



# Public Notice

U.S. ARMY CORPS OF ENGINEERS

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**Subject: Public Notice of Permit Application**

**Action ID: NWO-2020-00774-BIS**

**Comments Period: June 17, 2020 – July 8, 2020**

**SUBJECT:** The U.S. Army Corps of Engineers, Omaha District, (Corps) is evaluating a permit application for the Alkaline Lake Public Access Project, which would result in impacts to approximately 2.4 acres of waters of the United States, including wetlands, in or adjacent to Alkaline Lake. This notice is to inform interested parties of the proposed activity and to solicit comments. This notice may also be viewed at the Corps web site at <http://www.nwo.usace.army.mil/Missions/RegulatoryProgram/NorthDakota/PublicNotices.aspx>.

**AUTHORITY:** This application is being evaluated under Section 10 of the Rivers and Harbors Act of 1899 for structures or work in or affecting navigable waters of the United States and/or Section 404 of the Clean Water Act for the discharge of dredged or fill material in waters of the United States.

**APPLICANT:** North Dakota Game and Fish Department (NDGF)  
Attn: Bob Frohlich  
100 North Bismarck Expressway  
Bismarck, North Dakota 58501-5095

**LOCATION:** The approximate 3.5 acre project site is located in the SW $\frac{1}{4}$  of Section 36, Township 137 North, Range 71 West, Latitude: 46.632560° North, Longitude: -99.596667° West, Kidder County, North Dakota.

**PROJECT DESCRIPTION:** The NDGF proposes to construct a public boat ramp, parking area and turnaround area on the Wildlife Management Area (WMA) located south and east of the existing boat ramp and parking area. Work would be completed by NDGF staff; therefore, no plans have been drawn up, but work is described as follows: Clay fill material (approximately 22 750 cubic yards) would be placed and compacted to fill the existing wetlands and create the new parking area and turnaround site (2.4 acres). The material would be obtained from the site shown on the attached photo and would be moved to the site with large scrapers. There appears to be wetlands at the borrow site as well, but impacts have not been quantified. A dozer would be used to level and compact material. Once filled, the entire site would be finished with a 4-inch layer of Class 5 gravel (approximately 1,500 cubic yards). A new cement boat ramp would be constructed utilizing the 'pour & push' method as shown on the attached spec sheet. Minimal site preparation below the normal water elevation would be required to prepare the proper 12% slope. The boat ramps dimensions would be approximately 32 feet wide by 120 feet long and 6 inches thick, reinforced with #4 rebar. Approximately  $\frac{3}{4}$  of the ramp would be situated below the normal water level. Riprap (approximately 200 cubic yards)

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would be placed along the sides of the ramp to protect it from wind/wave action and undermining.

Based on the available information, the overall project purpose is to provide long-term boating access for the public. The existing ramp and parking area is located on private land and early indications are that the landowner may choose not to renew the easement, which is set to expire on August 7, 2021.

#### **ADDITIONAL INFORMATION:**

**Environmental Setting.** The WMA consists of a very narrow sliver of land on the south shore consisting mostly of wetland in this location. According to the application, the water depth and slope is conducive to installation of the ramp with minimal slope preparation.

**Alternatives.** As stated above, the existing boat ramp may become unavailable after August of 2021. NDGF has explored other private lands options with no success. Given the long-term needs at Alkaline Lake, the NDGF indicated that 'there is really no way...to scale back'. Additional information concerning project alternatives may be available from the NDGF. Other alternatives may develop during the review process for this permit application. All reasonable project alternatives, in particular those which may be less damaging to the aquatic environment, will be considered.

**Mitigation.** The Corps requires that applicants consider and use all reasonable and practical measures to avoid and minimize impacts to aquatic resources. If the applicant is unable to avoid or minimize all impacts, the Corps may require compensatory mitigation. The NDGF acknowledges that mitigation may be required, but has not provided a proposal at this time.

**OTHER GOVERNMENTAL AUTHORIZATIONS:** Water quality certification or a waiver, as required under Section 401 of the Clean Water Act from the North Dakota Department of Environmental Quality, Water Quality Division, is required for this project. A request for review and certification, if appropriate, has been submitted to the DEQ on the applicant's behalf.

**HISTORIC PROPERTIES:** No cultural resource information was provided with the application. The Corps anticipates that a Class III Cultural Resource Survey would be required. The Corps will initiate consultation with the State Historic Preservation Officer under Section 106 of the National Historic Preservation Act, as appropriate.

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**ENDANGERED SPECIES:** The project is within the known historic or current ranges of the endangered Whooping crane (*Grus americanis*) and Gray wolf (*Canus lupus*) and the threatened Piping plover (*charadrius melodus*), Rufa red knot (*Calidris cantus rufa*) and Northern long-eared bat (*Myotis septentrionalis*). Critical habitat for the Piping plover has been designated in the County, but not in this location. At this time, the Corps has made a preliminary 'No Effect' determination for all species; however, all responses relating to endangered and threatened species in response to this public notice will be considered prior to making a final determination. The Corps will initiate consultation with the U.S. Fish and Wildlife Service, pursuant to Section 7 of the Endangered Species Act, as appropriate.

The above determinations are based on information provided by the applicant and our preliminary review.

**EVALUATION FACTORS:** The decision whether to issue a permit will be based on an evaluation of the probable impacts, including cumulative impacts, of the described activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit, which reasonably may be expected to accrue from the described activity, must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the described activity will be considered, including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, consideration of property ownership and, in general, the needs and welfare of the people. The activity's impact on the public interest will include application of the Section 404(b)(1) guidelines promulgated by the Administrator, Environmental Protection Agency (40 CFR Part 230).

The Corps is soliciting comments from the public, Federal, State, and local agencies and officials, Indian tribes, and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps to determine whether to issue, modify, condition, or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

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SUBMITTING COMMENTS: Written comments, referencing Public Notice NWO-2020-00774-BIS must be submitted to the office listed below on or before July 8, 2020.

Toni R. Erhardt, Project Manager  
US Army Corps of Engineers, Omaha District  
North Dakota Regulatory Office  
3319 University Drive  
Bismarck, North Dakota 58504  
Email: [CENWO-OD-RND@usace.army.mil](mailto:CENWO-OD-RND@usace.army.mil) or [Toni.R.Erhardt@usace.army.mil](mailto:Toni.R.Erhardt@usace.army.mil)

Due to precautions taken in response to the COVID-19 pandemic, The North Dakota Regulatory Office prefers that all submissions are sent electronically rather than a hard copy by mail. Please split large attachments (>25 MB) into multiple emails if needed.

The Corps is particularly interested in receiving comments related to the proposal's probable impacts on the affected aquatic environment and the secondary and cumulative effects. Anyone may request, in writing, that a public hearing be held to consider this application. Requests shall specifically state, with particularity, the reason(s) for holding a public hearing. If the Corps determines that the information received in response to this notice is inadequate for thorough evaluation, a public hearing may be warranted. If a public hearing is warranted, interested parties will be notified of the time, date, and location. Please note that all comment letters received are subject to release to the public through the Freedom of Information Act. If you have questions or need additional information please contact the applicant or the Corps' project manager Toni R. Erhardt.

Attachments: 2 drawings

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Alkaline Lake

Kidder County



35137071

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existing ramp

Project Location (red)

Game & Fish WMA (yellow)

4136071

3136071





proposed clay  
borrow areas

Text