

APPENDIX M

Benson County Housing Authority Relocations Scoping Package and Responses

July 8, 2011

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

**Re: City of Minnewaukan Structure Relocation
Benson County, North Dakota**

Dear <<NAME>>:

On behalf of the Benson County Housing Authority and the US Department of Housing and Urban Development (HUD), Kadrmas, Lee & Jackson is performing an engineering and environmental study for the relocation of six structures (five houses and one apartment building) to the proposed townsite for Minnewaukan, North Dakota. The proposed townsite is located in the NW¼ of Section 9, Township 153 North, Range 67 West; approximately two miles northwest of the existing townsite. ***Please refer to the enclosed Project Location Map.*** The addresses for the structures to be relocated are as follows:

- 120 2nd Ave N
- 130 2nd Ave N
- 120 Main St W
- 141 Main St W
- 201 Main St W
- 201 West B St

The proposed project would relocate structures within low lying areas located in the city of Minnewaukan that are at the greatest risk to the rising waters of Devils Lake. Relocations 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 project is part of a larger plan to relocate the city of Minnewaukan. The relocation of structures is Phase 1 of the overall relocation plan for the proposed townsite. Coordination is still ongoing with residences and businesses regarding structure acquisition and relocation options. Additional acquisitions and/or relocations, beyond those identified above, will be conducted through future phases of the proposed project.

The proposed project would primarily be funded through HUD grants. Structure relocation is anticipated to begin in 2011 and be completed in 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

Page 2

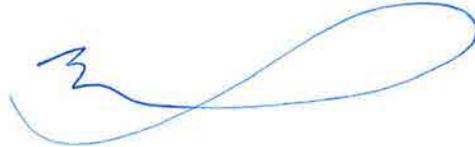
Environmental Policy Act of 1969, as amended. We are particularly interested in any property which your department may own or have an interest in and which would be adjacent to the proposed project. We would also appreciate being made aware of any proposed developments your department may be contemplating in the areas under consideration for the proposed project. 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.

It is requested that any comments or information be forwarded to our office on or before **August 8, 2011**. Due to the timing and expedited nature of this project, if it is possible to forward comments or information prior to July 22, it would be greatly appreciated.

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

Sincerely,
Kadmas, Lee & Jackson, Inc.

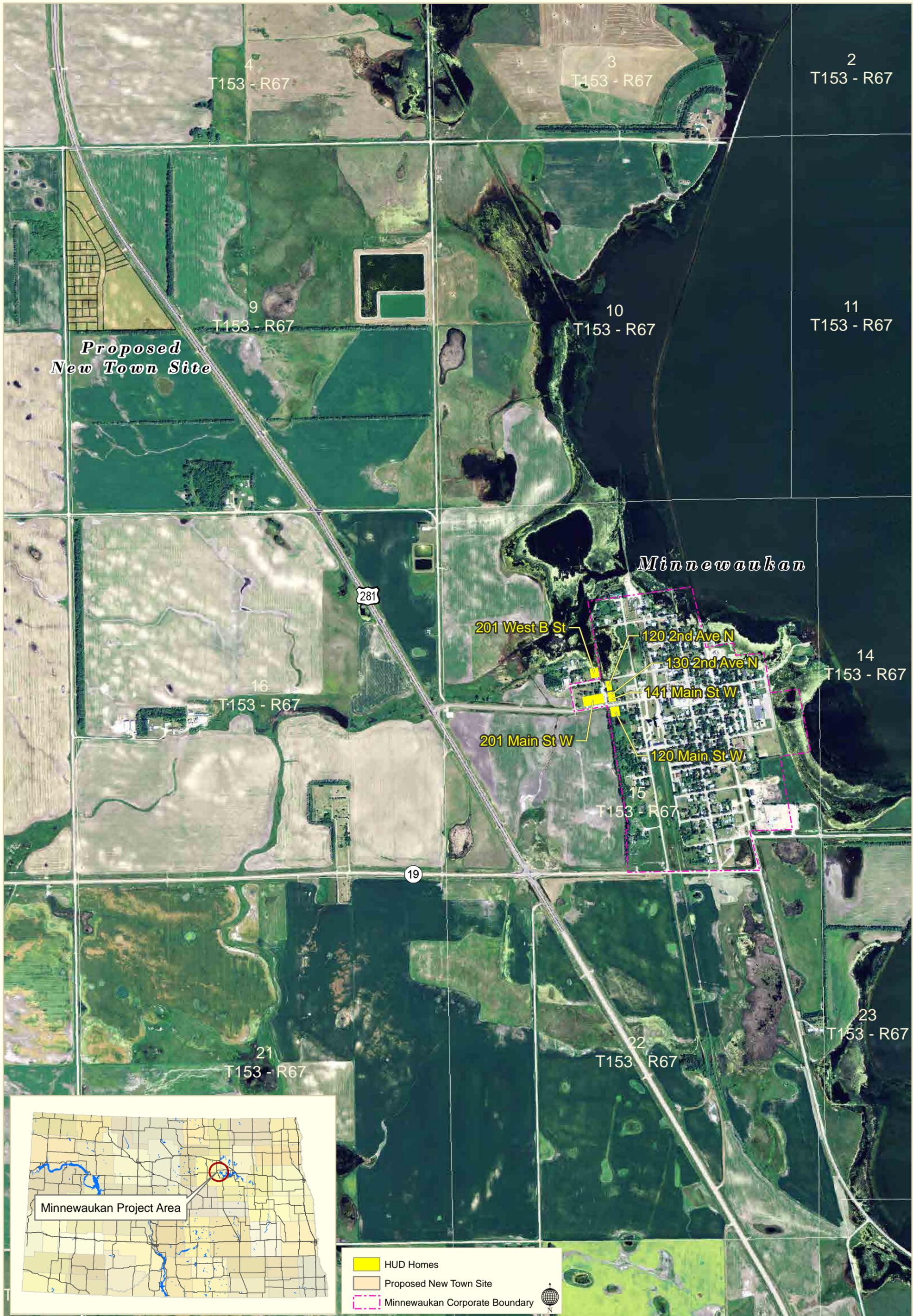
A handwritten signature in blue ink, appearing to be 'Erik Gilbertson', with a large, sweeping flourish extending to the right.

Erik Gilbertson, P.E.

Enclosure

Project Area Location Map

Minnewaukan HUD Housing, Benson County, North Dakota



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
Federal Emergency Management Administration, Region VIII
Grand Forks Air Force Base
Natural Resources Conservation Service
United States Army Corps of Engineers, Omaha District
United States Army Corps of Engineers, Omaha District, ND Regulatory Office
United States Fish and Wildlife Service, Ecological Services ND Field Office

State

North Dakota Department of Emergency Services
North Dakota Department of Health
North Dakota Department of Transportation
North Dakota Game and Fish Department
North Dakota National Guard
North Dakota Parks and Recreation Department
State Historical Society of North Dakota

Local

Minnewaukan Public Schools



United States Department of the Interior

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



IN REPLY REFER TO:
DESCRM
MC-208

JUL 19 2011

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

Dear Mr. Gilbertson:

We received your letter regarding the engineering and environmental study for the relocation of six structures (five houses and one apartment building) within the town of 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:

- July 8, 2011 City of Minnewaukan Structure Relocation
Benson County, North Dakota
120 2nd Ave N, 130 2nd Ave N, 120 Main St W, 141 Main St W, 201
Main St W, and 201 West B St.

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



FEMA

R8-Mitigation

May 9, 2011

Kadrmas Lee & Jackson
Erik Gilbertson, PE
1010 4th Avenue SW
PO Box 937
Valley City, ND 58072-0937

Dear Mr. Gilbertson:

Thank you for your inquiry regarding the proposed Engineering and Environmental studies in the City of Minnewaukan, and Benson County, ND. FEMA's major concern is if the properties are located in a Special Flood Hazard Area any development in these areas requires further consideration.

We recommend that you contact the local Floodplain Managers, Ellen Huffman (Benson County) and Laura Weed (City of Minnewaukan) to receive further guidelines regarding the impact that the project might have to the regulations of the National Flood Insurance Program. Considering that floods are the most devastating of all natural disasters in this country. Any efforts to reduce the impacts of the hazard are worthwhile.

Let me know if I can be of assistance and please feel free to contact me at 303-235-4721.

Sincerely,

A handwritten signature in black ink, appearing to read "Dave Kyner".

Dave Kyner
National Flood Insurance Program Specialist
Mitigation Division, FM & I Branch



DEPARTMENT OF THE AIR FORCE
319TH CIVIL ENGINEER SQUADRON
GRAND FORKS AIR FORCE BASE, NORTH DAKOTA

JUL 25 2011

David D. McCullough
319 CES/CEAN
525 Tuskegee Airmen Blvd
Grand Forks AFB ND 58205-6434

Kadrmass, Lee & Jackson, Inc.
Attn Erik Gilbertson, PE
1010 4th Ave SW
PO Box 937
Valley City, ND 58072-0937

Dear Mr Gilbertson:

Your letter concerning six structure relocation projects, (#'s 120 2nd Ave N, 130 2nd Ave N, 120 Main St W, 141 Main St W, 201 Main St W, and 201 West B St), by the City of Minnewaukan, within Benson County, ND and in cooperation with the US Department of Housing and Urban Development, has been reviewed by our Environmental Management and Real Estate Offices. We have found that Grand Forks AFB owns no property in or adjacent to the proposed project area and has no pertinent information or comments to contribute to your environmental assessment. Thank you for bringing this matter to our attention.

Sincerely,

A handwritten signature in black ink, appearing to read "David D. McCullough".

DAVID D. MCCULLOUGH
Environmental Management Element Chief

United States Department of Agriculture



Natural Resources Conservation Service
P.O. Box 1458
Bismarck, ND 58502-1458

July 21, 2011

Erik Gilbertson
Kadrmass, Lee & Jackson
1010 4th Avenue SW
PO Box 937
Valley City, ND 58072-0937

RE: City of Minnewaukan Structure Relocation
Benson County, ND

Dear Mr. Gilbertson:

The Natural Resources Conservation Service (NRCS) has reviewed your letter dated July 8, 2011, concerning the relocation of structures within low lying areas located in the city of Minnewaukan that are at the greatest risk to the rising waters of Devils Lake, North Dakota.

NRCS has a major responsibility with Farmland Protection Policy Act (FPPA) in documenting conversion of farmland (i.e., prime, statewide, and local importance) to non-agricultural use. FPPA has previously been applied to Minnewaukan, North Dakota's new town site; therefore, no further action is needed.

If you have additional questions pertaining to FPPA, please contact Steve Sieler, State Soil Liaison, at (701) 530-2019.

Sincerely,

JEROME SCHAAR
State Soil Scientist/MO 7 Leader

Helping People Help the Land

An Equal Opportunity Provider and Employer



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
CORPS OF ENGINEERS, OMAHA DISTRICT
1616 CAPITOL AVENUE
OMAHA NE 68102-4901

July 25, 2011

Planning, Programs, and Project Management Division

Erik Gilbertson, P.E.
Kadrmass, Lee & Jackson
1010 4th Avenue SW
PO Box 937
Valley City, North Dakota 58072-0937

Dear Mr. Gilbertson:

The U.S. Army Corps of Engineers, Omaha District (Corps) has reviewed your letter dated July 8, 2011 regarding the environmental report on the proposed relocation of six structures to the NW¼ of Section 9, Township 153 North and Range 67 West, Benson County, North Dakota. The Corps offers the following comments:

Your plans should be coordinated with the U.S. Environmental Protection Agency, which is currently involved in a program to protect groundwater resources. If you have not already done so, it is recommended you consult with the U.S. Fish and Wildlife Service and the North Dakota Game and Fish Department. In addition, the North Dakota State Historic Preservation Office should be contacted for information and recommendations on potential cultural resources in the project area.

Since the proposed project does not appear to be located within Corps owned or operated lands, we are providing no floodplain or flood risk information. To determine if the proposed project may impact areas designated as a Federal Emergency Management Agency special flood hazard area, please consult the following floodplain management office.

NFIP Coordinator:
North Dakota
North Dakota State Water Commission
Attention: Jeff Klein
900 East Boulevard Avenue
Bismarck, North Dakota 58505-0850
jjkein@nd.gov
T-701-328-4898
F-701-328-3747

Any proposed placement of dredged or fill material into waters of the United States (including jurisdictional wetlands) requires Department of the Army authorization under Section 404 of the Clean Water Act. You can visit the Omaha District's Regulatory website for permit applications and related information. Please review the information on the provided website to determine if

this project requires a 404 permit (<http://www.nwo.usace.army.mil/html/od-rne/nehome.html>). For a detailed review of permit requirements, preliminary and final project plans should be sent to:

U.S. Army Corps of Engineers
Bismarck Regulatory Office
Attention: CENWO-OD-R-ND/Cimarosti
1513 South 12th Street
Bismarck, North Dakota 58504

In addition, please update your records with our current mailing address:

U.S. Army Corps of Engineers, Omaha District
Planning Branch
Attention: CENWO-PM-AC
1616 Capitol Ave.
Omaha, Nebraska 68102-4901

If you have any questions, please contact Shannon Sjolie of my staff at (402) 995-2887.

Sincerely,



Eric Laux
Acting Chief, Environmental Resources and Missouri
River Recovery Program Plan Formulation Section

Copy Furnished:
CENWO-OD-R-ND/Cimarosti



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
CORPS OF ENGINEERS, OMAHA DISTRICT
NORTH DAKOTA REGULATORY OFFICE
1513 SOUTH 12TH STREET
BISMARCK ND 58504-6640

July 20, 2011

North Dakota Regulatory Office

[NWO-2011-01386-BIS]
[NWO-2011-00734-BIS]

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

Dear Mr. Gilbertson:

This is in reference to your July 8, 2011, solicitation of views concerning City of Minnewaukan Structure Relocation Project. The project would include structure acquisition, construction of a new foundation at proposed townsite, and relocation of the structure to the new site. The existing structures are currently located within the City of Minnewaukan. The new townsite would be located in the NW ¼ of Section 9, Township 153 North, Range 67 West, in Benson County, North Dakota.

The construction of new foundations would require Department of the Army (DA) authorization should the activity require the discharge of dredge or fill material into waters of the United States. The North Dakota Regulatory Office is currently preparing Jurisdictional Determinations (JD) for the proposed township site, in addition to previously issued JDs under Corps identification No. **NWO-2011-00734-BIS**. We will provide Kadrmass, Lee and Jackson and the City of Minnewaukan with our finalized JDs as soon as they are completed.

The Corps of Engineers regulates the discharge of dredged or fill material into waters of the United States (WOUS), including wetlands, under the auspices of Section 404 of the Clean Water Act (33 USC 1344). The implementing regulation for this Act is found at 33 CFR Parts 320-332.

Should you have any questions regarding this determination, please do not hesitate to contact me by letter or telephone (701) 255-0015 and please reference Project Numbers **NWO-2011-01386-BIS** and **NWO-2011-00734-BIS**.

Sincerely,

Matthew J. Mikulecky
Regulatory Project Manager
North Dakota Regulatory Office

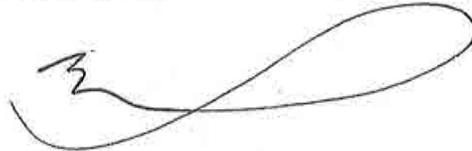
Environmental Policy Act of 1969, as amended. We are particularly interested in any property which your department may own or have an interest in and which would be adjacent to the proposed project. We would also appreciate being made aware of any proposed developments your department may be contemplating in the areas under consideration for the proposed project. 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.

It is requested that any comments or information be forwarded to our office on or before **August 8, 2011**. Due to the timing and expedited nature of this project, if it is possible to forward comments or information prior to July 22, it would be greatly appreciated.

If further information is desired regarding the proposed project, 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.

7/19/11 Jeffrey K. Towner

Date

Jeffrey K. Towner
Field Supervisor



ND Department of Emergency Services

PO Box 5511

Tel: (701) 328-8100

Email: nddes@nd.gov

Bismarck, ND 58506-5511

Fax: (701) 328-8181

Website: www.nd.gov/des

Ensuring a safe and secure homeland for all North Dakotans

July 11, 2011

Mr. Erik Gilbertson, PE
Kadmas, Lee & Jackson, Inc.
1010 4th Ave SW
PO Box 937
Valley City, ND 58072-0937

Re: Relocation of structures City of Minnewaukan

Dear Mr. Gilbertson:

Thank you for your letter dated July 11, 2011, requesting comments on the proposed relocation of structures for the City of Minnewaukan.

The North Dakota Department of Emergency Services, Division of Homeland Security has no comments on the proposed project.

Should you have any additional questions, I may be contacted at 701 328-8100.

Sincerely,

Lonnie G. Hoffer
Disaster Recovery Chief
Department of Emergency Services
Division of Homeland Security



July 13, 2011

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

Re: Relocation of Six Structures
City of Minnewaukan, Benson County

Dear Mr. Gilbertson:

This department has reviewed the information concerning the above-referenced project submitted under date of July 8, 2011, with respect to possible environmental impacts.

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

1. All necessary measures must be taken to minimize fugitive dust emissions created during relocation 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. 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.

5. Many buildings constructed prior to 1978 have interior and exterior surfaces coated with lead-based paint. The Office of Housing and Urban Development (HUD), as well as other Federal Housing Authorities, have implemented requirements for reducing exposure to lead from lead-based paint. If the building is under the control of a Federal Agency, these materials must be handled according to their requirements which may include the use of properly trained individuals for removal and disposal. If the building is not under the control of a Federal Agency, the lead-based paint should be properly handled to reduce or prevent exposing workers and building occupants to lead.

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



North Dakota Department of Transportation

Francis G. Ziegler, P.E.
Director

Jack Dalrymple
Governor

July 25, 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 SIX STRUCTURES TO THE PROPOSED TOWNSITE FOR MINNEWAUKAN, BENSON COUNTY, MINNEWAUKAN, NORTH DAKOTA

We have reviewed your July 8, 2011, letter.

The North Dakota Department of Transportation (NDDOT) has concerns with the safe and reasonable access on Highway 281. Therefore, we are requesting that a full development layout be provided that would specifically show the access points to the relocated area.

Additionally, 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., INTERIM DIRECTOR – OFFICE OF PROJECT DEVELOPMENT

57/rjh/js

c: Wayde Swenson, Devils Lake District Engineer

Kadrmass
Lee &
Jackson
Engineers Surveyors
Planners

July 8, 2011

8/3

Mr. Terry Steinwand
Director
ND Game & Fish Department
100 Bismarck Expressway
Bismarck, ND 58501-5095

**Re: City of Minnewaukan Structure Relocation
Benson County, North Dakota**

Dear Mr. Steinwand:

On behalf of the Benson County Housing Authority and the US Department of Housing and Urban Development (HUD), Kadrmass, Lee & Jackson is performing an engineering and environmental study for the relocation of six structures (five houses and one apartment building) to the proposed townsite for Minnewaukan, North Dakota. The proposed townsite is located in the NW¼ of Section 9, Township 153 North, Range 67 West; approximately two miles northwest of the existing townsite. **Please refer to the enclosed Project Location Map.** The addresses for the structures to be relocated are as follows:

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- 130 2nd Ave N
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- 141 Main St W
- 201 Main St W
- 201 West B St

The proposed project would relocate structures within low lying areas located in the city of Minnewaukan that are at the greatest risk to the rising waters of Devils Lake. Relocations 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 project is part of a larger plan to relocate the city of Minnewaukan. The relocation of structures is Phase 1 of the overall relocation plan for the proposed townsite. Coordination is still ongoing with residences and businesses regarding structure acquisition and relocation options. Additional acquisitions and/or relocations, beyond those identified above, will be conducted through future phases of the proposed project.

The proposed project would primarily be funded through HUD grants. Structure relocation is anticipated to begin in 2011 and be completed in 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

701 845 4980

1010 4th Ave SW

PO Box 937

Valley City, ND 58072-0937

Fax 701 845 0252

kljeng.com

Kadrmass, Lee & Jackson, Inc.

Page 2

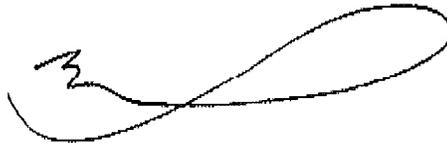
Environmental Policy Act of 1969, as amended. We are particularly interested in any property which your department may own or have an interest in and which would be adjacent to the proposed project. We would also appreciate being made aware of any proposed developments your department may be contemplating in the areas under consideration for the proposed project. 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.

It is requested that any comments or information be forwarded to our office on or before **August 8, 2011**. Due to the timing and expedited nature of this project, if it is possible to forward comments or information prior to July 22, it would be greatly appreciated.

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

Sincerely,
Kadrmass, Lee & Jackson, Inc.



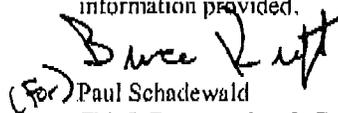
Erik Gilbertson, P.E.

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.



(for) Paul Schadewald
Chief, Conservation & Communication Division
Date:

Kadrmass
Lee &
Jackson
Engineers Surveyors
Planners

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

NGND-ENV

July 11, 2011

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

Dear Mr. Gilbertson:

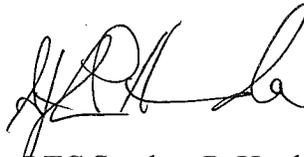
The North Dakota National Guard is in receipt of your letter regarding City of Minnewauken Structure Relocation, Benson County, North Dakota.

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
www.parkrec.nd.gov

July 25, 2011

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

Re: City of Minnewaukan Structure Relocation, Benson County

Dear Mr. Gilbertson,

The North Dakota Parks and Recreation Department (the Department) has reviewed the above referenced proposal to relocate six structures to a proposed townsite for Minnewaukan, ND.

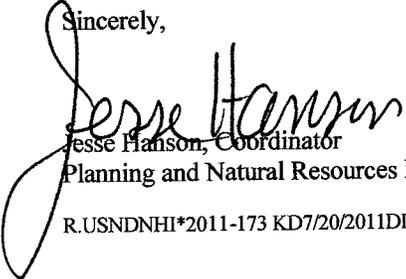
Our agency scope of authority and expertise covers recreation and biological resources (in particular rare plants and ecological communities). The project as defined does not affect state park lands that we manage or Land and Water Conservation Fund recreation projects that we coordinate.

The North Dakota Natural Heritage biological conservation database has been reviewed to determine if any 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, there are no documented occurrences in our database within or adjacent to project area. 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 Duttonhefner (701-328-5370 or kgduttonhefner@nd.gov) of our staff. Thank you for the opportunity to comment on this proposed project.

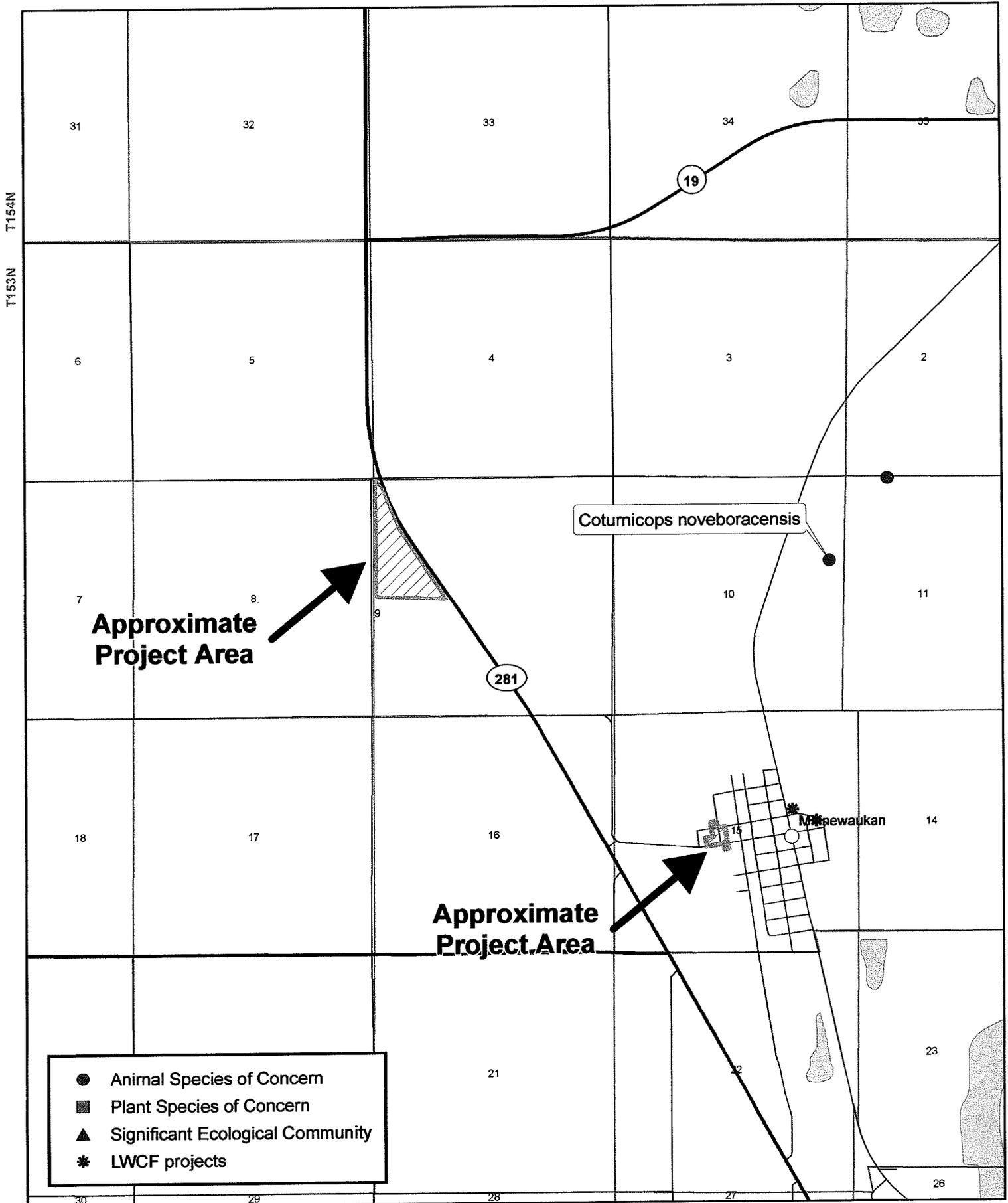
Sincerely,


Jesse Hanson, Coordinator
Planning and Natural Resources Division

R.USNDNHI*2011-173 KD7/20/2011DL8.8.2011

.....
Play in our backyard!

North Dakota Parks and Recreation Department North Dakota Natural Heritage Inventory



- Animal Species of Concern
- Plant Species of Concern
- ▲ Significant Ecological Community
- * LWCF projects

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
Coturnicops noveboracensis	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

United States Department of Agriculture



Natural Resources Conservation Service
P.O. Box 1458
Bismarck, ND 58502-1458

July 21, 2011

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

RE: City of Minnewaukan Structure Relocation
Benson County, ND

Dear Mr. Gilbertson:

The Natural Resources Conservation Service (NRCS) has reviewed your letter dated July 8, 2011, concerning the relocation of structures within low lying areas located in the city of Minnewaukan that are at the greatest risk to the rising waters of Devils Lake, North Dakota.

NRCS has a major responsibility with Farmland Protection Policy Act (FPPA) in documenting conversion of farmland (i.e., prime, statewide, and local importance) to non-agricultural use. FPPA has previously been applied to Minnewaukan, North Dakota's new town site; therefore, no further action is needed.

If you have additional questions pertaining to FPPA, please contact Steve Sieler, State Soil Liaison, at (701) 530-2019.

Sincerely,

JEROME SCHAAR
State Soil Scientist/MO 7 Leader

Helping People Help the Land

An Equal Opportunity Provider and Employer





**STATE
HISTORICAL
SOCIETY
OF NORTH DAKOTA**

Jack Dalrymple
Governor of North Dakota

North Dakota
State Historical Board

Gereld Gerntholz
Valley City - President

Calvin Grinnell
New Town - Vice President

A. Ruric Todd III
Jamestown - Secretary

Albert I. Berger
Grand Forks

Richard Kloubec
Fargo

Diane K. Larson
Bismarck

Chester E Nelson, Jr.
Bismarck

Sara Otte Coleman
*Director
Tourism Division*

Kelly Schmidt
State Treasurer

Alvin A. Jaeger
Secretary of State

Mark Zimmerman
*Director
Parks and Recreation
Department*

Francis Ziegler
*Director
Department of Transportation*

Merlan E. Paaverud, Jr.
Director

*Accredited by the
American Association
of Museums since 1989*

July 13, 2011

Erik Gilbertson, P.E.
Kadmas Lee & Jackson
1010 4th Ave SE
PO Box 937
Valley City, ND 58072-0937

ND SHPO Ref.: 11-1980, City of Minnewaukan Structure Relocation, in a portion of [T153N R67W Section 15] Benson County, North Dakota

Dear Mr. Gilbertson

We reviewed ND SHPO Ref.: 11-1980, City of Minnewaukan Structure Relocation, in a portion of [T153N R67W Section 15] Benson County, North Dakota relating to the following properties:

120 2nd Ave N
130 2nd Ave N
120 Main St W
141 Main St W
201 Main St W
201 West B St

and we recommend a Class III architectural survey of each of these structures. A Class III CRI of the proposed new town-site should also be completed.

Thank you for the opportunity to review this project. Please include the ND SHPO Reference number listed above in further correspondence for this specific project. If you have any questions please contact Lisa Steckler, Preservation Planner at (701) 328-3577 or lsteckler@nd.gov

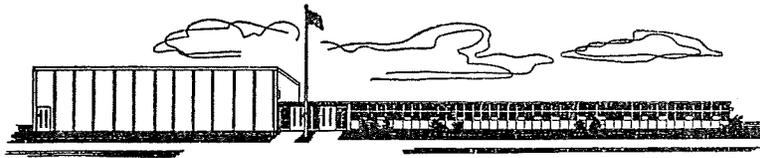
Sincerely,

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

Minnewaukan Public School

P.O. Box 348

Minnewaukan, N.D. 58351



200 D Avenue South

Phone 473-5306

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

July 13, 2011

Dear Erik,

On behalf of the Minnewaukan School District, I am providing comment on the proposed relocation of Benson County Housing properties to the new Minnewaukan town site.

The Minnewaukan School District strongly supports the relocation efforts by the Benson County Housing Authority. The school district has recently awarded contracts for construction of a new school to be located within walking distance to the proposed Benson County Housing relocation. Many of the families the school serves are in need of safe, decent and affordable housing as well as the staff employed by the school district.

Currently Benson County Housing provides housing for 1 family with enrolled students, 3 non-certified staff and 1 certified teacher. We rely heavily on Benson County Housing for rental housing options for our workforce and the families we serve.

Thank you for the opportunity to provide comment on the proposed relocation project.

Sincerely,

A handwritten signature in black ink, appearing to read 'Myron Jury'. The signature is stylized and cursive.

Myron Jury, Superintendent

Minnewaukan Public School

APPENDIX N

News Articles

Minnewaukan Matters

Sherri Thompson

baitshop@gondtc.com -- 473-5657 or 473-5380

The city council met Thursday at the library. A discussion was held on the upcoming spring flooding in our area. Erik Gilbertson of KLJ encouraged us to inform the public on what could happen with our situation this spring. Everyone who

has not filled out the survey mailed to them is encouraged to do so. We will be working on our priority list for the acquisition. Once we get all the facts together we will be having a public meeting to explain how the acquisition will work. Let's hope Mother Nature is kind to us in the next couple months so things will not be so hectic.

Minnewaukan Matters

Sherri Thompson

baitshop@gondtc.com -- 473-5657 or 473-5380

Wednesday, Feb. 23 at 6:30 p.m.
there will be a public meeting at

the Minnewaukan School to discuss flood insurance. A representative will be at the school to answer questions about flood insurance. The Dept. of Emergency Services will also be at the school for information. Everyone is encouraged to attend. Those attending are asked to write down questions you have and bring them to the meeting. If you don't want to get up and speak you can turn in your questions and they will answer them.

**MINUTES OF SPECIAL MEETING
MINNEWAUKAN CITY COUNCIL
February 23, 2011**

A special public meeting of the Minnewaukan City Council was held at the Minnewaukan School February 23, 2011 at 6:30 p.m. Mayor Trish McQuoid, council members Rita Staloch, Shane Monda and Steve Huffman and acting city auditor Sherri Thompson were present. Jeff Klein from the NDIF was present to discuss the flood insurance program. Sean Johnson and Raymond Morrell from the DES were here to explain the relocation and acquisition process.

The next regular meeting will be March 8, 2011 at 5:30 p.m. in the city library.

With no further business the meeting adjourned at 9:10 p.m.

Sherri Thompson
Acting City Auditor

Trish McQuoid
Mayor

Published March 15, 2010, 08:05 AM

Minnewaukan plans flood meeting

MINNEWAUKAN, N.D. (AP) — The city of Minnewaukan is holding a public meeting to talk about the challenges posed by the rising Devils Lake.

MINNEWAUKAN, N.D. (AP) — The city of Minnewaukan is holding a public meeting to talk about the challenges posed by the rising Devils Lake.

Mayor Trish McQuoid says diking to protect the school's gym will be one of the topics on March 30.

McQuoid says she doesn't know if the city has enough money to meet its share of the cost of flood-protection projects. But she says she thinks most residents want to stay and keep battling the ever-rising lake.

Devils Lake has more than tripled in size since the early 1990s because of a series of wet years.

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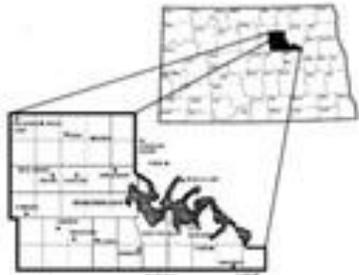
Continuing the Devils Lake World, the Madbock Standard, Benson County Courier, the Edmond Bee and Dakota Springs

Official Newspaper of Benson County

Volume 127, Number 4

Wednesday, March 2, 2011

Minnewaukan, ND 58351-0008



Minnewaukan may apply for grant to purchase houses

An informational meeting on flood insurance and what will be done for those in Minnewaukan without flood insurance was held February 22 at the Minnewaukan School.

The city of Minnewaukan is looking into a FEMA Hazard Mitigation Grant Program which could give the city a grant for the city to purchase homes without flood insurance and move them to another location. One they are in a safe location, they would be put up for sale by bid at auction and the previous owners would have the opportunity to bid on them.

Under the program the homes will be appraised for fair market value by two appraisers and then the city will make an offer to the homeowners, whereas other programs do away the offer.

The homes are not eligible. Only residential property is eligible, including rental property.

The city would be considering this program and if enough homeowners indicate interest, the city will attempt to submit the program. However, there is a tight timeline. The completed paperwork has to be submitted to the state by April 15 and it will take several weeks to prepare the documentation to apply.

The city will send out questionnaires this week and homeowners should return them to the city promptly.

Homeowners with the flood insurance endorsements which allows a homeowner to deduct a claim prior to the home being flooded will probably be better off seeking a settlement with their insurance. It is expected that all homes with a flood limit level of 1400 or less will be eligible for the flood insurance settlement. However, only people who purchased flood insurance

prior to Nov. 30, 1999 and have kept the insurance in force will be eligible since that time are eligible for the endorsement.

At the meeting a city representative in Minnewaukan was invited to sign up for the mitigation program because under that time the endorsement, there is no better offer available. It is on those with the endorsement were encouraged to sign up for the program because of the possibility of failure of the town's sewer system.

"If the sewer system goes, the whole town goes," said Mayor Trieb McGowan. Nobody knows if or when ground water will encroach the sewer system, but it is a definite possibility. It is generally thought the system is pretty well protected in a lake level of 1455, but that is the level that is being forecast for this year.

Jim Merrill of the ND Department of Emergency Services explained the complicated program to those present. "It's not clean, it's not neat. It's complicated, but it has to be that way to keep people from double-dipping and cheating," he explained.

Sean Johnson of the ND Department of Emergency Services also helped explain the program, noting those who apply for this program will need the property in the city and it will remain "open space" forever with no building allowed on it. He emphasized that the program is voluntary and homeowners can back out at any time prior to signing the final papers.

A good portion of the meeting was taken up discussing flood insurance. Jeff Dean of the ND State Water Commission answered questions on flood insurance.

He said there are 91 policies in Minnewaukan with less than 10 of

them eligible for the flood basin endorsement. He had no concrete figures on the endorsement because of job pay laws.

He said that more than \$2 million in claims have been paid by flood insurance in Minnewaukan.

Once a homeowner accepts a flood insurance settlement, the homeowner has 90 days to move the home off the property. Flood insurance has no requirement for cleaning up the property, but the city has requirements which do require this. The homeowner is a flood insurance with less of less to deposit \$100,000 with the city to make sure the city's requirements are followed. The money is returned if everything is done according to flood insurance.

For those who have a flood insurance without the endorsement, water has to touch the foundation of the building for 90 days before a flood insurance settlement can be made.

The North Central Planning Council is working on Benson County's Hazard Mitigation Plan, which must be in place before the program can be implemented. It is expected the county's Hazard Mitigation Plan will be in place by mid summer.

Rudman, Lee & Jackson will have personnel in Minnewaukan on Friday to meet individually with homeowners to help them come to a decision on what they should do.

Merrill and those who decide to participate in the mitigation program will have to bring up their own documents, including proof of ownership (deed or mortgage) or other documents and elevation certificates.

"All you have to do right now is to tell the city council whether or not you intend to participate in the program," he said.



Left to right are John Garkowicz, Jack Garkowicz and Glen DeLoraine Jr., members of the NAFPC Pro Staff, with some of their catch from the waters of Devils Lake.

Professional fishermen from Chicago take a "vacation" and fish Devils Lake

BY LOB SAXEBO
Glen DeLoraine Jr. and a team of six fishermen, who are part of the "ICE MEN" operation on the VERDE (70) channel, fished on Devils Lake recently. DeLoraine, owner of the Spirit Water Inn in Minnewaukan where they stayed, said, "They are not competitors on the ice, but as soon as the competition is over, we are friends." The show can be seen on the Dicks New York on channel 333.

Jack Garkowicz is originally from Warsaw, Poland, and John Garkowicz is originally from Dubuque, Iowa, in the country. They were the winners of the "ICE MEN" show in the West on the NAFPC (North American Ice Fishing Circuit) covering four states

including Michigan, Minnesota, Wisconsin and South Dakota, and Manitoba, Canada. The mission of the NAFPC is to fish over the sport of ice fishing in North America by providing the highest level of competition, education and product promotion.

Photos of the teams of fishermen are taken up at each of the tournaments on the circuit. The teams of Jack and Glen in addition to the top 20 and they are in the top spot on the leader board after fishing in a tournament near Aberdeen, SD on Richardson Lake the past weekend.

For more information on the circuit, go to NAFPC.com.

In one day fishing on Devils Lake, they caught a cold and full of white bass, perch and suckers. Four of their perch qualified for the Whopper Club at weights of 2 lbs. 1 oz., 2 lbs. 1 oz., 2 lbs. 2 oz. and 2 lbs. 1 oz. A perch must weigh two pounds to qualify for the honor. The Whopper Club fish will be frozen, along with a few others and the rest will be cleaned and frozen. DeLoraine said, "I'm in cooking."

The "ICE MEN" team uses equipment and a pickup provided by their many sponsors. The team practices the equipment on the circuit and give the right to some of the sponsors on how the products perform and suggestions on how they could be improved. The pickup has an elaborate paint job depicting the team's sponsors.

DeLoraine said the team's native language is a help to them on the ice because they can see what the length of their lines and others aren't understand what they are saying. He says a regular speaking team can travel a mile out on the ice. He also said Jack and Glen are known as the "Canadian Ice Men." They refer to themselves as "Minnewaukan."

Although Jack and Glen come to a job from their other sponsors, other sponsors are out of pocket. When the ice fishing season is over, the men return to Chicago and their regular jobs. Glen looks down a lane by French Lick, Ind. and John is a CNA in the Milwaukee area at the Woodland.

At the tournament in South Dakota last weekend, DeLoraine and Garkowicz qualified to compete in the championship tournament for the 2011 USA Ice Team. They will be in Minnewaukan, Wis. March 12 and 13 to fish on Lake Thompson. The top six fishermen will make up the team that goes to the international competition.

Quasiquicentennial events planned at Leeds July 14-17

The city of Leeds will celebrate its Quasiquicentennial (120th anniversary) on July 14-17, 2011. The planning committee has many events scheduled. While the agenda is subject to change, many of the major events and activities have been booked.

The celebration begins Thursday, July 14 at 6 p.m. with a bonfire at the Leeds Golf Course. Family oriented games and activities are scheduled to begin at 9 p.m. The evening will conclude with a bonfire and music by local artists.

The Friday, July 15 schedule of events starts with a 5k run/walk at 8:30 a.m. This event will start at the front entrance of the school and end at the swimming pool across station 35 and 40. Participants will be provided after the event. The school will open at 9 a.m. for hours and show events.

The first of two Fun Days will depart from the school at 9:00 a.m. This tour will include stops at local agricultural businesses including RFB Live Stock Equipment Store and Seed Valley Farm. Please book

admission online and a dinner will.

At 7 p.m. there will be a mini tractor pull. Ages 4 years to adult can participate in the event. The evening wraps up with a street dance at 9 p.m. on main street featuring the band Dirty Phosnic.

Saturday's events include a parade held at sponsored by the Leeds Volunteer Fire Department. Breakfast will be served from 8 to 11 a.m. at the Leeds Community Center. A parking fee will be near main street from 9 a.m. to 2 p.m. The school will open at 9 a.m. for hours and show events. The Devils Lake Band will play at 10:30 a.m. and the parade will begin at 12 noon.

The swimming pool will open at 1 p.m. An assortment of inflatable games, including a bounce house, bungee run, pool and tennis skills will be located next to the pool. A \$10 pass will allow unlimited play on the inflatable games and pool admission for the day. This event is sponsored by the Leeds Park Board. A pet permit and a short program presentation on the city's 125th

will all the businesses. Fun tag will begin at 5 p.m. at the community center. A barbeque quarter will perform at 8 p.m.

The Leeds Active Women will compete against the Leeds Firemen in a car stuffing contest on main street following the supper 10:45 a.m. a drawing for one car will be held. Individuals will be held by an auction for another community event and a water table will be.

A street dance featuring the band Billy D and The Crystal will play at 9 p.m. on main street. The event will be highlighted with a fireworks display at 10:00 p.m. On Sunday, July 17 at 9 a.m. a continental breakfast provided at all-Dallas service, which is held at 10:30 a.m. A demolition derby will be held at 1 p.m. on the north end of Leeds. There will be free fishing on Sunday at the Lehigh Golf course.

For additional details check the Leeds 120th Anniversary Website at www.leeds120th.com. Questions regarding this event can be directed to Leeds, Wis. Lehigh

Minnewaukan asks for temporary dike

At a meeting of the State Flood Coordinating Committee February 23, Lonnie Ruffner of the ND Department of Emergency Services led the large gathering that a letter would be sent from the Doherty "within a few days" asking President Obama for a flood disaster declaration for the Devils Lake Basin beginning February 14.

The National Weather Service will give an update on its flood predictions for the lakes March 3. A representative of the ND Game & Park Department said his department plans to construct a short levee on Grand Lake as soon as OH 101, the road which railroad track and a township road are developed out by the State Water Commission.

The dredging is necessary to keep the water in Devils Lake and to allow boat traffic to pass but now. Ronal Lake and Devils Lake. Minnewaukan Mayor Trieb

McGowan told those present that he requested for a temporary dike at Minnewaukan to protect the school and water tower near the government office and would be passed on to the US Army Corps of Engineers. He was told by the Corps that a temporary dike could be built "in days."

There will be a lot of road construction around the lake this summer on old log roads made of rock and heavy machinery of all types. Department of Transportation the chief Engineer Wade Swenson said work will continue on US 1 and US 202, along with ND 28, 20 and 21.

ND 21 and 20 from County Road north to the dike protecting the city of Devils Lake in Benson County will be closed to a lot of 1988. It will become a dike with a road on top of it. Actually, it has been used as a dike, but will be strengthened and widened to be a dike in that as well as in some.

85¢

See us on the Internet at www.bensoncountynews.com

BENSON COUNTY FARMERS PRESS

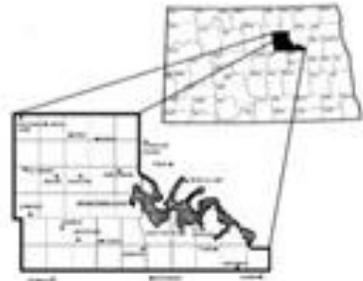
Continuing the Devils Lake World, the Mattlock Standard, Benson County Courier, the Edmond Bee and Dakota Siftings

Official Newspaper of Benson County

Volume 127, Number 49

Wednesday, January 12, 2011

Minnewaukan, ND 58351-0008



Minnewaukan plans partial move to the west

The city of Minnewaukan is asking the State Legislature to come up with big bucks to keep the town of a least 200+ jobs. Preliminary estimates are that it will take about \$6 million to make sufficient waterline improvements to serve that portion of the town above a level of 1,400 feet for a new school, residential lots and business lots.

It will have to be used or demolished if the lake continues rising. Minnewaukan has 71 houses below a level of 1,400. At a level of about 1,450, water will flow out of the lake into the city.

Mayor Tom McQuinn, council members Rita Stalock and Steve Hoffman and acting city auditor Steve Thompson met in Bismarck January 5 with legislators and state officials. Making the presentation for Minnewaukan were Erik Gilbreath, John Rose, Dan Green, Molly Wolfe and Rob Volek of Redman, Lee and Jackson, the city representatives from Minnewaukan.

Legislators present were from District 7: Sen. Brian Taylor (D-Texas), Rep. Dan Johnson (R-Wisconsin) and Rep. Dick Anderson (R-Wisconsin); District 10: Sen. Dave O'Brien (R-Texas) and Rep. Curt Schmitt (R-Iowa); District 11: Sen. Dennis Thomsen (D-Minnesota) and Rep. Dan Johnson (R-Wisconsin); District 12: Sen. John Harkeman (D-Kansas); and Rep. Dan Tjostved (R-Congressman) and Rep. Bill DeLoe (R-Florida).

The school has been steadily growing in enrollment with 90 percent of the students being Native American. The school had 234 students in 2008-09, 241 in 2009-10, 270 in 2010-11 and an enrollment of 340 is projected for 2015-16. The school has an annual payroll of more than \$2 million.

Preliminary estimates are that the city would cost \$20,000 of the \$6 million total, the Corps of Engineers would cover \$300,000 and the city is asking the State Legislature for \$1,500,000. These figures are preliminary and an audit is being done.



Sen. Harkeman has agreed to submit a bill covering bonds to Minnewaukan's behalf.

Plans are in the works for work to further define the city's needs. Initial portions of Minnewaukan are a 2,400 to be used, including the northline and Main Street, a new sewage lift station will be necessary, along with a new sewer pipe from the lift station to the lake.

The school has been steadily growing in enrollment with 90 percent of the students being Native American. The school had 234 students in 2008-09, 241 in 2009-10, 270 in 2010-11 and an enrollment of 340 is projected for 2015-16. The school has an annual payroll of more than \$2 million.

The city council is writing all residents of Minnewaukan to take out flood insurance. Another bill will be made to have the flood basin assessment reinstated. But anyone whose home is flooded by water which someone is plan for a drought period of time would be able to collect on flood insurance without the reinstatement.

DL Area Foundation distributes funds

The Devils Lake Area Foundation Distribution Committee met December 20 and distributed \$25,143.36 in grants from the general fund for area charitable purposes.

Handfuls of donations (such as \$100 anniversary) have been made over the past 30 years and the total has grown to \$5,790,640 as of Nov. 30, 2010.

Paul Johnson, secretary of the DAAF, commented, "The Foundation is pleased that local organizations have been so effective in putting the grants to good use."

The income generated from these endowed funds is distributed to nonprofit organizations in the Devils Lake area. Since 1975, the Foundation has distributed \$1,336,237 in grants from the general fund to nearly 100 local nonprofit organizations.

Following is a list of those who received grants:

- College Care for Kids, Dakota State Lutheran Church, Devils Lake Blue Line Club, Devils Lake Community Band Corporation, Devils Lake Retiree Lodge #175 Sons of Norway, Devils Lake Public Schools Development Fund, Lake Region Public Library, Region 3 Marketplace for Kids, Monty Hospital of Devils Lake, Minnewaukan Public Library, PACT 813 Ramsey County # 8, Prairie Heights The Old Fellows & Belokah Home, Senior Meals and Services and the Valerie Merrick Memorial Library.

The current members are Sen. Brian Dalk of the Ministerial Association, Douglas Bredin of the Economic Rev in the Home of the Rotary Era, Steve of the Chamber of Commerce, Gary Laska of the Community Development Corporation, Amy Hoffman of the Lake Region Community Fund and Linda Pearson of the District Court. Each member serves a two-year term. The DAAF Distribution Committee accepts grant applications in May and November each year.

The grants are made possible by earnings from gifts to the Devils Lake Area Foundation.

The DAAF was established in 1975 by the Community Development Corporation of Devils Lake. The first donation in 1975 was shares of stock with a value of

For more information visit www.devilslakefoundation.com

PUBLIC NOTICE FEMA-1829-DR-ND

The Federal Emergency Management Agency (FEMA) hereby gives notice to the public of its intent to reimburse eligible applicants for eligible costs to repair and/or replace facilities damaged by flooding occurring from March 13, 2009, and continuing. This notice applies to the Public Assistance (PA) and Hazard Mitigation Grant Programs (HMGP) implemented under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. §§ 5121-5206.

Under a major disaster declaration (FEMA-1829-DR-ND) signed by the President on March 24, 2009, Amendment No. 1, signed April 6, 2009, Amendment No. 2, signed April 21, 2009, Amendment No. 3, signed April 24, 2009, and Amendment No. 4, signed May 13, 2009, the following counties have been designated as adversely affected by the disaster and eligible for Public Assistance: Adams, Barnes, Benson, Billings, Bottineau, Bowman, Burleigh, Cass, Cavalier, Dickey, Dunn, Eddy, Emmons, Foster, Grand Forks, Grant, Griggs, Hettinger, Kidder, LaMoure, Logan, McHenry, McIntosh, McKenzie, McLean, Mercer, Morton, Mountrail, Nelson, Oliver, Pembina, Pierce, Ramsey, Ransom, Richland, Rolette, Sargent, Sheridan, Sioux, Stark, Steele, Stutsman, Towner, Traill, Walsh, Ward, Wells, and Williams Counties and the Sisseton-Wahpeton Oyate of the Lake Traverse Reservation, the Standing Rock Sioux Reservation, the Spirit Lake Sioux Reservation, and the Turtle Mountain Band of Chippewa Indian Reservation. Additionally, all Counties in North Dakota have been designated as eligible for HMGP. Additional counties may be designated for assistance at a later date.

This public notice concerns activities that may affect historic properties, activities that are located in or affect wetland areas or the 100-year floodplain, and critical actions within the 500-year floodplain. Such activities may adversely affect the historic properties, floodplains or wetlands, or may result in continuing vulnerability to flood damage.

Presidential Executive Orders 11988 and 11990 require that all federal actions in or affecting floodplains or wetlands be reviewed for opportunities to relocate, and be evaluated for social, economic, historic, environmental, legal, and safety considerations. Where there is no opportunity to relocate, FEMA is required to undertake a detailed review to determine what measures can be taken to minimize future damages. The public is invited to participate in the process of identifying alternatives and analyzing their impacts.

FEMA has determined that for certain types of facilities there are normally no alternatives to restoration in the floodplain/wetland. These are facilities that meet all of the following criteria: 1) FEMA's estimate of the cost of repairs is less than 50% of the cost to replace the entire facility, and is less than \$100,000; 2) the facility is not located in a floodway; 3) the facility has not sustained major structural damage in a previous Presidentially declared flooding disaster or emergency; and 4) the facility is not critical (e.g., the facility is not a hospital, generating plant, emergency operations center, or a facility that contains dangerous materials etc.). FEMA intends to provide assistance for the restoration of these facilities to their pre-disaster condition, except that certain measures to mitigate the effects of future flooding or other hazards may be included in the work. For example, a bridge or culvert restoration may include a larger waterway opening to decrease the risk of future washouts.

For routine activities, this will be the only public notice provided. Other activities and those involving facilities that do not meet the four above criteria are required to undergo more detailed review, including study of alternate locations. Subsequent public notices regarding such projects will be published if

necessary, as more specific information becomes available.

In many cases an applicant may have started facility restoration before federal involvement. Even if the facility must undergo detailed review and analysis of alternate locations, FEMA will fund eligible restoration at the original location if the facility is functionally dependent on its floodplain location (e.g., bridges and flood control facilities), or the project facilitates an open space use, or the facility is an integral part of a larger network that is impractical or uneconomical to relocate, such as a road. In such cases, FEMA must also examine the possible effects of not restoring the facility, minimize floodplain/wetland impacts, and determine both that an overriding public need for the facility clearly outweighs the Executive Order requirements to avoid the floodplain/wetland, and that the site is the only practicable alternative. The State of North Dakota and local officials will confirm to FEMA that proposed actions comply with all applicable State and local floodplain management and wetland protection requirements.

FEMA also intends to provide HMGP funding to the State of North Dakota to mitigate future disaster damages. These projects may include construction of new facilities, modification of existing, undamaged facilities, relocation of facilities out of floodplains, demolition of structures, or other types of projects to mitigate future disaster damages. In the course of developing project proposals, subsequent public notices will be published, if necessary, as more specific information becomes available.

The National Historic Preservation Act requires federal agencies to take into account the effects of their undertakings on historic properties. Those actions or activities affecting buildings, structures, districts, objects 50 years or older, or that affect archeological sites or undisturbed ground will require further review to determine if the property is eligible for listing in the National Register of Historic Places (Register). If the property is determined to be eligible for the Register, and FEMA's undertaking will adversely affect it, FEMA will provide additional public notices. For historic properties not adversely affected by FEMA's undertaking, this will be the only public notice.

As noted, this may be the only public notice regarding the above-described actions under the PA and HMGP programs. Interested persons may obtain information about these actions or a specific project by writing to the Federal Emergency Management Agency, Joint Field Office, 600 2nd Street, Bismarck, ND 58504 or by calling (701) 323-3600. Comments should be sent in writing to Justo (Tito) Hernandez , Federal Coordinating Officer, at the above address within 15 days of the date of this notice.

DRAFT - FEDERAL EMERGENCY MANAGEMENT AGENCY

Final Public Notice Minnewaukan Relocation Benson County, North Dakota March XX, 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