



**DEPARTMENT OF THE ARMY**  
**CORPS OF ENGINEERS, OMAHA DISTRICT**  
**NORTH DAKOTA REGULATORY OFFICE**  
3319 UNIVERSITY DRIVE  
BISMARCK, NORTH DAKOTA 58504-7565

June 12, 2024

NWO-2023-01151-BIS

McKenzie Ranger District  
Attn: Mariah McLaughlin  
1905 South Main Street  
Watford City, North Dakota 58854

Dear Ms. McLaughlin:

This is in response to your solicitation letter received on June 6, 2024 requesting Department of the Army (DA), United States Army Corps of Engineers (Corps) comments on the proposed fiscal year 2024 GGG Range Improvement Projects at Pastures 7, 8, and 9; proposed cooperatively by the USDA Forest Service and McKenzie County Grazing Association (MCGA), to be installed on National Forest System (NFS) lands in Township 147 North, Range 98 West; Township 149 North, Range 97 West; Township 146 North, Ranges 100 & 101 West; and Township 145 North, Range 100 West, McKenzie County, North Dakota.

Corps Regulatory Offices administers Section 404 of the Clean Water Act. Section 404 of the Clean Water Act regulates the discharge of dredge or fill material (temporarily or permanently) in waters of the United States. Waters of the United States may include, but are not limited to, rivers, streams, ditches, coulees, lakes, ponds, and their adjacent wetlands. Fill material includes, but is not limited to, rock, sand, soil, clay, plastics, construction debris, wood chips, overburden from mines or other excavation activities and materials used to create any structure or infrastructure in waters of the United States.

Enclosed for your information is the fact sheet for Nationwide Permit 58, Utility Line Activities for Water and Other Substances. Utility lines are already authorized by Nationwide Permit 58 provided the utility line can be placed without any change to pre-construction contours and all other proposed construction activities and facilities are in compliance with the Nationwide's permit conditions and 401 Water Quality Certification. On Tribal Lands, Water Quality Certification is denied for all Nationwide Permits. Applicants must work with EPA to obtain individual water quality certification. Please note the pre-construction notification requirements on page 3 of the fact sheet. If a project involves any one of the three notification requirements, the project proponent must submit a DA application. Furthermore, a project must also be in compliance with the "Regional Conditions for Nationwide Permits within the State of North Dakota", found on pages 23 thru 30 of the fact sheets.

In the event your project(s) requires approval from the U.S. Army Corps of Engineers and cannot be authorized by Nationwide Permit(s), a Standard or Individual Permit will

be required. A project that requires a Standard or Individual Permit is intensely reviewed and will require the issuance of a public notice. A Standard or Individual Permit generally requires a minimum of 120 days for processing but based on the project impacts and comments received through the public notice may extend well beyond 120 days.

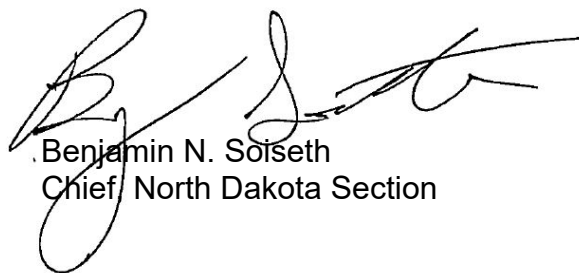
This correspondence letter does not approve the proposed construction work or does not verify the proposed project complies with the Nationwide Permit(s).

If your project requires a Section 404 permit, please complete and submit the enclosed Department of the Army permit application (ENG Form 6082) to the U.S. Army Corps of Engineers, North Dakota Regulatory Office, 3319 University Drive, North Dakota 58504 or to the email address below. If you are unsure if a permit is required, you may submit an application; include a project location map, description of work, and construction methodology.

The North Dakota Regulatory office prefers that all submissions are sent electronically to the following email address: CENWO-OD-RND@usace.army.mil instead of a hard copy by mail. Please split large attachments (>25 MB) into multiple emails if needed.

Please refer to identification number NWO-2023-01151-BIS in any correspondence concerning this project. If you have any questions, please contact Jeremy Nygard at U.S. Army Corps of Engineers, North Dakota Regulatory Office, 3319 University Drive, Bismarck, North Dakota 58504-7565, by email at Jeremy.S.Nygard@usace.army.mil, or telephone at (701) 255-0015 X 2006. For more information regarding our program, please visit our website at <http://www.nwo.usace.army.mil/Missions/RegulatoryProgram/NorthDakota.aspx>.

Sincerely,



Benjamin N. Soiseth  
Chief, North Dakota Section

Enclosure