

## NOTICE OF HEARING - APPLICATIONS FOR DRAINAGE PERMITS

Notice is hereby given that the Marshall County Drainage Board will meet on April 21, 2020 at 9:10 A.M. at the Marshall County Courthouse Commissioners Chambers, concerning the following applications for Drainage Permits from the Marshall County Drainage Board.

David Vig has requested a drainage permit for construction of a drain on the property described as the SE1/4 EXC LOT 1 EXC TOWER of Section 15, T128, R53W. The water will be drained through the property and into a natural drain located at the northeast corner of the described property, which flows under 447th AVE. The purpose of this application is to drain water away from crop land. Construction will start on or before June 2020 and will be completed on or before December, 2022.

David Vig has also requested a drainage permit for the construction of a drain on the property described as the NE1/4 EXC LOT 1, RAILROAD FIRST ADDITION EXC H1 HWY of Section 23, T128N, R53W. The water will be drained through the property and into a natural drain located at the northeast corner of the described property. The water will then flow into the ditch of 448th AVE and then into the ditch of HWY 25, also known as 105th St. The purpose of this application is to drain water away from crop land. Construction will start on or before June 2020 and will be completed on or before December, 2022.

Ross Vig has requested a drainage permit for the construction of a drain on the property described as the N1/2 of Section 34, T129N, R53W. The water will be drained through the property and into two creeks that run through the property, which flow north under 101st St. The purpose of this application is to drain water away from cropland. Construction will start on or before May, 2020 and will be completed on or before November, 2022.

Erin Collins-Miles  
Planning & Zoning Administrator

Published once at the approximate cost of:

*For publication: April 15, 2020*

1T(April 15)  
**NOTICE OF HEARING  
- APPLICATIONS FOR  
DRAINAGE PERMITS**

Notice is hereby given that the Marshall County Drainage Board will meet on April 21, 2020 at 9:10 A.M. at the Marshall County Courthouse Commissioners Chambers, concerning the following applications for Drainage Permits from the Marshall County Drainage Board.

David Vig has requested a drainage permit for construction of a drain on the property described as the SE1/4 EXC LOT 1 EXC TOWER of Section 15, T128, R53W. The water will be drained through the property and into a natural drain located at the northeast corner of the described property, which flows under 447th AVE. The purpose of this application is to drain water away from crop land. Construction will start on or before June 2020 and will be completed on or before December, 2022.

David Vig has also requested a drainage permit for the construction of a drain on the property described as the NE1/4 EXC LOT 1, RAILROAD FIRST ADDITION EXC H1 HWY of Section 23, T128N, R53W. The water will be drained through the property and into a natural drain located at the northeast corner of the described property. The water will then flow into the ditch of 448th AVE and then into the ditch of HWY 25, also known as 105th St. The purpose of this application is to drain water away from crop land. Construction will start on or before June 2020 and will be completed on or before December, 2022.

Ross Vig has requested a drainage permit for the construction of a drain on the property described as the N1/2 of Section 34, T129N, R53W. The water will be drained through the property and into two creeks that run through the property, which flow north under 101st St. The purpose of this application is to drain water away from cropland. Construction will start on or before May, 2020 and will be completed

on or before November, 2022.

Erin Collins-Miles, Planning &  
Zoning Administrator  
Published once at the approximate  
cost of: \$22.24.

MARSHALL COUNTY DRAINAGE BOARD  
P.O.BOX 9  
BRITTON, SOUTH DAKOTA 57430  
Office | 605.448.7540

April 8, 2020

To whom it may concern,

Notice is hereby given that the Marshall County Drainage Board will meet on April 21, 2020 at 9:10 a.m. at the Marshall County Courthouse Commissioners Chambers, concerning the following applications for Drainage permits.

David Vig has requested a drainage permit for construction of a drain on the property described as the SE1/4 EXC LOT 1 EXC TOWER of Section 15, T128, R53W. The water will be drained through the property and into a natural drain located at the northeast corner of the described property, which flows under 447th AVE. The purpose of this application is to drain water away from crop land. Construction will start on or before June 2020 and will be completed on or before December, 2022.

David Vig has also requested a drainage permit for the construction of a drain on the property described as the NE1/4 EXC LOT 1, RAILROAD FIRST ADDITION EXC H1 HWY of Section 23, T128N, R53W. The water will be drained through the property and into a natural drain located at the northeast corner of the described property. The water will then flow into the ditch of 448th AVE and then into the ditch of HWY 25, also known as 105th St. The purpose of this application is to drain water away from crop land. Construction will start on or before June 2020 and will be completed on or before December, 2022.

Ross Vig has requested a drainage permit for the construction of a drain on the property described as the N1/2 of Section 34, T129N, R53W. The water will be drained through the property and into two creeks that run through the property, which flow north under 101st St. The purpose of this application is to drain water away from cropland. Construction will start on or before May, 2020 and will be completed on or before November, 2022.

Being as you are an adjacent landowner to one or all of the proposed drainage projects; you are being notified of the hearing. If you have any questions, please contact my office. Any comments or concerns should be stated in writing and forwarded to my office or expressed at the scheduled hearing.

Sincerely,

Erin Collins-Miles  
Planning and Zoning Administrator

**Sent to the following adjacent landowners on 4/8/2020:**

1. Veblen City: PO Box 96 Veblen, SD 57270
2. Willard and Betty Hill: 44740 102<sup>nd</sup> St. Veblen, SD 57270
3. Jason Medhaug: 44735 107<sup>th</sup> St. Veblen, SD
4. Lorne and Marty Hill: 110 Arnie Drive Sisseton, SD 57262
5. East River Electric: PO Box 227 Madison, SD 57042
6. Patricia and Carroll Nehls: 905 North 3<sup>rd</sup> St Groton, SD 57445
7. Riverview, LLP: 26406 470<sup>th</sup> Ave Morris, MN 56267
8. Carman Lien: 44651 SD HWY 25 Veblen, SD 57270
9. Rodell and Lynn Storbakken: 10096 446<sup>th</sup> Ave Lidgerwood, ND 58053
10. Jorden and Connie Hill: PO Box 137 Veblen, SD 57270
11. Patrick and Wanda Lien: 10231 447<sup>th</sup> Ave Veblen, SD 57270
12. SD DOT: 2735 US-12 Aberdeen, SD 57401
13. Marshall County Highway Shop: 10844 423rd Ave Britton, SD

**MARSHALL COUNTY DRAINAGE PERMIT APPLICATION**

APPLICANT	DRAINAGE REQUIREMENTS
Name: <u>David Vig</u>	Certified Wetland Determination attached?
Address(Mailing): <u>44852 101st</u>	<input checked="" type="checkbox"/> YES [ ] NO [ ] NA (see below)
City: <u>Lidgerwood</u> State: <u>ND</u> Zip: <u>58053</u>	Explain: _____
Phone: <u>701 899 5240</u>	Engineer's plans attached?
	[ ] YES <input checked="" type="checkbox"/> NO [ ] NA (see below)
	Explain: _____
<b>LOCATION OF LAND TO BE DRAINED</b>	
Legal Owner: <u>David Vig</u>	
Legal Description: <u>SE 1/4</u>	<b>NOTE: A map showing the location of the proposed drain MUST accompany this application.</b>
	<b>Description</b>
Section: <u>15</u> Township: <u>128</u> Range: <u>53W</u>	1. Proposed drainage ditch:
<b>LOCATION OF OUTLET END OF PROPOSED DRAIN</b>	a. Length of drain: <u>20,000</u> feet
Legal Description: <u>NE corner of pt and put in creek</u>	b. Drain Design: 1) Bottom width: _____ feet
	2) Side Slope: _____ percent
Section: <u>15</u> Township: <u>128</u> Range: <u>53W</u>	3) Maximum cut: _____ feet
<b>LOCATION OF MAJOR EARTH CHANGE WORK OR UNDERGROUND DRAIN INSTALLATION</b>	c. Proposed drainage flow: _____ cu. Ft./sec.
Legal Description: <u>SE 1/4</u>	2. Proposed drainage tile (underground drain pipe):
	a. Length of drain: <u>20,000</u> feet
	b. Drain Diameter: <u>8-4</u> inches
Section: <u>15</u> Township: <u>128</u> Range: <u>53W</u>	c. Approx. area contributing runoff to the drain where tile is located: <u>70</u> acres.
<b>LOCATION OF COUNTY HWY R.O.W./DITCH INTO WHICH WATER WILL BE DRAINED</b>	<b>Engineer</b>
Legal Description/Rd: <u>NE corner of pt into creek which flows under 447 Ave</u>	Name: _____
	Address: _____
Section: <u>15</u> Township: <u>128</u> Range: <u>53W</u>	Phone: _____
PLEASE FILL IN: I <u>David Vig</u> , propose to start construction of the drain on or before <u>June</u> , 20 <u>20</u> , and will be completed on or before <u>Dec</u> , 20 <u>22</u> .	
The proposed drainage is a result of a township, county or other water management plan:	
[ ] YES <input checked="" type="checkbox"/> No [ ] I don't know	
If yes, describe such plan:	

**SIGNATURES**

The owner of this proposed drain & the undersigned agree to conform to all applicable laws.

Owner's Signature

Date



4-1-20

Applicant's Signature

Date



4-1-20

Drainage Administrator Signature

Date



4-6-2020



# Certified Wetland Determination

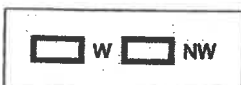
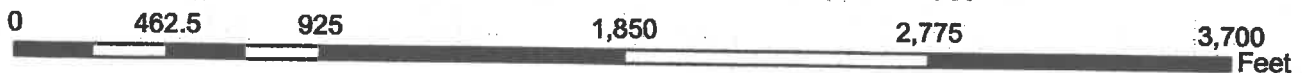
Field Office: Britton FO  
Certified By: Jesse Brooks  
Legal Desc: 15-128N-53W

Agency: USDA-NRCS  
Certified Date: 2/10/20  
Tract: 3762



## Marshall County

1:7,010 1 inch = 584 feet





Map of tile lines

# Certified Wetland Determination

Field Office: Britton FO  
Certified By: Jesse Brooks  
Legal Desc: 15-128N-53W

Agency: USDA-NRCS  
Certified Date: 2/10/20  
Tract: 3762



## Marshall County

1:7,010 1 inch = 584 feet  
0 462.5 925 1,850 2,775 3,700 Feet

W NW

15-128N53LW





**MARSHALL COUNTY DRAINAGE PERMIT APPLICATION**

APPLICANT	DRAINAGE REQUIREMENTS
Name: <u>David Vig</u>	Certified Wetland Determination attached?
Address(Mailing): <u>44852 101st</u>	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> NA (see below)
City: <u>Lidgerwood</u> State: <u>ND</u> Zip: <u>58053</u>	Explain: _____
Phone: <u>701-899-5240</u>	Engineer's plans attached?
<b>LOCATION OF LAND TO BE DRAINED</b>	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> NA (see below)
Legal Owner: <u>David Vig</u>	Explain: <u>installing tile ourselves</u>
Legal Description: <u>NW 1/4 of 23-128-53LW</u>	<b>NOTE: A map showing the location of the proposed drain MUST accompany this application.</b>
<u>Veblen Twp</u>	<b>Description</b>
Section: <u>23</u> Township: <u>Veblen</u> Range: <u>53LW</u>	1. Proposed drainage ditch:
<b>LOCATION OF OUTLET END OF PROPOSED DRAIN</b>	a. Length of drain: _____ feet
Legal Description: <u>NE corner of</u>	b. Drain Design: 1) Bottom width: _____ feet
<u>above sec.</u>	2) Side Slope: _____ percent
Section: <u>23</u> Township: <u>128</u> Range: <u>53LW</u>	3) Maximum cut: _____ feet
<b>LOCATION OF MAJOR EARTH CHANGE WORK OR UNDERGROUND DRAIN INSTALLATION</b>	c. Proposed drainage flow: _____ cu. Ft./sec.
Legal Description: <u>N 1/4</u>	2. Proposed drainage tile (underground drain pipe):
	a. Length of drain: <u>12,000</u> feet
	b. Drain Diameter: <u>8-4</u> inches
Section: <u>23</u> Township: <u>128</u> Range: <u>53LW</u>	c. Approx. area contributing runoff to the drain where tile is located: <u>6.5</u> acres.
<b>LOCATION OF COUNTY HWY R.O.W./DITCH INTO WHICH WATER WILL BE DRAINED</b>	<b>Engineer</b>
Legal Description/Rd: <u>448 Ave. and</u>	Name: _____
<u>Hy 25 1/8 mile section 448 Ave.</u>	Address: _____
Section: <u>23</u> Township: <u>128</u> Range: <u>53LW</u>	Phone: _____
PLEASE FILL IN: I <u>David Vig</u> , propose to start construction of the drain on or before <u>June</u> , 20 <u>20</u> , and will be completed on or before <u>Dec</u> , 20 <u>22</u>	
The proposed drainage is a result of a township, county or other water management plan:	
<input type="checkbox"/> YES <input checked="" type="checkbox"/> No <input type="checkbox"/> I don't know	
If yes, describe such plan:	

SIGNATURES

The owner of this proposed drain & the undersigned agree to conform to all applicable laws.

Owner's Signature

Date



4-1-20

Applicant's Signature

Date



4-1-20

Drainage Administrator Signature

Date



4-6-2020

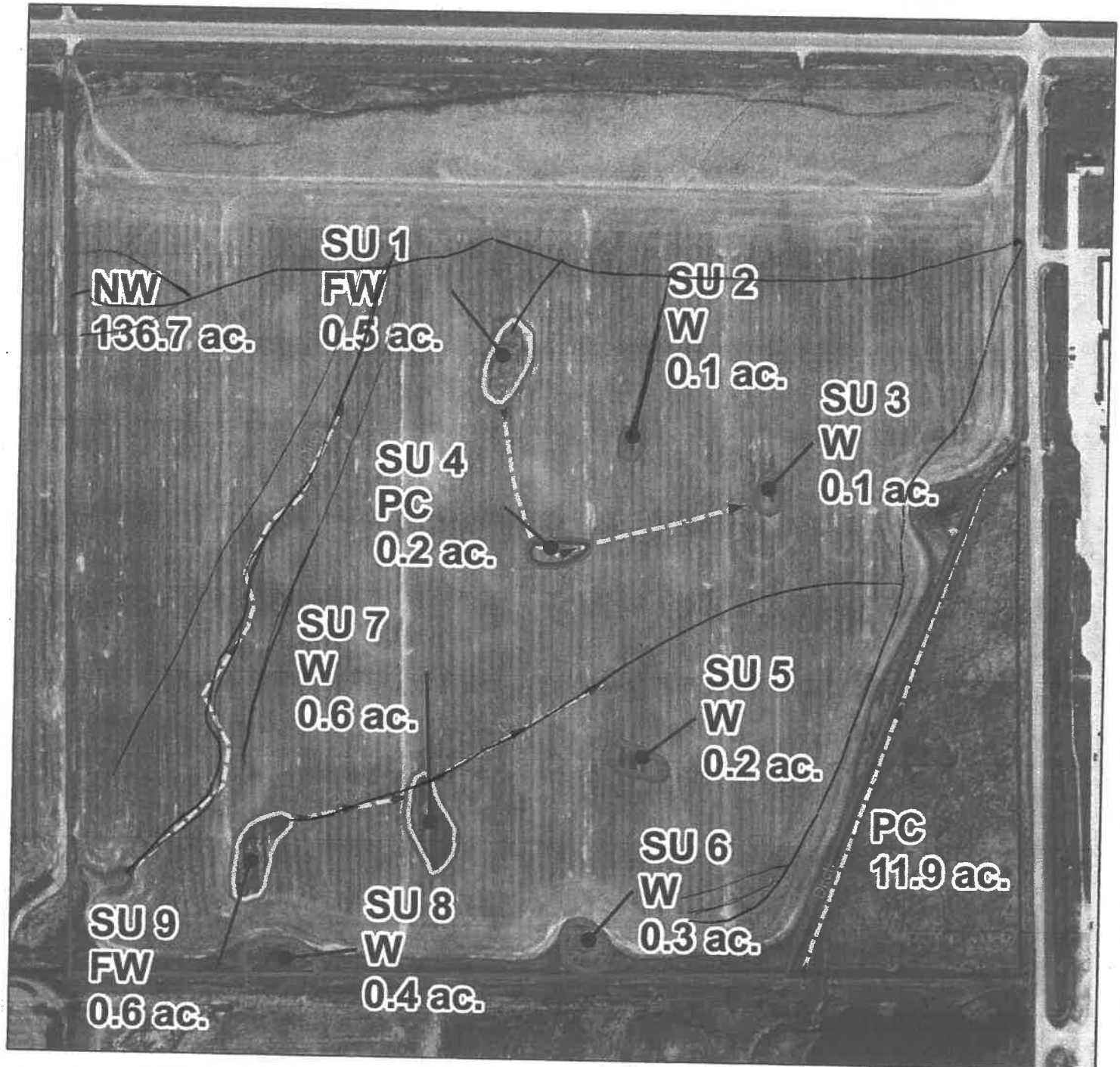


Map of tile

# Certified Wetland Determination

Field Office: Britton FO  
Certified By: Jesse Brooks  
Legal Desc: 23-1238N-53W

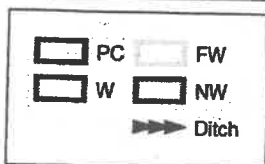
Agency: USDA-NRCS  
Certified Date: 2/10/20  
Tract: 2252



## Marshall County

1:4,784 1 inch = 399 feet

0 320 640 1,280 1,920 2,560 Feet



NW 1/4

23-128-53LW

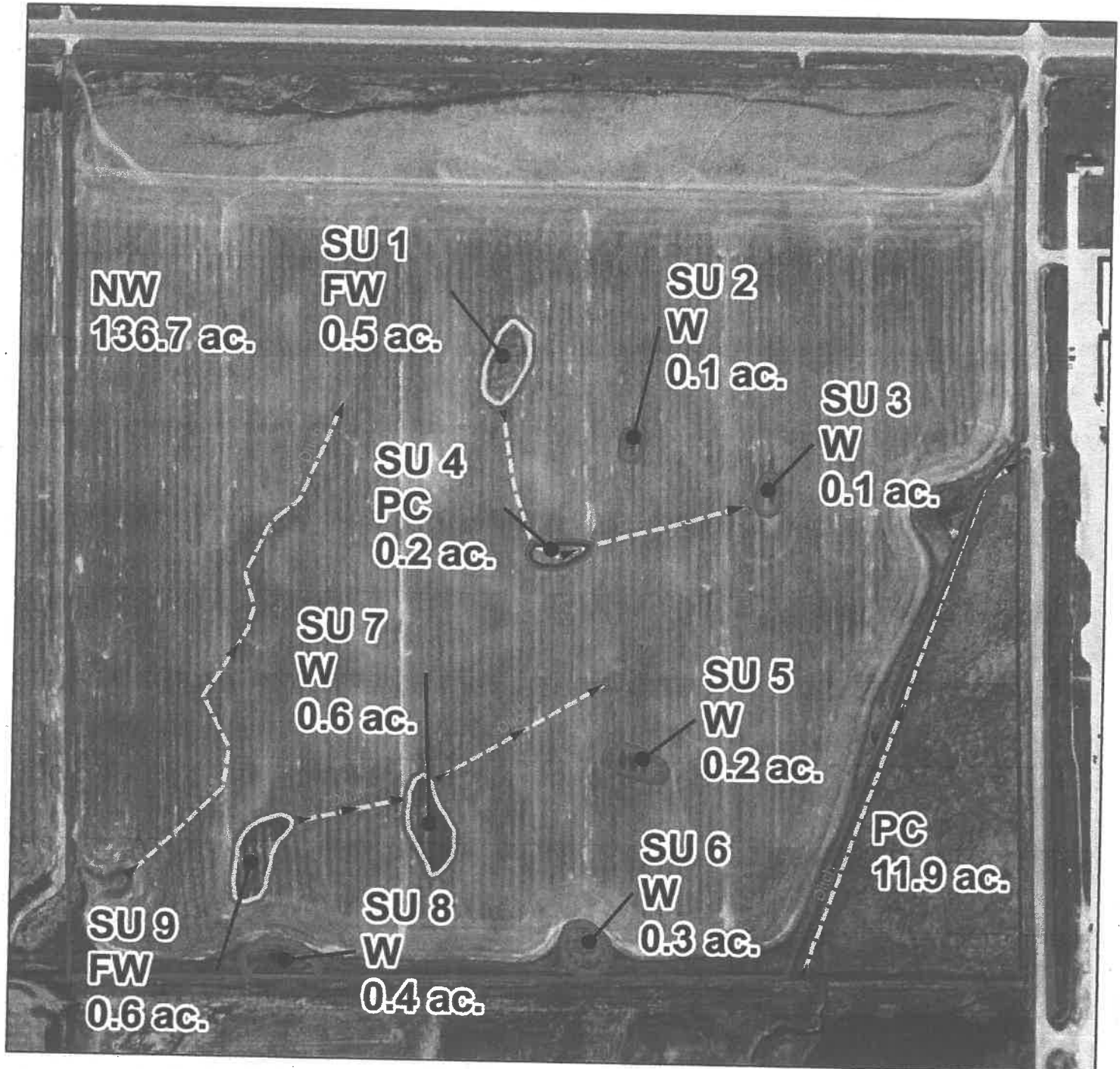




# Certified Wetland Determination

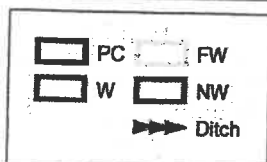
Field Office: Britton FO  
Certified By: Jesse Brooks  
Legal Desc: 23-1238N-53W

Agency: USDA-NRCS  
Certified Date: 2/10/20  
Tract: 2252



## Marshall County

1:4,784 1 inch = 399 feet  
0 320 640 1,280 1,920 2,560 Feet



NW 1/4  
23-128-53LW





February 10, 2020

**CERTIFIED MAIL – RETURN RECEIPT REQUESTED**

**D & J Vig Family Farm Inc**  
**44852 101<sup>st</sup> St**  
**Lidgerwood, ND 58053**

**Dear D & J Vig Family Farm Inc:**

As a result of your request for an evaluation of proposed wetland activity via form AD-1026, Highly Erodible Land Conservation (HELC) and Wetland Conservation (WC) Certification, the Natural Resources Conservation Service (NRCS) is issuing a preliminary certified wetland determination.

The regulations for the Wetland Conservation (WC) Compliance provisions of the 1985 Food Security Act (FSA), as amended, are found at Title 7 Code of Federal Regulations (7 CFR) §12. The purposes of the provisions are to remove certain incentives for persons to produce agricultural commodities on highly erodible land or converted wetland.

The regulations describe several exemptions (7 CFR §12.5 (b)) from ineligibility and outline the NRCS involvement in implementing the WC Compliance provisions. This determination was conducted in accordance with the current federal wetland delineation procedures as found in the most current versions of the National Food Security Act Manual (NFSAM), the 1987 United States Army Corps of Engineers (USACE) Wetland Delineation Manual, Technical Report Y-87-1, the USACE Regional Supplements, and/or State Offsite Methods/Mapping Conventions.

With this letter the NRCS is issuing a **preliminary technical determination (PTD)**, in accordance with the WC Compliance provisions. This PTD was conducted by the NRCS on 2/5/20. The attached NRCS-CPA-026E, Highly Erodible Land and Wetland Conservation Determination, and map depict the wetland exemptions, referred to as "labels." The area identified other than Non-Wetland is wetland for the following reasons:

**Presence of Hydrophytic Vegetation:**

Hydrophytic vegetation means plants growing in water or in a substrate that is at least periodically deficient in oxygen during a growing season as a result of excessive water content (16 U.S.C. §3801(a)(12)).

**Presence of Hydric Soils:**

Hydric soil means soil that, in its undrained condition, is saturated, flooded, or ponded long enough during a growing season to develop an anaerobic condition that supports the growth and regeneration of hydrophytic vegetation (16 U.S.C. §3801(a)(13)).

**Presence of Wetland Hydrology:**

Wetland hydrology means inundation or saturation of the site by surface or groundwater during the growing season at a frequency and duration sufficient to support a prevalence of hydrophytic vegetation. (7 CFR §12.2).

The wetland area(s) were evaluated for applicable exemptions and labeled accordingly.

You may appeal this preliminary technical determination in accordance with the laws and federal regulations set forth at 7 CFR §614, the NRCS Appeals Procedures, 7 CFR §780, the FSA Appeals Procedures, and 7 CFR §11, the National Appeals Division (NAD) Rules of Procedure; as follows:

- **You may request a field review and reconsideration** by the NRCS in accordance with 7 CFR 614.7(b). Any request for field review and reconsideration will be conducted with you or your authorized representative present, where you will be able to present evidence that the NRCS may not have previously considered. The NRCS will consider all new information.
- To request a field review and reconsideration, you must contact the NRCS, in writing, **no later than 30 days** from the date that you receive this notification at:

Jesse Brooks  
Natural Resource Conservation Service  
PO Box 8, 505 Vander Horck Ave.  
Britton, SD 57430  
Phone: (605)448-5921 ext. 109  
Fax: 1-855-256-2568

- **If you do not request a field review, you may request mediation** of the PTD in accordance with 7 CFR 614.7(a)(2). Mediation is completed in good faith. Parties mediating a dispute are not free to make their own law or policy and mediation is not a means to obtain a result not otherwise permissible under statute, regulations, or generally applicable agency policy and program procedures. Within these parameters, mediation of disputes can produce benefits when the mediation reveals additional relevant facts and new insights.

To request mediation you must contact Deke Hobbick ASTC for Compliance in writing **no later than 30 days** from the date that you receive this notification at:

Assistant State Conservationist for Compliance  
Natural Resources Conservation Service  
200 Fourth Street SW  
Huron, South Dakota 57350-2475  
Phone: (605) 352-1287  
Fax: (855) 256-2565

- **You may request a waiver of your rights** to this preliminary review and reconsideration or mediation in accordance with 7 CFR §614.7(d) if you want an immediately-final wetland technical determination by writing to the State Conservationist at:

Jeffrey J. Zimprich  
Natural Resources Conservation Service  
200 Fourth Street SW  
Huron, South Dakota 57350-2475  
Phone: (605) 352-1200  
Fax: (855) 256-2565

If you do not select any of your preliminary appeal rights, this PTD will become both a final technical determination (FTD) in accordance with 7 CFR §614.8(a)(1) and a certified wetland determination in accordance with 7 CFR §12.30(c). A technical determination becomes a final United States Department of Agriculture decision when the time to request appeal expires without appealing the decision. A FTD becomes appealable 30 days after receipt of the PTD.

If the FTD is a result of the expiration of the 30-day period following receipt of this PTD, it may be appealed, **within 30 days**, to either of the following:

- Appeal to the **Marshall** County Farm Service Agency County Committee

OR

- Appeal to the NAD at the following address:

National Appeals Division, Western Regional Office  
755 Parfet Street, Suite 494  
Lakewood, Colorado 80215-5506  
Phone: (800) 541-0483 or (303) 236-2862  
TTY: (800) 497-0253  
Fax: (303) 236-2820

It is your responsibility to ensure that your actions do not impact wetlands protected by a United States Fish and Wildlife Service (USFWS) or any other conservation easement. For any questions regarding USFWS conservation easements on the tract or adjacent land, please contact the wetland management district office located in **Waubay, SD, at (605)-947-4521**. For any other easements, please contact the local NRCS office.

This PTD has been conducted for the purpose of implementing the WC Compliance provisions of the 1985 FSA, as amended. This determination may not be valid for the Clean Water Act. If you intend to conduct any activity that constitutes a discharge of dredged or fill material into wetlands or Other Waters, you should request a jurisdictional determination by contacting the USACE at **(605) 224-8531**, Pierre, SD, before starting the work.

There may be opportunities to utilize mitigation if you have an interest in converting the labeled wetlands (Ws), farmed wetlands (FWs), and farmed wetland pasture (FWP), found in this determination. Mitigation is the compensation of lost wetlands through wetland restoration, enhancement, or the creation of new wetlands. Mitigation cannot occur at the expense of the federal government. Mitigated wetlands must be in the same local watershed as the wetlands you wish to convert. The landowner must grant an easement that remains in effect as long as the original wetland remains converted and the easement will be recorded on public land records for the mitigated wetlands. All of the above activities, as well as, a mitigation plan, must be completed before any wetland conversions could occur.

**If you are the owner of this tract of land and have a tenant, I urge you to discuss this letter and accompanying NRCS-CPA-026E with your tenant. Likewise, if you are the tenant of this tract of land, I urge you to discuss this letter with your landlord.**

The 2014 Farm Bill connected producer eligibility for Federal Crop Insurance premium subsidy to compliance with the wetland conservation provisions. Eligibility for most USDA programs is

lost for any wetland conversions that have occurred after December 23, 1985. However, only wetland conversions that occur after February 7, 2014, result in ineligibility for Federal Crop Insurance premium subsidy.

Sincerely,



**Jesse Brooks**  
**Wetland Specialist**

Attachments **NRCS-CPA-026e w/map**

cc: (without attachments)

**Sharon Rolstad, Acting CED, FSA, Marshall County FSA**  
**Judi Schultz, DC, NRCS, Britton FO**



## HIGHLY ERODIBLE LAND AND WETLAND CONSERVATION DETERMINATION

Name Address:	D & J Vig Family Farm Inc 44852 101st St Lidgerwood, ND 58053	Request Date:	1/29/20	County:	Marshall
Agency or Person Requesting Determination:	Farm Service Agency	Tract No:	3762	FSA Farm No.	5032

### Section I - Highly Erodible Land

(Y/N)

Is a soil survey now available for making a highly erodible land determination?	
Are there highly erodible soil map units on this farm?	

Fields in this section have undergone a determination of whether they are highly erodible land (HEL) or not; fields for which an HEL Determination has not been completed are not listed. In order to be eligible for USDA benefits, a person must be using an approved conservation system on all HEL.


[illegible]

The Highly Erodible Land determination was completed in the

## Section II - Wetlands

[illegible]

I certify that the above determinations are correct and were conducted in accordance with policies and procedures contained in the National Food Security Act Manual.

Signature	Designated Conservationist	Date
		2/10/20

## HIGHLY ERODIBLE LAND AND WETLAND CONSERVATION DETERMINATION

Name	D & J Vig Family Farm Inc	Request Date:	1/29/20	County:	Marshall
Address:	44852 101st St Lidgerwood, ND 58053				
Agency or Person Requesting Determination:	Farm Service Agency	Tract No:	2252	FSA Farm No.	5032

### **Section I - Highly Erodible Land**

(Y/N)

Is a soil survey now available for making a highly erodible land determination?	
Are there highly erodible soil map units on this farm?	
Fields in this section have undergone a determination of whether they are highly erodible land (HEL) or not; fields for which an HEL Determination has not been completed are not listed. In order to be eligible for USDA benefits, a person must be using an approved conservation system on all HEL.	

[illegible]

The Highly Erodible Land determination was completed in the


## **Section II - Wetlands**

Fields in this section have had wetland determinations completed. See the Definition of Wetland Label Codes for additional information regarding allowable activities under the wetland conservation provisions of the Food Security Act and/or when wetland determinations are necessary to determine USDA program eligibility.

<u>Field(s)</u>	<u>Wetland Label*</u>	<u>Occurrence Year (CW)</u>	<u>Acres</u>	<u>Determination Date</u>	<u>Certification Date</u>
1,3,7	NW		136.7	2/4/20	2/10/20
3	W		1.7	2/4/20	2/10/20
3	FW		1.1	2/4/20	2/10/20
3	PC		0.2	2/4/20	2/10/20
2	PC		11.9	6/20/00	6/20/00
The wetland determination was completed in the	Office		It was mailed to the person on	2/10/2020	

Remarks:

I certify that the above determinations are correct and were conducted in accordance with policies and procedures contained in the National Food Security Act Manual.

Signature	Designated Conservationist	Date
		2/10/2020

**MARSHALL COUNTY DRAINAGE PERMIT APPLICATION**

APPLICANT			DRAINAGE REQUIREMENTS	
Name: <u>Ross Vig</u>			Certified Wetland Determination attached?	
Address(Mailing): <u>44744 101st</u>			<input checked="" type="checkbox"/> YES [ ] NO [ ] NA (see below)	
City: <u>Lidgerwood</u> State: <u>ND</u> Zip: <u>58053</u>			Explain: _____	
Phone: <u>701-899-3083</u>			Engineer's plans attached?	
			[ ] YES <input checked="" type="checkbox"/> NO [ ] NA (see below)	
<b>LOCATION OF LAND TO BE DRAINED</b>			Explain: _____	
Legal Owner: <u>Hans Nelson</u>			<u>Tile installed by me</u>	
Legal Description: <u>N 1/2</u>			<b>NOTE: A map showing the location of the proposed drain MUST accompany this application.</b>	
			<b>Description</b>	
Section: <u>34</u> Township: <u>129N</u> Range: <u>S3LW</u>			1. Proposed drainage ditch:	
<b>LOCATION OF OUTLET END OF PROPOSED DRAIN</b>			a. Length of drain: _____ feet	
Legal Description: <u>N 1/2 Creeks that run</u>			b. Drain Design: 1) Bottom width: _____ feet	
<u>through the Section</u>			2) Side Slope: _____ percent	
Section: <u>34</u> Township: <u>129N</u> Range: <u>S3LW</u>			3) Maximum cut: _____ feet	
<b>LOCATION OF MAJOR EARTH CHANGE WORK OR UNDERGROUND DRAIN INSTALLATION</b>			c. Proposed drainage flow: _____ cu. Ft./sec.	
Legal Description: <u>N 1/2</u>			2. Proposed drainage tile (underground drain pipe):	
			a. Length of drain: <u>16,200</u> feet	
			b. Drain Diameter: <u>6-4</u> inches	
Section: <u>34</u> Township: <u>129N</u> Range: <u>S3LW</u>			c. Approx. area contributing runoff to the drain where tile is located: <u>90</u> acres.	
<b>LOCATION OF COUNTY HWY R.O.W./DITCH INTO WHICH WATER WILL BE DRAINED</b>			<b>Engineer</b>	
Legal Description/Rd: <u>Creeks that run</u>			Name: _____	
<u>under 101st west of 446th Ave 1/2 mile</u>			Address: _____	
Section: _____ Township: _____ Range: _____			Phone: _____	
PLEASE FILL IN: I <u>Ross Vig</u> , propose to start construction of the drain on or before <u>May</u> , 20 <u>20</u> , and will be completed on or before <u>November</u> , 20 <u>22</u> .				
The proposed drainage is a result of a township, county or other water management plan:				
[ ] YES <input checked="" type="checkbox"/> No [ ] I don't know				
If yes, describe such plan:				

SIGNATURES

The owner of this proposed drain & the undersigned agree to conform to all applicable laws.

Owner's Signature

Date



4-1-2020

Applicant's Signature

Date



4-1-2020

Drainage Administrator Signature

Date



4-6-2020



# Certified Wetland Determination

Field Office: Britton FO  
Certified By: Jesse Brooks  
Legal Desc: 34-129N-53W

*Map of tile lines*

Agency: USDA-NRCS  
Certified Date: 2/7/20  
Tract: 4609



## Marshall County

1:9,000 1 inch = 750 feet  
2,400 3,600

0 600 1,200 4,800 Feet







# Certified Wetland Determination

Field Office: Britton FO  
Certified By: Jesse Brooks  
Legal Desc: 34-129N-53W

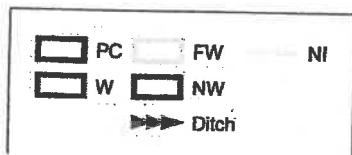
Agency: USDA-NRCS  
Certified Date: 2/7/20  
Tract: 4609



## Marshall County

1:9,000 1 inch = 750 feet  
2,400 3,600

0 600 1,200 4,800 Feet





February 7, 2020

**CERTIFIED MAIL – RETURN RECEIPT REQUESTED**

**Ross Vig**  
**44744 101<sup>st</sup> St**  
**Lidgerwood, ND 58053**

Dear **Ross Vig**:

As a result of your request for an evaluation of proposed wetland activity via form AD-1026, Highly Erodible Land Conservation (HELC) and Wetland Conservation (WC) Certification, the Natural Resources Conservation Service (NRCS) is issuing a preliminary certified wetland determination.

The regulations for the Wetland Conservation (WC) Compliance provisions of the 1985 Food Security Act (FSA), as amended, are found at Title 7 Code of Federal Regulations (7 CFR) §12. The purposes of the provisions are to remove certain incentives for persons to produce agricultural commodities on highly erodible land or converted wetland.

The regulations describe several exemptions (7 CFR §12.5 (b)) from ineligibility and outline the NRCS involvement in implementing the WC Compliance provisions. This determination was conducted in accordance with the current federal wetland delineation procedures as found in the most current versions of the National Food Security Act Manual (NFSAM), the 1987 United States Army Corps of Engineers (USACE) Wetland Delineation Manual, Technical Report Y-87-1, the USACE Regional Supplements, and/or State Offsite Methods/Mapping Conventions.

With this letter the NRCS is issuing a **preliminary technical determination (PTD)**, in accordance with the WC Compliance provisions. This PTD was conducted by the NRCS on 2/4/20. The attached NRCS-CPA-026E, Highly Erodible Land and Wetland Conservation Determination, and map depict the wetland exemptions, referred to as "labels." The area identified other than Non-Wetland is wetland for the following reasons:

**Presence of Hydrophytic Vegetation:**

Hydrophytic vegetation means plants growing in water or in a substrate that is at least periodically deficient in oxygen during a growing season as a result of excessive water content (16 U.S.C. §3801(a)(12)).

**Presence of Hydric Soils:**

Hydric soil means soil that, in its undrained condition, is saturated, flooded, or ponded long enough during a growing season to develop an anaerobic condition that supports the growth and regeneration of hydrophytic vegetation (16 U.S.C. §3801(a)(13)).

**Presence of Wetland Hydrology:**

Wetland hydrology means inundation or saturation of the site by surface or groundwater during the growing season at a frequency and duration sufficient to support a prevalence of hydrophytic vegetation. (7 CFR §12.2).

You may appeal this preliminary technical determination in accordance with the laws and federal regulations set forth at 7 CFR §614, the NRCS Appeals Procedures, 7 CFR §780, the FSA Appeals Procedures, and 7 CFR §11, the National Appeals Division (NAD) Rules of Procedure; as follows:

- **You may request a field review and reconsideration** by the NRCS in accordance with 7 CFR 614.7(b). Any request for field review and reconsideration will be conducted with you or your authorized representative present, where you will be able to present evidence that the NRCS may not have previously considered. The NRCS will consider all new information.
- To request a field review and reconsideration, you must contact the NRCS, in writing, **no later than 30 days** from the date that you receive this notification at:

Jesse Brooks  
Natural Resource Conservation Service  
PO Box 8, 505 Vander Horck Ave.  
Britton, SD 57430  
Phone: (605)448-5921 ext. 109  
Fax: 1-855-256-2568

- **If you do not request a field review, you may request mediation** of the PTD in accordance with 7 CFR 614.7(a)(2). Mediation is completed in good faith. Parties mediating a dispute are not free to make their own law or policy and mediation is not a means to obtain a result not otherwise permissible under statute, regulations, or generally applicable agency policy and program procedures. Within these parameters, mediation of disputes can produce benefits when the mediation reveals additional relevant facts and new insights.

To request mediation you must contact Deke Hobbick ASTC for Compliance in writing **no later than 30 days** from the date that you receive this notification at:

Assistant State Conservationist for Compliance  
Natural Resources Conservation Service  
200 Fourth Street SW  
Huron, South Dakota 57350-2475  
Phone: (605) 352-1287  
Fax: (855) 256-2565

- **You may request a waiver of your rights** to this preliminary review and reconsideration or mediation in accordance with 7 CFR §614.7(d) if you want an immediately-final wetland technical determination by writing to the State Conservationist at:

Jeffrey J. Zimprich  
Natural Resources Conservation Service  
200 Fourth Street SW  
Huron, South Dakota 57350-2475  
Phone: (605) 352-1200  
Fax: (855) 256-2565



If you do not select any of your preliminary appeal rights, this PTD will become both a final technical determination (FTD) in accordance with 7 CFR §614.8(a)(1) and a certified wetland determination in accordance with 7 CFR §12.30(c). A technical determination becomes a final United States Department of Agriculture decision when the time to request appeal expires without appealing the decision. A FTD becomes appealable 30 days after receipt of the PTD.

If the FTD is a result of the expiration of the 30-day period following receipt of this PTD, it may be appealed, **within 30 days**, to either of the following:

- Appeal to the **Marshall County Farm Service Agency County Committee**

OR

- Appeal to the NAD at the following address:

National Appeals Division, Western Regional Office  
755 Parfet Street, Suite 494  
Lakewood, Colorado 80215-5506  
Phone: (800) 541-0483 or (303) 236-2862  
TTY: (800) 497-0253  
Fax: (303) 236-2820

It is your responsibility to ensure that your actions do not impact wetlands protected by a United States Fish and Wildlife Service (USFWS) or any other conservation easement. For any questions regarding USFWS conservation easements on the tract or adjacent land, please contact the wetland management district office located in **Waubay, SD, at (605)-947-4521**. For any other easements, please contact the local NRCS office.

This PTD has been conducted for the purpose of implementing the WC Compliance provisions of the 1985 FSA, as amended. This determination may not be valid for the Clean Water Act. If you intend to conduct any activity that constitutes a discharge of dredged or fill material into wetlands or Other Waters, you should request a jurisdictional determination by contacting the USACE at **(605) 224-8531**, Pierre, SD, before starting the work.

There may be opportunities to utilize mitigation if you have an interest in converting the labeled wetlands (Ws), farmed wetlands (FWs), and farmed wetland pasture (FWP), found in this determination. Mitigation is the compensation of lost wetlands through wetland restoration, enhancement, or the creation of new wetlands. Mitigation cannot occur at the expense of the federal government. Mitigated wetlands must be in the same local watershed as the wetlands you wish to convert. The landowner must grant an easement that remains in effect as long as the original wetland remains converted and the easement will be recorded on public land records for the mitigated wetlands. All of the above activities, as well as, a mitigation plan, must be completed before any wetland conversions could occur.

**If you are the owner of this tract of land and have a tenant, I urge you to discuss this letter and accompanying NRCS-CPA-026E with your tenant. Likewise, if you are the tenant of this tract of land, I urge you to discuss this letter with your landlord.**

The 2014 Farm Bill connected producer eligibility for Federal Crop Insurance premium subsidy to compliance with the wetland conservation provisions. Eligibility for most USDA programs is

lost for any wetland conversions that have occurred after December 23, 1985. However, only wetland conversions that occur after February 7, 2014, result in ineligibility for Federal Crop Insurance premium subsidy.

Sincerely,



**Jesse Brooks**  
**Wetland Specialist**

Attachments **NRCS-CPA-026e w/map**

cc: (without attachments)

**Sharon Rolstad**, Acting CED, FSA, Marshall County FSA  
**Judi Schultz**, DC, NRCS, Britton FO

## HIGHLY ERODIBLE LAND AND WETLAND CONSERVATION DETERMINATION

<b>WETLAND Delineation and Wetland Conservation Determination</b>						
Name Address:		Ross Vig 44744 101st St Lidgerwood, ND 58053	Request Date:	1/29/20	County:	Marshall
Agency or Person Requesting Determination:		Farm Service Agency	Tract No:	4609	FSA Farm No.	4229

### Section I - Highly Erodible Land

(Y/N)

Is a soil survey now available for making a highly erodible land determination?

Are there highly erodible soil map units on this farm?

Fields in this section have undergone a determination of whether they are highly erodible land (HEL) or not; fields for which an HEL Determination has not been completed are not listed. In order to be eligible for USDA benefits, a person must be using an approved conservation system on all HEL.

[illegible]

The Highly Erodible Land determination was completed in the

## **Section II - Wetlands**

Fields in this section have had wetland determinations completed. See the Definition of Wetland Label Codes for additional information regarding allowable activities under the wetland conservation provisions of the Food Security Act and/or when wetland determinations are necessary to determine USDA program eligibility.

[illegible]

The wetland determination was completed in the	Office	It was mailed to the person on	2/7/2020
--	--------	--------------------------------	----------

Remarks:

I certify that the above determinations are correct and were conducted in accordance with policies and procedures contained in the National Food Security Act Manual.

Signature	Designated Conservationist	Date
		2/7/20