

FEDERAL EMERGENCY MANAGEMENT AGENCY

Final Public Notice Minnewaukan Relocation Benson County, North Dakota March 21, 2012

Notification is hereby given to the public that the City of Minnewaukan, Benson County, North Dakota has requested Federal assistance from the Federal Emergency Management Agency (FEMA), Economic Development Administration (EDA), US Department of Housing and Urban Development (HUD), and US Army Corps of Engineers (USACE) for the demolition and relocation of several facilities and structures in the floodplain. This notification is provided pursuant to the National Environmental Policy Act (NEPA), Section 106 of the National Historic Preservation Act (NHPA), Executive Orders 11988 – *Floodplain Management*, and Executive Order 11990 – *Wetland Protection*, and Federal agency implementation procedures including 13 C.F.R. Part 302, 24 C.F.R. Part 55 and 58, 33 C.F.R. Part 230, and 44 C.F.R. Part 9 and 10.

FEMA's Hazard Mitigation Grant Program (HMGP) provides funds for the planning and the implementing mitigation projects prior to a disaster event. Funding these plans and projects reduces overall risks to the population and structures, while also reducing reliance on funding from future disaster declarations. Grant applications for related projects intended to reduce the risk of future damage have also been submitted to several other federal, state and local agencies. In accordance with NEPA, an Environmental Assessment (EA) was prepared to evaluate the potential impact of the proposed project on the human and natural environment. The EA addresses related actions that will be carried out concurrently as part of the other initiatives and was prepared in cooperation with EDA, HUD, and USACE.

BACKGROUND

The City of Minnewaukan is located on the western shores of Devils Lake and is the county seat for Benson County. Over the last 18 years, the lake has tripled in size and has risen over 30 feet in elevation. Multiple structures are in danger of being inundated as the lake elevation continues to rise, which would leave large portions of the city virtually uninhabitable. The proposed federal action is to fund development of infrastructure to and within a new town site; and to remove flood-prone buildings from the existing downtown area by acquiring and either demolishing or relocating participating structures to the new town site. Participation in the project is voluntary and the opportunity for public input into the relocation process has been provided in a variety of settings. This input was used to gauge public interest in the project and no substantive negative comments were received.

PROJECT DESCRIPTION

The proposed action consists of six separate projects: (1) acquisition of new town site and the development of infrastructure to and within the new site, (2) relocation of the municipal well line, (3) construction of a new water tower and demolition of existing water tower, (4) relocation of 18

residential and/or commercial structures and the acquisition and demolition of 69 residential and/or commercial structures by the City of Minnewaukan, (5) relocation of three residential structures by Minnewaukan Public Schools, and (6) relocation of six residential structures by Benson County Public Housing Authority. The new site will take place within a 80-acre tract in the North West ¼ of Section 9, Township 153 North, Range 67 West in Benson County, North Dakota.

The majority of the proposed project is within an unshaded Zone X (an area with minimal flood hazard) and shaded Zone X (area subject to the 0.2% annual chance of flood). Portions of the utility corridors are located within Zone AE (area subject to the 1% annual chance of flood). The properties that will be acquired, demolished, or relocated are either in shaded Zone X or under threat of inundation. A detailed map of the area can be found in Appendix A of the environmental assessment.

The proposed project will permanently affect approximately 2.11 acres of non-jurisdictional wetlands. Approximately 2 acres of wetlands will be temporarily affected. Of these, 1.38 acres are considered to be jurisdictional wetlands under the Clean Water Act and a Clean Water Act Section 404 permit from the regulatory office of the USACE will be needed prior to construction.

The proposal involves the acquisition and either relocation or demolition of ten properties that have been identified as historic properties under Section 106 of the NHPA. A Memorandum of Agreement (MOA) between FEMA, the State Historic Preservation Officer (SHPO), the North Dakota Department of Emergency Services (DES) and the City of Minnewaukan (Applicant) has been created to resolve adverse effects to historic properties as a result of their acquisition and demolition or relocation.

Based on agency comments and the EA process, there do not appear to be any significant adverse environmental impacts on the human or natural environment associated with the proposed action. Therefore, the need for an Environmental Impact Statement is not indicated. If no substantive comments are received the draft EA will become final, a Finding of No Significant Impact (FONSI) will be prepared and signed to serve the final notification under Executive Orders 11988 and 11990. The projects that are not HUD-assisted will proceed fifteen days from the FONSI approval. The HUD- assisted project, however, will undergo an additional public review process involving the FONSI and a formal request for release of funds which will be accomplished by Benson County and will extend beyond fifteen days.

REVIEW AND COMMENT

A copy of the draft EA for the Minnewaukan Relocation will be available for public review at the Benson County Courthouse, 311 B Ave. South, Minnewaukan, ND 58351, the Minnewaukan Library, 130 Main Street, Minnewaukan, ND 58351 or on the FEMA website at:

<http://www.fema.gov/plan/ehp/envdocuments/ea-region8.shtm>.

Comments will be accepted for 30 days from the date of this notice. Interested parties may submit comments or request additional information by contacting:

Richard Myers
Deputy Regional Environmental Officer
FEMA Region VIII
DFC Building 710, P.O. Box 25267
Denver, Colorado 80225
Email: richard.myers@dhs.gov
Telephone: (303) 235-4926

OR

Erik Gilbertson, P.E.
Kadmas, Lee & Jackson
1010 4th Ave SW
Valley City, ND 58072
Email: erik.gilbertson@kljeng.com
Telephone: (701) 845-9439

DRAFT