

FEDERAL EMERGENCY MANAGEMENT AGENCY
FINDING OF NO SIGNIFICANT IMPACT
Minnewaukan Relocation
Benson County, North Dakota
April 27, 2012

The City of Minnewaukan, Benson County, North Dakota has requested Federal assistance from the Federal Emergency Management Agency (FEMA) to reduce the risk of future flood damage. FEMA's Hazard Mitigation Grant Program (HMGP) provides funds for the planning and implementation of mitigation projects that reduce overall risks to the affected population and structures, while also reducing reliance on funding from future disaster declarations. The Economic Development Administration (EDA), US Department of Housing and Urban Development (HUD), and US Army Corps of Engineers (USACE) are considering related projects for funding under their own authority(s). In accordance with the National Environmental Policy Act (NEPA) of 1969, an Environmental Assessment (EA) was prepared to evaluate the potential impact of the proposed project on the human and natural environment. The EA also addresses related actions that will be carried out concurrently as part of the other initiatives and has been prepared in cooperation with EDA, HUD, and USACE. The Environmental Assessment is hereby incorporated by reference

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; FEMA funding will be used to remove approximately 90 flood-prone buildings from the existing downtown area by acquiring and either demolishing or relocating participating structures to the new town site.

Alternatives considered included taking no action and the construction of a permanent flood control structure. Participation in the project is voluntary and the opportunity for public input into the relocation process has been provided in a variety of settings. As part of the NEPA process, final public notice was published in the Benson County Farmers Press and opportunity to comment was provided for 30 days following publication. No substantive negative comments were received. This document will also serve as final public notice for federal actions in or affecting the floodplain and wetlands as required by Executive Orders 11988 and 11990. 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 was created to resolve adverse effects to historic properties occurring as a result of their acquisition and demolition or relocation, and has been executed in coordination with the Advisory Council on Historic Preservation (ACHP) and is incorporated into the EA.

MITIGATION, STIPULATIONS AND CONDITIONS

The project sponsor is responsible for implementing the following mitigation and stipulations upon which this finding is conditioned:

1. Appropriate federal, state and local permits will be obtained, including those required by USACE and the State of North Dakota under Section(s) 404 and 401 of the Clean Water Act, and all permit requirements, including mitigation of wetland impacts, must be implemented.
2. Implementation of all stipulations and conditions agreed to in the Memorandum of Agreement (MOA) developed to resolve adverse effects to historic properties as a result of their acquisition and demolition or relocation is required.
3. All structures proposed for demolition will be inspected for asbestos by a state-certified entity prior to demolition. Removal of friable asbestos-containing materials will be accomplished in accordance with the North Dakota pollution control rules, including completion of an Asbestos Notification of Demolition and Renovation form.
4. All waste material associated with the project will be disposed of properly at licensed facility(s) in accordance with applicable federal, state and local requirements.
5. No waste materials or excess excavated soil will be stockpiled, stored or staged within the 100-year floodplain or in a wetland.
6. All demolition, excavation and vegetation removal activities would be completed in accordance with accepted Best Management Practices (BMPs) to reduce soil erosion and minimize impacts to water resources.
7. Upon completion of construction, areas of temporary disturbance will be returned to pre-construction conditions, and revegetated using native plant materials to minimize the likelihood of invasive plant species.
8. If any off-site fill material is required, it must be obtained from an approved borrow area.
9. Construction activities would be limited to daylight hours, all equipment will be maintained in good operating condition and equipped with proper mufflers, and appropriate fugitive dust abatement procedures and other acceptable BMP will be implemented.
10. Prior to infrastructure construction within U.S. Highway 281 right-of-way, a right-of-way permit will be obtained from the North Dakota Department of Transportation.
11. Coordination with Camp Gilbert C. Grafton will occur prior to construction activities.
12. If cultural resources are encountered during project activities, work would be stopped until appropriate coordination has been completed with FEMA, the North Dakota State Historic Preservation Officer and appropriate tribal representatives.

FINDINGS

Based upon the information contained in the referenced Final EA completed in accordance with the National Environmental Policy Act (NEPA), National Historic Preservation Act (NHPA) and tribal considerations, Endangered Species Act (ESA); Executive Orders (EO) addressing Floodplains (EO 11988), Wetlands (EO 11990), and Environmental Justice (EO 12898); 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, it is found that the Action Alternative, with the prescribed mitigation measures and stipulations, would have no significant adverse impact on the human environment. As a result of this **Finding of No Significant Impact (FONSI)**, an Environmental Impact Statement will not be prepared, and the proposed FEMA funded project, with the associated mitigation measures and stipulations identified above and described in the referenced EA and the supporting documentation, may proceed 15 days after the date of approval.

APPROVAL



Steven Hardegen
FEMA Region VIII
Environmental Officer

04/27/2012
Date



Robin Finegan
FEMA Region VIII
Regional Administrator

27 April 2012
Date