

NOTICE OF HEARING - APPLICATION FOR DRAINAGE PERMIT

Notice is hereby given that the Marshall County Drainage Board will meet on March 16, 2021 at 9:10 A.M. at the Marshall County Courthouse Commissioners Chambers, concerning the following application for a Drainage Permit from the Marshall County Drainage Board.

James F. Mundt has requested a Drainage Permit to start construction of a drain on the properties described as the NW1/4 EXC LOT H1 HWY and the NE1/4; both of Section 24, T128N, R57W. The water will flow East to West through the properties under an existing private drain located on the property described as the NW1/4 EXC LOT H1 HWY of Section 24, T128N, R57W; to eventually reach a sump located East of Highway 27 in the NW corner of NW1/4 EXC LOT H1 HWY. The water will then flow underneath 103rd St. to eventually reach the Wild Rice diversion ditch; for the purpose of draining water away from crop land. Construction will start on or before April 1, 2021 and will be completed on or before May 15, 2022.

Erin Collins-Miles
Planning & Zoning Administrator

Published once at the approximate cost of:

For publication: March 10, 2021

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Erin Collins-Miles
Planning & Zoning
Administrator
Published once at the approximate cost of \$14.27.

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

March 4, 2021

To whom it may concern,

Notice is hereby given that the Marshall County Drainage Board will meet on March 16, 2021 at 9:10 A.M. at the Marshall County Courthouse Commissioners Chambers, concerning the following application for a Drainage Permit from the Marshall County Drainage Board.

James F. Mundt has requested a Drainage Permit to start construction of a drain on the properties described as NW1/4 EXC LOT H1 HWY and NE1/4; both of Section 24, T128N, R57W. The water will flow East to West through the properties under an existing private drain located on the property described as NW1/4 EXC LOT H1 HWY of Section 24, T128N, R57W; to eventually reach a sump located East of Highway 27 in the NW corner of NW1/4 EXC LOT H1 HWY. The water will then flow underneath 103rd St. to eventually reach the Wild Rice diversion ditch; for the purpose of draining water away from crop land. Construction will start on or before April 1, 2021 and will be completed on or before May 15, 2022.

Being as you are an adjacent landowner to the proposed drainage project; 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 3/4/2021:

1. Ivan Quamen: 42902 103rd St. Britton, SD 57430
2. Jeff & Jean Amacher: P.O. Box 254 Britton, SD 57430
3. Darrell Chapin: 1203 8th St. Britton, SD 57430
4. Christina Schlagel: P.O. Box 283 Britton, SD 57430
5. Douglas Chapin: 42742 104th St. Britton, SD 57430
6. SD Dept of Transportation: P.O. BOX 1767 Aberdeen, SD 57402

MARSHALL COUNTY DRAINAGE PERMIT APPLICATION

APPLICANT		DRAINAGE REQUIREMENTS	
Name: <u>James F Mundt</u>		Certified Wetland Determination attached?	
Address(Mailing): <u>PO Box 30</u>		<input checked="" type="checkbox"/> YES [] NO [] NA (see below)	
City: <u>Britton</u> State: <u>SD</u> Zip: <u>57430</u>		Explain: <u>NRCG Cert</u>	
Phone: <u>605 448 8064</u>		Engineer's plans attached?	
		<input checked="" type="checkbox"/> YES [] NO [] NA (see below)	
LOCATION OF LAND TO BE DRAINED		Explain: <u>Ellison Companies</u>	
Legal Owner: <u>Grandview Prairie LLC.</u>		NOTE: A map showing the location of the proposed drain MUST accompany this application.	
Legal Description: <u>NW 1/4 White Twp NE 1/4 White Twp</u>			
		Description	
Section: <u>24</u> Township: <u>128N</u> Range: <u>57W</u>		1. Proposed drainage ditch:	
LOCATION OF OUTLET END OF PROPOSED DRAIN		a. Length of drain: _____ feet	
Legal Description: <u>NW corner of NW 1/4 129N 57W</u>		b. Drain Design: 1) Bottom width: _____ feet	
<u>Flowing into East Ditch Hwy 27 & thru culvert under 103rd st</u>		2) Side Slope: _____ percent	
Section: <u>24</u> Township: <u>128N</u> Range: <u>57W</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: <u>124,391</u> feet	
		b. Drain Diameter: <u>4'-15"</u> inches	
Section: _____ Township: _____ Range: _____		c. Approx. area contributing runoff to the drain where tile	
LOCATION OF COUNTY HWY R.O.W./DITCH INTO WHICH WATER WILL BE DRAINED		is located: <u>400</u> acres.	
Legal Description/Rd: <u>Hwy 27 (429th Ave)</u>		Engineer	
<u>East ditch into culvert under 103rd st</u>		Name:	
Section: <u>24</u> Township: <u>128N</u> Range: <u>57W</u>		Address:	
		Phone:	
PLEASE FILL IN: I <u>James F. Mundt</u> , propose to start construction of the drain on or before			
<u>April 1</u> , 20 <u>21</u> , and will be completed on or before <u>May 15</u> , 20 <u>22</u> .			
The proposed drainage is a result of a township, county or other water management plan:			
[] YES [X] 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

3/3/21

James M. Munch For GVP

Applicant's Signature

Date

3/3/21

James M. Munch

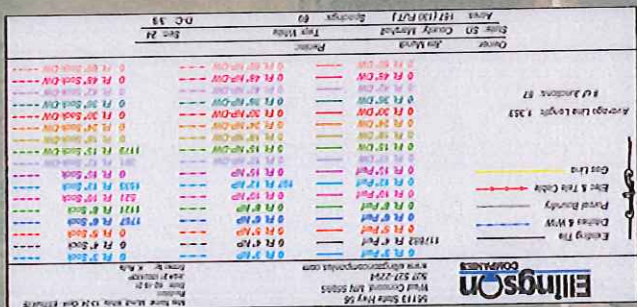
Drainage Administrator Signature

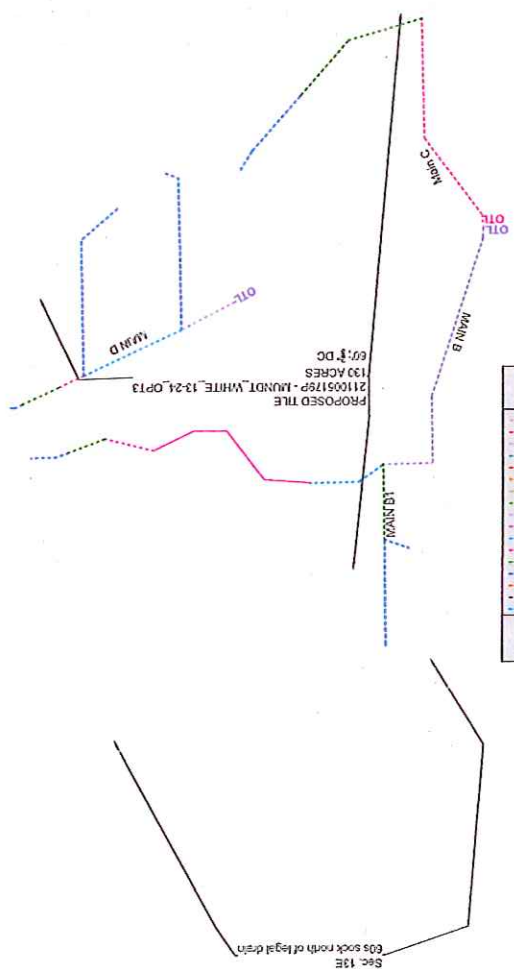
Date

3/3/2021

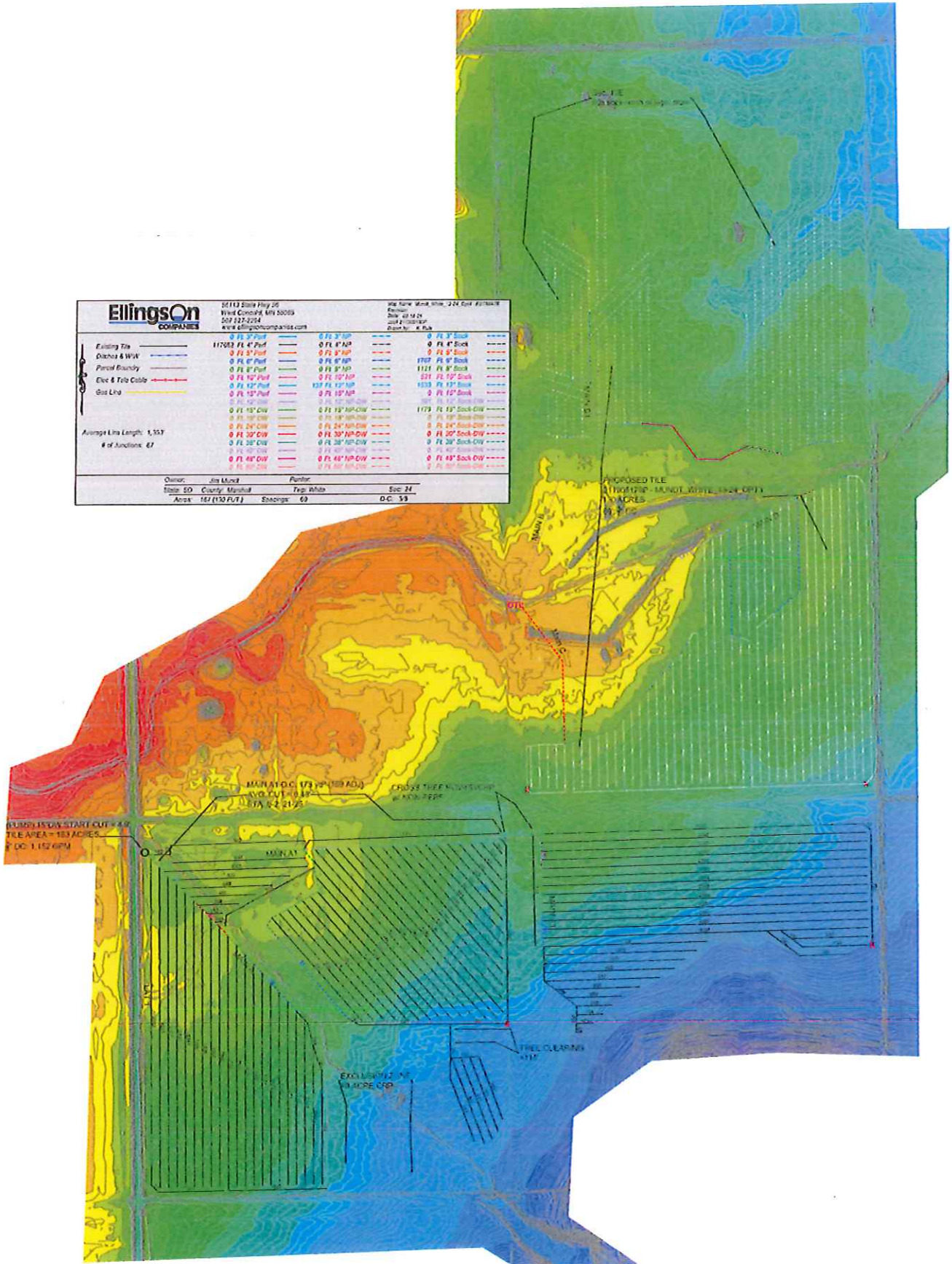
Tim Collins Mui





[illegible]

Ellingson COMPANIES			
26113 State Hwy 20 Wind Center, MN 55055 507-527-2254 www.ellingsoncompanies.com			
Map Name: Munk, White, 2-24-07, 4/10/08 Project: Hwy 20 1/2 to 21 Date: 4/10/08			
Existing Tile Ditches & W/L Parcel Boundary Elec & Tele Cable Gas Line	117082 FL 4" Pol 0 FL 5" Pol 0 FL 6" Pol 0 FL 8" Pol 0 FL 10" Pol 0 FL 12" Pol 0 FL 15" Pol 0 FL 18" Pol 0 FL 24" Pol 0 FL 30" Pol 0 FL 36" Pol 0 FL 48" Pol 0 FL 60" Pol	0 FL 3" NP 0 FL 4" NP 0 FL 5" NP 0 FL 6" NP 0 FL 8" NP 0 FL 10" NP 0 FL 12" NP 0 FL 15" NP 0 FL 18" NP 0 FL 24" NP 0 FL 30" NP 0 FL 36" NP 0 FL 48" NP 0 FL 60" NP	0 FL 3" Sock 0 FL 4" Sock 0 FL 5" Sock 1707 FL 6" Sock 1121 FL 8" Sock 521 FL 10" Sock 1538 FL 12" Sock 0 FL 15" Sock 36 FL 18" Sock 1779 FL 24" Sock 0 FL 30" Sock 0 FL 36" Sock 0 FL 48" Sock 0 FL 60" Sock
Average Line Length: 1,357 # of Junctions: 67			
Owner: Jim Munk State: SD County: Marshall Acres: 161 (150 PUL)			
Planner: Trip White Sheets: 69 Scale: 1" = 40'			





February 28, 2020

CERTIFIED MAIL – RETURN RECEIPT REQUESTED

**Grandview Prairie LLC
PO Box 30
Britton, SD 57430**

Dear Grandview Prairie LLC:

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 2/27/20. 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.

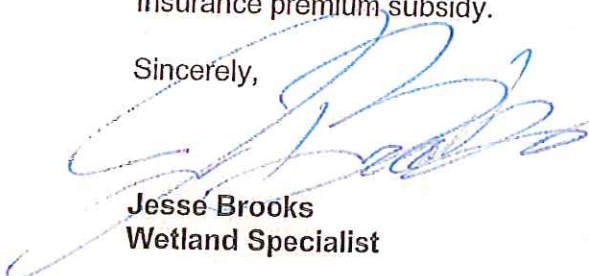
There may be opportunities to utilize mitigation if you have an interest in converting the labeled wetlands (Ws), farmed wetlands (FWs), and farmed wetland pasture (FWP), found in this determination. Mitigation is the compensation of lost wetlands through wetland restoration, enhancement, or the creation 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:	Grandview Prairie LLC PO Box 30 Britton, SD 57430	Request Date:	2/20/20	County:	Marshall
Agency or Person Requesting Determination:	Farm Service Agency	Tract No:	1279	FSA Fann No.	1147

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	2/28/2020
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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
		2/28/2020

***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.

The U.S. Department of Agriculture (USDA) prohibits discrimination in all its programs and activities on the basis of race, color, national origin, gender, religion, age, disability, political beliefs, sexual orientation, and marital or family status. (Not all prohibited bases apply to all programs.) Persons with disabilities who require alternative means for communication of program information (Braille, large print, audiotape, etc.) should contact USDA's TARGET Center at 202-720-2600 (voice and TDD). To file a complaint of discrimination, write USDA, Assistant Secretary for Civil Rights, 1400 Independence Avenue, S.W., Stop 9410, Washington, DC 20250-9410, or call toll-free at (866) 632-9992 (English) or (800) 877-8339 (TDD) or (866) 377-8642 (English Federal-relay) or (800) 845-6136 (Spanish Federal-relay). USDA is an equal opportunity provider and employer.



Certified Wetland Determination

Field Office: Britton FO
Certified By: Jesse Brooks
Legal Desc: 24-128N-57W

Agency: USDA-NRCS
Certified Date: 2/28/20
Tract: 1279



Marshall County

1:9,000 1 inch = 750 feet

