



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

April 10, 2025

NWO-2020-1890-BIS

Basin Electric Power Cooperative
Attn: Ryan King
1717 East Interstate Avenue
Bismarck, North Dakota 58503

Dear Mr. King:

This letter is in response to your request for a Department of the Army (DA), Corps of Engineers (Corps) approved jurisdictional determination (AJD). The AJD was completed for an approximate 240-acre project area that includes 1-field delineated wetland and 1-upland erosional drainage (OW1_d). The project area is located in the NE $\frac{1}{4}$ of Section 20 and the E $\frac{1}{2}$ of the NW $\frac{1}{4}$ of Section 20, Township 156 North, Range 98 West, Williams County, North Dakota.

The Corps regulates the discharge of dredged and fill material into waters of the United States under Section 404 of the Clean Water Act (CWA) (33 U.S.C. 1344) and structures or work in, over, and under navigable waters of the United States under Section 10 of the Rivers and Harbors Act (RHA) (33 U.S.C. 403). The implementing regulations for these Acts are published in the Code of Federal Regulations at 33 CFR parts 330-332.

Based on our evaluation of the information you provided, including the Aquatic Resource Delineation Report, and other available information, we have determined that the 1-field delineated wetland and the upland erosional feature outlined in the project's survey area are **not** jurisdictional waters of the United States. The attached AJD provides rationale for why the wetland and the upland erosional feature do not meet the definition of waters of the United States. Based on this determination, the identified approximate 240-acre project area is not subject to DA regulatory authorities and no permit pursuant to Section 404 of the CWA is required from the Corps. This determination does not eliminate the requirement that you obtain any other applicable Federal, state, tribal or local permits as required.

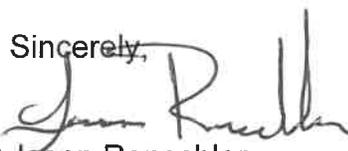
Attached to this letter is the approved jurisdictional determination for the project site. This jurisdictional determination is valid for a 5-year period from the date of this letter, until **April 10, 2030**, unless new information warrants revision of the determination before the expiration date. If you object to this determination, you may request an administrative appeal under Corps regulations at 33 CFR part 331. Enclosed you will find a *Notification of Administrative Appeal Options and Process and Request for Appeal* (NAO-RFA) form. If you request to appeal this determination, you must submit a completed NAO-RFA form to the address listed on the form.

For an NAO-RFA to be accepted by the Corps, the Corps must determine that it is complete, that it meets the criteria for appeal under 33 CFR 331.5, and that it has been received by the Division Office within 60 days of the date of the NAO-RFA. Should you decide to submit an NAO-RFA form, it must be received at the Division Office by **June 9, 2025**. It is not necessary to submit an NAO-RFA form to the Division Office if you do not object to the determination in this letter.

In the event that you disagree with this approved jurisdictional determination and you have new information not considered in the original determination, you may request reconsideration of this determination by contacting this office prior to initiating an appeal. To request this reconsideration based upon new information, you must submit the new information to this office so that it is received within 60 days of the date of the NAO-RFA.

The Omaha District, Regulatory Branch is committed to providing quality and timely service to our customers. In an effort to improve customer service, please take a moment to complete our Customer Service Survey found on our website at <https://regulatory.ops.usace.army.mil/customer-service-survey/>. If you do not have Internet access, you may call and request a paper copy of the survey that you can complete and return to us by mail or fax.

If you have any questions concerning this determination or jurisdiction, please feel free to contact Mr. Jason Renschler of this office at (701) 255-0015 ext. 2010 and reference project number **NWO-2020-1890-BIS**.

Sincerely,

Jason Renschler
Senior Project Manager
North Dakota

Enclosures
- MFR for AJD
- appeal form