

# **APPENDIX L**

## **Minnewaukan Public Schools Residential Relocations Scoping Package and Responses**

April 18, 2011

«CTitle» «First» «Last»  
«Title»  
«Department»  
«Agency»  
«Address»  
«City», «State» «Zip»

**Re: Structure Relocation  
Benson County, North Dakota**

Dear <<NAME>>:

Kadrmass, Lee & Jackson is performing engineering and environmental studies for the relocation of structures within the city of Minnewaukan, North Dakota. These structures would be relocated to the NW ¼ of Section 9, Township 15 North, Range 67 West; located approximately two miles northwest of the existing townsite. ***Please refer to the enclosed Project Location Map.***

The proposed projects would relocate the Minnewaukan Public School and the Benson County Social Services building. These structures are located at the following locations in Minnewaukan:

- Minnewaukan Public School
  - 211 C Ave West
  - 141 West Ave South
  - 230 3<sup>rd</sup> Street
- Benson County Social Services
  - 210 7<sup>th</sup> Street East

Relocation would consist of structure acquisition (while maintaining existing ownership), as well as construction of a foundation at the proposed townsite and relocation of the structure to the site. The proposed projects are part of a larger plan to relocate the city of Minnewaukan. The relocation of structures is Phase I of the overall relocation plan for the proposed townsite.

The projects would be funded through the FEMA Hazard Mitigation Grant Program and the State Disaster Relief Fund. Structure relocation is anticipated to begin in the spring of 2011 and be completed in fall of 2012.

To ensure that all social, economic, and environmental effects are considered in the development of this project, we are soliciting your views and comments on the proposed project pursuant to Section 102(2) (D) (IV) of the National Environmental Policy Act of 1969, as amended. We are particularly interested in any property which your department may own or have an interest in and which would be adjacent to the proposed acquisitions. We would also appreciate being made aware of any proposed developments your department may be contemplating in the areas under consideration for acquisition. Any information that might help us in our studies would be appreciated.

Information or comments relating to environmental or other matters that you might furnish will be used in determining if this project is a "categorical exclusion" or whether an "Environmental Assessment" or a "Draft Environmental Impact Statement" will be prepared.

Page 2

It is requested that any comments or information be forwarded to our office on or before **May 18, 2011**.

If further information is desired regarding the proposed roadway improvement, please contact me at 701.845.4980.

Sincerely,  
**Kadmas, Lee & Jackson, Inc.**

Erik Gilbertson, P.E.

Enclosure

# Minnewaukan School & Social Sevices Relocations



 Current School Properties	 School Relocation Properties
 Current Social Services Location	 Social Services Relocation Property



## Mailing List

CTitle	First	Last	Title	Department	Agency	Address	City	State	Zip
Ms.	Myra	Pearson	Tribal Chairperson	Ft. Totten Tribal Business Office	Spirit Lake Dacotah Nation	PO Box 359	Ft. Totten	ND	58335
Mr.	Silas	Ironheart, Jr.	SLT-EPA Director		Spirit Lake Dacotah Nation	P.O. Box 99	Fort Totten	ND	58335
Sir		or Madam	Chief Missile Engineer	91st Missile Maintenance Squadron	Cable Affairs Office	417 Bomber Blvd.	Minot AFB	ND	58705
Mr.	Weldon	Loudermilk	Acting Regional Director		Bureau of Indian Affairs	115 4th Ave. SE	Aberdeen	SD	57401
Ms.	Loretta	Chandler	Acting Chief, Project Management & Development	Technical Studies and Environmental Management	Bureau of Reclamation	PO Box 1017	Bismarck	ND	58502-1017
Sir		or Madam	Acting Regional Administrator	Regional Office	Department of HUD	1670 Broadway, Ste. 200	Denver	CO	80202-4813
Sir		or Madam	Director, Federal Insurance & Hazard Mitigation Division	Region 8	Federal Emergency Mngmt. Agency	Bldg 710, Box 25267	Denver	CO	80225
Ms.	Mary	Giltner	Deputy Base Civil Engineer	319 CES/CEVA	Grand Forks Air Force Base	525 Tuskagee Airmen Rd.	Grand Forks AFB	ND	58205-6434
Mr.	Dan	Cimarosti	Manager	ND Regulatory Office	US Army Corps of Engineers	1513 S. 12th St.	Bismarck	ND	58504
Mr.	John	Shelman	Planning Division	Omaha District Attn: CENWO-PM-AC	US Army Corps of Engineers	1616 Capitol Avenue	Omaha	NE	68102-4901
Ms.	Candace	Gorton	Chief, Env., Economics, & Cultural Resource Section	Omaha District	US Army Corps of Engineers	106 S. 15th Street	Omaha	NE	68102-1618
Mr.	Michael	Knoff	Acting Chief, Project Management & Development Branch	St. Paul District	US Army Corps of Engineers	180 5th St. E., Ste 700	St. Paul	MN	55101-1678
Sir		or Madam	Manager	Office of Economic Analysis	Federal Railroad Administration	400 7th St. SW	Washington	DC	20590
Mr.	Paul J.	Sweeney	State Conservationist		US Department of Agriculture	PO Box 1458	Bismarck	ND	58502-1458
Mr.	John	Rogers		Economic Development Administration	US Department of Commerce	PO Box 578	Helena	MT	59624
Mr.	Gerald	Paulson	Director, Transmission Lines and Substation	Western Area Power Admin.	US Department of Energy	PO Box 1173	Bismarck	ND	58502-1173
Ms.	Deborah	Lebow	NEPA Transportation Coordinator	Region 8, EPR-N	US Environmental Protection Agency	1595 Wynkoop Street	Denver	CO	80202-1129
Mr.	Richard	Clark	Wetlands Coordinator	Region 8, EPR-EP	US Environmental Protection Agency	1595 Wynkoop Street	Denver	CO	80202-1129
Mr.	Jeffrey	Towner	Field Supervisor	ND Field Office	US Fish & Wildlife Service	3425 Miriam Ave.	Bismarck	ND	58501
Mr.	Greg	Wiche	Director	Water Resources Division	US Geological Survey	821 E. Interstate Ave.	Bismarck	ND	58501
Congressman	Rick	Berg			US Federal Building, Room 328	220 E. Rosser Avenue	Bismarck	ND	58501
Senator	John	Hoeven			US Federal Building, Room 312	220 E. Rosser Avenue	Bismarck	ND	58501
Senator	Kent	Conrad			US Federal Building, Room 228	220 E. Rosser Avenue	Bismarck	ND	58501
Mr.	Scott	Davis	Executive Director		Indian Affairs Commission	600 E. Blvd. Ave. 1st Floor, Judicial Wing, Rm 117	Bismarck	ND	58505-0300
Mr.	Mark	Johnson	Executive Director		ND Association of Counties	1661 Capitol Way, PO Box 877	Bismarck	ND	58502-0877
Mr.	Lonnie	Hoffer	Disaster Recovery Chief	Department of Homeland Security	ND Department of Emergency Services	PO Box 5511	Bismarck	ND	58506
Mr.	David	Glatt	Chief	Environmental Health Section Gold Seal Center	ND Department of Health	918 E. Divide Ave., 4th floor	Bismarck	ND	58501-1947
Mr.	Paul	Schadewald	Chief	Conservation & Communications Division	ND Game & Fish Department	100 Bismarck Expressway	Bismarck	ND	58501-5095
Mr.	Terry	Steinwand	Director		ND Game & Fish Department	100 Bismarck Expressway	Bismarck	ND	58501-5095
Mr.	Ed	Murphy	State Geologist		ND Geological Survey	600 E. Blvd. Ave.	Bismarck	ND	58505-0840
Mr.	Mark	Zimmerman	Director		ND Parks & Recreation Dept.	1600 E. Century Ave., Suite 3	Bismarck	ND	58503-0649
Mr.	Dale	Frink	State Engineer		ND State Water Commission	900 East Boulevard. Ave.	Bismarck	ND	58505-0850
Mr.	Arne	Berg			ND State Water Commission	815 5th Street NE	Devils Lake	ND	58301
Mr.	Wayne	Sanstead	State Superintendent		ND Department of Public Instruction	600 East Boulevard Ave, Dept. 201	Bismarck	ND	58505
Mr.	Merl	Paaverud	State Historic Preservation Officer		State Historical Society of ND	612 East Boulevard Avenue	Bismarck	ND	58505
Mr.	Larry	Kotchman			ND Forest Service	307 1st Street E	Bottineau	ND	58318-1100
Ms.	Sara	Otte Coleman	Director	Century Center	ND Tourism Division	1600 E. Century Avenue, Suite 2	Bismarck	ND	58503-2057
Sir		or Madam	Manager		Otter Tail Power Company	PO Box 496	Fergus Falls	MN	56538

## Mailing List

CTitle	First	Last	Title	Department	Agency	Address	City	State	Zip
Sir		<i>or Madam</i>	Manager		North Dakota Telephone Company	PO Box 180	Devils Lake	ND	58301
Mr.	Bill	Boyd	Construction Manager		Midcontinent Cable Company	719 Memorial Hwy	Bismarck	ND	58501
Mr.	George	Berg	Manager		NoDak Electric Coop., Inc.	Box 13000	Grand Forks	ND	58208-3000
Mr.	Wayde	Swenson	District Engineer	Devils Lake District	ND Department of Transportation	316 6th Street South	Devils Lake	ND	58301
Mr.	Scott	Hochhalter	Soil Conservation Specialist	NDSU Extension Service	Soil Conservation Committee	2718 Gateway Ave., #104	Bismarck	ND	58503
Mr.	Richard	Anderson			North Central Planning Council	PO Box 651	Devils Lake	ND	58301
Mr.	Gary	Sears	Chairman		West Bay Township	PO Box 33	Minnewaukan	ND	58351
Ms.	Trish	McQuoid	Mayor		City of Minnewaukan	PO Box 192	Minnewaukan	ND	58351
Mr.	Ward	Christensen		Utility Superintendent	City of Minnewaukan	PO Box 192	Minnewaukan	ND	58351
Mr.	Myron	Jury		School Superintendent	Minnewaukan Public Schools	PO Box 348	Minnewaukan	ND	58351
Mr.	John	Beckstrand	Chairman	Water Resource Board	Benson County	8650 36th Street SE	Warwick	ND	58381
Ms.	Bonnie	Erickson		Auditor's Office	Benson County	PO Box 206	Minnewaukan	ND	58351-0206
Mr.	David	Davidson		Commission	Benson County	7833 37th Street NE	St. Michael	ND	58370-9064
Mr.	Scott	Todahl		Emergency Management	Benson County	PO Box 184	Minnewaukan	ND	58351-0205
Mr.	Brandon	Grove		Highway Department	Benson County	PO Box 184	Minnewaukan	ND	58351
Mr.	Steven	Rohrer		Sheriff's Office	Benson County	PO Box 194	Minnewaukan	ND	58351-0194
Mr.	Neal	Jacobson	Environmental Program Manager		ND National Guard	PO Box 5551	Bismarck	ND	58506-5511

## **List of Commenting Agencies**

### **Federal**

Bureau of Indian Affairs, Great Plains Regional Office

United States Army Corps of Engineers, Omaha District, ND Regulatory Office

United States Fish and Wildlife Services, Ecological Services ND Field Office

### **State**

North Dakota Department of Health

North Dakota Department of Transportation (2)

North Dakota Forest Service

North Dakota Game and Fish Department

North Dakota National Guard

North Dakota Parks and Recreation Department

State Historical Society of North Dakota



# United States Department of the Interior

BUREAU OF INDIAN AFFAIRS  
Great Plains Regional Office MC-208  
115 Fourth Avenue S.E., Suite 400  
Aberdeen, South Dakota 57401



IN REPLY REFER TO:  
DESCRM  
MC-208

MAY 03 2011

Erik Gilbertson, P.E.  
Kadrmas Lee & Jackson  
P.O. Box 937  
Valley City, North Dakota 58072-0937

Dear Mr. Gilbertson:

We received your letter regarding the engineering and environmental studies for the relocation of structures within Minnewaukan, North Dakota. We have considered the potential for both environmental damage and impacts to archaeological and Native American religious sites on lands held in trust by the Bureau of Indian Affairs, Great Plains Region. You should be aware, however, that Tribes or Tribal members may have lands in fee status near the sites of interest. These lands would not necessarily be in our databases, and the Tribes should be contacted directly to ensure all concerns are recognized. The actions considered have the following notification date and project locations:

- April 18, 2011      Minnewaukan Public School  
211 C Ave West  
141 West Ave South  
230<sup>th</sup> Street
  
- Benson County Social Services  
210 7<sup>th</sup> Street East

We have no environmental objections to these actions as long as the projects comply with all pertinent laws and regulations. Questions regarding environmental opinions and conditions can be addressed to Jeffrey R. Davis, Environmental Protection Specialist, at (605) 226-7656.

We also find that the listed actions will not affect cultural resources on Tribal or individual landholdings for which we are responsible. Methodologies for the treatment of cultural resources now known or yet to be discovered – particularly human remains – must nevertheless utilize the best available science in accordance with provisions of the Native American Graves Protection and Repatriation Act, the Archaeological Resources Protection Act of 1979 (as amended), and all other pertinent legislation and implementing regulations. Archaeological concerns can be addressed to Dr. Carson N. Murdy, Regional Archaeologist, at (605) 226-7656.

Sincerely,

Deputy Regional Director – Indian Services



REPLY TO  
ATTENTION OF

**DEPARTMENT OF THE ARMY**  
CORPS OF ENGINEERS, OMAHA DISTRICT  
NORTH DAKOTA REGULATORY OFFICE  
1513 SOUTH 12<sup>TH</sup> STREET  
BISMARCK ND 58504-6640  
May 10, 2011

North Dakota Regulatory Office

[NWO-2011-00734-BIS]

Kadrmass, Lee and Jackson, Inc  
ATTN: Mr. Erik Gilbertson, P.E.  
1010 4<sup>th</sup> Avenue SW  
P.O. Box 937  
Valley City, North Dakota 58072-0937

Dear Mr. Gilbertson:

This is in reference to your April 18, 2011, solicitation of view (SOV) letter concerning the proposed relocation of the Minnewaukan Public School and Benson County Social Services buildings. The project is located in Section 9, Township 153 North, Range 67 West, in Benson County, North Dakota.

Based upon the information provided in your letter, we have determined that the identified relocation area, consists entirely of isolated, nonjurisdictional waters; therefore, the project is not regulated under Section 404 of the Clean Water Act and **no permit is required**.

An Approved JD has been completed for the project area as identified in your request (enclosed). Copies of supporting materials used in making these determinations are available upon request. Within 30 days from issuance, JDs are posted on our website at <https://www.nwo.usace.army.mil/html/od-rnd/jur/jur.htm>. **Each approved JD is valid for a period of five (5) years.**

If you do not agree with our JD, you may request an administrative appeal under US Army Corps of Engineers regulations found at 33 CFR 331. A *Notification of Administrative Appeal Options and Process and Request for Appeal (RFA)* is enclosed. The RFA must be received in the Office specified on the second page within 60 days from the date of this letter. **It is not necessary to submit the RFA if you do not object to the determination made in the JD.** If you would like more information on the appeal process, please contact this Office.

Should your project plans change, or require the discharge of dredged or fill material into other waters of the United States, including wetlands, you should contact this office for a new permit determination. The fact that a Section 404 permit is not required does not relieve you of the obligation to obtain required approvals from other agencies that may have regulatory jurisdiction over this project.

Should you have any questions regarding this determination, please do not hesitate to contact Matthew J. Mikulecky of my staff by letter or telephone (701) 255-0015 and reference Project Number **NWO-2011-00734-BIS**.

Sincerely,



Daniel E. Cimarosti  
Regulatory Program Manager  
North Dakota

Enclosures:

- Approved JD
- RFA Form

APPROVED JURISDICTIONAL DETERMINATION FORM  
U.S. Army Corps of Engineers

This form should be completed by following the instructions provided in Section IV of the JD Form Instructional Guidebook.

**SECTION I: BACKGROUND INFORMATION**

**A. REPORT COMPLETION DATE FOR APPROVED JURISDICTIONAL DETERMINATION (JD): 10 May 2011**

**B. DISTRICT OFFICE, FILE NAME, AND NUMBER:**

Omaha District – City of Minnewaukan, ND - NWO-2011-00734-BIS Form 1 of 1

<u>WETLAND NO:</u>	<u>ESTIMATED SIZE (acres):</u>	<u>LOCATION</u>
1	0.2	48.08632/-99.28142
2	0.2	48.08629/-99.28534
3	0.3	48.08826/-99.28474
4	0.85	48.09133/-99.28576
5	0.33	48.09133/-99.28576
6	0.1	48.08935/-99.28531
7	0.1	48.08656/-99.28480

**C. PROJECT LOCATION AND BACKGROUND INFORMATION: Isolated pothole & depressional wetlands**

Central Legal Description: S2, T153N, R67W

State: North Dakota County/parish/borough: Benson City: Minnewaukan  
Center coordinates of site (lat/long in degree decimal format): Lat. 48.08826° N, Long. -99.28474° W.  
Universal Transverse Mercator: 14

Name of nearest waterbody: Devils Lake

Name of nearest Traditional Navigable Water (TNW) into which the aquatic resource flows: None (hydrologically isolated)

Name of watershed or Hydrologic Unit Code (HUC): Devils Lake (9020201)

- Check if map/diagram of review area and/or potential jurisdictional areas is/are available upon request.  
 Check if other sites (e.g., offsite mitigation sites, disposal sites, etc...) are associated with this action and are recorded on a different JD form.

**D. REVIEW PERFORMED FOR SITE EVALUATION (CHECK ALL THAT APPLY):**

- Office (Desk) Determination. Date: 26 April 2011  
 Field Determination. Date(s): \_\_\_\_\_

**SECTION II: SUMMARY OF FINDINGS**

**A. RHA SECTION 10 DETERMINATION OF JURISDICTION.**

There **Are no** "navigable waters of the U.S." within Rivers and Harbors Act (RHA) jurisdiction (as defined by 33 CFR part 329) in the review area. [Required]

- Waters subject to the ebb and flow of the tide.  
 Waters are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.  
Explain: \_\_\_\_\_

**B. CWA SECTION 404 DETERMINATION OF JURISDICTION.**

There **Are no** "waters of the U.S." within Clean Water Act (CWA) jurisdiction (as defined by 33 CFR part 328) in the review area. [Required]

**I. Waters of the U.S.**

**a. Indicate presence of waters of U.S. in review area (check all that apply):<sup>1</sup>**

- TNWs, including territorial seas  
 Wetlands adjacent to TNWs  
 Relatively permanent waters<sup>2</sup> (RPWs) that flow directly or indirectly into TNWs  
 Non-RPWs that flow directly or indirectly into TNWs  
 Wetlands directly abutting RPWs that flow directly or indirectly into TNWs  
 Wetlands adjacent to but not directly abutting RPWs that flow directly or indirectly into TNWs  
 Wetlands adjacent to non-RPWs that flow directly or indirectly into TNWs  
 Impoundments of jurisdictional waters  
 Isolated (interstate or intrastate) waters, including isolated wetlands

**b. Identify (estimate) size of waters of the U.S. in the review area:**

Non-wetland waters: \_\_\_\_\_ linear feet: \_\_\_\_\_ width (ft) and/or \_\_\_\_\_ acres.  
Wetlands: \_\_\_\_\_ acres.

**c. Limits (boundaries) of jurisdiction based on: Pick List**

<sup>1</sup> Boxes checked below shall be supported by completing the appropriate sections in Section III below.

<sup>2</sup> For purposes of this form, an RPW is defined as a tributary that is not a TNW and that typically flows year-round or has continuous flow at least "seasonally" (e.g., typically 3 months).

Elevation of established OHWM (if known): \_\_\_\_\_.

2. **Non-regulated waters/wetlands (check if applicable):<sup>3</sup>**

**Potentially jurisdictional waters and/or wetlands were assessed within the review area and determined to be not jurisdictional. Explain:** The JD is for seven (7) isolated depressional and pothole wetlands ranging from approximately 0.1 to 0.85 acre in size, for a total of 2.08 acres within the project review area. All of these waters are located within the Drift Plains region of North Dakota, and consist of pothole and small farmed depressional wetland features. For the most part, all of these wetlands are very shallow depressions and may occasionally flow over natural and manmade dryland swales. All identified wetlands lack contiguous surface connectivity to Devils Lake (the nearest waters of the United States / TNW). It is possible that wetland No. 2 could drain out through a manmade upland drainage swale or ditch, but this feature does not exhibit any contiguous connectivity to any WOUS. See the attached map/photos to review how this wetland may flow across an upland drainage swale, that may have intermittent areas of wetlands within low-lying areas. This intermittent and ephemeral overland regime is determined to be an "adjacent to adjacent" situation. This constitutes an isolated, nonnavigable, and nonjurisdictional determination for wetland No. 2. All remaining wetlands are also isolated, intrastate, and nonnavigable. USGS Topographic maps indicate the presence of closed basins and slight upland swales.

It is also determined that these waters: 1) are not documented to have substantial use by interstate or foreign travelers for recreational or other purposes; 2) do not support fish or shellfish that could be taken and sold in interstate or foreign commerce; and 3) are not used for industrial purposes by industries in interstate commerce. Lastly, ecological connectivity between these wetlands and WOUS is inconclusive.

Based upon these principle considerations, it is determined that the subject waters are *isolated and nonjurisdictional* under the auspices of Section 404 of the Clean Water Act.

**SECTION III: CWA ANALYSIS**

- A. **TNWs AND WETLANDS ADJACENT TO TNWs:** N/A
- B. **CHARACTERISTICS OF TRIBUTARY (THAT IS NOT A TNW) AND ITS ADJACENT WETLANDS (IF ANY):** N/A
- C. **SIGNIFICANT NEXUS DETERMINATION:** N/A
- D. **DETERMINATIONS OF JURISDICTIONAL FINDINGS. THE SUBJECT WATERS/WETLANDS ARE (CHECK ALL THAT APPLY):** N/A
- E. **ISOLATED [INTERSTATE OR INTRA-STATE] WATERS, INCLUDING ISOLATED WETLANDS, THE USE, DEGRADATION OR DESTRUCTION OF WHICH COULD AFFECT INTERSTATE COMMERCE, INCLUDING ANY SUCH WATERS (CHECK ALL THAT APPLY):<sup>4</sup>** N/A

<sup>3</sup> Supporting documentation is presented in Section III.F.

<sup>4</sup> Prior to asserting or declining CWA jurisdiction based solely on this category, Corps Districts will elevate the action to Corps and EPA HQ for review consistent with the process described in the Corps/EPA *Memorandum Regarding CWA Act Jurisdiction Following Rapanos*.

**F. NON-JURISDICTIONAL WATERS, INCLUDING WETLANDS (CHECK ALL THAT APPLY):**

- If potential wetlands were assessed within the review area, these areas did not meet the criteria in the 1987 Corps of Engineers Wetland Delineation Manual and/or appropriate Regional Supplements.
- Review area included isolated waters with no substantial nexus to interstate (or foreign) commerce.
  - Prior to the Jan 2001 Supreme Court decision in "SWANCC," the review area would have been regulated based solely on the "Migratory Bird Rule" (MBR).
- Waters do not meet the "Significant Nexus" standard, where such a finding is required for jurisdiction. Explain: \_\_\_\_\_.
- Other: (explain, if not covered above): \_\_\_\_\_.

Provide acreage estimates for non-jurisdictional waters in the review area, where the sole potential basis of jurisdiction is the MBR factors (i.e., presence of migratory birds, presence of endangered species, use of water for irrigated agriculture), using best professional judgment (check all that apply):

- Non-wetland waters (i.e., rivers, streams): \_\_\_\_\_ linear feet \_\_\_\_\_ width (ft).
- Lakes/ponds: \_\_\_\_\_ acres.
- Other non-wetland waters: \_\_\_\_\_ acres. List type of aquatic resource: \_\_\_\_\_.
- Wetlands: APPROXIMATELY : 2.08 acres.

Provide acreage estimates for non-jurisdictional waters in the review area that do not meet the "Significant Nexus" standard, where such a finding is required for jurisdiction (check all that apply):

- Non-wetland waters (i.e., rivers, streams): \_\_\_\_\_ linear feet, \_\_\_\_\_ width (ft).
- Lakes/ponds: \_\_\_\_\_ acres.
- Other non-wetland waters: \_\_\_\_\_ acres. List type of aquatic resource: \_\_\_\_\_.
- Wetlands: \_\_\_\_\_ acres.

**SECTION IV: DATA SOURCES.**

**A. SUPPORTING DATA. Data reviewed for JD (check all that apply - checked items shall be included in case file and, where checked and requested, appropriately reference sources below):**

- Maps, plans, plots or plat submitted by or on behalf of the applicant/consultant: TOWNSITE & PROJECT LOCATION MAP.
- Data sheets prepared/submitted by or on behalf of the applicant/consultant.
  - Office concurs with data sheets/delineation report.
  - Office does not concur with data sheets/delineation report.
- Data sheets prepared by the Corps: \_\_\_\_\_.
- Corps navigable waters' study: \_\_\_\_\_.
- U.S. Geological Survey Hydrologic Atlas: \_\_\_\_\_.
  - USGS NHD data.
  - USGS 8 and 12 digit HUC maps.
- U.S. Geological Survey map(s). Cite scale & quad name: 1 : 24,000 -- Minnewaukan West, NORTH DAKOTA.
- USDA Natural Resources Conservation Service Soil Survey. Citation: \_\_\_\_\_.
- National wetlands inventory map(s). Cite name: USFWS NWI.
- State/Local wetland inventory map(s): \_\_\_\_\_.
- FEMA/FIRM maps: \_\_\_\_\_.
- 100-year Floodplain Elevation is: \_\_\_\_\_ (National Geodetic Vertical Datum of 1929)
- Photographs:  Aerial (Name & Date): Google Earth Pro 1995, 2005, 2009.  
or  Other (Name & Date): \_\_\_\_\_.
- Previous determination(s). File no. and date of response letter: \_\_\_\_\_.
- Applicable/supporting case law: \_\_\_\_\_.
- Applicable/supporting scientific literature: \_\_\_\_\_.
- Other information (please specify): \_\_\_\_\_.

**B. ADDITIONAL COMMENTS TO SUPPORT JD: See attached map & photos.**



Sep 1, 2009 4:28:58 AM

Wetland Types	
[Dark Green]	Estuarine and Marine Deepwater
[Medium Green]	Estuarine and Marine Wetland
[Light Green]	Freshwater Emergent Wetland
[Lighter Green]	Freshwater Forested/Shrub Wetland
[Lightest Green]	Freshwater Pond
[Blue-Green]	Lake
[Blue]	Other
[Dark Blue]	Riverine

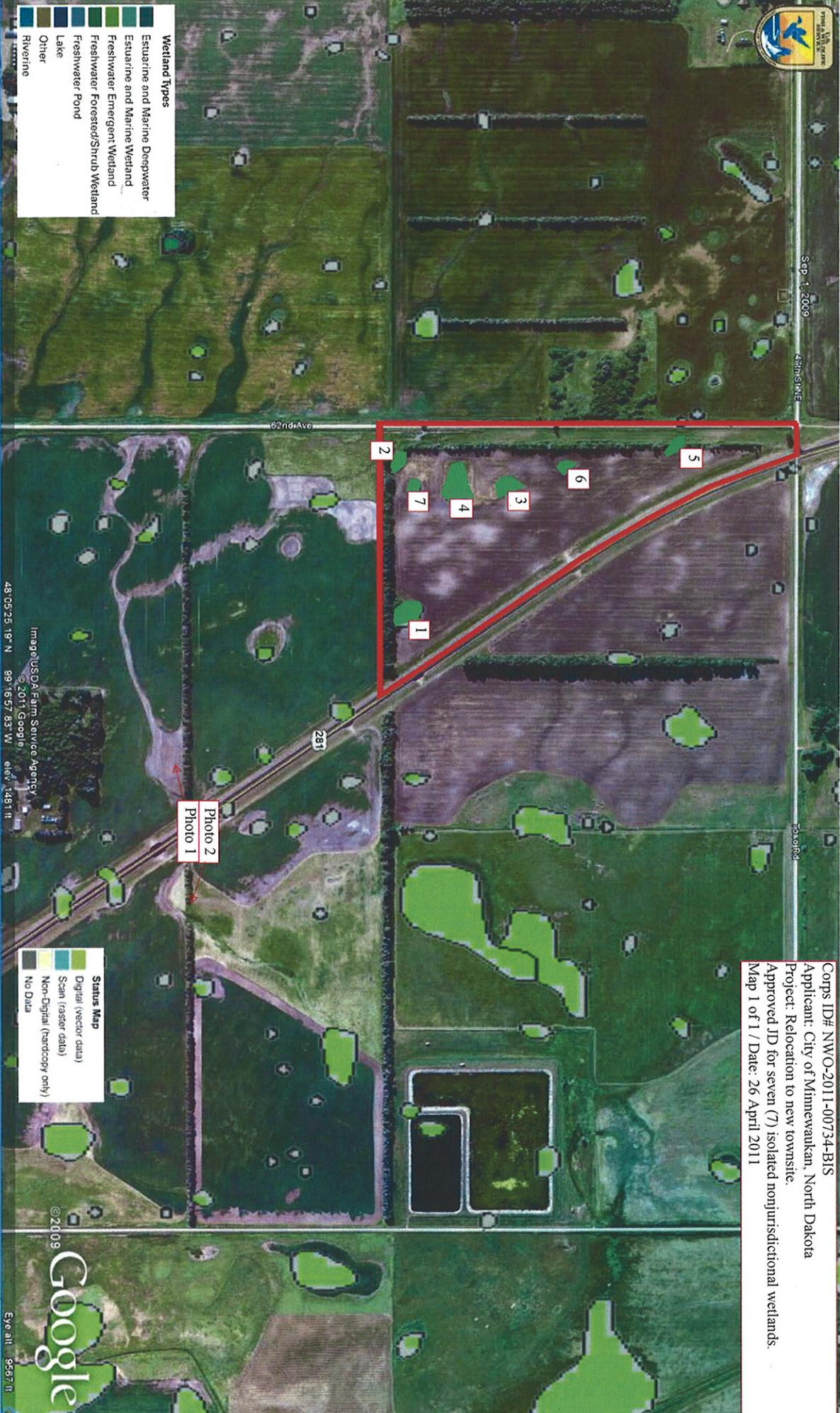


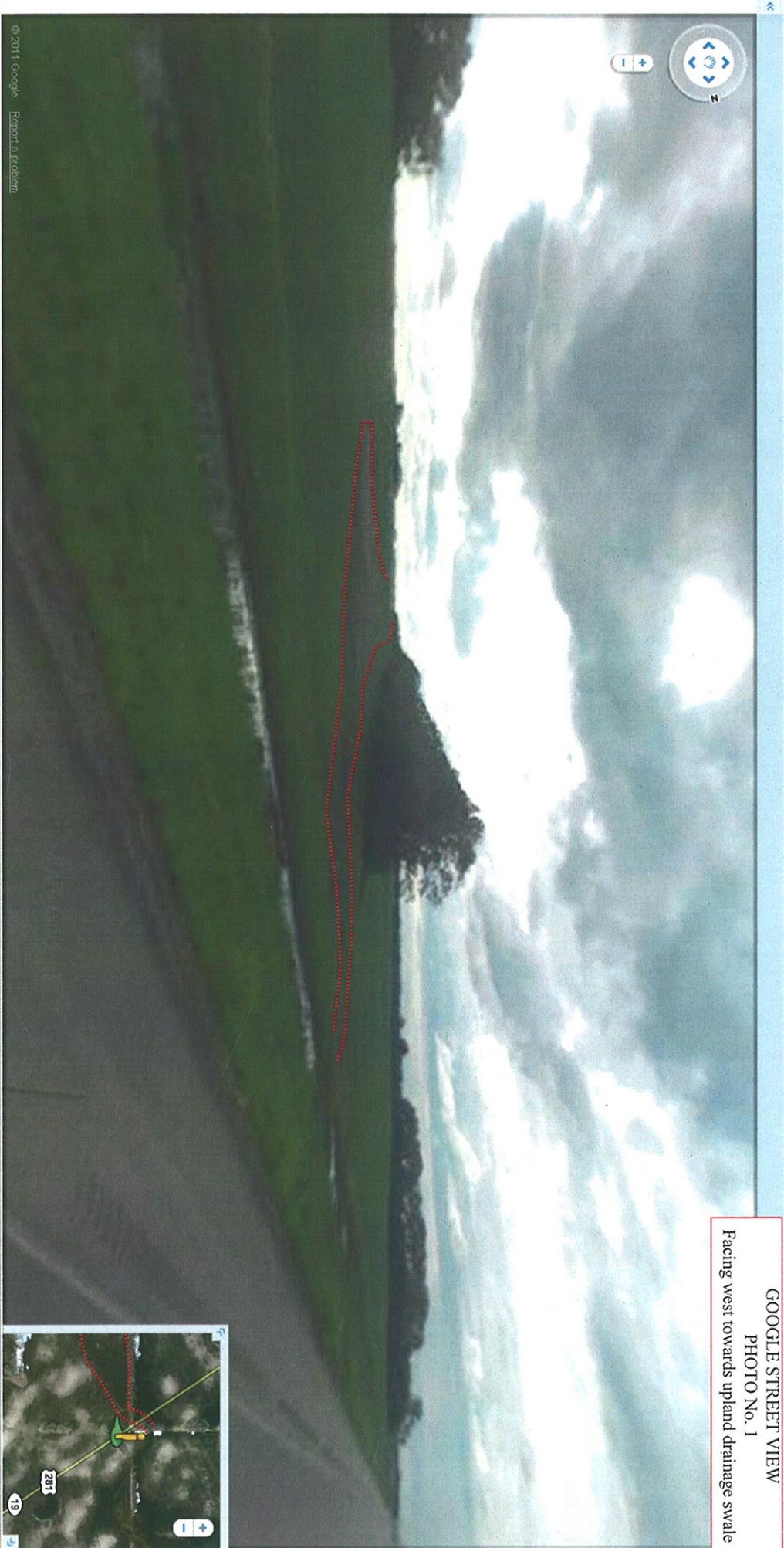
Photo 1  
Photo 2

Image © 2011 Google  
USDA Farm Service Agency  
48°05'25.19" N 99°16'57.83" W elev 1461 ft

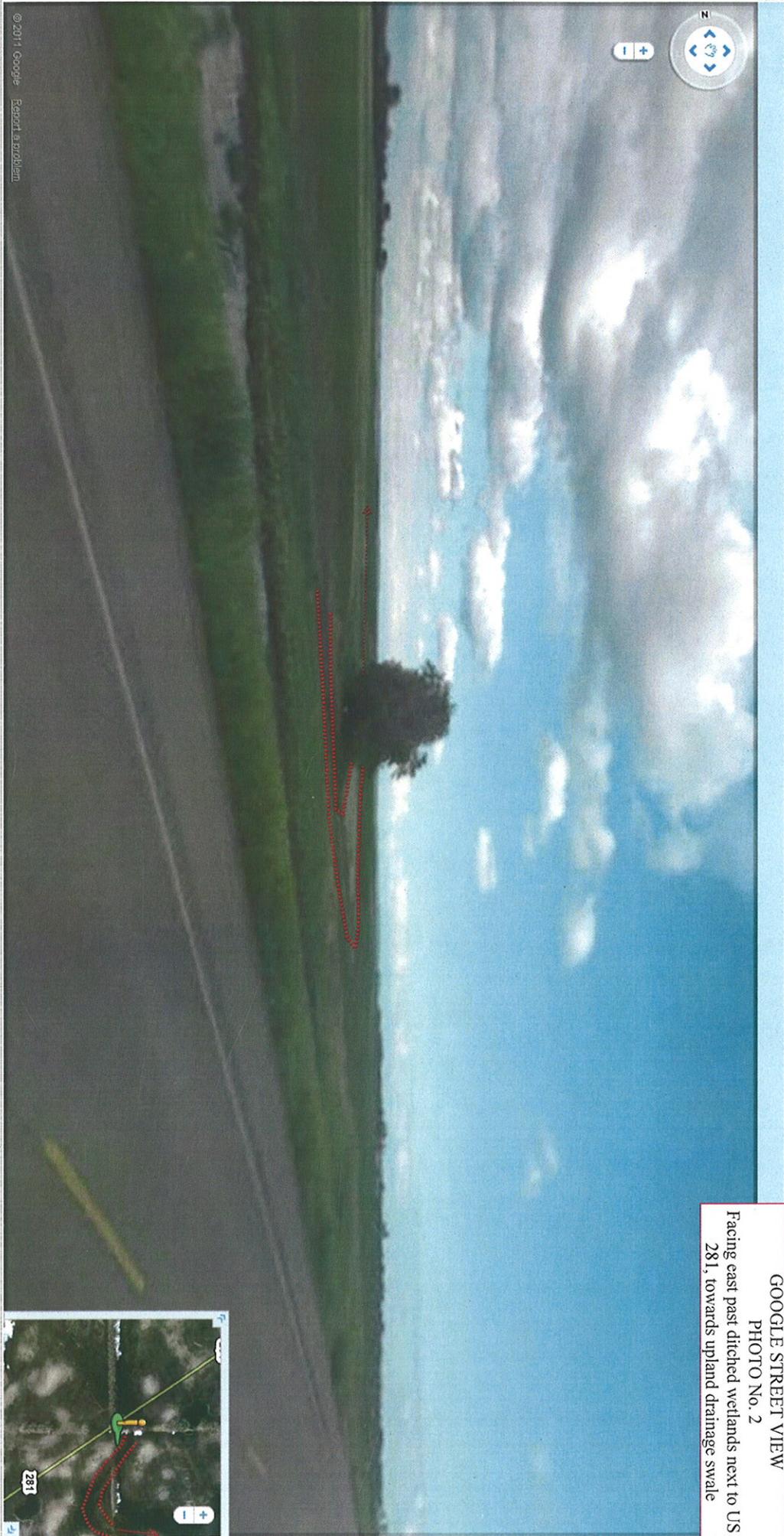
Status Map	
[Green]	Digital (vector data)
[Light Green]	Scan (raster data)
[Dark Green]	Non-Digital (hardcopy only)
[Grey]	No Data

© 2009 Google  
Eye alt 9567 ft

Corps ID# NWO-2011-00734-BIS  
 Applicant: City of Minnewaukan, North Dakota  
 Project: Relocation to new townsite.  
 Approved JD for seven (7) isolated nonjurisdictional wetlands.  
 Map 1 of 1 / Date: 26 April 2011



GOOGLE STREET VIEW  
PHOTO No. 1  
Facing west towards upland drainage swale



GOOGLE STREET VIEW  
PHOTO No. 2  
Facing east past ditched wetlands next to US  
281, towards upland drainage swale

**NOTIFICATION OF ADMINISTRATIVE APPEAL OPTIONS AND PROCESS AND  
REQUEST FOR APPEAL**

Applicant: City of Minnewaukan, ND		File No: NWO-2011-00734-BIS	Date: May 10, 2010
Attached is:		See Section below	
	INITIAL PROFFERED PERMIT (Standard Permit or Letter of permission)	A	
	PROFFERED PERMIT (Standard Permit or Letter of permission)	B	
	PERMIT DENIAL	C	
X	APPROVED JURISDICTIONAL DETERMINATION	D	
	PRELIMINARY JURISDICTIONAL DETERMINATION	E	

**SECTION I -** The following identifies your rights and options regarding an administrative appeal of the above decision. Additional information may be found at <http://usace.army.mil/inet/functions/cw/cecwo/reg> or Corps regulations at 33 CFR Part 331.

**A: INITIAL PROFFERED PERMIT:** You may accept or object to the permit.

- **ACCEPT:** If you received a Standard Permit, you may sign the permit document and return it to the District Engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- **OBJECT:** If you object to the permit (Standard or LOP) because of certain terms and conditions therein, you may request that the permit be modified accordingly. You must complete Section II of this form and return the form to the District Engineer. Your objections must be received by the District Engineer within 60 days of the date of this notice, or you will forfeit your right to appeal the permit in the future. Upon receipt of your letter, the District Engineer will evaluate your objections and may: (a) modify the permit to address all of your concerns, (b) modify the permit to address some of your objections, or (c) not modify the permit having determined that the permit should be issued as previously written. After evaluating your objections, the District Engineer will send you a proffered permit for your reconsideration, as indicated in Section B below.

**B: PROFFERED PERMIT:** You may accept or appeal the permit

- **ACCEPT:** If you received a Standard Permit, you may sign the permit document and return it to the District Engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- **APPEAL:** If you choose to decline the proffered permit (Standard or LOP) because of certain terms and conditions therein, you may appeal the declined permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the Division Engineer. This form must be received by the Division Engineer within 60 days of the date of this notice.

**C: PERMIT DENIAL:** You may appeal the denial of a permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the Division Engineer. This form must be received by the Division Engineer within 60 days of the date of this notice.

**D: APPROVED JURISDICTIONAL DETERMINATION:** You may accept or appeal the approved JD or provide new information.

- **ACCEPT:** You do not need to notify the Corps to accept an approved JD. Failure to notify the Corps within 60 days of the date of this notice, means that you accept the approved JD in its entirety, and waive all rights to appeal the approved JD.
- **APPEAL:** If you disagree with the approved JD, you may appeal the approved JD under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the Division Engineer. This form must be received by the Division Engineer within 60 days of the date of this notice.

**E: PRELIMINARY JURISDICTIONAL DETERMINATION:** You do not need to respond to the Corps regarding the preliminary JD. The Preliminary JD is not appealable. If you wish, you may request an approved JD (which may be appealed), by contacting the Corps district for further instruction. Also you may provide new information for further consideration by the Corps to reevaluate the JD.

**SECTION II - REQUEST FOR APPEAL or OBJECTIONS TO AN INITIAL PROFFERED PERMIT**

**REASONS FOR APPEAL OR OBJECTIONS:** (Describe your reasons for appealing the decision or your objections to an initial proffered permit in clear concise statements. You may attach additional information to this form to clarify where your reasons or objections are addressed in the administrative record.)

**ADDITIONAL INFORMATION:** The appeal is limited to a review of the administrative record, the Corps memorandum for the record of the appeal conference or meeting, and any supplemental information that the review officer has determined is needed to clarify the administrative record. Neither the appellant nor the Corps may add new information or analyses to the record. However, you may provide additional information to clarify the location of information that is already in the administrative record.

**POINT OF CONTACT FOR QUESTIONS OR INFORMATION:**

If you have questions regarding this decision and/or the appeal process you may contact: District Engineer  
US Army Corps of Engineers  
North Dakota Regulatory Office  
ATTN: Mr. Daniel Cimarosti  
1513 South 12<sup>th</sup> Street  
Bismarck, North Dakota 58504  
ph. (701) 255-0015

If you only have questions regarding the appeal process you may also contact:  
US Army Corps of Engineers, Northwestern Division  
Attn: David Gesl, Regulatory Program Manager  
PO Box 2870  
Portland, OR 97208-2870 Telephone (503) 808-3825

**RIGHT OF ENTRY:** Your signature below grants the right of entry to Corps of Engineers personnel, and any government consultants, to conduct investigations of the project site during the course of the appeal process. You will be provided a 15 day notice of any site investigation, and will have the opportunity to participate in all site investigations.

\_\_\_\_\_  
Signature of appellant or agent.

Date:

Telephone number:

**Kadrmass**  
**Lee &**  
**Jackson**

Engineers Surveyors  
Planners

April 18, 2011

Mr. Jeffrey Towner  
Field Supervisor  
ND Field Office  
US Fish & Wildlife Service  
3425 Miriam Ave.  
Bismarck, ND 58501

**Re: Structure Relocation  
Benson County, North Dakota**

Dear Mr. Towner:

Kadrmass, Lee & Jackson is performing engineering and environmental studies for the relocation of structures within the city of Minnewaukan, North Dakota. These structures would be relocated to the NW ¼ of Section 9, Township 15 North, Range 67 West; located approximately two miles northwest of the existing townsite. *Please refer to the enclosed Project Location Map.*

The proposed projects would relocate the Minnewaukan Public School and the Benson County Social Services building. These structures are located at the following locations in Minnewaukan:

- Minnewaukan Public School
  - 211 C Ave West
  - 141 West Ave South
  - 230 3<sup>rd</sup> Street
- Benson County Social Services
  - 210 7<sup>th</sup> Street East

Relocation would consist of structure acquisition (while maintaining existing ownership), as well as construction of a foundation at the proposed townsite and relocation of the structure to the site. The proposed projects are part of a larger plan to relocate the city of Minnewaukan. The relocation of structures is Phase I of the overall relocation plan for the proposed townsite.

The projects would be funded through the FEMA Hazard Mitigation Grant Program and the State Disaster Relief Fund. Structure relocation is anticipated to begin in the spring of 2011 and be completed in fall of 2012.

To ensure that all social, economic, and environmental effects are considered in the development of this project, we are soliciting your views and comments on the proposed project pursuant to Section 102(2)(D)(IV) of the National Environmental Policy Act of 1969, as amended. We are particularly interested in any property which your department may own or have an interest in and which would be adjacent to the proposed acquisitions. We would also appreciate being made aware of any proposed developments your department may be contemplating in the areas under consideration for acquisition. Any information that might help us in our studies would be appreciated.

Information or comments relating to environmental or other matters that you might furnish will be used in determining if this project is a "categorical exclusion" or whether an "Environmental Assessment" or a "Draft Environmental Impact Statement" will be prepared.

701 845 4980

1010 4th Avenue SW

PO Box 937

Valley City, ND 58072-0937

Fax 701 845 0252

[www.kljeng.com](http://www.kljeng.com)

Kadrmass, Lee & Jackson, Inc.

A KLJ Solutions Company

It is requested that any comments or information be forwarded to our office on or before **May 18, 2011**.

If further information is desired regarding the proposed roadway improvement, please contact me at 701.845.4980.

Sincerely,  
**Kadrmass, Lee & Jackson, Inc.**



Erik Gilbertson, P.E.

Enclosure

**U.S. FISH AND WILDLIFE SERVICE**

**ECOLOGICAL SERVICES  
ND FIELD OFFICE**

Project as described will have no significant impact on fish and wildlife resources. No endangered or threatened species are known to occupy the project area. **IF PROJECT DESIGN CHANGES ARE MADE, PLEASE SUBMIT PLANS FOR REVIEW.**

4/19/11

Date

Jeffrey K. Towner

Jeffrey K. Towner  
Field Supervisor



April 28, 2011

Mr. Erik Gilbertson, P.E.  
Kadrmass, Lee & Jackson, Inc.  
P.O. Box 937  
Valley City, ND 58072-0937

Re: Minnewaukan Public School and Benson County Social Services  
Structure Relocation Projects, Benson County

Dear Mr. Gilbertson:

This department has reviewed the information concerning the above-referenced project submitted under date of April 18, 2011, with respect to possible environmental impacts.

This department believes that environmental impacts from the proposed construction will be minor and can be controlled by proper construction methods. With respect to construction, we have the following comments:

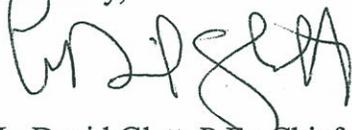
1. All necessary measures must be taken to minimize fugitive dust emissions created during construction activities. Any complaints that may arise are to be dealt with in an efficient and effective manner.
2. Projects disturbing one or more acres are required to have a permit to discharge storm water runoff until the site is stabilized by the reestablishment of vegetation or other permanent cover. Projects disturbing less than one acre also are required to have a permit to discharge storm water runoff if the site is part of a larger common plan of development or sale, and the larger common plan will ultimately disturb equal to or greater than one acre. Further information on the storm water permit may be obtained from the Department's website or by calling the Division of Water Quality (701-328-5210). Check with the local officials to be sure any local storm water management considerations are addressed.
3. All necessary measures must be taken to minimize the disturbance of any asbestos-containing material and to prevent any asbestos fiber release episodes. Any facility that is to be renovated or demolished must be inspected for asbestos. Notification of the Department's Division of Air Quality (701-328-5188) is required before any demolition. Removal of any friable asbestos-containing material must be accomplished in accordance with section 33-15-13-02 of the North Dakota air pollution control rules.

4. Radon - You may want to consider adding radon measurement and control as part of this project. Initial screening tests for radon are relatively inexpensive and usually can be obtained in a couple days. Buildings with radon test results above 4 picocuries of radon per liter of air (pCi/l) should be mitigated to reduce radon levels.
5. Noise from activities may have adverse effects on persons who live near the area. Noise levels can be minimized by ensuring that equipment is equipped with a recommended muffler in good working order. Noise effects can also be minimized by ensuring that activities are not conducted during early morning or late evening hours.
6. Many buildings constructed before 1978 have interior and exterior surfaces coated with lead-based paint (LBP). The U.S. EPA, U.S. Housing and Urban Development and ND air pollution control rules have implemented requirements to reduce exposure to lead from lead-based paint hazards. Homes or buildings that are being demolished must have a lead-based paint clearance inspection conducted by a state certified LBP risk assessor once the building is demolished and debris is removed from the site. Abatement of the LBP containing material is not required before the building or house is demolished. Also, notification to the Department's Division of Air Quality (701-328-5188) is required 10 working days before demolition (form attached).

The department owns no land in or adjacent to the proposed improvements, nor does it have any projects scheduled in the area. In addition, we believe the proposed activities are consistent with the State Implementation Plan for the Control of Air Pollution for the State of North Dakota.

If you have any questions regarding our comments, please feel free to contact this office.

Sincerely,



L. David Glatt, P.E., Chief  
Environmental Health Section

LDG:cc  
Attach.



**XI. Testing Procedure for Determining Lead-based Paint Material:**

- XRF    Lab Analysis    Other  
 Paint Chip Sample    Assumed Lead-based paint

**XII. Description of LBP Work Practices and Engineering Controls to Prevent Lead-based Paint Emissions (check all that apply)**

- Adequately Wet Materials    Seal in Leak Tight Containers    Encapsulate    Work area delineated  
 Negative Air Containment    Seal in Leaktight Wrapping    Mini-enclosure    Visual Clearance    Dust-wipe Clearance  
 Other: \_\_\_\_\_

**XIII. Description of Planned Demolition or Renovation Work (backhoe, bulldozer, hand removal, etc.)**

Will the Facility or Facility Debris be Burned?

- Yes    No

If yes, you must contact your local Health Unit or the Air Quality Division at 701.328.5188, to complete an open burn variance Application: **SFN 8509**.

**XIV. Waste Transporter**

Name			
Address	City	State	Zip Code
Contact Person		Telephone Number	

**XV. Waste Disposal Site**    Building    Lead Debris

Name	Permit Number	Telephone Number	
Address	City	State	Zip Code

**XVI. If Demolition or Abatement was Ordered by Government Agency, Identify the Agency and Attach a Copy of the Order**

Name	Title	Telephone Number
Authority/Agency	Date of Order (MM/DD/YY)	

**XVII. General Comments**

--

**XX. I certify to the best of my knowledge that the above information is true and correct. I further certify that all lead-based paint abatement work on this project will be performed by individuals certified in accordance with the North Dakota Air Pollution Control Rules 33-15-24**

Signature of Owner/Operator

Date

**Return form to:** North Dakota Department of Health  
 Division of Air Quality, 2<sup>nd</sup> Floor  
 918 East Divide Avenue  
 Bismarck, ND 58501-1947

Telephone: 701.328.5188

Fax: 701.328.5185 (If faxing, original copy must be mailed)Additional information can be found on the website at: <http://www.ndhealth.gov/AQ/IAQ/LBP/>



# North Dakota Department of Transportation

Francis G. Ziegler, P.E.  
*Director*

Jack Dalrymple  
*Governor*

May 2, 2011

Erik Gilbertson, P.E.  
Kadrmass, Lee, & Jackson  
P.O. Box 937  
Valley City, ND 58072-0937

ENGINEERING AND ENVIRONMENTAL STUDY FOR RELOCATION OF STRUCTURES  
WITHIN THE CITY OF MINNEWAUKAN TOWNSITE DUE TO RISING LAKE LEVELS,  
BENSON COUNTY, MINNEWAUKAN, NORTH DAKOTA

We have reviewed your April 1, 2011, letter.

This project should have no adverse effect on the North Dakota Department of Transportation highways.

However, if because of this project any work needs to be done on highway right-of-way, appropriate permits and risk management documents will need to be obtained from the Department of Transportation District Engineer Wayde Swenson at 701-665-5100.

A handwritten signature in black ink, appearing to read "Ronald J. Henke".

RONALD J. HENKE, P.E., DIRECTOR – OFFICE OF PROJECT DEVELOPMENT

57/rjh/js

c: Wayde Swenson, Devils Lake District Engineer



# North Dakota Department of Transportation

Francis G. Ziegler, P.E.  
*Director*

Jack Dalrymple  
*Governor*

May 2, 2011

Erik Gilbertson, P.E.  
Kadrmass, Lee, & Jackson  
P.O. Box 937  
Valley City, ND 58072-0937

ENGINEERING AND ENVIRONMENTAL STUDY FOR ACQUISITION AND  
RELOCATION OF STRUCTURES WITHIN LOW LYING AREAS LOCATED WITHIN THE  
CITY OF MINNEWAUKAN TOWNSITE DUE TO RISING LAKE LEVELS, BENSON  
COUNTY, MINNEWAUKAN, NORTH DAKOTA

We have reviewed your April 1, 2011, letter.

This project should have no adverse effect on the North Dakota Department of Transportation highways.

However, if because of this project any work needs to be done on highway right-of-way, appropriate permits and risk management documents will need to be obtained from the Department of Transportation District Engineer Wayde Swenson at 701-665-5100.

A handwritten signature in black ink, appearing to read "Ronald J. Henke".

RONALD J. HENKE, P.E., DIRECTOR – OFFICE OF PROJECT DEVELOPMENT

57/rjh/js

c: Wayde Swenson, Devils Lake District Engineer



# NORTH DAKOTA FOREST SERVICE

*"To care for, protect and improve forest and natural resources to enhance the quality of life for present and future generations."*

May 3, 2011

Mr. Erik Gilbertson, P.E.  
Kadrmass, Lee & Jackson, Inc.  
1010 4<sup>th</sup> Ave SW  
PO Box 937  
Valley City, ND 58072-0937

RE: Minnewaukan Environmental Comments

Dear Mr. Gilbertson,

Thank you for the opportunity to comment on the Minnewaukan engineering and environmental study relating to structure acquisition and relocation, utility improvements, and infrastructure improvements. The North Dakota Forest Service (NDFS) believes the project is not only necessary for the Community of Minnewaukan, but will ultimately benefit Benson County and the State of North Dakota. The NDFS does not own and/or lease any property within the project location, nor is the agency proposing to acquire or develop property within the project.

NDFS participation in the project will continue in the form of cooperative forestry program assistance for community forestry and community fire protection needs requested by the City of Minnewaukan or the State of North Dakota. The Community Forestry program provides information, technical assistance and challenge grants to communities and local government for planning, protecting and maintaining trees in urban environments, developing management plans, conducting inventories, preparing assessments and drafting ordinances and policies. Program priorities include strategic tree planting and active management of the community forest to beautify streets, parks and urban landscapes; conserve energy; protect and improve water quality; and mitigate climate events. NDFS staff helps communities obtain grants through a variety of programs, including Community Transportation Enhancement, Storm Tree Replacement, Community Family Forest and America the Beautiful Program Development and Tree Planting.

Mr. Erik Gilbertson – May 3, 2011

Page 2

The Cooperative Fire Protection program protects lives, property and natural resources from wildfires. Grants are available through the NDFS for building capacity in rural fire departments by providing funding for firefighting equipment, personal protective equipment and training. NDFS staff provides technical assistance on potential funding sources, training opportunities and vehicle acquisition through the Federal Excess Property program. Program priorities include fire planning, initial attack capabilities and adopting the National Incident Management System for coordinated interagency response.

Trees and forests provide important economic, environmental and social benefits to communities across North Dakota. We encourage the City of Minnewaukan to integrate trees into their proposed townsite infrastructure improvements. Urban tree cover serves as “green infrastructure” benefiting the local climate and energy use, air quality, noise abatement, real estate and business values, and public health.

Likewise, community fire planning for fire protection is an important consideration for the City of Minnewaukan. Fire preparedness, prevention and management strategies are essential in developing local led solutions that reduce fire risk to homes and businesses. The Firewise website, [www.firewise.org](http://www.firewise.org), and community planning programs provide information to homeowners, public officials, community planners, construction professionals and firefighters which lessen the risk of fire loss.

Thank you for the opportunity to provide comments on the engineering and environmental study for the City of Minnewaukan. Please feel free to contact my office if you need any additional information about the comments contained in this letter.

Sincerely,

A handwritten signature in black ink, appearing to read "Larry A. Kotchman". The signature is fluid and cursive, with a large initial "L" and "K".

Larry A. Kotchman  
State Forester

**Kadrmass**  
**Lee &**  
**Jackson**  
Engineers Surveyors  
Planners

April 18, 2011

Mr. Paul Schadewald  
Chief  
Conservation & Communications Division  
ND Game & Fish Department  
100 Bismarck Expressway  
Bismarck, ND 58501-5095

5/12

**Re: Structure Relocation  
Benson County, North Dakota**

Dear Mr. Schadewald:

Kadrmass, Lee & Jackson is performing engineering and environmental studies for the relocation of structures within the city of Minnewaukan, North Dakota. These structures would be relocated to the NW ¼ of Section 9, Township 15 North, Range 67 West; located approximately two miles northwest of the existing townsite. **Please refer to the enclosed Project Location Map.**

The proposed projects would relocate the Minnewaukan Public School and the Benson County Social Services building. These structures are located at the following locations in Minnewaukan:

- Minnewaukan Public School
  - 211 C Ave West
  - 141 West Ave South
  - 230 3<sup>rd</sup> Street
- Benson County Social Services
  - 210 7<sup>th</sup> Street East

Relocation would consist of structure acquisition (while maintaining existing ownership), as well as construction of a foundation at the proposed townsite and relocation of the structure to the site. The proposed projects are part of a larger plan to relocate the city of Minnewaukan. The relocation of structures is Phase I of the overall relocation plan for the proposed townsite.

The projects would be funded through the FEMA Hazard Mitigation Grant Program and the State Disaster Relief Fund. Structure relocation is anticipated to begin in the spring of 2011 and be completed in fall of 2012.

To ensure that all social, economic, and environmental effects are considered in the development of this project, we are soliciting your views and comments on the proposed project pursuant to Section 102(2)(D)(IV) of the National Environmental Policy Act of 1969, as amended. We are particularly interested in any property which your department may own or have an interest in and which would be adjacent to the proposed acquisitions. We would also appreciate being made aware of any proposed developments your department may be contemplating in the areas under consideration for acquisition. Any information that might help us in our studies would be appreciated.

Information or comments relating to environmental or other matters that you might furnish will be used in determining if this project is a "categorical exclusion" or whether an "Environmental Assessment" or a "Draft Environmental Impact Statement" will be prepared.

701 845 4980

1010 4th Avenue SW

PO Box 937

Valley City, ND 58072-0937

Fax 701 845 0252

www.kljeng.com

Kadrmass, Lee & Jackson, Inc.

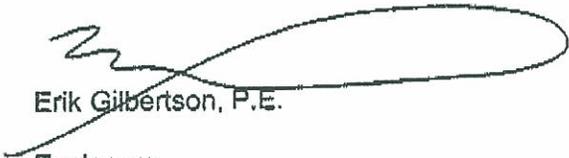
A KLJ Solutions Company

Page 2

It is requested that any comments or information be forwarded to our office on or before **May 18, 2011**.

If further information is desired regarding the proposed roadway improvement, please contact me at 701.845.4980.

Sincerely,  
**Kadrmas, Lee & Jackson, Inc.**

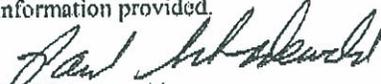
  
Erik Gilbertson, P.E.

Enclosure



**North Dakota Game & Fish Dept.**  
100 N. Bismarck Expressway  
Bismarck, ND 58501-5095

We have reviewed the project and foresee no identifiable conflict with wildlife or wildlife habitat based on the information provided.

  
Paul Schadewald  
Chief, Conservation & Communication Division  
Date:

**Kadrmas**  
**Lee &**  
**Jackson**  
Engineers Surveyors  
Planners

JOINT FORCE HEADQUARTERS  
**ENVIRONMENTAL OFFICE**  
NORTH DAKOTA NATIONAL GUARD  
PO BOX 5511, BISMARCK, ND 58506-5511

NGND-ENV

April 21, 2011

Erik Gilbertson  
KLJ  
PO Box 937  
Valley City ND 58072-0937

Dear Mr. Gilbertson:

The North Dakota National Guard is in receipt of your letter regarding relocation of various buildings from the City of Minnewauken, North Dakota.

The North Dakota National Guard does not have any property interest within the City of Minnewauken. After careful review and consideration of the proposed alternatives discussed in your letter, the North Dakota National Guard has determined that the proposal is unlikely to adversely affect our operations.

Future correspondence regarding NEPA proposed actions should be addressed to the undersigned. Mr. Neal Jacobson has retired from this position, and no longer works for the North Dakota National Guard.

If you have any questions concerning this letter, please contact me at your convenience.

Sincerely,



LTC Stephen P. Herda  
Environmental Program Manager



Jack Dalrymple, Governor  
Mark A. Zimmerman, Director

1600 East Century Avenue, Suite 3  
Bismarck, ND 58503-0649  
Phone 701-328-5357  
Fax 701-328-5363  
E-mail [parkrec@nd.gov](mailto:parkrec@nd.gov)  
[www.parkrec.nd.gov](http://www.parkrec.nd.gov)

April 27, 2011

Mr. Eric Gilbertson  
Kadmas Lee & Jackson  
1010 4th Avenue SW  
PO Box 937  
Valley City, ND 58072-0937

Re: City of Minnewaukan Relocation –Structure Relocation School and Benson Co Social Services

Dear Mr. Gilbertson,

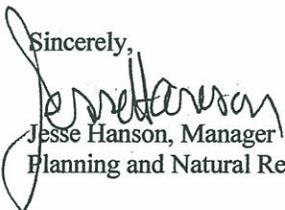
The North Dakota Parks and Recreation Department (the Department) has reviewed the above referenced proposal project to relocate the existing Minnewaukan Public School and Benson County Social Services, which would consist of acquiring or relocating structures within low lying areas located in the city of Minnewaukan, North Dakota.

Our agency scope of authority and expertise covers recreation and biological resources (in particular rare plants and ecological communities). The project as defined does not affect state park lands that we manage but may affect state Land and Water Conservation Fund (LWCF) project sites that we manage. We have concerns regarding two Land and Water Conservation Fund(LWCF) sites in the existing Minnewaukan townsite. The *West Bay Recreation Area, project #38-00434*, and the *West Bay #2, project #38-00674*, both received assistance from the federal Land and Water Conservation Fund and are under protection of section 6(f) of the LWCF Act. If these properties are abandoned, they will require a 6(f) conversion and must be replaced with property of equal market value. If the proposed townsite for Minnewaukan is to include a park area, it may be used as the replacement park so long as it is designated as such, and not as a new park. Please contact Jessica Riepl (701-328-5364 or [jriep1@nd.gov](mailto:jriep1@nd.gov)) before the replacement park is planned for more information on the conversion process. A map with LWCF project locations has been attached.

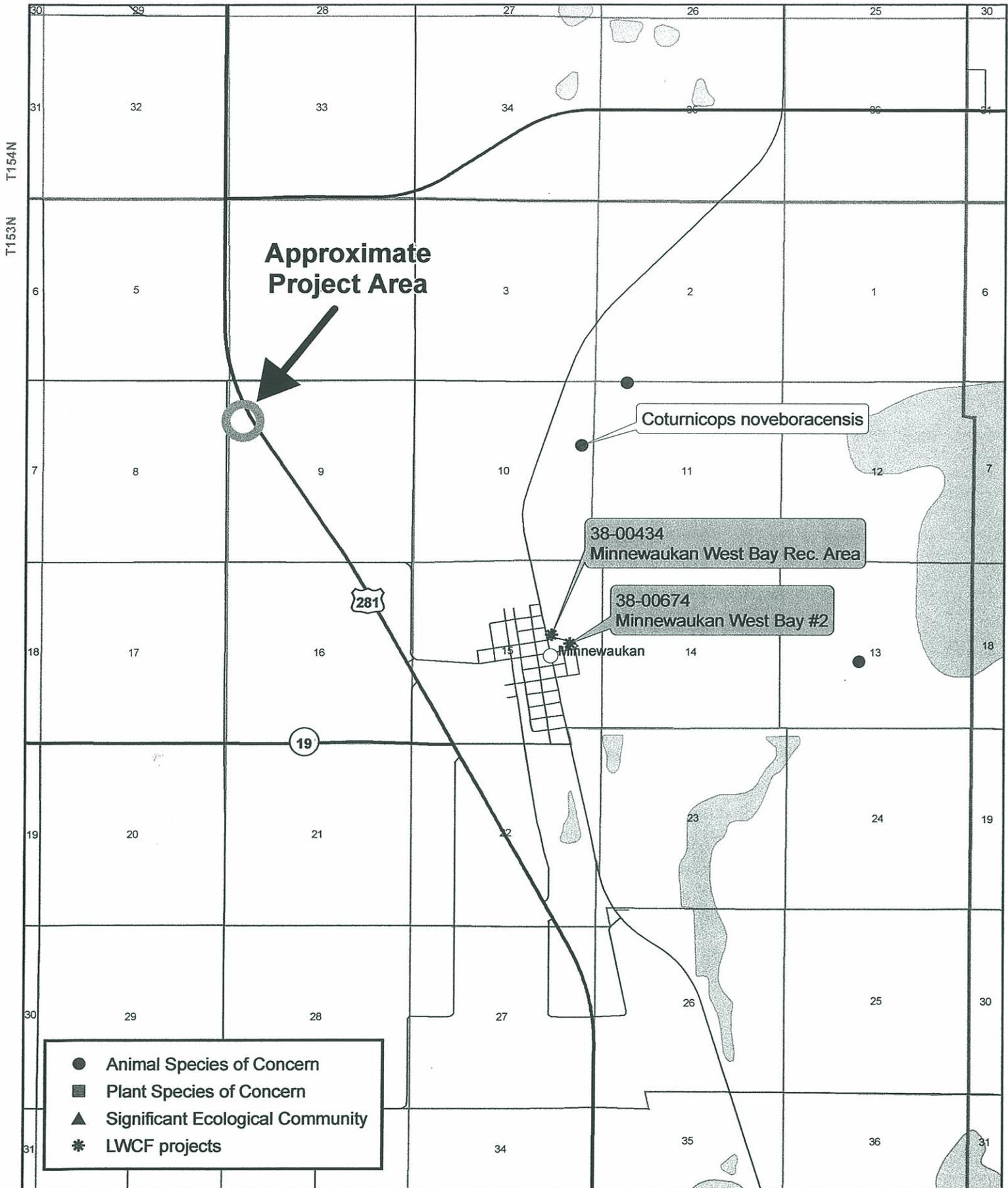
The North Dakota Natural Heritage biological conservation database has been reviewed to determine if any current or historical plant or animal species of concern or other significant ecological communities are known to occur within an approximate one-mile radius of the project area. Based on this review, only one animal species of concern, *Coturnicops noveboracensis* (Yellow rail) has been identified within or adjacent to the project areas. Please see the attached spreadsheet and maps for more specific information on these species. We defer further comments regarding animal species to the North Dakota Game and Fish Department and the United States Fish and Wildlife Service.

Because this information is not based on a comprehensive inventory, there may be species of concern or otherwise significant ecological communities in the area that are not represented in the database. The lack of data for any project area cannot be construed to mean that no significant features are present. The absence of data may indicate that the project area has not been surveyed, rather than confirm that the area lacks natural heritage resources. The Department recommends that the project be accomplished with minimal impacts and that all efforts be made to ensure that critical habitats not be disturbed in the project area to help secure rare species conservation in North Dakota. Regarding any reclamation efforts, we recommend that any impacted areas be revegetated with species native to the project area.

We appreciate your commitment to rare plant, animal and ecological community conservation, management and inter-agency cooperation to date. For additional information please contact Kathy Duttenhefner (701-328-5370 or [kgduttonhefner@nd.gov](mailto:kgduttonhefner@nd.gov)) of our staff. Thank you for the opportunity to comment on this proposed project.

Sincerely,  
  
Jesse Hanson, Manager  
Planning and Natural Resources Division

# North Dakota Parks and Recreation Department North Dakota Natural Heritage Inventory



North Dakota Natural Heritage Inventory  
Rare Animal and Plant Species and Significant Ecological Communities

State Scientific Name	State Common Name	State Rank	Global Rank	Federal Status	Township Range Section	County	Last Observation	Estimated Representation Accuracy	Precision
<i>Coturnicops noveboracensis</i>	Yellow Rail	S2	G4		153N067W - 10; 153N067W - 09; 153N067W - 16; 153N067W - 01; 153N067W - 12; 153N067W - 14; 153N067W - 04; 153N067W - 15; 153N067W - 02; 153N067W - 03; 153N067W - 11	Benson	1981-09-03		M

## North Dakota Natural Heritage Inventory Biological and Conservation Data Disclaimer

The quantity and quality of data collected by the North Dakota Natural Heritage Inventory are dependent on the research and observations of many individuals and organizations. In most cases, this information is not the result of comprehensive or site-specific field surveys; many natural areas in North Dakota have never been thoroughly surveyed, and new species are still being discovered. For these reasons, the Natural Heritage Inventory cannot provide a definite statement on the presence, absence, or condition of biological elements in any part of North Dakota. Natural Heritage data summarize the existing information known at the time of the request. Our data are continually upgraded and information is continually being added to the database. This data should never be regarded as final statements on the elements or areas that are being considered, nor should they be substituted for on-site surveys.

### Estimated Representation Accuracy

Value that indicates the approximate percentage of the Element Occurrence Representation (EO Rep) that was observed to be occupied by the species or community (versus buffer area added for locational uncertainty). Use of estimated representation accuracy provides a common index for the consistent comparison of EO reps, thus helping to ensure that aggregated data are correctly analyzed and interpreted.

Very high (>95%)

High (>80%, <= 95%)

Medium (>20%, <= 80%)

Low (>0%, <= 20%)

Unknown

(null) - Not assessed

### Precision

A single-letter code for the precision used to map the Element Occurrence (EO) on a U.S. Geological Survey (USGS) 7.5' (or 15') topographic quadrangle map, based on the previous Heritage methodology in which EOs were located on paper maps using dots.

S - Seconds: accuracy of locality mappable within a three-second radius; 100 meters from the centerpoint

M - Minute: accuracy of locality mappable within a one-minute radius; 2 km from the centerpoint

G - General: accuracy of locality mappable to map or place name precision only; 8 km from centerpoint

U - Unmappable



**STATE  
HISTORICAL  
SOCIETY**  
OF NORTH DAKOTA

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April 11, 2011

Mr. Erik Gilbertson PE  
KLJ  
1010 4<sup>th</sup> Avenue SW  
PO Box 937  
Valley City ND 58072-0937

ND SHPO REF.: 11-0977 FEMA/US Department of Education Impact Aid Program relocate the Minnewaukan Public School 211 C Avenue West, 141 West Avenue South, 230 3<sup>rd</sup> Street, Minnewaukan and Benson County Social Services, 210 7<sup>th</sup> Street East, Minnewaukan, Benson County, North Dakota

Dear Mr. Gilbertson,

We reviewed ND SHPO REF.: 11-0977 FEMA/US Department of Education Impact Aid Program relocate the Minnewaukan Public School 211 C Avenue West, 141 West Avenue South, 230 3<sup>rd</sup> Street, Minnewaukan and Benson County Social Services, 210 7<sup>th</sup> Street East, Minnewaukan, Benson County, North Dakota. We request that a Class III (pedestrian) cultural resource inventory be conducted by an archaeologist on this project, including completing any site forms. We request a Class III architectural survey of the existing building sites.

Thank you for the opportunity to review this project to date. We look forward to further review of the Class III reports. If you have any questions please contact Susan Quinnell, Review and Compliance Coordinator at (701)328-3576 or [squinnell@nd.gov](mailto:squinnell@nd.gov).

Sincerely,

Merlan E. Paaverud, Jr.  
State Historic Preservation Officer (North Dakota)  
and  
Director, State Historical Society of North Dakota

C: FEMA Denver