

NOTICE OF HEARING - APPLICATIONS FOR DRAINAGE PERMITS

Notice is hereby given that the Marshall County Drainage Board will meet on February 2, 2021 at 9:10 A.M. at the Marshall County Courthouse Commissioners Chambers, concerning the following application for Drainage Permit from the Marshall County Drainage Board.

Curtis Samson is requesting a drainage permit for construction of a drain in the SE corner of the property described as the W1/2SE1/4 Section 8, T125N, R55W, to expand the original plans on the drainage permit which was approved on September 22, 2020. The water will flow East into a natural drain and will continue flowing East to drain into Stink Lake; for the purpose of draining water away from crop land. Construction will start on or before February 1, 2021 and will be completed on or before December 31, 2022.

Erin Collins-Miles
Planning & Zoning Administrator

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Erin Collins-Miles
Planning & Zoning Administrator
Published once at the approximate cost of \$11.28.

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

January 19, 2021

To whom it may concern,

Notice is hereby given that the Marshall County Drainage Board will meet on February 2, 2021 at 9:10 A.M. at the Marshall County Courthouse Commissioners Chambers, concerning the following applications for a Drainage Permit from the Marshall County Drainage Board.

Curtis Samson is requesting a drainage permit for construction of a drain in the SE corner of the property described as the W1/2SE1/4 Section 8, T125N, R55W, to expand the original plans on the drainage permit which was approved on September 22, 2020. The water will flow East into a natural drain and will continue flowing East to drain into Stink Lake; for the purpose of draining water away from crop land. Construction will start on or before February 1, 2021 and will be completed on or before December 31, 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 1/19/2021:

Stuart & Krissa Samson – P.O. Box 134 Eden, SD 57232
Brandon & Jennifer Steiner – P.O. Box 131 Eden, SD 57232
Thomas Lee Steiner – 12134 438th Ave. Eden, SD 57232
Hilary Schuster – 43920 121st St. Eden, SD 57232
Daniel & Wayne Michlitsch – P.O. Box 104 Eden, SD 57232
Joe & Joy Pitzl – 43650 118th Street Lake City, SD 57247
Greg Kulesa – 1141 Sunset St. NW Watertown, SD 57201

MARSHALL COUNTY DRAINAGE PERMIT APPLICATION

| APPLICANT | | DRAINAGE REQUIREMENTS | |
|--|--|---|--|
| Name: <u>Curtis Samson</u> | | Certified Wetland Determination attached? | |
| Address(Mailing): <u>P.O. Box 35</u> | | <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> NA (see below) | |
| City: <u>Eden</u> State: <u>SD</u> Zip: <u>57222</u> | | Explain: _____ | |
| Phone: <u>605-486-4136</u> | | Engineer's plans attached? | |
| | | <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> NA (see below) | |
| LOCATION OF LAND TO BE DRAINED | | Explain: _____ | |
| Legal Owner: <u>Curtis Samson</u> | | | |
| Legal Description: <u>W 1/2 SE 1/4 Section 8</u> | | NOTE: A map showing the location of the proposed drain MUST accompany this application. | |
| <u>T125N R55W</u> | | Description | |
| Section: <u>8</u> Township: <u>125</u> Range: <u>55</u> | | 1. Proposed drainage ditch: | |
| LOCATION OF OUTLET END OF PROPOSED DRAIN | | a. Length of drain: _____ feet | |
| Legal Description: _____ | | b. Drain Design: 1) Bottom width: _____ feet | |
| | | 2) Side Slope: _____ percent | |
| Section: <u>8</u> Township: <u>125</u> Range: <u>55</u> | | 3) Maximum cut: _____ feet | |
| LOCATION OF MAJOR EARTH CHANGE WORK OR UNDERGROUND DRAIN INSTALLATION | | c. Proposed drainage flow: _____ cu. Ft./sec. | |
| Legal Description: _____ | | 2. Proposed drainage tile (underground drain pipe): | |
| | | a. Length of drain: _____ feet | |
| Section: <u>8</u> Township: <u>125</u> Range: <u>55</u> | | b. Drain Diameter: _____ inches | |
| LOCATION OF COUNTY HWY R.O.W./DITCH INTO WHICH WATER WILL BE DRAINED | | c. Approx. area contributing runoff to the drain where tile is located: _____ acres. | |
| Legal Description/Rd: _____ | | Engineer | |
| | | Name: _____ | |
| Section: _____ Township: _____ Range: _____ | | Address: _____ | |
| | | Phone: _____ | |
| PLEASE FILL IN: I <u>Curtis Samson</u> , propose to start construction of the drain on or before <u>Feb 1</u> , 20 <u>21</u> , and will be completed on or before <u>Dec 31</u> , 20 <u>21</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

Paul Sam

1-14-2021

Applicant's Signature

Date

Paul Sam

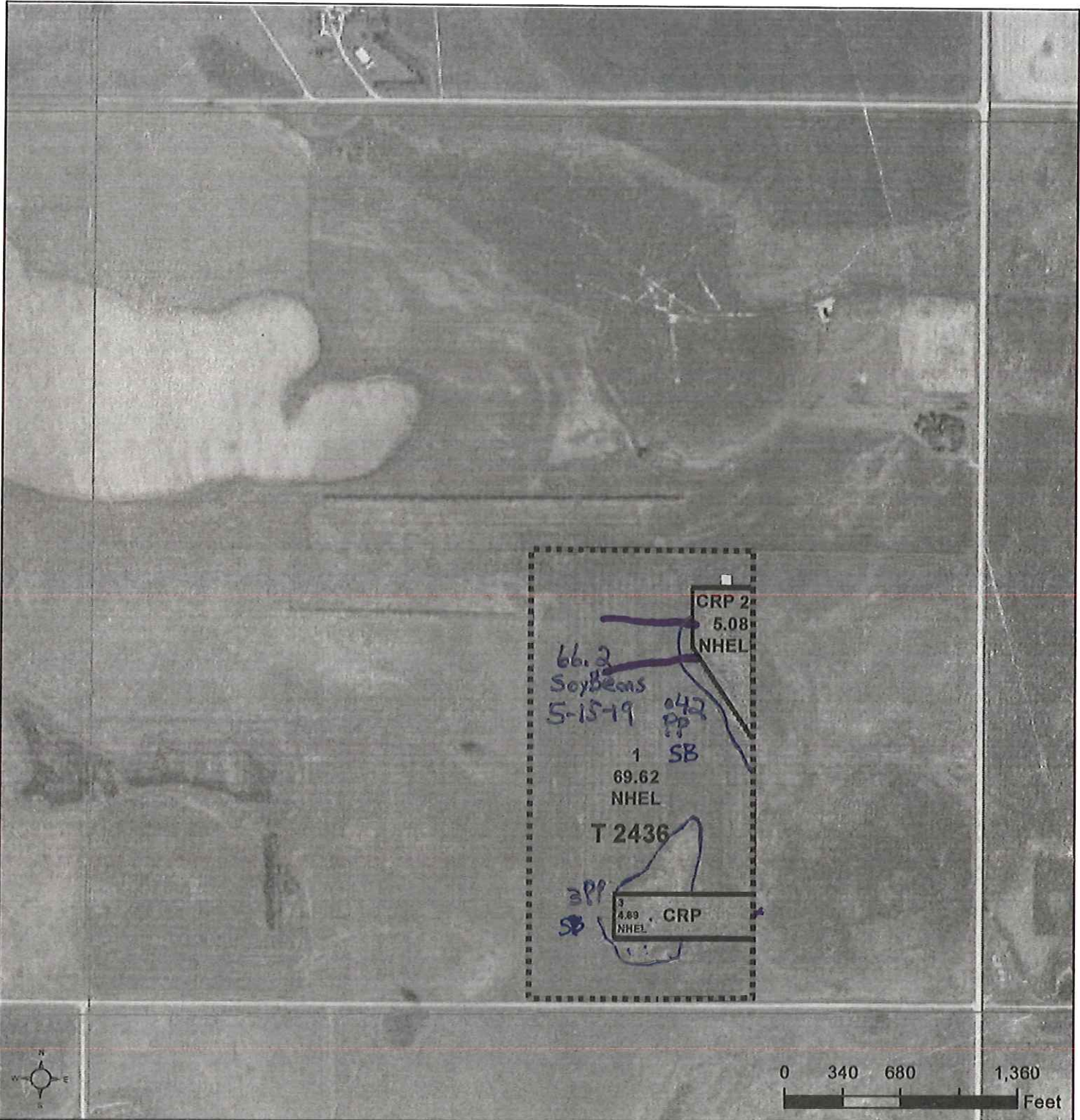
1-14-2021

Drainage Administrator Signature

Date

Paul Wolinski

1/14/21



Common Land Unit

 Tract Boundary
 PLSS

Wetland Determination Identifiers

 Restricted Use
 Limited Restrictions
 Exempt from Conservation
 Compliance Provisions

Curtis 100%

W 1/2 of the SE 1/4
 W 1/2 SE 1/4 sec 4

2019 Program Year
 Map Created May 02, 2019

Farm 5204

8-125N-55W

United States Department of Agriculture (USDA) Farm Service Agency (FSA) maps are for FSA Program administration only. This map does not represent a legal survey or reflect actual ownership; rather it depicts the information provided directly from the producer and/or National Agricultural Imagery Program (NAIP) imagery. The producer accepts the data 'as is' and assumes all risks associated with its use. USDA-FSA assumes no responsibility for actual or consequential damage incurred as a result of any user's reliance on this data outside FSA Programs. Wetland identifiers do not represent the size, shape, or specific determination of the area. Refer to your original determination (CPA-026 and attached maps) for exact boundaries and determinations or contact USDA Natural Resources Conservation Service (NRCS).

**HIGHLY ERODIBLE LAND CONSERVATION (HELC) AND
WETLAND CONSERVATION (WC) CERTIFICATION**

Read attached AD-1026 Appendix before completing form.

PART A - BASIC INFORMATION

| | | |
|--------------------------------------|--|----------------------|
| 1. Name of Producer CURTIS SAMSON | 2. Tax Identification Number (Last 4 digits) | 3. Crop Year 2019 |
|--------------------------------------|--|----------------------|

4. Names of affiliated persons with farming interests. Enter "None," if applicable.

NONE

Affiliated persons with farming interests must also file an AD1026. See Item 7 in the Appendix for a definition of an affiliated person.

5. Check one of these boxes if the statement applies; otherwise continue to Part B.

A. ☐ The producer in Part A does not have interest in land devoted to agriculture. Examples include bee keepers who place their hives on another person's land, producers of crops grown in greenhouses, and producers of aquaculture AND these producers do not own/lease any agricultural land themselves. **Note:** Do not check this box if the producer shares in a crop.B. ☐ The producer in Part A meets all three of the following:

- does not participate in any USDA program that is subject to HELC and WC compliance except Federal Crop Insurance.
- only has interest in land devoted to agriculture which is exclusively used for perennial crops, except sugarcane, and
- has not converted a wetland after February 7, 2014.

Perennial crops include, but are not limited to, tree fruit, tree nuts, grapes, olives, native pasture and perennial forage. A producer that produces alfalfa should contact the Natural Resources Conservation Service at the nearest USDA Service Center to determine whether such production qualifies as production of a perennial crop.

Note: If either box is checked, and the producer in Part A does not participate in Farm Service Agency (FSA) or Natural Resources Conservation Service (NRCS) programs, the full tax identification number of the producer must be provided, but establishment of detailed farm records with FSA is not required. Go to Part D and sign and date.**PART B - HELC/WC COMPLIANCE QUESTIONS**

Indicate YES or NO to each question.

If you are unsure of whether a HEL determination, wetland determination, or NRCS evaluation has been completed, contact your local USDA Service Center.

| | YES | NO |
|--|-------------------------------------|-------------------------------------|
| 6. During the crop year entered in Part A or the term of a requested USDA loan, did or will the producer in Part A plant or produce an agricultural commodity (including sugarcane) on land for which an HEL determination has not been made? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 7. Has anyone performed (since December 23, 1985), or will anyone perform any activities to: | | |
| A. Create new drainage systems, conduct land leveling, filling, dredging, land clearing, or excavation that has NOT been evaluated by NRCS? If "YES", indicate the year(s): <u>2014</u> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| B. Improve or modify an existing drainage system that has NOT been evaluated by NRCS? If "YES", indicate the year(s): _____ | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| C. Maintain an existing drainage system that has NOT been evaluated by NRCS? If "YES", indicate the year(s): _____ Note: Maintenance is the repair, rehabilitation, or replacement of the capacity of existing drainage systems to allow for the continued use of wetlands currently in agricultural production and the continued management of other areas as they were used before December 23, 1985. This allows a person to reconstruct or maintain the capacity of the original system or install a replacement system that is more durable or will realize lower maintenance or costs. | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

Note: If "YES" is checked for Item 7A or 7B, then Part C must be completed to authorize NRCS to make an HELC/WC and/or certified wetland determination on the identified land. If "YES" is checked for Item 7C, NRCS does not have to conduct a certified wetland determination.

8. Check one or both boxes, if applicable; otherwise, continue to Part C or D.

- A. ☐ Check this box only if the producer in Part A has FCIC reinsured crop insurance and filing this form represents the first time the producer in Part A, including any affiliated person, has been subject to HELC and WC provisions.
- B. ☐ Check this box if either of the following applies to the producer and crop year entered in Part A:
- Is a tenant on a farm that is/will not be in compliance with HELC and WC provisions because the landlord refuses to allow compliance, but all other farms not associated with that landlord are in compliance. (AD-1026B, Tenant Exemption Request, must be completed).
 - Is a landlord of a farm that is/will not be in compliance with HELC and WC provisions because of a violation by the tenant on that farm, but all other farms not associated with that tenant are in compliance. (AD-1026C, Landlord or Landowner Exemption Request, must be completed).

PART C - ADDITIONAL INFORMATION

9. If "YES" was checked in Item 6 or 7, provide the following information for the land to which the answer applies:

- A. Farm and/or tract/field number: F5204 T2436 fld 1
If unknown, contact the Farm Service Agency at the nearest USDA Service Center.
- B. Activity: tiling
- C. Current land use (specify crops): soybeans
- D. County: Marshall Co

HIGHLY ERODIBLE LAND AND WETLAND CONSERVATION DETERMINATION

| | | | | | |
|---|--|---------------|---------|--------------|----------|
| Name Address: | Curtis Samson PO Box 35 Eden, SD 57232 | Request Date: | 7/29/19 | County: | Marshall |
| Agency or Person Requesting Determination: | Farm Service Agency | Tract No: | 2436 | FSA Farm No. | 5204 |

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> |
|--|-----------------------|-----------------------------|--------------|--------------------------------|---------------------------|
| 1,2,3 | NW | | 74.8 | 8/7/19 | 8/8/19 |
| 1,2 | PC | | 4.8 | 8/7/19 | 8/8/19 |
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| | | | | | |
| The wetland determination was completed in the | | | Office | It was mailed to the person on | 8/8/2019 |

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 |
|  | | 8/8/2019 |

*DEFINITIONS OF WETLAND LABEL CODES

| | |
|---------|--|
| AW | <u>Artificial Wetland:</u> An area that was formerly a non-wetland area under natural conditions but now exhibits wetland characteristics because of the influence of human activities. These areas are exempt from the Food Security Act of 1985, as amended. This label includes irrigation induced wetlands. |
| CC | <u>Commenced Conversion:</u> A wetland, farmed wetland, farmed wetland pasture, or converted wetland on which the conversion began but was not completed before December 23, 1985, was approved by FSA to continue, and the conversion was completed by January 1, 1995. |
| CPD | <u>COE Permit with Mitigation:</u> A converted wetland authorized by a permit issued under Section 404 of the Clean Water Act. Production of agricultural commodities is allowed subject to conditions of the permit. |
| CMW | <u>Categorical Minimal Effect:</u> A wetland that meets specific categories of conversion activities that have been determined by NRCS to have minimal effect, individually and cumulatively, on the functions and values of the wetland and the wetlands in the watershed. |
| CW | <u>Converted Wetland:</u> A wetland converted between December 23, 1985, and November 28, 1990. Production of an agricultural commodity or additional manipulation of these areas will yield USDA benefit ineligibility. Also, these areas are wetlands converted after December 23, 1985, by a county, drainage district, or similar entity. For these instances, production of an agricultural commodity or forage for mechanical harvest or additional manipulation will cause ineligibility for USDA program benefits. |
| CW+year | <u>Converted Wetland + (year the conversion occurred):</u> A wetland converted after November 28, 1990, where the USDA program participant is ineligible for benefits until the wetland is restored or mitigated unless an exemption applies. |
| CWNA | <u>Converted Wetland Non-Agricultural Use:</u> A wetland converted after November 28, 1990, to a use other than agricultural commodity production. Label not used for certified wetland determinations completed after 2/2008. |
| CWTE | <u>Converted Wetland Technical Error:</u> A wetland converted or commenced after December 23, 1985, based on an incorrect NRCS determination. This label does not apply to obvious wetlands as defined in the National Food Security Act Manual. |
| FW | <u>Farmed Wetland:</u> A wetland that was manipulated and planted before December 23, 1985, but still meets inundation or saturation criteria. These areas may be farmed and maintained as documented before December 23, 1985, as long as they are not abandoned (i.e., management or maintenance for commodity production ceased for 5 consecutive years). |
| FWP | <u>Farmed Wetland Pasture or Hayland:</u> A wetland that is used for pasture or haying, was manipulated and planted before December 23, 1985, but still meets the inundation or saturation criteria. These areas may be farmed and maintained as documented before December 23, 1985, as long as they are not abandoned (i.e., management or maintenance for commodity production ceased for 5 consecutive years). |
| MIW | <u>Mitigation Exemption:</u> A converted wetland, farmed wetland or farmed wetland pasture of which the acreage, functions and values lost have been compensated for through an NRCS-approved mitigation plan. |
| MW | <u>Minimal Effect Exemption:</u> A converted wetland that is exempt from the wetland conservation provisions of the Food Security Act of 1985, as amended, based on NRCS determination that the conversion has or will have a minimal effect, individually and cumulatively, on the functions and values of the wetland and the wetlands in the watershed. |
| MWM | <u>Mitigation Site:</u> This site of wetland restoration, enhancement, or creation serving as mitigation for the mitigation exemption (MIW) site. |
| NI | <u>Not Inventoried:</u> An area where no wetland determination has been conducted. Label not used for certified wetland determinations completed after 2/2008. |
| NW | <u>Non-Wetland:</u> An area that does not contain a wetland. Also, includes wetlands converted before December 23, 1985, but a commodity crop was not produced and the area does not meet wetland criteria (not been abandoned). |
| PC | <u>Prior Converted Cropland:</u> A wetland converted to cropland before December 23, 1985, and as of December 23, 1985, was capable of being cropped and did not meet farmed wetland hydrology criteria. These areas are not subject to the wetland conservation provisions of the Food Security Act of 1985, as amended, unless further drainage manipulation affects adjacent wetlands. |
| PC/NW | <u>Prior Converted Cropland/Non-Wetland:</u> An area that contains both PC and NW. |
| TP | <u>Third-Party Exemption:</u> A wetland converted after December 23, 1985, by a third party who is not associated with the participant, and the conversion is not a result of a scheme or device. A third party does not include predecessors in interest on the tract, drainage districts, or other local government entities. |
| W | <u>Wetland:</u> An area meeting wetland criteria that was not converted after December 23, 1985. These areas include farmed wetlands and farmed wetland pasture that have been abandoned. |
| WX | <u>Manipulated Wetlands:</u> A wetland manipulated after December 23, 1985, but the manipulation was not for the purpose of making production possible and production was not made possible. These areas include wetlands manipulated by drainage maintenance agreements. |

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