle lift-bridge over the Red River in portions of [T139N R48W Section 5 SE of SW] Cass County, North Dakota. There has been a good faith effort to identify and avoid impacts to "Significant Sites," provided the project remains as described and mapped in your correspondence dated August 23, 2017, and received here August 24, 2017.

Thank you for the opportunity to review. Please include the ND SHPO Reference number listed above in further correspondence for this project. If you have any questions please contact Susan Quinnell, Review and Compliance Coordinator at (701)328-3576 or squinnell@nd.gov

Sincerely,

Claudia J. Berg

State Historic Preservation Officer (North Dakota)



RECEIVED
SEP 25 2017
STATE WATER COMMISSION

Southeast Cass
Water Resource
District

September 21, 2017

Mark Brodshaug
Chairman
West Fargo, North Dakota

Dan Jacobson
Manager
West Fargo, North Dakota

Lance Yohe
Manager
Fargo, North Dakota

Ashley C. Persinger
Sovereign Lands Specialist
Office of the State Engineer
900 East Boulevard Avenue
Bismarck, ND 58505-0850

Dear Ashley:

RE: Application No. S-1478-B for the City of Fargo to install the Memorial Park Pedestrian and Bicycle Lift Bridge Project over the Red River in the SE 1/4 SW 1/4 of Section 5 in Barnes Township

The Southeast Cass Water Resource District offers the following comment with regard to the above referenced project, as outlined in your letter of August 23, 2017.

The project is within the effective floodway of the new FEMA map. Applicant should verify that the project does not have a negative impact on water surface elevations in the effective HEC-RAS floodway model.

Thank you.

Sincerely,

SOUTHEAST CASS WATER RESOURCE DISTRICT

Carol Harbeke Lewis
Secretary-Treasurer

Carol Harbeke Lewis
Secretary-Treasurer

1201 Main Avenue West
West Fargo, ND 58078-1301

701-298-2381
FAX 701-298-2397
wrđ@casscountynd.gov
www.casscountynd.gov



State of North Dakota

Office of the State Engineer

Regulatory Division

900 EAST BOULEVARD AVE. • BISMARCK, ND 58505-0850

Regulatory Division (701) 328-2752 • FAX (701) 328-3696 • <http://swc.nd.gov>

September 7, 2017

City of Fargo
Attn: Jody Bertrand
200 3rd Street North
Fargo, ND 58102

Re: Oak Grove Park Pedestrian Lift Bridge - Floodway Review

Dear Mr. Bertrand,

On behalf of the State Engineer, and as directed in North Dakota Century Code § 61-16.2-14, the Office of the State Engineer (OSE) staff has reviewed the proposed project located within the mapped floodway of the Red River as requested by the City of Fargo. The proposed project consists of replacing the existing pedestrian bridge, which links Oak Grove Park in Fargo, ND and Memorial Park in Moorhead, MN.

The initial application submitted on August 11, 2017, included a “no-rise” certificate and a hydraulic model comparing the existing and proposed conditions. The project includes the removal of the existing bridge, construction of a new bridge, raising abutments and trail approaches, enhancing design and safety features, and installing a mechanical lift system.

Upon review of the submitted material, the OSE staff found the project to cause no increase in the water surface elevation of the 1-percent chance flood event. In addition, conveyance at the project location was reviewed. The OSE staff has determined this project appears to be in compliance with state and federal regulations as it pertains to floodplain management.

The City of Fargo is the regulatory authority and a permit is required for all development that takes place within identified floodplains. If the City wishes to allow this project, please keep a copy of the permit and associated documentation for proper record keeping. Any changes to the design must be submitted to the OSE for review and approval.

Sincerely,

Dionne Haynes

Dionne Haynes, CFM
State NFIP Coordinator

AC: DH/1721-05

cc: Barb Denver, FEMA Region 8 (email)



Floodplain Development Permit Application

PERMIT # 17-11

Please complete all items on this page.

Applicant City of Fargo Date: 8/9/2017
Address 200 3rd Street North, Fargo, ND 58102
Proposed development address or 170 Maple Street North
Legal Description: Replatted part of Govt Lot 2, Section 17 and Govt Lots 4 & 5, and SW 1/4 of SE 1/4
Section 18, Twp-139-N, Range-48-W. (6/24/2009, Bx-1, P-45) *7/6/2009-074 SPL/FR 01-3500-05020-000.
Project Contact Person: Jeremy Gorden Telephone 701-241-1545
Email jgorden@FargoND.gov

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

SECTION 1: DEVELOPMENT ACTIVITY

What permit are you applying for? ☒ **Floodplain** ☒ **41 WSEIA** ☒ **MDZS/LDZS**

Check all that apply:

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

☐ Other (specify on space below)

This project is a replacement of the existing pedestrian bridge connecting Oak Grove Park (Fargo) to Memorial/W. H. Davy Park in Moorhead, MN spanning the Red Rive of the North.

Attach plans, description, etc., as appropriate to this application.

SECTION 2: FLOODPLAIN DETERMINATION

Community Number 385364 ☒ Floodplain (SFHA) ☒ 41 WSEIA
☒ Floodway (No-rise Certificate Required) ☐ Project is not located in a SFHA

FIRM Panel 38017C0 594 Site Elevations
(Use only NAVD 1988) Existing Grade 879

FIRM ZONE AE BFE (SFHA) 899.7

Index and Map Date 1/16/2015 41' WSEIA 900.9

SECTION 3: MDZS / LDZS CONDITIONS

☒ Bike Path / Walking Trail / Multi-use Path ☐ Waiver Process
☐ Building / Structure under 120 Square Feet ☐ Completed Setback Waiver Eligibility Form / backup
☐ Flood Protection Levee / Floodwall ☐ Engineer comment letter
☐ Public Facility / Rest Room, Shelter, Etc.
☒ Road / Bridge / Trail / Storm Drainage
☐ Stairway / Lift / Landing / Ramp / Mobility Path

Other

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

Notice:

Federal and ND State Permits may also be required before construction begins. Other permits are the responsibility of the applicant.

☒ Erosion and Sediment Control (ESC)
☐ Other

SECTION 4: ACTION / APPROVAL / CONDITIONAL APPROVAL / DENIAL

Fargo City Commission Action

☐ Approved << Commission Decision >>
☐ Denied << Commission Decision >>

Date

☒ **Permit is Approved** The proposed development is in conformance with applicable floodplain standards.

☐ **Permit is Denied**

SIGNATURE,

Stormwater Engineer

Date 9/21/2017



Floodplain Development Permit

500 Center Avenue, Moorhead, MN 56560
Engineering: 218.299.5390
engineering@ci.moorhead.mn.us

GENERAL INFORMATION

Permit #: FP-17-000009
Permit Status: Issued
Issue Date: 9/21/17

Parcel #: 58.575.1700
Property Address: 700 N 1ST AVE
MOORHEAD, MN 56560

CONTACT INFORMATION

<u>Role</u>	<u>Contact Name</u>	<u>Address</u>
Applicant	Moorhead City	PO BOX 779 MOORHEAD, MN 56560

PROJECT INFORMATION

Additional Information:

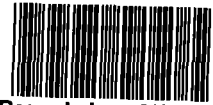
This permit is issued for floodplain management purposes only. The issuance of this permit does not constitute approval or certification of the design of the proposed improvement relative to structural, geotechnical, drainage or any other pertinent consideration, nor the quality or integrity of the constructed project all of which, shall remain the responsibility the owner and his/her consultants and/or contractors.

Transaction#: 209398

773023

RECORDING FEE

\$46 00



Recorded on: 9/19/2017 10:45AM
By AJH, Deputy

Return to
MOORHEAD CITY
PO BOX 779
MOORHEAD, MN 56560

DiAnn M Streifel, Recorder
CLAY County, MN

58.575.1700 Pt

RESOLUTION 2017-0911-D

Resolution to Approve a Conditional Use Permit - 210 8th St N (Memorial Park Bike/Pedestrian Bridge)

WHEREAS, the City of Moorhead has requested a Conditional Use Permit for a bicycle/pedestrian bridge at 210 8th Street North, parcel number 58.575.1700, legally described as Block 4 Holes Addition and Outlot 24D; and

WHEREAS, the Moorhead Planning Commission held a public hearing on September 5, 2017, approved Findings of Fact (Exhibit A), and voted unanimously to recommend approval of the Conditional Use Permit; and

WEHEREAS, the City Council finds the requested Conditional Use Permit consistent with the 2004 Comprehensive Plan, 2009 Comprehensive Plan Addendum and Moorhead City Code.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Moorhead, Minnesota that the Conditional Use Permit for a bicycle/pedestrian bridge at 210 8th Street North, parcel number 58.575.1700, legally described as Block 4 Holes Addition and Outlot 24D is hereby approved.

BE IT FURTHER RESOLVED by the City Council of the City of Moorhead, Minnesota that the proposed bicycle/pedestrian bridge shall be completed within five years from the date of this approval. Should the bicycle/pedestrian bridge not be completed within five years, this Conditional Use Permit approval will become null and void.

PASSED: September 11, 2017 by the City Council of the City of Moorhead.

APPROVED BY:

ATTEST:



DEL RAE WILLIAMS, Mayor



MICHELLE FRENCH, City Clerk

**Conditional Use Permit
Moorhead Planning Commission
Findings of Fact**

Exhibit A

REQUEST: Conditional Use Permit – Bicycle/Pedestrian Bridge in the Floodway Overlay District

LOCATION: 210 8th Street North
Moorhead, MN 565650

APPLICANT/ City of Moorhead
OWNER.

File No: 17P015

WHEREAS, the Moorhead Planning Commission received a full and complete application for a Conditional Use Permit from the City of Moorhead, and

WHEREAS, the Moorhead Planning Commission held a public hearing on the above entitled request on September 5, 2017; and

WHEREAS, upon considering the Conditional Use Permit application, staff report and analysis, public testimony and comment, and all other pertinent and available information, the Moorhead Planning Commission finds the following:

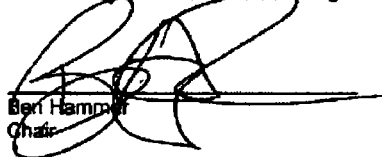
Findings of Fact

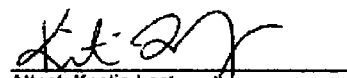
1. A full and complete application was filed by the City of Moorhead and received August 15, 2017 (herein referred to as "Application") seeking a Conditional Use Permit for 210 8th Street North, legally described as Block 4 Holes Addition and Outlot 24D to the City of Moorhead
2. The Conditional Use Permit request is for a Bicycle/Pedestrian Bridge in the Floodway Overlay District.
3. The property is zoned P Public as defined the Title 10 of the Moorhead City Code.
4. A public hearing was held by the Planning Commission on September 5, 2017 on the Application allowing all interested persons an opportunity to speak, full and complete record of which is detailed in the minutes of the Moorhead Planning Commission
5. The Conditional Use Permit request has been considered and found consistent with the following considerations.
 - a) The proposed action has been considered in relation to the specific policies and provisions of, and has been found to be consistent with, the official City Comprehensive Plan and with the purpose of the zoning district in which the applicant intends to locate the proposed use.
 - The 2004 Comprehensive Plan and 2009 Addendum guide this property towards Public Use and it is within the Floodway Overlay District. The Moorhead Zoning Code allows Bicycle/Pedestrian Bridge in the Floodway Overlay District as a conditional use.
 - b) The proposed use is or will be compatible with the present and future uses of the area
 - The proposed use is consistent with the Public zoning district and compatible with the present and future uses of the area
 - c) The proposed use conforms to all performance standards contained herein (i.e. parking loading, noise, etc).
 - The bridge will meet all applicable regulations

- d) The proposed use will not tend to or actually have an adverse effect on the area in which it is proposed.
 - The bridge is used by the community and visitors to the region, is a primary connection to miles of trails in Moorhead and Fargo and has a positive impact on the area.
 - e) Traffic generated by the proposed use is within the capabilities of streets serving the property
 - Traffic generated can be accommodated by adjacent streets.
 - f) The proposed use can be accommodated by public services and facilities including parks, schools, streets and utilities, and will not overburden the City's service capacity.
 - The proposed facility can be accommodated by existing public service facilities.
- 6 The Planning Commission also reviewed the following factors in relation to the Application.
- a) The danger to life and property due to increased flood heights or velocities caused by encroachments.
 - b) The danger that materials may be swept onto other lands or downstream to the injury of others or that may block bridges, culverts, or other hydraulic structures.
 - c) The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination, and unsanitary conditions.
 - d) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner.
 - e) The importance of the services provided by the proposed facility to the community.
 - f) The requirements of the facility for a waterfront location.
 - g) The availability of the alternative locations not subject to flooding for the proposed uses.
 - h) The compatibility of the proposed use with existing development and development anticipated in the foreseeable future.
 - i) The relationship of the proposed use to the comprehensive plan and floodplain management program of the area.
 - j) The safety of access to the property in times of flood for ordinary and emergency vehicles
 - k) The expected heights, velocity, duration, rate of rise and sediment transport of the floodwaters expected at the site.

NOW, THEREFORE, BE IT RESOLVED by the Moorhead Planning Commission that the Planning Commission hereby recommends approval of the Conditional Use Permit request submitted by the City of Moorhead for a Bicycle/Pedestrian Bridge in the Floodway Overlay District at 210 8th Street North, legally described as Block 4 Holes Addition and Outlot 24D to the City of Moorhead

PASSED by the Moorhead Planning Commission this 5th day of September, 2017


Ben Hamper
Chair


Attest: Kristie Leshovsky
City Planner

CERTIFICATION

STATE OF MINNESOTA
COUNTY OF CLAY
CITY OF MOORHEAD

I do hereby certify that the above Resolution is a true and accurate copy of the Resolution adopted by the Council of the City of Moorhead at an authorized meeting held on the 11th day of September, 20 17, as shown by the minutes of the meeting in my possession.

Dated this 15th day of September 20 17

Michelle French
Michelle French, City Clerk



Public Waters Work General Permit Authorization

Expiration Date: 09/25/2022**Authorization Number
2017-3501****General Permit Number
2014-1778**

On the basis of statements and information contained in the permit application, letters, maps, and plans submitted by the applicant and other supporting data, all of which are made part hereof by reference, **PERMISSION IS HEREBY GRANTED** to the applicant to perform actions as authorized below. Applicant must comply with all conditions listed in the above referenced General Permit.

Project Name: Oak Grove/Memorial Park Pedestrian and Bicycle Lift Bridge Improvement Project	County: Clay	Watershed: Upper Red River of the North	Resource: Stream/River: Red River ; Stream/River: Red River (H-026)	
Purpose of Permit: Bridge Construction/Modification/Replacement		Authorized Action: Replace the existing pedestrian and bicycle bridge with a 165 foot by 10 foot wide free span lift bridge. Work shall be completed according to the final plans submitted for the project with the permit application and the conditions of this permit.		
Permittee: CITY OF MOORHEAD CONTACT: TROWBRIDGE, TOM, (218) 299-5390 500 CENTER AVE. MOORHEAD , MN 56560 (218) 299-5166		Authorized Agent: N/A		
Property Description (land owned or leased or where work will be conducted): UTM zone 15N, 212821m east, 5198548m north, Section 5, T139N, R48E				
Authorized Issuer: Rodger Hemphill	Title: Area Hydrologist	Issued Date: 09/25/2017	Effective Date: 09/25/2017	Expiration Date: 09/25/2022

This permit is granted **subject to** the following **CONDITIONS**:

Applicant must comply with all conditions listed in General Permit 2014-1778.

EROSION AND SEDIMENT CONTROL: In all cases, methods that have been determined to be the most effective and practical means of preventing or reducing sediment from leaving the worksite shall be installed in areas that slope to the water and on worksite areas that have the potential for direct discharge due to pumping or draining of areas from within the worksite (e.g., coffer dams, temporary ponds, stormwater inlets). These methods, such as mulches, erosion control blankets, temporary coverings, silt fence, silt curtains or barriers, vegetation preservation, redundant methods, isolation of flow, or other engineering practices, shall be installed concurrently or within 24 hours after the start of the project, and will be maintained for the duration of the project in order to prevent sediment from leaving the worksite. DNR requirements may be waived in writing by the authorized DNR staff based on site conditions, expected weather conditions, or project completion timelines.

EXCAVATED MATERIALS - FLOODPLAIN CONCERN: Excavated material shall not be permanently placed within community designated floodplain areas or shoreland areas, unless all necessary local permits and approvals have been obtained.

FISHERY PROTECTION - EXCLUSION DATES: No activity affecting the bed of the protected water may be conducted between March 15 and June 15, to minimize impacts on fish spawning and migration. If work during this time is essential, it shall be done only upon written approval of the Area Fisheries Manager. See contact list at:

CONDITIONS *(Continued from previous page)*

http://files.dnr.state.mn.us/fisheries/management/dnr_fisheries_managers.pdf. Should work begin elsewhere in the project area within these dates, all exposed soils that are within 200 feet of Public Waters and drain to those waters must complete erosion control measures within 24 hours of its disturbance to prevent sediment from entering Public Waters.

EXCAVATED MATERIALS - RUNOFF CONCERN: Excavated materials must be deposited or stored in an upland area, in a manner where the materials will not be redeposited into the public water by reasonably expected high water or runoff. Departure from any previously approved spoil disposal plans may be allowed only through permit amendment.

MAINTENANCE - GENERAL PERMITS: Maintenance of work covered by this general permit may be performed upon receipt of separate authorization or amended authorization under this permit.

BEST PRACTICES - MNDOT: Please refer to the manual "Best Practices for Meeting DNR General Public Waters Work Permit GP 2004-0001" for guidance to meeting these and other conditions of this General Permit. A PDF version is available at: http://www.dnr.state.mn.us/waters/watermgmt_section/pwpermits/gp_2004_0001_manual.html.

SMOOTH TRANSITION / MINIMUM ENCROACHMENT: At each end of the stabilized shoreline, the finished slope of the riprap shall be varied in a fashion to produce a smooth transition with the natural shoreline. Also, riprap encroachment into the water is to be limited to the minimum amount necessary and shall not create an obstruction to normal flows.

cc: Erik Anthonisen, EWR District Manager
SRF Consulting Group, Inc., Agent
Wark, Jamie , Contact; SRF Consulting Group, Inc.
Phil Seefeldt, Conservation Officers, Moorhead
Steve Hofstad, BWSR Wetland Specialists, Clay
Jaime Thibodeaux, DNR Regional Environmental Assessment Ecologist, Region 1
Don Schultz, DNR Wildlife, Fergus Falls
Nathan Olson, DNR Fisheries, Detroit Lakes Area
Tim Magnusson, County, Clay
Bruce Albright, Watershed District, BUFFALO-RED RIVER WD
Evan Ingebrightson, Corps of Engineers, Clay
Kevin Kassenborg, SWCD, Clay SWCD
Lynn Foss, SWCD, Clay SWCD



MINNESOTA DEPARTMENT OF NATURAL RESOURCES

Amended
**Public Waters Work General
Permit**

**General Permit Number
2014-1778**

Expiration Date: 12/31/2018

Pursuant to Minnesota Statutes, Chapter 103G, and on the basis of statements and information contained in the permit application, letters, maps, and plans submitted by the applicant and other supporting data, all of which are made part hereof by reference, **PERMISSION IS HEREBY GRANTED** to the applicant to perform actions as authorized below. This permit supersedes the original permit and all previous amendments.

Project Name: Region 1 Bridge & Culvert General Permit	County: Becker, Beltrami, Cass, Clay, Clearwater, Douglas, Grant, Hubbard, Kittson, Lake of the Woods, Mahnomen, Marshall, Norman, Otter Tail, Pennington, Polk, Pope, Red Lake, Roseau, Stevens, Traverse, Wadena, Wilkin	Watershed: All watersheds intersecting the 23-county DNR Northwest Region	Resource: All public waters in the 23-county DNR Northwest Region	
Purpose of Permit: Bridge, culvert, and stormwater outfall repair and replacement		Authorized Action: Upon notice to and approval by authorized DNR personnel, replacement or repair of bridges (open-bottom structures), culverts (four-sided box, arch, or rounded pipe or barrel) and stormwater outfalls is authorized. The work will be done according to plans and specifications submitted with the application and subject to all terms and conditions of this permit. All work authorized by this permit must be designed by a licensed professional engineer.		
Permittee: Governmental Agencies, Governmental Subdivisions and General Public		Authorized Agent: N/A		
Property Description (land owned or leased or where work will be conducted): Various. The permittee must own, control, or have permission to access and use all lands on which the crossing or outfall is located				
Authorized Issuer: Tom Hovey	Title: Water Regulations Unit Supervisor	Issued Date: 10/03/2014	Effective Date: 10/03/2014	Expiration Date: 12/31/2018

This permit is granted **subject to** the following **CONDITIONS**:

APPLICABLE FEDERAL, STATE, OR LOCAL REGULATIONS: The permittee is not released from any rules, regulations, requirements, or standards of any applicable federal, state, or local agencies; including, but not limited to, the U.S. Army Corps of Engineers, Board of Water and Soil Resources, MN Pollution Control Agency, watershed districts, water management organizations, county, city and township zoning.

NOT ASSIGNABLE: This permit is not assignable by the permittee except with the written consent of the Commissioner

GENERAL PERMIT CONDITIONS *(Continued from previous page)*

of Natural Resources.

NO CHANGES: The permittee shall make no changes, without written permission or amendment previously obtained from the Commissioner of Natural Resources, in the dimensions, capacity or location of any items of work authorized hereunder.

SITE ACCESS: The permittee shall grant access to the site at all reasonable times during and after construction to authorized representatives of the Commissioner of Natural Resources for inspection of the work authorized hereunder.

TERMINATION: This permit may be terminated by the Commissioner of Natural Resources at any time deemed necessary for the conservation of water resources of the state, or in the interest of public health and welfare, or for violation of any of the conditions or applicable laws, unless otherwise provided in the permit.

COMPLETION DATE: Construction work authorized under this permit shall be completed on or before the date specified above. The permittee may request an extension of the time to complete the project by submitting a written request, stating the reason thereof, to the Commissioner of Natural Resources.

WRITTEN CONSENT: In all cases where the permittee by performing the work authorized by this permit shall involve the taking, using, or damaging of any property rights or interests of any other person or persons, or of any publicly owned lands or improvements thereon or interests therein, the permittee, before proceeding, shall obtain the written consent of all persons, agencies, or authorities concerned, and shall acquire all property, rights, and interests needed for the work.

PERMISSIVE ONLY / NO LIABILITY: This permit is permissive only. No liability shall be imposed by the State of Minnesota or any of its officers, agents or employees, officially or personally, on account of the granting hereof or on account of any damage to any person or property resulting from any act or omission of the permittee or any of its agents, employees, or contractors. This permit shall not be construed as estopping or limiting any legal claims or right of action of any person other than the state against the permittee, its agents, employees, or contractors, for any damage or injury resulting from any such act or omission, or as estopping or limiting any legal claim or right of action of the state against the permittee, its agents, employees, or contractors for violation of or failure to comply with the permit or applicable conditions.

EXTENSION OF PUBLIC WATERS: Any extension of the surface of public waters from work authorized by this permit shall become public waters and left open and unobstructed for use by the public.

GP AUTHORIZATION - APPLY USING MPARS: The permittee shall apply for prior authorization for all projects to be constructed under this General Permit using the MNDNR Permitting and Reporting System (MPARS) at www.mndnr.gov/mpars/signin. Users will need to create an account the first time they access the system. Once created, click on the link for 'Apply for a New Permit/Authorization' under the Actions box and complete the application questions.

CONTRACTOR RESPONSIBILITY: The permittee shall ensure the contractor has received and thoroughly understands all conditions of this permit. Contractors must obtain a signed statement from the property owner stating that permits required for work have been obtained or that a permit is not required, and mail a copy of the statement to the regional DNR Enforcement office where the proposed work is located. The Landowner Statement and Contractor Responsibility Form can be found at: <http://www.bwsr.state.mn.us/wetlands/wca/index.html#general>.

INVASIVE SPECIES - EQUIPMENT DECONTAMINATION: All equipment intended for use at a project site must be free of prohibited invasive species and aquatic plants prior to being transported into or within the state and placed into state waters. All equipment used in designated infested waters, shall be inspected by the Permittee or their authorized agent and adequately decontaminated prior to being transported from the worksite. The DNR is available to train inspectors and/or assist in these inspections. For more information refer to the "Best Practices for Preventing the Spread of Aquatic Invasive Species" at http://files.dnr.state.mn.us/publications/ewr/invasives/ais/best_practices_for_prevention_ais.pdf. Contact your regional Invasive Species Specialist for assistance at www.mndnr.gov/invasives/contacts.html. A list of designated infested waters is available at www.mndnr.gov/invasives/ais/infested.html. A list of prohibited invasive species is available at www.mndnr.gov/eco/invasives/laws.html#prohibited.

MAINTENANCE: Maintenance of this project to originally authorized conditions may be authorized by amendment to this permit.

APPLICABLE PROJECTS: This permit applies only to the replacement, reconstruction and repair (including associated minor channel or shoreline work) of existing bridges, culverts and outfalls, including that necessary to restore channel dimensions to the original or as-constructed cross-section near the project site. To qualify under this general permit, unless specifically waived by authorized DNR personnel, all projects affecting Public Waters must be designed under the

GENERAL PERMIT CONDITIONS *(Continued from previous page)*

supervision of a registered professional engineer. Any project not meeting applicable conditions of this permit or a project the DNR identifies as having the potential for significant resource impacts, is not authorized herein. Rather, such projects will require an individual permit application.

PRELIMINARY ENGINEERING : This permit authorizes preliminary engineering studies associated with bridge planning (e.g. core sampling). All core holes must be sealed in accordance with Department of Health well sealing requirements. On infested waters, all equipment in contact with the water must be decontaminated as required by condition per the Invasive Species condition.

DNR NOTIFICATION: The permittee shall notify the Area Hydrologist at least five days in advance of the commencement of the work. An email notification of the pre-construction meeting will suffice for this notification.

RIGHT TO REVIEW: The DNR reserves the right to review this permit as additional hydrologic and other data become available and order changes to the authorization as may become necessary to protect public interest. Additional modeling may also be required for temporary fill or temporary structures required during demolition or construction

HYDROLOGIC/HYDRAULIC DATA REPORTING: Unless waived by the DNR Area Hydrologist, hydrologic modeling to show the impacts of the structure(s) on the 100-year flood elevation and calculated velocities through the structures for both 2-year and 10-year peak flows are required.

FLOOD STAGE/DAMAGES NOT INCREASED : For replacements of existing crossings, if the existing crossing has a swellhead of one-half of one foot or less for the regional flood, then replacement crossing shall comply with the provisions for new crossings in (A) below. If the existing crossing has a swellhead of more than one-half of one foot for the regional flood, stage increased up to the existing swellhead may be allowed if field investigation and other available data indicate that no significant flood damage potential exists upstream from the crossing based on analysis of data submitted by the applicant. The swellhead for the replacement crossing may exceed the existing swellhead if it complies with the provisions found in (A) below. A. No approach fill for a crossing shall encroach upon an approved community designated floodway. When a floodway has not been designated or when a floodplain management ordinance has not been adopted and approved, increases in flood stage in the regional flood of up to one-half of one foot shall be approved if they will not materially increase flood damage potential. Additional increase may be permitted if: a field investigation and other available data indicate that no significant increase in flood damage potential would occur upstream or downstream, and any increases in flood stage are reflected in the floodplain boundaries and flood protection elevation adopted in the local floodplain management ordinance;

ENVIRONMENTAL REVIEW: If the bridge, culvert, or stormwater outfall work is part of a road project that requires mandatory environmental review pursuant to MN Environmental Quality Board rules, then this permit is not valid until environmental review is completed. The outcome of the environmental review may affect work authorized by this permit

STATE AND FEDERAL LISTED SPECIES PROHIBITION: If there are unresolved concerns regarding impacts to federally or state listed species (endangered, threatened, or special concern), this general permit is not applicable, and the project must be submitted as an individual permit application. Compliance with DNR and federal guidelines established for a listed species (e.g. Topeka Shiner conditions) would constitute a resolved concern.

RARE NATIVE PLANT COMMUNITIES AND SITES OF HIGH AND OUTSTANDING BIODIVERSITY SIGNIFICANCE: If DNR Ecological and Water Resources staff determines that Rare Native Plant Communities or Sites of High or Outstanding Biodiversity Significance are present, precautions must be implemented to minimize disturbance and impacts to these areas. Actions to minimize disturbance in this area may include, but are not limited to the following: (1) As much as possible, operate within already-disturbed areas; (2) Minimize vehicular disturbance in the area (allow only vehicles necessary for installation); (3) Do not park equipment or stockpile supplies in the area; (4) If possible, do work in autumn or winter, to avoid damaging plants during the growing season; (5) Reduce runoff by completing the work as rapidly as possible and using erosion control measures such as straw bales or silt fencing; (6) Revegetate disturbed soil with native species suitable to the local habitat as soon after construction as possible; (7) Use only invasive-free mulches, topsoils, and seed mixes.

FISH PASSAGE, SEDIMENT TRANSPORT AND GRADE CONTROL: Bridges, culverts and other crossings shall provide for fish movement unless the structure is intended to impede rough fish movement, aquatic invasive species movement, or the stream has negligible fisheries value as determined by the Area Hydrologist in consultation with the Area Fisheries Manager. The accepted practices for achieving these conditions include: A. Where possible a single culvert or bridge shall span the natural bankfull width adequate to allow for debris and sediment transport rates to closely resemble those of upstream and downstream conditions. A single culvert shall be recessed in order to pass bedload and sediment load. Additional culvert inverts should be set at a higher elevation. All culverts should match the alignment and slope of the

GENERAL PERMIT CONDITIONS *(Continued from previous page)*

natural stream channel, and extend through the toe of the road side slope. "Where possible" means that other conditions may exist and could take precedence, such as unsuitable substrate, natural slope and background velocities, bedrock, flood control, 100-yr (1% chance) flood elevations, wetland/lake level control elevations, local ditch elevations, and other adjacent features. B. Rock Rapids or other structures may be used to retrofit crossings to mimic natural conditions. Please contact your area hydrologist for the most recent design information and other resources on achieving fish passage, sediment transfer, and grade control.

TERRESTRIAL SPECIES MOVEMENT : Structures will not be detrimental to significant wildlife habitat. In some cases the DNR may require crossings be designed for species movement. If the crossing is located at a significant wildlife travel corridor as determined by DNR Wildlife or Ecological and Water Resources staff, the crossing will be designed to minimize concerns. Generally, bridges are preferred over culverts if there is adequate clearance beneath road decks and adequate dry ground at normal flow conditions. Design information may be found at http://files.dnr.state.mn.us/waters/watermgmt_section/pwpermits/gp_2004_0001_chapter1.pdf.

FLOWLINE/GRADIENT NOT CHANGED : Replacement of culverts or crossings are to follow (or be restored to) the natural alignment and profile of the stream. Changes from the existing flowline, gradient or alignment must be consistent with the Water Level Control and Fish Passage conditions and authorized by the DNR Area Hydrologist.

NAVIGATION MAINTAINED/IMPROVED : The structures final design will not obstruct reasonable public navigation as determined by the DNR. For bridges 3 feet above the calculated 50-year flood stage ordinarily satisfies navigational clearance requirements. For culverts 3 feet above the ordinary high water level (top of the bank for streams/rivers) ordinarily satisfies navigation requirements.

WATER LEVEL CONTROL : Permittee is responsible for maintaining existing water level control elevations.

TEMPORARY IMPACTS DURING CONSTRUCTION: Construction methods not finalized at the time of project review shall be submitted for review and approval at a later date. Temporary work below the Ordinary High Water (OHW) elevation, such as channel diversions, placement of temporary fill, structures for work pads/dock walls, bypass roads, coffer dams, or staging areas to aid in the demolition or construction of any authorized structure shall be submitted for review and approval in writing by the DNR Area Hydrologist prior to beginning work. This is normal procedure for bridge or culvert projects as we recognize that final project designs are often posted for bid without final construction/demolition plans. The following conditions must be met:

A: AQUATIC INVASIVE SPECIES - EQUIPMENT DECONTAMINATION: All equipment intended for use at a project site must be free of prohibited invasive species and aquatic plants prior to being transported into or within the state and placed into state waters. All equipment used in designated infested waters, shall be inspected by the Permittee or their authorized agent and adequately decontaminated prior to being transported from the worksite. The DNR is available to train inspectors and/or assist in these inspections. For more information refer to the "Best Practices for Preventing the Spread of Aquatic Invasive Species" at http://files.dnr.state.mn.us/publications/ewr/invasives/ais/best_practices_for_prevention_ais.pdf. Contact your regional Invasive Species Specialist for assistance at www.mndnr.gov/invasives/contacts.html. A list of designated infested waters is available at http://files.dnr.state.mn.us/eco/invasives/infested_waters.pdf. A list of prohibited invasive species is available at www.mndnr.gov/eco/invasives/laws.html#prohibited

B: WORK EXCLUSION DATES FOR FISH SPAWNING AND MOVEMENT: Work within Public Waters may be restricted due to fish spawning, migration concerns, or the protection of fish habitat. Dates of fish spawning and migration vary by species and location throughout the state. Specific dates for each DNR Region may be found on page 3 of Chapter 1 of the manual: Best Practices for Meeting DNR General Waters Work Permit GP2004-0001. http://www.dnr.state.mn.us/waters/watermgmt_section/pwpermits/gp_2004_0001_manual.html. Work in the water is not allowed within these dates. The DNR Area Hydrologist shall be contacted about waiving work exclusion dates where work is essential and/or where permittee demonstrates that a project will minimize impacts to fish habitat, spawning, and migration. All waivers require approval of the Area Fisheries Supervisor.

C: HYDROLOGIC MODELING: Hydrologic modeling of temporary fill or temporary structures may be required by DNR Area Hydrologist in order to evaluate impacts to the 100-yr (1% chance) flood elevation. Contingency plans may also be required to ensure all construction equipment and unsecured construction materials are moved out of the floodplain to prevent impacts to the 100-yr (1% chance) flood elevation or from being swept away by flood waters.

D: TEMPORARY FILL: If approved, temporary fill shall be free of organic material or any material that may cause siltation or pollute the waterbody. All such material shall be removed and the area restored to pre-existing profiles prior to project completion.

GENERAL PERMIT CONDITIONS *(Continued from previous page)*

E : STORAGE/STOCKPILES: Project materials must be deposited or stored in an upland area, in a manner where the materials will not be deposited into the public water by reasonably expected high water or runoff.

F: NAVIGATION: All work on navigable waters shall be so conducted that free navigation of waterways will not be interfered with.

G: EROSION PREVENTION AND SEDIMENT CONTROL: In all cases, erosion prevention and sediment control methods that have been determined to be the most effective and practical means of preventing or reducing sediment from leaving the worksite shall be installed in areas that are within 200 feet of the water's edge and drain to these waters, and on worksite areas that have the potential for direct discharge due to pumping or draining of areas from within the worksite (e.g., coffer dams, temporary ponds, stormwater inlets, etc.). These methods include but are not limited to: mulches, erosion control blankets, temporary coverings, silt fence, floating silt curtains or barriers, preservation of vegetative buffers, redundant methods, and isolation of flow around the work area. Sediment perimeter controls shall be installed prior to beginning work. Erosion prevention methods shall be installed concurrently or within 24 hours (if concurrent installation is not practical) after the construction activity in that portion of the project site has temporarily or permanently ceased. Both sediment control and erosion prevention methods must be maintained for effectiveness for the duration of the project

H : PROTECTING, AND ESTABLISHING VEGETATION: MnDOT Standard Specifications for protecting and establishing vegetation (spec #2575) of MnDOT Standard Specifications for Construction, 2005 edition, or its successor must be followed to minimize disturbance to such areas, see <http://www.dot.state.mn.us/environment/erosion/specs.html>. This may include, but is not limited to, the following: (1) During the project, parking, placement of temporary structures or material shall not be allowed outside the existing road right-of-way; (2) Place temporary fence at the construction limits and at other locations adjacent to vegetation designated to be preserved; (3) Minimize vehicular disturbance in the area (no unnecessary construction activities); (4) Leave a buffer of undisturbed vegetation between the critical resource and construction limits; (5) Precautions should be taken to ensure that borrow and disposal areas are not located within native plant communities; and (6) Re-vegetate disturbed soil with native perennial species suitable to the local habitat.

I: MPCA WATER QUALITY REQUIREMENTS: MPCA administers the requirements of the National Pollutant Discharge Elimination System and the State Disposal System (NPDES/SDS) requirements. To ensure state water quality standards during construction are not violated, check with the MPCA Stormwater Program www.pca.state.mn.us/stormwater for permit application requirements, pollution prevention guidance documents, and additional measures required for work in Special or Impaired Waters. Staff contact information and territories can be found here: <http://www.pca.state.mn.us/wfhya5b>.

J: TEMPORARY DEWATERING: A separate water use permit is required for withdrawal of more than 10,000 gallons of water per day or 1 million gallons per year from surface water or ground water. GP1997-0005 (temporary water appropriations) covers a variety of activities associated with road construction and should be applied of if applicable. An individual appropriations permit may be required for projects lasting longer than one year or exceeding 50 million gallons. Information is located at: http://www.dnr.state.mn.us/waters/watermgmt_section/appropriations/permits.html

PHOTO AND AS-BUILTS: Upon completion of the authorized work, the permittee may be required to submit a copy of established benchmarks, representative photographs, and may be required to provide as-built surveys for Public Watercourse crossing changes.



**BUFFALO - RED RIVER
WATERSHED DISTRICT**

Permit # **17-077**

Status Report: **Approved**

Applicant Information

Name	Organization	Address	Email	Phone Number(s)
Jeremy Gorden	City of Fargo	200 3rd Street North Fargo, ND 58102	JGorden@FargoND.gov	tel:701-241-1545 mobile: 701-241-1545 fax:

General Information

(1) The proposed project is a:

Bridge Installation / Removal / Modification

(2) Legal Description

(3) County: **Clay** Township: **Moorhead** Range: **48** Section: **5 1/4: All of Blocks 4, 68 and 70 and part of 7th St, Holels Addn; Part of outlots 22C, 22D, 24D; all of 23E and 24D, Section 5, T139N R48W**

(4) Describe in detail the work to be performed. **The proposed improvement to the bridge is partially based on the recommendations of the Lifespan and Replacement Study of the Fargo-Moorhead Bicycle/Pedestrian Bridges, completed in June 2006. The proposed improvement includes construction of a new bridge, new bridge abutments with pile foundations, enhanced bridge and approach lighting, and installation of a mechanical lift at the Oak Grove/Memorial park pedestrian and bicycle bridge over the Red River at its existing location.**

(5) Why is this work necessary? Explain water related issue/problem being solved. **The proposed pedestrian and bicycle bridge improvement is needed to increase the number of days the bridge is accessible, to improve the safety and reliability of the structure, enhance walkability in the urban core, and to protect the investment that the cities of Fargo and Moorhead have already made in the bike trail system. The improvement will provide a reliable option for people choosing to walk or bike for their daily commute, while enhancing recreational opportunities along the scenic river corridor and ensuring that the river amenity is accessible as often as possible.**

Status

Status	Notes	Date
Approved	None	Aug. 14, 2017
Application Complete	None	Aug. 14, 2017
Received	None	Aug. 14, 2017

Conditions

NOTE: This permit does not relieve the applicant of any requirements for other permits which may be necessary from Township, County, State, or Federal Government Agencies.