

Project Title: Minnewaukan ND Relocation – Floodplain EO 11988

Executive Orders 11988 and 11990 require federal agencies to avoid to the extent possible the long and short-term adverse impacts associated with the occupancy and modification of flood plains or wetlands. The eight steps summarized below reflect the Executive Order decision-making process. (<http://www.fema.gov/plan/ehp/ehplaws/index.shtm>)

1. Determine if the proposed action in the base floodplain or wetland

Per FEMA Flood Insurance Rate Map (FIRM) for Benson County (Community ID 38005) and correspondence with the North Dakota State Water Commission, the majority of the proposed project area is within Zone X, an area of minimal flood hazard, and Shaded Zone X (500-year floodplain), an area with a 0.2% annual chance of flood, and are not located within a mapped floodplain or floodway identified as a Special Flood Hazard Area (SFHA). Portions of the utility corridors are located within Zone AE (100-year floodplain), an area within the SFHA having a 1% annual chance of flooding for which base flood elevations have been established. *Please refer to the Floodplains exhibit in Appendix A.*

2. Conduct early public review, including public notice

Numerous public notices, news articles, and meetings were posted or held to notify the public of the Proposed Project and to solicit their feedback. In addition the formal public meetings, numerous discussions/informal presentations have been made by KL&J to the City of Minnewaukan at City Council meetings throughout 2011. These meetings are open to the public. *Please refer to Appendix N for news articles, public meetings and notices*

3. Identify and evaluate practicable alternatives to locating in the floodplain or wetland

Under the No Action alternative the waters of Devils Lake would continue to rise and eventually inundate the existing city of Minnewaukan. Public health and safety concerns would occur under this alternative as homes, businesses, and infrastructure are inundated, as would socio-economic impacts to Minnewaukan's economy. This alternative would not meet the purpose and need of the project. Besides the No-Action alternative, four sites were considered for relocation of the City. The sites were not selected for reasons including proximity to existing town-site, limited ability to connect to existing utilities, limited availability for expansion, unreasonable acquisition costs or landowners unwilling to sell. *Please refer to Table 2, Alternative Relocation Sites, for a summary of locations considered and reasons for elimination*

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4. Identify impacts of the proposed action

Permanent improvements to the new town site will be within Zone X. Properties within the existing town site being acquired and demolished or relocated are outside the SFHA in Zone X or Shaded Zone X. While portions of the new utility corridor accessing the proposed town site are located in Zone AE, disturbance would be temporary in nature.

5. Develop measures to minimize the impacts to the floodplain or wetland

While portions of the new utility corridor accessing the proposed town site are located in Zone AE, utilities will be placed underground or elevated on power poles and are not anticipated to raise flood elevations. Disturbance would be temporary in nature and all disturbed areas will be restored to their pre-existing condition. In addition, all waste material associated with the project will be disposed of properly and not placed in identified floodway areas. Therefore, no floodplain development permits would be required.

6. Reevaluate alternatives

There are no practicable alternatives to locating the noted portions of Proposed Project within the floodplain.

7. Provide final public notice

A public 'notice of availability' of this draft EA for review and comment was posted in the Benson County Farmers Press and on the FEMA website. If no substantive comments are received, this notice will serve as the final public notice.

8. Implement the action

The 8-step decision-making process for Executive Order 11988 has been completed with noted project conditions.

Signed 

Date 01/29/2012

Richard Myers
Deputy Regional Environmental Officer
FEMA Region VIII

Project Title: Minnewaukan ND Relocation – Wetlands EO 11990

Executive Orders 11988 and 11990 require federal agencies to avoid to the extent possible the long and short-term adverse impacts associated with the occupancy and modification of flood plains or wetlands. The eight steps summarized below reflect the Executive Order decision-making process. (<http://www.fema.gov/plan/ehp/ehplaws/index.shtm>)

1. Determine if the proposed action in the base floodplain or wetland

Kadmas, Lee & Jackson (KL&J) performed a field wetlands delineation of the proposed town site and utility infrastructure to the proposed town site on May 23 and 24, 2011. *Please refer to Appendix D, Wetland Delineation Summary.* A total of 24 wetlands cumulatively containing approximately 18.92 acres were delineated within the study area; of which, 11 were determined to be under the jurisdiction of the USACE (NWO-2011-734-BIS and NWO-2011-00734-BIS). *Please refer to Appendix E, USACE Jurisdictional Determinations.*

2. Conduct early public review, including public notice

Numerous public notices, news articles, and meetings were posted or held to notify the public of the Proposed Project and to solicit their feedback. In addition the formal public meetings, numerous discussions/informal presentations have been made by KL&J to the City of Minnewaukan at City Council meetings throughout 2011. These meetings are open to the public. *Please refer to Appendix N for news articles, public meetings and notices*

3. Identify and evaluate practicable alternatives to locating in the floodplain or wetland

Under the No Action alternative the waters of Devils Lake would continue to rise and eventually inundate the existing city of Minnewaukan. Public health and safety concerns would occur under this alternative as homes, businesses, and infrastructure are inundated, as would socio-economic impacts to Minnewaukan's economy. This alternative would not meet the purpose and need of the project. Besides the No-Action alternative, four sites were considered for relocation of the City. The sites were not selected for reasons including proximity to existing town-site, limited ability to connect to existing utilities, limited availability for expansion, unreasonable acquisition costs or landowners unwilling to sell. *Please refer to Table 2, Alternative Relocation Sites, for a summary of locations considered and reasons for elimination*

4. Identify impacts of the proposed action

As a result of the development of the new town site, approximately 2.11 acres of non-jurisdictional wetlands would be permanently impacted. Additionally, construction of new utilities to the proposed town site would result in temporary impacts to approximately 2.00 acres of wetlands; of which, 1.38 acres are under the jurisdiction of the USACE.

5. Develop measures to minimize the impacts to the floodplain or wetland

Wetlands that would be temporarily disturbed would be returned to pre-construction contours following construction. Permanent wetland impacts would be mitigated within the proposed town site at two locations on new town site. Proposed wetland mitigation sites would be utilized as storm water detention ponds. The ponds would have a flat bottom that would be one foot lower than the pond outlet. The design would create a wetland approximately one foot in depth across the entire detention area. During rain events, the pond will store 4 to 5 feet of storm water runoff. The higher depths would not last longer than a few hours during heavy rain events. Mitigation at the proposed town site is anticipated to total approximately 2.59 acres. A Section 404 permit will be obtained from the USACE for impacts to jurisdictional wetlands prior to construction. The applicant must comply with all permit conditions.

6. Reevaluate alternatives

There are no practicable alternatives to locating the Proposed Project within wetlands.

7. Provide final public notice

A public 'notice of availability' of this draft EA for review and comment was posted in the Benson County Farmers Press and on the FEMA website. If no substantive comments are received, this notice will serve as the final public notice.

8. Implement the action

The 8-step decision-making process for Executive Order 11990 has been completed with noted project conditions.

Signed 

Date 01/29/2012

Richard Myers
Deputy Regional Environmental Officer
FEMA Region VIII