



PUBLIC NOTICE

US Army Corps
Of Engineers
Omaha District

Application No: NWO-2007-2518-BIS
Applicant: Devils Lake Municipal Airport Authority
Waterway: Wetlands adjacent to Devils Lake
Activity: Airport Improvements/Hazard Mitigation
Issue Date: January 23, 2013
Expiration Date: February 13, 2013

21 Day Notice

North Dakota Regulatory Office

1513 South 12th Street

Bismarck ND 58504

NOTICE OF PENDING PERMIT EVALUATION

Introduction. The District Engineer, U.S. Army Engineer District, Omaha, Nebraska is evaluating a Department of the Army (DA) permit application from the **Devils Lake Municipal Airport Authority** to construct a runway extension, associated improvements and removal of wetlands for airport safety purposes. This application is being evaluated under Section 404 of the Clean Water Act [33 USC 1251, et seq.]. Section 404 regulates the discharge of dredged or fill material in the Nation's waters. The project will result in the discharge of fill material into wetlands adjacent to Devils Lake, that are subject to Section 404.

- **PUBLIC NOTICE.** The purpose of this public notice is to inform the public; Indian Tribes; Federal, state and local agencies/officials; and other interested parties of a **21-day comment period** in which written comments in conjunction with the applicant's project may be submitted to the US Army Corps of Engineers (USACE). Solicitation of comments regarding impacts to endangered species, historic properties, water quality, general environmental concerns and other public interest factors are discussed herein. Written comments must be postmarked by **Wednesday, February 13, 2013**, prior to closure of the public notice administrative record.
- **PUBLIC HEARING.** Before the expiration date of this notice, anyone may request, in writing, that a public hearing be held to consider this application. Requests shall specifically state the reason(s) for holding a public hearing. The District Engineer shall determine whether a hearing is necessary to obtain additional public interest information. If a public hearing is warranted, interested parties will be notified of the time, date, and location.

Background Information. An Environmental Assessment (EA) was prepared for Devils Lake Municipal Airport Authority (Sponsor) on behalf of Federal Aviation Administration (FAA). The EA resulted in a "Finding of No Significant Impact (FONSI)" and was signed on April 7, 2011.

PROJECT PROPOSAL.

- **DETAILS.** The DA permit application was determined complete on **January 16, 2013**.
- **PROJECT PURPOSE.** The Applicants "**stated project purpose**" is "...to enhance the utility and safety of the Airport to accommodate current and projected levels of aviation...". The US Army Corps of Engineers has determined the **basic project purpose** is "airport utility and safety improvements" and the **overall project purpose** is "expand and improve existing facility features to accommodate current and future aviation use and removal of wildlife attractants for airport safety".

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- PROJECT LOCATION. The project is located in wetlands adjacent to Devils Lake, all in Section 32, Township 154 North, Range 64 West, Ramsey County, North Dakota.

 - PROJECT DESCRIPTION. Construction of airport improvements, associated actions and removal and/or filling of wildlife hazards. Improvements would include the extension of Runway 13 by approximately 1,827 feet; removal approximately 932 feet of pavement on Runway 31 end; elimination of displaced threshold on Runway 31 end; and extension of parallel taxiway approximately 1,827 feet by 40 feet on the northwest end. Wetland and wildlife hazard mitigation activities would include the removal of 0.8 acres of wetlands protected under US Fish and Wildlife Service (USFWS) easement. Mitigate wildlife hazards by removing or filling 23.8 acres of wetlands (22.1 acres of USACE jurisdictional wetlands and 1.7 acres of non-jurisdictional wetlands). All fill material would be obtained onsite.
 - PROJECT'S LIFE CYCLE. Permanent.
 - CONSTRUCTION METHODS. Typical equipment for large-scale grading, paving and earthmoving projects.
 - PROJECT BENEFITS. The project would meet FAA design and safety standards.
 - ANTICIPATED ENVIRONMENTAL IMPACTS.
 - Wetlands. 22.1 acres of jurisdictional wetlands would be filled or drained. These wetlands consist entirely of existing drainage ditches and a previously drained wetland that continues to meet wetland parameters despite the construction of drainage ditches in the past. The ditch wetlands would be cleaned out, regraded and the wetland would be shaped to provide positive drainage. Approximately 3.5 acres of nonjurisdictional wetlands would also be filled. These wetlands consist of natural and artificial depressions.
 - Woodlands. No woodlands would be impacted by this project.
 - Flowage and Circulation Patterns. Drainage would be enhanced to prevent ponding and wildlife attractants. Wetland areas would be filled or removed.
 - COMPENSATORY MITIGATION. Devils Lake Municipal Airport Authority would secure the final 26 acres of restored wetland credits developed at the Nikoliasen Waterfowl Production Area as part of a comprehensive wetland restoration effort carried out by the Towner County Water Resource District for wetland impacts dating back to the 1980s. The restored wetlands were developed as the Hurricane Wetland Restoration Bank, restoring 224 acres of drained wetlands. All restored wetlands are protected and managed in perpetuity by the USFWS. The securing of the 26 acres of credits would exhaust the credit balance at the mitigation site. This mitigation would be carried out to comply with Executive Order 11990. Agency coordination concerning the use of this mitigation site and development of the EA began in 2005 and tentatively approved by the Corps in 2009. The Corps of Engineers does not recognize this site as an approved wetland mitigation bank under current Regulations and policy; however, given the prior agreement to consider these credits to offset impacts to waters of the US, we consider the proposed transaction of credits an adequate offset to the proposed impacts to the jurisdictional drainage ditches and partially drained wetlands.
 - ALTERNATIVES. An alternatives analysis was completed through the EA process, agency coordination and public review. The applicant's preferred alternative is the least environmentally damaging practicable alternative.

National Environmental Policy Act of 1969 [“NEPA”] (42 USC 4321 *et seq.*; Public Law 91-190) **NEPA Statement:** NEPA is the Nation’s basic charter for protection of the environment. NEPA is to provide decision-makers and the public full disclosure of the environmental consequences of taking an action so they can make informed decisions. NEPA itself does not impose substantive duties mandating particular results, but prescribes the necessary process for preventing uninformed agency action. The Corps considers the FAA’s EA to have demonstrated the appropriate level of NEPA compliance for this project.

National Historic Preservation Act of 1966 [“NHPA”] (80 Stat 915; 16 USC 470a, *et seq.*) *and amendments, including the 1992 amendments (PL 89-665 and PL 96-515).* **Cultural Resources Statement:** The Omaha District will comply with the NHPA and amendments and the procedures set forth in 33 CFR, Appendix C. We will evaluate input by Indian Tribes, the North Dakota State Historic Preservation Officer (NDSHPO), and any interested parties in response to this public notice. The completed EA indicates that the NDSHPO concurs with a “No Historic Properties Affected”.

Section 404(b)(1) Guidelines [“Guidelines”] (40 CFR 230 Subpart B): These Guidelines are the substantive environmental criteria used in evaluating the discharges of dredged or fill material in waters of the United States under Section 404 of the Clean Water Act and are applicable to all 404 permit decisions. The purpose of these Guidelines is to restore and maintain the chemical, physical, and biological integrity of United States waters through the control of discharges of dredged or fill material. Fundamental to the Guidelines is an understanding that dredge or fill material should not be discharged into such waters unless it is demonstrated that such discharges would not have unacceptable adverse impacts either individually or in combination with existing and/or probable impacts of other activities affecting the environment.

Section 401 of the Clean Water Act [“Water Quality Certification”] (33 USC Section 1341) **Water Quality Certification Statement:** The North Dakota Department of Health, Division of Water Quality, 918 East Divide Avenue, Bismarck, North Dakota 58501-1947 will review the proposed project for State certification in accordance with the provisions of Section 401 of the Clean Water Act. The certification, if issued, will express the State’s opinion that the project will not result in a violation of applicable water quality standards. Although water quality certification is a prerequisite for issuance of a DA permit, certification alone does not guarantee a DA permit will be issued for the project.

Endangered Species Act of 1973 [“ESA”] (16 USC 1531, *et seq.*) **ESA Statement:** This project is within the known range of the endangered Whooping crane (*Grus americanis*). Pursuant to the Endangered Species Act, the Corps concurs with the FAA’s “*may affect, but not likely to adversely affect*” determination. The FAA is the lead Federal agency responsible for consultation with the US Fish and Wildlife Service pursuant Section 7 of the ESA.

Public Interest Review [33 CFR 325.3(c)(1)]: The public interest review procedures call for weighing the benefits that reasonably may be expected to accrue. These are balanced against its reasonably foreseeable detriments and results in reaching a determination that expresses the public interest. Public interest factors include all factors which may be, or may become, relevant to this project, such as conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership and, in general, the needs and welfare of the people. The decision whether to issue a permit is based on an evaluation of those factors and the probable impact, including cumulative impacts, and reflects the national concern for both the protection and utilization of important natural resources.

The 404(b)(1) Guidelines and the Public Interest Review are both administrative processes required as part of the Regulatory Program, but they are independent of each other. A project must be in compliance with the Guidelines and must not be contrary to the public interest in order to be permitted by the Army Corps of Engineers.

Anyone whose interests may be affected by the applicant's proposal is invited to submit favorable or unfavorable written comments to the U.S. Army Corps of Engineers [Omaha District] **North Dakota Regulatory Office, 1513 South 12th Street, Bismarck, North Dakota 58504**. Comments must be submitted on or before the date on the front of this notice to be considered in subsequent actions on this application. For additional information, you may contact **Mr. Matthew J. Mikulecky**, Regulatory Project Manager [Matthew.J.Mikulecky@usace.army.mil] or **Mr. Daniel E. Cimarosti**, North Dakota Regulatory Program Manager [Daniel.E.Cimarosti@usace.army.mil] at telephone number (701) 255-0015 or visit the North Dakota Regulatory Office.

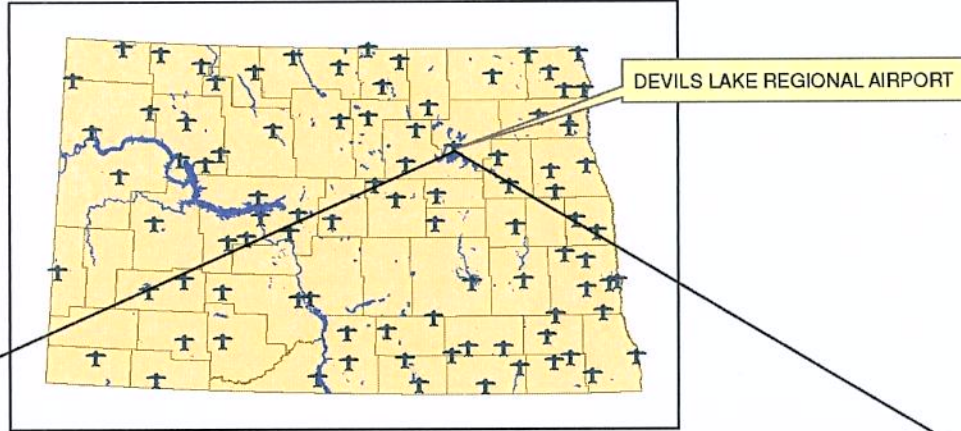
Request to Postmasters: Please post this notice in a conspicuous place until the expiration date specified at the top of page one.

Notice to Editors: This notice is provided for your use in developing news stories only. No payment for publication will be provided.

ATTACHMENTS

VICINITY MAP

NORTH DAKOTA



APPLICATION NO. NWO-2007-2518-BIS
BY: DEVILS LAKE AIRPORT MUNICIPAL AIRPORT
FOR: RUNWAY EXTENSION & IMPROVEMENTS
IN WETLANDS
RAMSEY COUNTY, ND
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| NO. | DESCRIPTION | LOCATION | ELEVATION |
|------|-------------|----------|-----------|
| CP-1 | CP PINE | 1439.52' | 1439.52' |
| CP-1 | CP BASE | 1443.13' | 1443.13' |
| CP-2 | CP REBAR | 1440.51' | 1440.51' |
| CP-3 | CP REBAR | 1432.32' | 1432.32' |
| CP-4 | CP REBAR | 1455.88' | 1455.88' |
| CP-5 | CP REBAR | 1441.20' | 1441.20' |

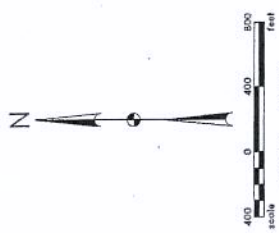
NOTE: FIELD VERIFY CONTROL POINT ELEVATIONS.

PROJECT WORK DESCRIPTION

- 1 EXTEND RUNWAY 13
- 2 EXTEND TAIWAY A
- 3 CONSTRUCT TAIWAY AS
- 4 INSTALL NEW HIGH INTENSITY LIGHTING SYSTEM
- 5 INSTALL NEW MEDIUM INTENSITY LIGHTING SYSTEM
- 6 REMOVE EXISTING REIL AND INSTALL NEW REIL
- 7 INSTALL NEW PAPI SYSTEM ON RUNWAY 13-31
- 8 RELOCATE LOCALIZER, REMOVE EXISTING LOCALIZER SHELTER & INSTALL NEW LOCALIZER SHELTER
- 9 REMOVE EXISTING BARBED WIRE FENCE & INSTALL NEW WILDLIFE FENCE
- 10 GRADE RUNWAY 13 EXTENSION DRAINAGE DITCH
- 11 REMOVE EXISTING PAVEMENT ON RUNWAY 31 END
- 12 REMOVE EXISTING VALSER & WALSR SHELTER AND INSTALL NEW WALSR & WALSR SHELTER
- 13 RELOCATE EXISTING WINGS AND GUIDELINES, REMOVE EXISTING GUIDE SLOPE SHELTER, & INSTALL NEW GUIDE SLOPE SHELTER
- 14 REMOVE EXISTING VASI SYSTEM ON RUNWAY 13-31
- 15 GRADE RUNWAY 21 DRAINAGE DITCH
- 16 REMOVE EXISTING PAVEMENT ON RUNWAY 3 END AND TAIWAY B
- 17 CONSTRUCT TURNAROUND ON RUNWAY 3 END
- 18 RELOCATE EXISTING MEDIUM INTENSITY LIGHTING SYSTEM
- 19 RELOCATE EXISTING SUPPLEMENTAL WIND CONE
- 20 RELOCATE EXISTING AND INSTALL NEW DISTANCE REMAINING SONS
- 21 REPLACE PRIMARY WIND CONE AND REFURBISH SEGMENTED CIRCLE

BASIS OF ESTIMATE

STRIP 6" OVER ALL EXCAVATION OR EMBANKMENT AREAS (INCLUDED IN UNCLASSIFIED QUANTITY FOR PAVEMENT)
 10 GAL./C.Y. EXCAVATION/EMBANKMENT
 20 GAL./C.Y. AGGREGATE DISE
 40% ADDITIONAL VOLUME HAS BEEN ADDED FOR SHRINKAGE
 CRUSHED AGGREGATE BASE COURSE (P-209) - COMPACTED VOLUME IN PLACE
 GEOTEXTILE FABRIC (SP-P-230) - ACTUAL SQ. YD., NO OVERLAP INCLUDED
 PLANT MIX BITUMINOUS PAVEMENT - 2 TONS/C.Y.
 ASPHALT CEMENT (P-401) - 6.5% OF MIX
 REMOVE, SALVAGE & PROCESS BITUMINOUS PAVEMENT - FULL DEPTH (SP-P-411) -
 REMOVE, SALVAGE & PROCESS CONCRETE PAVEMENT - FULL DEPTH (SP-P-505) -
 BITUMINOUS TACK COAT (P-603) - 0.05 GAL./SQ. YD.
 TOPSOIL REPLACEMENT (T-905) - MEASURED IN STEPS/LINES BY AVERAGE END AREAS AND PROPORTIONAL METHOD (PAID FOR AS TOPSOILING)



This document was originally issued and sealed Steven M. Synhorst, Registration Number 37260, on August 15, 2012 and the original documents are stored at Kadimas, Lee & Jackson, Fargo, ND. This media should not be considered a certified document.

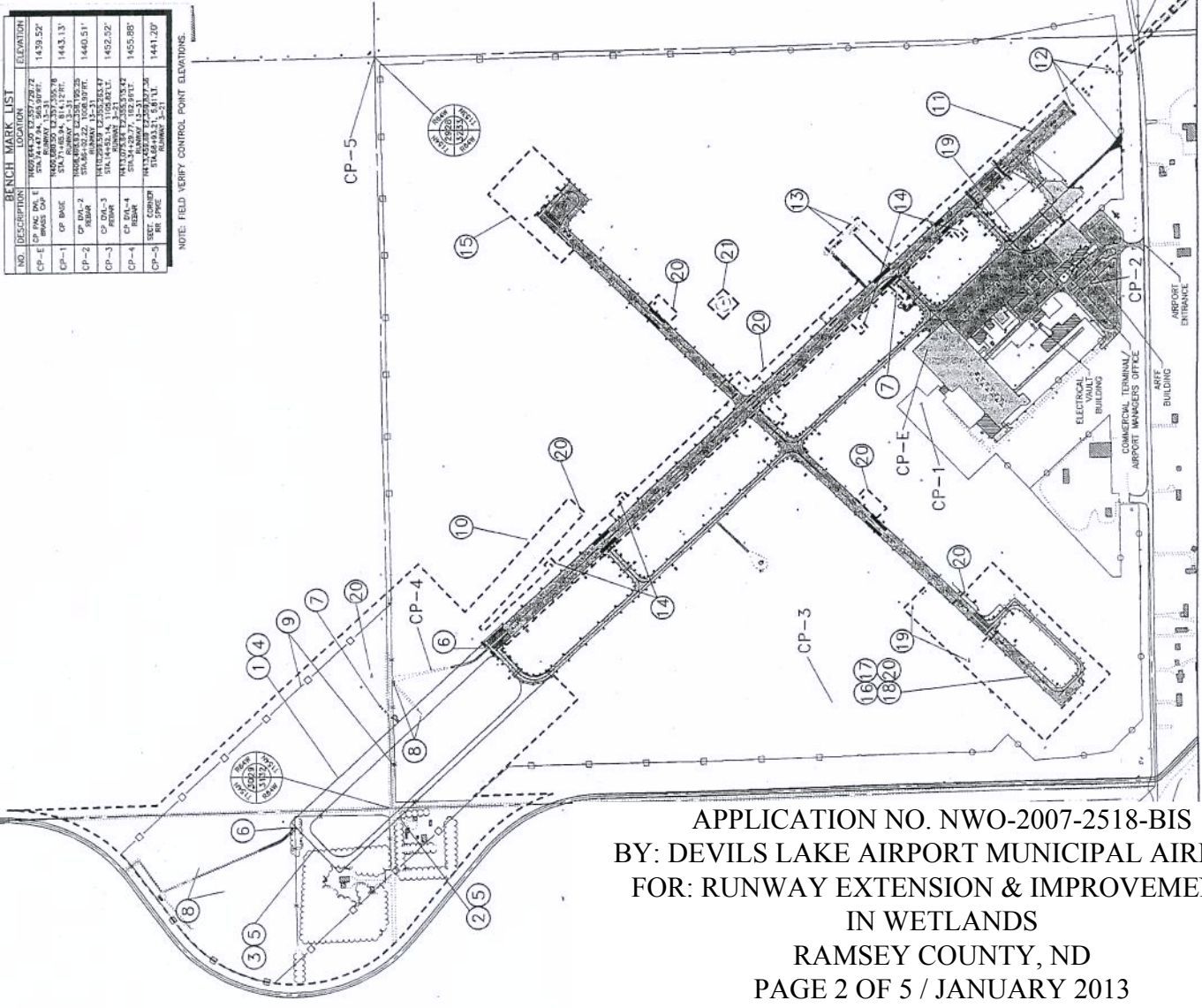
DeVils Lake Regional Airport
 Devils Lake, North Dakota

Kadimas Lee & Jackson
 Engineering & Surveying
 1510223 07/12/2012
 1510223 07/12/2012

PROJECT WORK DESCRIPTION



Sheet No. **1**

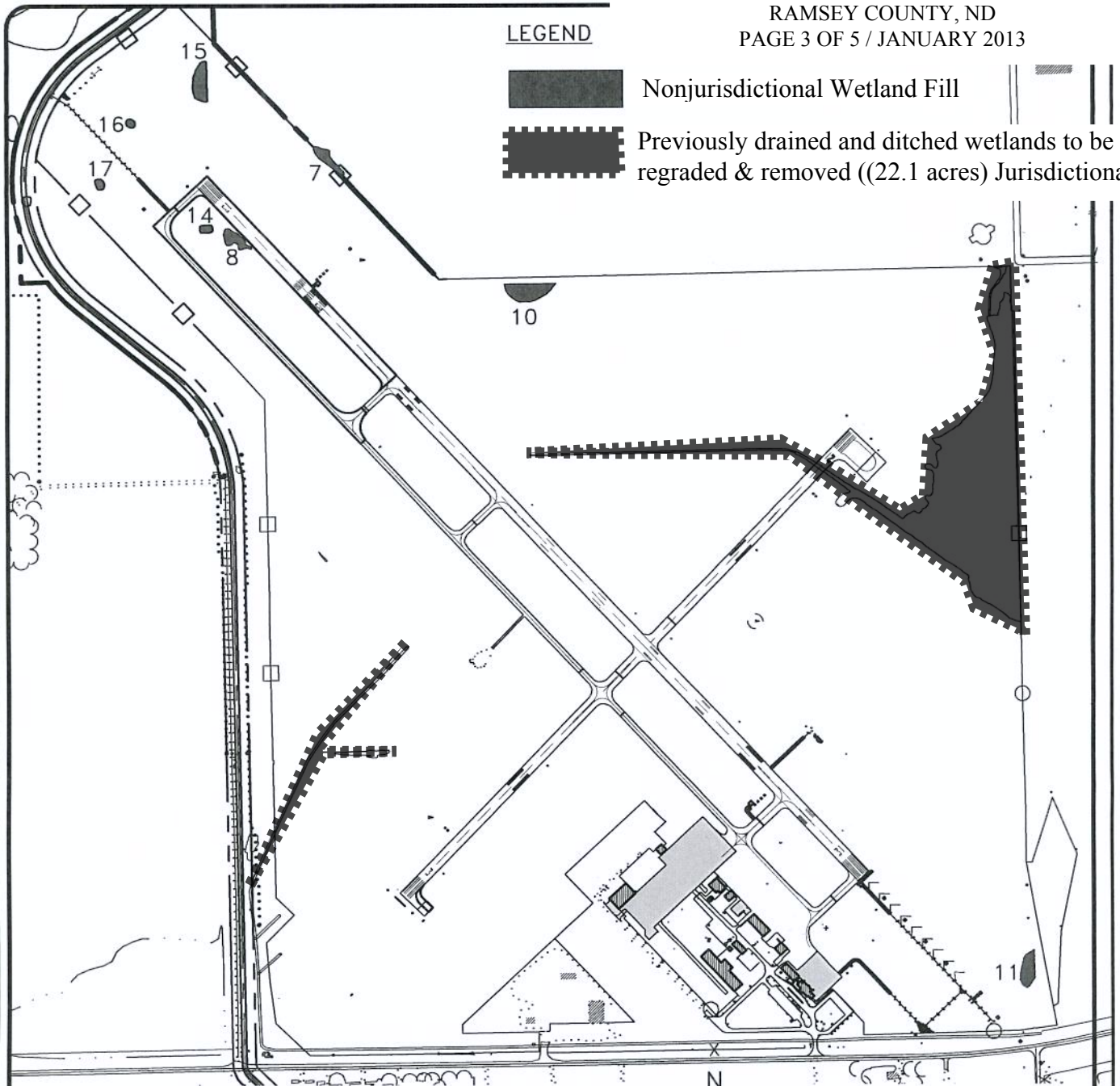
| EXISTING | ITEM | STAGE 1 | FUTURE |
|----------|--------------------------------|---------|--------|
| | SECTION LINE WITH RIGHT-OF-WAY | | |
| | AIRPORT PROPERTY LINE | | |
| | ADJUSTED | | |
| | RUNWAY RESTRICTION LINE (RRL) | | |
| | RUNWAY OBJECT FREE AREA (OFA) | | |
| | RUNWAY SAFETY AREA (RSA) | | |
| | BUILDING | | |
| | INTERMEDIATE SURFACE (IS) | | |
| | AIRPORT REFERENCE POINT (ARP) | | |
| | AIRPORT BEACON | | |
| | TIE IN ROADS, DITCHES | | |
| | WIND CONE & SEGMENTED CIRCLE | | |
| | CONICAL LINK FENCE | | |
| | WILDLIFE FENCE | | |
| | POWER POLE/SHELTER LIGHT | | |
| | RUNWAY LIGHT/FIELD LIGHT | | |
| | RUNWAY LIGHT/TAXIWAY REFLECTOR | | |
| | TAIWAY LIGHT | | |
| | WETLANDS | | |



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LEGEND

-  Nonjurisdictional Wetland Fill
-  Previously drained and ditched wetlands to be regraded & removed ((22.1 acres) Jurisdictional)



WETLAND QUANTITIES

| <u>FILL</u> | | |
|-------------|---|----------|
| WETLAND 7 | - | 164 C.Y. |
| WETLAND 8 | - | 225 C.Y. |
| WETLAND 10 | - | 264 C.Y. |
| WETLAND 11 | - | 110 C.Y. |
| WETLAND 14 | - | 120 C.Y. |
| WETLAND 15 | - | 14 C.Y. |
| WETLAND 16 | - | 5 C.Y. |
| WETLAND 17 | - | 5 C.Y. |

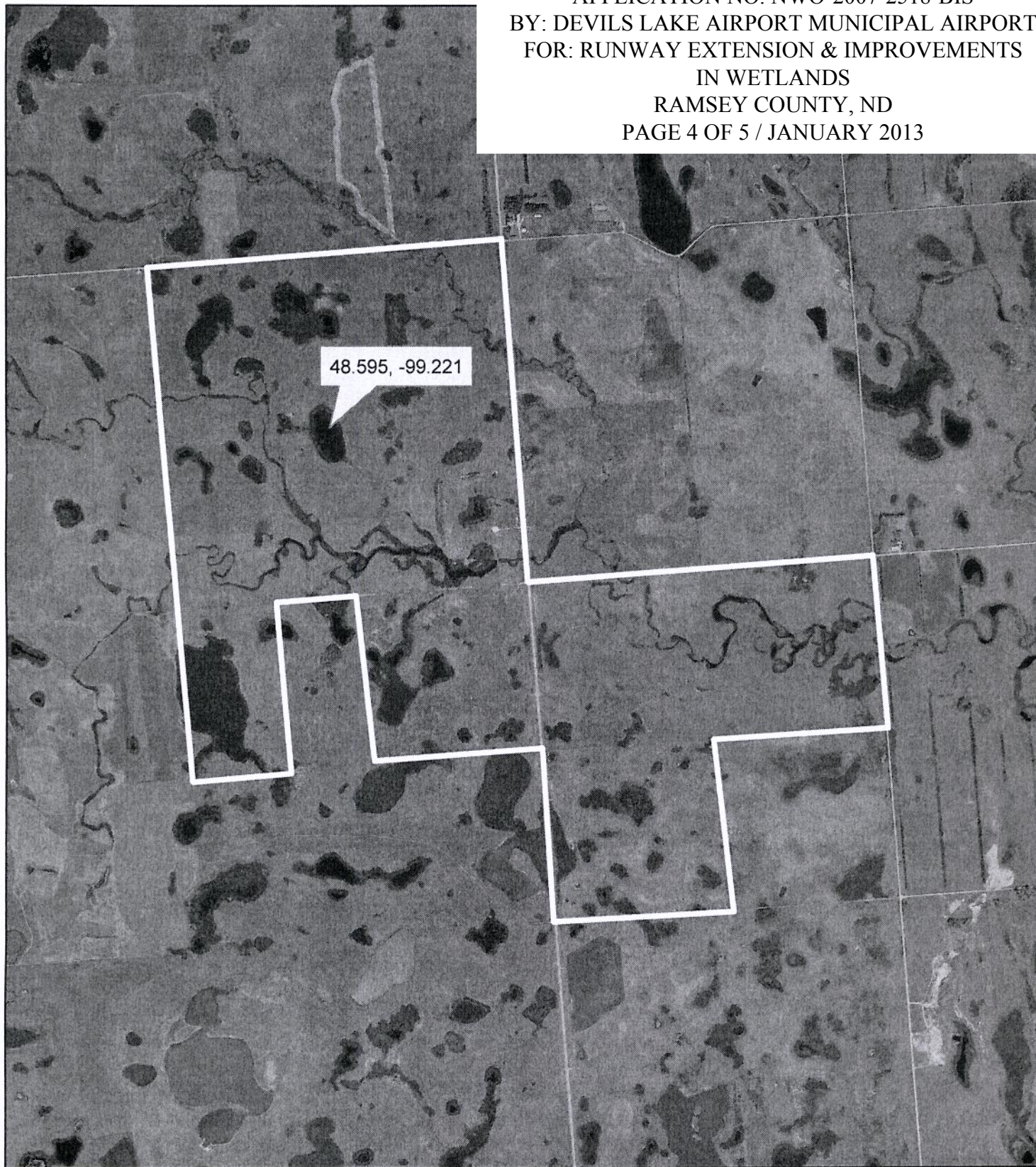


PRELIMINARY
 FOR PLANNING PURPOSES ONLY

DRAFTED BY: JJB
 REVIEWED BY:
 PROJECT NO: 1510203
 ISSUE DATE: 01/03/2013

Devils Lake Regional Airport


FILLED WETLANDS PLAN



Nikolaisen Mitigation Site
 Towner County, North Dakota
 5.5 miles North of Cando



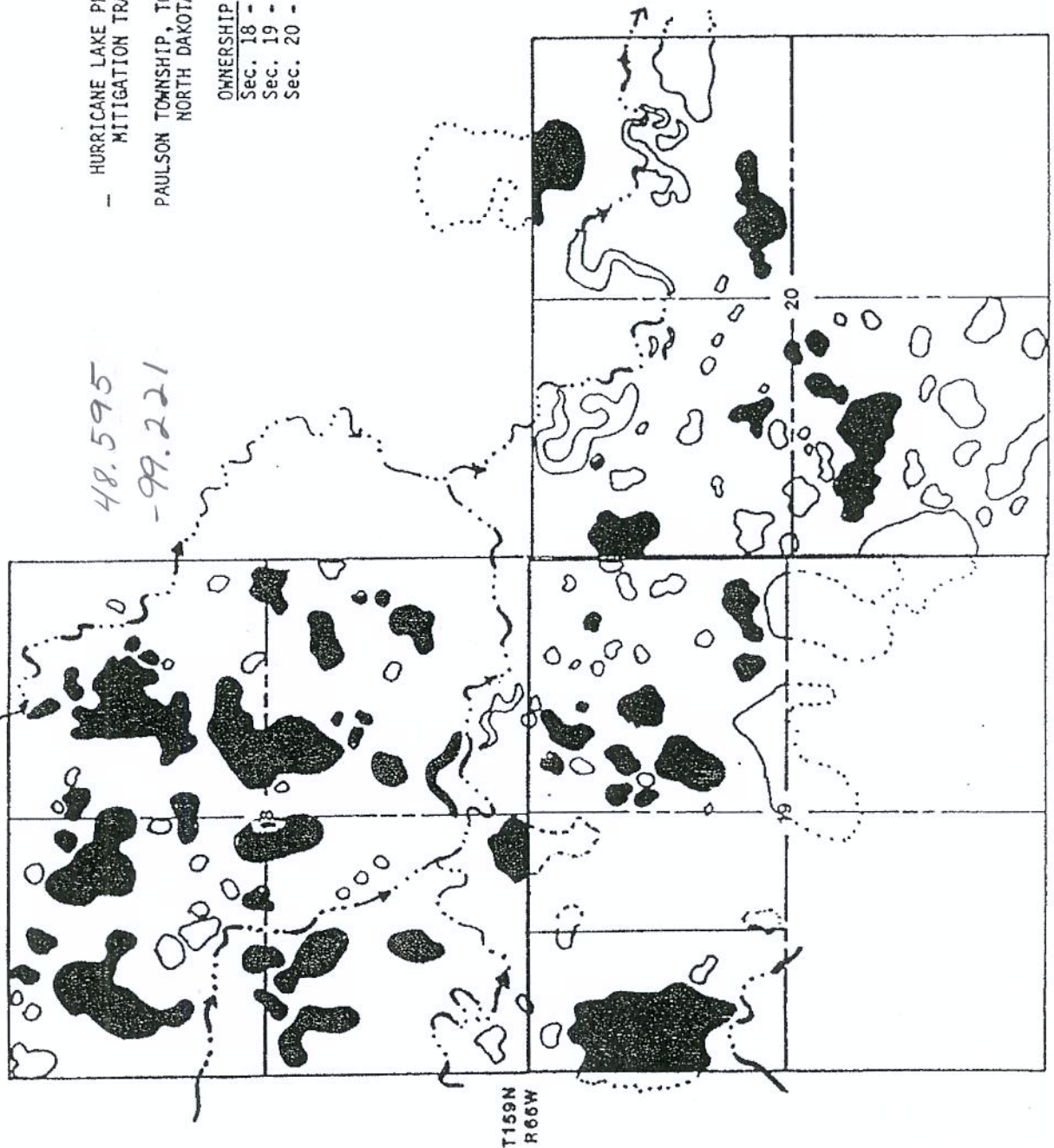
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| | |
|---|--|
| North Dakota Regulatory Office CE/NWO-OD-RND | |
| Produced By MJM |  US Army Corps of Engineers <small>(K)</small> Omaha District |
| Production Date 16 Jan 13 | |
| Revised By | |
| Revision Date | |
| File Location: NWO-2007-2518-BIS | |

Sources:

Wetland Mitigation Site

5.5 mi. N. of CANDO



HURRICANE LAKE PROJECT -
 MITIGATION TRACT
 PAULSON TOWNSHIP, TOWNER COUNTY
 NORTH DAKOTA

OWNERSHIP
 Sec. 18 - A11
 Sec. 19 - NE $\frac{1}{4}$ and NW $\frac{1}{4}$
 Sec. 20 - NE $\frac{1}{4}$ and SW $\frac{1}{4}$

Legend
 - Coulee Channel
 - Drained Wetland

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