

## **Information for File #2013-04728-BGO**

**Applicant:** David Rudningen

**Corps Contact:** Benjamin Orne

**Address:** 180 Fifth Street East, Suite 700, St. Paul, Minnesota 55101-1678

**E-Mail:** [benjamin.g.orne@usace.army.mil](mailto:benjamin.g.orne@usace.army.mil)

**Phone:** (651) 290-5280

**Primary County:** Swift County

**Section:** 1, 2, and 12

**Township:** 122N.

**Range:** 37W.

**Information Complete On:** January 23, 2014

**Posting Expires On:** February 3, 2014

**Authorization Type:** LOP-05-MN

This application is being reviewed in accordance with the practices for documenting Corps jurisdiction under Sections 9 & 10 of the Rivers and Harbor Act of 1899 and Section 404 of the Clean Water Act identified in Regulatory Guidance Letter 07-01. We have made a preliminary determination that the aquatic resources that would be impacted by the proposed project are regulated by the Corps of Engineers under Section 404 of the Clean Water Act. Our jurisdictional review and final jurisdictional determination could result in modifications to the scope of the project's regulated waterbody/wetland impacts and compensatory mitigation requirements identified below.

### **Project Description**

The applicant proposes to discharge dredged and fill material for the installation of new drainage tile and associated infrastructure that will effectively drain and convert three seasonally flooded wetland basins and two shrub-carr wetland basins to non-wetland.

Direct impacts resulting from the proposed project would be limited to soil disturbance associated with the installation of drainage tile and other attendant features such as surface inlets and outlets. Installation of drainage tile typically involves use of either a tile plow or excavator. The secondary effect of drainage resulting from the installation of sufficient and appropriately sized perforated drainage tile is expected to result in the

permanent loss of functions provided by the five wetland basins. It is assumed that the installation of perforated drainage tile will completely remove wetland hydrology thus resulting in the permanent loss of 0.5 acre of seasonally flooded (Type 1) wetlands and 0.3 acre of shrub-carr (Type 6) wetlands.

As shown on the attached Certified Wetland Determination maps, the impacted wetlands would include:

W8 – 0.1 acre shrub-carr wetland basin (currently not cropped)

W9 – 0.2 acre shrub-carr wetland basin (currently not cropped)

FWP11 – 0.2 acre seasonally flooded wetland basin (currently partially drained and cropped)

W18 – 0.1 acre seasonally flooded wetland basin (currently cropped under natural conditions)

W19 – 0.2 acre seasonally flooded wetland basin (currently cropped under natural conditions)

### **Alternatives Considered**

The applicant has considered the following alternatives:

1. Do nothing, continue to farm point rows and decreased yields caused by continued traffic on crop.
2. Drain wetlands up to NRCS zone of influence, farm the wetlands when able degrading wetlands with continued cultivation, spraying for weeds and increased erosion.
3. Install tile improve farm operation and mitigate wetlands with high quality approved wetland credits using the State Bank.

### **Federally-listed Threatened and Endangered Species**

According to the USFWS Midwest Region website, which was checked on January 21, 2014, the Northern long-eared bat (proposed as endangered), Dakota skipper (proposed as threatened), and Poweshiek skipperling (proposed as endangered) are found in Swift County, Minnesota.

## **Historic Properties**

The latest version of the National Register of Historic Places has been consulted and no listed properties (known to be eligible for inclusion, or included in the Register) are located in the project area.

## **State Listed Impaired (Section 303(d)) Waters**

According to the Minnesota Pollution Control Agency's Impaired Waters Viewer, which was checked on January 21, 2014, County Ditch 15 is listed as an Impaired River/Stream for aquatic life due to fishes bioassessments. The overall condition is described as "may not support a thriving community of fish and other aquatic organisms, as indicated by fish population assessments". County Ditch 15 is a tributary to Mud Creek which is listed as an Impaired River/Stream for aquatic life due to fishes bioassessments, dissolved oxygen and aquatic macroinvertebrate bioassessments. The overall condition is described as "may not support a thriving community of fish and other aquatic organisms, as indicated by fish population assessments and insufficient dissolved oxygen and macroinvertebrate population assessments".

Drainage water from W8, W9, and FWP 11 would flow into an unnamed tributary to Mud Creek and drainage water from W18 and W19 would flow into County Ditch 15.

## **Compensatory Mitigation**

The applicant proposes to satisfy wetland compensatory mitigation requirements by debiting Corps-approved credits from Minnesota Wetland Bank account #1446 (Hoppe), serving Bank Service Area 9.

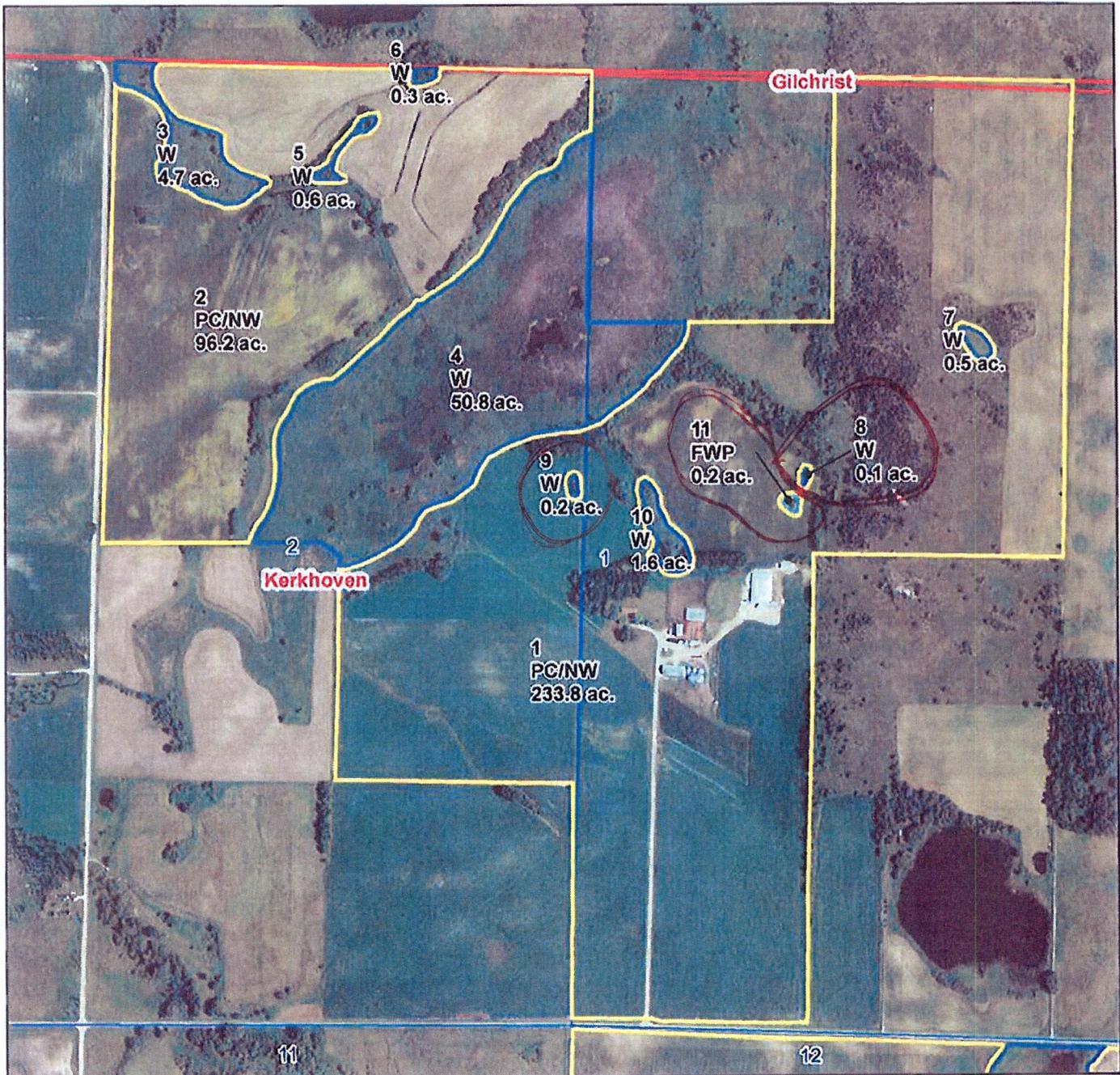
**Drawings**      See attached.

Air Photo # 1

Customer: David Rudningen  
 Tract: 5325  
 Date: 9/27/13  
 Town&Sec: Kerkhoven - 1 & 2

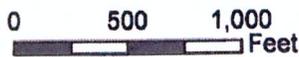
# Certified Wetland Determination

Agency: NRCS  
 Field Office: Benson  
 District: Swift SWCD

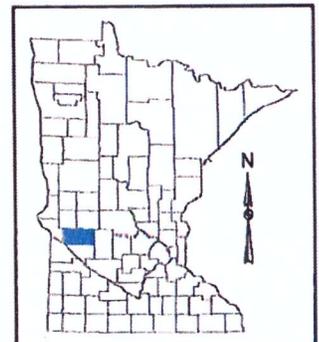


Missing Label	CWTE
PC/NW	MIW
W	MW
FW	MWM
FWP	NW
AW	NWNAD
CME	PC
CPD	TP
CW	WX
	Civil Townships
	Sections

**USDA** **NRCS**  
 United States Department of Agriculture  
 Natural Resources Conservation Service



Maps are for graphical purposes only. They do not represent a legal survey. While every effort has been made to ensure that these data are accurate and reliable within the limits of the current state of the art, NRCS cannot assume liability for any damages caused by any errors or omissions in the data, nor as a result of the failure of the data to function on a particular system. NRCS makes no warranty, expressed or implied, nor does the fact of distribution constitute such a warranty.

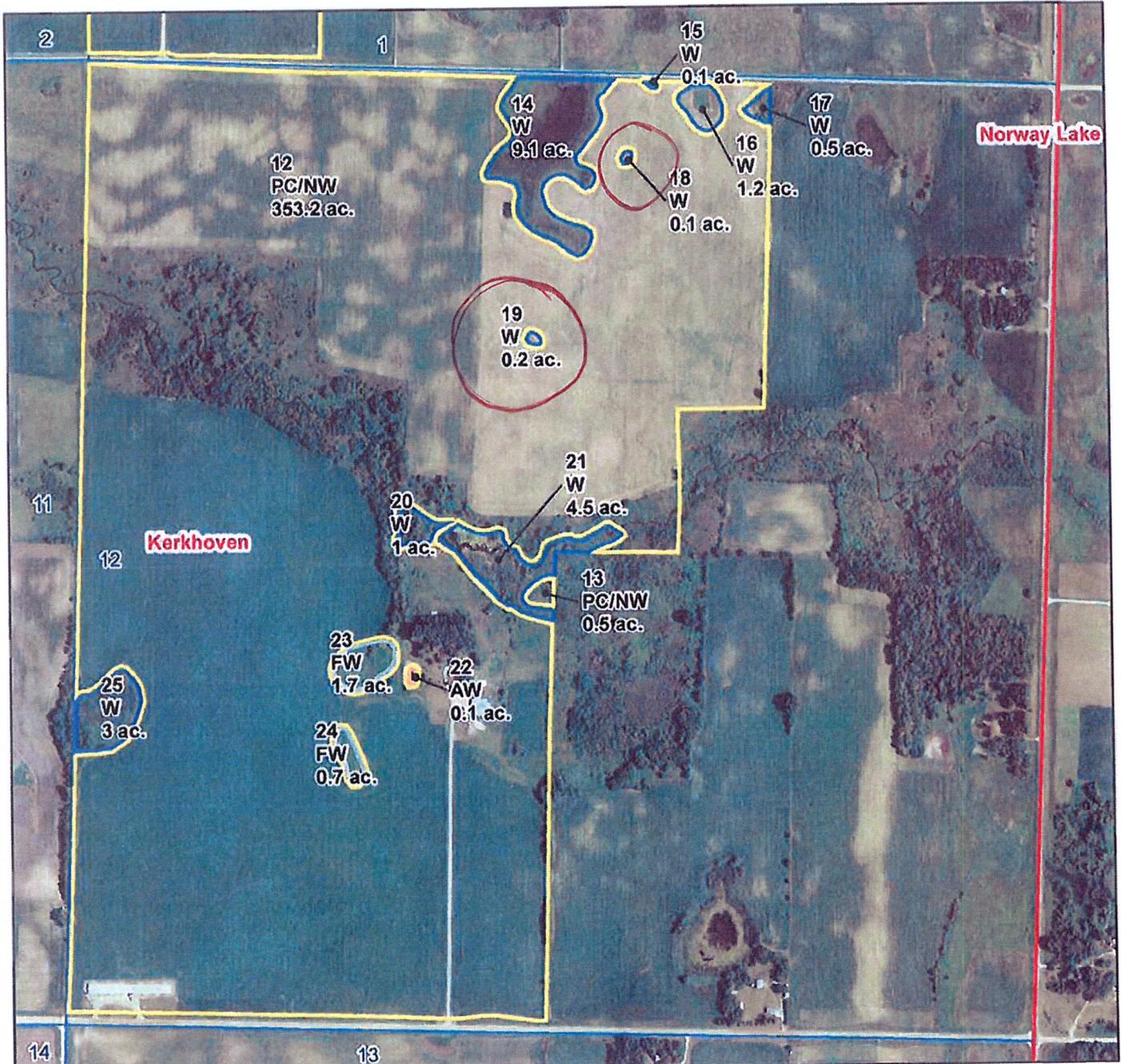


# Air Photo #2

Customer: David Rudningen  
 Tract: 5325  
 Date: 9/27/13  
 Town&Sec: Kerkhoven - 12

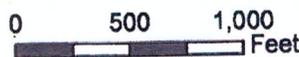
## Certified Wetland Determination

Agency: NRCS  
 Field Office: Benson  
 District: Swift SWCD

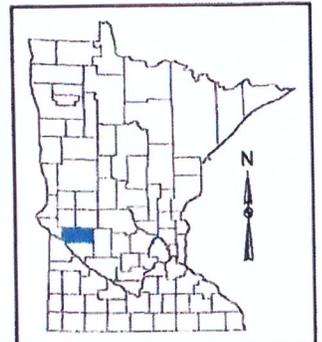


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Blue ⇒ Existing tile  
 Pink ⇒ New tile



T122 R37 S1

Farm Number: 6153 Tract Number: 5325

**Acre Summary**

Kerkhoven

Total Acres	761.83
Total CRP	0
Cropland	526.72

Jan 21, 2010

**Legend**



2010 FSA Acreage Map

Scale: 1:8,320

- Restricted Use
- ▽ Limited Restrictions
- ☐ Exempt from Conservation Compliance Provisions
- ☐ Prevented Plant '09
- ▬ CLU Field Boundary
- ▬ Tract Boundary
- ▬ Section Lines
- ▬ CRP Contracts

Acre Summaries reflect Common Land Unit data and are not indicative of parcel information. All information contained in this summary is for FSA business purposes only.

USDA 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 the 2009 ortho rectified imagery for Minnesota. The producer accepts the data 'as is' and assumes all risks associated with its use. The USDA Farm Service Agency assumes no responsibility for actual or consequential damage incurred as a result of any user's reliance on this data outside of FSA Programs. Wetland identifiers do not represent the size, slope or specific determination of the area. Refer to your original determination (CPA 026 and attached maps) for exact wetland boundaries and determinations or contact NRCS.

Blue → Existing tile  
 Pink → New tile

USDA Farm Service Agency

Swift County, Minnesota



T122 R37 S12

Farm Number: 6153 Tract Number: 5325

Acre Summary

Kerkhoven

Legend

Total Acres	764.83
Total CRP	0
Cropland	526.72



Jan 21, 2010

2010 FSA Acreage Map

Scale: 1:8,409

- Restricted Use
- ▽ Limited Restrictions
- ⊞ Exempt from Conservation Compliance Provisions
- ⊞ Prevented Plant '09
- CLU Field Boundary
- Tract Boundary
- Section Lines
- CRP Contracts

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