

Final Environmental Assessment

General Aviation Apron Expansion

Bismarck Airport



Project Description:

Expand the General Aviation Apron to provide approximately 650 feet of apron frontage to accommodate expansion of Fix Based Operations.

Prepared By:

KLJ

May 2015

Sponsor:

City of Bismarck,
North Dakota



THIS ENVIRONMENTAL ASSESSMENT BECOMES A FEDERAL DOCUMENT WHEN EVALUATED AND SIGNED AND DATED BY A RESPONSIBLE FAA OFFICIAL

Responsible FAA Official

Gwendolyn Burt

Date

05/21/2015

U.S. DEPARTMENT OF TRANSPORTATION
Federal Aviation Administration
Great Lakes Region
Dakota Minnesota Airports District Office
Bismarck, North Dakota

FINDING OF NO SIGNIFICANT IMPACT/
RECORD OF DECISION
(FONSI/ROD)

for

GENERAL AVIATION APRON EXPANSION AIRPORT PROJECT

at the

BISMARCK AIRPORT (BIS)

by the

BISMARCK AIRPORT
BISMARCK, NORTH DAKOTA

Environmental Assessment Dated May 2015

I. Introduction

This Finding of No Significant Impact/Record of Decision (FONSI/ROD) has been prepared for a proposed project at Bismarck Airport (BIS). The proposed action, environmental impacts, and required mitigation are described in detail in the attached Environmental Assessment (EA), dated May 2015.

The Bismarck Airport prepared the EA in accordance with the guidelines and requirements set forth by the Council on Environmental Quality (CEQ) and the Federal Aviation Administration (FAA) to implement the environmental review and disclosure provisions of the National Environmental Policy Act of 1969.

Based on the environmental evaluation, impacts, and mitigation commitments defined in the attached EA, no significant impacts associated with the development actions were identified in accordance with FAA Order 1050.1E, Environmental Impacts: Policies and Procedures and FAA Order 5050.4B, National Environmental Policy Act (NEPA) Implementing Instructions of Airport Actions; therefore, no environmental impact statement will be prepared and a FONSI/ROD is being issued.

This FONSI/ROD provides a review of the impacts expected to occur to the environment from a decision to implement the Proposed Action, Sponsor mitigation requirements, and provides the FAA's basis for its decision. Specific project details and mitigation commitments are further defined in the attached EA.

II. The Purpose and Need for the Proposed Action

The Bismarck Airport proposes to provide development necessary to accommodate the current and future Fixed Based Operator(s) (FBO) facilities and improve the Airport Traffic Control Tower's (ATCT) line of sight for aircraft operating at the airport. The proposed action includes providing approximately 650 feet of general aviation (GA) apron frontage for FBO development. The new apron frontage would be located on the northwest GA apron and run parallel to University Drive, in conformity with the Airport's March 2008 Airport Layout Plan. The proposed action would be accomplished by removing or relocating a City owned hangar (Hangar #5), removing or relocating an existing FBO hangar (Hangar #38), removing a City owned office/terminal building (Building #22) and paving approximately 15,200 square yards of new concrete apron.

The proposed action would provide apron frontage necessary for the FBO(s) to construct three corporate style hangars approximately 15,675 square feet in size (one additional hangar, two hangars to replace Hangar #5 and Hangar #38) each needing up to 175 feet of apron frontage, a new terminal/office building (size undetermined) to replace Building #22 that could take up to 125 feet of apron frontage, and all the associated improvements (lighting, underground utilities, access roads, auto parking areas, etc.). Additionally the new alignment will provide flexibility for future FBO expansion to the northwest of the new apron.

The purpose of the proposed action is to provide public apron frontage to facilitate expansion of existing FBO services at the Airport in a manner that is consistent with the Airport Layout Plan (ALP). Increased aircraft operations, change in GA fleet mix, and facility capacity demands are driving the need for the existing FBO(s) to expand current operations in order to continue to provide the essential services that support the flying public using the Airport. The project is needed because the current northwest GA apron does not have any apron frontage available to support additional FBO hangars, GA terminals, and/or office space development.

III. Alternatives Considered

The BIS EA compared the impacts of three (3) proposed alternatives:

- Alternative A, No Action
- Alternative B, Realignment of Existing Northwest GA apron expansion
- Alternative C, New Northwest GA apron

Alternative A (No Action Alternative) consists of maintaining the existing airfield in its present condition. The FBOs would continue to operate and provide services to the flying public on the existing apron. The FBOs would continue to have limited hangar and terminal space. Itinerant aircraft owners and operators may have problems finding available temporary hangar space, fueling services, and other services typically provided by FBOs while they are at the Airport.

The City of Bismarck would continue to own Hangar #5 and Building #22. These buildings would continue to be used by Airport or leased to the FBOs and the City would be required to ensure that Hangar #5 was maintained as it is potentially eligible for the National Register of Historic Places (NRHP). This alternative does not require runway crossings to move aircraft from one FBO facility to another; however, aircraft being moved from the north side of Hangar #5 enter the Taxiway Object Free Area (TOFA) for Taxiway A when moved to the apron on the side south, which is not preferred by FAA design standards.

ATCT's line of sight northwest of Hangar #5 would not be improved with this alternative. Hangar #5 would still impact ATCT line of sight for aircraft exiting the north door of Hangar #5 and airfield maintenance equipment using the airport perimeter road located north of Hangar #5.

Alternative A would not meet the purpose and need for this project, but is included to provide a baseline to examine potential impacts of the proposed project.

Alternative B includes providing approximately 650 feet of GA apron frontage for FBO development. The new apron frontage would be located on the northwest GA apron and run parallel to University Drive, in conformity with the Airport's March 2008 Airport Layout Plan (ALP). This alternative would be accomplished by removing or relocating Hangar #5 and an existing FBO hangar (Hangar #38), removing Building #22, removing

existing pavements, grading and paving approximately 15,200 square yards of new concrete apron, and the preliminary grading and utility work to provide no less than four new building sites.

Existing taxilanes would be used where appropriate and realigned to run parallel with the new western apron edge. The taxilanes would be located to maximize the available space for tie downs on the existing apron. The project work description for Alternative B includes:

- Remove or relocate Hangar #5;
- Remove or relocate Hangar #38;
- Remove Building #22;
- Amend property lease for Building #43;
- Pave approximately 4,700 sy of concrete apron south of Hangar #6;
- Pave approximately 10,500 sy of concrete apron north of Hangar #6; and
- Preliminary grading and utility work to provide no less than four building sites with automobile parking, lighting, and access roads.

The following mitigation measures have been incorporated into this alternative:

- Hangar #5 would be photographically documented in accordance with North Dakota Architectural Documentation Standards.
- Hangar #5 would be offered to any state or local government or responsible private entity to relocate and maintain the building. Relocation would mean that Hangar #5 would be moved in whole or in part to an alternative location in accordance with the requirements set forth in a Memorandum of Agreement (MOA). Please refer to **APPENDIX A, MEMORANDUM OF AGREEMENT**. There are currently two locations that have been preliminarily identified on the Airport as potential relocation sites. One is in the northwest corner adjacent to University Drive and Airport Road. The other potential location for the Hangar is on the north side of the Airport just south of Airway Avenue.
- If no acceptable offers are made for Hangar #5, it will be dismantled and a plaque would be erected at a public location on the Airport describing the building and its significance.

Alternative B would meet the project purpose and need by providing the existing FBO(s) apron frontage that will enable them to expand their operations to meet the GA services needed by the public. It is consistent with development shown on the ALP. This site takes advantage of existing utility infrastructure with water, gas, electric, and sewer lines located adjacent to the site along the current access road. This alternative also allows the FBOs requesting expansions to have their proposed development located adjacent to their existing facilities, maintaining operational efficiencies. This alternative eliminates the need to enter the TOFA and does not require runway crossings to move aircraft from one FBO facility to another. The ATCT line of sight would be improved by this alternative by removing Hangar #5 as a barrier between ATCT and the northwest

area of the Airport. This would allow for additional future expansion in a safe and efficient manner that is consistent with the ALP.

Alternative C includes providing approximately 650 feet of GA apron frontage for FBO development. The new apron frontage would be a stand-alone apron located northwest of the existing apron. Like Alternative B, the apron would run parallel to University Drive, in conformity with the ALP. This alternative would be accomplished by removing or relocating an existing FBO hangar (Hangar #38), removing approximately 700 feet of perimeter road, grading and paving approximately 19,700 square yards of new concrete apron and the preliminary grading and utility work to provide no less than four building sites.

Alternative C would provide apron frontage necessary for the FBO(s) to construct three corporate style hangars approximately 15,675 square feet in size, each needing up to 175 feet of apron frontage, a new terminal/office building (size undetermined) that could take up to 125 feet of apron frontage, and all the associated improvements (lighting, underground utilities, access roads, automobile parking areas, etc.). This new apron area will provide some flexibility for future FBO expansion to the northwest of the new apron.

Taxilanes would be aligned to run parallel with the new western apron edge. The taxilanes would be located to maximize the available space for tie downs on the new apron.

The project work description for Alternative C includes:

- Historic Hangar #5 will remain at its current location;
- Remove or relocate Hangar #38;
- Remove approximately 700 feet of airport perimeter road;
- Grade and pave approximately 19,700 sy of concrete apron north of Hangar #5;
- Preliminary grading and site work to provide building site at location of existing Hangar #38; and
- Preliminary grading and utility work to provide no less than three building sites with automobile parking, lighting, and access roads.

Alternative C would meet the existing FBO(s) apron frontage needs and would enable them to expand their operations to meet the GA services currently in demand by the public without having to remove or relocation historic Hangar #5. Development of this site is consistent with the northwestern development shown on the ALP. This site takes advantage of existing utility infrastructure with water, gas, electric, and sewer lines located adjacent to the site along the current access road. The City of Bismarck would continue to own Hangar #5 and Building #22. These buildings could continue to be used by the Airport or leased to the FBOs, and the City would be required to ensure that Hangar #5 was maintained.

ATCT's line of sight northwest of Hangar #5 would not be improved with this alternative. Hangar #5 would still impact ATCT line of sight for aircraft exiting the north door, airfield

maintenance equipment using the airport perimeter road, and now would block aircraft that would be taxiing onto Taxiway A from the new apron located north of Hangar #5. Coordination with ATCT indicated that the following safety concerns would exist in the apron development north of Hangar #5.

1. Hangar #5 would create a choking point that is too narrow for aircraft to taxi or be tugged from the new GA apron to the existing apron without entering the taxiway object free area. This creates a potential collision risk.
2. Hangar #5 obscures most of the proposed apron from the controller's view until they are at the very edge of Taxiway A. This would negate the controller's ability to lessen a potential collision risk.
3. The shielding effect of Hangar #5 has the potential to interfere with radio communications between ATCT and the proposed development area.

This site would require the FBOs requesting expansions to split their operations rather than have their proposed development located adjacent to their existing facilities; this would create operational inefficiencies which would increase cost.

Due to the safety concerns listed above, implementing this alternative would not be prudent without addressing Hangar #5 as a choking point to ground movements and a barrier to the ATCT line of sight. These concerns could be addressed by removing Hangar #5 from this alternative.

However, the operational inefficiencies and additional cost for construction would make this alternative less practicable than Alternative B and would still result in Hangar #5 being removed from its current location.

IV. Preferred Alternative

Based on the evaluation of the alternatives carried forward and evaluated for affected environment and environmental consequences in the attached EA, the Alternative B (Realignment of Existing Northwest GA apron expansion) is the preferred alternative.

V. Environmental Consequences of the Preferred Alternative

The environmental impacts and mitigation in this section of the FONSI/ROD are described for the Proposed Action only.

The following environmental categories were evaluated and found to have **no impacts**:

Coastal Resources
Compatible Land Use
Farmlands
Fish, Wildlife and Plants
Floodplains
Light Emissions and Visual Impacts

Natural Resources and Energy Supply
Noise
Secondary Induced Impacts
Socioeconomic Impacts, Environmental Justice and Children's Environmental Health and Safety Risks
Wetlands
Wild and Scenic Rivers

The following environmental impact categories were evaluated and found to have **no significant impact** for the Proposed Action:

1. Department of Transportation Section 4(f)

The Department of Transportation Act of 1966 and amendments of 1983, Section 4(f), 49 USC § 303(c), provides that the Secretary shall not approve any program or project that requires use of publicly-owned land from a public park, recreation area, or wildlife or waterfowl refuge of National, State, or local significance, or land from a historical site of National, State, or local significance as determined by the officials having jurisdiction thereof, unless:

- there is no feasible or prudent alternative to the use of such land, and
- the project includes all possible planning to minimize harm resulting from use.

Hangar #5 which is located within the project area is a feature that is potentially eligible for the NRHP. No other Section 4(f) properties are located within the project's study area.

Based on specific reasons, each alternative was eliminated (except the Preferred Alternative). These reasons include compliance with airport design standards, infrastructure limitations, impacts associated with lighting the obstructions, cost implications, and not meeting the purpose of and need for the project.

The selected alternative would trigger the application of 49 U.S.C. Section 303(c), commonly known as Section 4(f) of the Department of Transportation Act, with regard to properties protected under that act. The selected alternative would constitute a "physical taking" of Hangar #5. It is the FAA's determination that the Preferred Alternative will result in a physical use of the Hangar #5. The physical taking will result from carrying out the Preferred Alternative as evaluated.

The Airport's Preferred Alternative includes potential impacts to Section 4(f) resources, yet provides mitigation by removal or relocation of Hangar #5 in a condition equal to or better than its current use, thus satisfying the requirement that the project includes all possible planning to minimize harm to the resource resulting from such use.

However, the use will be mitigated based on a Memorandum of Understanding (MOU) between the Airport, the FAA, and the City of Bismarck signed February 2015. The MOU outlines the necessary steps to mitigate the impacts to Hangar #5.

Alternative B requires the removal or relocation of Hangar #5, a potentially eligible historic property from its current location. The current location of this hangar would be permanently incorporated into GA apron space. The Section 4(f) Evaluation has determined that Alternative B is the only prudent and feasible alternative. Mitigation for impacts to Hangar #5 would be required as outlined in a MOA.

The preferred mitigation method is to record photographic documentation of Hangar #5 at its current location, find a suitable new owner for Hangar #5, relocate it to another location on the Airport, and convert it to an aerospace museum.

The Airport has been working with a local nonprofit organization that has expressed interest in participating in this mitigation method and the Airport would market the structure to other potential new owners. There are currently two locations that have been preliminarily identified on the Airport as potential relocation sites: 1) northwest corner adjacent to University Drive and Airport Road and 2) on the north side of the Airport just south of Airway Avenue.

If a suitable owner is not identified or is not able to accomplish their proposed restoration plan within two years of the date of the execution of the MOA, the Airport shall be allowed to dismantle and dispose of Hangar #5. The United States Department of the Interior (USDOI) has reviewed the Draft EA/Section 4(f) for this project. In a letter dated July 30, 2014, DOI states that it would concur with the FAA on a determination of no feasible or prudent alternative if built as proposed. However, the USDOI cannot concur until such time as the MOA is agreed to and executed. The MOA was executed after the public had an opportunity to comment on the Draft MOA, Draft Section 4(f) Evaluation, and the Draft EA. The FAA approves the Section 4(f) Evaluation concurrent to its acceptance of the Final EA and this FONSI/ROD.

Through the EA and the Section 4(f) process, in consultation with Department of Interior and interested parties, the FAA has evaluated alternatives to minimize harm to a property eligible for inclusion in the National Register of Historic Places (NRHP). The FAA has coordinated with the public and agencies having jurisdiction concerning the impacted property to determine site significance and to evaluate feasible mitigation measures to meet Section 4(f) requirements. The agencies involved in the coordination were the DOI, the Bismarck Airport, and the State Historic Preservation Office. A Memorandum of Agreement (MOA) resulting from those consultations appears in Appendix A of this FONSI/ROD.

2. Hazardous Materials, Pollution Prevention, and Solid Waste Impacts/Mitigation

Alternative B: This alternative involves the demolition of Building #22 and the removal of Hangar #5. This alternative also includes the demolition of Hangar #38. Prior to the

demolition of Hangars 5 and #38, and Building #22 a survey for ACM would be required. A qualified asbestos planner would be required to develop an abatement/work/demolition protocol for the Airport's Contractor to follow. A temporary increase in solid waste is anticipated during construction due to construction waste; however, the increase is anticipated to be temporary. It is not anticipated to result in any issues with solid waste collection, control, or disposal, as adequate waste facilities are available in the area. Alternative B waste would include building and fence materials, concrete, and asphalt. This alternative would have no indirect impacts. A "Notification of Demolition and Renovation" form would need to be filed through the NDDOH prior to starting work.

3. Historical, Architectural, Archaeological and Cultural Resources

Section 106 of the *National Historic Preservation Act of 1966*, as amended, requires Federally funded projects be evaluated for their effects on historic and cultural properties included in, or eligible for listing in, the NRHP. The *Archaeological and Historic Preservation Act of 1974* provides for the survey, recovery, and preservation of significant scientific, prehistoric, archaeological, or paleontological data when such data may be destroyed or irreparably lost due to a federal, federally-licensed, or federally-funded project.

Section 106 requires the SHPO to review all projects that are federally funded, licensed, or assisted in North Dakota. A Class III Architectural Survey was completed in April 2011 by Aaron L. Barth. The findings of these studies were produced in a report entitled "Bismarck Airport Buildings and Hangars (32BL716): *An Intensive Class III Architectural Survey of Five Airport Buildings in Burleigh County, North Dakota*. The SHPO accepted the findings of the report in a letter dated May 15, 2014. Based on the findings of this report Hangar #5 has been identified as potentially eligible for listing on the Natural Register of Historic Places.

Alternative B would result in the removal of Hangar #5 from its current location by means of relocation or demolition. The FAA sent a letter dated March 9, 2014 requesting concurrence with the United State Department of Interior (DOI) with a finding of the *Adverse Effect* for this alternative. Unavoidable impacts to the historical resource of Hangar #5 would be mitigated in accordance with the MOA developed by the Airport in cooperation with the FAA and the SHPO. The preferred mitigation method is to record photographic documentation of Hangar #5 at its current location, find a suitable new owner for Hangar #5, relocate it to another location on the Airport, and convert it to an aerospace museum.

The Airport has been working with a local nonprofit organization that has expressed interest in participating in this mitigation method and the Airport would market the structure to other potential new owners. There are currently two locations that have been preliminarily identified on the Airport as possible on airport relocation sites: 1) northwest corner adjacent to University Drive and Airport Road and 2) on the north side of the Airport just south of Airway Avenue.

If a suitable owner is not identified or is not able to remove Hangar # 5 within two years of the date of the execution of the MOA, the Airport shall be allowed to dismantle and dispose of Hangar #5. The DOI has reviewed the Draft EA/Section 4(f) for this project. In a letter dated July 30, 2014, DOI states that it would concur with the FAA on a determination of no feasible or prudent alternative if built as proposed. However, at the time of their letter, the USDOl cannot concur until the MOA is agreed to and executed. In February 2015, the MOA was executed after the public had an opportunity to comment on the Draft MOA, Draft Section 4(f) Evaluation, and the Draft EA. The FAA approves the Section 4(f) Evaluation concurrent to its acceptance of the Final EA and this FONSI/ROD. Filing of the completed MOA and supporting documentation with the Advisory Council on Historic Preservation (ACHP) is required to complete the requirement of Section 106.

4. Air Quality and Water Quality

During construction, minor air quality and water quality impacts may occur as a result of operating heavy equipment and ground disturbances on the airport. Best Management Practices and efforts to minimize impacts will be used.

VI. Public and Agency Coordination

The Draft EA was distributed on November 15, 2014 for public and agency review and a public hearing was held on December 16, 2014. Throughout the EA process, various meetings were held with the FAA, the SHPO, City Council, City staff, airport board members and various governmental officials. The purpose of these meetings was both to garner input regarding the process and to keep all parties informed of its progress.

A public hearing was held as part of the project. Two techniques were utilized to publicize the public hearing. A legal display advertisement providing notice of the availability of the draft EA and of the public hearing was published in the Bismarck Tribune on November 15, 2014, or 31 days prior to the hearing. Second, a press release announcing the hearing was sent to local media outlets.

The draft EA was made available for public viewing at three locations on November 15, 2014. Electronic copies were also made available upon request. A Public Hearing was held at the Bismarck Airport on December 16, 2014 from 4:30 p.m. - 6:30 p.m. Twenty-three (23) members of the public, one FAA representative, two representatives from the Airport, and three representatives from KLJ were present.

VII. Environmental Impact Mitigation

The City shall implement the mitigation measures detailed in the EA, and this decision document as a condition of environmental approval of the proposed action items listed in this FONSI/ROD to support existing and proposed aeronautical activities at the Airport.

The required mitigation and commitments are summarized below:

- *Air Quality.* Implementation of BMPs to control wind erosion of exposed areas and material stockpile will be incorporated into project design and construction. Measures will be taken to minimize fugitive dust emissions created during construction activities.
- *Construction Impacts.* Measures to minimize harm will be incorporated into design and during construction through use of BMPs. Specifications for the proposed project shall include Item P- 156 Temporary Air and Water Pollution, Soil Erosion, and Siltation Control. These specifications are contained in *FAA AC 150/5370-10F, Standards for Specifying Construction of Airports*. Offsite borrow is not projected. If it is required, it must be obtained from an approved borrow source free of cultural materials, wetlands, and threatened and endangered species. Disturbed areas should be seeded.
- *Department of Transportation Act, Section 4(f).* Alternative B requires the removal or relocation of Hangar #5, a potentially eligible historic property from its current location. Mitigation for impacts to Hangar #5 is required as outlined in the MOA. The preferred option is to document the Hangar in its current location, find a suitable new owner for Hangar #5, relocate it to another location on the Airport, and convert it to an aerospace museum. There are currently two locations that have been preliminarily identified on the Airport as potential relocation sites. One is in the northwest corner adjacent to University Drive and Airport Road. The other potential location for the Hangar #5 is on the north side of the Airport just south of Airway Avenue.
- *Fish, Wildlife, and Plants.* If any threatened or endangered species are seen during construction, activity will cease to avoid stress to the species until they have moved from the area and the USFWS will be notified. If migratory bird nests are seen during construction, the Airport will contact the DMA-ADO and USFWS.
- *Hazardous Materials, Pollution Prevention, and Solid Waste.* A qualified asbestos planner must develop an abatement/work/demolition protocol for the Airport's Contractor to follow before working on Hangar #5 and Building #22. Prior to the removal of Hangar #38 a survey for ACM is required. A "Notification of Demolition and Renovation" form is required to be filed through the NDDOH prior to starting work. In the event that previously unknown contaminants are discovered during construction, or if a spill occurs during construction, work shall cease until the Contractor notifies the NDDOH /Division of Emergency Management (800 472-2121). The National Response Center (800 424-8802) also needs to be contacted if the spill could affect navigable waters of the United States. Any encountered contaminated soil would be temporarily stockpiled and sampled to determine disposal requirements.

- *Historical, Architectural, Archaeological, and Cultural Resources.* Mitigation for impacts to Hangar #5 is required as outlined in the MOA. Filing of the completed MOA and supporting documentation with the ACHP is required to complete the requirement of Section 106. If any construction activity results in discovery of cultural resources, work shall cease until the Contractor notifies the Bismarck FAA-ADO. The Contractor would be required to protect the material until cultural resource concerns have been addressed. Consultation with the SHPO will take place and decisions regarding appropriate treatment will be made. Activities undertaken to address discoveries will comply with NEPA, the *American Indians Religions Freedom Act*, NAGPRA, and the *Archaeological Resources Protection Act*, as appropriate to the situation.
- *Water Quality.* Implementation of BMPs for sedimentation and erosion control will be incorporated into project design and construction. The Sponsor will apply for the NPDE General Permit for Stormwater Discharges through the NDDOH.

VIII. FAA Findings and Orders

The following determinations are based upon analysis contained in the EA:

Individuals from the FAA have devoted substantial attention to the EA in order to ensure compliance with NEPA and other environmental requirements. Accordingly, I find that the FAA has given this proposal the independent and objective evaluation required by the Council on Environmental Quality [40 CFR 1506.5].

I have carefully and thoroughly considered the facts contained in the attached EA. Based on that information, I find the proposed Federal action is consistent with the existing national environmental policies and objectives set forth in Section 101(a) of the National Environmental Policy Act of 1969 (NEPA) and other applicable environmental requirements and will not significantly affect the quality of the human environment or otherwise include any condition requiring consultation pursuant to Section 102(2)(C) of NEPA. As a result, FAA will not prepare an EIS for this action.

Therefore, under the authority delegated to me by the Administrator of the FAA, I find that the proposed airport improvement projects described and evaluated in the attached EA and addressed in this FONSI/ROD are reasonably supported and approved.

I direct that action be taken to carry out the agency actions discussed in the following proposed action:

- FAA unconditional approval of the final Airport Layout Plan for the Proposed Action showing the improvement project.
- Federal environmental approval so that the Bismarck Airport can apply for Airport Improvement Program (AIP) funds.

- FAA determinations that the proposed projects conform to the greatest extent practicable and feasible to the FAA design standards including the conditions set forth earlier in this Finding of No Significant Impact/Record of Decision.
- FAA Finding of “Historic Properties not adversely Affected” for the Proposed Action when the mitigation items are implemented as outlined in the MOA.
- FAA Finds that removal/relocation of Hangar #5 results in a “physical taking” in accordance with the Department of Transportation Act of 1966 and amendments of 1983, Section 4(f), 49 USC § 303(c). Section 4(f) provides that the Secretary shall not approve any program or project that requires use of publicly-owned land from a public park, recreation area, or wildlife or waterfowl refuge of National, State, or local significance, or land from a historical site of National, State, or local significance as determined by the officials having jurisdiction.

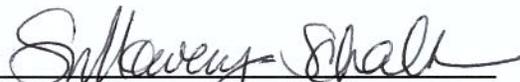
Based upon the information in the Final EA dated February 2015 and in Section V(1) in this FONSI/ROD, the FAA finds that there is no prudent and feasible alternative to using that land, and the Proposed Action includes all possible planning to minimize harm resulting from the use. Based upon the mitigation in Section VIII of this FONSI/ROD, the FAA concludes that there has been all possible planning to minimize any harm resulting from the actual and constructive use of the Section 4(f) resources.

Having met all relevant requirements for environmental considerations and consultation, the proposed action is authorized to be taken at such time as the requirements have been met. These decisions are taken pursuant to 49 U.S.C. § 40101, et seq. The FAA findings contained this FONSI/ROD, Runway 3/21 Runway Safety Area improvements, associated mitigation, constitute an order of the Administrator, which is subject to review by the Courts of Appeals of the United States, in accordance with the provisions of Section 1006 of the Federal Aviation Act of 1958, as amended, 49 U.S.C. § 46110.

Finally, based upon the administrative review of this project, I certify, as prescribed by 49 U.S.C. 44502(b) that implementation of the Proposed Action is reasonably necessary for use in air commerce.

APPROVED: X

DATE: 5-21-2015


 Susan Mowery Schalk, Manager
 Airports Division
 Great Lakes Region
 Federal Aviation Administration

RIGHT OF APPEAL

This FONSI/ROD presents the Federal Aviation Administration's final decision and approvals for the actions identified, including those taken under provisions of 49 U.S.C. Subtitle VII, Parts A and B. This decision constitutes a final order of the Administrator subject to review by the Courts of Appeals of the United States in accordance with the provisions of 49 U.S.C. Section 46110.

Table of Contents

<i>Acronym List</i>	-iv-
<i>Federal Statutes, Regulations, Executive Orders, and Guidance, Including Advisory Circulars</i>	-vi-

Chapter 1 – Purpose and Need

1.1	Introduction	1-1
1.2	Objectives of the Proposed Action.....	1-1
1.3	Description of the Proposed Action	1-1
1.4	Purpose and Need for the Proposed Action	1-2
	1.4.1 FBO Needs	1-2
	1.4.2 Existing General Aviation Configuration	1-2
	1.4.3 Runway Safety Area	1-2
	1.4.4 Apron Design	1-5
1.5	Project Study Area.....	1-5

Chapter 2 – Alternatives

2.1	Introduction.....	2-1
2.2	Alternative Development.....	2-1
2.3	Alternatives Carried Forward	2-1
	2.3.1 Alternative A, No Action.....	2-3
	2.3.2 Alternative B, Realignment of Existing Northwest General Aviation Apron	2-4
	2.3.2 Alternative C, New Northwest General Aviation Apron.....	2-8

Chapter 3 – Affected Environment, Environmental Consequences, and Mitigation

3.1	Introduction.....	3-1
3.2	Resource Impact Categories.....	3-1
	3.2.1 Air Quality.....	3-1
	3.2.1.1 Air Quality Impacts/Mitigation.....	3-2
	3.2.2 Coastal Resources.....	3-2
	3.2.2.1 Coastal Resources Impacts/Mitigation	3-2
	3.2.3 Compatible Land Use.....	3-3
	3.2.3.1 Compatible Land Use Impacts/Mitigation	3-3
	3.2.4 Construction Impacts	3-3
	3.2.4.1 Construction Impacts/Mitigation.....	3-4
	3.2.5 Department of Transportation Act Section 4(f)	3-5
	3.2.5.1 Department of Transportation Act Section 4(f) Impacts/Mitigation	3-5
	3.2.6 Farmland.....	3-6
	3.2.6.1 Farmland Impacts/Mitigation	3-6
	3.2.7 Fish, Wildlife, and Plants	3-6
	3.2.7.1 Fish, Wildlife, and Plants Impacts/Mitigation	3-7
	3.2.8 Floodplains	3-8
	3.2.8.1 Floodplains Impacts/Mitigation	3-8
	3.2.9 Hazardous Materials, Pollution Prevention, and Solid Waste	3-8
	3.2.9.1 Hazardous Materials, Pollution Prevention, and Solid Waste Impacts/Mitigation	3-9
	3.2.10 Historical, Architectural, Archaeological, and Cultural Resources.....	3-10

3.2.10.1	Historical, Architectural, Archaeological, and Cultural Resources Impacts/Mitigation.....	3-11
3.2.11	Light Emissions and Visual Impacts.....	3-11
3.2.11.1	Light Emissions and Visual Impacts Impacts/Mitigation	3-12
3.2.12	Natural Resources and Energy Supply	3-12
3.2.12.1	Natural Resources and Energy Supply Impacts/Mitigation	3-12
3.2.13	Noise	3-12
3.2.13.1	Noise Impacts/Mitigation	3-13
3.2.14	Secondary (Induced) Effects	3-13
3.2.14.1	Secondary (Induced) Effects Impacts/Mitigation	3-14
3.2.15	Socioeconomic Impacts, Environmental Justice, and Children’s Environmental Health and Safety Risks	3-14
3.2.15.1	Socioeconomic Impacts, Environmental Justice, and Children’s Environmental Health and Safety Risks Impacts/Mitigation.....	3-14
3.2.16	Water Quality.....	3-15
3.2.16.1	Water Quality Impacts/Mitigation	3-15
3.2.17	Wetlands.....	3-15
3.2.17.1	Wetlands Impacts/Mitigation.....	3-15
3.2.18	Wild and Scenic Rivers	3-16
3.2.18.1	Wild and Scenic Rivers Impacts/Mitigation.....	3-16
3.3	Cumulative Impacts	3-16
3.3.1	Airport Capital Improvement Plan.....	3-16
3.3.2	North Dakota Statewide Transportation Improvement Program (STIP)	3-16
3.3.3	Summary	3-17
3.4	Public and Agency Involvement.....	3-17
3.5	Selection of the Preferred Alternative.....	3-17
3.6	Proposed Action.....	3-18
3.7	Commitments and Compliance of the Preferred Alternative.....	3-19

Chapter 4 – Preparers and Coordinating Parties

4.1	Introduction	4-1
4.2	Preparers.....	4-1
4.3	Qualifications	4-1
4.4	Coordination with Agencies, Organizations, and Parties to Whom SOV’s were Sent	4-2
4.4.1	Scoping.....	4-2
4.4.2	Advance Notification.....	4-2
4.5	Public Hearing	4-2
4.6	Environmental Assessment Coordination.....	4-3
4.7	References	4-3

Tables

Table 2-1	Alternative Comparison Table	2-11
Table 3-1	Threatened and Endangered Species	3-8
Table 3-2	Past, Present, and Proposed Improvements at Bismarck Airport	3-17
Table 3-3	Comparison of Project Alternatives and Environmental Impacts.....	3-22
Table 4-1	Preparers.....	4-1

Exhibits

Exhibit 1-1	Location Map	1-3
Exhibit 1-2	Study Area Map	1-6
Exhibit 1-3	NW GA Apron Line of Sight Map.....	1-7
Exhibit 2-1	Alternative Sites Considered.....	2-2
Exhibit 2-2	Alternative A, No Action	2-4
Exhibit 2-3	Alternative B, Realignment of Existing Northwest General Aviation Apron.....	2-7
Exhibit 2-4	Alternative C, New Northwest General Aviation Apron	2-10

Appendix A Terminal Area Forecast — February 2014

Appendix B Advance Notification

Appendix C Letters and Responses

Appendix D Structural Assessment of Hangar #5

Appendix E Memorandum of Agreement

Appendix F Section 4(f) Evaluation

Appendix G Environmental Background Information

Appendix H Public Hearing Materials

Appendix I Public Hearing Comments

Appendix J Public Notice of Proposed FONSI/ROD

Acronym List

ARFF	Aircraft Rescue and Fire Fighting
AC	Advisory Circular
ACHP	Advisory Council on Historic Preservation
ADO	Airports District Office
AIP	Airport Improvement Program
ALP	Airport Layout Plan
AOA	Airport Operations Area
APO	Aviation Policy and Plans Office
ATCT	Air Traffic Control Tower
ATC	Air Traffic Control
BMPs	Best Management Practices
CEQ	Council on Environmental Quality
CERCLA	Comprehensive Environmental Response, Compensation, and Liability Act of 1980
CFR	Code of Federal Regulations
CO	Carbon Monoxide
EA	Environmental Assessment
EPA	Environmental Protection Agency
EO	Executive Order
FAA	Federal Aviation Administration
FBO	Fixed Based Operator
FHWA	Federal Highway Administration
FPPA	Farmland Protection Policy Act
FTA	Federal Transit Administration
GA	General Aviation
HIRL	High Intensity Runway Lighting
LDA	Landing Distance Available
MALSR	Medium Intensity Approach Light System with Runway Alignment Indicator Lights
MIRL	Medium Intensity Runway Lighting
MOA	Memorandum of Agreement

NAGPRA	Native American Graves Protection and Retribution Act
NAAQS	National Ambient Air Quality Standards
NDDOH	North Dakota Department of Health
NEPA	National Environmental Policy Act
NO ₂	Nitrogen Dioxide
NPDES	National Pollutant Discharge Elimination System
NPL	National Priority List
NRCS	Natural Resources Conservation Service
NRHP	National Register of Historic Places
OFA	Object Free Area
O ₃	Ozone
PAPI	Precision Approach Path Indicator
Pb	Lead
PL	Public Law
PM	Particulate Matter
RCRA	Resource Conservation and Recovery Act of 1976
SAFETEA-LU	Safe, Accountable, Flexible, Efficient Transportation Equity Act, A Legacy for Users
SHPO	State Historic Preservation Office
SO ₂	Sulfur Dioxide
STIP	Statewide Transportation Improvement Plan
TAF	Terminal Area Forecast
TOFA	Taxiway Object Free Area
USACE	United States Army Corps of Engineers
USC	United States Code
USDA	United States Department of Agriculture
USDOI	United States Department of the Interior
USFWS	United States Fish and Wildlife Service
VASI	Visual Approach Slope Indicator

**Federal Statutes, Regulations, Executive Orders, and Guidance,
Including Advisory Circulars¹**

Statute	Implementing Regulations and Other Guidance
<i>Air Quality</i>	
<ul style="list-style-type: none"> Clean Air Act (CAA), as amended [42 U.S.C. 7401–7671] [PL (public law) 91–604, PL 101–549] 	<ul style="list-style-type: none"> Title 40 CFR parts 9, 50–53, 60–61, 66, 67, 81, 82, and 93 (which includes General Conformity)
<i>Coastal Resources</i>	
<ul style="list-style-type: none"> Coastal Barrier Resources Act of 1982 as amended by the Coastal Barrier Improvement Act of 1990 [16 U.S.C. 3501–3510] [PL 97–348] 	<ul style="list-style-type: none"> U.S. Department of Interior Coastal Barrier Act Advisory Guidelines (57 FR 52730 November 5, 1992)
<ul style="list-style-type: none"> Coastal Zone Management Act as amended [16 U.S.C. 1451–1464] [PL 92–583] 	<ul style="list-style-type: none"> 15 CFR part 930, subparts C and D 15 CFR part 923
<ul style="list-style-type: none"> Executive Order 13089, Coral Reef Protection (63 FR 32701, June 16, 1998) 	
<i>Compatible Land Use</i>	
<ul style="list-style-type: none"> Aviation Safety and Noise Abatement Act of 1979, as amended (49 U.S.C. 47501–47507) 	<ul style="list-style-type: none"> 14 CFR part 150
<i>Department of Transportation Act</i>	
<ul style="list-style-type: none"> Department of Transportation Act of 1966, Section 4(f) [recodified at 49 U.S.C. 303 (c)] 	
<i>Farmlands</i>	
<ul style="list-style-type: none"> Farmland Protection Policy Act [7 U.S.C. 4201–4209] [PL 97–98, amended by section 1255 of the Food Security Act of 1985, PL 99–198] 	<ul style="list-style-type: none"> 7 CFR part 658 (59 FR 331109, June 17, 1994) 7 CFR part 657 (43 FR 4030) CEQ Memorandum on Analysis of Impacts on Prime and Unique Agricultural Lands in Implementing the National Environmental Policy Act, August 11, 1980 (45 FR 59189, September 8, 1980)
<i>Fish, Wildlife, and Plants</i>	
<ul style="list-style-type: none"> Endangered Species Act of 1973 [16 U.S.C. §§1531–1544] [PL 93–205] Marine Mammal Protection Act of 1972 [16 U.S.C. §§1361–1421h] Related Essential Fish Habitat Requirements of the Magnuson-Stevens Act, as amended by the Sustainable Fisheries Act [16 U.S.C. §1855(b)(2)] 	<ul style="list-style-type: none"> 50 CFR parts 17 and 22 50 CFR part 402 50 CFR parts 450–453 50 CFR 600.920 MOU (memorandum of understanding) [among 14 federal agencies] on Implementation of the Endangered Species Act, September 28, 1994] MOU on Using an Ecosystem Approach in Agency Decision-making, December 5, 1995 CEQ Guidance on Incorporating Biodiversity Considerations into Environmental Impact Analysis, January 1993.

¹ All Federal Statutes, Regulations, Executive Orders, and Guidance, including Federal Aviation Administration (FAA) Advisory Circulars (AC) are referenced in FAA Order 1050.1E, Environmental Impacts: Policies and Procedures, effective June 8, 2004, and all citations are accurate as of September 17, 2008.

**Federal Statutes, Regulations, Executive Orders, and Guidance,
Including Advisory Circulars¹**

Statute	Implementing Regulations and Other Guidance
<ul style="list-style-type: none"> • Sikes Act Amendments of 1974 [PL 93–452] 	
<ul style="list-style-type: none"> • Bald and Golden Eagle Protection Act of 1940, as amended [16 U.S.C. 669–668d] • Fish and Wildlife Coordination Act of 1958 [16 U.S.C. §§661–666c] [PL 85–624] 	
<ul style="list-style-type: none"> • Fish and Wildlife Conservation Act of 1980 [16 U.S.C. §§2901–2912 [PL 96–366] • Executive Order 13112, Invasive Species (64 FR 6183, February 8, 1999) • Migratory Bird Treaty Act of 1918 [16 U.S.C. §§703–712] • Executive Order 13186, Responsibilities of Federal Agencies to Protect Migratory Birds [66 FR 3853, January 17, 2001] • Presidential Memorandum on Environmentally and Economically Beneficial Landscape Practices on Federally Landscaped Grounds (April 26, 1994); Executive Order 13148, Greening the Government Through Leadership in Environmental Management (April 22, 2000). 	<ul style="list-style-type: none"> • 50 CFR part 83 • DOT Policy on Invasive Species, April 22, 1999 • 50 CFR part 10 • Environmental Protection Agency, Office of the Federal Environmental Executive, Guidance for Presidential Memorandum on Environmentally and Economically Beneficial Landscape Practices on Federal Landscaped Grounds (60 FR 40837, August 10, 1995) • Paragraph 3f of attachment 2; Order DOT 5610.1C
<ul style="list-style-type: none"> • The Animal Damage Control Act of 1931 [7 U.S.C. 426–426c] [46 stat. 1468] 	
Floodplains	
<ul style="list-style-type: none"> • Executive Order 11988, Floodplain Management, May 24, 1977 (42 FR 26951) • Appropriate State and Local construction statutes 	<ul style="list-style-type: none"> • Order DOT 5650.2, Floodplain Management and Protection • Federal Emergency Management Agency “Protecting Floodplain Resources: A Guidebook for Communities,” 1996
Hazardous Materials, Pollution Prevention, and Solid Waste	
<ul style="list-style-type: none"> • Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA) (as amended by the Superfund Amendments and Reauthorization Act of 1986 and the Community Environmental Response Facilitation Act of 1992) [42 U.S.C. 9601–9675] 	<ul style="list-style-type: none"> • 40 CFR parts 300, 311, 355, and 370
<ul style="list-style-type: none"> • Pollution Prevention Act of 1990 [42 U.S.C. 1310–1319] 	<ul style="list-style-type: none"> • CEQ Memorandum on Pollution Prevention and the National Environmental Policy Act, January 12, 1993 (58 FR 6478)
<ul style="list-style-type: none"> • Toxic Substances Control Act of 1976, as amended (TSCA) [15 U.S.C. 2601–2692] [PL 94–469] 	<ul style="list-style-type: none"> • 40 CFR parts 761 and 763

**Federal Statutes, Regulations, Executive Orders, and Guidance,
Including Advisory Circulars¹**

Statute	Implementing Regulations and Other Guidance
<ul style="list-style-type: none"> Resource Conservation and Recovery Act of 1976 (RCRA) [PL 94–580, as amended by the Solid Waste Disposal Act of 1980 (SWDA), PL 96–482, the Hazardous and Solid Waste Amendments of 1984, PL 98–616, and the Federal Facility Compliance Act of 1992, (FFCA (Federal Facility Compliance Act)) PL 103–386] [42 U.S.C. 6901–6992(k)] 	<ul style="list-style-type: none"> 40 CFR parts 240–280
<ul style="list-style-type: none"> Executive Order 12088, Federal Compliance with Pollution Control Standards, October 13, 1978 (43 FR 47707, amended by Executive Order 12580, January 23, 1987 (52 FR 2923) January 29, 1987 	
<ul style="list-style-type: none"> Executive Order 12856, Federal Compliance with Right-to-Know Laws and Pollution Prevention Requirements (58 FR 41981, August 3, 1993) 	
<ul style="list-style-type: none"> Executive Order 12580, Superfund Implementation, amended by Executive Order 13016 and 12777 	
Historical, Architectural, Archeological, and Cultural Resources	
Laws governing National Historic Preservation Programs, National Natural Landmarks, and National Historic Landmarks	
<ul style="list-style-type: none"> National Historic Preservation Act of 1966, as amended, including Executive Order 11593, Protection and Enhancement of the Cultural Environment (36 FR 8921, May 13, 1971) [16 U.S.C. 470, 470 note] [PL 102–575 (1992)] 	<ul style="list-style-type: none"> 36 CFR parts 60 (National Register of Historic Places (NRHP)), 61 (State and Local Preservation Programs), 62.1 (National Natural Landmarks), 63 (NHRP), 65, 65.1 (National Historic Landmarks), 68 (standards) 73 (World Heritage Program), 78 (waiver of federal agency section 110 responsibilities), 79 (curation) and 800 (consultation), as revised (65 FR 77697; December 12, 2000, effective January 1, 2001)
Laws governing the Federal Archeology Program	
<ul style="list-style-type: none"> Antiquities Act of 1906 [16 U.S.C. 431, 432, 433] [PL 59–209 (1906)] 	<ul style="list-style-type: none"> 43 CFR part 3 25 CFR part 261
<ul style="list-style-type: none"> Archaeological and Historic Preservation Act of 1974, as amended [16 U.S.C. 469–469c] [PL 89–665] 	<ul style="list-style-type: none"> Guidelines for Archeology and Historic Preservation: Standards and Guidelines (DOI (Department of Interior)) (48 FR 44716, September 29, 1983) 36 CFR part 68
<ul style="list-style-type: none"> Archaeological Resources Protection Act of 1979, as amended [16 U.S.C. 470aa–470mm] [PL 96–95 (1979)] 	<ul style="list-style-type: none"> 43 CFR parts 3 and 7 36 CFR part 79 25 CFR part 262 Federal Archeological Preservation Strategy
<ul style="list-style-type: none"> Native American Graves Protection and Repatriation Act of 1990 [25 U.S.C. 3001] [PL 	<ul style="list-style-type: none"> 43 CFR part 10 25 CFR 262.8

Federal Statutes, Regulations, Executive Orders, and Guidance, Including Advisory Circulars ¹	
Statute	Implementing Regulations and Other Guidance
101–601 (1990)]	
Other Major Federal Historic and Cultural Resource Preservation Laws and Executive Orders	
<ul style="list-style-type: none"> American Indian Religious Freedom Act of 1978 [42 U.S.C. 1996, 1996 note] [PL 95–341 (1978)] 	<ul style="list-style-type: none"> 43 CFR 7.7 and 7.32 25 CFR 262.7
<ul style="list-style-type: none"> Department of Transportation Act [49 U.S.C. 303] 	
<ul style="list-style-type: none"> Public Building Cooperative Use Act of 1976 [40 U.S.C. 601 (a), 601(a)(1), 606, 611(c), 612(a)(4)] [PL 94–541] 	<ul style="list-style-type: none"> 41 CFR parts 101–17, 101–17.002(l), (m), (n) (rural areas), 101.17.002(i)(2) (urban areas), and 101–19
<ul style="list-style-type: none"> Executive Order 13006, Locating Federal Facilities on Historic Properties in Our Nation’s Central Cities (61 FR 26071, May 24, 1996) 	
<ul style="list-style-type: none"> Executive Order 13007, Indian Sacred Sites (61 FR 26771, May 29, 1996) 	
<ul style="list-style-type: none"> Executive Order 13175, Consultation and Coordination with Indian Tribal Governments (65 FR 67249, November 9, 2000), and the Presidential Memorandum of April 29, 1994, Government-to-government Relations with Native American Tribal Governments. 	
<ul style="list-style-type: none"> Executive Order 11593, Protection and Enhancement of the Cultural Environment (36 FR 8921, May 13, 1971) (16 U.S.C. 470 note) 	
Noise	
<ul style="list-style-type: none"> 49 U.S.C. 47501–47507 (Aviation Safety and Noise Abatement Act of 1979, as amended) 49 U.S.C. 40101 et seq., as amended by PL 103–305 (Aug. 23, 1994) (The Federal Aviation Act of 1958) The Control and Abatement of Aircraft Noise and Sonic Boom Act of 1968 49 U.S.C. 47101 et seq., as amended by PL 103–305 (Aug. 23, 1994) (The Airport and Airway Improvement Act) 49 U.S.C. 2101 et seq. (Airport Noise and Capacity Act of 1990) 49 U.S.C. 44715 (The Noise Control Act of 1972) 	<ul style="list-style-type: none"> 14 CFR part 150 FAA Advisory Circular 150/5020, Noise Control and Compatibility Planning for Airports 14 CFR part 161 Notice and Approval of Airport Noise and Access Restrictions FAA Advisory Circular 91-53A, Noise Abatement Departure Profile

**Federal Statutes, Regulations, Executive Orders, and Guidance,
Including Advisory Circulars¹**

Statute	Implementing Regulations and Other Guidance
<i>Socioeconomic Impacts, Environmental Justice, and Children’s Environmental Health and Safety Risks</i>	
<ul style="list-style-type: none"> • Title VI of the Civil Rights Act of 1964 [16 U.S.C. 2000(d)–2000(d)(1)], as amended by the Civil Rights Restoration Act of 1987 • Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations (59 FR 7629, February 16, 1994) • Executive Order 13045, Protection of Children from Environmental Health Risks and Safety Risks (62 CFR 19883, April 23, 1997) • Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 [42 U.S.C. 4601] [PL 91–528 amended by the Surface Transportation and Uniform Relocation Act Amendments of 1987, PL 100–117] 	<ul style="list-style-type: none"> • Order DOT 5610.2, Environmental Justice in Minority and Low-Income Populations, April 15, 1997 • CEQ Environmental Justice: Guidance Under the National Environmental Policy Act, December 10, 1997 • Final Guidance For Consideration of Environmental Justice in Clean Air Act 309 Reviews, July 1999 • 40 CFR 1508.27 • FAA Advisory Circular 150/5100-17 • 49 CFR part 24 • FAA Order 5100.37A, Land Acquisition and Relocation Assistance for Airport Projects
<i>Water Quality</i>	
<ul style="list-style-type: none"> • Federal Water Pollution Control Act, as amended, known as the Clean Water Act [33 U.S.C. 1251–1387]; [PL 92–500, as amended by the Clean Water Floodplains and the Floodways Act of 1977, 33 U.S.C. 1252, PL 95–217, and PL 100–4]; as amended by the Oil Pollution Act of 1990 (section 311 of the Clean Water Act) • Safe Drinking Water Act, as amended (SDWA, also known as the Public Health Service Act) [42 U.S.C. 300f to 300j-26] [PL 104–182] • Fish and Wildlife Coordination Act of 1980 [16 U.S.C. 661–666c] [PL 85–624] 	<ul style="list-style-type: none"> • 40 CFR parts 110–112, 116, 117, 122, 125, 129, 130, 131, 136, and 403
<i>Wetlands</i>	
<ul style="list-style-type: none"> • Clean Water Act, section 404 [33 U.S.C. 1344] [PL 92–500, as amended by PL 95–217 and PL 100–4] • Water Bank Act [16 U.S.C. 1301–1311] • Rivers and Harbors Act of 1899, section 10 • Executive Order 11990, Protection of Wetlands (May 24, 1977) (42 FR 26961) 	<ul style="list-style-type: none"> • 33 CFR parts 320–330 • Order DOT 5660.1A, Preservation of the Nation’s Wetlands

**Federal Statutes, Regulations, Executive Orders, and Guidance,
Including Advisory Circulars¹**

Statute	Implementing Regulations and Other Guidance
<i>Wild and Scenic Rivers</i>	
<ul style="list-style-type: none"> • Wild and Scenic Rivers Act of 1968 [16 U.S.C. 1271–1287] [PL 90–542 as amended by PL 96–487] 	<ul style="list-style-type: none"> • 36 CFR part 297, subpart A (USDA Forest Service) • Department of the Interior and Department of Agriculture, Wild and Scenic River Guidelines for Eligibility, Classification and Management of River Areas (47 FR 39454, September 7, 1982) • CEQ Memorandum on Interagency Consultation to Avoid or Mitigate Adverse Effects on Rivers in the Nationwide Inventory, August 11, 1980 (45 FR 59190, September 8, 1980)
<i>Additional Advisory Circulars and Regulations</i>	
<ul style="list-style-type: none"> • Advisory Circular 150/5200-33B, Hazardous Wildlife Attractants on or Near Airports • Advisory Circular 150/5300-13A, Airport Design • FAA Order 5200.8 Runway Safety Area Program • Advisory Circular 150-5370-10F, Standards for Specifying Construction of Airports 	

CHAPTER 1 Purpose and Need

1.1 Introduction

This Environmental Assessment (EA) is prepared in accordance with *Federal Aviation Administration (FAA) Order 1050.1E, Environmental Impacts: Policies and Procedures*, and *FAA Order 5050.4B, National Environmental Policy Act (NEPA) Implementing Instructions for Airport Actions*.¹ These documents prescribe the policies and procedures of the FAA for implementing the NEPA of 1969, as amended, and the regulations of the Council on Environmental Quality (CEQ), 40 Code of Federal Regulations (CFR) Parts 1500–1508. The EA is an informational document intended for use by decision makers and the public. As such, it represents a disclosure of relevant environmental information concerning the proposed action.

1.2 Objective of the Proposed Action

This action has been proposed to address Bismarck Airport’s limited ability to provide development necessary to accommodate for the current and future Fixed Based Operator(s)(FBO) facilities at Bismarck Airport (Airport).

1.3 Description of the Proposed Action

The Airport is located south of the City of Bismarck, North Dakota (ND), in Burleigh County. Please refer to [EXHIBIT 1-1, LOCATION MAP](#).

The City of Bismarck, in cooperation with the FAA and the North Dakota Aeronautics Commission (NDAC) proposes to provide an expanded development area for (FBOs) at the Airport. FBOs are commercial operators at the Airport that provide general aviation services to the public, such as fueling, maintenance, aircraft sales, rentals, flight training, charter operations, rental hangar space and aircraft handling.

The proposed action includes providing approximately 650 feet of general aviation (GA) apron frontage for FBO development. The new apron frontage would be located on the northwest GA apron and run parallel to University Drive, in conformity with the Airport’s March, 2008 Airport Layout Plan. The proposed action would be accomplished by removing or relocating a City owned hangar (Hangar #5), removing or relocating an existing FBO hangar (Hangar #38), removing a City owned office/terminal building (Building #22) and paving approximately 15,200 square yards of new concrete apron. Please refer to [EXHIBIT 2-3: ALTERNATIVE B, REALIGNMENT OF EXISTING NORTHWEST GENERAL AVIATION APRON](#) to view the proposed action.

The proposed action would provide apron frontage necessary for the FBO(s) to construct three corporate style hangars approximately 15,675 square feet in size (one additional hangar, two hangars to replace Hangar #5 and Hangar #38) each needing up to 175 feet of apron frontage, a new terminal/office building (size undetermined) to replace Building #22 that could take up to 125 feet of apron frontage, and all the associated improvements (lighting, underground utilities access roads, auto parking areas, etc.). Additionally the new alignment will provide flexibility for future FBO expansion to the northwest of the new apron.

¹ The information and reference materials contained herein are intended to be read as a complete document.

Existing taxilanes would be used where appropriate and realigned to meet FAA design standards to run parallel with the new western apron edge. The taxilanes would be located to maximize the available space for tie downs on the existing apron.

1.4 Purpose and Need for the Proposed Action

The purpose of the proposed action is to provide public apron frontage to facilitate expansion of existing FBO services at the Airport in a manner that is consistent with the Airport Layout Plan (ALP). Increased aircraft operations, change in GA fleet mix, and facility capacity demands are driving the need for the existing FBO(s) to expand current operations in order to continue to provide the essential services that support the flying public using the Airport. The project is needed because the current northwest GA apron does not have any apron frontage available to support additional FBO hangars, GA terminals, and/or office space development.

1.4.1 FBO Needs

The Bismarck Airport has three FBOs currently operating on the airfield. The FBOs have experienced increased demands for their services in recent years. Due to the increased demand for FBO services at the Airport, two of the FBOs, Bismarck Aero Center and Executive Air Taxi Corporation, have expressed to the Airport and the FAA their need to expand their current hangar and terminal facilities. Copies of this correspondence have been submitted to the FAA, including a waiting list of aircraft owners who desire to have hangar services and overnight stays in Bismarck, to provide a basis for the overall project need. The FAA has determined that the need to accommodate FBO expansion is justified. However due to the proprietary nature of these letters, the letters will not be included as part of this document. Specifically, the FBOs have requested the development of three new corporate style hangars and a new terminal building with office space. The FBOs have indicated that these are immediate needs and if approved they would be implemented by 2018. The hangars provide aircraft with protection from the weather and security against vandalism or theft. Aircraft owners prefer hangars over apron tie-downs. Additionally, the demand for hangars is higher in northern climates like Bismarck due to the severe thunderstorms and winter weather conditions. [APPENDIX A, TERMINAL AREA FORECAST](#), provides background information on past and FAA projected operations at the Airport.

1.4.2 Existing General Aviation Area Configuration

The Airport currently has three GA areas; one located on the northwest side of the airfield that is generally utilized for FBOs and one to the northeast that is utilized by private development². The northeast GA area development does not have an apron available to support FBO hangars and office space development. The west central area is used to support corporate GA hangars and access.

The northwest GA area development (see [EXHIBIT 1-2, STUDY AREA MAP](#)) consists of conventional hangars/buildings along the western edge of a concrete apron. These buildings, included in the study area and listed from north to south, are a City Hangar (#5), a FBO hangar (#6), a GA terminal (#22), and a FBO hangar (#38). South of hangar #38 is a group of connected FBO hangar/terminal buildings (#48). To the west of Hangar #5 is a brick office building (#43). The south side of the apron is bordered by three FBO hangars (#45) (#53) and (#7). The northwest GA area currently does not have any apron frontage available to support additional FBO hangars and terminal/office space development. Please refer to [EXHIBIT 1-2, STUDY AREA MAP](#), near the end of this chapter, illustrating the location of these buildings.

² FBOs differ from the private development in that they provide services that are utilized by public aeronautical users.

EXHIBIT 1-1, LOCATION MAP



J:\airport1510707\GIS_2011\Maps\Location_Map.mxd T.L.G./06/11/2012 updated CC/11/21/2014

*Intended for Planning Purposes Only



**Bismarck Airport
Location Map**



Hangar #5 (Owned by the City of Bismarck) is a 114 feet by 125 feet wood framed aircraft hangar with an attached two story office space on the northwest corner. Hangar #5 is currently leased to an FBO for aircraft storage and maintenance, and the office space is used as a cold storage space. A structural analysis of Hangar #5 ([APPENDIX C](#)) was performed in 2011 to document the existing conditions of the building and determine the feasibility of relocating the building. This analysis, done by a Structural Engineer, determined that the building's structural members do not have adequate capacity to support the design loads as determined by the current building codes. However, the structure is in good condition, has sustained minimal damage since it was built in 1936, and due to the historic nature of the building would not be required to meet current standards if the building is acknowledged by the City of Bismarck building official to not be "a distinct life safety hazard". It was therefore determined feasible from a structural standpoint that the building can be relocated with some minor repairs.

Hangar #5 has wood 10-panel sliding doors facing directly north and the south. This orientation requires additional apron frontage compared to a single door hangar facing the apron. The large single pane windows and wood doors also make heating of this space to be impractical. The proposed action would remove or relocate Hangar #5 and replace it with a new corporate style hangar. This would allow a more efficient layout of the GA apron as shown in the BIS Airport Master Plan. A new hangar would provide a more secure location for storage of valuable aircraft during high wind and snow load conditions. Relocation would allow the FBOs to provide more services to the flying public than leaving Hangar #5 in place.

Hangar #6 is a 125 feet by 125 feet steel framed hangar with a 27 feet tall by 99 feet wide door that was completed in 2012 that can house large corporate aircraft. This hangar currently meets the needs of the FBOs and will continue to be used at its current location under the proposed action.

Building #22 is an approximately 8,500 square feet GA terminal/office building currently used as general aviation terminal for one of the Airport's FBOs and provides office space for the North Dakota Aeronautics Commission (NDAC). The proposed action would remove and replace Building #22 with a new and expanded terminal building that would also provide office space for the NDAC. Access to hangar or the east door would not be impacted. Hangar #6 is owned by a private corporation.

Hangar #38 is a small 60 feet by 125 feet aircraft hangar used for aircraft storage and aircraft maintenance. Hangar #38 does not have large hangar doors so it is currently limited to servicing small aircraft. The proposed action would remove or relocate hangar #38 and replace it with a new corporate style hangar. Hangar #38 was built in the early 1970s and is owned by a private corporation.

Building #43 is an approximately 6,000 square feet office building currently used as office space. This building does not currently have access to the GA apron. There would be no changes to Building #43 with the proposed action. However, the owner's property lease may need to be amended to accommodate the layout of the new corporate hangars, and the building would likely be removed in the future if the apron was expanded further to the north. A small 10 feet by 20 feet utility building is located immediately west of Building #43. It is likely that this building would need to be removed in the future if Building #43 is removed.

Building #48 consists of three connected structures used for FBO services. They include a 100 feet by 160 feet Hangar (#48C), a recently remodeled multiple story terminal Building (#48B), and a 100 feet by 100 feet Hangar (#48). These buildings currently meet the needs of the FBOs and will continue to be used at their current location under the proposed action.

Hangar #45 is an approximately 11,200 square feet hangar facility with two large bi-fold doors. It was previously a private hangar owned by Basin Electric Company but was acquired in September of 2013 for use as an FBO hangar. Hangar #45 currently meets the needs of the FBOs and will continue to be used at its current location under the proposed action.

Hangar #53 is a 16,000 square feet hangar facility with two large bi-fold doors. Hangar #53 currently meets the needs of the FBOs and will continue to be used at its current location under the proposed action.

Hangar #7 is a 10,000 square feet hangar facility with two large bi-fold doors. Hangar #7 currently meets the needs of the FBOs and will continue to be used at its current location under the proposed action.

1.4.3 Apron Design

Four primary considerations govern efficient apron area design: the movement and physical characteristics of the aircraft to be served; the maneuvering, staging, and location of ground service equipment and underground utilities; the dimensional relationships of parked aircraft to the terminal building; and, the safety, security, and operational practices related to apron control.

The optimum apron design for a specific airport depends upon available space, aircraft mix, and terminal configuration.

The design of efficient airport aprons includes use of *FAA AC 150/5300-13, Airport Design*, effective design considerations, and Airport Improvement Program eligibility criteria. According to *FAA AC 150/5300-13, Airport Design, Appendix 5*, efficient apron design should allow for flexibility and expandability. The current apron layout does not allow for the FBO(s) needed expansion discussed in Section 1.4.1. The proposed action would provide for the current expansion needs and allow for additional expansion in the future to comply with FAA design standards.

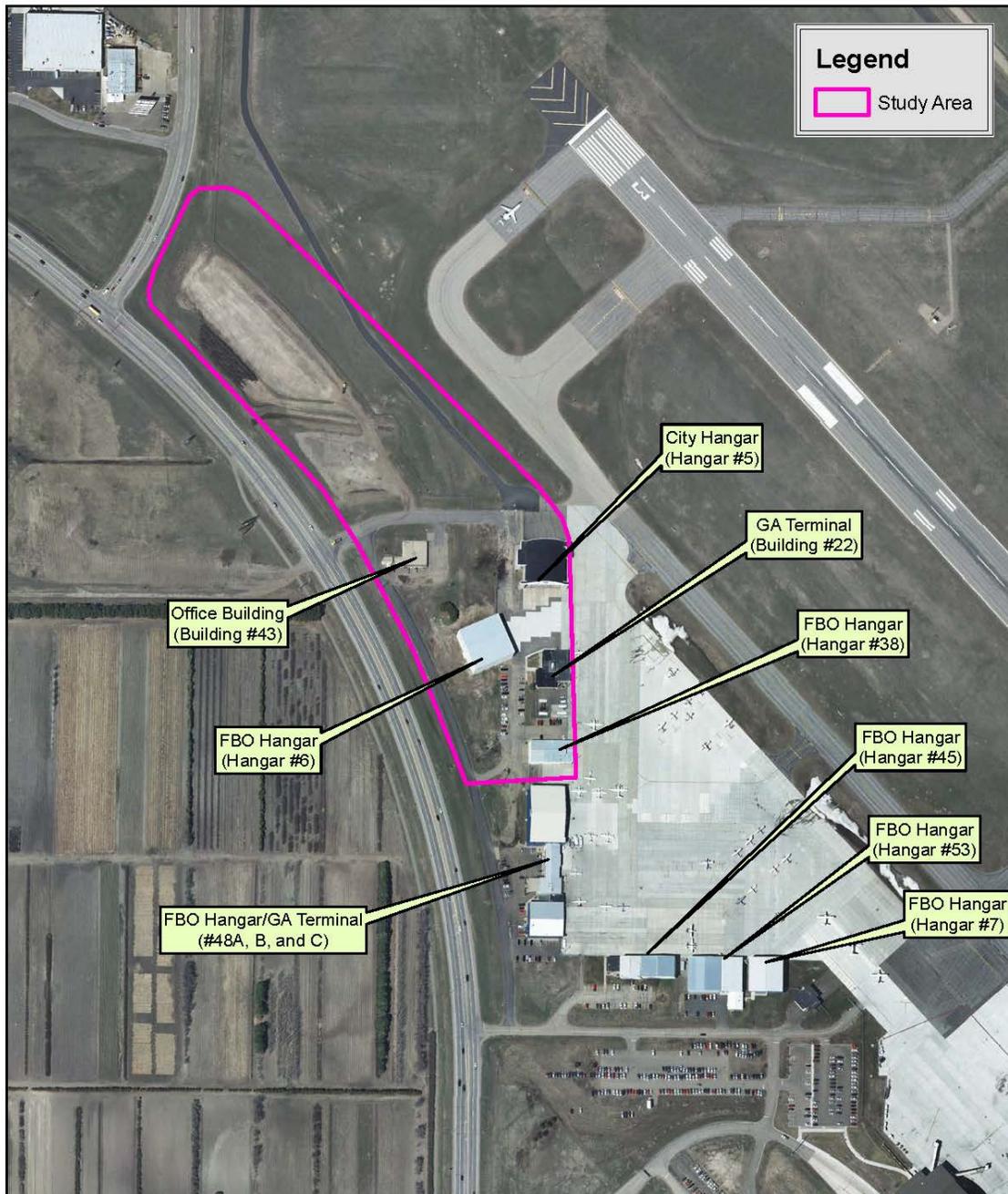
Airport traffic control tower (ATCT) personnel require a clear line of sight to all apron taxiways under air traffic control (ATC). Although ATC is not responsible for controlling taxiway traffic, a clear line of sight to taxiways is desirable and aids in communication with snow removal and airfield maintenance equipment. Please refer to [EXHIBIT 1-3, NW GA APRON LINE OF SIGHT MAP](#).

1.5 Project Study Area

Determining the limits in which a solution or action could be taken that will provide the needed improvements for expanded FBO development areas is important when establishing the project study area. The project study area limits must include a large enough area to accommodate all necessary apron frontage needed by the FBOs. Additionally, the area should allow the expansion to be located in a manner that will allow for operationally viable FBO(s) and promote the safest possible operating environment.

Please refer to [EXHIBIT 1-2, STUDY AREA MAP](#). The outermost limits of the project study area were chosen because locating FBO apron frontage outside of this area would require FBOs to split their expanded operations away from their existing operations, creating operational inefficiencies and increasing runway crossings, resulting in a high risk of runway incursions. FAA policies and guidance recommend minimizing runway crossings whenever possible.

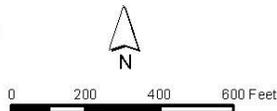
EXHIBIT 1-2, STUDY AREA MAP



*Intended for Planning Purposes Only



PRELIMINARY



Bismarck Airport
Study Area Map

EXHIBIT 1-3, NW GA APRON LINE OF SIGHT MAP



*Intended for Planning Purposes Only



PRELIMINARY



Bismarck Airport
NW GA Apron
Line of Sight Map

CHAPTER 2 - Alternatives

2.1 Introduction

This chapter provides information regarding development and evaluation of project alternatives. These alternatives have been identified to determine the best alternative that meets the purpose and need. This section includes an evaluation of the no-action alternative and action alternatives.

2.2 Alternative Development

Four FBO expansion locations were identified during preliminary analysis that would accommodate the necessary apron frontage to meet the current and future needs for FBO services at the Airport. Please refer to **EXHIBIT 2-1: ALTERNATIVE SITES CONSIDERED**. Of these four FBO locations, two were carried forward through the entire project analysis and two were discarded from further analysis. Locations B and C were carried forward as Alternatives B and C because they meet the purpose and need for the project, and they were consistent with development shown on the ALP.

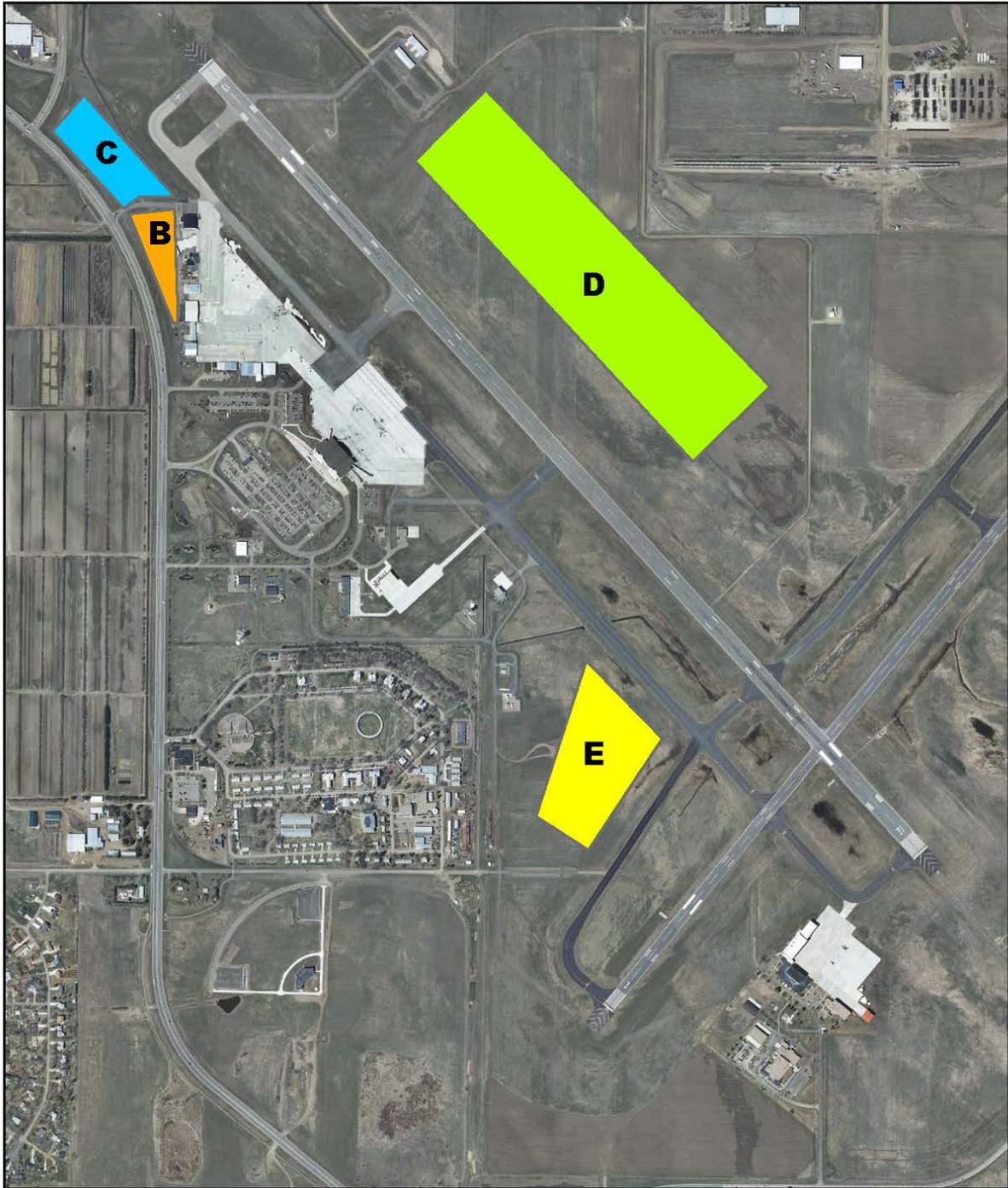
Sites D and E were reviewed and eliminated from further consideration. Although these alternative sites would avoid Hangar #5, they did not fully meet the project purpose and need. Apron frontage at these locations would not be consistent with the ALP. Each of these locations would require the FBOs to have split operations from their existing facilities, and tugs would have to be used to move aircraft from one FBO facility to another as necessary. This would create considerable inefficiencies and increase operational costs, which could possibly deter the FBOs from proceeding with their planned expansions.

Site D has no existing infrastructure at this location including gas, electric, water, or sewer. This proposed location would require increased runway crossings, resulting in a higher risk of runway incursions. FAA policy and guidance recommends minimizing runway crossings whenever possible. Site D would not meet the purpose of the project to provide apron frontage that would facilitate expansion of the existing FBOs at the Airport.

Site E would block the air traffic controller's view of Taxiway D, which is a defined movement area. FAA requires all movement areas to be visible, so this site cannot be considered.

Three alternatives, including a no-action alternative, were examined for their potential ability to meet the purpose and need established in **CHAPTER 1, PURPOSE AND NEED**. The following section describes the alternatives and relates each to the purpose and need. Differences between each of the alternatives are highlighted at the end of this chapter in **TABLE 2-1: ALTERNATIVE COMPARISON TABLE**.

EXHIBIT 2-1: ALTERNATIVE SITES CONSIDERED



*Intended for Planning Purposes Only



PRELIMINARY



0 1,000 2,000 Feet

**Alternative Locations
Considered**

2.3 Alternatives Carried Forward

2.3.1 ALTERNATIVE A, NO ACTION

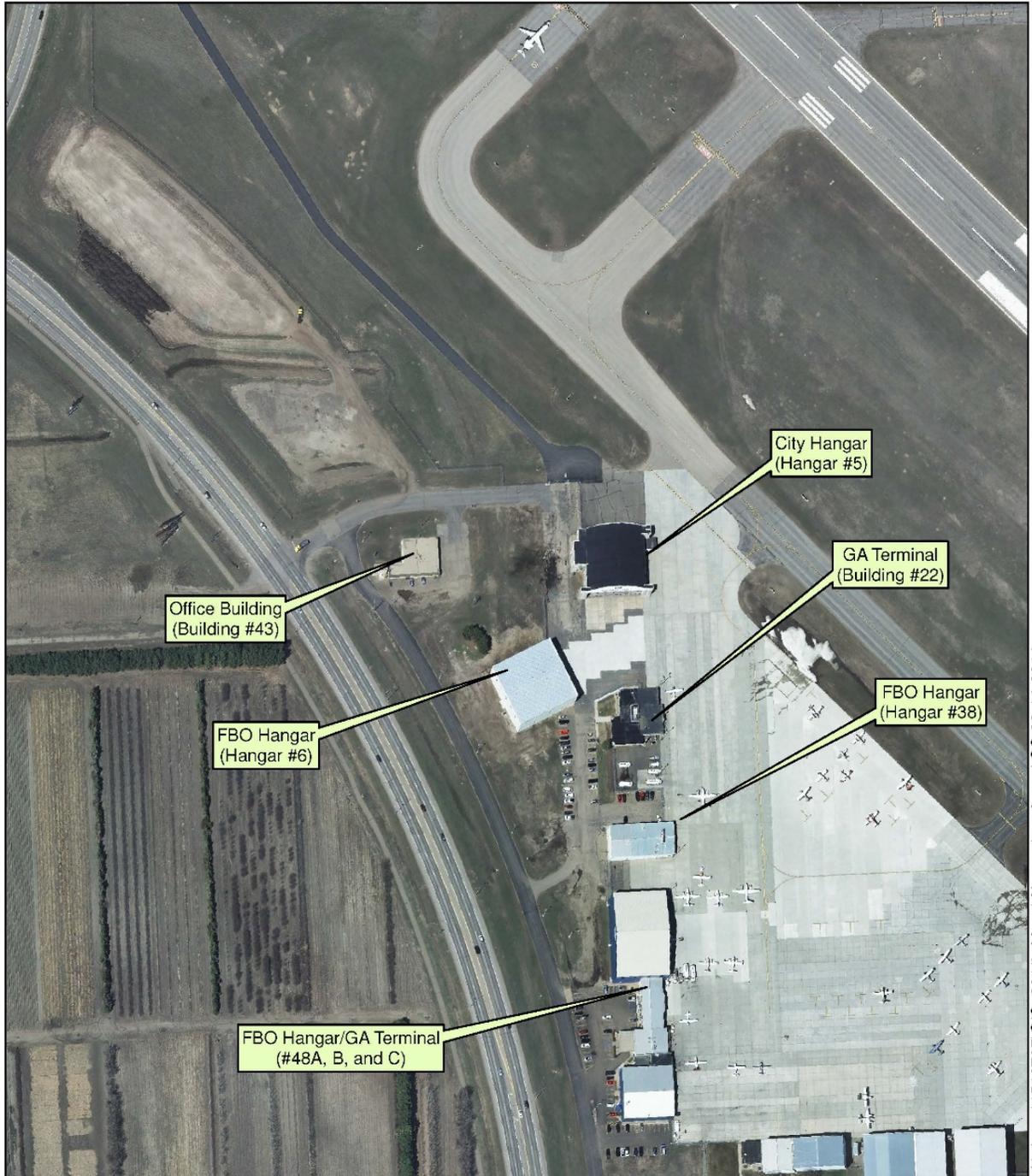
Alternative A consists of maintaining the existing airfield in its present condition. Please refer to *EXHIBIT 2-2: ALTERNATIVE A, NO ACTION*.

If Alternative A is chosen, the expansion needs of the FBOs at the Airport would not be met. The level of services they provide to the flying public would become more difficult to uphold, and demand for those services would exceed the FBOs ability to provide them. Costs of these services would rise and may cause itinerant aircraft to choose other airports or the passengers using them to use other means of travel.

If this alternative were implemented, the apron would not be changed. The FBOs would continue to operate and provide services to the flying public on the existing apron. The FBOs would continue to have limited hangar and terminal space. Itinerant aircraft owners and operators may have problems finding available temporary hangar space, fueling services, and other services typically provided by FBOs while they are at the Airport. The City of Bismarck would continue to own Hangar #5 and Building #22. These buildings would continue to be used by Airport or leased to the FBOs and the City would be required to ensure that Hangar #5 was maintained as it is potentially eligible for the National Register of Historic Places (NRHP). This alternative does not require runway crossings to move aircraft from one FBO facility to another; however, aircraft being moved from the north side of Hangar #5 enter the Taxiway Object Free Area (TOFA) for Taxiway A when moved to the apron on the side south, which is not preferred by FAA design standards.

ATCT's line of sight northwest of Hangar #5 would not be improved with this alternative. Hangar #5 would still impact ATCT line of sight for aircraft exiting the north door of Hangar #5 and airfield maintenance equipment using the airport perimeter road located north of Hangar #5 as shown in *EXHIBIT 1-3: NW GA APRON LINE OF SIGHT MAP*.

EXHIBIT 2-2: ALTERNATIVE A, NO ACTION



J:\airport\1510707\GIS_2011\Maps\Alternative_A.mxd CC 03-14-2014

*Intended for Planning Purposes Only



PRELIMINARY



Bismarck Airport
Alternative A
No Action

2.3.2 ALTERNATIVE B, REALIGNMENT OF EXISTING NORTHWEST GENERAL AVIATION APRON

Alternative B includes providing approximately 650 feet of GA apron frontage for FBO development. The new apron frontage would be located on the northwest GA apron and run parallel to University Drive, in conformity with the Airport's March 2008 Airport Layout Plan (ALP). This alternative would be accomplished by removing or relocating Hangar #5 and an existing FBO hangar (Hangar #38), removing Building #22, removal of existing pavements, grading and paving approximately 15,200 square yards of new concrete apron, and the preliminary grading and utility work to provide no less than four new building sites.

The property lease for Building #43 would need to be amended to accommodate parking and access to the new building sites. No changes to Building #43 or the adjacent utility building would be needed to accomplish this alternative. It should be noted that these buildings do not serve an aeronautical purpose and would then be located very near the new apron frontage. For this reason it is unlikely that the Airport would agree to a new long term lease with Building #43's owner at the end of the current lease term. Building #43's lease would be extended month to month and eventually it would have to be removed or relocated if a new tenant comes forward to use the property for an aeronautical purpose. The utility building's long term feasibility at its current location would also depend on the needs of the new tenant and may need to be removed or relocated. However, it may be able to stay in place due to its small size and location.

Alternative B would provide apron frontage necessary for the FBO(s) to construct a new terminal/office building (size undetermined) to replace Building #22 that could take up to 125 feet of apron frontage and three corporate style hangars (one additional hangar and two hangars to replace Hangar #5 and Hangar #38) of up to 15,675 square feet where each take up to 175 feet of apron frontage. Alternative B would also provide other associated improvements (lighting, underground utilities, access roads, automobile parking areas, etc.). Additionally the new alignment would provide flexibility for future FBO expansion to the northwest of the new apron.

Existing taxilanes would be used where appropriate and realigned to run parallel with the new western apron edge. The taxilanes would be located to maximize the available space for tie downs on the existing apron. The project work description for Alternative B includes:

- Remove or relocate Hangar #5.
- Remove or relocate Hangar #38.
- Remove Building #22.
- Amend property lease for Building #43.
- Pave approximately 4,700 square yards of concrete apron south of Hangar #6.
- Pave approximately 10,500 square yards of concrete apron north of Hangar #6.
- Preliminary grading and utility work to provide no less than four building sites with automobile parking, lighting, and access roads.

The following mitigation measures have been incorporated into this alternative:

- Hangar #5 would be photographically documented in accordance with North Dakota Architectural Documentation Standards.
- Hangar #5 would be offered to any state or local government or responsible private entity to relocate and maintain the building. Relocation would mean that Hangar #5 would be moved in whole or in part to an alternative location in accordance with the requirements set forth in a Memorandum of Agreement (MOA). Please refer to [APPENDIX E, MEMORANDUM OF AGREEMENT](#). There are currently two locations that have been preliminarily identified on the Airport as potential relocation sites. One is in the northwest corner adjacent to University Drive and Airport Road. The other potential location is on the north side of the Airport just south of Airway Avenue.
- If no acceptable offers are made for Hangar #5 within at least two years, it will be dismantled and a plaque would be erected at a public location on the Airport describing the building and its significance.

Measures to minimize environmental harm would be incorporated during construction through use of best management practices (BMPs).

Alternative B would meet the project purpose and need by providing the existing FBO(s) apron frontage that will enable them to expand their operations to meet the GA services needed by the public. It is consistent with development shown on the ALP. This site takes advantage of existing utility infrastructure with water, gas, electric, and sewer lines located adjacent to the site along the current access road. This alternative also allows the FBOs requesting expansions to have their proposed development located adjacent to their existing facilities, maintaining operational efficiencies. This alternative eliminates the need to enter the TOFA and does not require runway crossings to move aircraft from one FBO facility to another.

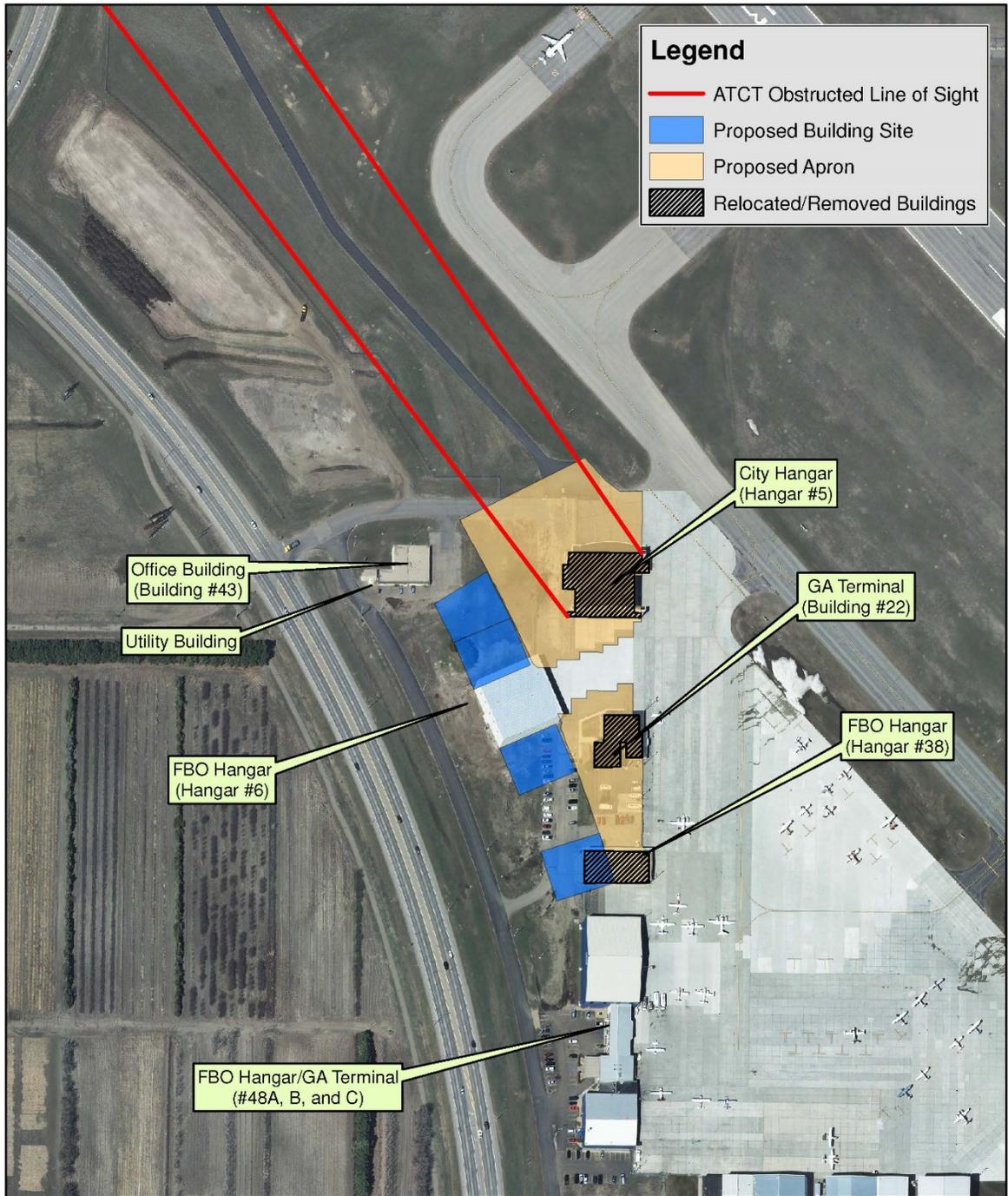
ATCT line of sight would be improved by this alternative by removing Hangar #5 as a barrier between ATCT and the northwest area of the Airport. This would allow for additional future expansion in a safe and efficient manner that is consistent with the ALP.

This alternative requires the removal or relocation of three structures, including Hangar #5 that is eligible for the National Register of Historic Places. One additional structure (Building #43) would most likely be removed or relocated at some time in the future if this alternative were to be implemented.

The estimated cost of Alternative B is \$1.6 million. Approximately 90 percent of the project cost is eligible for Airport Improvement Program (AIP) funding. The remaining project costs would be split between local and state funding. Please refer to [EXHIBIT 2-3: ALTERNATIVE B, REALIGNMENT OF EXISTING NORTHWEST GENERAL AVIATION APRON](#).

Costs of this alternative only provide the FBOs with developable sites for their facilities. Actual FBO facilities (buildings, etc.) would be designed and funded by the FBOs with approval from the Airport.

EXHIBIT 2-3: ALTERNATIVE B, REALIGNMENT OF EXISTING NORTHWEST GENERAL AVIATION APRON



J:\airport\1510707\GIS_2011_Maps\Alternative_B.mxd cc/03-13-2014

*Intended for Planning Purposes Only



PRELIMINARY



0 250 500 750 Feet

**Bismarck Airport
Alternative B
Construct GA Apron
for FBO Expansion**

2.3.3 ALTERNATIVE C, NEW NORTHWEST GENERAL AVIATION APRON

Alternative C includes providing approximately 650 feet of GA apron frontage for FBO development. The new apron frontage would be a stand-alone apron located northwest of the existing apron. Like Alternative B, the apron would run parallel to University Drive, in conformity with the ALP. This alternative would be accomplished by removing or relocating an existing FBO hangar (Hangar #38), removing approximately 700 feet of perimeter road, grading and paving approximately 19,700 square yards of new concrete apron and the preliminary grading and utility work to provide no less than four building sites.

No changes to Building #43 or the adjacent utility building would be needed to accomplish this alternative. It should be noted that these buildings do not serve an aeronautical purpose and would then be located very near the new apron frontage. For this reason it is unlikely that the Airport would agree to a new long term lease with Building #43's owner at the end of the current lease term. Building #43's lease would be extended month to month and eventually Building #43 would have to be removed or relocated if a new tenant comes forward to use the property for an aeronautical purpose. The utility building's long term feasibility at its current location would also depend on the needs of the new tenant and may need to be removed or relocated. However, it may be able to stay in place due to its size and location.

Alternative C would provide apron frontage necessary for the FBO(s) to construct three corporate style hangars approximately 15,675 square feet in size, each needing up to 175 feet of apron frontage, a new terminal/office building (size undetermined) that could take up to 125 feet of apron frontage, and all the associated improvements (lighting, underground utilities, access roads, automobile parking areas, etc.). This new apron area will provide some flexibility for future FBO expansion to the northwest of the new apron.

Taxilanes would be aligned to run parallel with the new western apron edge. The taxilanes would be located to maximize the available space for tie downs on the new apron. The project work description for Alternative C includes:

- Historic Hangar #5 will remain at its current location.
- Remove or relocate Hangar #38.
- Remove approximately 700 feet of airport perimeter road.
- Grade and pave approximately 19,700 square yards of concrete apron north of Hangar #5.
- Preliminary grading and site work to provide building site at location of existing Hangar #38.
- Preliminary grading and utility work to provide no less than three building sites with automobile parking, lighting, and access roads.

Measures to minimize environmental harm would be incorporated during construction through use of BMPs.

Alternative C would meet the existing FBO(s) apron frontage needs and would enable them to expand their operations to meet the GA services currently in demand by the public without having to remove or relocation historic Hangar #5. Development of this site is consistent with the northwestern development shown on the ALP. This site takes advantage of existing utility infrastructure with water, gas, electric, and sewer lines located adjacent to the site along the current

access road. The City of Bismarck would continue to own Hangar #5 and Building #22. These buildings could continue to be used by the Airport or leased to the FBOs, and the City would be required to ensure that Hangar #5 was maintained.

ATCT's line of sight northwest of Hangar #5 would not be improved with this alternative. Hangar #5 would still impact ATCT line of sight for aircraft exiting the north door, airfield maintenance equipment using the airport perimeter road, and now would block aircraft that would be taxiing onto Taxiway A from the new apron located north of Hangar #5 as shown in *EXHIBIT 2-4, EXHIBIT 2-4: ALTERNATIVE C, NEW NORTHWEST GENERAL AVIATION APRON*. Coordination with ATCT indicated that the following safety concerns would exist in the apron development north of Hangar #5.

1. Hangar #5 would create a choking point that is too narrow for aircraft to taxi or be tugged from the new GA apron to the existing apron without entering the taxiway object free area. This creates a potential collision risk.
2. Hangar #5 obscures most of the proposed apron from the controller's view until they are at the very edge of Taxiway A. This would negate the controller's ability to lessen a potential collision risk.
3. The shielding effect of Hangar #5 has the potential to interfere with radio communications between ATCT and the proposed development area.

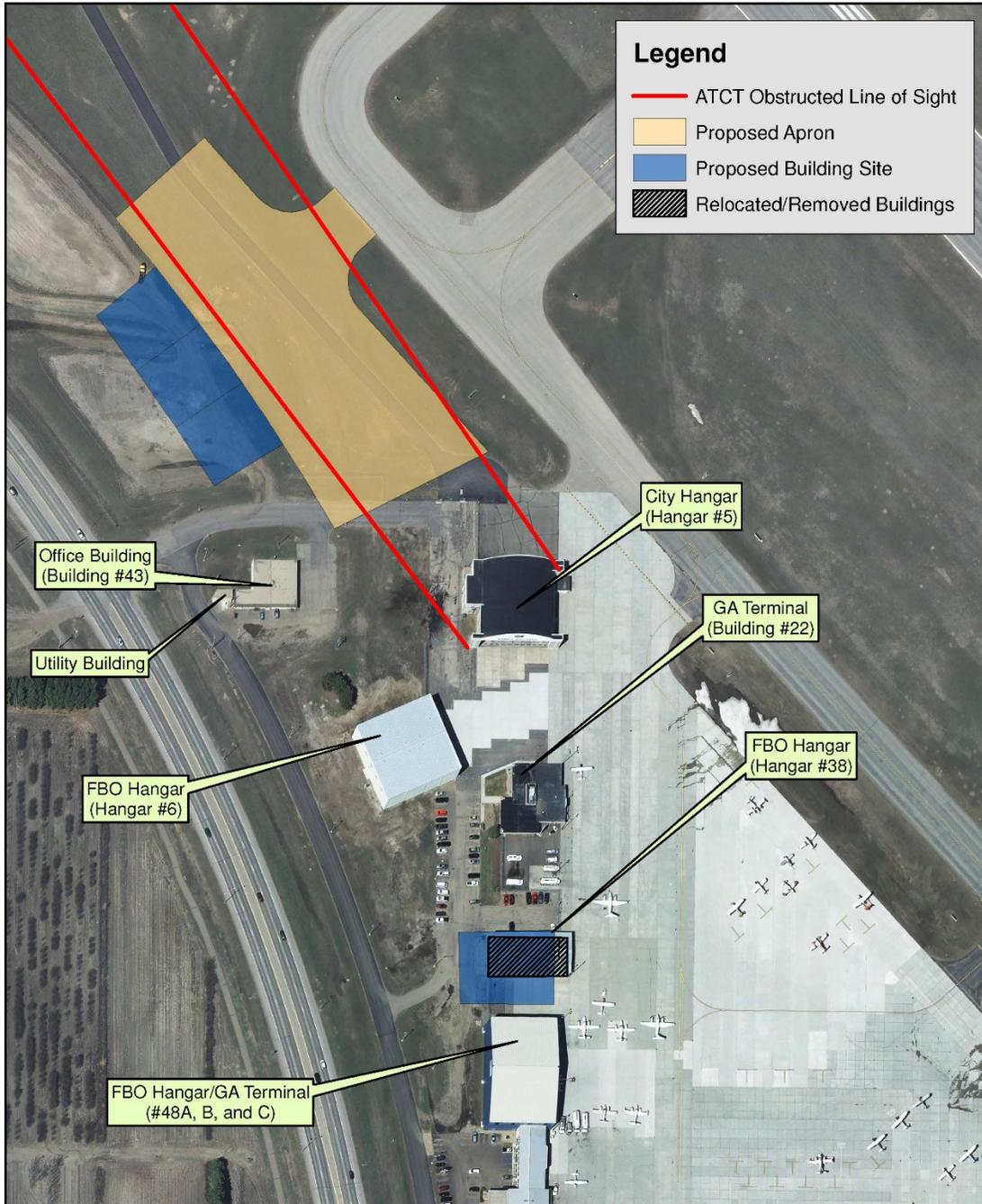
This site would require the FBOs requesting expansions to split their operations rather than have their proposed development located adjacent to their existing facilities; this would create operational inefficiencies which would increase cost.

Due to the safety concerns listed above, implementing this alternative would not be prudent without addressing Hangar #5 as a choking point to ground movements and a barrier to the ATCT line of sight. These concerns could be addressed by removing Hangar #5 from this alternative. However, the operational inefficiencies and additional cost for construction would make this alternative less practicable than Alternative B and would still result in Hangar #5 being removed from its current location.

The estimated cost of Alternative C is \$2.0 million. Approximately 90 percent of the project cost is eligible for AIP funding. The remaining project costs would be split between local and state funding.

Costs of this alternative would only provide the FBOs developable sites. Actual FBO facilities (buildings, etc.) will be designed and funded by the FBOs with approval from the Airport.

EXHIBIT 2- 4: ALTERNATIVE C, NEW NORTHWEST GENERAL AVIATION APRON



*Intended for Planning Purposes Only



PRELIMINARY



0 250 500 750 Feet

**Bismarck Airport
Alternative C
Construct GA Apron
For FBO Expansion**

TABLE 2-1: ALTERNATIVE COMPARISON TABLE

Advantages	Alternative A	Alternative B	Alternative C
Provides apron frontage needed to accommodate FBO expansion		X	X
Consistent with ALP		X	X
Makes use of existing utility infrastructure		X	X
Does not require runway crossings when moving aircraft between FBO facilities		X	X
Provides operationally efficient layout of FBO facilities (No split operations)		X	
Improves ATCT line of site to northwest development area on the ALP		X	
Provides flexibility for additional expansion in the future		X	X*
Disadvantages			
Results in the removal or relocation of Hangar #5		X	**
Requires entering the TOFA when moving aircraft between FBO facilities	X		X
Requires the existing FBOs to split their operations			X

*Additional apron frontage could be developed northwest of the new apron with this alternative; however, Alternative B provides for more future space and shorter taxiing.

**Hangar #5 would remain at its current location with this alternative. However, due to safety concerns it causes with line of sight from the ATCT, it is not prudent to leave Hangar #5 in place and develop to the northwest of it.

Chapter 3 – Affected Environment, Environmental Consequences, and Mitigation

3.1 Introduction

Chapter 3 addresses positive and negative impacts of each alternative carried forward from Chapter 2. Inventory and evaluation of the existing environment provides the necessary baseline to determine impacts of the proposed project alternatives. The potential direct, indirect, and cumulative environmental impacts resulting from construction and operation of the action alternatives, as well as the no-action alternative, are presented. Potential avoidance, minimization, and mitigation measures are also disclosed for adverse impacts where applicable. Impacts are identified for the following alternatives:

- Alternative A: No action
- Alternative B: Realignment of existing northwest general aviation apron
- Alternative C: New northwest GA apron

3.2 Resource Impact Categories

3.2.1 Air Quality

The *Clean Air Act*, as amended, requires the Environmental Protection Agency (EPA) to establish air quality standards, known as National Ambient Air Quality Standards (NAAQS), for pollutants considered harmful to public health and the environment. NAAQS have been established for six criteria pollutants: carbon monoxide (CO), lead (Pb), nitrogen dioxide (NO₂), ozone (O₃), particulate matter (PM), and sulfur dioxide (SO₂).

FAA Order 1050.1E, Environmental Impacts: Policies and Procedures, FAA Order 5050.4B, National Environmental Policy Act Implementing Instructions for Airport Actions, and FAA Air Quality Procedures for Civilian Airports & Air Force Bases (known as the Air Quality Handbook) outline procedures for determining when airport-related projects require a detailed air quality analysis and, when needed, what level of analysis may be necessary. According to these guidelines, if a commercial service airport has less than 1.3 million enplanements (passengers) and 180,000 general aviation and air taxi annual operations (takeoffs or landings) forecasted annually, a detailed air quality analysis is not required.

According to the FAA Aviation Policy and Plans Office (APO) Terminal Area Forecast (TAF) Detail Report Forecast, issued February 2014, the Airport is anticipated to have 42,397 general aviation and air taxi operations annually, and 521,084 enplanements annually through 2040. The number of passengers and operations would not exceed the threshold of 180,000 operations or 1.3 million passengers during the planning period. Therefore, a detailed air quality analysis is not required. Please refer to [APPENDIX A, TERMINAL AREA FORECAST](#), for annual operation estimates provided in this report.

3.2.1.1 Air Quality Impacts/Mitigation

Alternative A: If no action is taken, no change in air quality impacts would occur. This alternative would have no direct or indirect impacts.

Alternatives B and C: The proposed improvements are not anticipated to impact air quality, except for temporary direct impacts caused by construction. These impacts are discussed in [SECTION 3.2.4.1., CONSTRUCTION IMPACTS/MITIGATION](#). The proposed project is not located in a non-attainment area. Therefore, the General Conformity Rule does not apply.

Construction activities would produce temporary airborne material or dust. Measures to minimize harm would be incorporated during construction through the use of BMPs. The Contractor shall comply with all Federal, State, and local laws and regulations controlling pollution of the environment. Necessary precautions shall be taken to prevent pollution of the atmosphere from particulate and gaseous matter. This may include employing dust filters and smoke collectors, or other means needed to reduce pollution. The build alternatives would have no indirect impacts.

3.2.2 Coastal Resources

Coastal resources are defined in the *Coastal Barriers Resources Act of 1982* and were amended by the *Coastal Barrier Improvement Act of 1990* and the *Coastal Zone Management Act of 1972*. The proposed project is not located within a coastal barrier or coastal zone.

3.2.2.1 Coastal Resources Impacts/Mitigation

Alternative A, B and C: No direct or indirect impacts to coastal barriers or coastal zones would occur from the alternatives.

3.2.3 Compatible Land Use

Compatible Land Uses. Compatible land uses are those typically not influenced by normal airport operations. The compatibility of existing land uses in the vicinity of an airport is usually associated with the extent of noise impacts occurring from airport property and safety concerns.

Incompatible Land Uses. Incompatible land uses are typically items such as fuel storage facilities, areas of public assembly, tree rows, high density residential areas, and areas that have the potential to attract hazardous wildlife.

Zoning. Pursuant to 49 USC § 47107 (a) (10), (*Wendell H. Ford Aviation Investment and Reform Act for the 21st Century, AIR 21*), formerly Section 511 (a) (5) of the *1982 Airport Act*, zoning laws have been implemented to restrict use of land adjacent to or in the immediate vicinity of the Airport to activities and purposes compatible with normal Airport operations, including aircraft landing and takeoff. To maintain future compatible land use, it is recommended the City of Bismarck continue implementation of local zoning laws to limit the types of land uses near the Airport to those most compatible with airport operations.

Land Use. The Bismarck Airport is located within the southern city limits of Bismarck, ND. The land surrounding the Airport is a mix of industrial, office, agricultural, and recreational. A tree farm/nursery is located west of the Airport. Industrial developments are located north of the Airport.

Wildlife Hazards. Wildlife hazards may also be considered incompatible land uses. *FAA AC 150/5200-33B, Hazardous Wildlife Attractants On or Near Airports*, provides guidance regarding land uses that may attract hazardous wildlife near airports. The AC recommends wildlife attractants be at least 10,000 feet away from the air operations area (AOA) for turbine powered aircraft, and five miles from the AOA if they would cause wildlife to cross the approach/departure surface.

3.2.3.1 Compatible Land Use Impacts/Mitigation

Alternatives A, B and C: These alternatives would not result in direct or indirect impacts to land use in the area.

3.2.4 Construction Impacts

Temporary impacts are caused by project construction and may last for the construction's duration. An analysis of environmental factors affected by construction activities is included below.

Air and Water Pollution Control. Construction activities would likely produce some amount of airborne material or dust. Measures to control and limit the amount of dust in the air would be required. To prevent erosion, the Contractor would be required to install a silt fence or use other acceptable methods to intercept silt. The Contractor shall comply with all Federal, State, and local laws and regulations controlling pollution of the environment. Necessary precautions shall be taken to prevent pollution of streams, lakes, ponds, and reservoirs with fuels, oils, chemicals, or other harmful materials, and to prevent pollution of the atmosphere from particulate and gaseous matter. Employing dust filters and smoke collectors, watering haul roads, providing erosion protection, or other means to meet existing requirements may be needed.

Temporary, minimal impacts to area water quality may occur during construction. Water would be added, if necessary, to obtain optimum density and reduce dust along the embankment areas. Hauling and spreading water over the excavation and embankment areas would be monitored so substantial runoff into neighboring streams would be mitigated.

Borrow and Spoil Pits. It is anticipated that no offsite borrow or spoil pits would be required for this project. If borrow or spoil pits are necessary, the Contractor would be required to obtain borrow site clearance for material quality, wetlands, threatened or endangered species, and cultural resources before taking materials from the site. Upon completion of use, the borrow or spoil pits would be landscaped, top-soiled, and seeded to blend with surrounding terrain, while minimizing the potential to attract wildlife.

The use of haul roads is expected. The Contractor shall properly maintain public roads and streets and any portion of Airport property used for haul roads throughout the project. The Contractor is responsible for acquiring written approval from local officials for all routes. Haul roads shall be left in original or better condition than prior to hauling operations.

3.2.4.1 Construction Impacts/Mitigation

Alternative A: No direct or indirect impacts, aside from those associated with general maintenance of the Airport, would occur.

Alternatives B and C: Alternatives B and C would result in temporary impacts caused by construction. Soil would be moved to accommodate these alternatives, it would be obtained from on the airfield. The removal of buildings, grading, paving of the apron, utility work, and other improvements would be phased and may take place over a 2-5 year period depending on funding availability. Additional truck traffic is expected during construction. It is anticipated that hauling the aggregate base and paving products for the project would take approximately 1,000 truckloads.

Construction activities would produce temporary airborne material or dust. Measures to minimize fugitive dust emissions from construction activities will be incorporated during construction through the use of BMPs. The Airport's Contractor shall comply with all Federal, State, and local laws and regulations controlling pollution of the environment. Necessary precautions shall be taken to prevent pollution of the atmosphere from particulate and gaseous matter. This may include employing dust filters and smoke collectors, or other means needed to reduce pollution.

Temporary, minimal impacts to area water quality may occur during construction. Water would be added, if necessary, to obtain optimum density and reduce dust along the embankment areas. Hauling and spreading water over the excavation and embankment areas would be monitored so substantial runoff into neighboring streams would be mitigated. The contractor would be required to obtain a North Dakota Pollutant Discharge Elimination System (NDPDES) Permit from the North Dakota Department of Health (NDDOH) as construction would disturb over one acre of land.

In order to prevent erosion, the Airport's Contractor would be required to install a silt fence, hay bales, and/or other acceptable methods to contain silt within the site area. Specifications for the proposed project shall include Item P-156 Temporary Air and Water Pollution, Soil Erosion, and Siltation Control. These specifications are contained in FAA AC 150/5370-10F, Standards for Specifying Construction of Airports. The Airport's Contractor will be advised of the need to abide by these specifications throughout the duration of the project.

Construction activities may temporarily increase noise levels. Any noise level increases would cease once construction is complete.

3.2.5 Department of Transportation Act Section 4(f)¹

The *Department of Transportation Act of 1966* and amendments, Section 4(f), 49 USC § 303(c), provides that the Secretary shall not approve any program or project that requires use of publicly-owned land from a public park, recreation area, or wildlife or waterfowl refuge of National, State, or local significance, or land from a historical site of National, State, or local significance as determined by the officials having jurisdiction thereof, unless:

- there is no feasible or prudent alternative to the use of such land, and
- the project includes all possible planning to minimize harm resulting from use.²

Hangar #5 which is located within the project area is a feature that is potentially eligible for the NRHP. No other Section 4(f) properties are located within the project's study area. Please refer to [EXHIBIT 1-2, STUDY AREA MAP](#) located in Chapter 1.

3.2.5.1 Department of Transportation Act Section 4(f) Impacts/Mitigation

Alternative A and C: No direct or indirect impacts to Section 4(f) properties would occur with these alternatives. However, as describe in the Section 4(f) Evaluation these alternatives were determined to not be prudent and feasible alternatives.

Alternative B: Alternative B requires the removal or relocation of Hangar #5, a potentially eligible historic property from its current location. The current location of this hangar would be permanently incorporated into GA apron space. The Section 4(f) Evaluation has determined that Alternative B is the only prudent and feasible alternative. Mitigation for impacts to Hangar #5 would be required as outlined in a MOA. Please see [APPENDIX E, MEMORANDUM OF AGREEMENT](#). The preferred mitigation method is to record photographic documentation of Hangar #5 at its current location, find a suitable new owner for Hangar #5, relocate it to another location on the Airport, and convert it to an aerospace museum.

The Airport has been working with a local nonprofit organization that has expressed interest in participating in this mitigation method and the Airport would market the structure to other potential new owners. There are currently two locations that have been preliminarily identified on the Airport as potential relocation sites: 1) northwest corner adjacent to University Drive and Airport Road and 2) on the north side of the Airport just south of Airway Avenue. For more details on Section 4(f) alternatives, impacts and mitigation, please see [APPENDIX F, SECTION 4\(F\) EVALUATION](#). If a suitable owner is not identified or is not able to accomplish their proposed restoration plan within two years of the date of the execution of the MOA, the Airport shall be allowed to dismantle and dispose of Hangar #5. The United States Department of the Interior

¹ Section 4(f) of the Department of Transportation Act of 1966 is currently codified as 49 U.S.C. §303(c). Consistent with FAA Order 1050.1E, *Environmental Impacts: Policies and Procedures*, Appendix A, paragraph 6.1a, Section 303(c) will be referred to as Section 4(f).

² FAA Order 1050.1E, *Environmental Impacts: Policies and Procedures*, Appendix A, paragraph 6.1a.

(USDOl) has reviewed the Draft EA/Section 4(f) for this project. In a letter dated July 30, 2014 ([APPENDIX C, LETTERS AND RESPONSES](#)) DOI states that it would concur with the FAA on a determination of no feasible or prudent alternative if built as proposed. However the USDOl cannot concur until such time as the MOA is agreed to and executed. The MOA was executed after the public had an opportunity to comment on the Draft MOA, Draft Section 4(f) Evaluation, and the Draft EA. The FAA shall approve the Section 4(f) Evaluation concurrent to their acceptance of the Final EA.

3.2.6 Farmland

The *Farmland Protection Policy Act* (FPPA) of 1981 provides protection to prime and unique farmlands. The Act defines prime farmland as land that has the best combination of physical and chemical characteristics for producing food, feed, forage, fiber, and oilseed crops and is available for these uses (not urban built-up land or water). It has the soil quality, growing season, and moisture oversupply needed to economically produce sustained high yields of crops when treated and managed, including water management (irrigation), according to acceptable farming methods. Unique farmland is farmland used for production of specific high value food, feed, and fiber crops.

A letter from the Natural Resources Conservation Service (NRCS), dated August 30, 2011, indicated the study area is located within the city limits where FPPA does not apply. Please see the letter in [APPENDIX C, LETTERS AND RESPONSES](#).

3.2.6.1 Farmland Impacts/Mitigation

Alternative A, B and C: The alternatives would have no direct or indirect impacts to prime or unique farmland.

3.2.7 Fish, Wildlife, and Plants

Pursuant to the *Fish and Wildlife Coordination Act*, if the proposed improvements would affect water resources, consultation with the United States Fish and Wildlife Service (USFWS) and with the State agency having administrative responsibilities over wildlife resources must be initiated. In North Dakota, this state agency is the North Dakota Game and Fish Department. Consultation is used to determine the possibility of damage to wildlife resources and the means and measures that should be adopted to prevent the loss of, or damage to, those resources, as well as to provide for the concurrent development and improvement of such resources. The Act also provides protection of any publicly-owned wildlife or waterfowl refuge of National, State, or local significance.

Threatened and endangered species are protected under the *Endangered Species Act* of 1973. Section 7 of this Act requires each Federal agency to ensure the following two criteria: 1) that any action funded or carried out by such agency is not likely to jeopardize the continued existence of any Federally-listed endangered or threatened species or species proposed to be listed; and 2) no such action is likely to result in the destruction or adverse modification of habitat of such species that is determined to be critical by the Secretary of the Interior.

In accordance with Section 7 of the *Endangered Species Act*, the study area was evaluated to determine the potential for occurrences of Federally-listed threatened and endangered species. Information was obtained from the USFWS North Dakota Ecological Field Office Website, Endangered Species by County, on May 30, 2014. Please refer to [TABLE 3-1, THREATENED AND ENDANGERED SPECIES](#), for a summary of threatened and endangered species information.

The *Bald and Golden Eagle Protection Act of 1940*, 16 USC § 668-668d as amended, was written with the intent to protect and preserve the bald eagle. The Act mandates it is unlawful to take, possess, import, export, or sell bald and golden eagles or any part thereof, including nests. The taking of these eagles can only be made allowable by the Secretary of Interior, who may deem taking necessary for scientific purposes. Those violating this law can be punished by monetary fines, imprisonment, or cancellation of grazing agreements on Federal land.

The *Migratory Bird Treaty Act of 1918* protects migratory birds by implementing a treaty among the United States, Mexico, Canada, Japan, and the former Soviet Union. The Act makes it unlawful to take, hunt, kill, or possess any migratory bird, nest, eggs, or any part thereof. The Secretary of the Interior has the discretion to decide when the above actions may be permitted. Since wildlife on or around airports, particularly birds, can be hazardous to aviation activities, the Airport has secured permits to lethally take Canada geese and turkey vultures when necessary if non-lethal forms of wildlife control are not adequate.

3.2.7.1 Fish, Wildlife, and Plants Impacts/Mitigation

Alternative A: No impacts to threatened or endangered species are associated with the No-Action alternative. Additionally, no other impacts to fish, wildlife, or plants are anticipated.

Alternatives B and C: Areas of construction associated with these alternatives would not involve conversion of habitat. Aside from the potential for minor temporary noise impacts during construction, there are no additional impacts to fish, wildlife, or plants anticipated.

All action alternatives received a determination of “no effect” to threatened or endangered species, as preferred habitat is not located within the study area. BMPs will be utilized to minimize the potential for runoff to reach the river during construction.

If any threatened or endangered species are seen during construction, activity will cease to avoid stress to the species until they have moved from the area and the USFWS will be notified. If migratory bird nests are seen during construction, the BIS-ADO and USFWS will be contacted.

Table 3-1: Threatened and Endangered Species

Listed Species	Status	Habitat Preference	Migration	Determination of Effect to Species	Probability of Occurrence in Project Area
Interior least tern (<i>Sterna antillarum</i>)	E	Inland rivers, nesting in middle of rivers.	Nests along Missouri and Yellowstone Rivers during summer months.	No effect	Low probability of occurrence. No suitable habitat in the project area.
Whooping crane (<i>Grus americana</i>)	E	Grasslands, marshes, and wet prairies.	Spring/Fall through west & central North Dakota.	No effect.	Low probability of occurrence. No suitable habitat in the project area
Pallid sturgeon (<i>Scaphirhynchus albus</i>)	E	Diversity of water depths and velocities formed by braided river channels, sand bars, sand flats, and gravel bars.	Spring, thought to be dependent upon temperature, water quality, and water discharge.	No effect	Low probability of occurrence. No suitable habitat in the project area
Piping plover (<i>Charadrius melodus</i>)	T	Sparsely vegetated midstream sandbars and saline wetlands.	Nests in areas in North Dakota, primarily along major river courses, during summer months.	No effect.	Low probability of occurrence. No suitable habitat in the project area
Sprague's Pipit	C	Rolling, upland mixed-grass prairie habitat with high plant species diversity	Western North Dakota is a primary breeding area during early summer months	No effect.	Low probability of occurrence. No suitable habitat in the project area
E = Endangered T = Threatened C = Candidate.					

3.2.8 Floodplains

Floodplains constitute lands situated along rivers and their tributaries subject to periodic flooding with a one-percent chance of being flooded in any given year, on the average interval of 100 years or less. They are protected under *Executive Order 11988, Floodplain Management*.

According to the National Floodplain Insurance Program’s website, the Flood Map pertaining to the study area was revised July 19, 2005. The July 19, 2005 FIRM indicates the study area is located in Zone X, which refers to an area located within the 500-year floodplain. Please see [APPENDIX G, ENVIRONMENTAL BACKGROUND INFORMATION](#).

3.2.8.1 Floodplain Impacts/Mitigation

Alternatives A, B, and C: These alternatives would not encroach upon the 100-year floodplain. No direct or indirect impacts would occur to floodplains, protected under the Order, from any proposed project alternatives.

3.2.9 Hazardous Materials, Pollution Prevention, and Solid Waste

Hazardous Materials. The *Comprehensive Environmental Response, Compensation, and Liability Act of 1981* (CERCLA) and the *Resource Conservation and Recovery Act of 1976* (RCRA) are two

important statutes that govern actions to construct and operate facilities.³ CERCLA provides for cleanup of any release of a hazardous substance (excluding petroleum) into the environment. RCRA governs the generation, treatment, storage, and disposal of hazardous wastes.

An asbestos-containing materials survey was conducted for Hangar #5, Building #22, and three other buildings that are not within the study area of this project in December 2009. Please see [APPENDIX G, ENVIRONMENTAL BACKGROUND INFORMATION](#), for a copy of the survey report. Asbestos-Containing Materials (ACM) were found in both Building #22 and Hangar #5. In both cases the samples collected were found to be Category I Non-friable. Building #38 has not been evaluated for ACM.

Pollution Prevention. The broad mission of pollution prevention is to avert pollution at the source, promote the use of more efficient material, and conserve natural resources. Pollution prevention offers important economic benefits, as pollution that is never created avoids the need for expensive investments in waste management and cleanup.

Solid Waste. The nature of the proposed improvement is not likely to produce a large increase in solid waste collection, control, or disposal other than waste associated with the construction itself.

3.2.9.1 Hazardous Materials, Pollution Prevention, and Solid Waste Impacts/Mitigation

Alternative A: This alternative would not have any direct or indirect impacts to hazardous materials, pollution prevention, or solid waste.

Alternative B: This alternative involves the demolition of Building #22 and the removal of Hangar #5. A qualified asbestos planner would be required to develop an abatement/work/demolition protocol for the Airport's Contractor to follow. This alternative also includes the demolition of Hangar #38. Prior to the demolition of Hangar #38 a survey for ACM would be required. A temporary increase in solid waste is anticipated during construction due to construction waste; however, the increase is anticipated to be temporary. It is not anticipated to result in any issues with solid waste collection, control, or disposal, as adequate waste facilities are available in the area. Alternative B waste would include building and fence materials, concrete, and asphalt. This alternative would have no indirect impacts. A "Notification of Demolition and Renovation" form would need to be filed through the NDDOH prior to starting work.

Alternative C: This alternative involves the demolition of Hangar #38. Prior to the demolition of Hangar #38 a survey for ACM would be required. A temporary increase in solid waste is anticipated during construction due to construction waste; however, the increase is anticipated to be temporary. It is not anticipated to result in any issues with solid waste collection, control, or disposal, as adequate waste facilities are available in the area. Alternative B waste would include building and fence materials, concrete, and asphalt. This alternative would have no

³ As amended by the Superfund Amendments and Reauthorization Act of 1986 and the Community Environmental Response Facilitation Act of 1992, 42 U.S.C. 9601–9675.

indirect impacts. A “Notification of Demolition and Renovation” form would need to be filed through the NDDOH prior to starting work.

It is possible unrecorded sites may contain hazardous materials, hazardous waste, and/or environmental contamination in the areas of the proposed airport improvements, because not all sites, spills, and problems are reported. In the event that previously unknown contaminants are discovered during construction, or a spill occurs during construction, work would cease until the Contractor notifies the NDDOH/Division of Emergency Management (800 472 2121). The National Response Center (800 424 8802) may also need to be contacted if the spill could affect navigable waters of the United States. Any contaminated soil encountered would be temporarily stockpiled and sampled to determine disposal requirements.

3.2.10 Historical, Architectural, Archaeological, and Cultural Resources

Section 106 of the *National Historic Preservation Act of 1966*, as amended, requires Federally-funded projects be evaluated for their effects on historic and cultural properties included in, or eligible for listing in, the NRHP. The *Archaeological and Historic Preservation Act of 1974* provides for the survey, recovery, and preservation of significant scientific, prehistoric, archaeological, or paleontological data when such data may be destroyed or irreparably lost due to a Federal, Federally-licensed, or Federally-funded project.

The *Native American Graves Protection and Repatriation Act (NAGPRA)* of 1990 is triggered by the possession of human remains or cultural items by a Federally-funded repository, or by the discovery of human remains or cultural items on Federal or tribal lands, and provides for inventory, protection, and return of cultural items to affiliated Native American groups. Permits are required for intentional excavation and removal of Native American cultural items from Federal or Tribal lands.

The *American Indian Religious Freedom Act of 1978* requires consultation with Native American groups concerning proposed actions on sacred sites on Federal land or affecting access to sacred sites. It establishes Federal policy to protect and preserve for American Indians, Eskimos, Aleuts and Native Hawaiians the right to free exercise of their religion in the form of site access, use and possession of sacred objects, and freedom to worship through ceremonial and traditional rites. The Act requires Federal agencies to consider impacts of their actions on important religious sites and objects, regardless of the eligibility for listing on the NRHP.

Section 106 requires the SHPO to review all projects that are federally funded, licensed, or assisted in North Dakota. A Class III Architectural Survey was completed in April 2011 by Aaron L. Barth. The findings of these studies were produced in a report entitled “Bismarck Airport Buildings and Hangars (32BL716): *An Intensive Class III Architectural Survey of Five Airport Buildings in Burleigh County, North Dakota*. Please refer to [APPENDIX C, LETTERS AND RESPONSES](#) for a copy of the SHPO letter accepting the findings of this report on May 15, 2014. Based on the findings of this report Hangar #5 has been identified as potentially eligible for listing on the National Register of Historic Places.

3.2.10.1 Historical, Architectural, Archaeological, and Cultural Resources Impacts/Mitigation

Alternative A and C: These alternatives would not impact historical, architectural, archaeological, or cultural resources.

Alternative B: Alternative B would result in the removal of Hangar #5 from its current location by means of relocation or demolition. Please refer to [APPENDIX C, LETTERS AND RESPONSES](#) for a copy of the FAA letter dated March 9, 2014 requesting concurrence with a finding of the *Adverse Effect* for this alternative. Unavoidable impacts to the historical resource of Hangar #5 would be mitigated in accordance with the MOA developed by the Airport in cooperation with the FAA and the SHPO. The preferred mitigation method is to record photographic documentation of Hangar #5 at its current location, find a suitable new owner for Hangar #5, relocate it to another location on the Airport, and convert it to an aerospace museum.

The Airport has been working with a local nonprofit organization that has expressed interest in participating in this mitigation method and the Airport would market the structure to other potential new owners. There are currently two locations that have been preliminarily identified on the Airport as possible on airport relocation sites: 1) northwest corner adjacent to University Drive and Airport Road and 2) on the north side of the Airport just south of Airway Avenue. For more details on alternatives, impacts and mitigation, please see [APPENDIX E, MEMORANDUM OF AGREEMENT](#) for a copy of the MOA. If a suitable owner is not identified or is not able to accomplish their proposed restoration plan within two years of the date of the execution of the MOA then the Airport shall be allowed to dismantle and dispose of Hangar #5. The Airport, FAA, and SHPO will need to execute the MOA once the public hearing has taken place. This will allow any public concerns regarding its implementation to be incorporated into the final version. Filing of the completed MOA and supporting documentation with the Advisory Council on Historic Preservation (ACHP) is required to complete the requirement of Section 106. Please refer to [APPENDIX C, LETTERS AND RESPONSES](#) for a copy of the ACHP letter dated September 3, 2014.

3.2.11 Light Emissions and Visual Impacts

Light Emissions. Light emissions from the various types of lighting installed on, around or related to an airport can be a potential annoyance for people living or working in the vicinity of the lighting. An annoyance can be often avoided by shielding, changing a beam angle, or considering the location of the lights or light system.

The Airport is presently lit by high intensity runway lighting (HIRL), medium intensity runway lighting (MIRL), Medium Intensity Approach Light System with Runway Alignment Indicator Lights (MALSR), visual approach slope indicator lighting (VASI) and precision approach path indicator lighting (PAPI). The lenses on the light fixtures are designed to produce more intense light in a skyward direction than in the horizontal plane. This allows easy recognition of the Airport from the air while eliminating glare to the pilot's eyes at the crucial touchdown point. Light emissions from these types of light systems produce minimal appreciable annoyance.

Visual Landscape. The aesthetic value of an area is influenced by its landscape and the viewer's response to the view, scenic resource, or man-made feature. The extent of potential visual contrast/compatibility effects with adjacent landforms and land uses are addressed from the vantage point of those looking to an airport from outside the system.

3.2.11.1 Light Emissions and Visual Impacts/Mitigation

Alternative A: No changes to existing light emissions or visual impacts would occur from this alternative. No direct or indirect impacts to light emissions or visual impacts would occur.

Alternative B and C: No changes to existing light emissions would occur from these alternatives. No direct or indirect impacts to light emissions would occur. Removing and constructing new hangars or buildings on the Airport would change the visual landscape of the Airport. However, these changes would not recreate substantial visual impacts at an existing Airport. Therefore, no mitigation would be necessary.

3.2.12 Natural Resources and Energy Supply

Executive Order (EO) 13123, Greening the Government through Efficient Energy Management, requires Federal agencies to reduce petroleum use, total energy use, associated air emissions, and water consumption at their facilities.

Impacts on energy supplies and natural resources are related to changes of stationary facilities, such as airfield lighting or terminal building heating, as well as any increase of fuel consumption by aircraft or ground vehicles.

3.2.12.1 Natural Resources and Energy Supply Impacts/Mitigation

Alternative A: No changes to natural resources and energy supply would occur. This alternative would have no direct or indirect impacts.

Alternative B and C: Minimal changes to total energy demands are anticipated in energy or natural resources. Additional fuels would be required for construction equipment. Upon construction completion, the demand on fuel reserves by the project would no longer exist. The alternatives would have no indirect impacts.

3.2.13 Noise

Noise emitted from aircraft can affect the well-being of persons living or working near an airport. While there are several effects of aircraft noise on people, the most common is annoyance. Annoyance can be defined as the overall adverse reaction of people to noise. Other effects of aircraft noise include sleep disturbance and conversation interference.

According to the APO TAF Detail Report Forecast, issued February 2014, the Airport is anticipated to have 34,406 general aviation and air taxi operations annually and 281,292 enplanements annually through 2016. A noise analysis was not conducted as the project would not result in changes to the number of operations or types of aircraft that are currently using the Airport.

3.2.13.1 Noise Impacts/Mitigation

Alternative A: No changes to noise would occur. This alternative would have no direct or indirect impacts.

Alternatives B and C: These alternatives are not anticipated to result in changes to the number of operations or types of aircraft that are currently using the Airport. There would be no anticipated impact caused by noise as a result of these alternatives over noise sensitive areas.

3.2.14 Secondary (Induced) Effects

Secondary or indirect/induced effects are:

“...caused by the action and are later in time or farther removed in distance, but are still reasonably foreseeable. Indirect effects may include growth inducing effects and other effects related to induced changes in the pattern of land use, population density or growth rate, and related effects on air and water and other natural systems, including ecosystems (40 CFR § 1508.8).”

This section focuses on population, industrial/commercial growth characteristics, and assumptions used to justify the project and determine indirect impacts relevant to the proposed project. Included in this discussion are the following characteristics: location of the community; accessibility through an effective highway, rail, and air transportation system; population trends; accessibility to schools, places of worship, shopping centers, and other public areas; economic characteristics; potential for industrial and commercial growth; and housing availability.

The City of Bismarck is located in Burleigh Counties in central North Dakota. Bismarck is accessible by highway, air, and rail freight lines, which service many areas of the City. The City is located along Interstate 94. I-94 runs east-west and connects Billings, MT and Minneapolis, MN. The Airport is located on the southern edge Bismarck.

According to the United States Census Bureau 2010 Census, the City of Bismarck’s population was 61,290. Bismarck’s 2012 population was 64,751. This represents a 5.6% increase in population. Approximately 92.4 percent of the population is white, with persons of Native American origin comprising the largest minority group at 4.5 percent.

Quality of life in Bismarck is bolstered by the quality and diversity of educational resources available to residences. The Bismarck Public School District, serving over 11,000 students, includes 17 public elementary schools, 3 middle schools, 3 senior high schools, an alternative high school, a Career Academy and Technical Center. A variety of non-public elementary and secondary schools operate in the City. A number of higher education institutions are located in the City, including Bismarck State College, University of Mary, United Tribes Technical College, and Rasmussen College.

3.2.14.1 Secondary (Induced) Effects Impacts/Mitigation

Alternative A: There would be no induced changes as a result of this alternative.

Alternatives B and C: The implementation of these alternatives is not expected to result in shifts in long-term patterns of population movement and growth, public service demands, or induced impacts related to changes in business and economic activity. Further, secondary impacts associated with noise, land use, or direct social impacts are not expected to be significant.

3.2.15 Socioeconomic Impacts, Environmental Justice, and Children's Environmental Health and Safety Risks

A variety of Federal laws and regulations address socioeconomic factors, including the *Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970*, as amended, which must be met if acquisition of real property or displacement of persons is involved with the project. *EO 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations*, must be addressed if the proposed project would result in an adverse and disproportionately high impact on minority or low-income communities. *EO 13045, Protection of Children from Environmental Health Risks and Safety Risks*, requires Federal agencies to ensure their policies, programs, activities, and standards address disproportionate risks to children resulting from environmental health and safety risks.

Social impacts from a project depend on how the project affects the character, habits, and economic conditions of the people living within the affected area of the project. The project's effects on business, employment, transportation, utilities, etc. are factors that affect the social climate of a community. Other factors that distinguish the social habits of one particular area from another include geography, geology, and climate. Any project action that would adversely or beneficially affect the factors stated above would be considered some type of social impact on community residents.

3.2.15.1 Socioeconomic Impacts, Environmental Justice, and Children's Environmental Health and Safety Risks Impacts/Mitigation

Alternative A: No socioeconomic impacts are anticipated from this alternative.

Alternatives B and C: These alternatives would have no direct or indirect impacts. These alternatives are consistent with established local plans, goals, policies, and controls that have been adopted for the area. No changes to land use off Airport property would occur as a result of these alternatives. No disproportionately adverse impacts would occur to low-income or minority populations as a result of the build alternatives. Furthermore, no residences would be relocated, no established communities would be divided or disrupted; no planned community development would be altered; no disproportionate risks to children are present; and no change in employment is expected as a result of any of the listed alternatives.

3.2.16 Water Quality

The Federal Water Pollution Control Act of 1972, as amended by the Clean Water Act of 1977, provides the authority to establish water quality standards, control discharges into surface and subsurface waters, develop waste treatment management plans and practices, and issue permits for discharges (Section 402) and dredged or fill material (Section 404).

Drainage from the project area is managed through a system of ditches that enable water to drain from the apron and associated taxilanes to a drainage ditch that runs under University Drive to a detention pond located approximately 1,500 feet west of Hangar #5.

3.2.16.1 Water Quality Impacts/Mitigation

Alternative A: No direct or indirect impacts to water quality would result from this alternative.

Alternatives B and C: These alternatives would result in minimal impacts to water quality during construction. Since the disturbed area associated with the alternative would exceed one acre, the EPA requires a NPDES permit for the project. The Sponsor will comply with this program by applying for the NPDES General Permit for Stormwater Discharges through the NDDOH.

BMPs would be followed to reduce or eliminate the potential for the erosion of excavated areas. These alternatives would have no indirect impacts to water quality.

3.2.17 Wetlands

Wetlands are defined in *EO 11990, Protection of Wetlands*, as areas inundated by surface or groundwater with a frequency to support, and under normal circumstances do or would support, a prevalence of vegetative or aquatic life that requires saturated or seasonally saturated soil conditions for growth and reproduction. Three parameters that define a wetland, as outlined in the *Federal Manual for Delineating Jurisdictional Wetlands* (USACE, 1987), are hydric soils, hydrophytic vegetation, and hydrology. The term “wetlands” generally includes lakes, ponds, rivers, streams, sloughs, prairie potholes, wet meadows, playa lakes, and vernal pools.

Wetlands serve a variety of functions, including recharging groundwater, providing habitat for wildlife, aiding flood control by storing surface waters, sediment removal, and nutrient cycling.

A field wetland delineation was conducted at the Airport in September 30, 2008. This report identified 20 wetlands during the delineation. None of the identified wetlands are located in the study area. Please refer to [APPENDIX G, ENVIRONMENTAL BACKGROUND INFORMATION](#), for a copy of the wetland boundaries inventoried during the field delineation.

3.2.17.1 Wetlands Impacts/Mitigation

Alternatives A, B, and C: No direct or indirect impacts to wetlands would occur as a result of the alternatives.

3.2.18 Wild and Scenic Rivers

The Wild and Scenic Rivers Act of 1968, as amended, identifies rivers within the United States eligible to be included in a system of rivers afforded protection. The rivers are free-flowing and possess outstandingly remarkable scenic, recreational, geologic, fish and wildlife, historic, cultural, or other similar values. Rivers designated as wild and scenic are inventoried and administered by the Department of the Interior, National Park Service.

No rivers in the proposed project area have been designated as wild and scenic.

3.2.18.1 Wild and Scenic Rivers Impacts/Mitigation

Alternatives A, B, and C: No rivers in the proposed project area have been designated as wild and scenic; therefore, none of the alternatives would have direct or indirect impacts.

3.3 Cumulative Impacts

Cumulative impacts result from the incremental consequences of an action “when added to other past, present, and reasonably foreseeable actions regardless of what agency or person undertakes such other actions,” (40 CFR § 1508.7). Effects of an action may be insignificant when evaluated in an individual context, but these effects can add to other disturbances and cumulatively, may lead to a measurable environmental change. By evaluating impacts of the proposed action with the effects of other actions, the relative contribution of the proposed action to a projected cumulative impact can be estimated.

3.3.1 Airport Capital Improvement Plan

The table below summarizes past, present, and reasonably foreseeable future projects at the Airport. Impacts associated with the proposed action, when combined with past, present, and future projects at the Airport, are not anticipated to contribute to the significance of those impacts. Please refer to *TABLE 3-2, PAST, PRESENT, AND PROPOSED IMPROVEMENTS AT BISMARCK AIRPORT*.

3.3.2 North Dakota Statewide Transportation Improvement Program

Each state is required under the *Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users* (SAFETEA-LU), signed on September 15, 2009, to submit a Statewide Transportation Improvement Program (STIP) to the Federal Highway Administration. The STIP is a four-year approval program of projects for the fiscal years 2014–2017. The North Dakota STIP shows 6 projects in the City of Bismarck. Improvements at the airport are likely to coincide with these roadway projects, resulting in increased truck traffic; however, the proposed Airport improvements are not anticipated to impede development and implementation of the North Dakota 2014–2017 STIP, because they are not located in the immediate vicinity of the project area.

Table 3-2: Past, Present, and Future Proposed Improvements at Bismarck Airport

Year	Description
2000	Expand apron, install airport beacon
2001	Rehabilitate Taxiway C & D
2002	Construct terminal building, security upgrades,
2003	Construct terminal building
2004	Construct terminal building
2005	Rehabilitate Runway 13/31
2006	Rehabilitate taxiway
2007	Construct north side service road, drainage improvements
2008	Rehabilitate taxiway
2009	Rehabilitate/construct taxiway
2010	Rehab/construct SRE building, rehab/expand apron
2011	Rehabilitate taxiway, rehab north side service road
2012	Airport pavement rehab, commercial service ramp
2013	2013 Taxiway B Reconstruction, Rehab Taxi B & Northside Hangar Area Taxilanes Drainage Improvements, Replacement of MITL; Relocate Access Road Gate Controls; Install Terminal Apron Lighting, Construct Access Road Extension
2014	Rehabilitate Runway 13/31, Wetland mitigation for wildlife hazards, and construction of a rental car wash facility
2015	Rehabilitate and Runway 3/21, rehabilitate Taxiway D, Master Plan Update, drainage improvements
2016	Phase 1 reconstruction of Runway 13/31, Runway 13 RPZ land purchase
2017	Phase 2 reconstruction of Runway 13/31, rehab/expand SRE building, expand passenger parking
2018	Rehab/expand ARFF building, terminal building rehabilitation
2019	Construct south side service road, runway and taxiway rehabilitation

3.3.3 Summary

Impacts associated with the proposed action, when considered with other projects in the area, are not anticipated to contribute to the significance of those impacts.

3.4 Public and Agency Involvement

An early notification package was sent to 35 Federal, State, and local agencies and interested parties on August 24, 2011. A Solicitation of Views was requested, and six responses were received. Additional coordination was conducted with selected agencies throughout the process. The preferred alternative was presented to the community during a public hearing, which was held on December 16, 2014. No conflicts are known to exist between the proposed development solution and the objectives of Federal, State, or local land use plans, policies, and controls for the project area. Please refer to [CHAPTER 4, PREPARERS AND COORDINATING PARTIES](#), for information regarding project public involvement.

3.5 Selection of the Preferred Alternative

The alternatives evaluated in this EA include Alternative A: No action; Alternative B: Realignment of the existing northwest GA apron; and Alternative C: New northwest GA apron.

Alternative B meets the project purpose and need by providing the existing FBO(s) apron frontage that will enable them to expand their operations to meet the general aviation services needed by the public.

Alternative B would have the following advantages/disadvantages:

- Alternative B is consistent with the development shown on the ALP. Development that is consistent with the ALP ensures that proposed development maintains the safety, utility, and efficiency of the Airport and that it meets design standards.
- Alternative B takes advantage of existing utility infrastructure with water, gas, electric, and sewer lines located adjacent to the site.
- Alternative B allows the FBOs requesting expansions to have their proposed development located adjacent to their existing facilities, maintaining operational efficiencies.
- Alternative B eliminates the need to enter the TOFA and does not require runway crossings to move aircraft from one FBO facility to another.
- Alternative B would improve ATCT line of sight by removing Hangar #5 as a barrier between ATCT and the northwest area of the Airport. This would allow for additional future expansion in a safe and efficient manner.
- Alternative B requires the removal or relocation of three structures, including Hangar #5 that is eligible for the NRHP and therefore would result in an *Adverse Effect* to Hangar #5 under Section 106 of the *National Historic Preservation Act of 1966*.
- Alternative B results in the Use of a Section 4(f) protected property with the removal or relocation of Hangar #5.

Alternative C would have the following advantages/disadvantages:

- Alternative C would meet the existing FBOs apron frontage needs and would enable them to expand their operations to meet the GA services currently in demand by the public without having to remove or relocation historic Hangar #5.
- Alternative C is consistent with the development shown on the ALP.
- Alternative C takes advantage of existing utility infrastructure with water, gas, electric, and sewer lines located adjacent to the site.
- Alternative C allows the FBOs requesting expansions to have their proposed development located adjacent to their existing facilities, maintaining operational efficiencies.

- Alternative C would require the FBOs to split their operations rather than have their proposed development located adjacent to their existing facilities; this would create operational inefficiencies which would increase cost.
- Alternative C would not improve ATCT’s line of sight to area northwest of Hangar #5:
 - Hangar #5 would create a choking point with Alternative C that is too narrow for aircraft to taxi or be tugged from the new GA apron to the existing apron without entering the taxiway object free area this creates a potential collision risk.
 - Hangar #5 obscures most of the proposed apron from the controllers view until they are at the very edge of Taxiway A. This would negate the controller’s ability to lessen a potential collision risk.
 - The shielding effect of Hangar #5 has the potential to interfere with radio communications between ATCT and the proposed development area.

Impacts to the environment were considered in the selection of the alternatives in conjunction with the purpose and need outlined in *CHAPTER 1, PURPOSE AND NEED* of this document. Alternative B is recommended as the preferred alternative. Please refer to *TABLE 3-3, COMPARISON OF PROJECT ALTERNATIVES AND ENVIRONMENTAL IMPACTS*, located at the end of this chapter.

3.6 Proposed Action

- Remove or relocate Hangar #38.
- Remove Building #22.
- Amend property lease for Building #43.
- Pave approximately 4,700 square yards of concrete apron south of Hangar #6.
- Pave approximately 10,500 square yards of concrete apron north of Hangar #6.
- Preliminary grading and utility work to provide no less than four building sites with automobile parking, lighting, and access roads.

The following mitigation measures have been incorporated into this alternative:

- Hangar #5 would be photographically documented in accordance with North Dakota Architectural Documentation Standards.
- Hangar #5 would be offered to any state or local government or responsible private entity to relocate and maintain the building. Relocation would mean that Hangar #5 would be moved in whole or in part to an alternative location for restoration in accordance with the requirements set forth in a MOA. Please refer to *Appendix E*, for a copy of the MOA. The preferred mitigation alternative is to document the Hangar in its current location, find a suitable new owner for Hangar #5, relocate it to another location on the Airport, and convert it to an aerospace museum. There are currently two locations that have been preliminarily identified on the Airport as potential relocation sites. One is in the northwest corner adjacent to University

Drive and Airport Road. The other potential location on the north side of the Airport just south of Airway Avenue.

- If no acceptable offers are made for Hangar #5 within two years, it will be dismantled and a plaque would be erected at a public location on the Airport describing the building and its significance.

3.7 Commitments and Compliance of the Preferred Alternative

Air Quality. Implementation of BMPs to control wind erosion of exposed areas and material stockpile will be incorporated into project design and construction. Measures will be taken to minimize fugitive dust emissions created during construction activities.

Construction Impacts. Measures to minimize harm will be incorporated into design and during construction through use of BMPs. Specifications for the proposed project shall include Item P-156 Temporary Air and Water Pollution, Soil Erosion, and Siltation Control. These specifications are contained in *FAA AC 150/5370-10F, Standards for Specifying Construction of Airports*. Offsite borrow is not projected. If it is required, it must be obtained from an approved borrow source free of cultural materials, wetlands, and threatened and endangered species. Disturbed areas should be seeded.

Department of Transportation Act, Section 4(f). Alternative B requires the removal or relocation of Hangar #5, a potentially eligible historic property from its current location. Mitigation for impacts to Hangar #5 is required as outlined in the MOA. The preferred option is to document the Hangar in its current location, find a suitable new owner for Hangar #5, relocate it to another location on the Airport, and convert it to an aerospace museum. There are currently two locations that have been preliminarily identified on the Airport as potential relocation sites. One is in the northwest corner adjacent to University Drive and Airport Road. The other potential location on the north side of the Airport just south of Airway Avenue.

Fish, Wildlife, and Plants. If any threatened or endangered species are seen during construction, activity will cease to avoid stress to the species until they have moved from the area and the USFWS will be notified. If migratory bird nests are seen during construction, the BIS-ADO and USFWS will be contacted.

Hazardous Materials, Pollution Prevention, and Solid Waste. A qualified asbestos planner must develop an abatement/work/demolition protocol for the Airport's Contractor to follow before working on Hangar #5 and Building #22. Prior to the removal of Hangar #38 a survey for ACM is required. A "Notification of Demolition and Renovation" form is required to be filed through the NDDOH prior to starting work. In the event that previously unknown contaminants are discovered during construction, or if a spill occurs during construction, work shall cease until the Contractor notifies the NDDOH /Division of Emergency Management (800 472 2121). The National Response Center (800.424.8802) also needs to be contacted if the spill could affect navigable waters of the United States. Any encountered contaminated soil would be temporarily stockpiled and sampled to determine disposal requirements.

Historical, Architectural, Archaeological, and Cultural Resources. Mitigation for impacts to Hangar #5 is required as outlined in the MOA. Filing of the completed MOA and supporting documentation with the ACHP is required to complete the requirement of Section 106. If any construction activity results in discovery of cultural resources, work shall cease until the Contractor notifies the Bismarck FAA-ADO. The Contractor would be required to protect the material until cultural resource concerns have been addressed. Consultation with the SHPO will take place and decisions regarding appropriate treatment will be made. Activities undertaken to address discoveries will comply with NEPA, the *American Indians Religions Freedom Act*, NAGPRA, and the *Archaeological Resources Protection Act*, as appropriate to the situation.

Water Quality. Implementation of BMPs for sedimentation and erosion control will be incorporated into project design and construction. The Sponsor will apply for the NPDE General Permit for Stormwater Discharges through the NDDOH.

Table 3-3: Comparison of Project Alternatives and Environmental Impacts

Impact Categories	Alternative A (No Action)	Alternative B	Alternative C	Commitments and Compliance
Air Quality	Not located in a non-attainment area; General Conformity Rule does not apply.	Not located in a non-attainment area; General Conformity Rule does not apply.	Not located in a non-attainment area; General Conformity Rule does not apply.	Include BMPs to minimize impacts.
Coastal Resources	Not located within a coastal barrier or coastal zone.	Not located within a coastal barrier or coastal zone.	Not located within a coastal barrier or coastal zone.	Not applicable.
Compatible Land Use	No Impact.	No Impact.	No Impact.	None.
Construction Impacts	No impact.	Temporary impacts may include increased noise, mobile source emissions, fugitive dust, and soil erosion.	Temporary impacts may include increased noise, mobile source emissions, fugitive dust, and soil erosion.	Include BMPs to minimize impacts. Borrow must be obtained from an approved borrow source.
Department of Transportation Act Section 4(f)	No impact.	Physical use of a Section 4(f) resource. Impacts minimized by mitigation measures. The only prudent and feasible alternative.	No impact. (However this alternative is not prudent)	Implement mitigation outlined in MOA for impacts from the removal of Hangar #5 including recordation, advertise for adoption/relocation, an approved restoration plan. MOA must be agreed to and executed for the DOI to concur that all measures to minimize harm have been accomplished.
Farmlands (Prime or Important)	No impact.	No impact.	No impact.	Not applicable.
Fish, Wildlife, and Plants	No impact.	No impact.	No impact.	Work shall cease if threatened or endangered species are discovered during construction. If discovered, coordination with the USFWS will take place. A field survey for nesting birds will be conducted and the results coordinated with USFWS if construction occurs during the breeding season.
Floodplains	No impact.	No impact.	No impact.	Not applicable.

Impact Categories	Alternative A (No Action)	Alternative B	Alternative C	Commitments and Compliance
Hazardous Materials, Pollution Prevention, and Solid Waste	No impact.	No known contamination sites; no anticipated impact. ACM in Hangar #5 and Building #22. Hangar #38 has not been evaluated for ACM.	No known contamination sites; no anticipated impact. Hangar #38 has not been evaluated for ACM.	Spills must be reported to the National Response Center (800.424.8802). If contamination is encountered, the Contractor must also notify the NDDOH (800 472 2121). An Asbestos removal/abatement plan must be prepared and a "Notification of Demolition and Renovation" form must be filed through the NDDOH.
Historical, Architectural, Archaeological, and Cultural Resources	No impact.	Adverse effect to Hangar #5 caused by its removal from the current location.	No Historic Properties Affected	Adverse effect to Hangar #5 would be mitigated in accordance with MOA. Completed MOA must be filed with the ACHP. Work shall cease if cultural resources are discovered. Discoveries must be reported to the ND SHPO and the Bismarck FAA-ADO.
Light Emissions and Visual Impacts	No impact.	Changes to visible landscape by removal or relocation and construction of new buildings.	Changes to visible landscape by removal or relocation and construction of new buildings.	None
Natural Resources and Energy Supply	No impact.	Energy and natural resources will be used in construction.	Energy and natural resources will be used in construction.	None.
Noise	No impact.	Minor temporary increase due to construction activities.	Minor temporary increase due to construction activities.	None.
Secondary (Induced) Impacts	No reasonably foreseeable impacts.	No reasonably foreseeable impacts.	No reasonably foreseeable impacts.	None.
Socioeconomic Impacts, Environmental Justice, and Children's Environmental Health and Safety Risk	No Impact.	No Impact.	No Impact.	None.
Water Quality	No impact.	Minimal impacts during construction.	Minimal impacts during construction.	Include BMPs to minimize impacts. Sponsor will apply for NPDES General Permit for Stormwater Discharges through the NDDOH.
Wetlands	No impact.	No impact.	No Impact.	None.
Wild and Scenic Rivers	No impact	No impact.	No impact.	Not applicable.

CHAPTER 4 – Preparers and Coordinating Parties

4.1 Introduction

As required by *FAA Order 5050.4B, NEPA Implementing Instructions for Airport Actions*, *FAA Order 105.1E, Environmental Impacts: Policies and Procedures*, and 40 CFR § 1502.17 of the CEQ, the names and qualifications of the principal persons contributing information to this EA are identified. It should be noted that, in accordance with 40 CFR § 1502.6 of the CEQ regulations for implementing NEPA, the efforts of an interdisciplinary team, consisting of technicians and experts in various fields, were required to accomplish this study.

4.2 Preparers

Kadmas, Lee & Jackson Inc. (KLJ) prepared this EA under a contractual agreement with the City of Bismarck.

4.3 Qualifications

TABLE 4-1, PREPARERS, lists individuals with primary responsibility for preparing this EA.

Table 4-1: Preparers

Name	Title	Role
Tom Neigum	Project Manager	Project Management
Matt Nisbet	Airport Planner	Purpose and Need, Alternative Development
Tom Schauer	Airport Planner	Purpose and Need, Alternative Development
Curt Cady	Environmental Planner	Impact Analysis, Agency Coordination, Alternative Development, NEPA process coordination
Tina Fricke	Environmental Planner	Agency Coordination, Data Collection, QA/QC, NEPA Review
Kathy Schmidt	Records Administrator	Grant Administration

4.4 Coordination with Agencies, Organizations, and Parties to Whom SOV's were Sent

4.4.1 Scoping

Scoping is a formal information exchange to determine the scope of issues to be addressed and to identify significant issues related to a proposed action. The scoping process is described in CEQ Regulation *40 CFR Part 1501—NEPA and Agency Planning* as a process used to identify the range of alternatives, impacts, and issues to be addressed in the environmental document. Scoping is to begin early and continue throughout the project development process. Scoping is usually limited to affected governmental agencies and interested groups or organizations with specific knowledge about a project study area.

4.4.2 Advance Notification

To initiate early communication and coordination, an early notification package was sent to 35 Federal, State, and local agencies, and other interested parties on August 24, 2011. Pursuant to Section 102(2) (D) (IV) of NEPA, a Solicitation of Views was requested to ensure social, economic, and environmental effects were considered. Comments were requested by September 26, 2011. Please refer to [APPENDIX A, ADVANCE NOTIFICATION](#), which contains the notification package and a list of agencies and interested parties that received the package.

Comments were received from six agencies and interested parties, yielding a response rate of eight percent. The comments were referenced and incorporated, where appropriate, within the environmental impact categories in [CHAPTER 3, AFFECTED ENVIRONMENT & ENVIRONMENTAL CONSEQUENCES](#). These comments provided valuable insight into evaluating potential environmental impacts. Please refer to [APPENDIX B, LETTERS AND RESPONSES](#), which contains a list of agencies and interested parties who commented. Copies of each letter received in response to the advance notification package are also included in [APPENDIX B, LETTERS AND RESPONSES](#).

4.5 Public Hearing

A public hearing was held as part of the project. Two techniques were utilized to publicize the public hearing. A legal display advertisement providing notice of the availability of the draft EA and of the public hearing was published in the Bismarck Tribune on November 15, 2014, or 31 days prior to the hearing. Second, a press release announcing the hearing was sent to local media outlets. Please refer to [APPENDIX H, PUBLIC HEARING MATERIALS](#), which contains a copy of the legal ad, a story about the hearing and a list of resource agencies that received a copy of the draft EA.

The draft EA was made available for public viewing at three locations on November 15, 2014. Electronic copies were also made available upon request. A Public Hearing was held at the Bismarck Airport on December 16, 2014 from 4:30 p.m. - 6:30 p.m.. Twenty-three (23) members of the public, one FAA representative, two representatives from the Airport, and three representatives from KLJ were present. Please refer to [APPENDIX H, PUBLIC HEARING MATERIALS](#) which contains the sign-in sheets and handout. No written comments were received during the hearing. At the conclusion of the

comment period, three comment letters were received from the NDDOH, the Bismarck Historic Society, and the SHPO. Please refer to [APPENDIX I, PUBLIC HEARING COMMENTS](#) which contains a comment response log and the comments received.

4.6 Environmental Assessment Coordination

Copies of the EA document were sent to the following agencies/interested parties:

- US DOI – Denver, CO
- ACHP – Washington, DC
- ND SHPO – Bismarck, ND
- NDDOH – Department of Health
- United Tribes Technical College – Bismarck, ND
- Standing Rock Sioux Tribe, THPO – Fort Yates ND
- Three Affiliated Tribes THPO – Parshall, ND

The EA was made available at the following public viewing locations and electronically by request:

- FAA, Bismarck ADO (Airports District Office) – Bismarck, ND
- Office of the North Dakota Aeronautics Commission – Bismarck, ND
- Office of the Airport Manager – Bismarck, ND

4.7 References

- Federal Emergency Management Agency. *Flood Insurance Rate Map, Bismarck City/Burleigh County, North Dakota and Incorporated Areas*. Panel 795C. 19 July 2005.
- Bismarck Airport. *Airport Layout Plan*. 2008.
- United States Census Bureau. “Bismarck (city), North Dakota.” *State & County QuickFacts*.
- United States Environmental Protection Agency. “Search Place: Bismarck, ND.” *EnviroMapper for Envirofacts*.
- United States Federal Aviation Administration. *Order 1050.1E, Environmental Impacts: Policies and Procedures*. 2006.
- United States Federal Aviation Administration. *Order 5050.4B, National Environmental Policy Act (NEPA) Implementing Instructions for Airport Actions*. 2006.
- United States Fish & Wildlife Service, North Dakota Field Office. *Endangered Species by County List*. March 2014.
- United States Geological Survey. “Bismarck, North Dakota Quadrangle.” 2011. United States. *National Environmental Policy Act of 1969, PL 91–190*. 1969.

APPENDICES

- *Appendix A, Terminal Area Forecast — February 2014*
- *Appendix B, Advance Notification*
- *Appendix C, Letters and Responses*
- *Appendix D, Structural Assessment of Hangar #5*
- *Appendix E, Memorandum of Agreement*
- *Appendix F, Section 4(f) Evaluation*
- *Appendix G, Environmental Background Information*
- *Appendix H, Public Hearing Materials*
- *Appendix I, Public Hearing Comments*
- *Appendix J, Public Notice of Proposed FONSI/ROD*

APPENDIX A

Terminal Area Forecast — February 2014

The TAF was included to provide background information on operations at the Bismarck Airport and is referenced in Sections 3.2.1 and 3.2.13 for Air Quality and Noise.

APO TERMINAL AREA FORECAST DETAIL REPORT
Forecast Issued February 2014

BIS

Fiscal Year	AIRCRAFT OPERATIONS											Total Tracon Ops	Total Ops	Based Aircraft
	Enplanements			Itinerant Operations			Local Operations							
	Air Carrier	Commuter	Total	Air Carrier	Air Taxi & Commuter	GA	Military	Total	Civil	Military	Total			
REGION:AGL STATE:ND LOCID:BIS														
CITY:BISMARCK AIRPORT:BISMARCK MUNI														
1990	126,507	3,142	129,649	6,237	5,059	25,279	2,574	39,149	10,350	4,004	14,354	53,503	25,000	93
1991	123,746	2,380	126,126	6,380	6,575	29,390	3,186	45,531	14,705	5,029	19,734	65,265	23,779	96
1992	128,320	3,681	132,001	6,093	6,505	28,605	3,059	44,262	13,124	4,714	17,838	62,100	24,433	94
1993	125,621	14,334	139,955	5,320	11,633	26,230	2,558	45,741	10,108	3,630	13,738	59,479	27,119	94
1994	106,987	27,359	134,346	3,361	16,608	24,673	2,094	46,736	10,572	2,280	12,852	59,588	30,275	94
1995	121,283	25,218	146,501	4,487	16,061	22,939	3,105	46,592	9,134	3,182	12,316	58,908	31,493	96
1996	116,459	30,007	146,466	3,754	15,253	20,581	2,618	42,206	7,674	2,571	10,245	52,451	29,167	97
1997	104,308	19,331	123,639	2,590	10,572	25,123	2,854	41,139	13,729	2,696	16,425	57,564	26,544	116
1998	96,285	24,304	120,589	2,413	11,832	25,357	2,275	41,877	13,375	2,517	15,892	57,769	28,973	116
1999	104,401	24,805	129,206	3,059	10,354	23,570	2,295	39,278	9,483	2,271	11,754	51,032	27,034	101
2000	125,860	8,577	134,437	3,163	12,292	22,627	2,571	40,653	12,557	1,635	14,192	54,845	26,850	101
2001	100,745	35,852	136,597	2,673	11,219	20,769	2,512	37,173	13,149	2,347	15,496	52,669	25,655	101
2002	98,169	37,134	135,303	2,688	9,702	21,081	2,380	35,851	11,566	2,066	13,632	49,483	24,112	101
2003	93,356	49,078	142,434	2,928	9,130	21,891	3,007	36,956	11,515	2,341	13,856	50,812	25,335	101
2004	100,469	55,915	156,384	3,009	11,008	22,410	3,823	40,250	11,964	2,478	14,442	54,692	27,094	79
2005	109,856	62,635	172,491	2,982	10,621	22,605	2,569	38,777	12,413	1,416	13,829	52,606	25,935	111
2006	111,688	68,595	180,283	2,805	9,112	21,494	2,696	36,107	12,291	1,863	14,154	50,261	24,273	89
2007	102,195	79,064	181,259	3,018	8,942	19,896	2,930	34,786	12,430	1,837	14,267	49,053	23,468	89
2008	79,012	98,820	177,832	2,745	9,418	20,495	2,961	35,619	10,365	1,791	12,156	47,775	26,289	86
2009	81,124	102,356	183,480	2,852	9,104	17,383	2,770	32,109	10,450	1,733	12,183	44,292	29,458	95
2010	79,287	115,814	195,101	2,525	9,247	16,936	2,129	30,837	13,261	966	14,227	45,064	30,385	78
2011	60,171	131,783	191,954	1,524	10,151	18,958	3,087	33,720	12,489	1,642	14,131	47,851	32,177	87
2012	69,889	159,534	229,423	1,774	10,169	22,114	2,361	36,418	13,352	1,240	14,592	51,010	34,056	87

2013*	84,621	161,814	246,435	2,406	10,279	21,045	2,196	35,926	10,944	1,483	12,427	48,353	33,057	89
2014*	93,083	165,049	258,132	2,610	10,402	21,305	2,196	36,513	11,226	1,483	12,709	49,222	33,583	90
2015*	101,461	168,348	269,809	2,808	10,526	21,369	2,196	36,899	11,316	1,483	12,799	49,698	33,997	92
2016*	109,578	171,714	281,292	2,999	10,651	21,434	2,196	37,280	11,407	1,483	12,890	50,170	34,406	93
2017*	117,248	173,431	290,679	3,176	10,715	21,499	2,196	37,586	11,498	1,483	12,981	50,567	34,738	94
2018*	123,110	175,164	298,274	3,310	10,779	21,564	2,196	37,849	11,590	1,483	13,073	50,922	35,028	95
2019*	129,266	176,915	306,181	3,450	10,843	21,629	2,196	38,118	11,683	1,483	13,166	51,284	35,327	97

APO TERMINAL AREA FORECAST DETAIL REPORT

Forecast Issued February 2014

BIS

AIRCRAFT OPERATIONS

Fiscal Year	Enplanements			Itinerant Operations			Local Operations			Total Ops	Total Tracron Ops	Based Aircraft		
	Air Carrier	Commuter	Total	Air Carrier	Air Taxi & Commuter	GA	Military	Total	Civil				Military	Total
2020*	135,730	178,683	314,413	3,595	10,908	21,694	2,196	38,393	11,776	1,483	13,259	51,652	35,628	98
2021*	142,517	180,470	322,987	3,747	10,973	21,760	2,196	38,676	11,870	1,483	13,353	52,029	35,933	100
2022*	149,643	182,273	331,916	3,905	11,039	21,826	2,196	38,966	11,965	1,483	13,448	52,414	36,244	102
2023*	155,628	184,076	339,704	4,037	11,105	21,892	2,196	39,230	12,062	1,483	13,545	52,775	36,531	103
2024*	161,852	185,916	347,768	4,174	11,171	21,958	2,196	39,499	12,159	1,483	13,642	53,141	36,824	105
2025*	168,326	187,775	356,101	4,315	11,238	22,024	2,196	39,773	12,257	1,483	13,740	53,513	37,121	106
2026*	175,059	189,652	364,711	4,461	11,305	22,091	2,196	40,053	12,356	1,483	13,839	53,892	37,425	107
2027*	182,062	191,548	373,610	4,612	11,372	22,158	2,196	40,338	12,455	1,483	13,938	54,276	37,733	108
2028*	189,344	193,462	382,806	4,768	11,440	22,225	2,196	40,629	12,555	1,483	14,038	54,667	38,049	109
2029*	196,918	195,395	392,313	4,930	11,508	22,292	2,196	40,926	12,656	1,483	14,139	55,065	38,371	110
2030*	204,794	197,347	402,141	5,097	11,577	22,359	2,196	41,229	12,758	1,483	14,241	55,470	38,702	111
2031*	212,985	199,299	412,284	5,270	11,646	22,427	2,196	41,539	12,860	1,483	14,343	55,882	39,040	112
2032*	221,504	201,292	422,796	5,448	11,715	22,495	2,196	41,854	12,963	1,483	14,446	56,300	39,383	113
2033*	230,364	203,306	433,670	5,633	11,786	22,563	2,196	42,178	13,067	1,483	14,550	56,728	39,737	114
2034*	239,578	205,318	444,896	5,824	11,857	22,631	2,196	42,508	13,172	1,483	14,655	57,163	40,095	115
2035*	249,161	207,371	456,532	6,021	11,929	22,700	2,196	42,846	13,277	1,483	14,760	57,606	40,461	116
2036*	259,127	209,443	468,570	6,225	12,001	22,769	2,196	43,191	13,383	1,483	14,866	58,057	40,835	117
2037*	269,491	211,536	481,027	6,436	12,073	22,838	2,196	43,543	13,490	1,483	14,973	58,516	41,214	118

2038*	280,271	213,651	493,922	6,654	12,146	22,907	2,196	43,903	13,598	1,483	15,081	58,984	41,601	119
2039*	291,482	215,787	507,269	6,879	12,219	22,976	2,196	44,270	13,706	1,483	15,189	59,459	41,994	120
2040*	303,140	217,944	521,084	7,112	12,293	23,046	2,196	44,647	13,815	1,483	15,298	59,945	42,397	121

APPENDIX B

Advance Notification

- *Agency Notification Package*
 - *Solicitation of Views Letter*
 - *Study Area Map*
 - *Mailing List*

August 24, 2011

[Address Block]

RE: Bismarck Airport
Bismarck, North Dakota
Section 15, T138N, R80W

Dear [Name]:

Kadrmass, Lee & Jackson (KL&J) is assisting the City of Bismarck in the development of improvements to the Bismarck Airport. The Federal Aviation Administration (FAA) is the lead agency for review and approval. The funding of improvements associated with this airport involves a federal action, which requires environmental documentation in accordance with the National Environmental Policy Act. The improvements may include, but are not limited to, removal/relocation of four hangars, one of which is considered eligible for listing on the National Register of Historic Places, and a general aviation apron expansion. ***Please refer to the enclosed study area map.***

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

It is requested that any comments or information be forwarded to our office on or before September 26, 2011. We request your comments by that date to ensure we will have adequate time to review them and incorporate them into the necessary environmental documentation. If further information is desired regarding the proposed improvements, you may contact me at 701-355-8498. Thank you in advance for your cooperation.

Sincerely,
Kadrmass, Lee & Jackson, Inc.



Tina Fricke
Environmental Planner

Enclosure(s): study area map
Project #: 1510707

cc: Al Fenedick, FAA Environmental Protection Specialist
Tim Thorsen, Airport Operations Manager
Kyle Wanner, North Dakota Aeronautics Commission



Legend
Study Area

J:\airport\1510707\GIS_2011\Maps\BIS_Study_Area(9.3).mxd KBT/07-26-2011

*Intended for Planning Purposes Only

PRELIMINARY



0 200 400 600 Feet

**Bismarck Airport
General Aviation Apron Expansion
Study Area Map**

Type	Rec'd	Correction	Pre	First	Last	Title	Department	Agency	Address	City	State	Zip
1 FEDERAL			Mr.	Michael	Black	Regional Director		Bureau of Indian Affairs	115 4th Ave. SE	Aberdeen	SD	57401
2 FEDERAL			Mr.	Dan	Cimarosti	Regulatory Program Manager	North Dakota Regulatory Office	US Army Corps of Engineers	1513 South 12th Street	Bismarck	ND	58504
3 FEDERAL	08/30/11		Mr.	Paul	Sweeney	State Conservationist	NRCS	US Department of Agriculture	PO Box 1458	Bismarck	ND	58502-1458
4 FEDERAL			Mr.	David	Fronczak	Principal Reviewer/Environmental Engineer	Region 8	US Environmental Protection Agency	1595 Wynkoop Street	Denver	CO	80202-1129
5 FEDERAL			Mr.	Jeffrey	Towner	Field Supervisor	ND Field Office	US Fish & Wildlife Service	3425 Miriam Ave.	Bismarck	ND	58501
6 STATE	09/01/11		Mr.	Dave	Glatt	Chief	Environmental Health Section	ND Department of Health	PO Box 5520	Bismarck	ND	58506-5520
7 STATE			Sir		or Madam	District Engineer	District 1-Bismarck	ND Department of Transportation	218 S Airport Rd	Bismarck	ND	58504-6003
8 STATE			Mr.	Terry	Steinwand	Director		ND Game & Fish Department	100 N. Bismarck Expressway	Bismarck	ND	58501-5095
9 STATE				Jesse	Hanson	Coordinator	Planning & Natural Resources Division	ND Parks & Recreation Dept.	1600 E. Century Ave., Suite 3	Bismarck	ND	58503-0649
10 STATE			Ms.	Sara	Otte Coleman	Director		ND Tourism Division	1600 E. Century Ave., Suite 2	Bismarck	ND	58503-2057
11 COUNTY			Mr.	Brian	Bitner	Chairman		Burleigh County Commission	751 80th St SE	Bismarck	ND	58504
12 COUNTY			Mr.	Doug	Schonert	Vice Chairman		Burleigh County Commission	14600 21st Ave NE	Baldwin	ND	58521
13 COUNTY			Mr.	Mark	Armstrong	Commissioner		Burleigh County Commission	618 W Boulevard Ave	Bismarck	ND	58501
14 COUNTY			Mr.	Jim	Peluso	Commissioner		Burleigh County Commission	6131 Ponderosa Ave	Bismarck	ND	58503
15 COUNTY			Mr.	Jerry	Woodcox	Commissioner		Burleigh County Commission	449 E Brandon Dr	Bismarck	ND	58503
16 CITY			Mr.	John	Warford	Mayor		City of Bismarck	PO Box 5503	Bismarck	ND	58506-5503
17 CITY			Mr.	Josh	Askvig	Commissioner		City of Bismarck	PO Box 5503	Bismarck	ND	58506-5503
18 CITY			Mr.	Parrell	Grossman	Commissioner		City of Bismarck	1050 E Interstate Ave, Ste 200	Bismarck	ND	58503-5574
19 CITY			Mr.	Mike	Seminary	Commissioner		City of Bismarck	PO Box 665	Bismarck	ND	58502-0665
20 CITY			Ms.	Brenda	Smith	Commissioner		City of Bismarck	PO Box 5503	Bismarck	ND	58506-5503
21 OTHER			Mr.	Paul	Vetter			Executive Air Taxi Corporation	PO Box 2273	Bismarck	ND	58502
22 OTHER	08/25/11		Mr.	James	Meisner			Meisner Construction Company	925 East Main Avenue	Bismarck	ND	58501-4571
23 OTHER			Mr.	Jim	Sweeney	President		Fargo Jet Center	3801 20th Street North	Fargo	ND	58102
24 OTHER	08/26/11		Mr.	Bob	Simmers	Chief Pilot/President		Bismarck Aero Center	2301 University Drive	Bismarck	ND	58504
25 OTHER	09/22/11		Mr.	Jeff	Faught	Pilot		ND Game & Fish Department	100 North Bismarck Expressway	Bismarck	ND	58501-6305
26 OTHER			Mr.	Dennis	Gallagher			North Dakota State Highway Patrol	4007 State Street, Suite HP	Bismarck	ND	58503-0689
27 OTHER			Major	Darrel	Pittman	Director of Administration		North Dakota Wing Civil Air Patrol	PO Box 608	Bismarck	ND	58502-0608
28 OTHER			Mr.	Larry	Taborsky	Director		North Dakota Aeronautics Commission	2301 University Drive, Bldg 22	Bismarck	ND	58504
29 OTHER			Mr.	Fred	Adams	Head Pilot		Basin Electric Power Cooperative	1717 East Interstate Avenue	Bismarck	ND	58503-0564
30 OTHER			Mr.	Jay	Beyer			Jay Beyer Partnerships	2024 North Grandview Lane	Bismarck	ND	58503
31 OTHER			Mr.	Steve	Koppy			FAA Airways Sector Office	2301 University Drive	Bismarck	ND	58504
32 OTHER			Mr.	Don	Smith			Bismarck Mandan Historical & Genealogical Society	PO Box 485	Bismarck	ND	58501-0485
33 OTHER			Sir		or Madam			Germans From Russia Society	1125 Turnpike Ave	Bismarck	ND	58501-8115
34 OTHER			Mr.	Carl	Vendor			Missouri Valley Historical Society	PO Box 941	Bismarck	ND	58502-0941
35 OTHER			Ms.	Kathye	Spilman			Mandan Historical Society	411 W Main St	Mandan	ND	58554

APPENDIX C

Letters and Responses

- **United State Department of Agriculture, Natural Resources Conservation Service**
08/30/11
- **Federal Aviation Administration, BIS Air Traffic Control (email)**
02/23/12
- **Federal Aviation Administration, Great Lakes Region –letter to SHPO**
05/09/14
- **Federal Aviation Administration, Great Lakes Region –letter to DOI**
06/26/14
- **Federal Aviation Administration, Great Lakes Region –letter to ACHP**
08/11/14
- **Advisory Council on Historic Preservation (ACHP)**
09/03/14
- **United States Department of the Interior (DOI)**
07/30/14
- **State Historical Society of North Dakota (SHPO)**
05/14/14
- **ND Department of Health**
09/01/11
- **ND Game & Fish Department**
09/09/11
- **Bismarck Aero Center**
08/26/2011
04/12/2013
11/05/2013
- **Jeff Faught (phone log)**
09/22/11
- **Meisner Construction Company (phone log)**
08/25/11
- **Executive Air Taxi Corporation**
11/23/2011
04/23/2013

United States Department of Agriculture



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

August 30, 2011

Tina Fricke
Kadrmass, Lee & Jackson
128 Soo Line Drive
PO Box 1157
Bismarck, ND 58502-1157

RE: Bismarck Airport
Bismarck, North Dakota
Section 15, T138N, R80W

Dear Ms. Fricke:

The Natural Resources Conservation Service (NRCS) has reviewed your letter dated August 24, 2011, regarding improvements to the airport in Bismarck, North Dakota.

NRCS has a major responsibility with the Farmland Protection Policy Act (FPPA) in documenting conversion of farmland (i.e., prime, statewide, and local importance) to non-agricultural use when federal funding is used. Your proposed project is within city limits where FPPA does not apply; 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 M. SCHAAR
State Soil Scientist/MO 7 Leader

Helping People Help the Land

An Equal Opportunity Provider and Employer



From: Ken.Wingenbach@faa.gov
To: [Tina Fricke](#)
Subject: Future Aoron layout
Date: Thursday, February 23, 2012 11:25:30 AM
Attachments: [20120127-Future Apron Layout.pdf](#)

Tina:

A review of the proposed future airport expansion/apron layout (attached) has given rise to several areas of concern from an air traffic control/safety point of view.

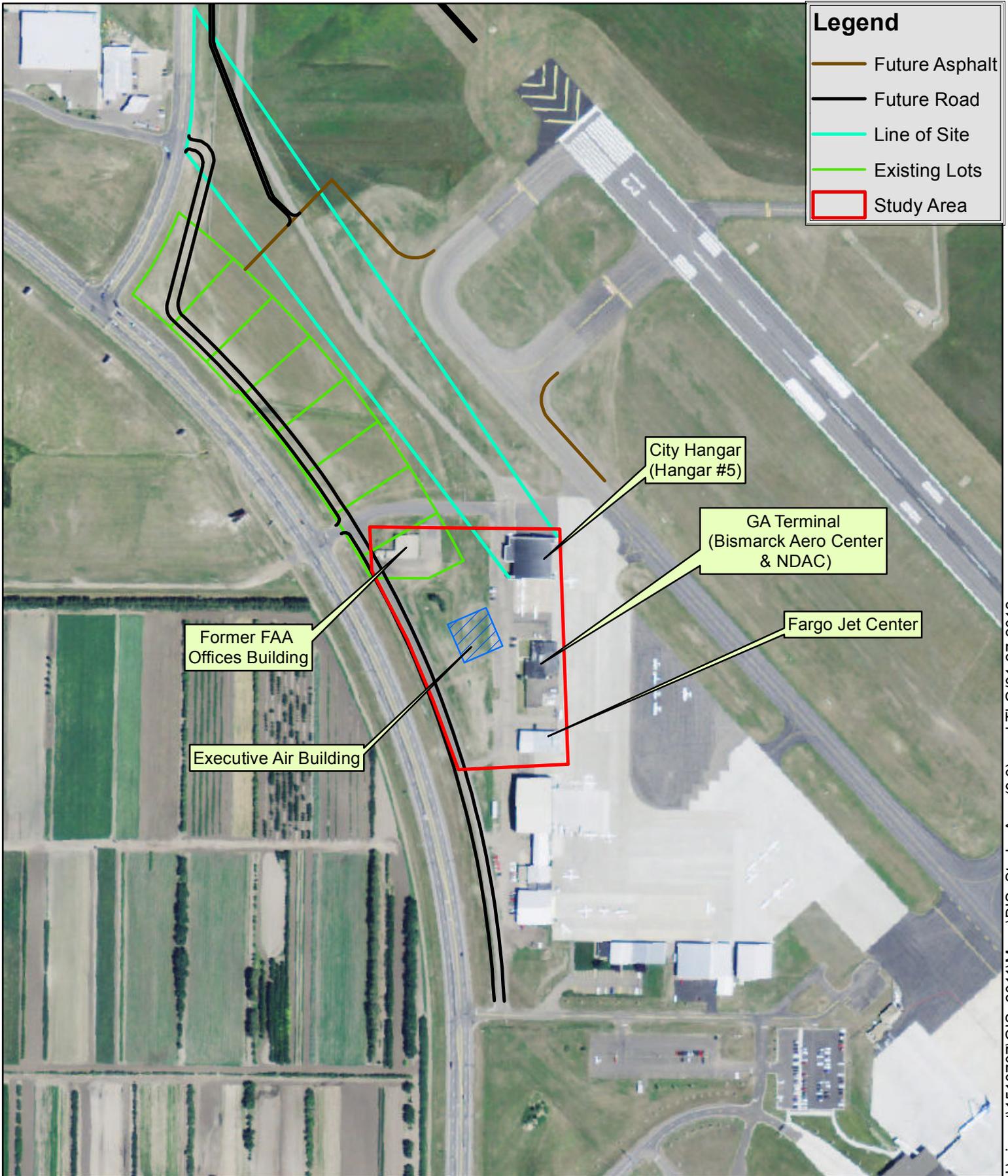
The proposed apron expansion and hangar construction to the northwest of the existing city hangar, hangar #5, would create an obvious "choke point" on the northeast edge of hangar 5. All aircraft moving to/from the existing general aviation ramp to/from the new ramp would be required to circumvent hangar 5 through the very narrow corridor that exists off the northeast edge of the hangar. This would create a potential hazardous situation with aircraft taxiing to runway 13 on taxiway charlie, especially larger aircraft with significant wing spans. Since this "choke point" would be considered a non movement area, aircraft would not be required to be in radio contact with air traffic control, completely negating any opportunity for the controller to actually "control" this safety hazard.

A second concern is the line of sight issue. Hangar 5 completely obscures the apron area of the proposed new hangars from the controllers view. Aircraft that are awaiting taxi instructions would not come into view until they are at the very edge of the taxiway, again negating any opportunity for the controller to "control" a potential conflict with aircraft already on the taxiway.

A third potential problem area is the possibility that aircraft would not be able to contact air traffic control until they have moved away from the shielding effect the large hangar could produce. This would further aggravate the situation noted above, again forcing aircraft to the edge of the taxiway prior to communication with the controller.

While these concerns are presented solely from an air traffic control/air traffic safety point of view and are not intended to be construed as an objection to future airport development, it is our opinion that leaving hangar 5 at its existing location would be adding a significant and preventable safety risk to all airport operations.

Ken Wingenbach
ATM, BIS ATCT
701-250-4287



Legend

- Future Asphalt
- Future Road
- Line of Site
- Existing Lots
- Study Area

City Hangar (Hangar #5)

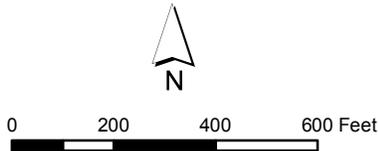
GA Terminal (Bismarck Aero Center & NDAC)

Fargo Jet Center

Former FAA Offices Building

Executive Air Building

J:\airport\1510707\GIS_2011\Maps\BIS_Study_Area(9.3).mxd TLG\01-27-2012





U.S. Department
of Transportation
**Federal Aviation
Administration**

Great Lakes Region
2300 E. Devon Avenue
Des Plaines, Illinois 60018

May 9, 2014

Ms. Susan Quinnell
Review and Compliance Coordinator
State Historical Society
612 E. Boulevard Ave.
Bismarck, ND 58505-0830

Re: Bismarck Airport Northwest General Aviation Area Expansion
ND SHPO Ref: 11-2061 FAA "Bismarck Airport Buildings and Hangars"

Dear Ms. Quinnell:

Thank you for meeting with us on April 15, 2014 at the Bismarck Airport. As discussed, the City of Bismarck as the sponsor of the Bismarck Airport has proposed the expansion of the Airport's northwest general aviation area.

The purpose of the project is to provide additional apron frontage that is needed for the expansion of Fix Based Operations (FBO) and correct the current air traffic control line of site problem that the building creates. The Federal Aviation Administration (FAA) is the lead Federal agency. The City of Bismarck has contracted KLJ, as their airport consultant, to assist in the development of this proposed action.

Attached to this letter you will find a revised copy of the report entitled Bismarck Airport Buildings and Hangars (32BL716): An Intensive Class III Architectural Survey of Five Airport Buildings in Burleigh County, North Dakota, conducted by Aaron L. Barth. KLJ previously submitted a copy of this report to your office and it has been revised by the author to incorporate your previous comments. You will also find preliminary copies of the project's Purpose & Need and Alternatives that provide more detailed information about the proposed project and potential avoidance alternatives.

The FAA recommends that **Feature 1- Hangar #5** is eligible for nomination to the National Register of Historic Places. The proposed action would result in the removal of Hangar #5 from its current location on the Airport by means of relocation or demolition. The preferred alternative is to relocate Hangar #5 to another location on the airport and convert it to an aerospace museum. There is a potential local group(s) interested in the establishment of a museum at Bismarck Airport.

The FAA and the Airport intend to develop a Memorandum of Understanding (MOU) outlining the impacts, requirements, and associated mitigation with the proposed removal or relocation of Hangar #5. We would welcome your participation and any guidance you could offer for the development of the MOU.

Based on this, the FAA respectfully request your concurrence with a finding of **Adverse Effect** for the proposed action to remove Hangar #5 from its current location at the Bismarck Airport as well as any comments, mitigation, or other information that you may have on the proposed action on or before **June 9, 2014**.

If further information is desired regarding the proposed improvements or you have questions regarding the formal Section 106 consultation between your agency and the FAA, you may contact me at (847)294-7723 or Lindsay.Butler@faa.gov.

Thank you in advance for your cooperation.

Sincerely,



E. Lindsay Butler
Regional Environmental Program Manager
Airports Division, Great Lakes Region

Cc (via email): Laurie Suttmeier, FAA
Greg Haug, Bismarck Airport
Curt Cady, KLJ



U.S. Department
of Transportation
**Federal Aviation
Administration**

Great Lakes Region
2300 East Devon
Des Plaines, IL 60018

JUN 26 2014

Dr. Willie R. Taylor
United States Department of Interior
Office of Environmental Policy and Compliance
1849 C Street, N.W., MS 2462
Washington D.C. 20240

Dear Dr. Taylor:

The City of Bismarck, in cooperation with the Federal Aviation Administration (FAA) and the North Dakota Aeronautics Commission (NDAC) proposes to provide an expanded development area for the fixed-based operators (FBOs) at the Bismarck Municipal Airport (herein referred to as the Airport or Bismarck Airport). This airport proposed action is currently being evaluated in an Environmental Assessment (EA) in accordance with the *National Environmental Policy Act (NEPA)*. The EA is an informational document intended for use by decision makers and the public. As such, it represents a disclosure of relevant environmental information concerning the proposed action.

The Airport, located in southeast Bismarck, North Dakota, proposes to provide an expanded development area for FBO(s) at the Airport. FBOs are commercial operators at the Airport that provide general aviation services to the public, such as fueling, avionics, maintenance, aircraft sales, rentals, flight training, charter operations, rental hangar space and aircraft handling. This action is proposed to address the limited ability to provide development necessary to accommodate for the current and future FBO(s) facilities at Bismarck Airport.

The project as proposed has a potential impact to a Department of Transportation Act of 1966 and amendments of 1983, Section 4(f), 49 USC § 303(c) resource, referred to as Hangar #5.

The purpose of the proposed action is to provide public apron frontage to facilitate expansion of existing FBOs at the Airport in a manner that is consistent with the Airport Master Plan. Increased aircraft operations, change in general aviation fleet mix, and facility capacity demands are driving the need for the existing FBO(s) to expand current operations in order to continue to provide the essential services that support the flying public using the Airport.

The Draft EA describes three (3) alternatives that could potentially satisfy the purpose and need for the proposed project. Based on specific reasons, each alternative was

eliminated (except the Preferred Alternative). These reasons include compliance with airport design standards, infrastructure limitations, and impacts associated with Air Traffic Control line of sight issues

It is the FAA's determination that the Preferred Alternative has the potential for a "physical taking". The physical taking will result from carrying out the preferred alternative as evaluated. However, the "taking" will be mitigated based on a draft Memorandum of Agreement (MOA) between the State Historic Preservation Officer (SHPO), Bismarck Airport and the FAA. The draft MOA outlines the necessary steps to return Hangar #5 to its existing or better condition once the project is completed. The Draft MOA is attached to this letter. Additional coordination will be necessary between the Bismarck Airport and the FAA once the final determination is made regarding the Section 4(f) resource.

Throughout the planning and development of the Draft EA, the Airport and the FAA have indicated support for the Preferred Alternative as it mutually beneficial to both facilities. Preliminarily, the Preferred Alternative appears to be the prudent and feasible alternative for the proposed project at the Bismarck Municipal Airport (BIS).

For further information, attached is the Draft Department of Transportation Act of 1966 and amendments of 1983, Section 4(f), 49 USC § 303(c) statement, and the proposed draft MOA between the FAA and the Bismarck Municipal Airport.

The FAA would appreciate your assistance in forwarding copies of this notification to the appropriate staff within your organization. We request that your comments be returned to the FAA no later than August 11, 2014. The FAA will consider no response to this correspondence by August 11, 2014 as concurrence with the findings of the report.

If you would like additional information on this project, please contact me at (847) 294-7723 or Lindsay.Butler@faa.gov

Sincerely,

A handwritten signature in cursive script that reads "Lindsay Butler".

E. Lindsay Butler
Regional Environmental Specialist
FAA Great Lakes Region

Attachments



U. S. Department
of Transportation

**Federal Aviation
Administration**

August 11, 2014

John M. Fowler, Executive Director
Advisory Council on Historic Preservation
Old Post Office Building
1100 Pennsylvania Avenue, NW
Suite 803
Washington D.C. 20004

Great Lakes Region
2300 East Devon Avenue
Des Plaines, IL 60018

Re: Notice of Adverse Effect – Hangar #5
Bismarck Airport (BIS), Bismarck, North Dakota

Dear Mr. Fowler:

The City of Bismarck, in cooperation with the Federal Aviation Administration (FAA) and the North Dakota Aeronautics Commission (NDAC) proposes to provide an expanded development area for the fixed-based operators (FBOs) at the Bismarck Municipal Airport (herein referred to as the Airport or Bismarck Airport). This airport proposed action is currently being evaluated in an Environmental Assessment (EA) in accordance with the *National Environmental Policy Act (NEPA)*. The EA is an informational document intended for use by decision makers and the public. As such, it represents a disclosure of relevant environmental information concerning the proposed action.

The Airport, located in southeast Bismarck, North Dakota, proposes to provide an expanded development area for FBO(s) at the Airport. FBOs are commercial operators at the Airport that provide general aviation services to the public, such as fueling, avionics, maintenance, aircraft sales, rentals, flight training, charter operations, rental hangar space and aircraft handling. This action is proposed to address the limited ability to provide development necessary to accommodate for the current and future FBO(s) facilities at Bismarck Airport.

The FAA-Great Lakes herewith notifies the Advisory Council on Historic Preservation (ACHP) of an adverse effect finding on the eligible historic Hangar #5. The North Dakota State Historic Preservation Office has determined that the Hangar is eligible for listing on the National Register of Historic Places. This notification is in accordance with 36 CFR Part 800.6, regulations implementing Section 106 of the National Historic Preservation Act. The undertaking involves the relocation of Hangar #5.

The Draft EA describes three (3) alternatives that could potentially satisfy the purpose and need for the proposed project. Based on specific reasons, each alternative was eliminated (except the Preferred Alternative). These reasons include compliance with airport design standards, infrastructure limitations, and impacts associated with Air Traffic Control line of sight issues.

As part of our notification, I am enclosing documentation required under Section 800.11(e) including a packet with photographs prepared by the airport's consultant KLJ Inc.

This packet provides consultation comments on, and a determination of adverse effect for, the undertaking. Section 800.11(e) requires the Federal agency to submit six areas of documentation, which are provided in the enclosure, as follows:

1. *A description of the undertaking, specifying the Federal involvement, and its area of potential effect, including photographs, maps, and drawings, as necessary:*
The federal involvement with this undertaking is the approval by FAA of the Airport Layout Plan (ALP) and the potential provision of federal funds. Further description of the proposed project can be found in the enclosure.
2. *A description of the steps taken to identify historic properties:*
See enclosure
3. *A description of the affected historic properties, including information on the characteristics that qualify them for the National Register:*
See enclosure
4. *A description of the undertaking's effects on the historic properties:*
See enclosure
5. *An explanation of why the criteria of adverse effect were found applicable or inapplicable, including any conditions or future actions to avoid, minimize, or mitigate adverse effects:*
See enclosure
6. *Copies or summaries of any views provided by consulting parties and the public:*
See enclosure

The FAA would appreciate your comments be returned to the FAA no later than August 29, 2014. The FAA will consider no response to this correspondence by August 29, 2014 as concurrence with the findings of the report.

If you would like additional information on this project, please contact me at (847) 294-7723 or Lindsay.Butler@faa.gov. Thank you for your attention to this matter.

Sincerely,



E. Lindsay Butler
Regional Environmental Program Manager
FAA Great Lakes Region

Enclosure



Preserving America's Heritage

September 3, 2014

Ms. Lindsay Butler
Regional Environmental Program Manager
Federal Aviation Administration
Great Lakes Region
2300 East Devon Avenue
Des Plaines, IL 60018

**Ref: *Proposed Removal of Hangar 5 at Bismarck Municipal Airport
Bismarck, North Dakota***

Dear Ms. Butler:

On August 11, 2014, the Advisory Council on Historic Preservation (ACHP) received your notification and supporting documentation regarding the adverse effects of the referenced undertaking on properties listed on and eligible for listing in the National Register of Historic Places. Based upon the information you provided, we have concluded that Appendix A, *Criteria for Council Involvement in Reviewing Individual Section 106 Cases*, of our regulations, "Protection of Historic Properties" (36 CFR Part 800) does not apply to this undertaking. Accordingly, we do not believe that our participation in the consultation to resolve adverse effects is needed. However, if we receive a request for participation from the State Historic Preservation Officer, Tribal Historic Preservation Officer, or another party, we may reconsider this decision. Additionally, should circumstances change, and you determine that our participation is needed to conclude the consultation process, please notify us.

Pursuant to 36 CFR 800.6(b)(1)(iv), you will need to file the final Memorandum of Agreement (MOA), developed in consultation with the North Dakota State Historic Preservation Officer (SHPO) and any other consulting parties, and related documentation with the ACHP at the conclusion of the consultation process. The filing of the Agreement and supporting documentation with the ACHP is required in order to complete the requirements of Section 106 of the National Historic Preservation Act.

Thank you for providing us with your notification of adverse effect. If you have any questions or require further assistance, please contact Najah Duvall Gabriel at 202-517-0210, or via email at ngabriel@achp.gov.

Sincerely,

Raymond V. Wallace
Historic Preservation Technician
Office of Federal Agency Programs



United States Department of the Interior

OFFICE OF THE SECRETARY
Office of Environmental Policy and Compliance
Denver Federal Center, Building 67, Room 118
Post Office Box 25007 (D-108)
Denver, Colorado 80225-0007



July 30, 2014

9043.1
ER 14/403

Regional Administrator
Federal Aviation Administration
Attention: E. Lindsay Butler
2300 East Devon
Des Plaines, Illinois 60018

Dear Ms. Butler:

As requested, the Department of the Interior (Department) has reviewed the Draft Environmental Assessment/Section 4(f) Evaluation for the Bismarck Municipal Airport in Bismarck, North Dakota, prepared by the Federal Aviation Administration (FAA). The Department offers the following comments and recommendations for your consideration:

Section 4(f) Evaluation Comments

This document considers the effects to an identified property in the project area eligible to be considered under Section 4(f) of the Department of Transportation Act of 1966 (codified at 49 U.S.C. 303§ 771.135), the city-owned Hanger Number 5 (Hanger). The city of Bismarck, in cooperation with the FAA and the North Dakota Aeronautics Commission (NDAC), proposes an expanded development area for fixed-base operators (FBO) at the Bismarck Airport. The FBOs are commercial operators at the Bismarck Airport who provide general aviation services to the public, such as fueling, maintenance, aircraft sales, rentals, flight training, charter operations, rental hangar space, and aircraft handling. The proposed action would remove or relocate the Hangar and replace it with a new corporate-style hangar. This would allow a more efficient layout of the general aviation apron as shown in the Airport Master Plan. A new hangar would provide a more secure location for storage of valuable aircraft during high wind and snow load conditions. Relocation would allow the FBOs to provide more services to the flying public than leaving the Hangar in place. The proposed action would provide approximately 650 feet of general aviation apron frontage for FBO development. The new apron frontage would be located on the northwest general aviation apron and run parallel to University Drive, in conformity with the Airport Layout Plan. The proposed action would be accomplished by removing or relocating the city-owned Hangar, removing or relocating an existing FBO hangar, removing a city-owned office/terminal building, and paving approximately 15,200 square yards of new concrete apron.

The Hangar was constructed by the Civilian Conservation Corps and/or the Works Progress Administration in 1936. The Hangar is a wood-framed aircraft hangar with an attached two-story office space on the northwest corner. The Hangar has wood 10-panel sliding doors facing directly north and south. This orientation requires additional apron frontage compared to a single door hangar facing the apron. The large single-pane windows and wood doors also make heating of this space impractical. In 1951, the Airport constructed a flight control and command tower onto the northeast corner of the Hangar. This tower remained operational until it was removed in 1976 after the construction of a modern control tower. The Hangar is currently leased to a FBO for aircraft storage and maintenance, and the office space is used as a cold-storage space. A structural analysis of the Hangar was performed in 2011 to document the existing conditions of the building. This analysis determined the structure is in good condition, and has sustained minimal damage since it was built in 1936. In addition, due to the historic nature of the building, it would not be required to meet current standards if the building is not “a distinct life safety hazard.” It was therefore determined, from a structural standpoint, to be feasible to relocate the building with some minor repairs.

The FAA has determined the Preferred Alternative constitutes a use of a Section 4(f) property, and that mitigation for that use is in the form of a draft Memorandum of Agreement (MOA) between the Airport and the State Historic Preservation Officer (SHPO), outlining the necessary steps to record and preserve the information contained in the Hangar.

The Department would concur with the FAA on a determination of no feasible or prudent alternative to the preferred alternative, if built as proposed, which would result in impacts to an eligible property. No avoidance alternatives were determined feasible or prudent. It is, however, unclear whether the MOA developed by the FAA will satisfy the concerns of the SHPO since there is no indication that the draft MOA contained in the environmental assessment has been reviewed or commented on by the SHPO. Until such time as the MOA is agreed to and executed, the Department cannot concur that all measures to minimize harm to the property has been accomplished and that agreement appears in the final evaluation.

The Department has a continuing interest in working with the FAA to ensure impacts to resources of concern to the Department are adequately addressed. For issues concerning section 4(f) resources, please contact Regional Environmental Coordinator Nick Chevance, Midwest Regional Office, National Park Service, 601 Riverfront Drive, Omaha, Nebraska 68102, telephone 402-661-1844, email Nicholas_Chevance@nps.gov.

Sincerely,



Robert F. Stewart
Regional Environmental Officer

cc:
SHPO-ND (mpaaverud@nd.gov)
City of Bismarck (jwarford@nd.gov).



**STATE
HISTORICAL
SOCIETY
OF NORTH DAKOTA**

Jack Dalrymple
Governor of North Dakota

May 14, 2014

North Dakota
State Historical Board

Ms. Lindsay Butler
Regional Environmental Program Manager
Great Lakes Region
2300 East Devon Avenue
Des Plaines, IL 60918

Calvin Grinnell
New Town - President

A. Ruric Todd III
Jamestown - Vice President

Margaret Puetz
Bismarck - Secretary

ND SHPO Ref.:11-2061 FAA EA excerpt for Bismarck Airport General Aviation Area Expansion and "Bismarck Airport Buildings and Hangars (32BL716): An Intensive Class III Architectural Survey of five Airport Buildings in Burleigh County, North Dakota"

Albert I. Berger
Grand Forks

Gerold Gerntholz
Valley City

Dear Ms. Hanley,

Diane K. Larson
Bismarck

Chester E Nelson, Jr.
Bismarck

We reviewed ND SHPO Ref.:11-2061 FAA EA excerpt for Bismarck Airport General Aviation Area Expansion and "Bismarck Airport Buildings and Hangars (32BL716): An Intensive Class III Architectural Survey of five Airport Buildings in Burleigh County, North Dakota," and find the Class III architectural survey acceptable. Thank you for the excerpt of the EA on this proposed action. We look forward to review of the 49 U.S.C, Section 303.c, formerly Section 4(f) of the U.S. Department of Transportation Act discussions.

Sara Otte Coleman
*Director
Tourism Division*

Kelly Schmidt
State Treasurer

Thank you for the opportunity to review this project to date. We look forward to further discussions on the proposed actions. If you have any questions, please contact Susan Quinnell at 701-328-3576. E-mail: squinnell@nd.gov

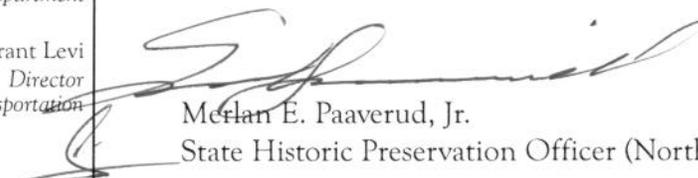
Alvin A. Jaeger
Secretary of State

Mark Zimmerman
*Director
Parks and Recreation
Department*

Sincerely,

Grant Levi
*Director
Department of Transportation*

Merlan E. Paaverud, Jr.
Director


Merlan E. Paaverud, Jr.
State Historic Preservation Officer (North Dakota)

Merlan E. Paaverud, Jr.
Director

*Accredited by the
American Alliance
of Museums since 1986*



September 1, 2011

Ms. Tina Fricke
Environmental Planner
Kadrmass, Lee & Jackson, Inc.
P.O. Box 1157
Bismarck, ND 58502-1157

Re: Bismarck Airport Improvements, Burleigh County

Dear Ms. Fricke:

This department has reviewed the information concerning the above-referenced project submitted under date of August 24, 2011, with respect to possible environmental impacts.

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

1. All necessary measures must be taken to minimize fugitive dust emissions created during construction activities. Any complaints that may arise are to be dealt with in an efficient and effective manner.
2. Care is to be taken during construction activity near any water of the state to minimize adverse effects on a water body. This includes minimal disturbance of stream beds and banks to prevent excess siltation, and the replacement and revegetation of any disturbed area as soon as possible after work has been completed. Caution must also be taken to prevent spills of oil and grease that may reach the receiving water from equipment maintenance, and/or the handling of fuels on the site. Guidelines for minimizing degradation to waterways during construction are attached.
3. 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. 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). Also, cities or counties may impose additional requirements and/or specific best management practices for construction affecting their storm drainage system, and may require provisions to address the quality of post-construction storm water runoff from new roadway and roadway improvement projects. Check with the local officials to be sure any local storm water management considerations are addressed.

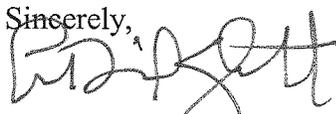
4. All necessary measures must be taken to minimize the disturbance of any asbestos-containing material and to prevent any asbestos fiber release episodes. Any facility that is to be renovated or demolished must be inspected for asbestos. Notification of the Department's Division of Air Quality (701-328-5188) 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.
5. Noise from construction activities may have adverse effects on persons who live near the construction area. Noise levels can be minimized by ensuring that construction equipment is equipped with a recommended muffler in good working order. Noise effects can also be minimized by ensuring that construction activities are not conducted during early morning or late evening hours.
6. 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.

These comments are based on the information provided about the project in the above-referenced submittal. The U.S. Army Corps of Engineers may require a water quality certification from this department for the project if the project is subject to their Section 404 permitting process. Any additional information which may be required by the U.S. Army Corps of Engineers under the process will be considered by this department in our determination regarding the issuance of such a certification.

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

Sincerely,



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

LDG:cc
Attach.



Construction and Environmental Disturbance Requirements

These represent the minimum requirements of the North Dakota Department of Health. They ensure that minimal environmental degradation occurs as a result of construction or related work which has the potential to affect the waters of the State of North Dakota. All projects will be designed and implemented to restrict the losses or disturbances of soil, vegetative cover, and pollutants (chemical or biological) from a site.

Soils

Prevent the erosion of exposed soil surfaces and trapping sediments being transported. Examples include, but are not restricted to, sediment dams or berms, diversion dikes, hay bales as erosion checks, riprap, mesh or burlap blankets to hold soil during construction, and immediately establishing vegetative cover on disturbed areas after construction is completed. Fragile and sensitive areas such as wetlands, riparian zones, delicate flora, or land resources will be protected against compaction, vegetation loss, and unnecessary damage.

Surface Waters

All construction which directly or indirectly impacts aquatic systems will be managed to minimize impacts. All attempts will be made to prevent the contamination of water at construction sites from fuel spillage, lubricants, and chemicals, by following safe storage and handling procedures. Stream bank and stream bed disturbances will be controlled to minimize and/or prevent silt movement, nutrient upsurges, plant dislocation, and any physical, chemical, or biological disruption. The use of pesticides or herbicides in or near these systems is forbidden without approval from this Department.

Fill Material

Any fill material placed below the high water mark must be free of top soils, decomposable materials, and persistent synthetic organic compounds (in toxic concentrations). This includes, but is not limited to, asphalt, tires, treated lumber, and construction debris. The Department may require testing of fill materials. All temporary fills must be removed. Debris and solid wastes will be removed from the site and the impacted areas restored as nearly as possible to the original condition.

KADRMAS, LEE AND JACKSON, INC.
RECORD OF CONVERSATION
AIRPORTS PRACTICE AREA

DATE: 09/09/11

TIME: 4:15 p.m.

PROJECT NUMBER: 1510707

BILLING GROUP (OPTIONAL): 12

RECORDED BY (FULL NAME): Tina Fricke

TALKED WITH: John Schumacher

REPRESENTING: ND Game and Fish Department

PHONE NUMBER:

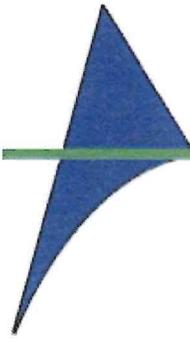
NATURE OF CALL: INCOMING OUTGOING
 RETURNING CALL MULTI-PARTY CALL*

*List additional participant information:

SUBJECT OF CONVERSATION: SOV mailing for EA

◆.....◆
CONVERSATION SUMMARY:

John called to indicate that ND Game and Fish Department did not have any comments on the Bismarck apron expansion EA.



BISMARCK AERO CENTER

A DIVISION OF AIRCRAFT MANAGEMENT SERVICES INC.



August 26, 2011

RE: EIP letter dated August 24, 2011

Tina Fricke
Environmental Planner
Kadmas, Lee and Jackson
128 Soo Line Drive
P.O. Box 1157
Bismarck, ND 58502-1157

Dear Ms. Fricke:

Thank you for putting us on your list. We have particular interest in the future of building # 5. I feel that this building should be preserved in some form as it holds a lot of history and nostalgia pertaining to aviation and in particular the Bismarck area. We are in the process of developing some tools to deal with its future.

If you have any questions or need more information, please contact me.

Sincerely,

Bob Simmers
President



Experience Us.

April 12, 2013

Bismarck Airport
Attn: Mr. Gregory B. Haug
2301 University Dr. Bldg. 53
Bismarck, ND 58504

Re: Proprietary - EA Study on North GA Area

Mr. Haug;

The purpose of my correspondence is to provide you with an update of our plans as they pertain to the expansion of our FBO operations at the Bismarck Airport. Several of our expansions plans as outlined below are in alignment with our correspondence on this matter dated July 16, 2008 and our Lease agreement dated in June, 2008.

Given the competitive nature of our environment, it is my opinion that the attached information is proprietary and must remain confidential. If your office is unable to protect the proprietary nature of this document, please kindly send it back and disregard it.

Business opportunities for the Bismarck Mandan community continue to be abundant. The lack of the completion of the Environmental Assessment study involving this plot of land is causing grave risk of halting expansion plans at the Bismarck Airport and hindering economic growth for our community. Expansion of the Bismarck Airport will continue to be key in the development and growth of commerce for our community.

As you will notice, our master plan has not changed since 2008 and the progression outlined below is consistent with previous correspondence. As you review our documents as submitted, we would like to stay on course to expand again within the next 6-60 months. To reiterate, our plans to expand must be in line with the following progression:

Proprietary information



Experience Us.

The exact time table for all 6 steps to be complete is somewhat dependent on continued economic conditions. The fact is that as our company progresses, our plans have not changed. To illustrate our commitment to our plan, you will notice that we have completed construction of our first hangar as identified in our 2008 plans. This first hangar is a precursor to steps 1-6 as outlined above.

As you may be aware, Bismarck Aero Center was founded in 1990 as Aircraft Management Services and continues to serve Bismarck, Mandan, and the surrounding communities. Our organization currently employs 28 full-time employees and 10 part-time employees. We are proud to be the region's largest aircraft maintenance and avionics facility. We also offer aircraft refueling, aviation hospitality, ground service support, flight instruction, contract pilot services, hangar storage, and charter brokerage services.

If you have further questions, I will make time to meet with you. I can be reached on my cell phone at 701-400-8643 or via email at jons@bismarckaero.com.

Sincerely,


Jonathan P. Simmers
CEO

Enclosure: Exhibit A from 2008 correspondence.



Experience Us.

November 5, 2013
Federal Aviation Administration
Bismarck Airports District Office, BIS-ADO-600
Attn: Laurie Suttmeier, Airport District Office Manager
2301 University Drive, Building 23B
Bismarck, North Dakota 58504

Ms. Suttmeier,

The purpose of my correspondence is to share with you that our organization has a pressing need to expand our operations at the Bismarck Airport.

In order to expand our operations, I am aware that your office has been conducting an Environmental Assessment Study on the north end of the general aviation area that has been ongoing since 2011. Our organization has been patiently awaiting the results of this study and we prefer that our next expansion phase can be completed in a timely manner.

Our organization is now approaching the time where the availability of this study is crucial toward the economic growth and development of the airport. Without this study being finalized, the FAA will be holding up economic growth in the Bismarck community in addition to growth at the Bismarck Airport and aircraft owners that need expanded infrastructure to access and grow their respective organizations in the Bismarck community.

It is our intent to immediately move in to the planning and engineering phase of our next expansion as it would be adjacent to Hangar 6 and within the current EA study area. We anticipate construction of our next Phase of our expansion to occur in calendar year 2014 with subsequent phases to occur prior to 2018. Please provide us with a timeline when we may expect completion of this study and any other information that will be beneficial as we look to enhance the economic growth of the Bismarck community.

Respectfully,

Jonathan P. Simmers, CEO

CC: Greg Haug, Bismarck Airport Manager

KADRMAS, LEE AND JACKSON, INC.
RECORD OF CONVERSATION
AIRPORTS PRACTICE AREA

DATE: 09/22/11

TIME: 11:00 am

PROJECT NUMBER: 1510707

BILLING GROUP (OPTIONAL): 12

RECORDED BY (FULL NAME): Tina Fricke

TALKED WITH: Jeff Faught

REPRESENTING: Hangar Renter – rents space in Fargo Jet Center (in old waypoint building)

PHONE NUMBER: 701-220-7248 (cell)

NATURE OF CALL: INCOMING OUTGOING
 RETURNING CALL MULTI-PARTY CALL*

*List additional participant information:

SUBJECT OF CONVERSATION: BIS hangar EA

◆.....◆
CONVERSATION SUMMARY:

Jeff called in response to our SOV letter to see if any action was needed on his part. We discussed what the project entails at this time and I noted I will keep him in the loop as we get further along in the process. NDGF has two planes in the hangar and the highway patrol has a helicopter.

KADRMAS, LEE AND JACKSON, INC.
RECORD OF CONVERSATION
AIRPORTS PRACTICE AREA

DATE: 08/25/11

TIME: 2:30 pm

PROJECT NUMBER: 1510707

BILLING GROUP (OPTIONAL): 12

RECORDED BY (FULL NAME): Tina Fricke

TALKED WITH: Jim Meisner

REPRESENTING: Hangar Owner – old FAA building

PHONE NUMBER: 701-223-7000 (work #)

NATURE OF CALL: INCOMING OUTGOING
 RETURNING CALL MULTI-PARTY CALL*

*List additional participant information:

SUBJECT OF CONVERSATION: BIS hangar EA

◆.....◆
CONVERSATION SUMMARY:

Jim called because he received our SOV letter in the paper. He was curious what impacts to his building would be, so we discussed the project as it is currently proposed. I indicated that for these projects, any costs to relocate or demolish buildings are generally part of the project cost and are eligible for FAA funding. He indicated that he did not oppose the project as long as there wasn't a monetary impact to him and it's replaced with a building of similar square footage if it has to be demolished.

He built the building for the FAA to use as their facility and has a 10-year lease left on it. We discussed the timeframe for the project and I noted we expect it will be a couple of years before it occurs. I will keep in touch with Jim as I know more.



November 23, 2011

Mr. Greg Haug
Airport Manager
PO Box 991
Bismarck, ND 58502

On September 23rd we made an inquiry in regards to the construction of a 100 x 100 cold storage hangar. All segments of our Fixed Base Operation have seen growth and this hangar expansion will meet our immediate needs.

The airport has undergone many improvements in recent years in order to accommodate the increase in commercial and transient aircraft activity in the GA area of the airport. That also brings with it the challenge in meeting the additional need for hangar space for airport users requesting and requiring those services. We are experiencing an increase in activities across the board including 24 hour retail fuel sales, aircraft charter and freight, helicopter operations in support of oil field activity and EMS services, transient aircraft, agriculture flight operations and general aircraft maintenance services of aircraft of all types, large and small. The new hangar will be used for overflow work for these services and to accommodate increased short term hangar needs for transient aircraft.

Our request is to locate the hangar directly north of our present facility. This would allow for operational efficiencies at the same time it will meet the Airport's Master Plan. The location would also result in the most minimum cost for infrastructure, most notably taxiway and apron as opposed to locations further to the north.

The added hangar will dramatically increase the commercial services capabilities of Executive Air and the airport overall. We are also aware that the buildings, most notably the former Waypoint Avionics facility, to the north of Executive Air is scheduled to be removed per the Airport Master Plan and is not providing commercial services.

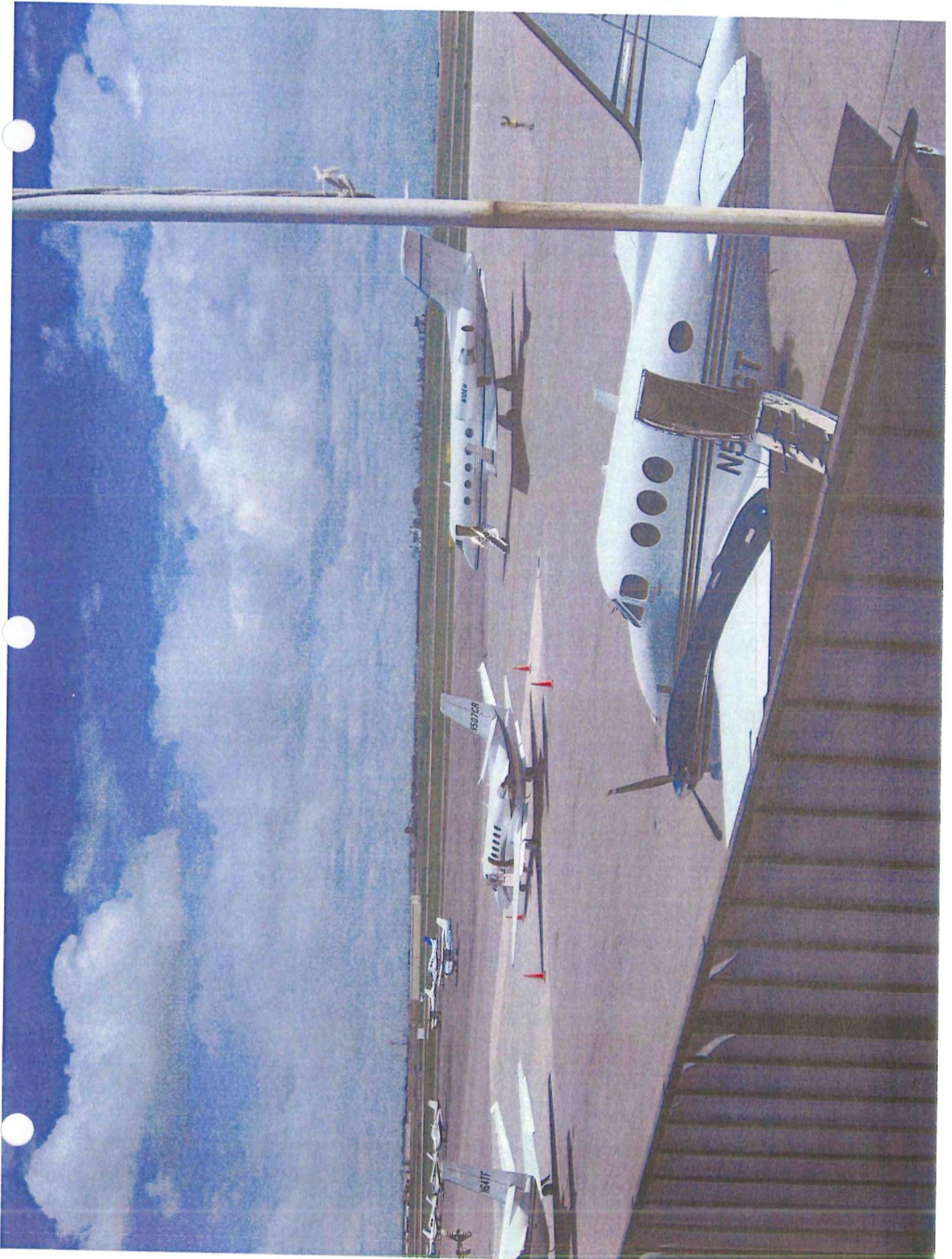
We are anxious to get started on this project, we ask you to approve our hangar request.

Respectfully,

A handwritten signature in black ink, appearing to read 'Callen Cermak', is written over the word 'Respectfully,'.

Callen Cermak, CFO













20,000 LBS
MAX. LOAD

Executive Air Taxi Corporation

A Premier Aviation Center



4-25-2013

Mr. Tim Thorsen:

Executive Air Taxi Corporation intends to build an additional hangar at the Bismarck Airport to the north of our existing facility. The timeline for this construction project and addition to our hangar facilities is intended to be completed at the earliest opportunity and in alignment with the improvements that have been accomplished at the airport on the west end of the GA ramp and extending north. The airport has worked diligently for several years and have invested considerable financial resources to develop the airport along that line.

Executive Air provides a complete range of commercial aviation services to meet the needs of based aircraft but especially transient aircraft owners and operators. Those services include aircraft maintenance, custom interior design and completions, avionics sales and service, aircraft parts and pilot accessories, aircraft charter services, EMS helicopter service, flight instruction and aircraft rental, aircraft management, aircraft refueling, hangar rental and complete flightline services, all of our services are available on a 24 hour basis, 365 days a year. That level of service is vital to a growing community and to ensure a healthy airport environment for all of the users of the airport, service that they in fact expect.

We are in need of additional hangar facility capability for transient aircraft. We currently have a waiting list of aircraft owners who desire to have hangar services available upon their arrival and overnight stays in Bismarck and we have been forced to turn down requests at a considerable loss in revenue. We have a large clientele that routinely arrive in Bismarck on business trips and are not able to be accommodated for hangar availability.

The transient ramp is already stacked with transient aircraft on a regular basis and the additional ramp space required would be minimal in order to allow access to an additional hangar in the area we propose, that location has the infrastructure already in place with the advanced planning and investment made by the City of Bismarck.

Timing for this construction is now as the economy especially in western ND is seeing an increased demand for our services. We have been working on this development and expansion for several years now in coordination with the Bismarck Airport and time is of the essence.

The airport and the entire community would greatly benefit from our increased hangar availability by being able to attract increased transient aircraft to this community. It is critical for us to be able to accommodate them in ensuring the care of their aircraft especially with the harsh weather conditions in North Dakota.

Your assistance with this important project is necessary for us to move forward in not only helping us grow our business, create additional jobs and help the local economy but it is also important for the airport in expanding the services that are expected by GA aircraft owners and operators.

Feel free to contact me anytime.

Respectfully,


Paul Vetter

APPENDIX D

Structural Assessment of Hangar #5

Technical Memorandum

Project Name: Bismarck Airport Condensed Environmental Assessment for a General Aviation Apron Expansion

Client: City of Bismarck

Project Number: 1510707

Subject: Structural Assessment of Historic Hangar "Feature 1"

By: Cassie McNames, PE

Date: September 2, 2011

Introduction

The purpose of this technical memorandum is to document the existing condition of a historical hangar building and determine the feasibility of relocating the building. The building in question is described as Feature 1 in the "Bismarck Airport Buildings and Hangars (32BL716): An Intensive Class III Architectural Survey of Five Airport Buildings in Burleigh County, North Dakota" document prepared by Aaron L. Barth for the Bismarck Municipal Airport in Bismarck, North Dakota. The report notes that Feature 1 is considered to be eligible for listing on the National Register of Historic Places. It is for this reason that KL&J was asked to determine whether or not it is feasible to relocate the structure or portions of the structure.

Location

The project is located at the Bismarck Municipal Airport in Bismarck, North Dakota.

Observations

According to the Class III Architectural Survey prepared for the project, the building in question was built in 1936. The building is constructed of wood stud walls, wood sheathing, wood bowstring trusses, wood joists, and a cast-in-place concrete foundation. The following observations were made at a site visit by Cassie McNames on July 28, 2011 and August 4, 2011:

1. The interior hangar building footprint measures approximately 114 feet by 125 feet. The front of the building faces south.
2. There is an attached two story office space on the northwest corner of the hangar. The footprint of the office space is in the shape of an L. It measures approximately 25 feet by 47 feet and 14.5 feet by 16 feet. The floor, ceiling and walls throughout the office area have signs of water damage.

3. On the northwest corner of the office space, there is a single story canopy. It is constructed of wood joists, a 4 inch by 12 inch steel tube beam and a 3-1/2 inch diameter steel column. Portions of the wood structure are weathered and rotting.
4. There is a single story addition on the northeast corner of the hangar. The wood trim and soffit around the perimeter of the roof is rotting. Portions of the roof joists are visible and rot is present on the bottom of the joists. There are also cracks throughout the exterior wall finish.
5. The exterior of the building is stucco. Based on our observations, some of the stucco has cracked or has been damaged.
6. Based on our observations, the building is placed on a concrete foundation. The bottom 3 feet of the walls above grade is constructed of a cast-in-place concrete wall which is likely an extension of the foundation system below grade. However, it is not known how deep the foundation system extends below grade. The above grade portion of the concrete wall appears to be in good condition.
7. The concrete floor slab is in very good condition.
8. There is a 110 foot wide rolling door located on the north and south side of the building. The door slides into pocket walls at each.
9. The exterior walls are constructed of cast-in-place concrete and wood studs. The bottom 3 feet of wall is constructed of 12 inch cast-in-place concrete. The construction above the concrete wall is wood stud. The stud walls are covered with sheathing, so the studs are not visible. However based on the spacing of the fasteners in the sheathing and the measurement of the overall wall thickness, it is estimated that the wall studs are 2x8 and are spaced at 16 inches on center.
10. The wood bowstring trusses are spaced at 18 feet on center. The trusses are constructed of a 10.5 inch by 12 inch glulam top chord, two 3.5 inch by 12 inch wood beams at the bottom chord, and 3.5 inch by 5.5 inch diagonal and vertical web members. Based on our observations, one of the bottom chord members has been replaced since the hangar was constructed. However, the rest of the trusses appear to be in good condition.
11. Wood bracing is provided in the horizontal and vertical plane between the bowstring trusses. Based on our observations, the bracing is in good condition.
12. The bowstring trusses are supported at each end by 12 inch by 12 inch wood columns. There is a double 3.5 inch by 5.5 inch wood brace connecting the wood beam and truss at each end. The wood columns are supported on 24 inch by 24 inch square, cast-in-place concrete piers. The piers are cast monolithically with the concrete walls. The wood columns are anchored to the concrete piers with 1 inch diameter anchor bolts and a 3/4 inch thick steel base plate. The wood column is fastened to the steel base plate with two 8 inch by 4 inch by 11/16 inch angles and two 1/2 inch diameter through bolts. No visible damage was noted along the columns or the connections at the concrete piers.

13. The roof above the hangar appears to be an adhered rubber membrane placed on 1/2 inch thick roof planks and 2x10 joists spaced at 12 inches on center which span between the bowstring trusses. The bottom of the joists is covered with a 1/2 inch thick fiberboard. The roof structure was only visible at the southwest corner of the hangar. The roof plank at this location has signs of water damage.

Structural Analysis

A simplified structural analysis was performed on the existing historic building to determine the structural integrity of the building in its current condition. It should be noted that the lateral stability of the building was not verified during this analysis. The analysis was based on the 2009 International Building Code (2009 IBC) and American Society of Civil Engineers Standard 7-05 (ASCE 7-05). The design loads (in pounds per square foot, psf, and pounds, lbs) used in the analysis are as follows:

Dead Loads:

Hangar Roof: 16 psf

Snow Loads:

Ground Snow, P_g : 40 psf

Sloped Roof Snow, P_s : 25 psf

Unbalanced Snow: 13 psf to 56 psf (ASCE 7-05, Fig. 7-3, Case 1)

Wind Loads (Components and Cladding):

Roof Zone 1: -21/13 psf

Roof Zone 2: -27/13 psf

Roof Zone 3: -40/13 psf

Wall Zone 4: -27/21 psf

Wall Zone 5: -23/21 psf

Structural plans for the existing structure were not available. Therefore, some assumptions were made in regards to the construction material properties. The assumptions are as follows:

Wood: Douglas Fir-Larch, No. 2

Glulam: Douglas Fir-Larch, $F_b = 2,400\text{psi}$, $E = 1,800\text{ksi}$

Upon analysis it was determined that the diagonal web members and bottom chord beams of the bowstring trusses do not have adequate structural capacity to support the design loads listed above. The same is true for the 12x12 wood columns supporting the bowstring trusses.

The 2x10 roof joists were analyzed using the design loads listed above. It was determined that the roof joists can support the sloped roof snow load, but are overstressed when the unbalanced snow loads are applied.

The 2x8 wall studs in the hangar do not support gravity loads (dead and snow loads). Therefore, the studs were analyzed for the components and cladding wind loads in Zones 4 and 5 from ASCE Figure 6-11A. It was determined that the walls studs are adequate for these loads.

Conclusions

Upon analysis it was determined that the bowstring trusses, 12x12 wood columns supporting the bowstring trusses and the 2x10 roof joists in the hangar do not have adequate capacity to support the design loads as determined by the current building codes. However based on our observations, the hangar structure is in good condition, and has sustained minimal damage since it was built in 1936. As was noted in our observations, some of the roof deck and roof joists do show signs of water damage. The water damaged portion of the roof should be repaired.

The structure supporting the two story office on the northwest corner of the building was not evaluated during this study as very little is known about the structural elements due to the finishes covering them. Opening up this portion of the building to determine the size and spacing of the structural elements may cause damage to the building finishes. Given the historic nature of the building, it was decided to leave the structure intact. As was noted in our observations, the interior of the office space has been exposed to water as water spots are present throughout. It is likely that some of the roof and wall structural elements have begun to rot. Therefore, it is not recommended to relocate this portion of the building without replacing the structural elements that have been affected by the water damage. Based on our observations, the canopy on the northeast corner of the office space would need to be rebuilt once the structure has been relocated.

As with the two story office portion of the building, little is known about the structural components of the single story addition on the northeast corner of the building. Given our visual observations, the building is in need of maintenance and repair as the wood structure is cracked, weathered, and rotting. If this portion of the building is to be relocated, repairs should be made to the building.

It should be noted that Section 3409 of the 2009 IBC states that "The provisions of this code relating to the construction, repair, *alteration*, *addition*, restoration, and movement of structures, and change of occupancy shall not be mandatory for *historic buildings* where such buildings are judged by the *building official* to not constitute a distinct life safety hazard." Therefore if the building is acknowledged by the City of Bismarck building official to not be "a distinct life safety hazard", it is feasible from a structural standpoint that the building can be relocated with some minor repairs.

It is our understanding that there are two options under consideration for the structure: move to another location on the airport or relocate the building to an offsite location on the east side of Bismarck. KL&J contacted a regional building mover that has experience moving historic buildings to assess the feasibility of relocating the structure. Based on these conversations, it was determined that the structure can be relocated. If the structure is to be relocated onsite, it may be possible to move the building in one piece. However if the structure is to be moved offsite, the structure would likely have to be moved in smaller pieces and reassembled onsite. It is our opinion that the hangar can be relocated; however, the means and methods of relocating the building should be left up to a professional building mover. It should also be noted that the brittle finishes around the exterior of the structure will likely sustain some minor damage in the move.

Appendices

Appendix A

Photos of Existing Conditions

Appendix A: Photos of Existing Conditions



1. Front (south side) of hangar.



2. East side of hangar with single story addition.



3. North side of hangar.



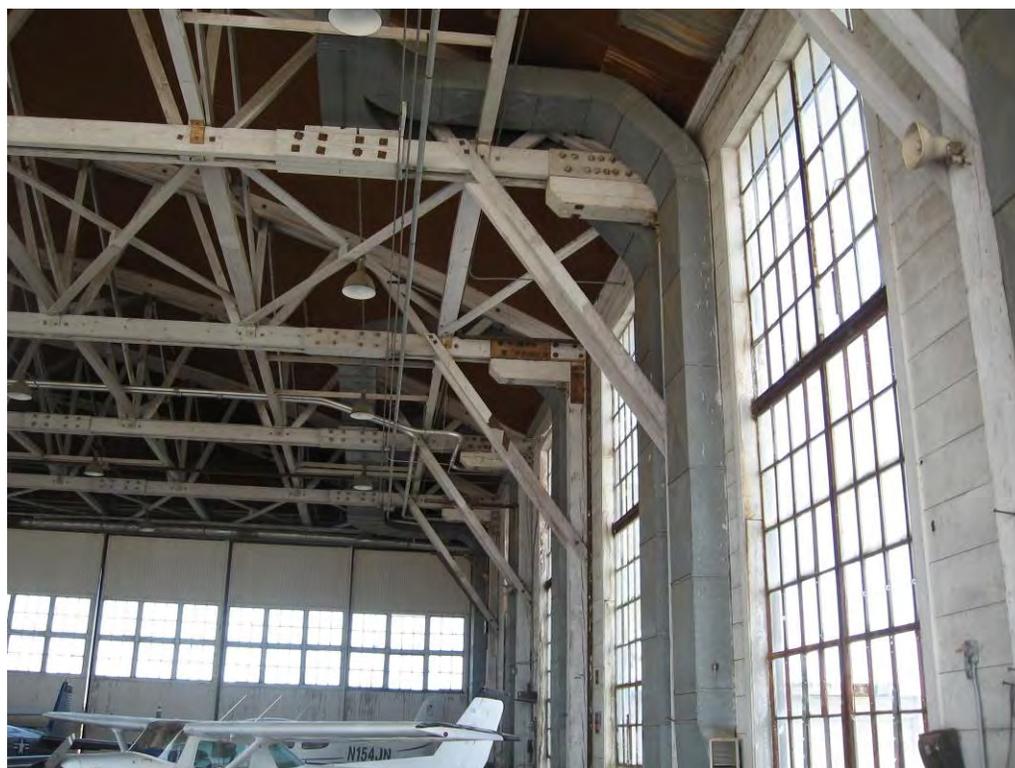
4. West side of hangar and two story office space.



5. Canopy and two story office space on northwest corner of building.



6. Bowstring trusses supporting roof above hangar.



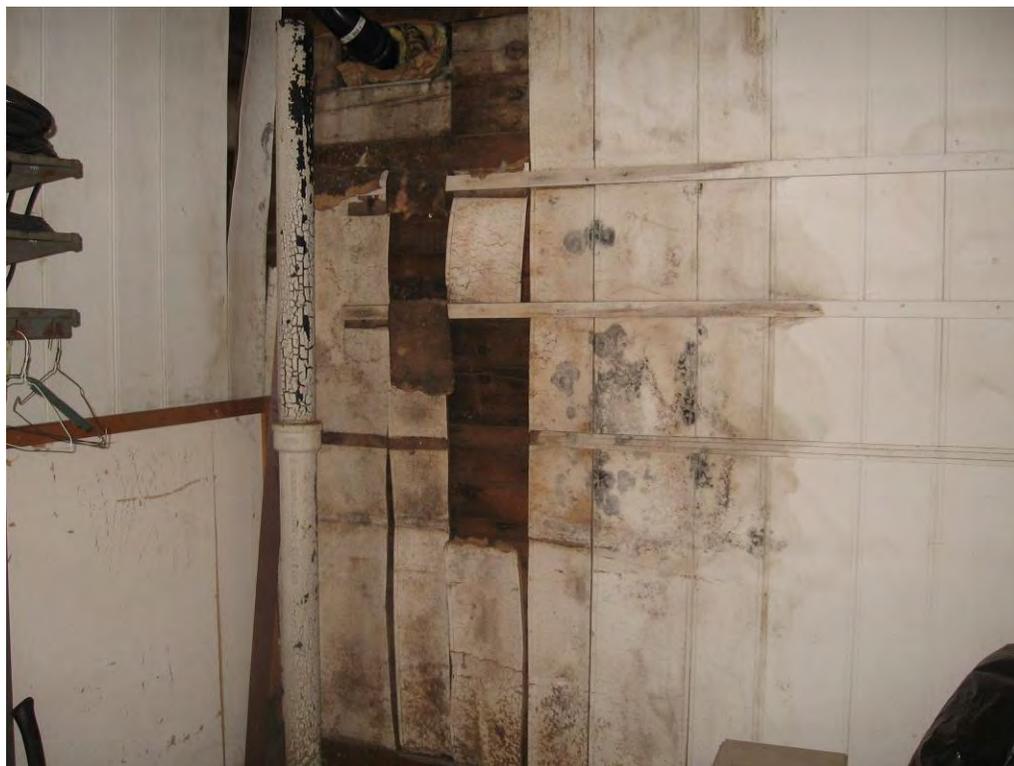
7. Wood columns and braces supporting bowstring trusses.



8. Wood column connection at concrete piers.



9. Wood bracing between bowstring trusses.



10. Water damage on walls of office space.



11. Water damage on ceiling tiles of office space.



12. Water damage on ceiling of office space.

APPENDIX E

Memorandum of Agreement

**MEMORANDUM OF AGREEMENT
AMONG
THE CITY OF BISMARCK, NORTH DAKOTA
THE NORTH DAKOTA STATE HISTORIC PRESERVATION OFFICE, AND THE
FEDERAL AVIATION ADMINISTRATION
FOR THE REMOVAL OF HANGAR 5
FROM ITS PRESENT LOCATION AT BISMARCK MUNICIPAL AIRPORT
BISMARCK, NORTH DAKOTA**

WHEREAS, aviation-related actions at Bismarck Municipal Airport (BIS) are subject to review by the Federal Aviation Administration (FAA); and

WHEREAS, the City of Bismarck (AIRPORT) is the owner and operator of BIS; and

WHEREAS, the AIRPORT, has proposed to expand the northwest general aviation apron in order to provide apron frontage space needed to accommodate the expansion of Fix Based Operator (FBO) facilities at BIS; and

WHEREAS, the FAA, in consultation with the AIRPORT, has determined that with an expanded apron that Hangar 5 (See Attachment A – Line of Sight Map) would become a choke/congestion point restricting the safe and efficient movement of aircraft on the expanded apron and would block the necessary line of sight from the Air Traffic Control Tower to the area northwest of Hangar 5; and

WHEREAS, the FAA, in consultation with the North Dakota State Historic Preservation Office (SHPO), has defined this apron expansion project's area of potential effects to be the area north and west of the general aviation area extending north from Building 43, between University Drive and BIS's parallel Taxiway C to the corner of Airport Road (See Attachment B – Study Area Map); and

WHEREAS, the FAA, in consultation with the SHPO, has found that Hangar 5 is within the area of potential effects; and

WHEREAS, Hangar 5 has been determined to be one of the original hangars of the 1930s Bismarck Airport, is a Depression-era building, reflects Art Deco stylistic tendency that characterized most Depression-era architecture in North Dakota, was commissioned by a Federal relief program, was constructed in 1936 under the auspices of the Works Progress Administration and Civilian Conservation Corps, and that the structure is significant because it is directly associated with Depression-era social and economic history; and

WHEREAS, the FAA, in consultation with the SHPO, has determined that Hangar 5 (Feature 1, Site 32BL716) (See Attachment C – Class III Architectural Survey) is eligible for inclusion in the National Register of Historic Places (NRHP); and

WHEREAS, the FAA, in consultation with the SHPO, has determined that the expansion of the existing northwest general aviation apron would entail the removal of Hangar 5, either by relocation or demolition, would result in an adverse effect on the historic property; and

WHEREAS, the proposed apron expansion has been reviewed by the FAA in an Environmental Assessment prepared pursuant to the National Environmental Policy Act (NEPA); and

WHEREAS, the only prudent and feasible alternative identified in the Airport Master Plan, dated May 2008, and the EA to provide the necessary apron frontage would result in an Adverse Effect on the historic properties; and

WHEREAS, the FAA, in consultation with the SHPO, has invited the AIRPORT to participate in the consultation and to become a signatory to this Memorandum of Agreement (MOA); and

WHEREAS, the AIRPORT requested the FAA to consider change to the airport layout plan (ALP) for which a Final Environmental Assessment (FEA)/Finding of No Significant Impact (FONSI) will be prepared; and

WHEREAS, in accordance with 36 C.F.R. § 800.6(a)(1), the FAA has notified the Advisory Council on Historic Preservation (ACHP) of its adverse effect determination and ACHP has chosen not to participate in the consultation pursuant to 36 C.F.R. § 800.6(a)(1)(iii); and

NOW THEREFORE, the FAA, the SHPO, and the AIRPORT agree upon the submission of a copy of this executed MOA, as well as the finding of *adverse effect* to the Advisory Council on Historic Preservation (COUNCIL) and upon the FAA's approval of the apron expansion project, the FAA shall ensure that the following stipulations are implemented in order to take into account effect of the apron expansion on historic properties.

STIPULATIONS

If the FAA approves the undertaking, it will ensure that the following measures, in addition to what has been described in the FEA/FONSI document, are carried out:

GENERAL

- 1) The AIRPORT will prepare an annual report in letter format to all signatories on the progress of this MOA until all to the following stipulation_s are completed.
- 2) The AIRPORT ensures that the interior and exterior of Hangar 5 are recorded to a Level III Historical Architectural Building Survey/Historic American Engineering Record (HABS/HAER) standards of the National Park Service. Note: Recordation would be undertaken to document the existing conditions of the building and its setting, and to serve as a guide for design, repairs and rehabilitation of the structure in a new location. It should be noted that the ND SHPO considers Hangar 5 to be eligible for listing on the NRHP at the state level. (Level III documentation requires a sketch plan explaining the structure, site, or landscape. A short historical report should supplement the photographs by explaining what is

not readily visible.) Most of this information is already available in the June 21, 2012 Architectural Survey. The AIRPORT will prepare a detailed chronology of the uses of Hangar 5 from the build date to present, this information was not required for the June 21, 2012 Architectural Survey.

- a) Copies of the recordation and chronology shall be sent to the National Park Service - HABS/HAER Coordinator, State Historical Society of North Dakota Archives, Missouri Valley Historical Society, Bismarck Historical Society, the FAA Bismarck Airports District Office, and the AIRPORT.

MARKETING PLAN

- 3) The AIRPORT shall publish a notice, once a week for three consecutive weeks, offering Hangar 5 for adoption and relocation. The offer will be made through a public notice in a widely circulated Burleigh County, North Dakota newspaper and a solicitation to potential parties. The notice shall include the following information:
 - a) location of Hangar 5
 - b) request for any state or local government agency, local historic preservation groups, non-profit groups, or responsible private entities that may be interested, in adopting and relocating the Hangar for preservation purposes
 - c) whom to contact for further information with address and telephone number
 - d) deadline for submitting a written proposal and the address to send the proposal (proposals will be reviewed by the AIRPORT, FAA, and the SHPO to ensure that the hangar's historic integrity is preserved)
 - e) the new owners must agree to maintain and provide, as part of the written proposal, a maintenance plan for the hangar and features that give it its historic significance
 - f) the new owners may be eligible for reimbursement of cost incurred on activities such as the relocation, site preparation, rehabilitation work, engineering, and permitting required to remove the hangar, up to the estimated cost of removal by demolition of Hangar 5 (estimated to be \$300,000.00)
 - g) additionally, new owners intending to use the hangar for purposes acceptable to the FAA may be eligible to receive a long term lease agreement (up to 30 years) for relocation site on BIS (See Attachment D - Template Ground Lease Agreement at BIS)
 - h) the new owners must assume all future legal and financial responsibilities for Hangar 5
- 4) The AIRPORT and the FAA shall review all offers for the adoption and relocation of Hangar 5 with the SHPO prior to acceptance. Preference to multiple offers shall be based on the following:
 - a) extent to which the proposal will maintain the historic integrity of Hangar 5 including, rehabilitation plans conformity to the Secretary of the Interior's Standards for Rehabilitation and/or Reconstruction, ability to reestablish its historic setting and general environment,
 - b) financial ability of the new owners to implement the plans.

- c) the proposals ability to meet project timelines. Preference will be given to proposals that will move Hangar 5 from its present location within 24 months of acceptance of the proposal.
 - d) additionally preference shall also be given to those entities that intend to use the relocated hangar for public and/or educational purposes.
- 5) The AIRPORT and the FAA shall ensure that the SHPO has 60 days to review and comment on the proposal to relocate Hangar 5 and the site for relocation.
 - 6) Marketing efforts shall continue biannually for up to two years from the execution of this MOA or until a new owner has been selected. If no acceptable offers are made within two years of the execution of the MOA, then the AIRPORT shall be able to dismantle and dispose of Hangar 5.

RELOCATION PLANNING AND DESIGN

- 7) After a new potential owner has been selected, they would meet the AIRPORT, FAA, and SHPO to discuss the features identified in the June 21, 2012 Architectural Survey that make Hangar 5 eligible for listing in the NHRP. A preliminary assessment of their condition will be made and this information will be incorporated into a final plan to rehabilitate Hangar 5 at its new location.
- 8) All historic preservation work carried out pursuant to this MOA will be by or under the direct supervision of a licensed architect or engineer meeting, at a minimum, the *Secretary of the Interior's Professional Qualification Standards for Historic Preservation Professionals* as defined in the *Code of Federal Regulations, 36 CFR Part 61 (48 FR 44738-9)*.
- 9) Hangar 5 relocation will be executed according to the provisions of 36 CFR 60.14(b): properties should be moved only when there is no feasible alternative for preservation. When a property is moved, every effort should be made to reestablish its historic setting, and general environment.
 - a) The original building foundation and floor will be removed and site will be converted to new apron.
 - b) Interpretive signage will be developed between the FAA, SHPO and AIRPORT for installation in the BIS terminal building;
- 10) A structural engineer experienced in the rehabilitation of historic buildings shall provide an analysis of the structure prior to the commencement of the project. The structural relocation procedures for Hangar 5 will be reviewed and subject to acceptance by SHPO.
- 11) During the planning and design phase, the AIRPORT shall prepare rehabilitation, reconstruction, and maintenance guidelines, in consultation with SHPO and the new building owners, to outline the long term requirements of the structure including preservation and maintenance. The guidelines will identify items that will need to be reviewed by the SHPO and items that are exempt from review. The guidelines will be appended to this MOA as "Appendix A" when completed and agreed upon by all parties.

- 12) The AIRPORT will not allow the relocation of Hangar 5 until the guidelines have been completed and agreed upon by all parties.

DURING CONSTRUCTION

- 13) If any unanticipated discoveries of archeological resources are encountered during the implementation of this undertaking, the AIRPORT shall suspend work in the area of discovery, and shall comply with 36 CFR 800.13 by consulting the SHPO and the FAA as appropriate, and resolve adverse effects.

ON-GOING MAINTENANCE AND PRESERVATION

- 14) The Guidelines shall address the replacement and repair of historic materials, on-going exterior maintenance and cleaning, the repair of historic and replacement elements.
- 15) Hangar modification proposals after the completion of the initial project will be reviewed and subject to acceptance by the AIRPORT, in consultation with the SHPO, if the hangar is relocated to a location at BIS as a requirement of the new owners land lease.

TERMINATION

- 16) If the terms of this MOA have not been implemented by December 31, 2025, then this MOA shall be considered null and void. In such an event, the FAA shall so notify the parties to this MOA and, if it chooses to continue with the Hangar 5 Removal project, then it shall reinitiate review of the Hangar 5 Removal project in accordance with 36 C.F.R. Sections 800.3 through 800.7.
- 17) Any signatory that determines the terms of the MOA cannot be or are not being carried out, may terminate the MOA by providing thirty (30) calendar days written notice to the other signatories, provided that consultation between all signatories occurs during the period to seek agreement on amendments or other actions that would prevent termination. The FAA shall then execute a new agreement with the signatories pursuant to 36 CFR 800.6 (c) (1), or request and respond to the comments of the COUNCIL under 36 CFR 800.7(a).
- 18) The public or other interested party, including the signatories to this MOA, may comment within 30 days of the approval or any other action proposed with regard to the relocation of Hangar 5. The AIRPORT shall consult with the commenting party to resolve any conflict. If the AIRPORT, after consultation with the SHPO and the commenting party, determines that the conflict cannot be resolved, the FAA shall request the comments of the COUNCIL. Any COUNCIL comment provided in response to such request shall be taken into account by the AIRPORT, in further consultation with the SHPO with reference only to the subject of dispute; the AIRPORT's responsibility to carry out all actions under this agreement that are not subject to this dispute shall remain unchanged.

EXECUTION AND AMENDMENT

Execution of this MOA by the FAA, the SHPO, and the AIRPORT, and implementation of its terms, will be evidence that FAA has afforded consulting parties an opportunity to comment on the undertaking and its effects on the historic property, and that the FAA has taken into account the effect of the undertakings on the historic property, and has completed all processes in accordance with Section 106 of the National Historic Preservation Act.

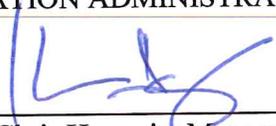
Until the relocation of Hangar 5 is complete, any signatory to this agreement may propose to the other signatories that this agreement be amended, whereupon the FAA shall consult with the other signatories to this MOA in accordance with 36 C.F.R. 800.6(c)(7), (8) to consider such an amendment.

SIGNATORY PAGE

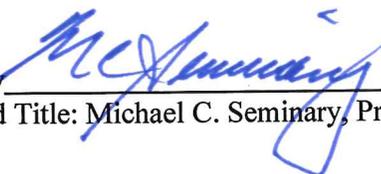
NORTH DAKOTA STATE HISTORIC PRESERVATION OFFICER

Signed by  Date 2.3.2015
Name and Title: Claudia J. Berg, State Historic Preservation Officer

FEDERAL AVIATION ADMINISTRATION

Signed by  Date 2/19/2015
Name and Title: Chris Hugunin, Manager, Dakota-Minnesota Airport District Office

CITY OF BISMARCK, BISMARCK AIRPORT

Signed by  Date February 10, 2015
Name and Title: Michael C. Seminary, President, Board of City Commissioners

Attachment A

Line of Sight Map



Legend

- ATCT Ground Blocked
- ATCT Ground Visible
- Air Traffic Control Tower

J:\temp\Tim\GIS\BIS_LoS.mxd TLG 12/20/2013

*Intended for Planning Purposes Only



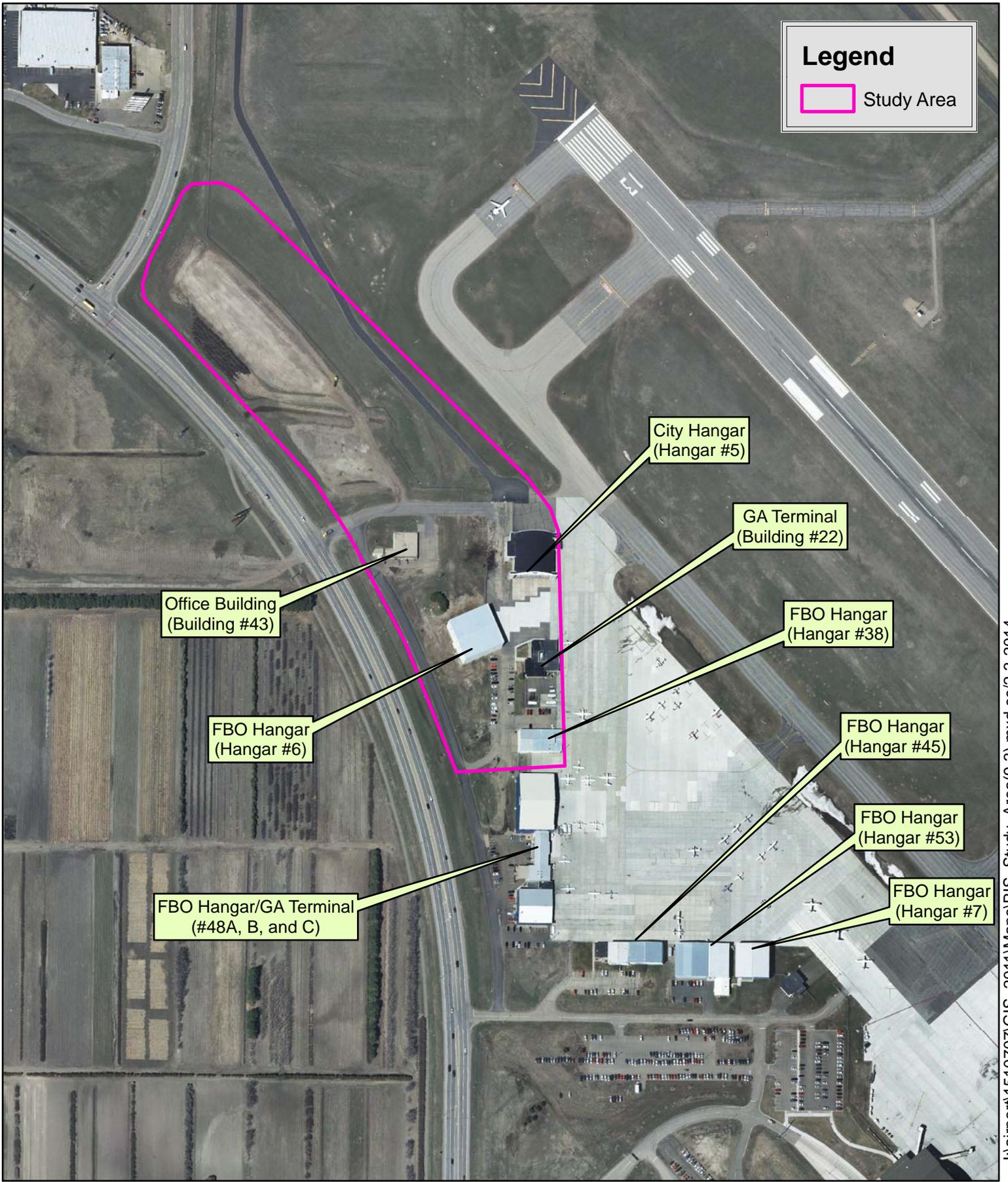
PRELIMINARY



**Bismarck Airport
Hangar 5
Line of Sight Map**

Attachment B

Area of Potential Effect / Study Area Map

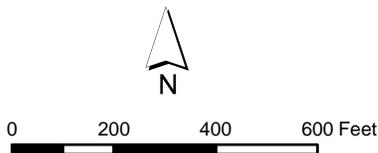


J:\airport\1510707\GIS_2011\Maps\BIS_Study_Area(9.3).mxd cc/2-3-2014

*Intended for Planning Purposes Only



PRELIMINARY



**Bismarck Airport
Study Area Map**

Attachment C

Bismarck Airport Buildings and Hangars (32BL716): An Intensive Class III

Architectural Survey of Five Airport Buildings in Burleigh County, North Dakota

**Bismarck Airport Buildings and Hangars (32BL716):
An Intensive Class III Architectural Survey of
Five Airport Buildings in Burleigh County,
North Dakota**

Prepared for:
Kadmas, Lee & Jackson, Inc.
Bismarck, North Dakota

Prepared by:
Aaron L. Barth
Fargo, North Dakota

June 21, 2012

Abstract

The City of Bismarck and Kadrmas, Lee and Jackson, Inc. intend to alter the northwest portion of the Bismarck Airport (32BL716). On April 22, 2011, Aaron L. Barth conducted a Class III cultural resource inventory within the area of potential effect to record and evaluate five buildings. Beyond the buildings, no other cultural resources were recorded outside of the area of potential effect.

Of the five buildings, Feature 1 is the only one recommended eligible to nominate to the National Register of Historic Places under criterion A and C. In 1936, the Civilian Conservation Corps and the Works Progress Administration built Feature 1, an Art Deco hangar and air terminal. While Feature 1 is not recorded in *The National Register of Historic Places Multiple Property Documentation Form: Federal Relief Construction in North Dakota, 1931-1943*, it no less reflects criterion A and C as described by Steve Martens (Martens, 2010: F-1). In 1951, the Bismarck Airport added a control tower to the northeast corner of Feature 1, but it was removed in the 1970s, restoring it to its original 1936 design.

On February 6, 2012, Kadrmas, Lee and Jackson, Inc., (Tina Fricke and Aaron Barth) and the State Historical Society of North Dakota (Susan Quinnell and Lorna Meidinger) met for a round-table discussion. This report addresses several State Historical Society of North Dakota requests and reporting requirements, including expansion of the 1936-1970 historic context; feature construction dates; remarks about the potential for a broader historic district; whether or not the alignment of the buildings is historic; contacting the City of Bismarck and the Bismarck Airport about further information on Feature 1; and asking the Bismarck Airport if there are alternative future lane layout proposals that could avoid removing or relocating Feature 1, the 1936 Art Deco hangar.

Within the project area at the airport, the buildings were recorded to assist the City of Bismarck and Kadrmas, Lee and Jackson, Inc., in complying with Section 106 of the National Historic Preservation Act, 16. U.S.C. 470 *et seq.*, implemented by the Code of Federal Regulations, 36 C.F.R. § 800-800.16 (2010), and with the State Historical Society of North Dakota. This report also meets the “Reasonable and Good Faith” identification standards outlined by the Advisory Council on Historic Preservation. Of the five buildings recorded, Feature 1 is the only one recommended eligible for nomination to the National Register of Historic Places under criterion A and C.

Table of Contents

Introduction	1
The Undertaking	1
Undertaking Area of Potential Effects	2
Project Setting	2
Management Goals	3
Field Personnel	3
Field Methods	3
Report Terms and Definitions	5
Relevant State Wide Context	5
Historic Context Reflected by Site 32BL716	6
Site 32BL716	11
Potential for Historic District	16
Results	16
Conclusions, Management Eligibility Recommendations, and Mitigative Suggestions	17
References Cited	18
Color Overview Photographs and Historic Photos	A-1

List of Figures

Figure 1: Project area looking southeast	1
Figure 2: General county location of the project area	2
Figure 3: Project Map in 1:24,000 scale, USGS 7.5' Bismarck	4
Figure 4: A 1940 photograph of the Bismarck Airport, view to the north	7
Figure 5: A photo of Feature 1, the new 1951 control tower addition	8
Figure 6: A 1972 expansion proposal for the Bismarck Airport	9
Figure 7: Site 32BL716, Feature 1, Contextualized with the History of Aviation and Art Deco	9
Figure 8: Aerial view of site 32BL716, and features	11
Figure 9: December 31, 1927 map of U.S. Airways airmail route	14

List of Color Overview Photographs and Historic Photos

Photo 1: Overview looking northwest	A-1B
Photo 2: Overview looking southeast	A-1B
Photo 3: Feature 1, southeast corner	A-1C
Photo 4: Feature 1, northwest corner	A-1C
Photo 5: Feature 1, ceiling detail looking northeast	A-1D
Photo 6: Feature 1, southwest corner	A-1D
Photo 7: Feature 2, northeast corner	A-1E
Photo 8: Left to right features 3 and 2, southwest corner	A-1E
Photo 9: Feature 4, northwest corner	A-1F
Photo 10: Feature 4, southeast corner	A-1F
Photo 11: Feature 5, northwest corner	A-1G
Photo 12: Feature 5, southeast corner	A-1G
Historic Photo 1: Bismarck Municipal Airport photo, circa 1930-1939	A-1H
Historic Photo 2: Bismarck Municipal Airport photo, circa 1940	A-1H
Historic Photo 3: Bismarck Municipal Airport, with Feature 1 in the background, circa 1940	A-1I
Historic Photo 4: "Bismarck Control Tower," <i>Bismarck Tribune</i> , 07/21/1951, page 8	A-1I

Introduction

The City of Bismarck and Kadrmas, Lee and Jackson, Inc. (KLJ) intend to alter the northwest portion of the Bismarck Airport. On April 22, 2011, Aaron L. Barth conducted a Class III cultural resource inventory to record and evaluate five buildings within the defined Area of Potential Effect (APE). On February 6, 2012, KLJ (Tina Fricke and Aaron Barth) and the State Historical Society of North Dakota (SHSND; Susan Quinnell and Lorna Meidinger) met for a round-table discussion. This report addresses several SHSND requests and reporting requirements agreed upon in a February 7, 2012 e-mail exchange. This is assisting the City of Bismarck and KLJ in complying with Section 106 of the National Historic Preservation Act, 16 U.S.C. 470 *et seq.*, implemented by the Code of Federal Regulations, 36 C.F.R. § 800-800.16 (2010). Beyond these buildings, no other cultural resources were observed or recorded within the APE. Of the five buildings, Feature 1 is the only one recommended eligible to nominate to the National Register of Historic Places (NRHP) under criterion A and C.



Figure 1: Project area looking southeast. Feature 1 left-center of photograph.

The Civilian Conservation Corps and/or the Works Progress Administration (CCC/WPA) built Feature 1, an Art Deco hangar and air terminal, in 1936. While Feature 1 is not recorded in Steve Martens, *Federal Relief Construction in North Dakota, 1931-1943*, it does embody criterion A and C as described within that statewide context (Martens, 2010: F-1).

The Undertaking

Per an April 22, 2011 conversation with KLJ and KLJ Environmental Planner Kayla Block-Torgerson, the undertaking involved an architectural survey of five buildings that fell

within the defined APE. On February 6, 2012, KLJ Environmental Planner Tina Fricke, SHSND Review and Compliance Coordinator Susan Quinnell, and SHSND Architectural Historian Lorna Meidinger met for a round-table discussion and agreed upon several specifics to include in this report. The agreed upon requirements included:

- 1936-1970 historic context expansion.
- Feature construction dates.
- Comments about whether the buildings possess any potential for a historic district.
- Address questions as to whether the alignment of buildings is historic.
 - Include historic photos and discussion about alignment.
 - Seek information on North-South alignment.
- Contact the City of Bismarck about information on Hangar #5 (Feature 1) specifically, and the Bismarck Airport generally.
- Coordinate with SHSND and Airport Tower personnel about alternative future taxi lane layout proposals to avoid the removal or relocation of Feature 1.

These requirements are addressed and discussed within this report.



Figure 2: General county location of the project area.
Public Domain: <http://www.nationalatlas.gov/>

Undertaking Area of Potential Effects

The APE is located in the northwest corner of the Bismarck Airport, and the Bismarck Airport is located in the southeastern part of the Bismarck City limits. The legal description of the APE is in the SW/SE and SE/SW of Section 10, and the NW/NE of Section 15, in T. 138 N., R. 80 W., Burleigh County, North Dakota. It is depicted on the USGS 7.5 topographic map. In all, the APE covered an area that, at its longest, was 750' north-south, and 600' east-west, for a total of approximately 250,200 square feet.

Project Setting

The project is in central North Dakota, in the Southern Missouri River Study Unit (SMRSU; Unit #5), as defined in *The North Dakota Comprehensive Plan for Historic Preservation: Archeological Component* (SHSND 2008: 5.1-5.89). The SMRSU is contained

within the Glaciated Missouri Plateau Subsection of the Missouri Plateau Section of the Great Plains physiographic province (SHSND, 2008: 5.2). The ecological and physiographic diversity typifying the SMRSU's natural landscape influenced both native groups and Euro-American explorers and traders alike. By the second half of the nineteenth-century, Euro-Americans continued realizing their political goals of Manifest Destiny, and sought to assimilate, push aside or eradicate the indigenous populations in order to settle the interior of the continent, the northern Great Plains notwithstanding (Merk, 1995; Rothaus, et. al, 2010: 11).

The APE resides where it does today for a variety of reasons. The primary reason, or historical process, has to do with the government backed railroad administration deciding to cross the Missouri River at the given point of Bismarck. In 1872, the Great Northern Railroad reached the city of Edwinton from the east, and the Dakota Territorial legislature altered it to the namesake of Bismarck. Ten years later, in 1882, the Northern Pacific Railroad bridge finally crossed the Missouri River. In 1889, North Dakota achieved official statehood and Bismarck became the official capitol. This Euro-American settler colonialism intensified the reasons for passenger and commercial transportation — oxen, horse, steamboat, locomotive, automotive and airplane — to have Bismarck as its destination (Robinson, 1966 & 2003: 131; Bird and Taylor, 1972: 11 & 66).

As of June 2011, the APE surrounding the Bismarck Airport consisted of residential, commercial and industrial development, with the United Tribes Technical College immediately to the south. All of this falls within the city limits of Bismarck. This continued economic and social growth is characteristic of the history of Bismarck. This, along with Federal aviation regulations, are reasons the Bismarck Airport has received numerous modifications and alterations from its beginning up to the present.

Management Goals

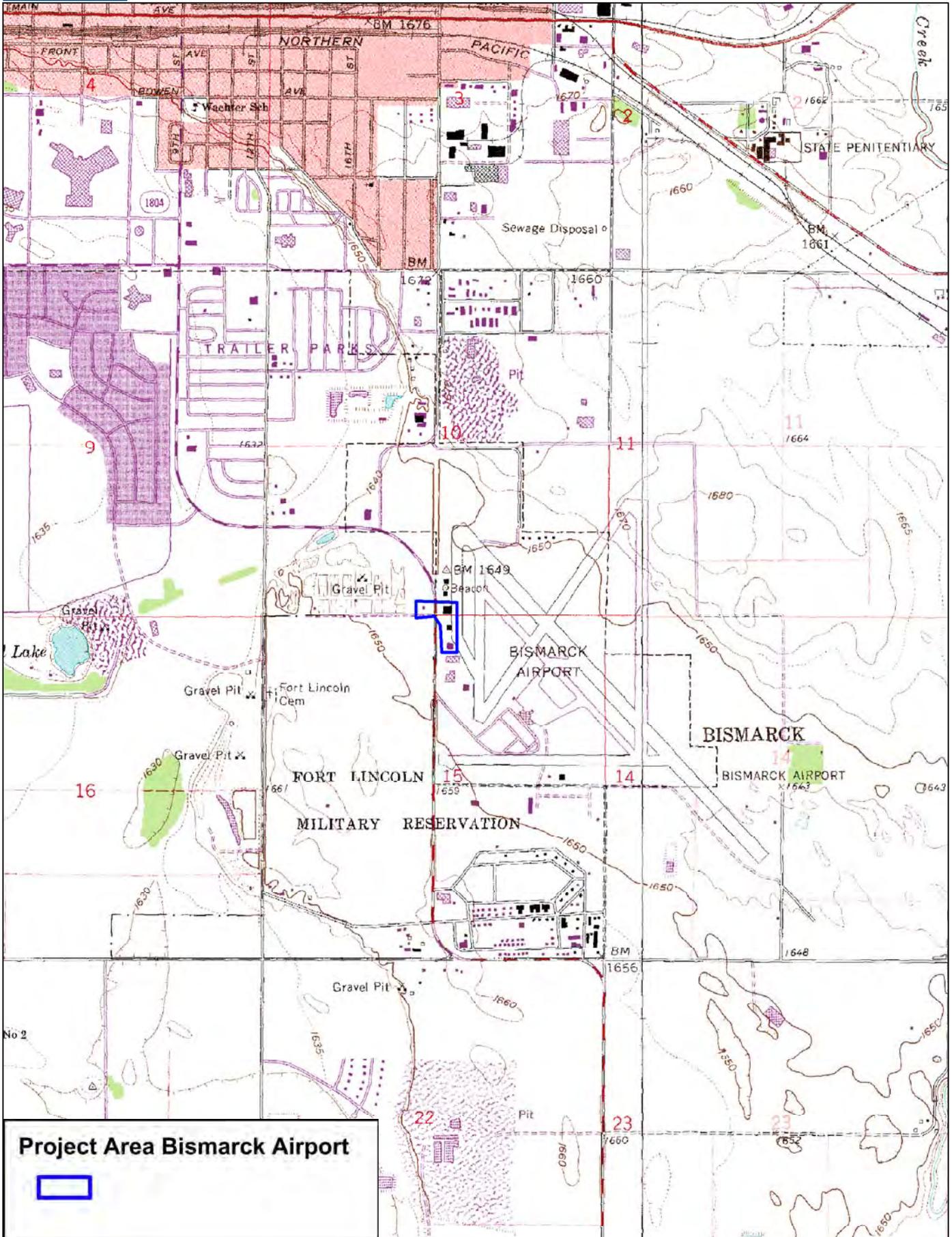
Following the mandates of Section 106 of the NHPA, and in accordance with the SHSND, the five buildings were inventoried to determine whether or not they were eligible for inclusion in the NRHP. Compliance with the stipulations will provide the City of Bismarck, KLJ, and the SHSND with the documentation necessary to evaluate the five buildings, this before alterations take place to further modernize the Bismarck Airport.

Field Personnel

The field personnel included Aaron L. Barth.

Field Methods

The APE was inventoried with digital photography, and a sketch map was drawn using a Garmin eTrex and Google Earth. In addition to this, several archives were visited to provide greater context and understanding. This included the State Historical Society of North Dakota in Bismarck, and in Fargo the North Dakota Institute for Regional Studies and the North Dakota State University Klai Juba Architectural and Landscape Library. All of the field notes, photographs, maps, and digital photographs are on file in Fargo, North Dakota.



Project Area Bismarck Airport



Report Terms and Definitions

Modern, Modernity, and Modernize

The abstract terms “modern,” “modernity,” or “modernize” are used within this report and warrant definition. Arguments over the definition of this term are contentious, as some intellectual historians have asserted that modernity came with the Industrial Revolution, while others have contended that modernity is represented by the increased secularization of society (Gellner, 2006: xv; Musil, 1990: 21). In the case of this report, however, a universal definition forwarded by Leszek Kolakowski will suffice. Kolakowski defined modernity as “the natural tension between structure and evolution,” or the tension between the structures of the past and the evolution inherent for life to exist in the present (Kolakowski, 1990: 4-5). In the case of the Bismarck Airport, modernizing the structures and buildings to account for the evolving nature of aviation has been a perpetual and on-going process (Table 1).

Structure and Building

The term building instead of structure was used to refer to features 1, 2, 3, 4, and 5 based on the definition provided by the SHSND (SHSND, 2009: 17). They are defined as follows:

Building – a structure created to shelter any form of human activity, such as a house, barn, church, hotel, or similar structure. Building may refer to a historically related complex such as a courthouse and jail or a house and barn.

Structure – a work made up of interdependent and interrelated parts in a definite pattern of organization. Constructed by man, it is often an engineering project large in scale. Examples include a railroad bridge or lighthouse.

Features 1, 2, 3, 4, and 5 at 32BL716 sheltered human activity, and this primarily involved maintaining, refueling and providing ports for airplanes.

Relevant State Wide Context

Because fieldwork and archival research revealed that Feature 1 was built by the CCC and WPA in 1936, a statewide context applied. Steven C. Martens, a North Dakota State University Professor of Architecture, developed this as a National Register of Historic Places Multiple Property Documentation Form. It is entitled, *Federal Relief Construction in North Dakota, 1931-1943* (Martens, 2010). Feature 1 reflects the NRHP recommendations for eligibility outlined by Martens in his statewide context. Thus, according to the context, Feature 1 is recommended eligible under criterion A: Event, and C: Design/Construction (NRB #15, 1997: 12-13 & 17-20).

History Context Reflected by Site 32BL716

The aviation history of North Dakota started due to external factors beyond the borders of the state. In the first decade of the twentieth century, the nation increasingly modernized itself when the Wright Brothers performed the first flight ever on December 13, 1903 at Kitty Hawk, North Carolina (SNASM, “Milestones of Flight”). Airplanes were modestly used during the First World War from 1914 to 1918, and by the 1920s they gained increased attention by the U.S. government. In July 1916, the first airplane landed in Bismarck, and in the 1920s the city located its first airport on South Washington Street (Langemo, 2002: 63). In this same decade the airport was moved to its current location (Bismarck Airport History website, 2012; hereafter cited as BAH, 2012). This move coincided with the passage of the Air Commerce Act in 1926, thus charging the Federal government with modernizing air travel. The act specifically enabled commerce, required the issuance and regulation of air traffic rules, pilot licenses, aircraft certification, and it established standardized airways to bring about order to the sky (“Origins of the FAA,” FAA Website accessed 06/29/2011).

Two notable pilots from the upper Midwest (Minnesota) and the northern Great Plains (North Dakota) made contributions to the popularization of aviation. In 1927, Charles Lindberg (Little Falls, Minnesota) initiated his transcontinental flight on May 20-21. Within North Dakota, individuals such as Carl Ben Eielson (Hatton, North Dakota) also brought broader public attention to the possibilities aviation afforded. While Lindberg made his trans-Atlantic flight from Long Island, New York to Paris, France in 1927, a year later Eielson demonstrated how to fly over “the top” of the world from Point Barrow, in northern Alaska to Spitzbergen, a Norwegian island north of Norway’s mainland. (Page, 1992)

Aviation would soon connect Bismarck with the rest of the country through regional airlines. In June 1931, a “Stinson Detroiter” owned by Northwest Airlines landed at the Bismarck Airport, marking the first time a commercial passenger plane arrived in the city. Five years later, the CCC and WPA built Feature 1 at the Bismarck Airport, a modern hangar in Art Deco style. In addition to the historical processes of aviation advances, the 1936 architecture of Feature 1 reflected a new stage of modernity that embodied different styles and designs. Approximately 11 years prior, in 1925, the new Art Deco style was officially showcased at the *Exposition Internationale des Arts Décoratifs et Industriels Modernes* (The International Exposition of Modern Industrial and Decorative Arts), also known as the world’s fair in Paris, France (Hunter, 1972: 257). By 1930, architects had incorporated Art Deco into the majority of their airport designs (Pisano, 1990: v-vi). Within North Dakota, the Ward County Courthouse (built between 1928-29) and the North Dakota State Capitol (built between 1932-1934) planted Art Deco within the borders of North Dakota (Gebhard, 1996: 149-150). Two years after the North Dakota State Capitol was finished, the CCC/WPA constructed the Art Deco building at the Bismarck Airport.

The hangar built in 1936 would see increased aviation traffic, and by 1939, additional airlines began landing at the airport, including Hanford Airlines and Mid-Continent Airlines. They provided flights between Bismarck and Tulsa, Oklahoma. By 1940 the City of Bismarck became the official owners of the airport, and advances in aviation technology continued requiring advances and expansion in airport technology (Langemo, 2002: 63; BAH, 2012). For this reason, in 1940 the City of Bismarck purchased 60 acres of additional land from the Wachter

family and the WPA constructed the first paved runways. Two years after WWII, the War Assets Administration (a Federal agency responsible for disposing of surplus consumer, capital and producer goods; industrial and maritime real property; and airports and aircraft in the United States and territories) transferred 160 acres to the city for the airport (Record of WAA website, 2012).



State Historical Society of North Dakota
Figure 4: A 1940 photograph of the Bismarck Airport, view to the north. SHSND Digital ID sh0027604.

Throughout the 1950s, additional improvements continued. In 1950 and 1951, the airport improved its drainage conditions, and in 1951 the Bismarck Airport enhanced its control tower, collectively splitting the \$31,000 estimated cost between the Federal government and the city. The local Bismarck contractors working on the tower addition included A.J. Weinberger (general contractor), O&M Electric, and H.A. Thompson and Sons (heating and plumbing). This tower allowed for flight control and communications to be consolidated into one operation, reducing the number of employees from 11 to six. (“Bismarck Control Tower,” *Bismarck Tribune*, 07/21/1951, page 8) A year later, in 1952, the NW-SE runway was reconstructed, and Douglass DC-3s, fixed-wing propeller-driven airplanes, began landing at the airport (BAH, 2012).

Five years later, in 1957, a second phase of this NW-SE runway was completed, and in 1962 the runway was lengthened to 6,925 feet to accommodate jet aircraft. In 1964 and 1965, the City of Bismarck extended its water main and sanitary sewer system to service a new terminal under construction. Throughout the 1960s, a new North-South runway was also completed, and

taxiways, ramps, field lighting, surface drainage and parking lots were built to compliment the new terminal. In 1976 a new air traffic control tower was built on the south side of the airport, and throughout the 1970s and 1980s, updates continued with additions to the new terminal, including a baggage belt, baggage claim area and passenger boarding bridges (BAH, 2012).

Bismarck Control Tower

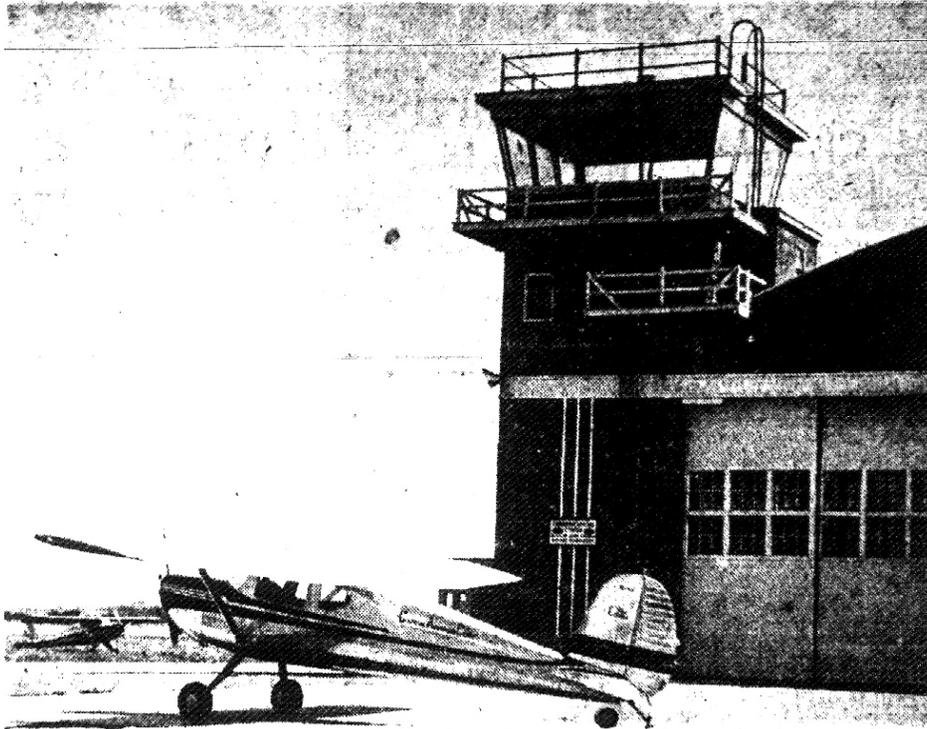


Figure 5: A photo of Feature 1, the new 1951 control tower addition. “Bismarck Control Tower,” *The Bismarck Tribune*, July 21, 1951, page 8.

These construction additions are reflected in the increased amount of passengers that enplaned and deplaned from 1960 to 1970. The population increases in the urban and rural areas of Burleigh and Morton counties provided incentive to expand the Bismarck Airport. For example, in 1960 the Bismarck Airport serviced 35,280 passengers, and by 1965 they serviced 66,942 passengers. The United States Census of 1970 reported Burleigh and Morton counties as having a combined population of 61,024, and by 1980 that population reached 79,988. In 1972 the annual passenger load of the Bismarck Airport had reached 133,322, and the projections for 1975 estimated that the airport would take in over 204,000 passengers annually (BAH, 2012; Bismarck Municipal Airport Master Plan, 1972; U.S. Census). These events provided the reason and rationale for the continued modernization of the Bismarck Airport.

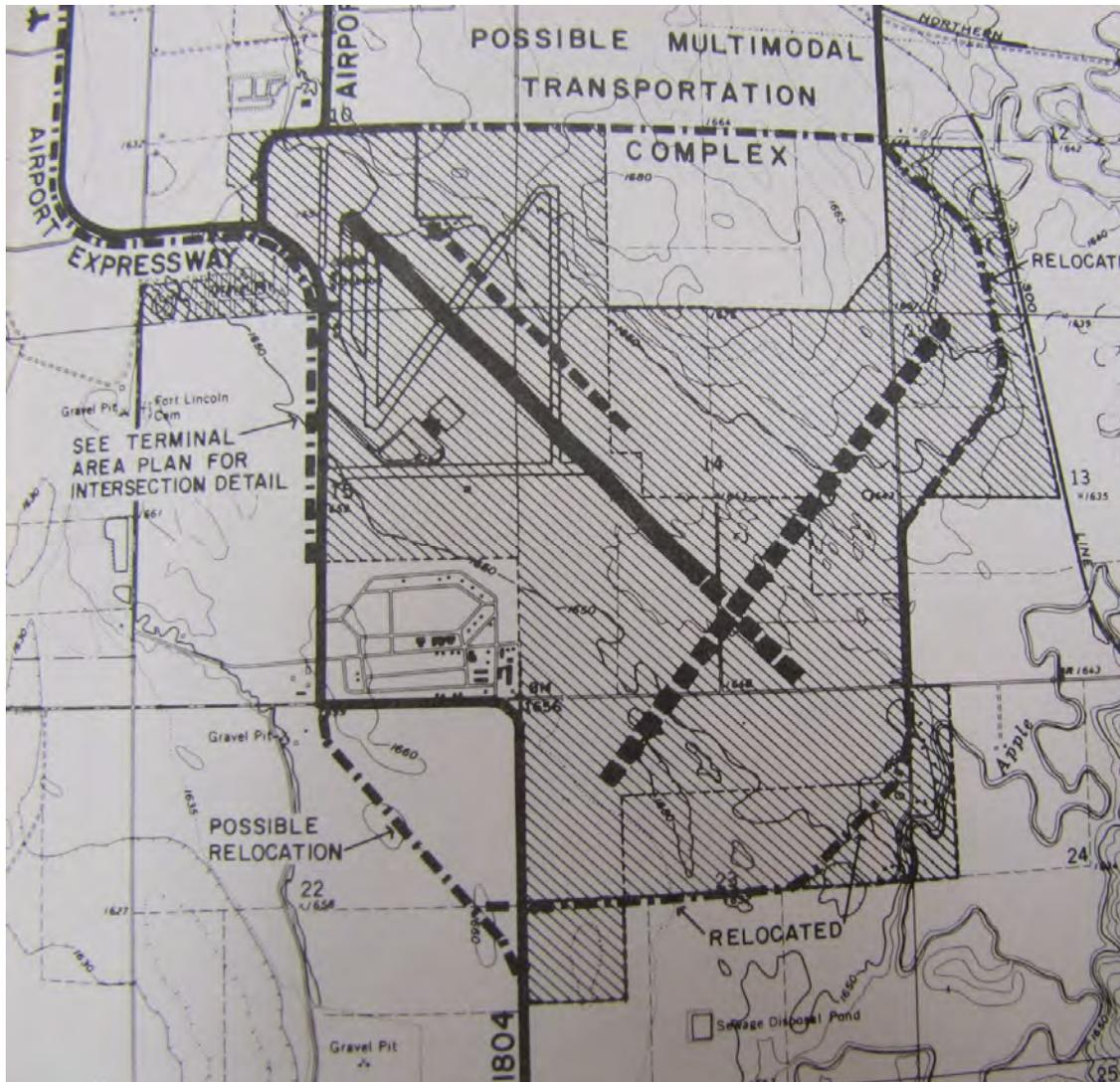


Figure 6: A 1972 expansion proposal for the Bismarck Airport (Bismarck Municipal Airport Master Plan, 1972: Manuscript on file with the SHSND, Bismarck).

Figure 7: Site 32BL716, Feature 1, Contextualized with the History of Aviation and Art Deco¹	
1903	The first ever flight by the Wright brothers takes place at Kitty Hawk, North Carolina.
1914	World War breaks out in Europe.
1916	The first flight into Bismarck.
1917	The United States enters the First World War.
1918	The First World War ends.
1925	The International Exposition of Modern Industrial and Decorative Arts, the first world's fair, held in Paris, France.
1926	The United States Air Commerce Act passed in Washington, D.C.
1927	Charles A Lindberg executes first transcontinental flight.

¹ This list was compiled with the following sources. Langemo, 2002: 63; Federal Aviation Administration website accessed on June 24, 2011; The Bismarck Airport website accessed on June 24, 2011; Grant, 2007; Gebhard, 1996; Pisano, 1990; Martens, 2010.

1929	The Ward County Courthouse (Art Deco) finished in Minot, Ward County, North Dakota. The Wall Street Stock Market crashed.
1931	Northwest Airlines makes its first passenger flight into Bismarck using a “Stinson Detroiter.”
1933	The Civilian Conservation Corps (CCC) is formed.
1934	Lights are added to the runway at the Bismarck Airport.
	The Federal Aeronautics Branch renamed the Bureau of Air Commerce. This bureau encouraged a group of airlines to establish the first three centers for providing air traffic control (ATC).
1935	The Works Progress Administration (WPA) is formed.
1936	The WPA/CCC build the Art Deco airport hanger in Bismarck (32BL716, Feature 1).
	The Bureau of Air Commerce takes over the ATC.
1938	Congress forms a new agency, the Civil Aeronautics Authority, to expand the government’s role and authority over airline fares.
1939	The first jet plane, the He 178, is flown in Germany.
1940	Bismarck Airport purchases 60 acres of land from the Wachter family and builds the first paved runways.
1941	The U.S. enters WWII.
1945	WWII ends.
1947	War Assets Administration gives 160 acres to Bismarck Airport.
1949	The first commercial jetliner, the de Havilland DH 106 Comet, flies.
1951	A flight control and communication tower is added to the northeast corner of Feature 1, 32BL716, at the Bismarck Airport.
1952	The Bismarck Airport’s NW-SE runway is reconstructed.
1954	De Havilland DH 106 Comets grounded due to a series of crashes caused by metal fatigue.
1957	The Bismarck Airport’s second phase of NW-SE runway is completed.
1958	The Federal Aviation Act is passed.
1962	The Bismarck Airport’s runway is lengthened to 6,925’ to accommodate jet aircraft.
1967	The Federal Aviation Administration is given its namesake.
1976	The Bismarck Airport builds a new air traffic control tower on the south side of the airfield. The old tower, the northeast corner of Feature 1 (32BL716), is taken down.
	Congress passes the Airline Deregulation Act.
1978	The Bismarck Airport runway is lengthened to 8,794’, its length as of 2011.
2001	Al Queda carries out four coordinated commercial airline suicide attacks on the United States.
2005	A new terminal is completed at the Bismarck Airport.



Figure 8: Aerial view of site 32BL716, and features.

Site 32BL716

This site is located in the northwest corner of the broader Bismarck Airport. It consists of features 1, 2, 3, 4 and 5. Feature 1, a project commissioned by the WPA in 1936, is one of the original 1930s hangars of the Bismarck Airport, and according to a statewide context it is recommended eligible to the NRHP (Martens 2010). Features 2, 3 and 4 are more modern personnel- or out- buildings, and they are recommended as not eligible for nomination to the NRHP. Feature 5 is an airport hangar, and also not recommended eligible for nomination to the NRHP.

Feature 1

Feature 1 is a Depression-era building, a piece of infrastructure commissioned by a Federal relief program. Built in 1936, it was constructed under the auspices of CCC/WPA. The building measures approximately 150' east-west and 140' north-south. The foundation is poured concrete, the skeleton is of wood-frame construction, and the exterior is covered in stucco. The north and south wall extensions that are a part of the roof are covered in vertical sheet-metal siding, and the arched roof itself is covered with rubber material. The building served as a hangar, and it takes on this function today.

The east side has five 108 single-light dead-light windows. A small flat-roof shed extension measuring approximately 15' by 15' projects out from the east side of this hanger. This extension also has a wood-frame skeleton and the majority is covered in stucco. The south side has wood, horizontal drop siding and a vehicle door. The east side has four two-light, double-hung windows. The north side of this structure has three two-light, double-hung windows and a personnel door with four single-light windows. In the early 1950s the Bismarck Airport modernized the northeast corner of Feature 1 with the construction of a control and communications tower ("Bismarck Tribune," 07/21/1951, page 8). This tower has since been removed, likely around 1976 when a new air traffic control tower was built on the south portion of the runway (BAH website).

At the base of this northeast corner (on the north side) is a U.S. Coast & Geodetic Survey Benchmark (D381) with a 1945 date. This survey benchmark is for vertical control stations and they show precise orthometric heights (elevations; see National Geodetic Survey: <http://www.ngs.noaa.gov/>). The north side has a 10-panel, sliding hanger door. Each panel has six, six-light dead-light windows, and one of the central sliding panels has a personnel door. In addition to the stucco, architectural details, specifically Art Deco, are incorporated into the building. Art Deco is described by Cyril Harris as an angular, zigzag and geometric ornamentation in low relief building facades, and it is identified by Steve Martens (North Dakota State University Professor of Architecture) as one of the two architectural themes within 1930s CCC/WPA projects.

The west side has 20, 12-light, double-hung windows; and one 108 single-light, dead-light window. A shed roof covers a personnel door with a four-light, dead-light window. On this projecting shed roof is signage that says, verbatim, "ND CIVIL AIR PATROL BISMARCK COMPOSITE SQUADRON." The south side also has sliding hangar doors, and although they were open and not exposed at the time of the survey, it is presumed that they have symmetry with the north side sliding hangar doors (10 panels with each panel having six, six-light dead-light windows and a personnel door in one of the central panels). Above the sliding hangar doors are two signs. One reads, "air bp" (for Air British Petroleum) and below that it says, "BISMARCK AERO CENTER."

According to the Multiple Property Documentation statewide context, Feature 1 reflects the Art Deco stylistic tendency that characterized most Depression-era architecture in North Dakota (the other style is identified as WPA-Rustic). Art Deco was regarded as an architectural style that was "a modernizing, progressive, 'scientific' approach to building improvement reflecting wise public investment of the nation's building stock," Feature 1 notwithstanding (Martens, 2010: Section Number E, Page 18).

Of Art Deco, Richard Striner, the founding President of the Art Deco Society of Washington, has noted how the style "proved to be a middle range between antagonistic ideologies," serving "as an important channel between radical and traditionalist design responses to twentieth-century challenges." (Striner, 1990: 21) That the WPA (a social program with ideological implications) embraced Art Deco demonstrates this effort to impress the idea of modernity and progress into the aesthetics of a building.

For example, within Feature 1 a horizontal piece of wood, painted white, runs around the top of the entire building. On the north and south sides of the building are pairs of three vertical bands of white wood. These horizontal and vertical bands, suggests Striner, demonstrate the period's Federal relief and WPA progressive agenda of breaking with "the chaos of the past and present [The Great War/WWI and the Great Depression included] to a future world of order." Traditionalists, conversely, appreciated the linear lines as it, asserts Striner, "sought to stave off disaster by maintaining the continued vitality of *classical* order." Art Deco blended the Ancient classicism of Egyptian and Aztec pyramids with the 1920s and '30s modernity characterized, in this instance, by the aviation machine (Striner, 1990: 22).

Nationally, the architectural design of Art Deco was not limited to a 1936 Bismarck Airport building, but rather it was prolific throughout the nation. In 1930, six years before the construction of Feature 1, the Lehigh Portland Cement Company (LPCC) of Allentown, Pennsylvania, published *American Airport Designs* (American Institute of Architects Press, 1990). Two years after the 1926 passage of the Air Commerce Act, LPCC in 1928 sponsored a national airport design competition. Of this competition, Dominick A. Pisano, the Smithsonian Institution's Aeronautics Department Curator, said out of all the prize winning airport designs, one striking architectural similarity bound them together: "their angular, geometric, and ornamented Art Deco appearance." (Pisano, 1990: v-vi). By the 1930s, architects had regularly woven Art Deco into their airport designs throughout the nation, including architecture at the Bismarck Airport.

Architects and national leaders convinced themselves that this architectural style would help its intended passengers accept the new technology. In 1930, Clarence M. Young, then the United States Assistant Secretary of Commerce for Aeronautics, outlined the reasons for the modern, linear airport designs. Aviation logistics influenced one of the primary reasons, as multiple airstrips improved an airport with the ability to manage multiple take offs and landings. This served to mitigate the psychological anxiety of passengers. Young said, "it is recognized that passengers unfamiliar with flying operation are most nervous during the preliminary period before the plane is in the air." Thus, separate take off and landing taxi strips ensured that "passengers are not jolted or inconvenienced while preparing for take-off or immediately after landing." In addition to this, he called attention "to the general appreciation of the importance of solidity and stability which is architecturally expressed in the buildings themselves." Those who designed Art Deco recognized how important it was to give a psychological "feeling of permanency, reliability and dignity." Thus, the rectangular, linear and geometric style of Art Deco (and Feature 1) was intended to calm passengers who, in the 1930s, were very new to the idea of passenger air travel (Young, 1930: 11-12).

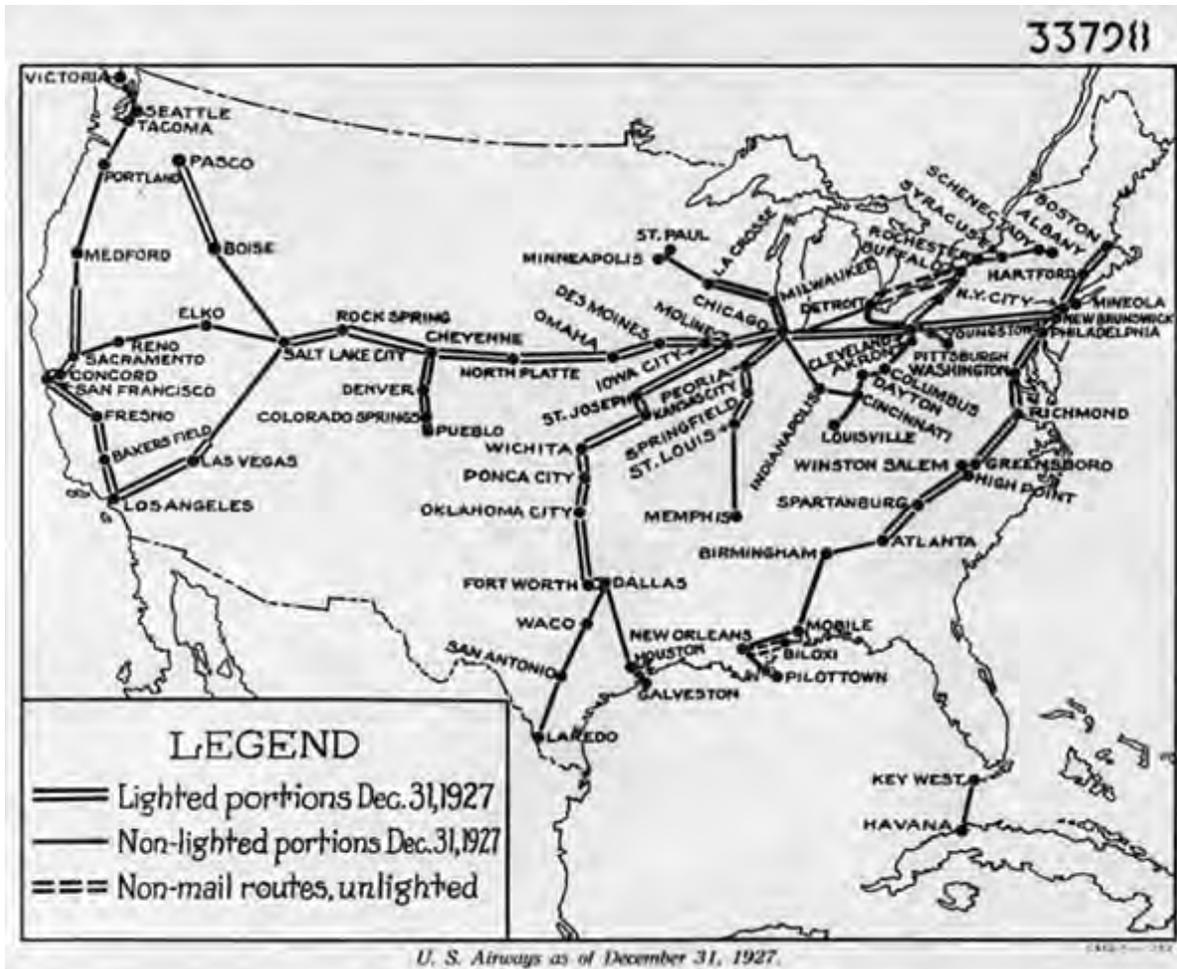


Figure 9: December 31, 1927 map of U.S. Airways airmail route, showing the influence of aviation in America by the late-1920s. National Air and Space Museum, Smithsonian Institution (SI Neg. No 89-7060).

Feature 1 possesses integrity of Location, Design, Setting, Materials, Workmanship, Association, and to varying degrees possesses integrity of Feeling. In 1936 Feature 1, the first terminal and hangar building, was constructed at the present site of the Bismarck Airport. Feature 1 was modified in the early 1950s, but altered back to its original design around 1976.

Feature 1 is recommended eligible under criterion A: Event, and C: Design/Construction. According to *Federal Relief Construction in North Dakota, 1931-1943*, Feature 1 was built under the auspices of the Federal Emergency Relief Administration, Civilian Works Administration, and WPA programs, and therefore is eligible under criterion A because it is directly associated with Depression era social and economic history. This is one component of the broader "unprecedented federal initiative to stimulate the nation's depressed economy through an aggressive series of public works and relief programs" (Martens, 2010: Section Number F, Page 1 & 39). Documentation of Feature 1 comes in the form of an undated *Bismarck Tribune* article celebrating the 60th anniversary of the Bismarck Airport. This article mentions that Feature 1 was constructed in 1936 as a WPA project (SHSND, "Bismarck Airport 1950-1982," MSS 11022, Box 2, Folder 30). As Martens noted, Feature 1 was one component of

the broader WPA and CWA effort to enlarge and improve numerous airports throughout the U.S. Thus, Feature 1 has an important association with an event and historic trend, and the statewide context says criteria A should be applied for "an airport that was newly developed or significantly expanded" during this period (Martens, 2010: Section F, Page 40; NRB #15, 1997: 12). In addition to criterion A, Feature 1 is eligible under criterion C because it reflects Art Deco, one of the five distinctive MPDF design/construction characteristics. According to the 2010 statewide context, Feature 1 is recommended eligible for nomination to the National Register of Historic Places under criterion A and C.

Feature 2

Feature 2 is a personnel building built in 1971, and it measures at its longest point approximately 120' east-west and 100' north-south. The foundation is poured concrete, and the primary exterior is stretcher-laid bricks. The east side has a set of personnel doors and four one-light, dead-light windows. The south side has another set of personnel doors, two vehicle doors, and six one-light, dead-light windows. The west side does not have any windows or doors, and instead of bricks the wall is constructed out of concrete cinder blocks. The north side has six one-light, dead-light windows. Feature 2 has a modern metal Mansard roof.

While to a variety of degrees Feature 2 retains aspects of Location, Design, Setting, Materials, Workmanship, Feeling and Association, it is less than 50 years old. For this reason it is therefore recommended as not eligible for nomination to the National Register of Historic Places (NRB #15, 1997: 44-45). Since it is less than 50 years old, Feature 2 is at this time recommended as not eligible for nomination to the NRHP.

Feature 3

Feature 3 is an outbuilding immediately west of Feature 2. It was originally thought to have been built in 1971, but oral histories with Tim Thorsen and Greg Haug of the Bismarck Airport revealed that it was torn down and rebuilt sometime in the 1990s, specifically either in 1993 or 1994. The Bismarck Airport archives revealed a lease from June 24, 1985 between the Bismarck Airport and the Northwestern Bell Telephone Company, confirming this oral history. The building is approximately 20' east-west and 10' north-south. It has a concrete foundation and the walls are stretcher-laid bricks. The west side has a personnel door, and the roof is flat. Feature 3's Integrity is identical to Feature 2, and Feature 3 is at this time recommended not eligible for nomination to the NRHP.

Feature 4

Feature 4 was built in 1973 and is a personnel building that is irregular in shape. It measures approximately 75' east-west and 75' north-south. The foundation is poured concrete, and the primary exterior is stretcher-laid bricks. The east side has two vehicle doors, one personnel door, and 15 one-light, dead-light windows. The north side has 13 one-light, dead-light windows and one personnel door. The south side has one personnel door, a sliding glass door, and five one-light, dead-light windows. The west side has a pair of personnel doors, and 12 one-light, dead-light windows. This west side also has signage on the building that, verbatim,

reads, "BISMARCK AERO CENTER NORTH DAKOTA AERONAUTICS COMMISSION." In addition to the flat roof, a smaller modern metal Mansard roof caps the center of Feature 4. Feature 4's Integrity is identical to Feature 2, and Feature 4 is at this time recommended not eligible for nomination to the NRHP.

Feature 5

Feature 5 was built in 1974 and is a hangar/outbuilding measuring approximately 100' east-west and 75' north-south. It has a concrete foundation, metal frame construction, and it is sided in vertical sheet metal. The south side has two large sliding hangar doors; a personnel door; three two-light, single-hung windows; five single-light, dead-light windows; and one awning window, described as "a rectangular window that opens outward on a frame that turns about a horizontal axis along its upper edge." (Harris, 1998: 16) The east side has 11 single-light, dead-light windows; one personnel door; four awning windows; and two single-hung windows. The north side has a personnel door; five single-light, dead-light windows; and one double-light, single-hung window. There are no doors or windows on the west side. The gable roof has a slight pitch, and it is covered in metal siding. Feature 5's Integrity and Eligibility is the same integrity as Feature 2.

Potential for Historic District

The United States Secretary of the Interior defines a Historic District as possessing "a significant concentration, linkage, or continuity of sites, buildings, structures, or objects united historically or aesthetically by plan or physical development." (NRB #15, 1997:5). Feature 1 is the only building within the APE that is more than 50 years old. The additional structures within the APE are less than 50 years old, built between 1971 and 1974. In the 1930s, the Bismarck Airport organized itself along a north-south trajectory. By the 1970s, however, that alignment had changed to a northwest-southeast trajectory. (NRB #15, 1997:5) Thus, the Bismarck Airport at this time is recommended as not possessing a significant concentration or continuity of individual sites that would reflect the potential for a Historic District.²

Results

Beyond features 1, 2, 3, 4, and 5, no additional cultural resources were located during the inventory. For site 32BL716, a site form was submitted, the SHSND ascribed it with its Smithsonian Institution Trinomial System number, and the stipulations outlined by the SHSND were fulfilled. Color photographs of the APE and features are in Appendix A. On June 29, 2011, Fern Swenson, the SHSND Deputy Director, authorized digitized SHSND photographs pertinent to this project to be used in this report. They are included in the report and in Appendix A.

² In the case of the Idaho Falls Historic Airport District, the historic 1936 structures were successfully nominated to the NRHP as they all date from that year. The actual landing strip was not nominated to the NRHP. See William R. Shaw, *Idaho Falls Airport Historic District: Fanning Field, Red Baron Hangar* (Washington, D.C., and Boise, Idaho: NRHP Registration Form, September 10, 1997. NRHP #97001126).

Conclusions, Management Eligibility Recommendations, and Mitigative Suggestions

The City of Bismarck and KLJ intend to alter the northwest portion of the Bismarck Airport in Burleigh County, North Dakota. On May 31, 2011, Aaron L. Barth conducted a Class III intensive architectural survey to document five features that fell within the APE, thus meeting the “Reasonable and Good Faith” identification standards outlined by the Advisory Council on Historic Preservation. This was done to assist the City of Bismarck in complying with Section 106 of the National Historic Preservation Act, 16. U.S.C. 470 *et seq.*, implemented by the Code of Federal Regulations, 36 C.F.R. § 800-800.16 (2010). Beyond the five features within 32BL716, no additional cultural resources were located during the survey.

The Bismarck Airport at this time is not recommended as possessing significant concentration or continuity of individual sites that would reflect the potential for a Historic District.

One of the five features is recommended as eligible for nomination to the NRHP. Steve Martens, *Federal Relief Construction in North Dakota, 1931-1943*, a SHSND statewide context, was identified as applying to Feature 1. Within site 32BL716, Feature 1, the 1936 WPA/CCC Art Deco building and hangar, is *recommended eligible* to nominate to the NRHP under criterion A and C. (Martens, 2010: F-1; NRB #15, 1997: 12-13 & 17-20).

Mitigative suggestions discussed during the February 6, 2012 round-table with the SHSND and KLJ include the following:

- The SHSND and KLJ discussed coordinating with the Airport Tower personnel about hangar 5 (Figure 1 or the WPA/CCC Art Deco hangar within this report) and specific lines of sight. This was to consider alternative future taxi lane layouts that might avoid having to relocate or destroy the WPA/CCC Art Deco hangar 5 (Feature 1) from its original historic location.
- A future mitigative suggestion continues to consider how the WPA/CCC Art Deco hangar can be utilized as a public aviation history museum for the Bismarck Airport and the City of Bismarck.

These requirements were addressed and discussed within this report.

References Cited

Advisory Council on Historic Preservation

2012 *Meeting the "Reasonable and Good Faith" Identification Standard in Section 106 Review*. Accessed in March 2012. Link: <http://www.achp.gov/docs/RGFE-Final.pdf>

American Institute of Architects Press

1990 *American Airport Designs*. Reprint of the 1930 edition. Washington, D.C.

Bird, George F. and Edwin J. Taylor, Jr.

1972 *The History of the City of Bismarck, North Dakota: The First 100 Years, 1872-1972*. Bismarck Centennial Association, Bismarck, ND.

Bismarck Airport

2011 Website to Bismarck Airport. Accessed on June 12, 2011.

Link: <http://www.bismarckairport.com/airport/default.asp?ID=308>.

Bismarck Airport Archives

1985 "Lease Agreement between City of Bismarck, North Dakota and Northwestern Bell Telephone Company." June 24, 1985.

Federal Aviation Administration

2011 Website to "U.S. Centennial of Flight Commission: The Federal Aviation Administration and Its Predecessor Agencies." Link accessed on June 24, 2011:

http://www.centennialofflight.gov/essay/Government_Role/FAA_History/POL8.htm.

Gebhard, David

1996 *The National Trust Guide to Art Deco in America*. John Wiley and Sons, Inc., New York, NY.

Gellner, Ernest

2006 *Nations and Nationalism*. Blackwell Publishing Ltd., Oxford, UK.

Grant, R.G.

2007 *Flight: The Complete History*. The Smithsonian National Air and Space Museum, Washington, D.C.

Harris, Cyril M.

1998 *American Architecture: An Illustrated Encyclopedia*. W.W. Norton, New York, NY.

Hunter, Penelope

1972 Art Déco: The Last Hurrah. *The Metropolitan Museum of Art Bulletin* 30(6): 257-267.

Kolakowski, Leszek

1990 *Modernity on Endless Trial*. University of Chicago Press, Chicago, IL.

Langemo, Cathy A.

2002 *Images of America: Bismarck, North Dakota*. Arcadia Publishing, Chicago, IL.

Martens, Steve C.

2010 *Federal Relief Construction in North Dakota, 1931-1943*. National Register of Historic Places Multiple Property Documentation Form. United States Department of the Interior, National Park Service, Washington, D.C.

Merk, Frederick

1995 *Manifest Destiny in American History*. Harvard University Press, Boston, MA.

Musil, Robert

1990 *The Religious Spirit, Modernism, and Metaphysics. Precision and Soul: Essays and Addressess*. University of Chicago Press, Chicago, IL.

Page, Dorothy G.

1992 *Polar Pilot: The Carl Ben Eielson Story*. Interstate Publishers, Inc. Danville, Illinois.

R. Dixon Speas Associates

1972 *Bismarck Municipal Airport: Master Plan*. Manuscript on file with the SHSND, Bismarck.

Rothaus, Richard, Daniel Hoisington and Aaron Barth

2010 *New Ulm, Milford and Leavenworth Battlefield Survey, Brown County, MN*. American Battlefield Protection Program Grant No. GA-2255-09-001. New Ulm, MN.

Shaw, William R.

1997 *Idaho Falls Airport Historic District: Fanning Field, Red Baron Hangar*. National Register of Historic Places Registration Form. Listed September 10, 1997. NRHP #97001126. Washington, D.C., and Boise, Idaho.

Smithsonian National Air and Space Museum (NASM)

2011 "Milestones of Flight." Website accessed on June 13, 2011.

Link: <http://www.nasm.si.edu/exhibitions/gal100/wright1903.html>

State Historical Society of North Dakota (SHSND)

2009 *NDCRS Site Form Training Manual: Architectural Sites*. Bismarck, ND.

SHSND

2008 *The North Dakota Comprehensive Plan for Historic Preservation: Archeological Component*. Bismarck, ND.

Striner, Richard

1990 *Art Deco: Polemics and Synthesis*. *Winterthur Portfolio* 25(1): 21-34.

United States Census

2012 “North Dakota: Population of Counties by Decennial Census: 1900 to 1990” website accessed on February 22, 2012.

Link: <http://www.census.gov/population/cencounts/nd190090.txt>

United States Department of the Interior

1997 National Register Bulletin #15: How to Apply the National Register Criteria for Evaluation. National Park Service, Washington, D.C.

War Assets Administration

2012 “Records of the War Assets Administration” website accessed on February 22, 2012.

Link: <http://www.archives.gov/research/guide-fed-records/groups/270.html>

Articles and Archival Collections cited and consulted:

“Bismarck Control Tower.” July 21, 1951, *Bismarck Tribune*, page 8.

Bismarck Tribune, undated article celebrating 60th anniversary of Bismarck Airport. In MSS 11022, Box 2, Folder 30, SHSND, Bismarck.

SHSND

1950 “Bismarck Airport 1950-1982.” MSS 11022. On file in Bismarck.

Attachment D

Template Ground Lease Agreement at the Bismarck Airport

**GROUND LEASE AGREEMENT
BY AND BETWEEN
THE CITY OF BISMARCK, ND (CITY)
AND**

**AT THE
BISMARCK AIRPORT**

Table of Contents

INTRODUCTION	1
1. TERM	1
2. LEASED PREMISES	2
3. RENT, FEES AND CHARGES	2
4. ADJUSTMENT OF RENT	3
5. FAILURE TO PAY RENT	4
6. USE OF LEASED PREMISES	4
7. LESSEE'S RIGHTS AND OBLIGATIONS	5
8. CITY'S RIGHTS AND OBLIGATIONS	6
9. UTILITIES AND MAINTENANCE	7
10. CONSTRUCTION, MAINTENANCE, AND REPAIR OF LEASEHOLD IMPROVEMENTS/TRADE FIXTURES	7
11. INSURANCE, DAMAGE OR DESTRUCTION	9
12. PURCHASE OF SUPPLIES AND SERVICES	10
13. LAW AND REGULATORY ENFORCEMENT	11
14. CITY'S RIGHT TO ENTER LEASED PREMISES	11
15. INDEMNITY AND WAIVER OF DAMAGES	12
16. WAIVER OF SUBROGATION	12
17. INSURANCE	13
18. ENVIRONMENTAL CONSIDERATIONS	14
19. SIGNS	15

20.	TAXES	15
21.	GOVERNMENT RESERVATIONS AND RESTRICTIONS	15
22.	CITY'S RIGHT OF TERMINATION	16
23.	LESSEE'S RIGHT OF TERMINATION	17
24.	ASSIGNMENT AND SUBLETTING	18
25.	ADVANCES BY THE CITY	18
26.	LEGAL CLAIMS AND ATTORNEY FEES	19
27.	ENCUMBRANCES AND LIENS	19
28.	NONDISCRIMINATION	21
29.	PRIOR AND COLLATERAL AGREEMENTS	22
30.	SEVERABILITY	23
31.	NON-WAIVER OF BREACH	23
32.	VENUE	23
33.	TIME OF ESSENCE	23
34.	HOLDOVER POSSESSION OF LEASED PREMISES BY LESSEE	23
35.	APPROVAL OR DIRECTION BY CITY	24
36.	NOTICES	24
37.	PARAGRAPH HEADINGS	24
38.	LESSEES OBLIGATIONS ARE JOINT AND SEVERAL	24
39.	ENTIRE AGREEMENT	25

SCHEDULE A - MINIMUM INSURANCE REQUIREMENTS

EXHIBIT A - LEASED PREMISES

EXHIBIT B - LESSEE'S DRAWING SITE AND LAYOUT PLAN

EXHIBIT C - MINIMUM PAVING FOR VEHICLE PARKING LOT

GROUND LEASE AGREEMENT

THIS AGREEMENT, made and entered into by and between the City of Bismarck, North Dakota, a municipal corporation, hereinafter, the "City", and _____, hereinafter the "Lessee". Lessee's Federal Tax Identification Number is _____.

WITNESSETH THAT:

WHEREAS, the City is the owner and operator of the Bismarck Airport, hereinafter, the "Airport", located in the County of Burleigh, State of North Dakota, and operates the Airport for the promotion, accommodation and development of air commerce and air transportation; and

WHEREAS, the City and Lessee have reached an understanding in principle which envisions the Lessee's operation of a convenience store and gas station, storage tank facilities and support space comprising approximately ____ square feet of enclosed space, the "Initial Improvements," on a ____ acre parcel in the northwest quadrant of the Airport (the Bismarck Airport Addition, Lot 1 Block 10), without cost to the City; and

WHEREAS, the parties hereto desire to enter into a Lease Agreement, hereinafter, the "Agreement", granting the Lessee the use of certain premises at the Airport as hereinafter defined, and the use, together with others, of the Airport and its appurtenances;

NOW, THEREFORE, in consideration of the premises provided herein, the rights and privileges and the mutual covenants and agreements hereinafter contained and other valuable consideration, the parties hereto agree, for themselves, their successors and assigns, as follows:

1. TERM

A. The term of this Agreement shall be for __ (__) years, commencing _____, and ending _____, unless extended or terminated as provided herein.

2. LEASED PREMISES

A. The Leased Premises consist of:

- 1) The ____ acre parcel (____ sq. ft.) of developed land as shown in Exhibit A.
- 2) All improvements, including the Initial Improvements, now or hereafter constructed on the aforementioned land. The Initial Improvements shall consist of construction of ____ and paved parking for ____ vehicles as shown on Lessee's Drawing and Layout Plan, as shown in Exhibit B.

B. The parties agree and acknowledge that any improvements existing on the Leased Premises constructed by the Lessee are the property and responsibility of the Lessee, subject to the terms of this Agreement. Within sixty (60) days of the expiration or any earlier termination or cancellation of the Agreement, the Lessee shall remove all of its improvements, including the Initial Improvements, and return the Leased Premises to its original condition unless the City gives its written permission to Lessee to leave the improvements on the Leased Premises. All City property damaged by, or as a result of, the removal of Lessee's property shall be restored by the Lessee at its sole expense to the condition existing prior to the construction of the improvements. Should the Lessee fail to remove the improvements within the sixty (60) day period, the City may proceed to effect such removal at the expense of the Lessee, and the Lessee agrees to pay the City for such expense upon receipt of an invoice therefore. If the Lessee, with the written permission of the City, leaves the improvements on the Leased Premises, the improvements shall become the property of the City and the Lessee shall remove all of its personal property from the Leased Premises and surrender entire possession of its rights at the Airport to the City.

3. RENT, FEES, AND CHARGES

- A. For the month of November 2009, Lessee agrees to pay ____ dollars, and ____ cents. Commencing December 1, 2009 Lessee agrees to pay the City a monthly rent of ____dollars, and ____cents \$_____ through August 2010. Commencing September 2010 Lessee agrees to pay the City an annual rent of ____ dollars, ____ cents (\$____) as adjusted by the provisions of Article 4 of this Agreement.
- B. Commencing September 1, 2010, the annual rent payable hereunder shall be paid in advance in one (1) installment on September 1, each year. Payment shall be by check or money order, payable to the order of "Bismarck Airport" and shall be mailed to Bismarck Airport, P.O. Box 991, Bismarck, ND 58502 or personally delivered to the office of the Airport Manager.
- C. As additional rent, the Lessee shall construct the Initial Improvements generally in accordance with Article 2 and Exhibit B, as modified, supplemented, or amended pursuant to the City's review and approval process, the "Initial Improvements". Promptly upon the execution of this Agreement, Lessee shall submit plans and specifications to the City and shall complete construction of such improvements within ____ (__) months of the start of this agreement. Lessee's failure to construct the Initial Improvements shall be a material breach of this Agreement.
- D. The Lessee hereby agrees to pay when due all rent, fees, and charges as imposed by the City from time to time for the use and operation of the Airport. The fees and charges include: fuel flowage fees and landing fees and, when applicable, permit fees, self-fueling fees, security charges, and administrative/service charges.
- E. For any occupancy of the Leased Premises by the Lessee beyond the full term of this Agreement, the ground rent due to the City shall be adjusted by the C.P.I in accordance with the provisions of Article 4. The fair market rent for the Initial Improvements and any additional improvements hereinafter constructed by the Lessee shall be established by mutual agreement of the parties. If the parties are unable to so agree, fair market value shall be determined by the average of appraisals by two airport/aviation appraisers.

4. ADJUSTMENT OF RENT

- A. Commencing on September 1, 2010 and during the remainder of the term of this Agreement, the annual rent payable hereunder shall be adjusted each year by multiplying the annual rent payable in the next preceding year of the term of this Agreement by a fraction, the numerator of which shall be the C.P.I. (as hereinafter defined) published for the month of July of the year in which such adjustment is made and the denominator of which shall be the C.P.I. published for the month of July of the calendar year in which the last preceding such adjustment was made. The computed rent adjustment will be effective September 1 of the current calendar year. In no event shall the annual rent payable under this Article 4 be less than the amount for the last adjusted period.
- B. The term "C.P.I." as used herein shall mean the Consumer Price Index for all Urban Consumers, all items, Selected Large Cities, National Index, published by the Bureau of Labor Statistics of the United States Department of Labor, 1982-84 base = 100. In the event the base year is changed, the C.P.I. shall be converted to the equivalent of the base year 1982-84 = 100.

5. FAILURE TO PAY RENT

- A. Failure to pay all rent, fees and charges when due or to comply with any other of the Lessee's financial obligations to the City under this Agreement, hereinafter, "monetary default", shall entitle the City to re-enter and take possession of the Leased Premises upon giving the Lessee thirty (30) days advance written notice of its intention to do so, if said monetary default has not been remedied within said thirty (30) day period. However, the City may extend the time period to correct the default if it determines, in its sole discretion, that due diligence is shown by the Lessee in curing the default. All amounts not paid by the Lessee when due shall bear interest at the maximum rate allowed by law. If the Lessee does not cure the default within the 30-day period and the period is not

extended by the City, the Agreement is terminated, and the Lessee must, vacate and surrender the Leased Premises.

- B. The City's agents or employees shall not be liable for any civil or criminal claim or cause of action because of entering the Leased Premises and improvements at reasonable times and in a reasonable manner to carry out the provisions of this Article.

6. USE OF LEASED PREMISES

- A. The Lessee and any sub-lessee approved by the City shall occupy and use the Leased Premises for the operation of a convenience store/gas station, parking, storage, servicing, repair and maintenance of vehicles, and for no other purpose whatsoever:
- B. The Lessee may maintain underground storage tanks on the leased premises subject to City Ordinance, and State and Federal Regulations.
- C. Lessee, its agents, employees, suppliers and invitees shall have the right of ingress and egress to and from the Leased Premises and the public use areas/facilities used in connection therewith, over the Airport property and roadways, subject to the Rules and Regulations governing the use of the Airport as promulgated by the City from time to time.
- D. Lessee agrees for itself, its agents and employees that it will not perform any acts or carry on any practices, which could result in the necessity to repair or replace Airport property, at Lessee's expense, normal wear and tear excluded, or be a nuisance or menace to other users of the Airport.
- E. City covenants that upon paying the rent and performing the covenants and conditions herein contained, Lessee shall peacefully and quietly have, hold and enjoy the Leased Premises.
- F. City covenants and agrees that it is in lawful possession of the Leased Premises and has good and lawful authority to execute this Agreement.

7. LESSEE'S RIGHTS AND OBLIGATIONS

The parties hereto covenant and agree as follows:

- A. Subject to and in accordance with all applicable laws and ordinances and such Rules and Regulations as may be adopted by the City for the operation thereof, Lessee may, together with others, use the Airport and its appurtenances together with all public use areas/facilities for the purpose of conducting its business as authorized in accordance with Article 6 hereof. The privileges granted hereby shall be non-exclusive. Without limiting the generality thereof the use of the Airport and its appurtenances for operating a convenience store and gas station.
- B. Personnel conducting business at the Airport shall be neat, clean, and courteous. Lessee shall not permit its agents, servants, or employees to conduct business in a loud, noisy, boisterous, offensive, or objectionable manner. Lessee agrees to require its employees and approved sub lessees to wear suitable attire consistent with the operations being conducted and, as the City shall direct, wear or carry badges or other suitable means of identification, which shall be subject to the prior and continuing approval of the City, the FAA, and the TSA.
- C. Lessee and the City shall observe and comply with any and all applicable Federal, State and local laws, statutes, ordinances and regulations and shall abide by and be subject to all Rules and Regulations and Minimum Standards which are now or may be promulgated by the City concerning operation and use of the Airport.
- D. Lessee shall be responsible for all its expenses in connection with its operation at the Airport and the rights and privileges herein granted, including without limitation by reason of enumeration, taxes, permit fees and assessments lawfully levied or assessed upon the Lessee, and to secure all such permits.
- E. To the extent of its capabilities, Lessee agrees to cooperate with the City and/or any other airport user in dealing with aircraft or airline related emergencies at the Airport.
- F. This Section shall be subject to the jurisdiction, rules and regulations of the National Transportation Safety Board or its successor agency. Lessee and/or its agents shall coordinate with the City and the control tower and promptly remove any of its disabled aircraft and those of its approved sub lessees from any part of the Airport, including without

limitation, runways, taxiways, aprons and aircraft parking position and place any such aircraft in such storage areas as may be designated by the City. Such storage of disabled aircraft may be subject to a storage fee. Should Lessee fail to remove any of its disabled aircraft promptly, the City may, but shall not be obligated to, cause the removal and Lessee shall reimburse the City for all costs of such removal. Lessee hereby releases the City from any and all claims for damages to the disabled aircraft or otherwise from or in any way connected with such removal by the City.

- G. Lessee, in providing any commercial services authorized in accordance with this Article 7, does hereby agree:
- 1) To furnish said service on a fair, equal, and not unjustly discriminatory basis to all users thereof, and
 - 2) To charge fair, reasonable, and not unjustly discriminatory prices for each unit or service; provided that, the Lessee may make reasonable nondiscriminatory discounts, rebates, or other similar types of price reductions to volume purchasers.

8. CITY'S RIGHTS AND OBLIGATIONS

- A. The City agrees that it will operate the Airport in a manner consistent with standards established by the Federal Aviation Administration, or any successor Federal agency exercising similar powers for airports of comparable size and in accordance with rules and regulation of the Federal Aviation Administration and any other governmental agency having jurisdiction thereof.
- B. From time to time, the City may adopt and enforce Rules and Regulations and Minimum Standards pursuant to FAA Advisory Circular 150/5190-7, "Minimum Standards for Commercial Aeronautical Activities" with respect to the occupancy and use of the Airport, hereinafter, "Minimum Standards". Lessee agrees to observe and obey any and all such Rules and Regulations and Minimum Standards and all other Federal, State and municipal rules, regulations and laws and to require its officers, agents, employees, contractors, and

invitees, to observe and obey the same. This provision will include compliance with the Airport's Noise Abatement Plan as promulgated.

- C. The City reserves the right to deny access to the Airport and its facilities to any person, firm, or corporation that fails or refuses to obey and comply with such Rules and Regulations, Minimum Standards and applicable laws.

9. UTILITIES AND MAINTENANCE

- A. The Lessee shall, at its expense, contract with and obtain all required permits from the appropriate City departments for any utility services to be provided to the Leased Premises, paying any required connection fees, including those to be paid by owners, and all such services will be provided at rates and on terms and conditions established by the providers of such utilities.
- B. The Lessee will also, at its expense, contract with the furnishers of all other utilities for the furnishing of such services to the Leased Premises and shall pay for all water, gas, electricity, sanitary sewer service, fiber optics, other utilities, telephone, burglary, and fire protection services furnished to the Leased Premises. The location and routing of all utilities on the Airport must have the prior written approval of the City. The City shall allow the providers of such utilities reasonable access to the boundaries of the Leased Premises for the installation and maintenance of their utility systems.
- C. The City shall not be responsible for bringing any utilities to the Leased Premises.

10. CONSTRUCTION, MAINTENANCE AND REPAIR OF LEASEHOLD IMPROVEMENTS/TRADE FIXTURES

- A. Lessee may construct or install, at its own expense, any equipment, improvements and facilities, including the Initial Improvements and additions thereto, communication, meteorological and navigational equipment, and any additions thereto, on all or any part of the Leased Premises, under the conditions as hereinafter set forth. Lessee shall keep

and maintain all such improvements and facilities and additions thereto constructed or installed by it in good condition, reasonable wear and tear excepted.

- 1) No improvements, structures, alterations, or additions shall be made in, to, or upon the Leased Premises without the prior written consent of the City, and all such improvements, structures, alterations, additions and work shall be in accordance with any conditions relating thereto then stated in writing by the City.
 - 2) At the time of requesting approval by the City, the Lessee shall submit preliminary plans for such improvements, which shall conform to the general architectural scheme and overall plans adopted by the City for the Airport. Upon approval of said preliminary plans, the Lessee shall prepare and obtain the City's approval of working drawings and specifications, which shall be a true and accurate reflection of the preliminary plans so approved. All construction shall conform to the approved working drawings and specifications. No substantial change, addition, or alteration shall be made in said working plans or specifications or in the construction called therefore without the City's prior written approval. When construction work is commenced, it shall be completed with reasonable dispatch. Upon completion of said improvements, the Lessee shall furnish the City, at no charge, two (2) complete sets of "as built" drawings of the improvements, as constructed, on CAD.
 - 3) All improvements constructed by the Lessee pursuant to this Section shall conform in all respects to all applicable building codes, ordinances, statutes, rules, and regulations of all governmental agencies having jurisdiction.
- B. No trade fixtures shall be installed without the prior written consent of the City, which shall not be unreasonably withheld, and all such installations shall be in accordance with any conditions relating thereto then stated in writing by the City. For the purpose of this Agreement, trade fixtures are defined as that equipment or tooling used by the Lessee in

the course its business, which must be either attached to the walls or secured to the floor of the facility.

- C. The Lessee shall throughout the term of this Agreement assume the entire responsibility, cost and expense, for all repair and maintenance whatsoever on the Leased Premises and all improvements thereon in a good workmanlike manner, whether such repair or maintenance be ordinary or extraordinary, structural or otherwise. The City shall not have any obligation to repair, maintain, or restore, during the term of this Agreement, any improvements placed upon the Leased Premises by the Lessee, its successors and assigns.
- D. Additionally, the Lessee shall:
 - 1) At all times, keep the Leased Premises, all improvements thereon and all of the Lessee's fixtures, equipment and personal property which are located on any part of the Leased Premises, in a clean and orderly condition and appearance,.
 - 2) Provide and maintain on the Leased Premises all obstruction lights and similar devices, and safety equipment required by law.
 - 3) Repair any damage caused by Lessee to paving or other surface of the Leased Premises by reason of any oil, gasoline, grease, lubricants or other flammable liquids and substances having a corrosive or detrimental effect thereon.
 - 4) Be responsible for the maintenance and repair of all utility service lines placed on the Leased Premises and used by the Lessee exclusively, including, but not limited to, water lines, gas lines, electrical power and telephone conduits and lines, sanitary sewers and storm sewers.
 - 5) Be responsible for snow removal on the Leased Premises.

11. INSURANCE, DAMAGE OR DESTRUCTION

- A. The Lessee shall procure and maintain, throughout the term of this Agreement, insurance protection for fire and extended coverage on the Initial Improvements and other improvements to the Leased Premises. Such insurance shall be issued by insurers of

recognized financial standing and authorized to conduct business in the State of North Dakota. If said insurers become financially incapable of performing under the terms of said policy, the Lessee will promptly obtain a new policy issued by a financially responsible carrier and shall submit revised evidence of insurance as previously provided. If the Lessee is, at any time, unable to obtain such insurance to the extent required, this Agreement shall automatically terminate unless the City is able and elects to insure the Initial Improvements and other improvements and Lessee is willing to pay the City the requisite insurance premiums and administrative charges therefore.

- B. The Lessee shall settle all losses directly with the insurance carrier.
- C. In the event the Initial Improvements and other improvements are damaged or destroyed to the extent that they are unusable by Lessee for the purposes for which they were used prior to such damage, or same is destroyed, the Lessee shall have the election of repairing or reconstructing the improvements substantially as they were immediately prior to such casualty or in a new or modified design consistent with Lessee's use thereof under the provisions of Article 6 and Article 10 hereof.
- D. Lessee shall, at its expense, replace and repair any and all of Lessee's fixtures, equipment and other personal property necessary to properly and adequately continue its operations at the Airport, but in no event shall Lessee be obligated to provide equipment and fixtures in excess of those existing prior to such damage or destruction except for requirements of construction codes existing at the time of repair or replacement.
- E. In the event Lessee elects not to repair and/or reconstruct the Initial and New Improvements and other improvements, the Lessee shall use the insurance proceeds to restore the Leased Premises to its original condition at the commencement of the term hereof to the satisfaction of the City in its sole discretion, the "Restoration," and this Agreement shall terminate upon completion of the Restoration.
- F. In the event of damage to or destruction of Airport property caused by the Lessee, its agents, employees, aircraft or other equipment, Lessee agrees to repair, reconstruct, or replace the affected property to the condition which existed prior to such damage or

destruction. Lessee further agrees to cause such repair, reconstruction or replacement of affected property with reasonable due diligence and to the reasonable satisfaction of the City.

12. PURCHASE OF SUPPLIES AND SERVICES

- A. Should the Lessee contract with a third party to provide maintenance and service upon its aircraft or to furnish other services which might otherwise be performed by Lessee under this Agreement, such third party shall be deemed to be conducting a business at the Airport. The Lessee shall be responsible to the City for any third party performing for or contracted by the Lessee, shall assume all responsibility and liability in connection with such contracting and shall promptly obtain written approval of the City prior to the third party performing any maintenance or services. The City may impose charges and fees and impose Minimum Standards upon such third parties for services provided and rentals for facilities used.
- B. Subject to the above, Lessee may select suppliers, purveyors, and furnishers of materials, supplies, equipment, and services of its own choosing. Nothing in this Section shall be construed as in any way limiting the general powers of the City to fully exercise its governmental or proprietary functions, or its obligations under any bond covenants, or Federal, state or local laws, rules, or regulations.

13. LAW AND REGULATORY ENFORCEMENT

- A. Lessee acknowledges its obligations for security on the Leased Premises as prescribed by FAA and TSA Regulations, and shall employ such measures as are necessary to prevent or deter the unauthorized access of persons or vehicles to or on its Leased Premises and any portion of the Aircraft Operations Area connected therewith.
- B. Lessee further shall abide by the Ordinances adopted by the City in carrying out the City's obligations under FAA and TSA Regulations and other measures the City deems

necessary from time to time for the security and safety of the Airport and of persons and vehicles entering the Aircraft Operations Area.

- C. Lessee shall reimburse the City in full for any fines or penalties levied against the Airport or the City for any violation of Federal, State and local Laws rules or regulations as a result of any failure to act on the part of the Lessee, its agents, suppliers, or employees.

14. CITY'S RIGHT TO ENTER LEASED PREMISES

The City reserves the right to inspect the Leased Premises and improvements at any reasonable time, with prior notification, throughout the term of this Agreement. When, for any reason, an entry is deemed necessary, and Lessee is not present to permit such entry, the City, its agents and employees, shall be permitted to enter the Leased Premises and improvements. The City's agents or employees shall not be liable for any civil or criminal claim or cause of action for damage because of entering the Leased Premises or improvements at reasonable times and in a reasonable manner for purposes consistent with its responsibilities as owner and operator of the Airport.

15. INDEMNITY AND WAIVER OF DAMAGES

- A. The Lessee shall keep and hold the City of Bismarck, its elected and appointed officials, agents and employees, free and harmless from any and all claims and actions, loss, damage expense or cost, including attorneys fees (where allowable by law), incidental to the investigation and defense thereof claimed by anyone by reason of injury, or death or damage to persons or property sustained as a result of the Lessee's use of the Leased Premises and operations at the Airport, excluding only claims caused by (a) City's acts or omissions covered by City's general liability insurance or (b) the gross negligence or willful misconduct of the City, its elected and appointed officials, agents and employees, or the negligence of said parties in concert with a third party, provided, that, the City shall give the Lessee prompt and reasonable notice of any such claim or action made or filed against it, and shall tender the defense thereof to Lessee. In the event that the Lessee does not

settle or compromise such claim, then the Lessee shall undertake the legal defense of such claim both on behalf of the Lessee and behalf of the City. It is specifically agreed, however, that the City at its own cost and expense, may participate in the legal defense of any such claim. Any judgment, final beyond all possibility of appeal, rendered against the City for any cause for which the Lessee is liable hereunder shall be conclusive against the Lessee as to liability and amount upon the expiration of the time for appeal. But nothing herein shall be construed as making Lessee liable for any injury, death, loss, damage, or destruction caused by the sole negligence of the City.

- B. The City hereby reserves the right to adopt rules and regulations not in conflict with Federal rules and regulations pertaining to aircraft operations, security, noise, vibrations, fumes, dust, and particles. The Lessee hereby agrees to operate in compliance with said rules and regulations so adopted and hereby waive any claims, rights, damages, or costs of any kind against the City incurred by Lessee in complying with said rules and regulations.

16. WAIVER OF SUBROGATION

- A. For and in consideration of the execution hereof, the parties hereto do each herein and hereby release and relieve the other and waive their entire claim of recovery for loss or damage to property arising out of or incident to fire, lightning and other perils included in the standard fire and extended coverage endorsement to the extent that said claims, actions, damages, liability and expense are covered by insurance of either party, whether due to negligence of any said parties, their agents, or employees or otherwise so coverable by insurance. The parties agree to cause such release and to endorse such provisions in insurance policies issued for the respective properties or parties which are the subject of this Agreement.
- B. Except as provided above, Lessee further expressly waives any and all claims against the City of Bismarck, their officials, agents and employees of whatever nature, for any and all loss or damage, including defense costs, sustained by Lessee, except loss or damage

caused by the gross negligence or willful misconduct of the City, its officials, agents or employees, including interruption of the Lessee's business operations, by reason of any defect, deficiency, failure or impairment of the Leased Premises, or any utility service to or in the Leased Premises including but not limited to, the water supply system, electrical wires leading to or inside the Leased Premises, gas, electric, or telephone service, or any other utility failure occurring during the term of this Agreement.

17. INSURANCE

- A. Lessee shall, at its expense, maintain insurance in full force and effect during the term of this Agreement in such amounts as to meet the minimum limits of liability specified in Schedule A attached hereto with companies that have at least an "A-VI" rating according to the Best Guide. The City of Bismarck, including its elected and appointed officials, agents and employees, shall be named as an additional insured with respect to Lessee's use of the Airport and the Leased Premises which are the subject of this Agreement.
- B. Lessee shall promptly upon execution of this Agreement, furnish to the City appropriate certificates of insurance evidencing coverage affected and to be maintained for the term of this Agreement. The coverage shall not be less than the amounts specified in Schedule A; such limits are subject to periodic adjustments upward by Lessee based on Lessee's own assessment of the risks associated with its operations at the Airport. The City shall not in any event be liable for any shortfall in Lessee's coverage. The insurance policies shall not be subject to cancellation except after notice to the City by registered mail at least thirty (30) days prior to the date of such cancellation. Where any policy(ies) has (have) normal expirations during the term of this Agreement, written evidence of renewal shall be furnished to the City at least thirty (30) days prior to such expiration.
- C. During construction of the Initial Improvements, the Lessee shall:
 - 1) Be responsible for all damage to life and property due to the activities of Lessee, its agents, employees, and contractors, in connection with the construction of the

Initial Improvements pursuant to this Agreement. Lessee specifically agrees that its agents, employees, and contractors shall possess the experience and knowledge necessary to qualify them for the particular duties they perform.

- 2) Require individuals, firms, or corporations providing professional services or undertaking the Initial Improvements pursuant to this Agreement, hereinafter, "Contractor", to procure and maintain insurance for liability for damages naming the City as additional named insured, in the kinds and in the amounts included in Appendix A. with insurance companies authorized to do such business in the State of North Dakota covering all operations or services necessary for the conduct of the construction of the Initial Improvements whether performed by it or by Contractor. Copies of insurance certificates for such coverage shall be delivered to the City prior to the commencement of the construction of the Initial Improvements.

18. ENVIRONMENTAL CONSIDERATIONS

In order to assure that the Leased Premises described in Section 2.A hereof are environmentally acceptable, the City shall conduct on or before _____, 2009 Phase I and, if required, Phase II Environmental Baseline Studies consistent with protocols approved by the City, the "First Studies", to ascertain whether adverse environmental conditions or hazardous materials exist on the Leased Premises. The costs of such First Studies shall be borne by the Lessee. If the First Studies reveal the presence of adverse environmental conditions or hazardous materials on the Leased Premises, appropriate remedial action as required by law shall be undertaken. The City shall be responsible for all costs of such remedial action relating to adverse conditions, provided, however, that nothing herein shall be construed as a limitation of the City's rights to pursue contributions from third parties who might have caused or contributed to such adverse conditions. Upon expiration or earlier termination of this Agreement, additional Phase I and Phase II Environmental Baseline Studies shall be conducted by the City and paid for by the Lessee,

the "Second Studies", to determine if the Lessee has caused or allowed adverse environmental conditions to occur. If so, Lessee shall be liable for, and be required to immediately undertake, at its sole cost and expense, all remedial actions as required by applicable law.

19. SIGNS

Lessee shall have the right, at its own expense, to install and maintain a sign solely for the purpose of address identification. Prior to installation of such sign, the Lessee shall submit plans and obtain the approval of the City. Said approval shall not be unreasonably withheld. In the event signs are removed and not replaced, Lessee shall repair or restore the affected areas to their original condition, including removal of any structural and electrical elements used in conjunction therewith. At the expiration or earlier termination of this Agreement, the Lessee shall, at its sole cost and expense, remove all signs and supporting structural and electrical elements and restore the affected areas to their original condition.

20. TAXES

Lessee agrees to pay all lawful property and sales taxes and assessments, which, during the term of this Agreement may be levied or charged by the State, County, City, or other tax-levying body upon the Leased Premises. Nothing herein shall prevent the Lessee from protesting, through due process, any taxes levied. Upon expiration or termination of this Agreement, the Lessee shall pay all property taxes prorated to the ending date of this Agreement. Failure to pay property taxes or special assessments when due, prior to delinquency, will be considered a breach of this Agreement.

21. GOVERNMENT RESERVATIONS AND RESTRICTIONS

The Leased Premises being leased and rights granted by this Agreement shall be subject to all enforced reservations and restrictions, including but not limited to, the following:

- A. It is understood and agreed to by Lessee that nothing herein contained shall be construed to grant or authorize the granting of an exclusive right forbidden by Section 308 of the Federal Aviation Act of 1958 and as amended.
- B. During the time of war or national emergency, City shall have the right to lease the landing area or any part thereof to the United States Government for military or naval use and, if such lease is executed, the provisions of this Agreement insofar as they are inconsistent with the provisions of the agreement or lease with the Government, shall be suspended.
- C. This Agreement shall be subject to the terms of any Sponsor's Assurances and agreements now required or imposed in the future, between the City and the Federal Aviation Administration or any successor Federal agency.
- D. This Agreement shall be subordinate to the provisions of any existing or future agreement between the United States Government and the City relative to the operation or maintenance of the Airport, the execution of which has been or may be required as a condition precedent to the expenditure of Federal funds for the development of the Airport. Failure of Lessee to comply with the requirements of any existing or future agreement between the City and the United States Government, which failure shall continue after reasonable notice to make appropriate corrections, shall be cause for immediate termination of Lessee's rights hereunder, subject to Lessee's right of appeal and condemnation rights.

22. CITY'S RIGHT OF TERMINATION

In addition to any conditions as specified herein and all other remedies available to the City, this Agreement shall be subject to termination by the City should any one or more of the following occur:

- A. If Lessee shall make a general assignment for the benefit of creditors, or file a voluntary petition in bankruptcy or a petition or answer seeking its reorganization or the readjustment of its indebtedness under the Federal bankruptcy laws or any other similar law or statute

of the United States or any state, or government, or consent to the appointment of a receiver, trustee or liquidator of all or substantially all of the property of the Lessee.

- B. If, by order or decree of a court of competent jurisdiction, Lessee shall be adjudged bankrupt or an order shall be made approving a petition seeking its reorganization, or the readjustment of its indebtedness under the Federal bankruptcy laws or any law or statute of the United States or any state, territory, or possession thereof, or under the law of any other state, nation or government; provided, that, if any such judgment or order be stayed or vacated within ninety (90) days after the entry thereof, any notice of cancellation given shall be and become null, void and of no effect.
- C. If, by or pursuant to any order or decree of court or governmental authority, board, agency or officer having jurisdiction, a receiver, trustee, or liquidator shall take possession or control of all or substantially all of the property of Lessee for the benefit of creditors, provided that if such order or decree be stayed or vacated within sixty (60) days after the entry thereof or during such longer period in which Lessee diligently and in good faith contests the same, any notice of cancellation shall be and become null, void and of no effect.
- D. If Lessee shall voluntarily abandon or discontinue the conduct and operation of its activity at the Airport for a continuous period of ninety (90) days, except when such abandonment is caused by fire, earthquake, war, strike or other occurrence beyond the Lessee's control.
- E. If Lessee shall fail to perform, keep and observe any of the applicable covenants and conditions contained in this Agreement, provided that upon the happening of any contingency recited in this Section, Lessee shall be given written notice to correct or cure such default, failure to perform or breach. If, within thirty (30) days from the date of receipt of such notice, the default, breach, or failure shall not have been corrected in a manner reasonably satisfactory to the City, then and in such event, the City shall have the right at once to declare this Agreement terminated. The City does, however, reserve the right to extend the time period to correct the default if, in its opinion, due diligence is shown by Lessee in curing the default.

- F. If under any of the foregoing provisions of this Article, the City shall have the right to re-enter and take possession of the Leased Premises, the City may enter and eject Lessee and those claiming through or under it, and remove their property and effects (using reasonable force, if necessary) without any liability therefore; without prejudice to any remedies of the City in the event of default by the Lessee; and without liability for any interruption of the conduct of the affairs of Lessee or those claiming through or under it.

23. LESSEE'S RIGHT OF TERMINATION

- A. In addition to all other remedies available to the Lessee, this Agreement shall be subject to termination by Lessee should any one or more of the following occur:
- 1) The issuance of any order, rule or regulation by the Department of Transportation, the FAA and TSA, or its or their successor Federal agency(ies), or the issuance by any court of competent jurisdiction of an injunction, materially restricting for a period of at least ninety (90) days, the use of the Airport provided, that, none of the foregoing has been initiated, caused or contributed to by the Lessee;
 - 2) The breach by the City of any covenants, terms or conditions of this Agreement to be kept, performed and observed by the City and the failure to remedy such breach for a period of sixty (60) days after written notice from Lessee of the existence of such a breach;
 - 3) The assumption by the United States Government or any authorized agent of the same, of the operation, control or use of the Airport and its facilities in such a manner as to substantially restrict Lessee from conducting its business, if such restrictions be continued for a period of ninety (90) days or more;
 - 4) The inability of Lessee to conduct its business at the Airport in substantially the same manner and to the same extent as theretofore conducted, for a period of at least ninety (90) days, because of (1) any law, or (2) any rule, order, judgment, decree, regulation or other action or non-action of any governmental authority, board, agency or officer having jurisdiction thereof, without fault of the Lessee;

- 5) The taking of the whole or any part of the Leased Premises by the exercise of any right of condemnation or eminent domain.
- B. In the event any of the contingencies described in this Article 22, Section A occur, the rent shall be abated for those portions of the Leased Premises which are rendered untenable from the time of such happening until the affected premises are returned to Lessee's use.

24. ASSIGNMENT AND SUBLETTING

Neither Lessee nor any successor of Lessee shall in any manner, directly or indirectly, by operation of law or otherwise, assign, transfer or encumber any of Lessee's rights in and to this Agreement or any interest therein, nor license or permit the use or the rights herein granted in whole or in part without the prior written consent of the City. Such consent shall not be unreasonably withheld, provided, that, any such assignee shall be professionally qualified to do business on the Airport property, be acceptable to the City and possess sufficient financial resources and security to assure compliance with all the terms and conditions of this Agreement and the Airport's Minimum Standards. This Agreement must be included in, and made a part of, any sublease agreement and the sublessee must agree in writing to comply with all the terms and conditions of this Agreement as they may apply to a sublessee.

25. ADVANCES BY THE CITY

If the Lessee should fail to do anything required to be done under the terms and conditions of this Agreement, except for the payment of rents, fees or charges, the City may, at its sole option and after giving written notice to the Lessee, perform such act on behalf of the Lessee. Upon notification to the Lessee of the cost thereof by the City, the Lessee shall promptly pay the City the amount due, including fees and service charges as additional rent.

26. LEGAL CLAIMS AND ATTORNEY FEES

- A. Each party hereto shall promptly report to the other any claim or suit against it arising out of or in connection with the Leased Premises or the operation of the Lessee's business at the Airport. The City and Lessee shall each have the right to settle and/or defend the same to the extent of its own interest; provided the defense of the same has not been tendered to and accepted by the other party. The Lessee is an independent contractor in every respect, and not the agent of the City.
- B. If any legal action is instituted by the parties hereto to enforce or construe this Agreement, or any part hereof, the prevailing party shall be entitled to recover its reasonable attorney's fees and court costs incurred. Any such legal action shall be commenced and maintained in Burleigh County, North Dakota, regardless of Lessee's residence or place of business.

27. ENCUMBRANCES AND LIENS

- A. The fee interest in the Leased Premises may not be encumbered by the Lessee for any purpose.
- B. Subject to the prior written consent by the City, Lessee may encumber this Agreement, its leasehold estate and its improvements thereon by deed of trust, leasehold mortgage, chattel mortgage or other security instrument to assure the payment of a promissory note or notes or other obligations of Lessee, upon the express condition that the net proceeds of such loan or loans be devoted exclusively to the purpose of developing the Leased Premises and the Initial Improvements thereon, provided, however, that nothing contained herein shall be construed as a limitation on Lessee's or any of Lessee's corporate affiliate's, ability to borrow funds or enter into finance transactions in the ordinary course of business and which may incidentally subject Lessee's interest in the Leased Premises to a security interest.
- C. In the event any such approved deed of trust, mortgage or other security-type instrument, should, at any time, be in default and be foreclosed, or transferred in lieu of foreclosure, the City will accept the approved mortgagee or beneficiary thereof as its new tenant under

this Agreement with all the rights, privileges and duties granted and imposed in this Agreement, subject to the conditions set forth in Article 24 of this Agreement.

- D. Any default, foreclosure or sale pursuant to said deed of trust, leasehold mortgage or other security instrument, shall be invalid with respect to this Agreement without prior notice thereof to, and approval by, the City. Upon prior written approval by the City, said mortgagee or beneficiary may assign this Agreement to its nominee, if nominee is a reputable, professionally qualified and financially responsible person in the opinion of the City. Any deed of trust, leasehold mortgage, or other security instrument shall be subject to all the terms, covenants, and conditions of this Agreement and shall not be deemed to amend or alter any of the terms, covenants, or conditions of this Agreement.
- E. Except as provided in Article 26, Section A above, Lessee agrees that it shall pay directly, or cause to be paid, all costs and expenses for work done and materials delivered to the Leased Premises and improvements at Lessee's request for improvement to the Leased Premises. Lessee shall keep the Leased Premises free and clear of all mechanic's or material men's liens or any other liens on account of any work done on the Leased Premises at Lessee's request. Lessee agrees to and shall indemnify, and hold the City of Bismarck free from and harmless against all liability, loss, damage, cost, attorney's fees (where allowable by law) and all other expenses on account of claims of lien of laborers or material men, or others, for work performed or materials or supplies furnished to Lessee for use on the Leased Premises.

28. NONDISCRIMINATION

- A. Lessee, for it, its heirs, personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree that in the event facilities are constructed, maintained, or otherwise operated on the Leased Premises, for a purpose for which a United States Government program or activity is extended, Lessee shall maintain and operate such facilities and services in compliance with all other requirements imposed pursuant to Title 49, Code of Federal Regulations, Department of

Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-assisted programs of the Department of Transportation - Effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations may be amended.

- B. Lessee, for itself, its personal representatives, successors in interest and assigns, as a part of the consideration hereof, does hereby covenant and agree that (1) no person on the grounds of race, creed, color, sex, national origin, age, disability or marital status shall be excluded from participation in, denied the benefits of, or be otherwise subjected to discrimination in the use of the Leased Premises; (2) that in the construction of any improvements on, over, or under such land and the furnishing of services thereon, no person on the grounds of race, creed, color, sex, national origin, age, disability or marital status shall be excluded from participation in, denied the benefits of, or otherwise be subjected to discrimination, (3) that Lessee shall use the Leased Premises in compliance with all other requirements imposed by or pursuant to Title 49, code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-assisted programs of the Department of Transportation-Effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations may be amended.
- C. Lessee assures that it will undertake an affirmative action program as required by 14 CFR Part 152, Subpart E, to insure that no person shall on the grounds of race, creed, color, national origin, sex, age, disability or marital status be excluded from participation in any employment activities covered in 14 CFR Part 152, Subpart E. Lessee assures that no person shall be excluded on these grounds from participating in or receiving the services or benefits of any program or activity covered by this Subpart E. Lessee assures that it will require that its covered sub organizations provide assurances to Lessee that they similarly will undertake an affirmative action program and that they will require assurances from their sub organizations, to the extent required by 14 CFR Part 152, Subpart E, to the same effect.

- D. Lessee agrees to comply with Section 296 and all other pertinent provisions of Article 15 of the Executive Law (also known as the Human Rights Law) and all other State and Federal statutory and constitutional non-discrimination provisions. In addition, Lessee agrees to comply with all pertinent provisions of the Americans with Disabilities Act of 1990, P.L. 101-336, July 26, 1990, 42 USC 12101, et seq.; and all pertinent regulations pursuant thereto. Lessee shall not discriminate in the use of the Leased Premises or any access thereto if such Leased Premises are used as a public accommodation or in connection with a public service. Lessee will not discriminate against any employee or applicant for employment because of race, creed, color, sex, national origin, age, disability, or marital status.
- E. In this connection, the City reserves the right to take whatever action it might be entitled by law to take in order to enforce this provision. This provision is to be considered as a covenant on the part of Lessee, a breach of which, continuing after notice by the City to cease and desist and after a determination that a violation exists made in accordance with the procedures and appeals provided by law, will constitute a material breach of this Agreement and will entitle the City, at its option, to exercise its right of termination as provided for herein, or take any action that it deems necessary to enforce compliance herewith.
- F. Lessee shall include the foregoing provisions in every agreement or concession pursuant to which any person or persons, other than Lessee, operates any facility on the Leased Premises providing service to the public, and shall include thereon a provision granting the City a right to take such action as the United States may direct to enforce such covenant.
- G. Lessee shall indemnify and hold harmless the City from any claims and demands of third persons including the United States of America resulting from Lessee's noncompliance with any of the provisions of this Article and Lessee shall reimburse the City for any loss or expense incurred by reason of such noncompliance.

29. PRIOR AND COLLATERAL AGREEMENTS

This Agreement shall constitute the entire Agreement between the parties and no other stipulation, agreement or understanding, written or oral, expressed or implied of the parties hereto or of their agents, relating to the Agreement and use of the Leased Premises demised in Article 2 herein, shall limit or modify its terms. This Agreement shall, as of the commencement date hereof, cancel and supersede all prior agreements, written or oral, expressed or implied, between the parties for the rights granted herein. This Agreement shall not be subject to modification or change except by written instrument duly signed.

30. SEVERABILITY

If any term or provision of this Agreement shall to any extent be held invalid or unenforceable, the remaining terms and provisions of this Agreement shall not be affected thereby, but each term and provision of this Agreement shall be valid and be enforced to the fullest extent permitted by law.

31. NON-WAIVER OF BREACH

The waiving of any of the covenants of this Agreement by either party shall be limited to the particular instance and shall not be deemed to waive any other breaches of such covenants. The consent by the City to any act by Lessee requiring City's consent shall not be deemed to waive consent to any subsequent similar act by Lessee.

32. VENUE

This Agreement is to be construed in accordance with the applicable laws, rules and regulations of the State of North Dakota and the County of Burleigh and the venue shall be the City of Bismarck, North Dakota.

33. TIME OF ESSENCE

It is mutually agreed that time is of the essence in the performance of all covenants and conditions to be kept and performed under the terms of this Agreement.

34. HOLDOVER POSSESSION OF LEASED PREMISES BY LESSEE

Any holding over at the expiration of this Agreement shall constitute a month-to-month tenancy.

35. APPROVAL OR DIRECTION BY CITY

Wherever consent, approval, or direction by the City is required under this Agreement, such consent, approval or direction by the City shall be effective if given by the Airport's Manager or his/her designee in writing in the manner set forth in this Agreement. Nothing requiring consent, approval or direction from the City shall be unreasonably requested by Lessee nor shall such consent, approval, or direction be unreasonably withheld by the City.

36. NOTICES

All payments, demands, and notices required herein shall be deemed to be properly served if hand delivered or if sent by certified or registered mail, postage prepaid, or courier, via DHL, FedEx, UPS to the last address previously furnished by the parties hereto. Until hereafter changed by the parties, in writing, notices shall be addressed as follows:

City: Airport Manager
Bismarck Airport
P.O. Box 991
Bismarck, ND 58502

Lessee: _____

or

2301 University Drive
Building 17
Bismarck, ND 58504

The date of service of such notice shall be the date such notice is delivered by hand or is deposited in a Post Office of the U.S. Postal Service or with a courier service.

37. PARAGRAPH HEADINGS

Paragraph headings contained herein are for convenience in reference only, and are not intended to define or limit the scope of any provisions of this Agreement.

38. LESSEES OBLIGATIONS ARE JOINT AND SEVERAL. Lessee's obligations hereunder shall be joint and several.

39. ENTIRE AGREEMENT

This Agreement consists of Articles 1 to 39, inclusive, Schedule A and Exhibits A, B, and C.

IN TESTIMONY WHEREOF, witness the signature of the parties hereto the day and year written.

RECOMMENDED APPROVAL
TERMS AND CONDITIONS BY:

APPROVED AS TO FORM AND LEGALITY BY:

Gregory B. Haug
Airport Manager

Charles C. Whitman
City Attorney

ATTEST:

CITY OF BISMARCK, NORTH DAKOTA

William C. Wocken
City Administrator

John Warford
President, Board of Commissioners
Date: _____

ATTEST:

Date: _____

SCHEDULE A
MINIMUM INSURANCE REQUIREMENTS

The Lessee at its own cost and expense shall keep and hold the City of Bismarck, its elected and appointed officials, agents and employees, free and harmless from any and all claims and actions, loss, damage expense or cost, including reasonable attorneys fees incidental to the investigation and defense thereof claimed by anyone by reason of injury, or death or damage to persons or property sustained as a result of the Lessee's use of the leased Premises and operations at the Airport, excluding only claims caused by the gross negligence or willful misconduct of the City, its elected and appointed officials, agents and employees, or the negligence of said parties in concert with a third party, provided, that, the City shall give the Lessee prompt and reasonable notice of any such claim or action made or filed against it, and shall tender the defense thereof to Lessee. It is specifically agreed, however, that the City at its own cost and expense, may participate in the legal defense of any such claim. Any judgment, final beyond all possibility of appeal, rendered against the City for any cause for which the Lessee is liable hereunder shall be conclusive against the Lessee as to liability and amount upon the expiration of the time for appeal. But nothing herein shall be construed as making Lessee liable for any injury, death, loss, damage, or destruction caused by the sole negligence of the City.

Lessee shall, at its own cost and expense, take out and maintain such insurance for the term of this Agreement as the Lessee is required under the Workers' Compensation Act; and also take out and maintain such public liability as will protect the Lessee, the City from any claims for damage to persons, property, etc., arising out of, occurring or caused by operations under this Agreement by the Lessee or otherwise arising out of this Agreement. The policy will provide the amounts of insurance specified in this Schedule A. Upon execution of this Agreement, certificates of insurance shall be provided in a form acceptable to the City. Each certificate shall include:

- A clause naming the City of Bismarck, its elected and appointed officials, agents and employees as additional insureds under the policies with respect to Lessee's use of Bismarck Airport and the Leased Premises which are the subject of this Agreement.
- "No cancellation or change in the policy shall become effective until after thirty (30) days notice by registered mail to the Airport Manager, Bismarck Airport, P.O. Box 991, Bismarck, ND 58502."

Upon failure of Lessee to furnish, deliver, and maintain such insurance as provided for herein, the City may obtain such insurance and charge Lessee as additional rental, the cost of the insurance plus all appropriate administrative charges and incidental expenses associated with the transaction. Failure of Lessee to take out and/or maintain, or the taking out and/or maintenance of any required insurance shall not relieve Lessee from any liability under this Agreement, nor shall the minimum insurance requirements be construed to conflict with the obligations of Lessee concerning indemnification.

All insurance must be in effect and so continue during the life of this Agreement in not less than the amounts:

- A. Workers' Compensation Unlimited - Statutory - in compliance with the Compensation Law of the State of North Dakota.
- B. Employee's Liability Coverage (Stop Gap) in the amount of \$1,000,000 per occurrence.
- C. Comprehensive Commercial Liability Insurance with a single limit of \$3,000,000 per occurrence. This insurance shall indicate on the Certificate(s) of Insurance the following coverages:

Commercial General Liability consisting of:
Premises/Operations

Contractual Liability
Independent Contractors
Products and Completed Operations
Broad Form Property Damage
Personal Injury

- D. Environmental (third party liability) and site cleanup \$1,000,000 per occurrence. Commercial coverage is required. Reimbursement to tank registered owners, as part of the North Dakota Insurance Departments Petroleum Tank Reserve Compensation Fund (Tank Registration) does not meet this requirement.
- E. Auto Liability Insurance with a combined single limit of \$1,000,000 per occurrence for all owned, non-owned and hired vehicles.

Location of operation shall be "Bismarck Airport, City of Bismarck, County of Burleigh, North Dakota".

Nothing herein contained shall prevent the Lessee from taking out any other insurance for protection of its interest, which it deems advisable or necessary.



APPENDIX F

Section 4(f) Evaluation

Bismarck Municipal Airport (BIS), Bismarck, North Dakota
Department of Transportation Act Section 4(f) Statement
May 2015

Introduction

The City of Bismarck, in cooperation with the Federal Aviation Administration (FAA) and the North Dakota Aeronautics Commission (NDAC) proposes to provide an expanded development area for the fixed-based operators (FBOs) at the Bismarck Municipal Airport (herein referred to as the Airport or Bismarck Airport). This airport proposed action was evaluated in an Environmental Assessment (EA) in accordance with the *National Environmental Policy Act (NEPA)*. The EA is an informational document intended for use by decision makers and the public. As such, it represents a disclosure of relevant environmental information concerning the proposed action.

The Airport, located in southeast Bismarck, North Dakota, proposes to provide an expanded development area for FBO(s) at the Airport. FBOs are commercial operators at the Airport that provide general aviation services to the public, such as fueling, avionics, maintenance, aircraft sales, rentals, flight training, charter operations, rental hangar space and aircraft handling. This action is proposed to address the limited ability to provide development necessary to accommodate for the current and future FBO(s) facilities at Bismarck Airport.

The Department of Transportation Act of 1966 and amendments of 1983, Section 4(f), 49 USC § 303(c), provides that the Secretary shall not approve any program or project that requires use of publicly-owned land from a public park, recreation area, or wildlife or waterfowl refuge of National, State, or local significance, or land from a historical site of National, State, or local significance as determined by the officials having jurisdiction thereof, unless:

- There is no feasible or prudent alternative to the use of such land; and,
- The project includes all possible planning to minimize harm resulting from use.¹

The EA includes an analysis of the potential impacts due to the sponsor's proposed action for resources protected under Section 4(f).

Project Description/Purpose & Need of Proposed Action

The purpose of the proposed action is to provide public apron frontage to facilitate expansion of existing FBOs at the Airport in a manner that is consistent with the Airport Master Plan. Increased aircraft operations, change in general aviation fleet mix, and facility capacity demands are driving the need for the existing FBO(s) to expand current operations in order to continue to provide the essential services that support the flying public using the Airport. The project is needed because the current northwest general aviation (GA) apron does not have apron frontage available to support current and future additional FBO hangars, general aviation terminals, and/or office space development.

¹ FAA Order 1050.1E, *Environmental Impacts: Policies and Procedures*, Appendix A, paragraph 6.1a.

Bismarck Municipal Airport (BIS), Bismarck, North Dakota
Department of Transportation Act Section 4(f) Statement
May 2015

The proposed action (see Attachment A) includes providing approximately 650 feet of general aviation apron frontage for FBO development. The new apron frontage would be located on the northwest GA apron and run parallel to University Drive, in conformity with the March 2008 Airport Master Plan. The proposed action would be accomplished by relocating a City-owned Hangar (Hangar #5), removing or relocating an existing FBO hangar (Hangar #38), removing a City-owned office/general aviation terminal building (Building #22), which is currently leased to the North Dakota Aeronautics Commission and paving approximately 15,200 square yards of new concrete apron.

The proposed action would provide apron frontage necessary for the FBO(s) to construct three corporate style hangars approximately 15,675 square feet in size (one additional hangar, two hangars to replace Hangar #5 and Hangar #38) each needing up to 175 feet of apron frontage, a new general aviation terminal/office building (size undetermined) to replace Building #22 that could take up to 125 feet of apron frontage, and all the associated improvements (lighting, underground utilities access roads, auto parking areas, etc.). Additionally the new alignment will provide flexibility for future FBO expansion to the northwest of the new apron per the March 2008 Airport Master Plan's preferred alternative.

The EA describes the purpose and need for the proposed project. See EA Chapter 1, Purpose and Need for further information.

Section 4(f) Identified Resource: Hangar #5

(Potentially eligible for listing on the National Register of Historic Places)

The Civilian Conservation Corps and/or the Works Progress Administration (CCC/WPA) built an Art Deco modern aircraft hangar and air terminal in 1936. In 1940, the Bismarck Airport purchased 60 acres of land and built the first of its paved runways. In 1951, the Airport constructed a flight control and command tower onto the northeast corner of Hangar #5. This tower remained operational until it was removed in 1976 after the construction of the modern, existing Air Traffic Control Tower (ATCT).

Hangar #5 (Owned by the City of Bismarck) is a 114 feet by 125 feet wood framed aircraft hangar with an attached two story office space on the northwest corner. Hangar #5 is currently leased to a FBO for aircraft storage and maintenance, and the office space is used as a cold storage space. A structural analysis of Hangar #5 was performed in 2011 to document the existing conditions of the building and determine the feasibility of relocating the building. This analysis, done by a Structural Engineer, determined that the building's structural members do not have adequate capacity to support the design loads as determined by the current building codes. However, the structure is in good condition, has sustained minimal damage since it was built in 1936, and due to the historic nature of the building it would not be required to meet current standards if the building is acknowledged by the City of Bismarck building official to not

Bismarck Municipal Airport (BIS), Bismarck, North Dakota
Department of Transportation Act Section 4(f) Statement
May 2015

be “a distinct life safety hazard”. It was therefore, determined to be feasible from a structural standpoint that the building can be relocated with some minor repairs.

Hangar #5 has wood 10-panel sliding doors facing directly north and the south. This orientation requires additional apron frontage compared to a single door hangar facing the apron. The large single pane windows and wood doors also make heating of this space to be impractical. The proposed action would remove or relocate Hangar #5 and replace it with a new corporate style hangar. This would allow a more efficient layout of the GA apron as shown in the BIS Airport Master Plan. A new hangar would provide a more secure location for storage of valuable aircraft during high wind and snow load conditions. Relocation would allow the FBOs to provide more services to the flying public than leaving Hangar #5 in place.

See Attachment B for further detailed information, *Bismarck Airport Buildings and Hangars (32BL716): An Intensive Class III Architectural Survey of Five Airport Buildings in Burleigh County, North Dakota.*

No other Section 4(f) properties are located within the projects study area.

Prudent & Feasible Alternative

Four (4) FBO expansion (see Attachment C) locations were identified during preliminary analysis that would accommodate the necessary apron frontage to meet the current and future needs for FBO services at the Airport. Of these four FBO locations, two were carried forward through the entire project analysis and two were discarded from further analysis. Locations B and C were carried forward as Alternatives B and C because they meet the purpose and need for the project and they were consistent with development shown in the March 2008 Airport Master Plan.

Sites D and E were reviewed and eliminated from further consideration. Although these alternative sites would avoid Hangar #5, they did not fully meet the project purpose and need. Apron frontage at these locations would not be consistent with the ALP. Each of these locations would require the FBOs to have split operations from their existing facilities; tugs would have to be used to move aircraft from one FBO facility to another as necessary. This would create considerable inefficiencies, increasing operational cost which could possibly deter the FBOs from proceeding with their planned expansions.

Site D has no existing infrastructure at this location including gas, electric, water, or sewer. This proposed location would require increased runway crossings, resulting in a higher risk of runway incursions. FAA policy and guidance recommends minimizing runway crossings whenever possible. Site D would not meet the purpose of the project to provide apron frontage that would facilitate expansion of the existing FBOs at the Airport.

Bismarck Municipal Airport (BIS), Bismarck, North Dakota
Department of Transportation Act Section 4(f) Statement
May 2015

Site E would block the air traffic controller's view of Taxiway D, which is a defined movement area. FAA requires all movement areas to be visible so this site cannot be considered.

The EA describes three (3) alternatives that could potentially satisfy the purpose and need for the proposed project. See EA Chapter 2, Alternatives for further information.

- Alternative A: No action – maintain the existing airfield configuration. No direct or indirect impacts to Section 4(f) properties would occur with this alternative. This alternative does not meet purpose and need, nor does it address the line of sight impacts created by Hangar #5.

Alternative B (Preferred Alternative) includes providing approximately 650 feet of general aviation apron frontage for FBO development. The new apron frontage would be located on the northwest GA apron and run parallel to University Drive, in conformity with the March 2008 Airport Master Plan. This alternative would be accomplished by removing or relocating Hangar #5 and an existing FBO hangar (Hangar #38), removing Building #22, removal of existing pavements, grading and paving approximately 15,200 square yards of new concrete apron, and the preliminary grading and utility work to provide no less than four new building sites.

The Airport and/or the FBO proposing new development would coordinate with the affected tenants holding leases for Airport property and would work to reach a mutual agreement to extinguish the affected tenant leases early to allow development along the new GA apron alignment. If an agreement cannot be reached for early termination the affected tenant(s) would be allowed all the rights afforded by the terms and conditions of their lease(s) with the Airport.

Alternative B would meet the project purpose and need by providing the existing FBO(s) apron frontage that will enable them to expand their operations to meet the general aviation services needed by the public. It is consistent with development shown on the March 2008 Airport Master Plan. This site takes advantage of existing utility infrastructure with water, gas, electric, and sewer lines located adjacent to the site along the current access road. This alternative also allows the FBOs requesting expansions to have their proposed development located adjacent to their existing facilities, maintaining operational efficiencies. This alternative eliminates the need to enter the Taxiway Object Free Area and does not require runway crossings to move aircraft from one FBO facility to another. The ATCT line of sight (see Attachment D) would be improved by this alternative by removing Hangar #5 as a barrier between ATCT and the northwest area of the Airport. This would allow for additional future expansion in a safe and efficient manner that is consistent with the March 2008 Airport Master Plan.

Bismarck Municipal Airport (BIS), Bismarck, North Dakota
Department of Transportation Act Section 4(f) Statement
May 2015

Alternative B would result in impacts to Hangar #5; therefore, Section 4(f) would apply. The preferred mitigation option proposes to market Hangar #5 to new prospective owners for relocation to an alternate site on the Airport rather than removal/demolition.. The Airport is currently seeking interested parties to acquire Hangar #5 and develop an aviation museum. The relocation of Hangar #5 would be done to ensure that the features replaced or remodeled to ensure historic integrity while modernizing the construction and utility of the building. This alternative is mutually beneficial leaving both the Airport and Hangar #5 in equal or better than the current condition.

- Alternative C: Alternative C provides approximately 650 feet of GA apron frontage for FBO development. The new apron frontage would be a stand-alone apron located northwest of the existing apron. Like Alternative B the apron would run parallel to University Drive, in conformity with the ALP.

Hangar #5 would not be relocated, but would create a choke/congestion point that is too narrow for aircraft to taxi or be tugged from the new GA apron to the existing apron without entering the taxiway object free area this creates a potential collision risk. Hangar #5 obscures most of the proposed apron from the controllers view until they are at the very edge of Taxiway A. This would negate the controller's ability to lessen a potential collision risk. The shielding effect of Hangar #5 has the potential to interfere with radio communications between ATCT and the proposed development area. The Hangar #5 location does not allow for the refueling of 10-15 transient aircraft (typical busy day observation) and passenger general aviation terminal unloading.

Alternative C would not result in impacts to Hangar #5; therefore, Section 4(f) would not apply, however, this alternative does not fully meet purpose and need and creates new airfield safety concerns leaving Hangar #5 in place and creating a chokepoint for taxiing aircraft, refueling, passenger unload, and air cargo operations.

Based on specific reasons, each alternative was eliminated (except the Preferred Alternative). These reasons include compliance with airport design standards, infrastructure limitations, airfield safety, cost implications, and not meeting the purpose of and need for the project.

Mitigation

It is the FAA's determination that the Preferred Alternative has the potential for a "physical taking". The physical taking will result from carrying out the preferred alternative as evaluated. However, the "taking" will be mitigated based on a Memorandum of Agreement (MOA) among the State Historic Preservation Officer (SHPO), Bismarck Airport and the FAA. The MOA outlines the necessary steps to

Bismarck Municipal Airport (BIS), Bismarck, North Dakota
Department of Transportation Act Section 4(f) Statement
May 2015

return Hangar #5 to its existing or better condition once the project is completed. The MOA can be found in Attachment E. Additional coordination will be necessary between the Bismarck Airport and the FAA once the final determination is made regarding the Section 4(f) resource.

Throughout the planning and development of the EA, the Airport and the FAA have indicated support for the preferred alternative as it is mutually beneficial leaving both facilities equal to or better than the current condition. The preferred alternative appears to be the prudent and feasible alternative for the proposed action at the Bismarck Municipal Airport.

As outlined in the MOA, the Airport will solicit proposals from interested parties for ownership of the Hangar #5 including relocation, rehabilitation, and continued use as an aircraft hangar or as an aviation museum. These proposals will be reviewed by the Airport, the FAA, and the State Historic Preservation Office and accepted in accordance with the Secretary of the Interior's Standards for Rehabilitation and/or Reconstruction. The mitigation proposals will outline the treatment of the side office additions, the windows, the doors, and the other structural components of the Hangar. The intent is to maintain the historic structural integrity of the Hangar #5. Further details can be found in the MOA.

The FAA made the following determinations:

- There is a Section 4(f) resource, Hangar #5, which will be directly impacted as a result of Sponsor's Preferred Alternative.
- The only alternative that does not impact this Section 4(f) resource is Alternative A: No Action. However, this alternative does not meet the purpose and need for the project or address the ATCT line of site issues for aircraft movement.
- Alternative B: This preferred alternative would meet the project purpose and need by providing the existing FBO(s) apron frontage that will enable them to expand their operations to meet the general aviation services needed by the public. It is consistent with development shown on the March 2008 Airport Master Plan. This alternative also improves the ATCT line of sight by removing Hangar #5 as a barrier between ATCT and the northwest area of the Airport.
- Alternative C: This alternative does not meet the purpose and need for the project because it does not address the ATCT line of site issues for aircraft movement caused by Hangar #5. Removing Hangar #5 as part of this alternative would impact a Section 4(f) resource, and the operational inefficiencies and additional cost for construction would make this alternative less practicable than Alternative B.

Attachment A

Exhibit from March 2008 Airport Master Plan

Proposed Action Exhibit

conventional hangars with no taxiway access for additional development to the west. The preferred development in this area is to provide a linear development of conventional hangars that provide taxiway access to the west for additional future conventional hangar development.

Exhibit 4-12
NORTH GENERAL AVIATION



The southeast corporate development area is intended for the use of corporations requiring airfield access in close proximity to the commercial terminal. The area proposed for development is constrained by the existing and proposed location of the air traffic control tower to the south and the North Dakota DOT hangar and lift station to the north. Therefore, detailed evaluation of the development plan is necessary to ensure that the demands of the potential tenants can be met within the constrained site. Alternatives for the development of the southeast corporate aviation are identified in Exhibits 4-13 through 4-15.



*Intended for Planning Purposes Only

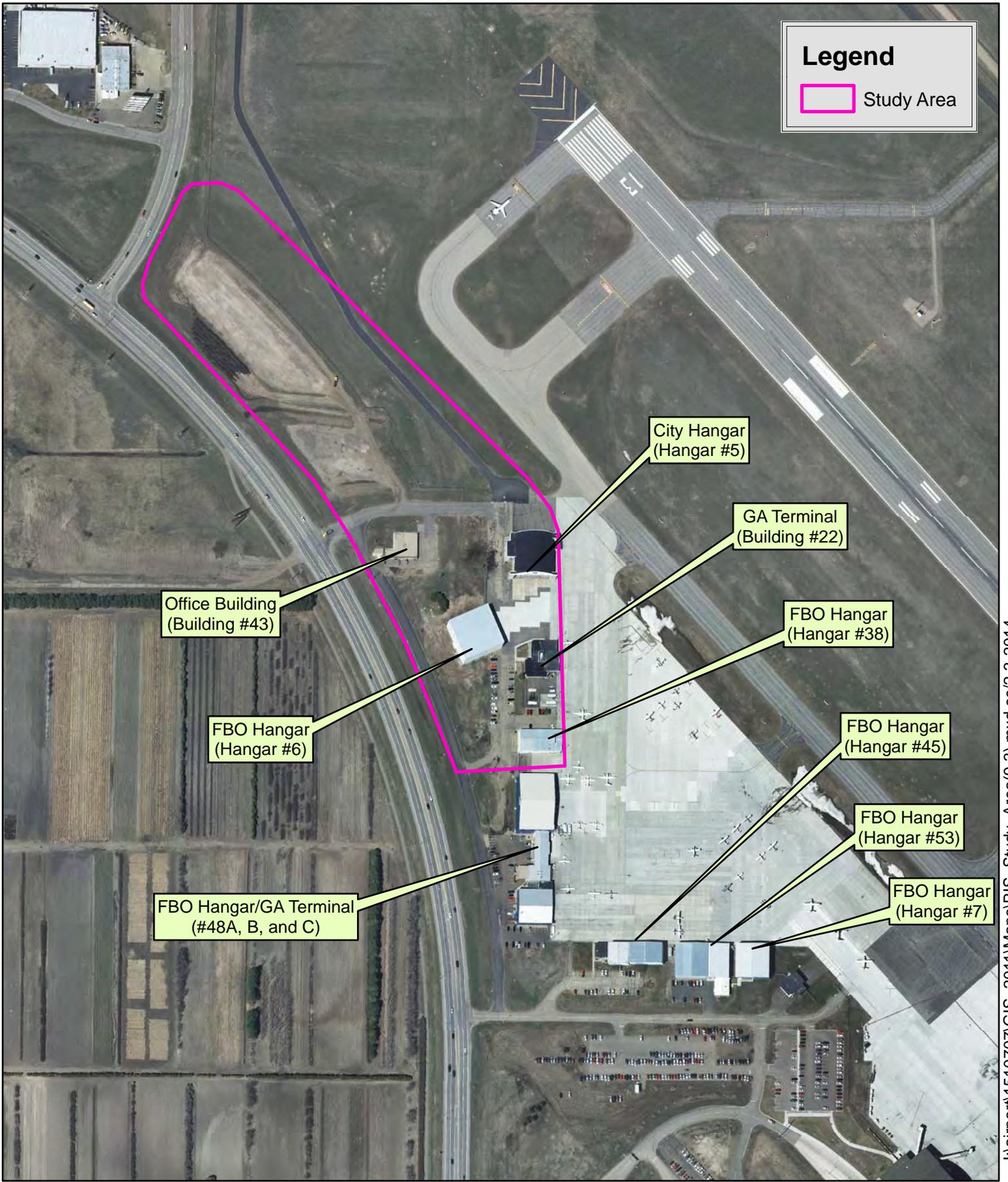
J:\airport\1510707\GIS_2011_Maps\Alternative_B.mxd cc/03-13-2014



PRELIMINARY



**Bismarck Airport
Alternative B
Construct GA Apron
for FBO Expansion**

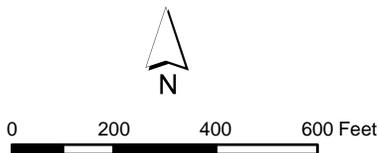


J:\airport\1510707\GIS_2011\Maps\BIS_Study_Area(9.3).mxd cc/2-3-2014

*Intended for Planning Purposes Only



PRELIMINARY



**Bismarck Airport
 Study Area Map**

Attachment B

Bismarck Airport Buildings and Hangars (32BL716): An Intensive Class III

Architectural Survey of Five Airport Buildings in Burleigh County, North Dakota

**Bismarck Airport Buildings and Hangars (32BL716):
An Intensive Class III Architectural Survey of
Five Airport Buildings in Burleigh County,
North Dakota**

Prepared for:
Kadmas, Lee & Jackson, Inc.
Bismarck, North Dakota

Prepared by:
Aaron L. Barth
Fargo, North Dakota

June 21, 2012

Abstract

The City of Bismarck and Kadrmas, Lee and Jackson, Inc. intend to alter the northwest portion of the Bismarck Airport (32BL716). On April 22, 2011, Aaron L. Barth conducted a Class III cultural resource inventory within the area of potential effect to record and evaluate five buildings. Beyond the buildings, no other cultural resources were recorded outside of the area of potential effect.

Of the five buildings, Feature 1 is the only one recommended eligible to nominate to the National Register of Historic Places under criterion A and C. In 1936, the Civilian Conservation Corps and the Works Progress Administration built Feature 1, an Art Deco hangar and air terminal. While Feature 1 is not recorded in *The National Register of Historic Places Multiple Property Documentation Form: Federal Relief Construction in North Dakota, 1931-1943*, it no less reflects criterion A and C as described by Steve Martens (Martens, 2010: F-1). In 1951, the Bismarck Airport added a control tower to the northeast corner of Feature 1, but it was removed in the 1970s, restoring it to its original 1936 design.

On February 6, 2012, Kadrmas, Lee and Jackson, Inc., (Tina Fricke and Aaron Barth) and the State Historical Society of North Dakota (Susan Quinnell and Lorna Meidinger) met for a round-table discussion. This report addresses several State Historical Society of North Dakota requests and reporting requirements, including expansion of the 1936-1970 historic context; feature construction dates; remarks about the potential for a broader historic district; whether or not the alignment of the buildings is historic; contacting the City of Bismarck and the Bismarck Airport about further information on Feature 1; and asking the Bismarck Airport if there are alternative future lane layout proposals that could avoid removing or relocating Feature 1, the 1936 Art Deco hangar.

Within the project area at the airport, the buildings were recorded to assist the City of Bismarck and Kadrmas, Lee and Jackson, Inc., in complying with Section 106 of the National Historic Preservation Act, 16. U.S.C. 470 *et seq.*, implemented by the Code of Federal Regulations, 36 C.F.R. § 800-800.16 (2010), and with the State Historical Society of North Dakota. This report also meets the “Reasonable and Good Faith” identification standards outlined by the Advisory Council on Historic Preservation. Of the five buildings recorded, Feature 1 is the only one recommended eligible for nomination to the National Register of Historic Places under criterion A and C.

Table of Contents

Introduction	1
The Undertaking	1
Undertaking Area of Potential Effects	2
Project Setting	2
Management Goals	3
Field Personnel	3
Field Methods	3
Report Terms and Definitions	5
Relevant State Wide Context	5
Historic Context Reflected by Site 32BL716	6
Site 32BL716	11
Potential for Historic District	16
Results	16
Conclusions, Management Eligibility Recommendations, and Mitigative Suggestions	17
References Cited	18
Color Overview Photographs and Historic Photos	A-1

List of Figures

Figure 1: Project area looking southeast	1
Figure 2: General county location of the project area	2
Figure 3: Project Map in 1:24,000 scale, USGS 7.5' Bismarck	4
Figure 4: A 1940 photograph of the Bismarck Airport, view to the north	7
Figure 5: A photo of Feature 1, the new 1951 control tower addition	8
Figure 6: A 1972 expansion proposal for the Bismarck Airport	9
Figure 7: Site 32BL716, Feature 1, Contextualized with the History of Aviation and Art Deco	9
Figure 8: Aerial view of site 32BL716, and features	11
Figure 9: December 31, 1927 map of U.S. Airways airmail route	14

List of Color Overview Photographs and Historic Photos

Photo 1: Overview looking northwest	A-1B
Photo 2: Overview looking southeast	A-1B
Photo 3: Feature 1, southeast corner	A-1C
Photo 4: Feature 1, northwest corner	A-1C
Photo 5: Feature 1, ceiling detail looking northeast	A-1D
Photo 6: Feature 1, southwest corner	A-1D
Photo 7: Feature 2, northeast corner	A-1E
Photo 8: Left to right features 3 and 2, southwest corner	A-1E
Photo 9: Feature 4, northwest corner	A-1F
Photo 10: Feature 4, southeast corner	A-1F
Photo 11: Feature 5, northwest corner	A-1G
Photo 12: Feature 5, southeast corner	A-1G
Historic Photo 1: Bismarck Municipal Airport photo, circa 1930-1939	A-1H
Historic Photo 2: Bismarck Municipal Airport photo, circa 1940	A-1H
Historic Photo 3: Bismarck Municipal Airport, with Feature 1 in the background, circa 1940	A-1I
Historic Photo 4: "Bismarck Control Tower," <i>Bismarck Tribune</i> , 07/21/1951, page 8	A-1I

Introduction

The City of Bismarck and Kadrmas, Lee and Jackson, Inc. (KLJ) intend to alter the northwest portion of the Bismarck Airport. On April 22, 2011, Aaron L. Barth conducted a Class III cultural resource inventory to record and evaluate five buildings within the defined Area of Potential Effect (APE). On February 6, 2012, KLJ (Tina Fricke and Aaron Barth) and the State Historical Society of North Dakota (SHSND; Susan Quinnell and Lorna Meidinger) met for a round-table discussion. This report addresses several SHSND requests and reporting requirements agreed upon in a February 7, 2012 e-mail exchange. This is assisting the City of Bismarck and KLJ in complying with Section 106 of the National Historic Preservation Act, 16 U.S.C. 470 *et seq.*, implemented by the Code of Federal Regulations, 36 C.F.R. § 800-800.16 (2010). Beyond these buildings, no other cultural resources were observed or recorded within the APE. Of the five buildings, Feature 1 is the only one recommended eligible to nominate to the National Register of Historic Places (NRHP) under criterion A and C.



Figure 1: Project area looking southeast. Feature 1 left-center of photograph.

The Civilian Conservation Corps and/or the Works Progress Administration (CCC/WPA) built Feature 1, an Art Deco hangar and air terminal, in 1936. While Feature 1 is not recorded in Steve Martens, *Federal Relief Construction in North Dakota, 1931-1943*, it does embody criterion A and C as described within that statewide context (Martens, 2010: F-1).

The Undertaking

Per an April 22, 2011 conversation with KLJ and KLJ Environmental Planner Kayla Block-Torgerson, the undertaking involved an architectural survey of five buildings that fell

within the defined APE. On February 6, 2012, KLJ Environmental Planner Tina Fricke, SHSND Review and Compliance Coordinator Susan Quinnell, and SHSND Architectural Historian Lorna Meidinger met for a round-table discussion and agreed upon several specifics to include in this report. The agreed upon requirements included:

- 1936-1970 historic context expansion.
- Feature construction dates.
- Comments about whether the buildings possess any potential for a historic district.
- Address questions as to whether the alignment of buildings is historic.
 - Include historic photos and discussion about alignment.
 - Seek information on North-South alignment.
- Contact the City of Bismarck about information on Hangar #5 (Feature 1) specifically, and the Bismarck Airport generally.
- Coordinate with SHSND and Airport Tower personnel about alternative future taxi lane layout proposals to avoid the removal or relocation of Feature 1.

These requirements are addressed and discussed within this report.



Figure 2: General county location of the project area.
Public Domain: <http://www.nationalatlas.gov/>

Undertaking Area of Potential Effects

The APE is located in the northwest corner of the Bismarck Airport, and the Bismarck Airport is located in the southeastern part of the Bismarck City limits. The legal description of the APE is in the SW/SE and SE/SW of Section 10, and the NW/NE of Section 15, in T. 138 N., R. 80 W., Burleigh County, North Dakota. It is depicted on the USGS 7.5 topographic map. In all, the APE covered an area that, at its longest, was 750' north-south, and 600' east-west, for a total of approximately 250,200 square feet.

Project Setting

The project is in central North Dakota, in the Southern Missouri River Study Unit (SMRSU; Unit #5), as defined in *The North Dakota Comprehensive Plan for Historic Preservation: Archeological Component* (SHSND 2008: 5.1-5.89). The SMRSU is contained

within the Glaciated Missouri Plateau Subsection of the Missouri Plateau Section of the Great Plains physiographic province (SHSND, 2008: 5.2). The ecological and physiographic diversity typifying the SMRSU's natural landscape influenced both native groups and Euro-American explorers and traders alike. By the second half of the nineteenth-century, Euro-Americans continued realizing their political goals of Manifest Destiny, and sought to assimilate, push aside or eradicate the indigenous populations in order to settle the interior of the continent, the northern Great Plains notwithstanding (Merk, 1995; Rothaus, et. al, 2010: 11).

The APE resides where it does today for a variety of reasons. The primary reason, or historical process, has to do with the government backed railroad administration deciding to cross the Missouri River at the given point of Bismarck. In 1872, the Great Northern Railroad reached the city of Edwinton from the east, and the Dakota Territorial legislature altered it to the namesake of Bismarck. Ten years later, in 1882, the Northern Pacific Railroad bridge finally crossed the Missouri River. In 1889, North Dakota achieved official statehood and Bismarck became the official capitol. This Euro-American settler colonialism intensified the reasons for passenger and commercial transportation — oxen, horse, steamboat, locomotive, automotive and airplane — to have Bismarck as its destination (Robinson, 1966 & 2003: 131; Bird and Taylor, 1972: 11 & 66).

As of June 2011, the APE surrounding the Bismarck Airport consisted of residential, commercial and industrial development, with the United Tribes Technical College immediately to the south. All of this falls within the city limits of Bismarck. This continued economic and social growth is characteristic of the history of Bismarck. This, along with Federal aviation regulations, are reasons the Bismarck Airport has received numerous modifications and alterations from its beginning up to the present.

Management Goals

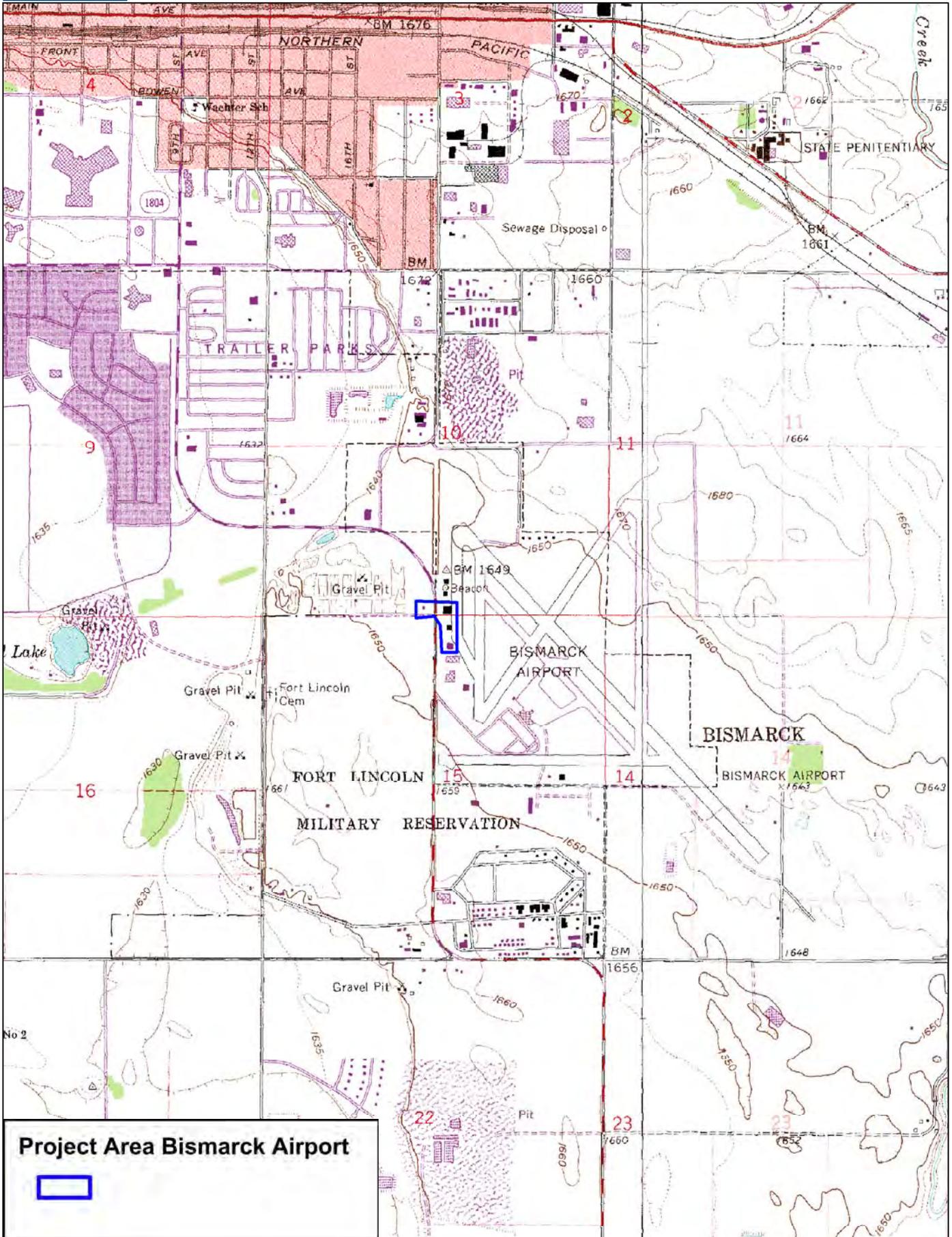
Following the mandates of Section 106 of the NHPA, and in accordance with the SHSND, the five buildings were inventoried to determine whether or not they were eligible for inclusion in the NRHP. Compliance with the stipulations will provide the City of Bismarck, KLJ, and the SHSND with the documentation necessary to evaluate the five buildings, this before alterations take place to further modernize the Bismarck Airport.

Field Personnel

The field personnel included Aaron L. Barth.

Field Methods

The APE was inventoried with digital photography, and a sketch map was drawn using a Garmin eTrex and Google Earth. In addition to this, several archives were visited to provide greater context and understanding. This included the State Historical Society of North Dakota in Bismarck, and in Fargo the North Dakota Institute for Regional Studies and the North Dakota State University Klai Juba Architectural and Landscape Library. All of the field notes, photographs, maps, and digital photographs are on file in Fargo, North Dakota.



Project Area Bismarck Airport

Report Terms and Definitions

Modern, Modernity, and Modernize

The abstract terms “modern,” “modernity,” or “modernize” are used within this report and warrant definition. Arguments over the definition of this term are contentious, as some intellectual historians have asserted that modernity came with the Industrial Revolution, while others have contended that modernity is represented by the increased secularization of society (Gellner, 2006: xv; Musil, 1990: 21). In the case of this report, however, a universal definition forwarded by Leszek Kolakowski will suffice. Kolakowski defined modernity as “the natural tension between structure and evolution,” or the tension between the structures of the past and the evolution inherent for life to exist in the present (Kolakowski, 1990: 4-5). In the case of the Bismarck Airport, modernizing the structures and buildings to account for the evolving nature of aviation has been a perpetual and on-going process (Table 1).

Structure and Building

The term building instead of structure was used to refer to features 1, 2, 3, 4, and 5 based on the definition provided by the SHSND (SHSND, 2009: 17). They are defined as follows:

Building – a structure created to shelter any form of human activity, such as a house, barn, church, hotel, or similar structure. Building may refer to a historically related complex such as a courthouse and jail or a house and barn.

Structure – a work made up of interdependent and interrelated parts in a definite pattern of organization. Constructed by man, it is often an engineering project large in scale. Examples include a railroad bridge or lighthouse.

Features 1, 2, 3, 4, and 5 at 32BL716 sheltered human activity, and this primarily involved maintaining, refueling and providing ports for airplanes.

Relevant State Wide Context

Because fieldwork and archival research revealed that Feature 1 was built by the CCC and WPA in 1936, a statewide context applied. Steven C. Martens, a North Dakota State University Professor of Architecture, developed this as a National Register of Historic Places Multiple Property Documentation Form. It is entitled, *Federal Relief Construction in North Dakota, 1931-1943* (Martens, 2010). Feature 1 reflects the NRHP recommendations for eligibility outlined by Martens in his statewide context. Thus, according to the context, Feature 1 is recommended eligible under criterion A: Event, and C: Design/Construction (NRB #15, 1997: 12-13 & 17-20).

History Context Reflected by Site 32BL716

The aviation history of North Dakota started due to external factors beyond the borders of the state. In the first decade of the twentieth century, the nation increasingly modernized itself when the Wright Brothers performed the first flight ever on December 13, 1903 at Kitty Hawk, North Carolina (SNASM, “Milestones of Flight”). Airplanes were modestly used during the First World War from 1914 to 1918, and by the 1920s they gained increased attention by the U.S. government. In July 1916, the first airplane landed in Bismarck, and in the 1920s the city located its first airport on South Washington Street (Langemo, 2002: 63). In this same decade the airport was moved to its current location (Bismarck Airport History website, 2012; hereafter cited as BAH, 2012). This move coincided with the passage of the Air Commerce Act in 1926, thus charging the Federal government with modernizing air travel. The act specifically enabled commerce, required the issuance and regulation of air traffic rules, pilot licenses, aircraft certification, and it established standardized airways to bring about order to the sky (“Origins of the FAA,” FAA Website accessed 06/29/2011).

Two notable pilots from the upper Midwest (Minnesota) and the northern Great Plains (North Dakota) made contributions to the popularization of aviation. In 1927, Charles Lindberg (Little Falls, Minnesota) initiated his transcontinental flight on May 20-21. Within North Dakota, individuals such as Carl Ben Eielson (Hatton, North Dakota) also brought broader public attention to the possibilities aviation afforded. While Lindberg made his trans-Atlantic flight from Long Island, New York to Paris, France in 1927, a year later Eielson demonstrated how to fly over “the top” of the world from Point Barrow, in northern Alaska to Spitzbergen, a Norwegian island north of Norway’s mainland. (Page, 1992)

Aviation would soon connect Bismarck with the rest of the country through regional airlines. In June 1931, a “Stinson Detroiter” owned by Northwest Airlines landed at the Bismarck Airport, marking the first time a commercial passenger plane arrived in the city. Five years later, the CCC and WPA built Feature 1 at the Bismarck Airport, a modern hangar in Art Deco style. In addition to the historical processes of aviation advances, the 1936 architecture of Feature 1 reflected a new stage of modernity that embodied different styles and designs. Approximately 11 years prior, in 1925, the new Art Deco style was officially showcased at the *Exposition Internationale des Arts Décoratifs et Industriels Modernes* (The International Exposition of Modern Industrial and Decorative Arts), also known as the world’s fair in Paris, France (Hunter, 1972: 257). By 1930, architects had incorporated Art Deco into the majority of their airport designs (Pisano, 1990: v-vi). Within North Dakota, the Ward County Courthouse (built between 1928-29) and the North Dakota State Capitol (built between 1932-1934) planted Art Deco within the borders of North Dakota (Gebhard, 1996: 149-150). Two years after the North Dakota State Capitol was finished, the CCC/WPA constructed the Art Deco building at the Bismarck Airport.

The hangar built in 1936 would see increased aviation traffic, and by 1939, additional airlines began landing at the airport, including Hanford Airlines and Mid-Continent Airlines. They provided flights between Bismarck and Tulsa, Oklahoma. By 1940 the City of Bismarck became the official owners of the airport, and advances in aviation technology continued requiring advances and expansion in airport technology (Langemo, 2002: 63; BAH, 2012). For this reason, in 1940 the City of Bismarck purchased 60 acres of additional land from the Wachter

family and the WPA constructed the first paved runways. Two years after WWII, the War Assets Administration (a Federal agency responsible for disposing of surplus consumer, capital and producer goods; industrial and maritime real property; and airports and aircraft in the United States and territories) transferred 160 acres to the city for the airport (Record of WAA website, 2012).



Figure 4: A 1940 photograph of the Bismarck Airport, view to the north. SHSND Digital ID sh0027604.

Throughout the 1950s, additional improvements continued. In 1950 and 1951, the airport improved its drainage conditions, and in 1951 the Bismarck Airport enhanced its control tower, collectively splitting the \$31,000 estimated cost between the Federal government and the city. The local Bismarck contractors working on the tower addition included A.J. Weinberger (general contractor), O&M Electric, and H.A. Thompson and Sons (heating and plumbing). This tower allowed for flight control and communications to be consolidated into one operation, reducing the number of employees from 11 to six. (“Bismarck Control Tower,” *Bismarck Tribune*, 07/21/1951, page 8) A year later, in 1952, the NW-SE runway was reconstructed, and Douglass DC-3s, fixed-wing propeller-driven airplanes, began landing at the airport (BAH, 2012).

Five years later, in 1957, a second phase of this NW-SE runway was completed, and in 1962 the runway was lengthened to 6,925 feet to accommodate jet aircraft. In 1964 and 1965, the City of Bismarck extended its water main and sanitary sewer system to service a new terminal under construction. Throughout the 1960s, a new North-South runway was also completed, and

taxiways, ramps, field lighting, surface drainage and parking lots were built to compliment the new terminal. In 1976 a new air traffic control tower was built on the south side of the airport, and throughout the 1970s and 1980s, updates continued with additions to the new terminal, including a baggage belt, baggage claim area and passenger boarding bridges (BAH, 2012).

Bismarck Control Tower

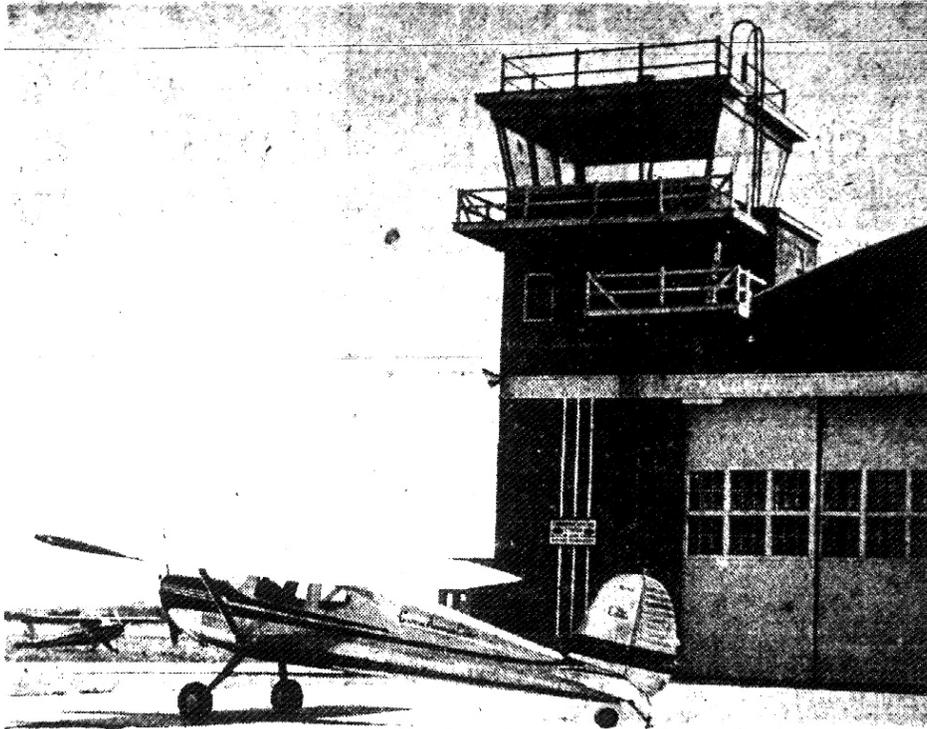


Figure 5: A photo of Feature 1, the new 1951 control tower addition. “Bismarck Control Tower,” *The Bismarck Tribune*, July 21, 1951, page 8.

These construction additions are reflected in the increased amount of passengers that enplaned and deplaned from 1960 to 1970. The population increases in the urban and rural areas of Burleigh and Morton counties provided incentive to expand the Bismarck Airport. For example, in 1960 the Bismarck Airport serviced 35,280 passengers, and by 1965 they serviced 66,942 passengers. The United States Census of 1970 reported Burleigh and Morton counties as having a combined population of 61,024, and by 1980 that population reached 79,988. In 1972 the annual passenger load of the Bismarck Airport had reached 133,322, and the projections for 1975 estimated that the airport would take in over 204,000 passengers annually (BAH, 2012; Bismarck Municipal Airport Master Plan, 1972; U.S. Census). These events provided the reason and rationale for the continued modernization of the Bismarck Airport.

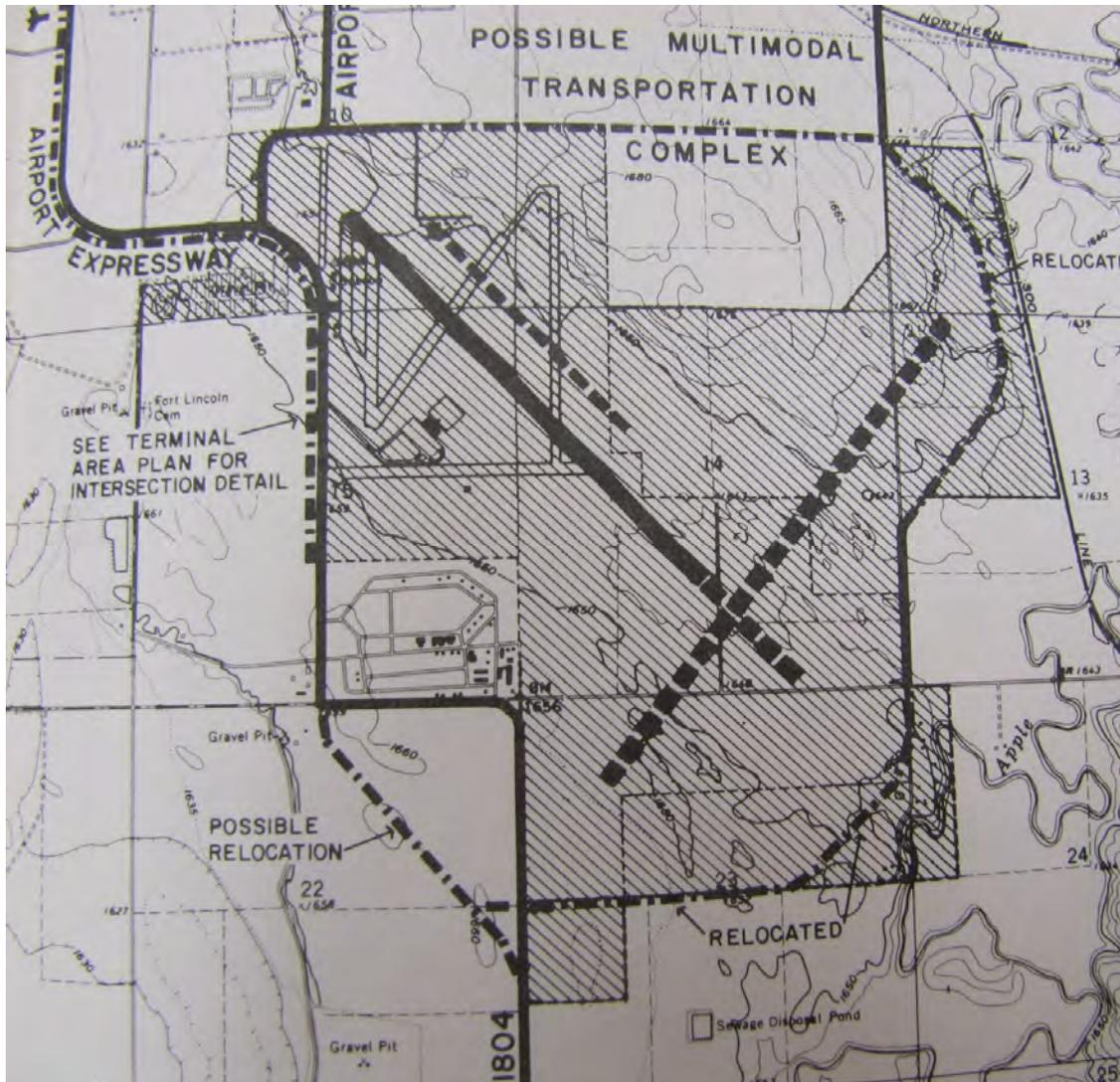


Figure 6: A 1972 expansion proposal for the Bismarck Airport (Bismarck Municipal Airport Master Plan, 1972: Manuscript on file with the SHSND, Bismarck).

Figure 7: Site 32BL716, Feature 1, Contextualized with the History of Aviation and Art Deco¹	
1903	The first ever flight by the Wright brothers takes place at Kitty Hawk, North Carolina.
1914	World War breaks out in Europe.
1916	The first flight into Bismarck.
1917	The United States enters the First World War.
1918	The First World War ends.
1925	The International Exposition of Modern Industrial and Decorative Arts, the first world's fair, held in Paris, France.
1926	The United States Air Commerce Act passed in Washington, D.C.
1927	Charles A Lindberg executes first transcontinental flight.

¹ This list was compiled with the following sources. Langemo, 2002: 63; Federal Aviation Administration website accessed on June 24, 2011; The Bismarck Airport website accessed on June 24, 2011; Grant, 2007; Gebhard, 1996; Pisano, 1990; Martens, 2010.

1929	The Ward County Courthouse (Art Deco) finished in Minot, Ward County, North Dakota. The Wall Street Stock Market crashed.
1931	Northwest Airlines makes its first passenger flight into Bismarck using a “Stinson Detroiter.”
1933	The Civilian Conservation Corps (CCC) is formed.
1934	Lights are added to the runway at the Bismarck Airport.
	The Federal Aeronautics Branch renamed the Bureau of Air Commerce. This bureau encouraged a group of airlines to establish the first three centers for providing air traffic control (ATC).
1935	The Works Progress Administration (WPA) is formed.
1936	The WPA/CCC build the Art Deco airport hanger in Bismarck (32BL716, Feature 1).
	The Bureau of Air Commerce takes over the ATC.
1938	Congress forms a new agency, the Civil Aeronautics Authority, to expand the government’s role and authority over airline fares.
1939	The first jet plane, the He 178, is flown in Germany.
1940	Bismarck Airport purchases 60 acres of land from the Wachter family and builds the first paved runways.
1941	The U.S. enters WWII.
1945	WWII ends.
1947	War Assets Administration gives 160 acres to Bismarck Airport.
1949	The first commercial jetliner, the de Havilland DH 106 Comet, flies.
1951	A flight control and communication tower is added to the northeast corner of Feature 1, 32BL716, at the Bismarck Airport.
1952	The Bismarck Airport’s NW-SE runway is reconstructed.
1954	De Havilland DH 106 Comets grounded due to a series of crashes caused by metal fatigue.
1957	The Bismarck Airport’s second phase of NW-SE runway is completed.
1958	The Federal Aviation Act is passed.
1962	The Bismarck Airport’s runway is lengthened to 6,925’ to accommodate jet aircraft.
1967	The Federal Aviation Administration is given its namesake.
1976	The Bismarck Airport builds a new air traffic control tower on the south side of the airfield. The old tower, the northeast corner of Feature 1 (32BL716), is taken down.
	Congress passes the Airline Deregulation Act.
1978	The Bismarck Airport runway is lengthened to 8,794’, its length as of 2011.
2001	Al Queda carries out four coordinated commercial airline suicide attacks on the United States.
2005	A new terminal is completed at the Bismarck Airport.



Figure 8: Aerial view of site 32BL716, and features.

Site 32BL716

This site is located in the northwest corner of the broader Bismarck Airport. It consists of features 1, 2, 3, 4 and 5. Feature 1, a project commissioned by the WPA in 1936, is one of the original 1930s hangars of the Bismarck Airport, and according to a statewide context it is recommended eligible to the NRHP (Martens 2010). Features 2, 3 and 4 are more modern personnel- or out- buildings, and they are recommended as not eligible for nomination to the NRHP. Feature 5 is an airport hangar, and also not recommended eligible for nomination to the NRHP.

Feature 1

Feature 1 is a Depression-era building, a piece of infrastructure commissioned by a Federal relief program. Built in 1936, it was constructed under the auspices of CCC/WPA. The building measures approximately 150' east-west and 140' north-south. The foundation is poured concrete, the skeleton is of wood-frame construction, and the exterior is covered in stucco. The north and south wall extensions that are a part of the roof are covered in vertical sheet-metal siding, and the arched roof itself is covered with rubber material. The building served as a hangar, and it takes on this function today.

The east side has five 108 single-light dead-light windows. A small flat-roof shed extension measuring approximately 15' by 15' projects out from the east side of this hanger. This extension also has a wood-frame skeleton and the majority is covered in stucco. The south side has wood, horizontal drop siding and a vehicle door. The east side has four two-light, double-hung windows. The north side of this structure has three two-light, double-hung windows and a personnel door with four single-light windows. In the early 1950s the Bismarck Airport modernized the northeast corner of Feature 1 with the construction of a control and communications tower ("Bismarck Tribune," 07/21/1951, page 8). This tower has since been removed, likely around 1976 when a new air traffic control tower was built on the south portion of the runway (BAH website).

At the base of this northeast corner (on the north side) is a U.S. Coast & Geodetic Survey Benchmark (D381) with a 1945 date. This survey benchmark is for vertical control stations and they show precise orthometric heights (elevations; see National Geodetic Survey: <http://www.ngs.noaa.gov/>). The north side has a 10-panel, sliding hanger door. Each panel has six, six-light dead-light windows, and one of the central sliding panels has a personnel door. In addition to the stucco, architectural details, specifically Art Deco, are incorporated into the building. Art Deco is described by Cyril Harris as an angular, zigzag and geometric ornamentation in low relief building facades, and it is identified by Steve Martens (North Dakota State University Professor of Architecture) as one of the two architectural themes within 1930s CCC/WPA projects.

The west side has 20, 12-light, double-hung windows; and one 108 single-light, dead-light window. A shed roof covers a personnel door with a four-light, dead-light window. On this projecting shed roof is signage that says, verbatim, "ND CIVIL AIR PATROL BISMARCK COMPOSITE SQUADRON." The south side also has sliding hangar doors, and although they were open and not exposed at the time of the survey, it is presumed that they have symmetry with the north side sliding hangar doors (10 panels with each panel having six, six-light dead-light windows and a personnel door in one of the central panels). Above the sliding hangar doors are two signs. One reads, "air bp" (for Air British Petroleum) and below that it says, "BISMARCK AERO CENTER."

According to the Multiple Property Documentation statewide context, Feature 1 reflects the Art Deco stylistic tendency that characterized most Depression-era architecture in North Dakota (the other style is identified as WPA-Rustic). Art Deco was regarded as an architectural style that was "a modernizing, progressive, 'scientific' approach to building improvement reflecting wise public investment of the nation's building stock," Feature 1 notwithstanding (Martens, 2010: Section Number E, Page 18).

Of Art Deco, Richard Striner, the founding President of the Art Deco Society of Washington, has noted how the style "proved to be a middle range between antagonistic ideologies," serving "as an important channel between radical and traditionalist design responses to twentieth-century challenges." (Striner, 1990: 21) That the WPA (a social program with ideological implications) embraced Art Deco demonstrates this effort to impress the idea of modernity and progress into the aesthetics of a building.

For example, within Feature 1 a horizontal piece of wood, painted white, runs around the top of the entire building. On the north and south sides of the building are pairs of three vertical bands of white wood. These horizontal and vertical bands, suggests Striner, demonstrate the period's Federal relief and WPA progressive agenda of breaking with "the chaos of the past and present [The Great War/WWI and the Great Depression included] to a future world of order." Traditionalists, conversely, appreciated the linear lines as it, asserts Striner, "sought to stave off disaster by maintaining the continued vitality of *classical* order." Art Deco blended the Ancient classicism of Egyptian and Aztec pyramids with the 1920s and '30s modernity characterized, in this instance, by the aviation machine (Striner, 1990: 22).

Nationally, the architectural design of Art Deco was not limited to a 1936 Bismarck Airport building, but rather it was prolific throughout the nation. In 1930, six years before the construction of Feature 1, the Lehigh Portland Cement Company (LPCC) of Allentown, Pennsylvania, published *American Airport Designs* (American Institute of Architects Press, 1990). Two years after the 1926 passage of the Air Commerce Act, LPCC in 1928 sponsored a national airport design competition. Of this competition, Dominick A. Pisano, the Smithsonian Institution's Aeronautics Department Curator, said out of all the prize winning airport designs, one striking architectural similarity bound them together: "their angular, geometric, and ornamented Art Deco appearance." (Pisano, 1990: v-vi). By the 1930s, architects had regularly woven Art Deco into their airport designs throughout the nation, including architecture at the Bismarck Airport.

Architects and national leaders convinced themselves that this architectural style would help its intended passengers accept the new technology. In 1930, Clarence M. Young, then the United States Assistant Secretary of Commerce for Aeronautics, outlined the reasons for the modern, linear airport designs. Aviation logistics influenced one of the primary reasons, as multiple airstrips improved an airport with the ability to manage multiple take offs and landings. This served to mitigate the psychological anxiety of passengers. Young said, "it is recognized that passengers unfamiliar with flying operation are most nervous during the preliminary period before the plane is in the air." Thus, separate take off and landing taxi strips ensured that "passengers are not jolted or inconvenienced while preparing for take-off or immediately after landing." In addition to this, he called attention "to the general appreciation of the importance of solidity and stability which is architecturally expressed in the buildings themselves." Those who designed Art Deco recognized how important it was to give a psychological "feeling of permanency, reliability and dignity." Thus, the rectangular, linear and geometric style of Art Deco (and Feature 1) was intended to calm passengers who, in the 1930s, were very new to the idea of passenger air travel (Young, 1930: 11-12).

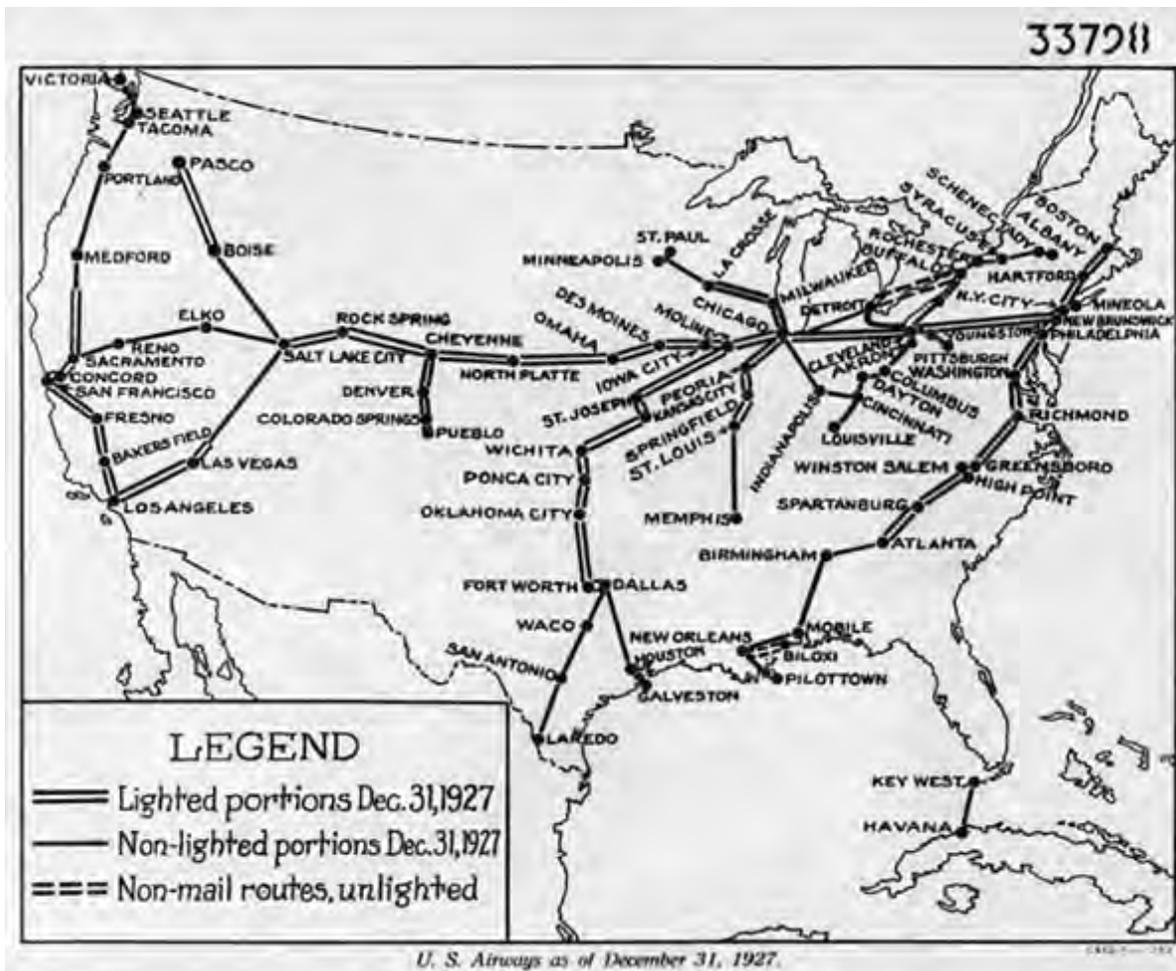


Figure 9: December 31, 1927 map of U.S. Airways airmail route, showing the influence of aviation in America by the late-1920s. National Air and Space Museum, Smithsonian Institution (SI Neg. No 89-7060).

Feature 1 possesses integrity of Location, Design, Setting, Materials, Workmanship, Association, and to varying degrees possesses integrity of Feeling. In 1936 Feature 1, the first terminal and hangar building, was constructed at the present site of the Bismarck Airport. Feature 1 was modified in the early 1950s, but altered back to its original design around 1976.

Feature 1 is recommended eligible under criterion A: Event, and C: Design/Construction. According to *Federal Relief Construction in North Dakota, 1931-1943*, Feature 1 was built under the auspices of the Federal Emergency Relief Administration, Civilian Works Administration, and WPA programs, and therefore is eligible under criterion A because it is directly associated with Depression era social and economic history. This is one component of the broader "unprecedented federal initiative to stimulate the nation's depressed economy through an aggressive series of public works and relief programs" (Martens, 2010: Section Number F, Page 1 & 39). Documentation of Feature 1 comes in the form of an undated *Bismarck Tribune* article celebrating the 60th anniversary of the Bismarck Airport. This article mentions that Feature 1 was constructed in 1936 as a WPA project (SHSND, "Bismarck Airport 1950-1982," MSS 11022, Box 2, Folder 30). As Martens noted, Feature 1 was one component of

the broader WPA and CWA effort to enlarge and improve numerous airports throughout the U.S. Thus, Feature 1 has an important association with an event and historic trend, and the statewide context says criteria A should be applied for "an airport that was newly developed or significantly expanded" during this period (Martens, 2010: Section F, Page 40; NRB #15, 1997: 12). In addition to criterion A, Feature 1 is eligible under criterion C because it reflects Art Deco, one of the five distinctive MPDF design/construction characteristics. According to the 2010 statewide context, Feature 1 is recommended eligible for nomination to the National Register of Historic Places under criterion A and C.

Feature 2

Feature 2 is a personnel building built in 1971, and it measures at its longest point approximately 120' east-west and 100' north-south. The foundation is poured concrete, and the primary exterior is stretcher-laid bricks. The east side has a set of personnel doors and four one-light, dead-light windows. The south side has another set of personnel doors, two vehicle doors, and six one-light, dead-light windows. The west side does not have any windows or doors, and instead of bricks the wall is constructed out of concrete cinder blocks. The north side has six one-light, dead-light windows. Feature 2 has a modern metal Mansard roof.

While to a variety of degrees Feature 2 retains aspects of Location, Design, Setting, Materials, Workmanship, Feeling and Association, it is less than 50 years old. For this reason it is therefore recommended as not eligible for nomination to the National Register of Historic Places (NRB #15, 1997: 44-45). Since it is less than 50 years old, Feature 2 is at this time recommended as not eligible for nomination to the NRHP.

Feature 3

Feature 3 is an outbuilding immediately west of Feature 2. It was originally thought to have been built in 1971, but oral histories with Tim Thorsen and Greg Haug of the Bismarck Airport revealed that it was torn down and rebuilt sometime in the 1990s, specifically either in 1993 or 1994. The Bismarck Airport archives revealed a lease from June 24, 1985 between the Bismarck Airport and the Northwestern Bell Telephone Company, confirming this oral history. The building is approximately 20' east-west and 10' north-south. It has a concrete foundation and the walls are stretcher-laid bricks. The west side has a personnel door, and the roof is flat. Feature 3's Integrity is identical to Feature 2, and Feature 3 is at this time recommended not eligible for nomination to the NRHP.

Feature 4

Feature 4 was built in 1973 and is a personnel building that is irregular in shape. It measures approximately 75' east-west and 75' north-south. The foundation is poured concrete, and the primary exterior is stretcher-laid bricks. The east side has two vehicle doors, one personnel door, and 15 one-light, dead-light windows. The north side has 13 one-light, dead-light windows and one personnel door. The south side has one personnel door, a sliding glass door, and five one-light, dead-light windows. The west side has a pair of personnel doors, and 12 one-light, dead-light windows. This west side also has signage on the building that, verbatim,

reads, "BISMARCK AERO CENTER NORTH DAKOTA AERONAUTICS COMMISSION." In addition to the flat roof, a smaller modern metal Mansard roof caps the center of Feature 4. Feature 4's Integrity is identical to Feature 2, and Feature 4 is at this time recommended not eligible for nomination to the NRHP.

Feature 5

Feature 5 was built in 1974 and is a hangar/outbuilding measuring approximately 100' east-west and 75' north-south. It has a concrete foundation, metal frame construction, and it is sided in vertical sheet metal. The south side has two large sliding hangar doors; a personnel door; three two-light, single-hung windows; five single-light, dead-light windows; and one awning window, described as "a rectangular window that opens outward on a frame that turns about a horizontal axis along its upper edge." (Harris, 1998: 16) The east side has 11 single-light, dead-light windows; one personnel door; four awning windows; and two single-hung windows. The north side has a personnel door; five single-light, dead-light windows; and one double-light, single-hung window. There are no doors or windows on the west side. The gable roof has a slight pitch, and it is covered in metal siding. Feature 5's Integrity and Eligibility is the same integrity as Feature 2.

Potential for Historic District

The United States Secretary of the Interior defines a Historic District as possessing "a significant concentration, linkage, or continuity of sites, buildings, structures, or objects united historically or aesthetically by plan or physical development." (NRB #15, 1997:5). Feature 1 is the only building within the APE that is more than 50 years old. The additional structures within the APE are less than 50 years old, built between 1971 and 1974. In the 1930s, the Bismarck Airport organized itself along a north-south trajectory. By the 1970s, however, that alignment had changed to a northwest-southeast trajectory. (NRB #15, 1997:5) Thus, the Bismarck Airport at this time is recommended as not possessing a significant concentration or continuity of individual sites that would reflect the potential for a Historic District.²

Results

Beyond features 1, 2, 3, 4, and 5, no additional cultural resources were located during the inventory. For site 32BL716, a site form was submitted, the SHSND ascribed it with its Smithsonian Institution Trinomial System number, and the stipulations outlined by the SHSND were fulfilled. Color photographs of the APE and features are in Appendix A. On June 29, 2011, Fern Swenson, the SHSND Deputy Director, authorized digitized SHSND photographs pertinent to this project to be used in this report. They are included in the report and in Appendix A.

² In the case of the Idaho Falls Historic Airport District, the historic 1936 structures were successfully nominated to the NRHP as they all date from that year. The actual landing strip was not nominated to the NRHP. See William R. Shaw, *Idaho Falls Airport Historic District: Fanning Field, Red Baron Hangar* (Washington, D.C., and Boise, Idaho: NRHP Registration Form, September 10, 1997. NRHP #97001126).

Conclusions, Management Eligibility Recommendations, and Mitigative Suggestions

The City of Bismarck and KLJ intend to alter the northwest portion of the Bismarck Airport in Burleigh County, North Dakota. On May 31, 2011, Aaron L. Barth conducted a Class III intensive architectural survey to document five features that fell within the APE, thus meeting the “Reasonable and Good Faith” identification standards outlined by the Advisory Council on Historic Preservation. This was done to assist the City of Bismarck in complying with Section 106 of the National Historic Preservation Act, 16. U.S.C. 470 *et seq.*, implemented by the Code of Federal Regulations, 36 C.F.R. § 800-800.16 (2010). Beyond the five features within 32BL716, no additional cultural resources were located during the survey.

The Bismarck Airport at this time is not recommended as possessing significant concentration or continuity of individual sites that would reflect the potential for a Historic District.

One of the five features is recommended as eligible for nomination to the NRHP. Steve Martens, *Federal Relief Construction in North Dakota, 1931-1943*, a SHSND statewide context, was identified as applying to Feature 1. Within site 32BL716, Feature 1, the 1936 WPA/CCC Art Deco building and hangar, is *recommended eligible* to nominate to the NRHP under criterion A and C. (Martens, 2010: F-1; NRB #15, 1997: 12-13 & 17-20).

Mitigative suggestions discussed during the February 6, 2012 round-table with the SHSND and KLJ include the following:

- The SHSND and KLJ discussed coordinating with the Airport Tower personnel about hangar 5 (Figure 1 or the WPA/CCC Art Deco hangar within this report) and specific lines of sight. This was to consider alternative future taxi lane layouts that might avoid having to relocate or destroy the WPA/CCC Art Deco hangar 5 (Feature 1) from its original historic location.
- A future mitigative suggestion continues to consider how the WPA/CCC Art Deco hangar can be utilized as a public aviation history museum for the Bismarck Airport and the City of Bismarck.

These requirements were addressed and discussed within this report.

References Cited

Advisory Council on Historic Preservation

2012 *Meeting the "Reasonable and Good Faith" Identification Standard in Section 106 Review*. Accessed in March 2012. Link: <http://www.achp.gov/docs/RGFE-Final.pdf>

American Institute of Architects Press

1990 *American Airport Designs*. Reprint of the 1930 edition. Washington, D.C.

Bird, George F. and Edwin J. Taylor, Jr.

1972 *The History of the City of Bismarck, North Dakota: The First 100 Years, 1872-1972*. Bismarck Centennial Association, Bismarck, ND.

Bismarck Airport

2011 Website to Bismarck Airport. Accessed on June 12, 2011.

Link: <http://www.bismarckairport.com/airport/default.asp?ID=308>.

Bismarck Airport Archives

1985 "Lease Agreement between City of Bismarck, North Dakota and Northwestern Bell Telephone Company." June 24, 1985.

Federal Aviation Administration

2011 Website to "U.S. Centennial of Flight Commission: The Federal Aviation Administration and Its Predecessor Agencies." Link accessed on June 24, 2011:

http://www.centennialofflight.gov/essay/Government_Role/FAA_History/POL8.htm.

Gebhard, David

1996 *The National Trust Guide to Art Deco in America*. John Wiley and Sons, Inc., New York, NY.

Gellner, Ernest

2006 *Nations and Nationalism*. Blackwell Publishing Ltd., Oxford, UK.

Grant, R.G.

2007 *Flight: The Complete History*. The Smithsonian National Air and Space Museum, Washington, D.C.

Harris, Cyril M.

1998 *American Architecture: An Illustrated Encyclopedia*. W.W. Norton, New York, NY.

Hunter, Penelope

1972 Art Déco: The Last Hurrah. *The Metropolitan Museum of Art Bulletin* 30(6): 257-267.

Kolakowski, Leszek

1990 *Modernity on Endless Trial*. University of Chicago Press, Chicago, IL.

Langemo, Cathy A.

2002 *Images of America: Bismarck, North Dakota*. Arcadia Publishing, Chicago, IL.

Martens, Steve C.

2010 *Federal Relief Construction in North Dakota, 1931-1943*. National Register of Historic Places Multiple Property Documentation Form. United States Department of the Interior, National Park Service, Washington, D.C.

Merk, Frederick

1995 *Manifest Destiny in American History*. Harvard University Press, Boston, MA.

Musil, Robert

1990 *The Religious Spirit, Modernism, and Metaphysics. Precision and Soul: Essays and Addressess*. University of Chicago Press, Chicago, IL.

Page, Dorothy G.

1992 *Polar Pilot: The Carl Ben Eielson Story*. Interstate Publishers, Inc. Danville, Illinois.

R. Dixon Speas Associates

1972 *Bismarck Municipal Airport: Master Plan*. Manuscript on file with the SHSND, Bismarck.

Rothaus, Richard, Daniel Hoisington and Aaron Barth

2010 *New Ulm, Milford and Leavenworth Battlefield Survey, Brown County, MN*. American Battlefield Protection Program Grant No. GA-2255-09-001. New Ulm, MN.

Shaw, William R.

1997 *Idaho Falls Airport Historic District: Fanning Field, Red Baron Hangar*. National Register of Historic Places Registration Form. Listed September 10, 1997. NRHP #97001126. Washington, D.C., and Boise, Idaho.

Smithsonian National Air and Space Museum (SNASM)

2011 "Milestones of Flight." Website accessed on June 13, 2011.

Link: <http://www.nasm.si.edu/exhibitions/gal100/wright1903.html>

State Historical Society of North Dakota (SHSND)

2009 *NDCRS Site Form Training Manuel: Architectural Sites*. Bismarck, ND.

SHSND

2008 *The North Dakota Comprehensive Plan for Historic Preservation: Archeological Component*. Bismarck, ND.

Striner, Richard

1990 *Art Deco: Polemics and Synthesis*. *Winterthur Portfolia* 25(1): 21-34.

United States Census

2012 “North Dakota: Population of Counties by Decennial Census: 1900 to 1990” website accessed on February 22, 2012.

Link: <http://www.census.gov/population/cencounts/nd190090.txt>

United States Department of the Interior

1997 National Register Bulletin #15: How to Apply the National Register Criteria for Evaluation. National Park Service, Washington, D.C.

War Assets Administration

2012 “Records of the War Assets Administration” website accessed on February 22, 2012.

Link: <http://www.archives.gov/research/guide-fed-records/groups/270.html>

Articles and Archival Collections cited and consulted:

“Bismarck Control Tower.” July 21, 1951, *Bismarck Tribune*, page 8.

Bismarck Tribune, undated article celebrating 60th anniversary of Bismarck Airport. In MSS 11022, Box 2, Folder 30, SHSND, Bismarck.

SHSND

1950 “Bismarck Airport 1950-1982.” MSS 11022. On file in Bismarck.

Appendix A
Color Overview Photographs
and Historic Photos



Photo 1: Overview looking northwest.



Photo 2: Overview looking southeast.



Photo 3: Feature 1, southeast corner.



Photo 4: Feature 1, northwest corner.



Photo 5: Feature 1, ceiling detail looking northeast.



Photo 6: Feature 1, southwest corner.



Photo 7: Feature 2, northeast corner.



Photo 8: Left to right features 3 and 2, southwest corner.



Photo 9: Feature 4, northwest corner.



Photo 10: Feature 4, southeast corner.



Photo 11: Feature 5, northwest corner.



Photo 12: Feature 5, southeast corner.



State Historical Society of North Dakota

Historic Photo 1: Bismarck Municipal Airport photo, circa 1930-1939. SHSND (A1120). Digital Horizons ID shA1120. Photo description notes the contrast in a team of oxen next to the airplane.



State Historical Society of North Dakota

Historic Photo 2: Bismarck Municipal Airport photo, circa 1940. SHSND (00276-04). Digital Horizons ID sh0027604.



State Historical Society of North Dakota

Historic Photo 3: Bismarck Municipal Airport, with Feature 1 in the background, circa 1940. SHSND (2003-P-02-025-3). Digital Horizons ID sh2003P020253.



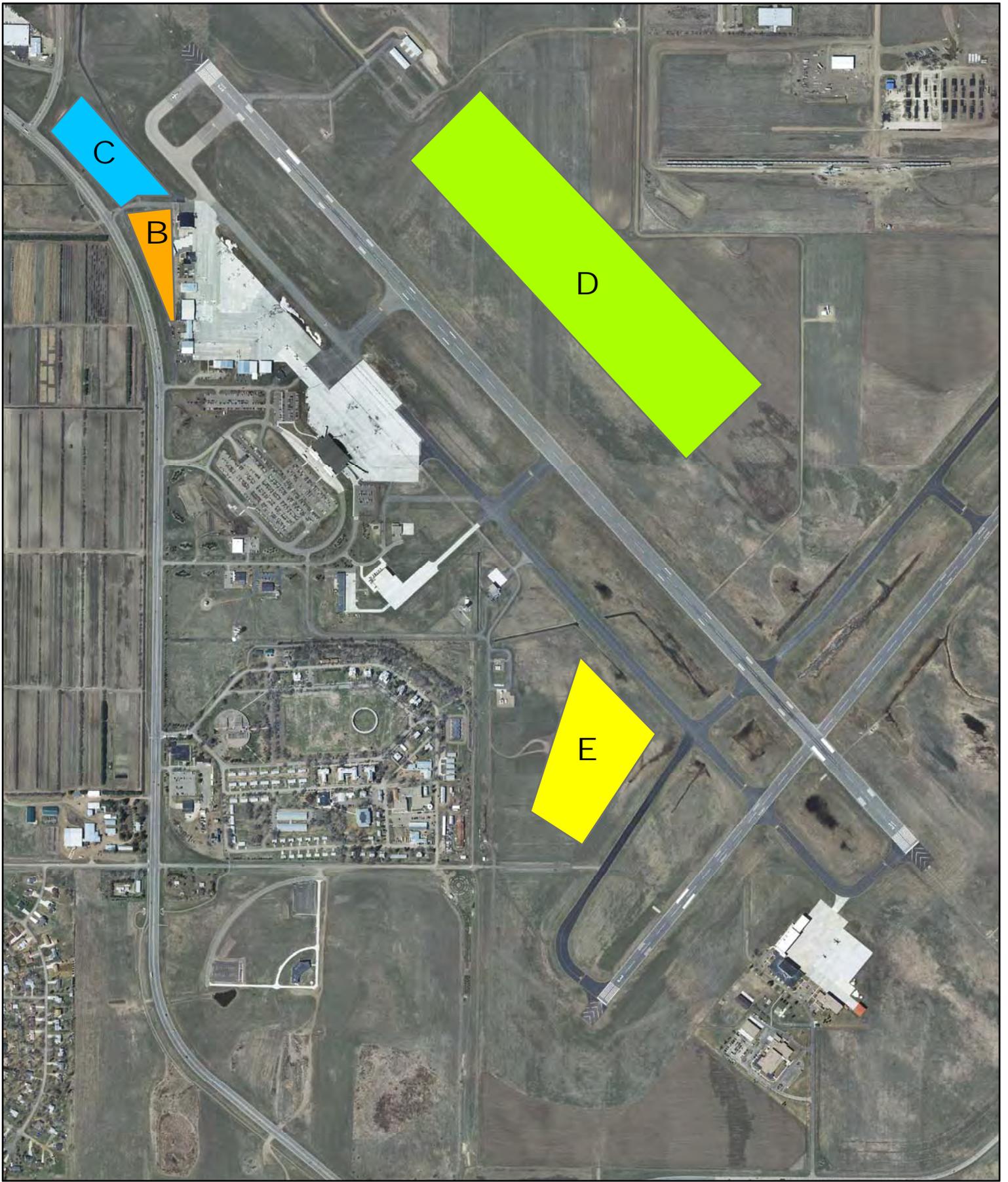
Bismarck Control Tower

FLIGHT CONTROL AND COMMUNICATIONS at the Bismarck airport will be merged into one operation when the tower pictured above is completed. The merger will permit the personnel of the interstate airway communication station to assist with flight control operations, cutting down the needed number of employes from about 11 to six. At most airports the two maintain separate staffs but here the traffic is considered light enough for the combined operation. Cost of the tower is estimated at \$31,000 which will be borne equally by the city and federal government. A. J. Weinberger has the general contract, O&M electric the electrical work, and H. A. Thompson and Sons, the heating and plumbing. Operation of the tower is expected to start some time next winter.

Historic Photo 4: “Bismarck Control Tower,” *Bismarck Tribune*, 07/21/1951, page 8.

Attachment C

Alternative Locations Considered



*Intended for Planning Purposes Only



PRELIMINARY



0 1,000 2,000 Feet

**Alternative Locations
Considered**

Attachment D

Line of Sight Map



Legend

- ATCT Ground Blocked
- ATCT Ground Visible
- Air Traffic Control Tower

J:\temp\TimGIB\BIS_LoS.mxd TLG 12/20/2013

*Intended for Planning Purposes Only



PRELIMINARY



**Bismarck Airport
Hangar 5
Line of Sight Map**

Attachment E

Memorandum of Agreement

**MEMORANDUM OF AGREEMENT
AMONG
THE CITY OF BISMARCK, NORTH DAKOTA
THE NORTH DAKOTA STATE HISTORIC PRESERVATION OFFICE, AND THE
FEDERAL AVIATION ADMINISTRATION**

**FOR THE REMOVAL OF HANGAR 5
FROM ITS PRESENT LOCATION AT BISMARCK MUNICIPAL AIRPORT
BISMARCK, NORTH DAKOTA**

WHEREAS, aviation-related actions at Bismarck Municipal Airport (BIS) are subject to review by the Federal Aviation Administration (FAA); and

WHEREAS, the City of Bismarck (AIRPORT) is the owner and operator of BIS; and

WHEREAS, the AIRPORT, has proposed to expand the northwest general aviation apron in order to provide apron frontage space needed to accommodate the expansion of Fix Based Operator (FBO) facilities at BIS; and

WHEREAS, the FAA, in consultation with the AIRPORT, has determined that with an expanded apron that Hangar 5 (See Attachment A – Line of Sight Map) would become a choke/congestion point restricting the safe and efficient movement of aircraft on the expanded apron and would block the necessary line of sight from the Air Traffic Control Tower to the area northwest of Hangar 5; and

WHEREAS, the FAA, in consultation with the North Dakota State Historic Preservation Office (SHPO), has defined this apron expansion project's area of potential effects to be the area north and west of the general aviation area extending north from Building 43, between University Drive and BIS's parallel Taxiway C to the corner of Airport Road (See Attachment B – Study Area Map); and

WHEREAS, the FAA, in consultation with the SHPO, has found that Hangar 5 is within the area of potential effects; and

WHEREAS, Hangar 5 has been determined to be one of the original hangars of the 1930s Bismarck Airport, is a Depression-era building, reflects Art Deco stylistic tendency that characterized most Depression-era architecture in North Dakota, was commissioned by a Federal relief program, was constructed in 1936 under the auspices of the Works Progress Administration and Civilian Conservation Corps, and that the structure is significant because it is directly associated with Depression-era social and economic history; and

WHEREAS, the FAA, in consultation with the SHPO, has determined that Hangar 5 (Feature 1, Site 32BL716) (See Attachment C – Class III Architectural Survey) is eligible for inclusion in the National Register of Historic Places (NRHP); and

WHEREAS, the FAA, in consultation with the SHPO, has determined that the expansion of the existing northwest general aviation apron would entail the removal of Hangar 5, either by relocation or demolition, would result in an adverse effect on the historic property; and

WHEREAS, the proposed apron expansion has been reviewed by the FAA in an Environmental Assessment prepared pursuant to the National Environmental Policy Act (NEPA); and

WHEREAS, the only prudent and feasible alternative identified in the Airport Master Plan, dated May 2008, and the EA to provide the necessary apron frontage would result in an Adverse Effect on the historic properties; and

WHEREAS, the FAA, in consultation with the SHPO, has invited the AIRPORT to participate in the consultation and to become a signatory to this Memorandum of Agreement (MOA); and

WHEREAS, the AIRPORT requested the FAA to consider change to the airport layout plan (ALP) for which a Final Environmental Assessment (FEA)/Finding of No Significant Impact (FONSI) will be prepared; and

WHEREAS, in accordance with 36 C.F.R. § 800.6(a)(1), the FAA has notified the Advisory Council on Historic Preservation (ACHP) of its adverse effect determination and ACHP has chosen not to participate in the consultation pursuant to 36 C.F.R. § 800.6(a)(1)(iii); and

NOW THEREFORE, the FAA, the SHPO, and the AIRPORT agree upon the submission of a copy of this executed MOA, as well as the finding of *adverse effect* to the Advisory Council on Historic Preservation (COUNCIL) and upon the FAA's approval of the apron expansion project, the FAA shall ensure that the following stipulations are implemented in order to take into account effect of the apron expansion on historic properties.

STIPULATIONS

If the FAA approves the undertaking, it will ensure that the following measures, in addition to what has been described in the FEA/FONSI document, are carried out:

GENERAL

- 1) The AIRPORT will prepare an annual report in letter format to all signatories on the progress of this MOA until all to the following stipulation_s are completed.
- 2) The AIRPORT ensures that the interior and exterior of Hangar 5 are recorded to a Level III Historical Architectural Building Survey/Historic American Engineering Record (HABS/HAER) standards of the National Park Service. Note: Recordation would be undertaken to document the existing conditions of the building and its setting, and to serve as a guide for design, repairs and rehabilitation of the structure in a new location. It should be noted that the ND SHPO considers Hangar 5 to be eligible for listing on the NRHP at the state level. (Level III documentation requires a sketch plan explaining the structure, site, or landscape. A short historical report should supplement the photographs by explaining what is

not readily visible.) Most of this information is already available in the June 21, 2012 Architectural Survey. The AIRPORT will prepare a detailed chronology of the uses of Hangar 5 from the build date to present, this information was not required for the June 21, 2012 Architectural Survey.

- a) Copies of the recordation and chronology shall be sent to the National Park Service - HABS/HAER Coordinator, State Historical Society of North Dakota Archives, Missouri Valley Historical Society, Bismarck Historical Society, the FAA Bismarck Airports District Office, and the AIRPORT.

MARKETING PLAN

- 3) The AIRPORT shall publish a notice, once a week for three consecutive weeks, offering Hangar 5 for adoption and relocation. The offer will be made through a public notice in a widely circulated Burleigh County, North Dakota newspaper and a solicitation to potential parties. The notice shall include the following information:
 - a) location of Hangar 5
 - b) request for any state or local government agency, local historic preservation groups, non-profit groups, or responsible private entities that may be interested, in adopting and relocating the Hangar for preservation purposes
 - c) whom to contact for further information with address and telephone number
 - d) deadline for submitting a written proposal and the address to send the proposal (proposals will be reviewed by the AIRPORT, FAA, and the SHPO to ensure that the hangar's historic integrity is preserved)
 - e) the new owners must agree to maintain and provide, as part of the written proposal, a maintenance plan for the hangar and features that give it its historic significance
 - f) the new owners may be eligible for reimbursement of cost incurred on activities such as the relocation, site preparation, rehabilitation work, engineering, and permitting required to remove the hangar, up to the estimated cost of removal by demolition of Hangar 5 (estimated to be \$300,000.00)
 - g) additionally, new owners intending to use the hangar for purposes acceptable to the FAA may be eligible to receive a long term lease agreement (up to 30 years) for relocation site on BIS (See Attachment D - Template Ground Lease Agreement at BIS)
 - h) the new owners must assume all future legal and financial responsibilities for Hangar 5
- 4) The AIRPORT and the FAA shall review all offers for the adoption and relocation of Hangar 5 with the SHPO prior to acceptance. Preference to multiple offers shall be based on the following:
 - a) extent to which the proposal will maintain the historic integrity of Hangar 5 including, rehabilitation plans conformity to the Secretary of the Interior's Standards for Rehabilitation and/or Reconstruction, ability to reestablish its historic setting and general environment,
 - b) financial ability of the new owners to implement the plans.

- c) the proposals ability to meet project timelines. Preference will be given to proposals that will move Hangar 5 from its present location within 24 months of acceptance of the proposal.
 - d) additionally preference shall also be given to those entities that intend to use the relocated hangar for public and/or educational purposes.
- 5) The AIRPORT and the FAA shall ensure that the SHPO has 60 days to review and comment on the proposal to relocate Hangar 5 and the site for relocation.
 - 6) Marketing efforts shall continue biannually for up to two years from the execution of this MOA or until a new owner has been selected. If no acceptable offers are made within two years of the execution of the MOA, then the AIRPORT shall be able to dismantle and dispose of Hangar 5.

RELOCATION PLANNING AND DESIGN

- 7) After a new potential owner has been selected, they would meet the AIRPORT, FAA, and SHPO to discuss the features identified in the June 21, 2012 Architectural Survey that make Hangar 5 eligible for listing in the NHRP. A preliminary assessment of their condition will be made and this information will be incorporated into a final plan to rehabilitate Hangar 5 at its new location.
- 8) All historic preservation work carried out pursuant to this MOA will be by or under the direct supervision of a licensed architect or engineer meeting, at a minimum, the *Secretary of the Interior's Professional Qualification Standards for Historic Preservation Professionals* as defined in the *Code of Federal Regulations, 36 CFR Part 61 (48 FR 44738-9)*.
- 9) Hangar 5 relocation will be executed according to the provisions of 36 CFR 60.14(b): properties should be moved only when there is no feasible alternative for preservation. When a property is moved, every effort should be made to reestablish its historic setting, and general environment.
 - a) The original building foundation and floor will be removed and site will be converted to new apron.
 - b) Interpretive signage will be developed between the FAA, SHPO and AIRPORT for installation in the BIS terminal building;
- 10) A structural engineer experienced in the rehabilitation of historic buildings shall provide an analysis of the structure prior to the commencement of the project. The structural relocation procedures for Hangar 5 will be reviewed and subject to acceptance by SHPO.
- 11) During the planning and design phase, the AIRPORT shall prepare rehabilitation, reconstruction, and maintenance guidelines, in consultation with SHPO and the new building owners, to outline the long term requirements of the structure including preservation and maintenance. The guidelines will identify items that will need to be reviewed by the SHPO and items that are exempt from review. The guidelines will be appended to this MOA as "Appendix A" when completed and agreed upon by all parties.

- 12) The AIRPORT will not allow the relocation of Hangar 5 until the guidelines have been completed and agreed upon by all parties.

DURING CONSTRUCTION

- 13) If any unanticipated discoveries of archeological resources are encountered during the implementation of this undertaking, the AIRPORT shall suspend work in the area of discovery, and shall comply with 36 CFR 800.13 by consulting the SHPO and the FAA as appropriate, and resolve adverse effects.

ON-GOING MAINTENANCE AND PRESERVATION

- 14) The Guidelines shall address the replacement and repair of historic materials, on-going exterior maintenance and cleaning, the repair of historic and replacement elements.
- 15) Hangar modification proposals after the completion of the initial project will be reviewed and subject to acceptance by the AIRPORT, in consultation with the SHPO, if the hangar is relocated to a location at BIS as a requirement of the new owners land lease.

TERMINATION

- 16) If the terms of this MOA have not been implemented by December 31, 2025, then this MOA shall be considered null and void. In such an event, the FAA shall so notify the parties to this MOA and, if it chooses to continue with the Hangar 5 Removal project, then it shall reinitiate review of the Hangar 5 Removal project in accordance with 36 C.F.R. Sections 800.3 through 800.7.
- 17) Any signatory that determines the terms of the MOA cannot be or are not being carried out, may terminate the MOA by providing thirty (30) calendar days written notice to the other signatories, provided that consultation between all signatories occurs during the period to seek agreement on amendments or other actions that would prevent termination. The FAA shall then execute a new agreement with the signatories pursuant to 36 CFR 800.6 (c) (1), or request and respond to the comments of the COUNCIL under 36 CFR 800.7(a).
- 18) The public or other interested party, including the signatories to this MOA, may comment within 30 days of the approval or any other action proposed with regard to the relocation of Hangar 5. The AIRPORT shall consult with the commenting party to resolve any conflict. If the AIRPORT, after consultation with the SHPO and the commenting party, determines that the conflict cannot be resolved, the FAA shall request the comments of the COUNCIL. Any COUNCIL comment provided in response to such request shall be taken into account by the AIRPORT, in further consultation with the SHPO with reference only to the subject of dispute; the AIRPORT's responsibility to carry out all actions under this agreement that are not subject to this dispute shall remain unchanged.

EXECUTION AND AMENDMENT

Execution of this MOA by the FAA, the SHPO, and the AIRPORT, and implementation of its terms, will be evidence that FAA has afforded consulting parties an opportunity to comment on the undertaking and its effects on the historic property, and that the FAA has taken into account the effect of the undertakings on the historic property, and has completed all processes in accordance with Section 106 of the National Historic Preservation Act.

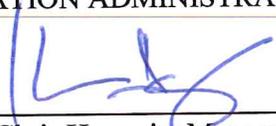
Until the relocation of Hangar 5 is complete, any signatory to this agreement may propose to the other signatories that this agreement be amended, whereupon the FAA shall consult with the other signatories to this MOA in accordance with 36 C.F.R. 800.6(c)(7), (8) to consider such an amendment.

SIGNATORY PAGE

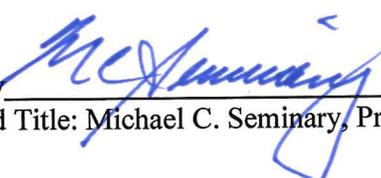
NORTH DAKOTA STATE HISTORIC PRESERVATION OFFICER

Signed by  Date 2.3.2015
Name and Title: Claudia J. Berg, State Historic Preservation Officer

FEDERAL AVIATION ADMINISTRATION

Signed by  Date 2/19/2015
Name and Title: Chris Hugunin, Manager, Dakota-Minnesota Airport District Office

CITY OF BISMARCK, BISMARCK AIRPORT

Signed by  Date February 10, 2015
Name and Title: Michael C. Seminary, President, Board of City Commissioners

APPENDIX G

Environmental Background Information

- *Flood Insurance Rate Map*
- *Asbestos Containing Materials Survey*
- *Wetland Boundary Maps*

pd insurance is available in this community, contact your local Flood Insurance Program at (800) 638-6620.



MAP SCALE 1" = 1000'



NATIONAL FLOOD INSURANCE PROGRAM

PANEL 0795C

FIRM
FLOOD INSURANCE RATE MAP
 BURLEIGH COUNTY,
 NORTH DAKOTA AND
 INCORPORATED AREAS

PANEL 795 OF 1125
 (SEE MAP INDEX FOR FIRM PANEL LAYOUT)

CONTAINS:	NUMBER:	PANEL:	SUFFIX:
BISMARCK CITY OF	380149	0795	C
BURLEIGH COUNTY, UNINCORPORATED AREAS	380017	0795	C

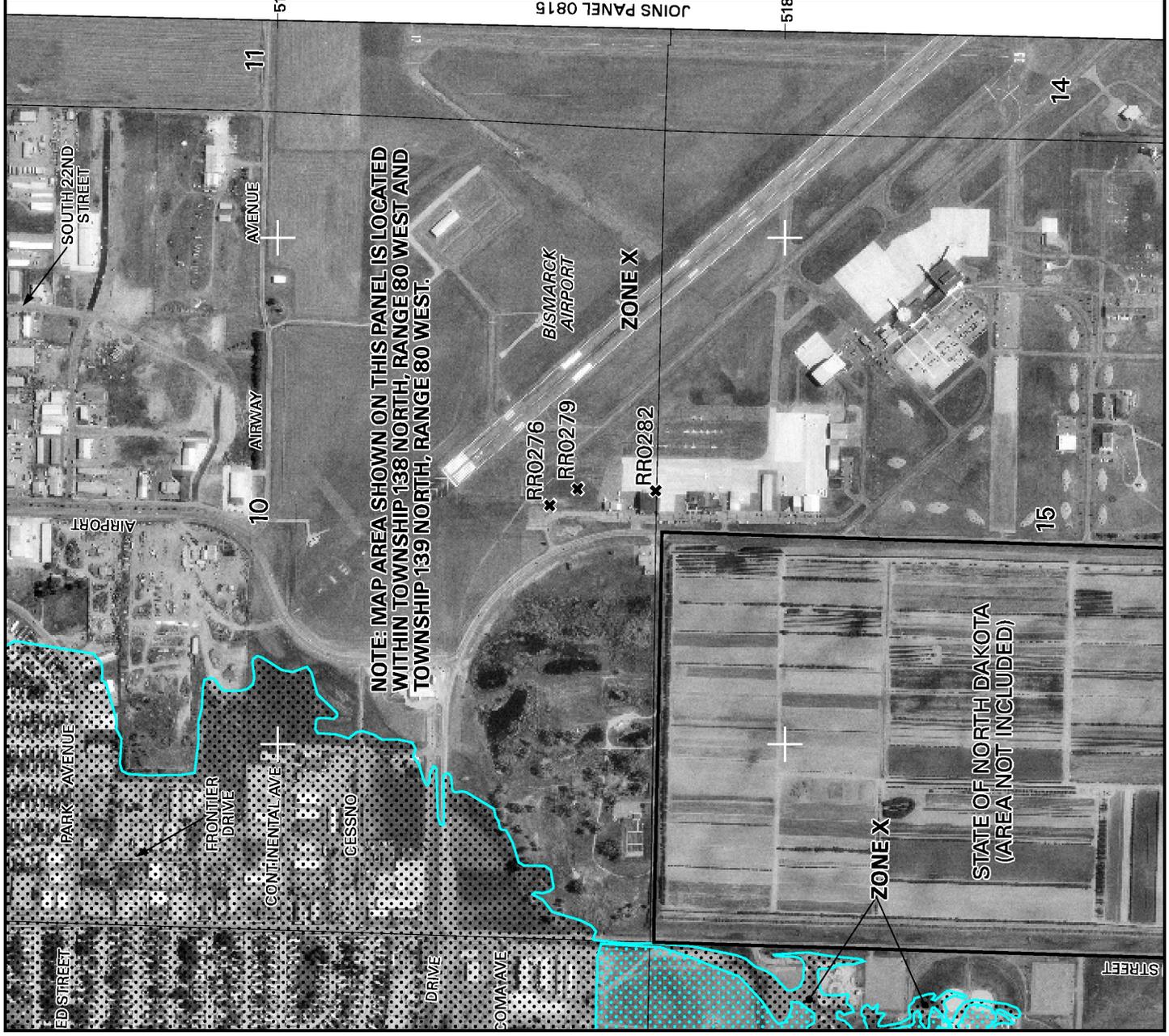
Notice to User: The Map Number shown below should be used only for identification purposes. The Map Number above should be used on insurance applications for the subject community.



MAP NUMBER
38015C0795C
EFFECTIVE DATE:
JULY 19, 2005

Federal Emergency Management Agency

This is an official copy of a portion of the above referenced flood map. It was extracted using F-MIT On-Line. This map does not reflect changes or amendments which may have been made subsequent to the date on the title block. For the latest product information about National Flood Insurance Program flood maps, check the FEMA Flood Map Store at www.msc.fema.gov



NOTE: MAP AREA SHOWN ON THIS PANEL IS LOCATED WITHIN TOWNSHIP 138 NORTH, RANGE 80 WEST AND TOWNSHIP 139 NORTH, RANGE 80 WEST.

STATE OF NORTH DAKOTA
 (AREA NOT INCLUDED)

ZONE X

JOINS PANEL 0815

518

11

14

15

SOUTH 22ND STREET

PARK AVENUE

FRONTIER DRIVE

CONTINENTAL AVE

CESSNO

DRIVE

SOMA AVE

RR0276

RR0279

RR0282

BISMARCK AIRPORT

ZONE X

STATE OF NORTH DAKOTA
 (AREA NOT INCLUDED)

ZONE X

JOINS PANEL 0815

518

11

14

15

SOUTH 22ND STREET

PARK AVENUE

FRONTIER DRIVE

CONTINENTAL AVE

CESSNO

DRIVE

SOMA AVE

RR0276

RR0279

RR0282

BISMARCK AIRPORT

ZONE X

STATE OF NORTH DAKOTA
 (AREA NOT INCLUDED)

ZONE X

ASBESTOS CONTAINING MATERIALS SURVEY

**Five Buildings at the Bismarck Airport
P.O. Box 991
Bismarck, North Dakota**

December 31, 2009

Prepared for:
Timothy J. Thorsen
Airport Operations Manager
Bismarck Airport
P.O. Box 991
Bismarck, ND 58502

Prepared by:
Western Plains Consulting, Inc.
PO Box 1401
Bismarck, North Dakota



ASBESTOS CONTAINING MATERIALS SURVEY
Five Buildings @ Bismarck Airport
Bismarck, North Dakota

TABLE OF CONTENTS

1.0 INTRODUCTION	1
1.1 Summary	1
1.2 Detailed Scope of Services	1
1.3 User Reliance	1
2.0 BUILDING DESCRIPTIONS	2
2.1 Hangar #5	2
2.2 Building 22	2
2.3 NDDOT Building	2
2.4 Fire Station	2
2.5 Maintenance Shop	2
3.0 ASBESTOS MATERIALS SURVEY & SAMPLE ANALYSIS	3
3.1 Hangar #5	3
3.1.1 Asbestos Containing Materials and Findings	3
3.2 Building 22	3
3.2.1 Asbestos Containing Materials and Findings	3
3.3 NDDOT Building	4
3.4 Fire Station	4
3.5 Maintenance Shop	4
4.0 FINDINGS, CONCLUSIONS, AND RECOMMENDATIONS	5
4.1 Hangar #5 - Asbestos Containing Materials	5
4.2 Building 22 - Asbestos Containing Materials	5
5.0 SIGNATURE	7

CHART OF APPENDICES

- Appendix A: Contract and Asbestos Inspector Qualifications
- Appendix B: Site Photographs
- Appendix C: Asbestos Analysis

**Asbestos Containing Materials Survey
Five Buildings @ Bismarck Airport
Bismarck, ND**

1.0 INTRODUCTION

1.1 Summary

Western Plains Consulting, Inc. (WPC) was retained by Mr. Timothy J. Thorsen, Airport Operations Manager, Bismarck, Airport, Bismarck, North Dakota, to perform a Phase 1 and Phase 2 Asbestos Containing Materials Survey (ACMs) in five buildings (Hangar 5, Building 22, NDDOT Building, Fire Station and Maintenance Shop) on Bismarck Airport property, Bismarck, North Dakota. A copy of the contract and Asbestos Inspector Qualifications are in **Appendix A**. Work on this project was performed from December 16, 2009 to December 31, 2009. The findings were used to develop the recommendations outlined in Section 4.0.

1.2 Detailed Scope of Services

The objective of this survey was to conduct Phase 1 and Phase 2 asbestos surveys to identify ACMs that may be present in the above mentioned buildings, prior to potential demolition, remodeling or relocation of the buildings. This survey provides the Client, Bismarck Airport, with a report of the inspection findings, including identified materials, laboratory test results, and recommendations.

1.3 User Reliance

Services performed by the Environmental Specialists of WPC for this project have been conducted in a professional manner consistent with that level of care and skill ordinarily exercised by members of this profession currently practicing in this area under similar time and budget restraints.

This report has been prepared for the exclusive use and benefit of WPC's client, Bismarck Airport. Reliance upon, or use of this report by third parties is prohibited without express written consent from WPC, Inc.

2.0 BUILDING DESCRIPTIONS

2.1 Hanger #5

The building was being used for airplane storage the time of the survey. First and second floor rooms, on the west side of the building, were former offices that were now being used for miscellaneous cold storage. The building outside walls were wood on all sides. Interior walls were metal/aluminum surfaces. Ceilings were metal/aluminum throughout. Flooring finishes observed in the first and second floor rooms on the west of the building included carpet, linoleum and tile. The airplane storage area had a concrete floor. There was no basement. There also was a small storage building attached to the east outside wall of Hanger #5.

2.2 Building 22

The building was being used for business offices by the North Dakota Aeronautics Commission and Bismarck Aero Center. The building outside walls were concrete/brick on all sides. Interior walls were typically sheetrock or wood paneling with painted or wallpapered surfaces. Ceilings were all hanging ceiling tiles. Flooring finishes observed included carpet, linoleum, tile and concrete (cold storage/garage area). The garage/cold storage area also contained water heaters, junction boxes, telephone systems, former and current clothing storage areas and building operational equipment. There was no basement.

2.3 North Dakota Department of Transportation (NDDOT) Building

The building was being used for business offices and garage/storage space by the NDDOT. The building outside walls were concrete block construction on all sides. Inside walls were concrete block and sheetrock with painted or wallpapered surfaces, respectively. Flooring finishes observed included carpet, tile and concrete (cold storage/garage area). The garage/cold storage area also contained a water heater, junction boxes, clothing storage and building operational equipment. There was no basement.

2.4 Fire Station

The building was being used as a fully operational fire station, with fire trucks, fire fighting equipment and dormitory, kitchen/dining and exercise rooms/facilities for the on-duty firemen. The building outside walls were brick/concrete block walls on all sides. Inside walls were concrete block (fire truck bay area), sheetrock with textured, painted or wallpapered surfaces. Ceilings were all hanging ceiling tiles. Flooring finishes observed included carpet, tile and concrete (fire truck bay area). There was no basement.

2.5 Maintenance Shop

The building was being used for snow removal and airport maintenance motorized equipment storage, shop facilities for equipment repair and two offices for shop personnel. The building outside walls were concrete block walls on all sides with large overhead doors on the south side of the building. Inside walls were concrete block throughout, with paneling in the two offices. Ceilings were metal/aluminum, with the exception of the two offices, where ceiling tile were used. The floor was primarily concrete, except the two offices where carpet was used. There was no basement.

3.0 ASBESTOS CONTAINING MATERIALS SURVEY & SAMPLE ANALYSIS

3.1 Hanger #5

WPC collected ten (10) samples of potential ACMs at Hanger #5. Wallboard, heating pipe wrap, bathroom tile, carpet glue, wallboard joint compound, floor tile, floor tile mastic, vinyl wallpaper, and ceiling tile samples were taken. See Photo 1 through 8, **Appendix B**. The samples were collected on December 16, 2009, using standard protocol. They were logged on a chain-of-custody form and sent for analysis to a certified analytical laboratory, EMC Labs, Inc., Phoenix, Arizona, on December 18, 2009. EMC Labs reported on December 23, 2009 that asbestos was detected in two (2) samples and the remaining 8 samples contained no detectible ACMs. A copy of the laboratory report is included in **Appendix C**. The ACM materials are discussed in Section 3.1.1.

3.1.1 Asbestos Containing Materials and Findings:

Bulk sample (Lab ID 0081140-007) consisted of floor tile and contained asbestos (See Photo 5, **Appendix B**). The floor tile was considered Category I Nonfriable (non-airborne) ACM and contained > 1% Chrysotile asbestos. See Page 1, **Appendix C**. The floor tile encompassed an area < 25 sq. ft.

Bulk sample (Lab ID 0081140-009) consisted of floor tile and contained asbestos (See Photo 7, **Appendix b**). The floor tile was considered Category I Nonfriable (non-airborne) ACM and contained >1% Chrysotile asbestos. See Page 2, **Appendix C**. The ACM was found on the floor and encompassed an area > 25 sq. ft.

3.2 Building 22

WPC collected seven (7) samples of potential ACMs at Building 22. Ceiling tile, carpet paste, mopboard paste, bathroom tile and bathroom floor tile samples were taken. See Photo 9 through 13, **Appendix B**. The samples were collected on December 16, 2009, using standard protocol. They were logged on a chain-of-custody form and sent for analysis to a certified analytical laboratory, EMC Labs, Inc., Phoenix, Arizona, on December 18, 2009. EMC Labs reported on December 23, 2009 that asbestos was detected in three (3) samples and the remaining four samples contained no detectible ACMs. A copy of the laboratory report is included in **Appendix C**. The ACM materials are discussed in Section 3.2.1.

3.2.1 Asbestos Containing Materials and Findings

Bulk sample (Lab ID 0081141-004) consisted of joint compound/texture and contained asbestos (See Photo 11, **Appendix B**). The joint compound/texture was considered Category I Nonfriable (non-airborne) ACM and contained > 1% Chrysotile asbestos. See Page 3, **Appendix C**. The joint compound/texture encompassed an area < 25 sq. ft.

Bulk sample (Lab ID 0081141-006) consisted of texture on the ceiling tile and contained asbestos (See Photo 13, **Appendix B**). The texture on the ceiling tile was considered Category I Nonfriable (non-airborne) ACM and contained >1% Chrysotile asbestos. See Page 4, **Appendix C**. The ACM was found on the ceiling and encompassed an area > 25 sq. ft.

Bulk sample (Lab ID 0081141-007) consisted of floor tile glue (mastic) and contained asbestos (See Photo 7, **Appendix b**). The floor tile was considered Category I Nonfriable (non-airborne) ACM and contained >1% Chrysotile asbestos. See Page 4, **Appendix C**. The ACM was found on the floor and encompassed an area < 25 sq. ft.

3.3 NDDOT Building

WPC collected four (4) samples of potential ACMs at the NDDOT Building. Ceiling tile, mopboard paste, carpet paste and floor tile samples were taken. See Photos 14 through 15, **Appendix B**. The samples were collected on December 16, 2009, using standard protocol. They were logged on a chain-of-custody form and sent for analysis to a certified analytical laboratory, EMC Labs, Inc., Phoenix, Arizona, on December 18, 2009. EMC Labs reported on December 23, 2009 that the four samples contained no detectible ACMs. A copy of the laboratory report is included in **Appendix C**.

3.4 Fire Station

WPC collected five (5) samples of potential ACMs at the Fire Station. Ceiling tile, carpet paste, pipe wrap and floor tile samples were taken. See Photos 16 through 20, **Appendix B**. The samples were collected on December 16, 2009, using standard protocol. They were logged on a chain-of-custody form and sent for analysis to a certified analytical laboratory, EMC Labs, Inc., Phoenix, Arizona, on December 18, 2009. EMC Labs reported on December 23, 2009 that the five samples contained no detectible ACMs. A copy of the laboratory report is included in **Appendix C**.

3.5 Maintenance Shop

WPC collected five (5) samples of potential ACMs at the Maintenance Shop. Asphalt shingles, mopboard paste and floor tile samples were taken. See Photos 21 through 23, **Appendix B**. The samples were collected on December 16, 2009, using standard protocol. They were logged on a chain-of-custody form and sent for analysis to a certified analytical laboratory, EMC Labs, Inc., Phoenix, Arizona, on December 18, 2009. EMC Labs reported on December 23, 2009 that the five samples contained no detectible ACMs. A copy of the laboratory report is included in **Appendix C**.

4.0 FINDINGS, CONCLUSIONS AND RECOMMENDATIONS

4.1 Hangar #5 - Asbestos Containing Materials

Findings and Recommendations - The bulk sample 007, located in an upstairs office of Hangar #5, contained asbestos, but was not regulated asbestos-containing materials (RACM) because the ACMs in the samples were Category I Nonfriable. In addition, ACMs in sample 007 encompassed areas < 25 sq. ft. , which is below the threshold asbestos amount of 15 sq. meters (160 sq.ft.) of asbestos-containing surfacing material. If asbestos-containing surface material is below the threshold asbestos amount of 15 sq. meters (160 sq. ft.), a “Notification of Demolition and Renovation” form would not need to be filed through the North Dakota Department of Health. Because the identified areas in the building contains non-regulated ACM and encompasses an areas < 25 sq. ft., the interior demolition and renovation may occur without additional asbestos surveys, asbestos management/removal plans or reporting requirements.

The bulk sample 009 contained asbestos, but was not regulated asbestos-containing materials (RACM) because the ACMs in the sample were Category I Nonfriable. However, ACMs in sample 009 encompassed areas > 25 sq. ft. , which is above the threshold asbestos amount of 15 sq. meters (160 sq. ft.) of asbestos-containing surfacing material. If demolition or renovation (removal of the on-*Site* ACMs) is planned, a “Notification of Demolition and Renovation” form would need to be filed out through the North Dakota Department of Health. If demolition and/or ACM removal were the case, additional asbestos surveys would be needed to determine the extent of the identified ACMs. An asbestos management/removal plan would be necessary, as well as other reporting requirements.

Renovation by “painting over”, or covering all areas with ACMs determined to encompass areas > 25 sq. ft. on-*Site* would not require filing paperwork with the North Dakota Department of Health, additional asbestos surveys, development of a management/removal plan or other reporting requirements.

4.2 Building 22 - Asbestos Containing Materials

Findings and Recommendations - The bulk samples 004 and 007, contained asbestos, but were not regulated asbestos-containing materials (RACM) because the ACMs in the samples were Category I Nonfriable. In addition, ACMs in samples 004 and 007 encompassed areas < 25 sq. ft. , which is below the threshold asbestos amount of 15 sq. meters (160 sq.ft.) of asbestos-containing surfacing material. If asbestos-containing surface material is below the threshold asbestos amount of 15 sq. meters (160 sq. ft.), a “Notification of Demolition and Renovation” form would not need to be filed through the North Dakota Department of Health. Because the identified areas in the building contains non-regulated ACM and encompasses an areas < 25 sq. ft., the interior demolition and renovation may occur without additional asbestos surveys, asbestos management/removal plans or reporting requirements.

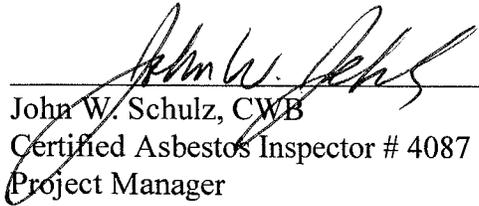
The bulk sample 006 contained asbestos, but was not regulated asbestos-containing materials (RACM) because the ACMs in the sample were Category I Nonfriable. However, ACMs in sample 006 encompassed areas > 25 sq. ft. , which is above the threshold asbestos amount of 15 sq. meters (160 sq. ft.) of asbestos-containing surfacing material. If demolition or renovation (removal of the on-*Site* ACMs) is planned, a “Notification of Demolition and Renovation” form would need to be filed out through the North Dakota Department of Health. If demolition and/or ACM removal were the case, additional asbestos surveys would be needed to determine the extent of the identified ACMs. An asbestos management/removal plan would be necessary, as well as other reporting requirements.

Renovation by “painting over”, or covering all areas with ACMs determined to encompass areas > 25 sq. ft. on-*Site* would not require filing paperwork with the North Dakota Department of Health, additional asbestos surveys, development of a management/removal plan or other reporting requirements.

5.0 SIGNATURE

Recommendations and findings contained in this report represent our professional judgement and are based upon available information and technically accepted practices at the present time and location. Other than this, no warranty is implied or expressed.

WPC, Inc., Project Manager, and Certified Asbestos Inspector John W. Schulz prepared the report.



John W. Schulz, CWB
Certified Asbestos Inspector # 4087
Project Manager

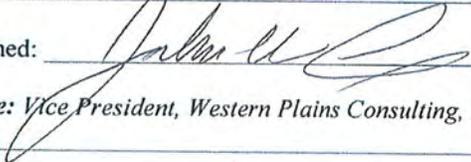
12/31/2009
Date



WPC, INC

Quotation/Authorization

CLIENT/MAILING ADDRESS Bismarck Airport Attn: Timothy J. Thorsen Airport Operations Manager PO Box 991 Bismarck, ND 58502	DATE: December 1, 2009
	PROJECT NUMBER:
	PROJECT MANAGER: John W. Schulz
PROJECT TYPE/LOCATION: Asbestos Screen/Inspection Bismarck Airport PO Box 991	
PROPOSED SCOPE OF WORK: Western Plains Consulting Inc. (WPC) proposes to provide the following services to determine of asbestos containing materials (ACMs) are on-site prior to planned demolition/remodeling of five buildings. 1) WPC's Certified Asbestos Inspector John W. Schulz will visit the sites and collect up-to 40 samples of potential ACMs. (Minimum Asbestos Survey). <ul style="list-style-type: none">·Hanger 5: 11 Samples·Building 22: 5 Samples·Airport Fire Station: 11 Samples·Hanger 41: 7 Samples·Airport Maintenance 18: 6 Samples 2) The samples will be sent to a certified laboratory for analysis for asbestos using standard industry protocol. 3) Upon receipt of the analysis, WPC will issue a report documenting the findings and provide recommendations, if appropriate, for the management or removal of any asbestos-containing materials. 4) Two copies of the final report will be provided to the client.	
ESTIMATED COSTS: Asbestos Screen/Inspection-WPC proposes to perform the services described above for a cost of \$850.00 , plus additional cost of \$10.00 per sample (40 samples X \$10.00=\$400.00). The total cost of the proposed project is \$1,250.00 . This Quotation/Authorization, in conjunction with the attached Terms and Conditions, would serve as our contract to perform the project.	

Signed:  Date: 12/01/2009
Title: *Vice President, Western Plains Consulting, Inc.*

I authorize the above-described services in accordance with the attached Terms and Conditions.

Signed:  Date: Dec 9, 2009
Title: Airport operations manager Telephone: 355-1908

The
CENTER FOR
ENVIRONMENTAL TRAINING

proudly presents

John W. Schultz

with a certificate for successful completion of the course

ASBESTOS BUILDING INSPECTOR REFRESHER

on

January 28, 2009

Cert. No 0915I Exam Date: 1/28/2009 PII# XXX-XX-6880 Expiration: 1/28/2010

Approved under Section 206 of the Toxic Substances Control Act

And Accepted By The

North Dakota Department of Health

EPA Approved AHERA Training Course

Approval Published in Federal Register May 29, 1992

**CENTER FOR
ENVIRONMENTAL
TRAINING**


Gary N. Snow
EPA Approved Instructor

PO Box 1135 Pierre, South Dakota 57501 (605) 224-1964

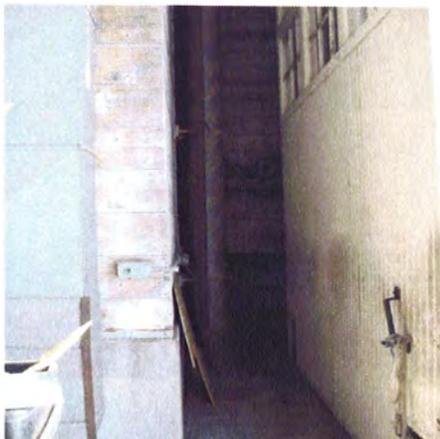


Photo 1. Direction: Southeast. Hangar # 5. General location where sample 0001 (tarp) was taken. Note the partial wood interior walls and distant vent pipe.



Photo 2. Direction: North. Hangar # 5. Stairway tile sample 0003 was taken on the steps in the photo.



Photo 3. Direction: Northwest. Hangar # 5. Carpet Paste sample 0004 was taken from the photographed carpet.

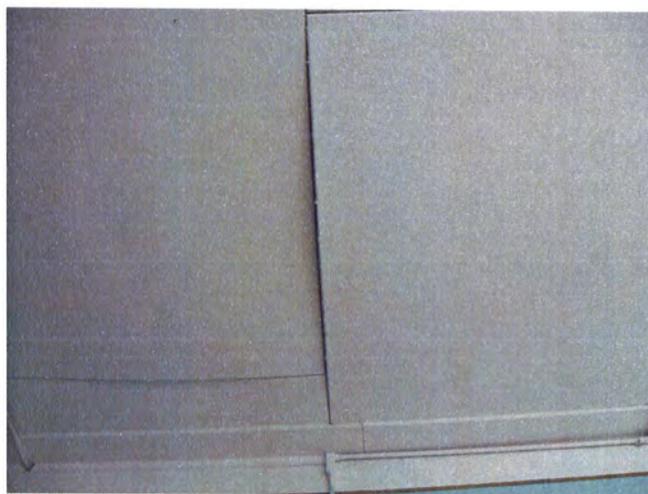


Photo 4. Direction: Southwest. Hangar # 5. Ceiling tile sample 0006 was taken from this office location.

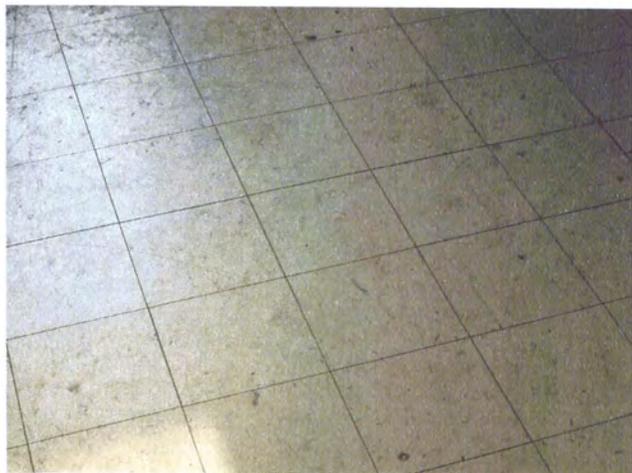


Photo 5. Direction: South. Hangar # 5. Area where floor tile sample 0007 was taken. Sample was from upstairs's office area.

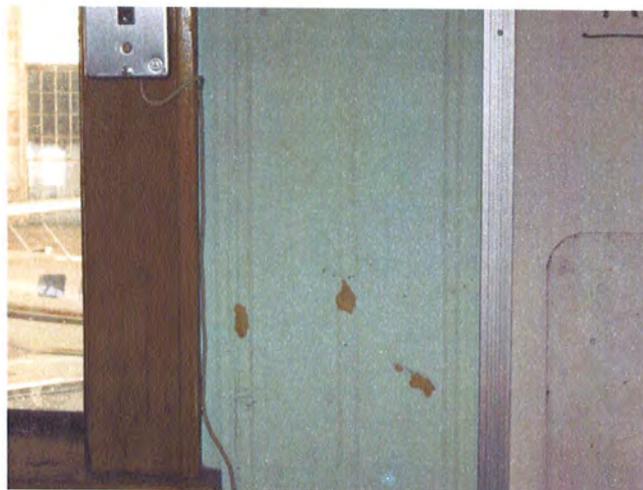


Photo 6. Direction: East. Hangar # 5. Wall board sample 0008 was taken from wall on the foreground.



Photo 7. I
Area where

~~0010~~
Floor hangar 5 -
- 1 contractor
remove
- 1 contractor "sniff"
air
- form fill out



Photo 8. Direction: West. Hangar # 5 side building.
Area where ceiling tile/board sample 0010 was taken.

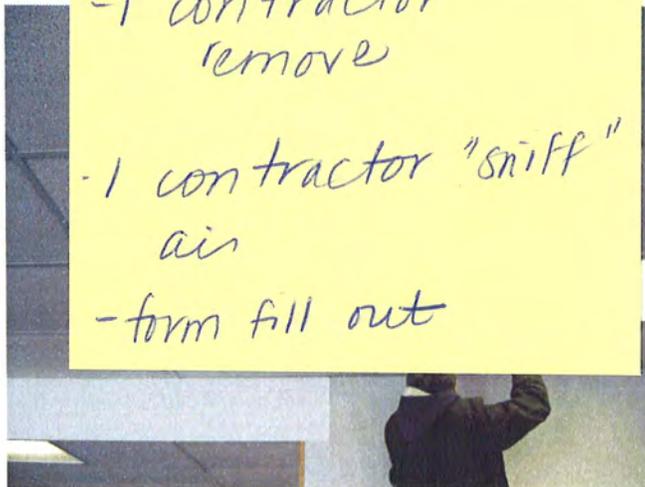


Photo 9. Direction: South. Building 22. Area on the
lobby where ceiling tile sample 0011 was taken.

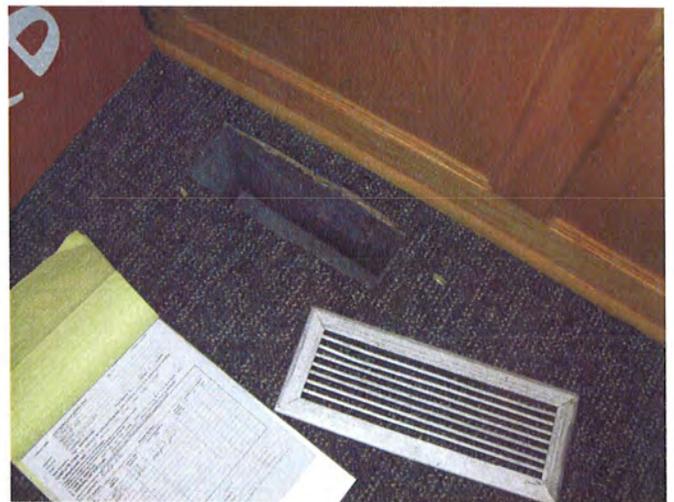


Photo 10. Direction: North. Building 22. Location
where carpet paste sample 0012 was taken.



Photo 11. Direction: West. Building 22. Floor tile
sample 0014 was taken in this bathroom.



Photo 12. Direction: Northwest. Building 22. A sample
of the water heater wrap 0015 was taken from this
location.



Photo 13. Direction: South. Building 22. Photo of ceiling where sample 0016 was taken.



Photo 14. Direction: Southwest. NDDOT building. Area where carpet paste sample 0018 was taken.



Photo 15. Direction: West. NDDOT building. Location where ceiling tile sample 0020 was taken.



Photo 16. Direction: West. Fire Station. A floor tile sample 0022 was taken from this wash bay.



Photo 17. Direction: West. Fire Station. A pipe wrap sample 0023 was taken from this location.



Photo 18. Direction: Northwest. Fire Station. A ceiling tile sample 0024 was taken from this location.

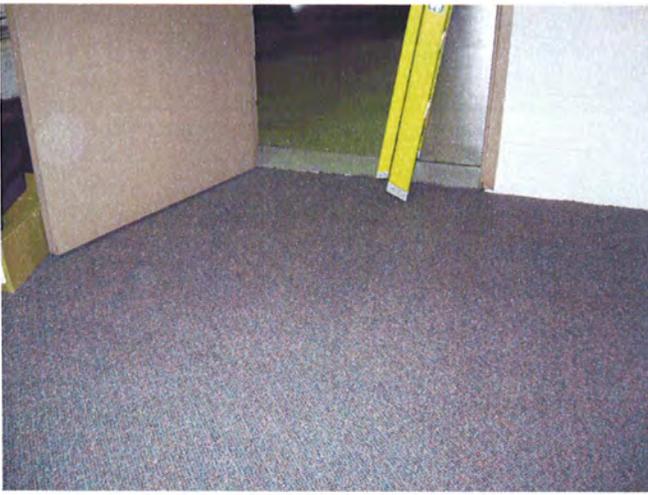


Photo 19. Direction: East. Fire Station. Carpet paste sample 0025 was sampled in this area.



Photo 20. Direction: South. Fire Station. Ceiling tile sample 0026 was sampled in the kitchen/dining area.



Photo 21. Direction: West. Maintenance building. Note pile of asphalt shingles where sample 0027 was taken.



Photo 22. Direction: East. Maintenance building. A floor tile sample 0028 was taken from this bathroom.



Photo 23. Direction: Northwest. Maintenance building. A pipe wrap sample 0031 was taken from this utility room.

EMC LABS, INC.

9830 S. 51st Street, Suite B109, Phoenix, AZ 85044
Phone: 800-362-3373 or 480-940-5294 - Fax: (480) 893-1726

Laboratory Report

0081140

Bulk Asbestos Analysis by Polarized Light Microscopy

NVLAP#101926-0

Client:	WESTERN PLAINS CONSULTING	Job# / P.O. #:	21-09-JS
Address:	P.O. BOX 1401	Date Received:	12/21/2009
	BISMARCK ND 58502	Date Analyzed:	12/23/2009
Collected:	12/16/2009	Date Reported:	12/23/2009
Project Name/	HANGAR 5	EPA Method:	EPA 600/M4-82-020
Address:		Submitted By:	JOHN SCHULZ
		Collected By:	Customer

Lab ID Client ID	Sample Location	Layer Name / Sample Description	Asbestos Detected	Asbestos Type (%)	Non-Asbestos Constituents
0081140-001 0001	HANGAR	Tape, Gray	No		Cellulose Fiber 90% Gypsum Binder/Filler 10%
0081140-002 0002	HANGAR	Pipe Wrap, Gray	No		Fibrous Glass 75% Gypsum Binder/Filler 25%
0081140-003 0003	HANGAR	Stairway Tile, Yellow	No		Gypsum Carbonates Quartz Binder/Filler 100%
0081140-004 0004	HANGAR	Carpet Mastic, Yellow	No		Cellulose Fiber <1% Gypsum Carbonates Quartz Binder/Filler 99%
0081140-005 0005	HANGAR	Ceiling Tile, White/ Brown	No		Cellulose Fiber 90% Gypsum Binder/Filler 10%
0081140-006 0006	HANGAR	Ceiling Tile, White/ Brown	No		Cellulose Fiber 90% Carbonates Binder/Filler 10%
0081140-007 0007	HANGAR	Floor Tile, Black/ Brown Note: Insufficient Mastic/Adhesive for Analysis	Yes	Chrysotile 10%	Carbonates Gypsum Quartz Binder/Filler 90%
0081140-008 0008	HANGAR	Wallboard, Lt. Green	No		Cellulose Fiber 90% Gypsum Carbonates Binder/Filler 10%

EMC LABS, INC.

9830 S. 51st Street, Suite B109, Phoenix, AZ 85044
Phone: 800-362-3373 or 480-940-5294 - Fax: (480) 893-1726

Laboratory Report

0081140

Bulk Asbestos Analysis by Polarized Light Microscopy

NVLAP#101926-0

Client:	WESTERN PLAINS CONSULTING	Job# / P.O. #:	21-09-JS
Address:	P.O. BOX 1401	Date Received:	12/21/2009
	BISMARCK ND 58502	Date Analyzed:	12/23/2009
Collected:	12/16/2009	Date Reported:	12/23/2009
Project Name/	HANGAR 5	EPA Method:	EPA 600/M4-82-020
Address:		Submitted By:	JOHN SCHULZ
		Collected By:	Customer

Lab ID Client ID	Sample Location	Layer Name / Sample Description	Asbestos Detected	Asbestos Type (%)	Non-Asbestos Constituents
0081140-009 0009	SS	LAYER 1 Floor Tile, White	Yes	Chrysotile 5%	Carbonates Gypsum Quartz Binder/Filler 95%
		LAYER 2 Mastic, Black	No		Cellulose Fiber 3% Gypsum Quartz Binder/Filler 97%
0081140-010 0010	SS	Ceiling Tile, White/ Brown	No		Cellulose Fiber 90% Gypsum Binder/Filler 10%



Analyst - Paul Hofer



Signatory - Lab Director - Kurt Kettler

Distinctly stratified, easily separable layers of samples are analyzed as subsamples of the whole and are reported separately for each discernable layer. All analyses are derived from calibrated visual estimate and measured in weight percent unless otherwise noted. The report applies to the standards or procedures identified and to the sample(s) tested. The test results are not necessarily indicated or representative of the qualities of the lot from which the sample was taken or of apparently identical or similar products, nor do they represent an ongoing quality assurance program unless so noted. These reports are for the exclusive use of the addressed client and that they will not be reproduced wholly or in part for advertising or other purposes over our signature or in connection with our name without special written permission. The report shall not be reproduced except in full, without written approval by our laboratory. The samples not destroyed in testing are retained a maximum of thirty days. The laboratory measurement of uncertainty for the test method is approximately <1% by weight. Accredited by the National Institute of Standards and Technology, Voluntary Laboratory Accreditation Program for selected test method for asbestos. The accreditation or any reports generated by this laboratory in no way constitutes or implies product certification, approval, or endorsement by the National Institute of Standards and Technology. The report must not be used by any entity to claim product endorsement by NVLAP or any agency of the U.S. Government. Polarized Light Microscopy may not be consistently reliable in detecting asbestos in floor coverings and similar non-friable organically bound materials.

EMC LABS, INC.

Laboratory Report

0081141

9830 S. 51st Street, Suite B109, Phoenix, AZ 85044
Phone: 800-362-3373 or 480-940-5294 - Fax: (480) 893-1726

Bulk Asbestos Analysis by Polarized Light Microscopy

NVLAP#101926-0

Client:	WESTERN PLAINS CONSULTING	Job# / P.O. #:	21-09-JS
Address:	P.O. BOX 1401	Date Received:	12/21/2009
	BISMARCK ND 58502	Date Analyzed:	12/23/2009
Collected:	12/16/2009	Date Reported:	12/23/2009
Project Name/	BLDG 22	EPA Method:	EPA 600/M4-82-020
Address:		Submitted By:	JOHN SCHULZ
		Collected By:	Customer

Lab ID Client ID	Sample Location	Layer Name / Sample Description	Asbestos Detected	Asbestos Type (%)	Non-Asbestos Constituents
0081141-001 0011	BLDG 22	Ceiling Tile, White/ Gray	No		Cellulose Fiber 70% Mineral Wool 2% Carbonates Perlite Binder/Filler 28%
0081141-002 0012	BLDG 22	Carpet Paste, Yellow	No		Synthetic Fiber 5% Cellulose Fiber 2% Gypsum Carbonates Quartz Binder/Filler 93%
0081141-003 0013	BLDG 22	LAYER 1 Mopboard Paste, Yellow	No		Cellulose Fiber <1% Gypsum Carbonates Quartz Binder/Filler 99%
		LAYER 2 Joint Compound/ Texture, Off White	Yes	Chrysotile 3%	Carbonates Mica Quartz Binder/Filler 97%
0081141-004 0014	BLDG 22-BATH RM	Floor Tile, Lt. Blue/ Cream	No		Wollastonite 5% Gypsum Quartz Binder/Filler 95%
0081141-005 0015	BLDG 22-WATER HEATER	LAYER 1 Insulation, Yellow	No		Fibrous Glass 95% Binder/Filler 5%
		LAYER 2 Wrap, Tan/ Silver	No		Cellulose Fiber 60% Fibrous Glass 3% Aluminum Binder/Filler 37%

EMC LABS, INC.

Laboratory Report
0081141

9830 S. 51st Street, Suite B109, Phoenix, AZ 85044
Phone: 800-362-3373 or 480-940-5294 - Fax: (480) 893-1726

Bulk Asbestos Analysis by Polarized Light Microscopy

NVLAP#101926-0

Client:	WESTERN PLAINS CONSULTING	Job# / P.O. #:	21-09-JS
Address:	P.O. BOX 1401	Date Received:	12/21/2009
	BISMARCK ND 58502	Date Analyzed:	12/23/2009
Collected:	12/16/2009	Date Reported:	12/23/2009
Project Name/	BLDG 22	EPA Method:	EPA 600/M4-82-020
Address:		Submitted By:	JOHN SCHULZ
		Collected By:	Customer

Lab ID	Sample Location	Layer Name / Sample Description	Asbestos Detected	Asbestos Type (%)	Non-Asbestos Constituents
0081141-006 0016	BLDG 22	LAYER 1 Ceiling Tile, White/ Brown	No		Cellulose Fiber 10% Fibrous Glass 1% Gypsum Carbonates Mica 89%
		LAYER 2 Texture, Off White	Yes	Chrysotile 3%	Cellulose Fiber <1% Carbonates Mica Quartz Binder/Filler 96%
0081141-007 0017	BLDG 220- BATHRM	LAYER 1 Floor Tile, White	No		Gypsum Quartz Binder/Filler 100%
		LAYER 2 Grout, Gray	No		Cellulose Fiber <1% Gypsum Quartz Mica Binder/Filler 99%
		LAYER 3 Mastic, Yellow	Yes	Chrysotile 10%	Gypsum Carbonates Quartz Binder/Filler 90%



Analyst - Paul Hofer



Signatory - Lab Director - Kurt Kettler

Distinctly stratified, easily separable layers of samples are analyzed as subsamples of the whole and are reported separately for each discernable layer. All analyses are derived from calibrated visual estimate and measured in weight percent unless otherwise noted. The report applies to the standards or procedures identified and to the sample(s) tested. The test results are not necessarily indicative or representative of the qualities of the lot from which the sample was taken or of apparently identical or similar products, nor do they represent an ongoing quality assurance program unless so noted. These reports are for the exclusive use of the addressed client and that they will not be reproduced wholly or in part for advertising or other purposes over our signature or in connection with our name without special written permission. The report shall not be reproduced except in full, without written approval by our laboratory. The samples not destroyed in testing are retained a maximum of thirty days. The laboratory measurement of uncertainty for the test method is approximately <1% by weight. Accredited by the National Institute of Standards and Technology, Voluntary Laboratory Accreditation Program for selected test method for asbestos. The accreditation or any reports generated by this laboratory in no way constitutes or implies product certification, approval, or endorsement by the National Institute of Standards and Technology. The report must not be used by any entity to claim product endorsement by NVLAP or any agency of the U.S. Government. Polarized Light Microscopy may not be consistently reliable in detecting asbestos in floor coverings and similar non-friable organically bound materials.

EMC LABS, INC.

9830 S. 51st Street, Suite B109, Phoenix, AZ 85044
Phone: 800-362-3373 or 480-940-5294 - Fax: (480) 893-1726

Laboratory Report
0081142

Bulk Asbestos Analysis by Polarized Light Microscopy

NVLAP#101926-0

Client:	WESTERN PLAINS CONSULTING	Job# / P.O. #:	21-09-JS
Address:	P.O. BOX 1401	Date Received:	12/21/2009
	BISMARCK ND 58502	Date Analyzed:	12/23/2009
Collected:	12/16/2009	Date Reported:	12/23/2009
Project Name/	DOT BLDG	EPA Method:	EPA 600/M4-82-020
Address:		Submitted By:	JOHN SCHULZ
		Collected By:	Customer

Lab ID Client ID	Sample Location	Layer Name / Sample Description	Asbestos Detected	Asbestos Type (%)	Non-Asbestos Constituents
0081142-001 0018	DOT BLDG	Carpet Paste, Yellow/ Off White	No		Synthetic Fiber 1% Carbonates Gypsum Binder/Filler 99%
0081142-002 0019	DOT BLDG	Mopboard Paste, Yellow	No		Cellulose Fiber <1% Gypsum Carbonates Binder/Filler 99%
0081142-003 0020	DOT BLDG	Ceiling Tile, White/ Gray	No		Cellulose Fiber 50% Mineral Wool 30% Perlite Gypsum Carbonates Binder/Filler 20%
0081142-004 0021	DOT BLDG	LAYER 1 Floor Tile, Lt. Gray	No		Cellulose Fiber 3% Carbonates Gypsum Quartz Binder/Filler 97%
		LAYER 2 Mastic, Black	No		Cellulose Fiber 2% Carbonates Gypsum Binder/Filler 98%



Analyst - Kurt Kettler



Signatory - Lab Director - Kurt Kettler

Distinctly stratified, easily separable layers of samples are analyzed as subsamples of the whole and are reported separately for each discernable layer. All analyses are derived from calibrated visual estimate and measured in weight percent unless otherwise noted. The report applies to the standards or procedures identified and to the sample(s) tested. The test results are not necessarily indicated or representative of the qualities of the lot from which the sample was taken or of apparently identical or similar products, nor do they represent an ongoing quality assurance program unless so noted. These reports are for the exclusive use of the addressed client and that they will not be reproduced wholly or in part for advertising or other purposes over our signature or in connection with our name without special written permission. The report shall not be reproduced except in full, without written approval by our laboratory. The samples not destroyed in testing are retained a maximum of thirty days. The laboratory measurement of uncertainty for the test method is approximately <1% by weight. Accredited by the National Institute of Standards and Technology, Voluntary Laboratory Accreditation Program for selected test method for asbestos. The accreditation or any reports generated by this laboratory in no way constitutes or implies product certification, approval, or endorsement by the National Institute of Standards and Technology. The report must not be used by any entity to claim product endorsement by NVLAP or any agency of the U.S. Government. Polarized Light Microscopy may not be consistently reliable in detecting asbestos in floor coverings and similar non-friable organically bound materials.

EMC LABS, INC.

9830 S. 51st Street, Suite B109, Phoenix, AZ 85044
Phone: 800-362-3373 or 480-940-5294 - Fax: (480) 893-1726

Laboratory Report

0081143

Bulk Asbestos Analysis by Polarized Light Microscopy

NVLAP#101926-0

Client:	WESTERN PLAINS CONSULTING	Job# / P.O. #:	21-09-JS
Address:	P.O. BOX 1401	Date Received:	12/21/2009
	BISMARCK ND 58502	Date Analyzed:	12/23/2009
Collected:	12/16/2009	Date Reported:	12/23/2009
Project Name/	FIRE STATION	EPA Method:	EPA 600/M4-82-020
Address:		Submitted By:	JOHN SCHULZ
		Collected By:	Customer

Lab ID Client ID	Sample Location	Layer Name / Sample Description	Asbestos Detected	Asbestos Type (%)	Non-Asbestos Constituents
0081143-001 0022	FIRE STATION	LAYER 1 Tile, Gray/ White	No		Gypsum Quartz Binder/Filler 100%
		LAYER 2 Grout, Tan	No		Carbonates Quartz Gypsum Binder/Filler 100%
0081143-002 0023	FIRE STATION	LAYER 1 Pipe Insulation, Yellow	No		Fibrous Glass 98% Gypsum 2%
		LAYER 2 Pipe Wrap/Coating, Off White	No		Cellulose Fiber 20% Gypsum Binder/Filler 80%
0081143-003 0024	FIRE STATION	Ceiling Tile, White/ Gray	No		Cellulose Fiber 40% Mineral Wool 40% Perlite Gypsum Binder/Filler 20%
0081143-004 0025	FIRE STATION	Carpet Paste, Cream	No		Synthetic Fiber 1% Carbonates Gypsum Quartz Binder/Filler 99%
0081143-005 0026	FIRE STATION	Ceiling Tile, White/ Gray	No		Cellulose Fiber 45% Mineral Wool 40% Gypsum Perlite Binder/Filler 15%

EMC LABS, INC.

Laboratory Report

9830 S. 51st Street, Suite B109, Phoenix, AZ 85044
Phone: 800-362-3373 or 480-940-5294 - Fax: (480) 893-1726

0081144

Bulk Asbestos Analysis by Polarized Light Microscopy

NVLAP#101926-0

Client:	WESTERN PLAINS CONSULTING	Job# / P.O. #:	21-09-JS
Address:	P.O. BOX 1401	Date Received:	12/21/2009
	BISMARCK ND 58502	Date Analyzed:	12/23/2009
Collected:	12/16/2009	Date Reported:	12/23/2009
Project Name/	SHOP	EPA Method:	EPA 600/M4-82-020
Address:		Submitted By:	JOHN SCHULZ
		Collected By:	Customer

Lab ID Client ID	Sample Location	Layer Name / Sample Description	Asbestos Detected	Asbestos Type (%)	Non-Asbestos Constituents
0081144-001 0027	SHOP	Asphalt Shingle, Black	No		Cellulose Fiber 20% Gypsum Binder/Filler 80%
0081144-002 0028	SHOP	Floor Tile, Gray Note: Insufficient Mastic/Adhesive for Analysis	No		Carbonates Gypsum Quartz Binder/Filler 100%
0081144-003 0029	SHOP	Mop Board Mastic, Yellow	No		Cellulose Fiber 2% Gypsum Quartz Binder/Filler 98%
0081144-004 0030	SHOP	Mop Board Mastic, Black	No		Cellulose Fiber <1% Gypsum Carbonates Quartz Binder/Filler 99%
0081144-005 0031	SHOP	LAYER 1 Pipe Wrap, Silver	No		Cellulose Fiber 40% Fibrous Glass 10% Aluminum Carbonates Binder/Filler 50%
		LAYER 2 Insulation, Yellow	No		Fibrous Glass 95% Carbonates Binder/Filler 5%



Analyst - Paul Hofer



Signatory - Lab Director - Kurt Kettler

Distinctly stratified, easily separable layers of samples are analyzed as subsamples of the whole and are reported separately for each discernable layer. All analyses are derived from calibrated visual estimate and measured in weight percent unless otherwise noted. The report applies to the standards or procedures identified and to the sample(s) tested. The test results are not necessarily indicative or representative of the qualities of the lot from which the sample was taken or of apparently identical or similar products, nor do they represent an ongoing quality assurance program unless so noted. These reports are for the exclusive use of the addressed client and that they will not be reproduced wholly or in part for advertising or other purposes over our signature or in connection with our name without special written permission. The report shall not be reproduced except in full, without written approval by our laboratory. The samples not destroyed in testing are retained a maximum of thirty days. The laboratory measurement of uncertainty for the test method is approximately <1% by weight. Accredited by the National Institute of Standards and Technology, Voluntary Laboratory Accreditation Program for selected test method for asbestos. The accreditation or any reports generated by this laboratory in no way constitutes or implies product certification, approval, or endorsement by the National Institute of Standards and Technology. The report must not be used by any entity to claim product endorsement by NVLAP or any agency of the U.S. Government. Polarized Light Microscopy may not be consistently reliable in detecting asbestos in floor coverings and similar non-friable organically bound materials.

February 12, 2010

Timothy J. Thorsen
Airport Operations Manager
Bismarck Airport
P.O. Box 991
Bismarck, ND 58502

**RE: Asbestos survey of basement (four separate areas) in Hangar 5 -
Addendum to Asbestos Containing Materials Survey Report - Bismarck
Airport, December 31, 2010**

Dear Mr. Thorsen:

An asbestos containing materials (ACMs) survey was conducted at four separate basement areas (i.e. southwest, northwest, northeast and southeast corners) of Hangar 5 at the Bismarck Airport. The samples were collected on January 20, 2010, using standard protocol. They were logged on a chain-of-custody form and sent for analysis to a certified analytical laboratory, EMC Labs, Inc., Phoenix, Arizona, January 24, 2010. EMC Labs reported the results on January 27, 2010.

Western Plains Consulting, Inc.(WPC) collected four (4) samples of potential ACMs, one sample in each of the four basement areas. One (1) heating pipe wrap sample was taken in each of the four basement areas. EMC Labs reported on January 27, 2010 that all four samples contained asbestos. A copy of the Chain of Custody and laboratory report is attached.

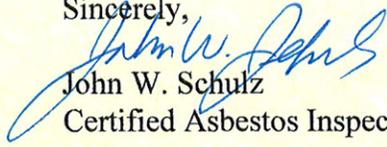
Bulk samples 0001 (southwest basement),0002 (northeast basement), 0003 (northwest basement) and 0004 (southeast basement) consisted of pipe wrap (all pipes attached to furnaces). The pipe wrap samples were considered regulated asbestos-containing materials (RACM) because the samples could be crumbled by hand pressure. All RACM that would be disturbed as part of a renovation or demolition, regardless of the area it encompasses (i.e. sq. ft.), must be properly removed before beginning renovation or demolition. Prior to the renovation or demolition, a "Notification of Demolition and Renovation" form would need to be filed through the North Dakota Department of Health, the individuals removing the materials must be certified and the contractors licensed through the North Dakota Department of Health and an asbestos management/removal plan would need to be developed.

If you have comments or questions regarding the findings and recommendations, please call or email: 701-221-3113 or jschulz@wpcnd.com.



www.wpcnd.com
PO Box 1401
Bismarck, ND 58502-1401
701-221-3113
Toll Free 888-821-3113
Fax 701-221-2140

Sincerely,


John W. Schulz
Certified Asbestos Inspector

CC: Nicole Miller

CHAIN OF CUSTODY
 EMC Laboratories
 9830 S. 51ST St., Ste B-109
 Phoenix, AZ 85044
 (800) 362-3373 Fax (480) 893-1726

LAB#:
TAT:
Rec'd: EMC USE ONLY

COMPANY NAME: WESTERN PLAINS CONSULTING
P.O. Box 1401
Bismarck, ND 58502

CONTACT: John Schulz
 Phone/Fax: (701) 221-3113 / (701) 221-2140
 Email: jschulz@wpcnd.com

BILL TO: _____ (If Different Location)

Now Accepting: **VISA - MASTERCARD** Price Quoted: \$ 7⁰⁰ / Sample \$ _____ / Layers

COMPLETE ITEMS 1-4: (Failure to complete any items may cause a delay in processing or analyzing your samples)

1. **TURNAROUND TIME:** [4hr rush] [8hr rush] [1-Day] [2-Day] [3-Day] [5-Day] [6-10 Day]

****Prior confirmation of turnaround time is required
 ****Additional charges for rush analysis (please call marketing department for pricing details)
 ****Laboratory analysis may be subject to delay if credit terms are not met

2. **TYPE OF ANALYSIS:** [Bulk-PLM] [Air-PCM] [Lead] [Point Count] [Fungi: AOC, W-C, Bulk, Swab, Tape]

3. **DISPOSAL INSTRUCTIONS:** [Dispose of samples at EMC] [Return samples to me at my expense]
 (If you do not indicate preference, EMC will dispose of samples 60 days from analysis.)

4. Project Name: HANGAR 5 (basement)
 P.O. Number: _____ Project Number: 21-05-J5

EMC SAMPLE #	CLIENT SAMPLE #	DATE & TIME SAMPLED	LOCATION/MATERIAL TYPE	Samples Accepted Yes / No	AIR SAMPLE INFO / COMMENTS		
					ON	OFF	FLOW RATE
	<u>0001</u>	<u>01/20/18-1430</u>	<u>Pipe W-FAP (SW)</u>	<u>Y N</u>			
	<u>0002</u>	<u>01/20/18-1430</u>	<u>" " (NE)</u>	<u>Y N</u>			
	<u>0003</u>	<u>VL 4</u>	<u>" " (NW)</u>	<u>Y N</u>			
	<u>0004</u>	<u>VL 4</u>	<u>" " (SE)</u>	<u>Y N</u>			
				<u>Y N</u>			
				<u>Y N</u>			
				<u>Y N</u>			
				<u>Y N</u>			
				<u>Y N</u>			
				<u>Y N</u>			
				<u>Y N</u>			
				<u>Y N</u>			
				<u>Y N</u>			

SPECIAL INSTRUCTIONS: _____

Sample Collector: (Print) John W. Schulz (Signature) John W. Schulz

Relinquished by: _____ Date/Time: _____ Received by: _____ Date/Time: _____

Relinquished by: _____ Date/Time: _____ Received by: _____ Date/Time: _____

Relinquished by: _____ Date/Time: _____ Received by: _____ Date/Time: _____

** In the event of any dispute between the above parties for these services or otherwise, parties agree that jurisdiction and venue will be in Phoenix, Arizona and prevailing party will be entitled to attorney's fees and court costs.

EMC LABS, INC.

Laboratory Report

0082079

9830 S. 51st Street, Suite B109, Phoenix, AZ 85044
Phone: 800-362-3373 or 480-940-5294 - Fax: (480) 893-1726

Bulk Asbestos Analysis by Polarized Light Microscopy

NVLAP#101926-0

Client:	WESTERN PLAINS CONSULTING	Job# / P.O. #:	21-05-JS
Address:	P.O. BOX 1401	Date Received:	01/25/2010
	BISMARCK ND 58502	Date Analyzed:	01/27/2010
Collected:	01/20/2010	Date Reported:	01/27/2010
Project Name/	HANGAR #5 (BASEMENT)	EPA Method:	EPA 600/M4-82-020
Address:		Submitted By:	JOHN SCHULZ
		Collected By:	Customer

Lab ID Client ID	Sample Location	Layer Name / Sample Description	Asbestos Detected	Asbestos Type (%)	Non-Asbestos Constituents
0082079-001 0001	SW	Pipe Wrap, White	Yes	Chrysotile 45%	Cellulose Fiber 40% Gypsum Carbonates Binder/Filler 15%
0082079-002 0002	NE	Pipe Wrap, White	Yes	Chrysotile 70%	Cellulose Fiber 25% Carbonates Binder/Filler 5%
0082079-003 0003	NW	Pipe Wrap, White	Yes	Chrysotile 70%	Cellulose Fiber 25% Carbonates Quartz Binder/Filler 5%
0082079-004 0004	SE	Pipe Wrap, White	Yes	Chrysotile 70%	Cellulose Fiber 25% Carbonates Quartz Binder/Filler 5%

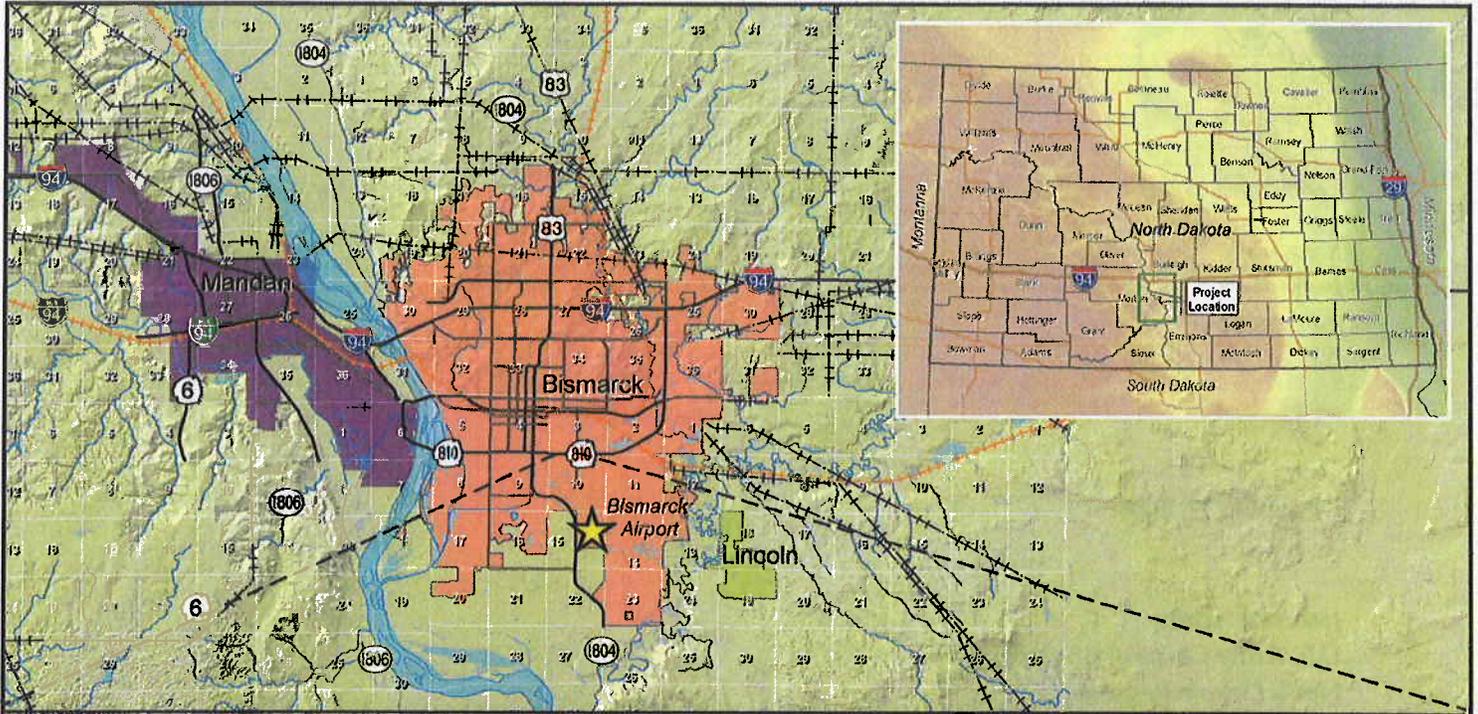


Analyst - Johann Hofer



Signatory - Lab Director - Kurt Kettler

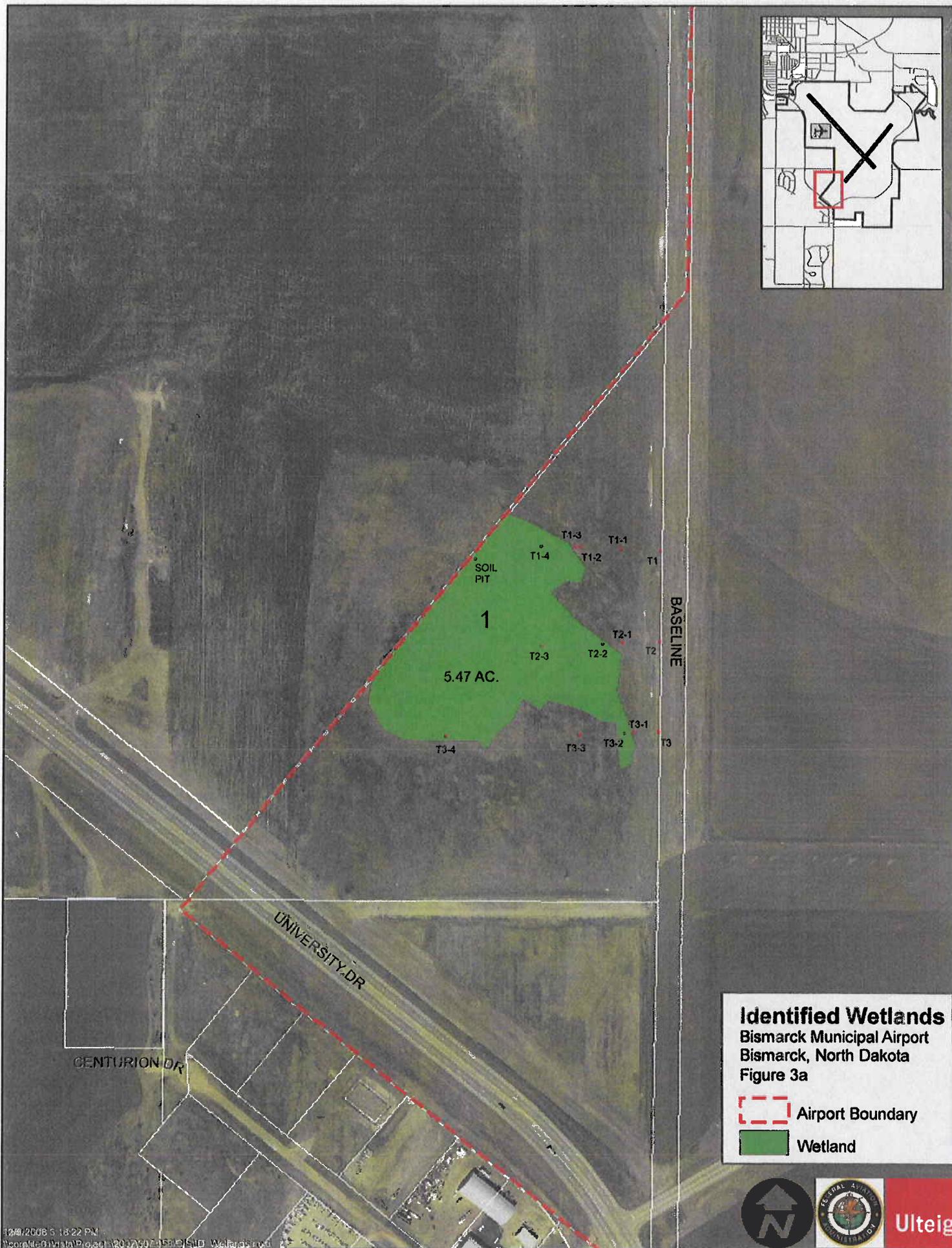
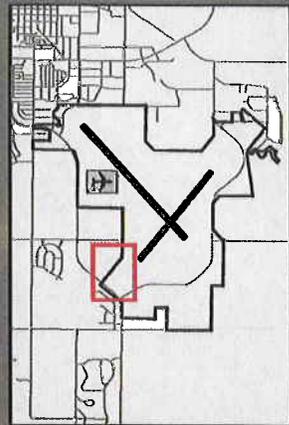
Distinctly stratified, easily separable layers of samples are analyzed as subsamples of the whole and are reported separately for each discernable layer. All analyses are derived from calibrated visual estimate and measured in weight percent unless otherwise noted. The report applies to the standards or procedures identified and to the sample(s) tested. The test results are not necessarily indicative or representative of the qualities of the lot from which the sample was taken or of apparently identical or similar products, nor do they represent an ongoing quality assurance program unless so noted. These reports are for the exclusive use of the addressed client and that they will not be reproduced wholly or in part for advertising or other purposes over our signature or in connection with our name without special written permission. The report shall not be reproduced except in full, without written approval by our laboratory. The samples not destroyed in testing are retained a maximum of thirty days. The laboratory measurement of uncertainty for the test method is approximately <1% by weight. Accredited by the National Institute of Standards and Technology, Voluntary Laboratory Accreditation Program for selected test method for asbestos. The accreditation or any reports generated by this laboratory in no way constitutes or implies product certification, approval, or endorsement by the National Institute of Standards and Technology. The report must not be used by any entity to claim product endorsement by NVLAP or any agency of the U.S. Government. Polarized Light Microscopy may not be consistently reliable in detecting asbestos in floor coverings and similar non-friable organically bound materials.



Project Location Map
Bismarck Municipal Airport
Bismarck, North Dakota
Figure 1

- Airport Boundary
- Wetland





1

5.47 AC.

SOIL PIT

BASELINE

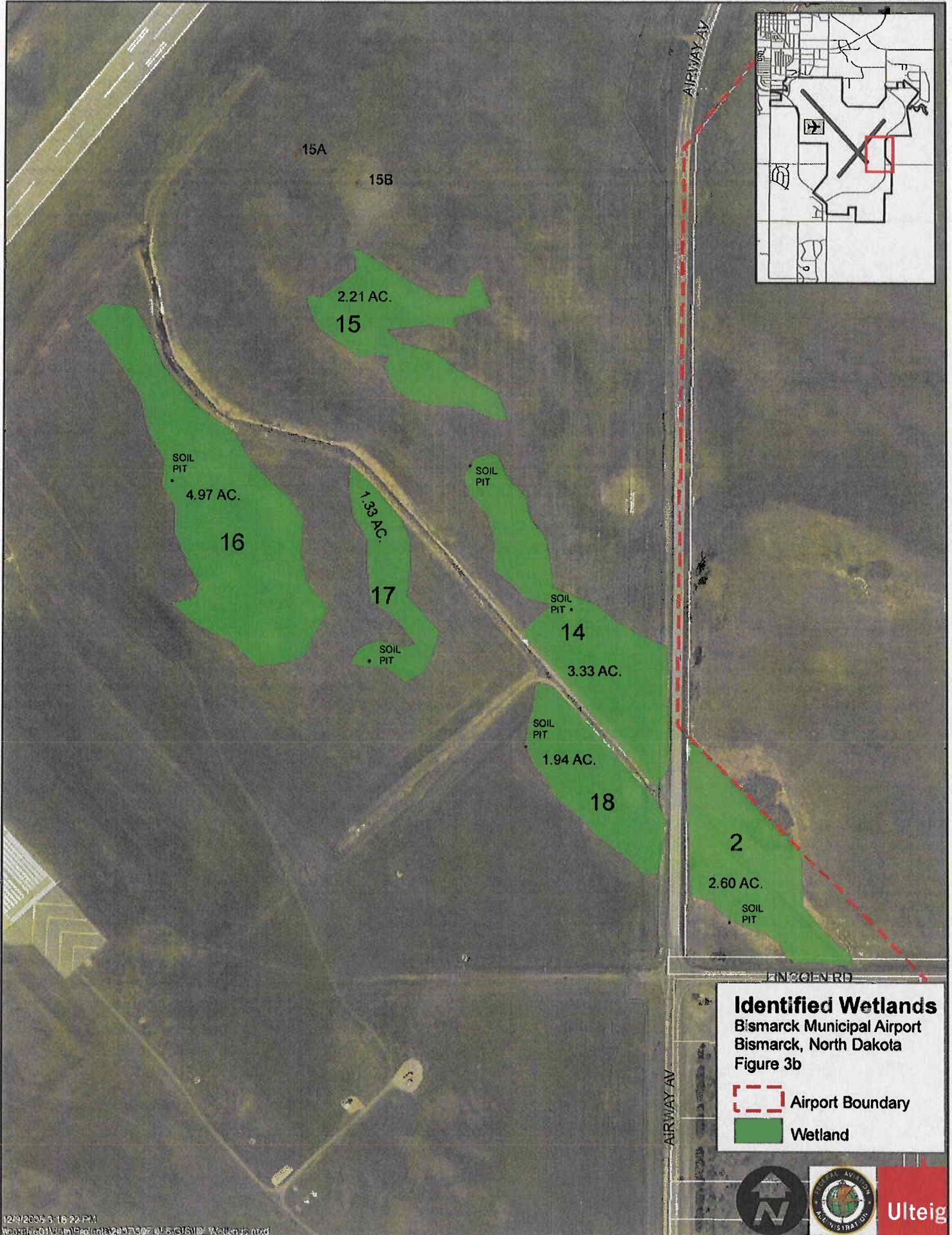
UNIVERSITY DR

CENTURION DR

Identified Wetlands
 Bismarck Municipal Airport
 Bismarck, North Dakota
 Figure 3a

-  Airport Boundary
-  Wetland





15A
15B

2.21 AC.
15

SOIL PIT
4.97 AC.
16

1.33 AC.
17

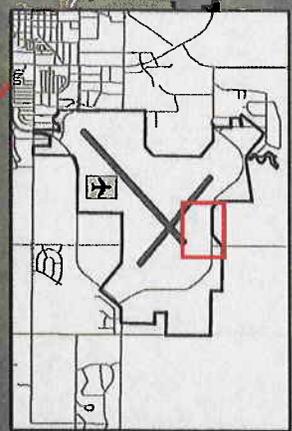
SOIL PIT

SOIL PIT
3.33 AC.
14

SOIL PIT

SOIL PIT
1.94 AC.
18

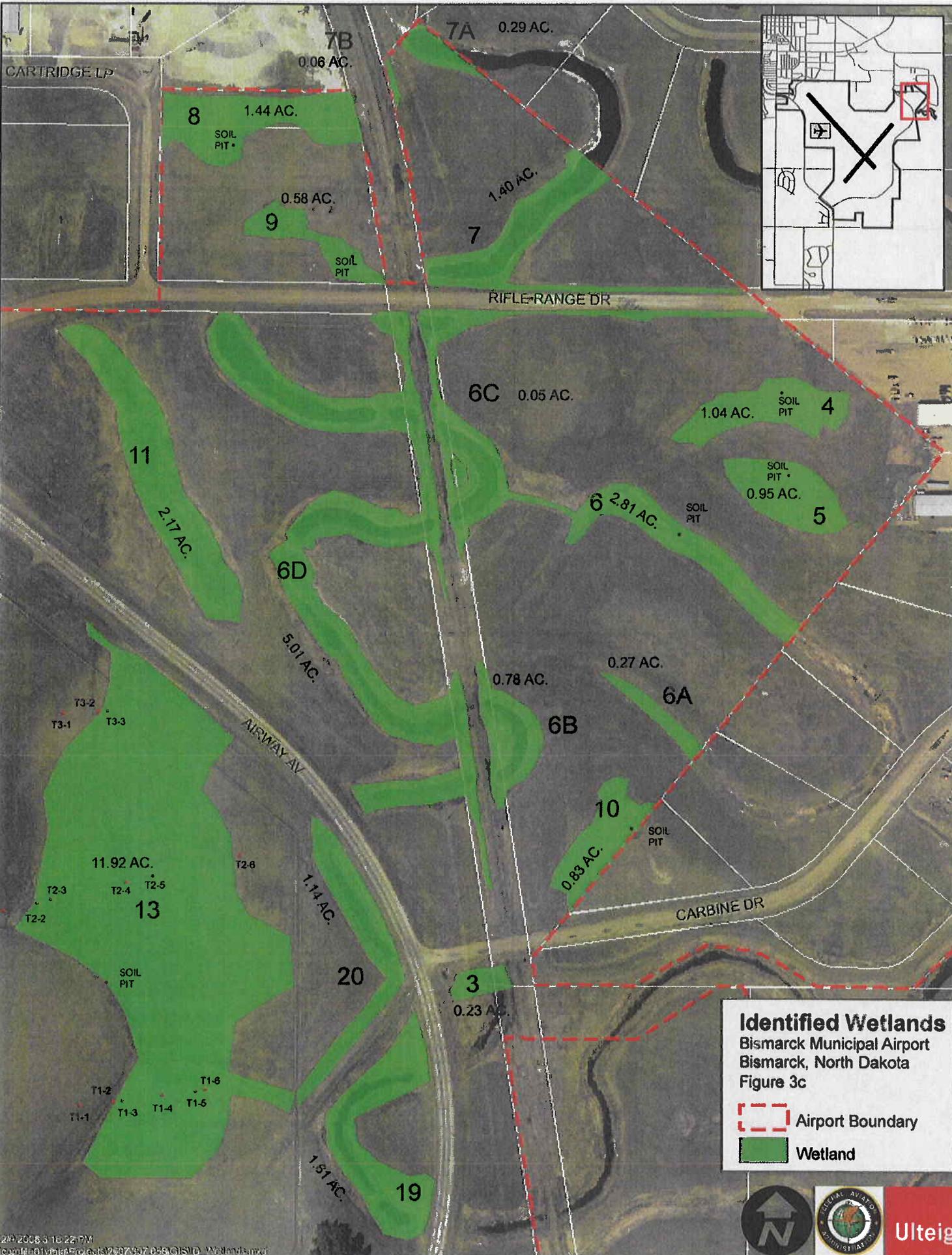
2.60 AC.
SOIL PIT
2

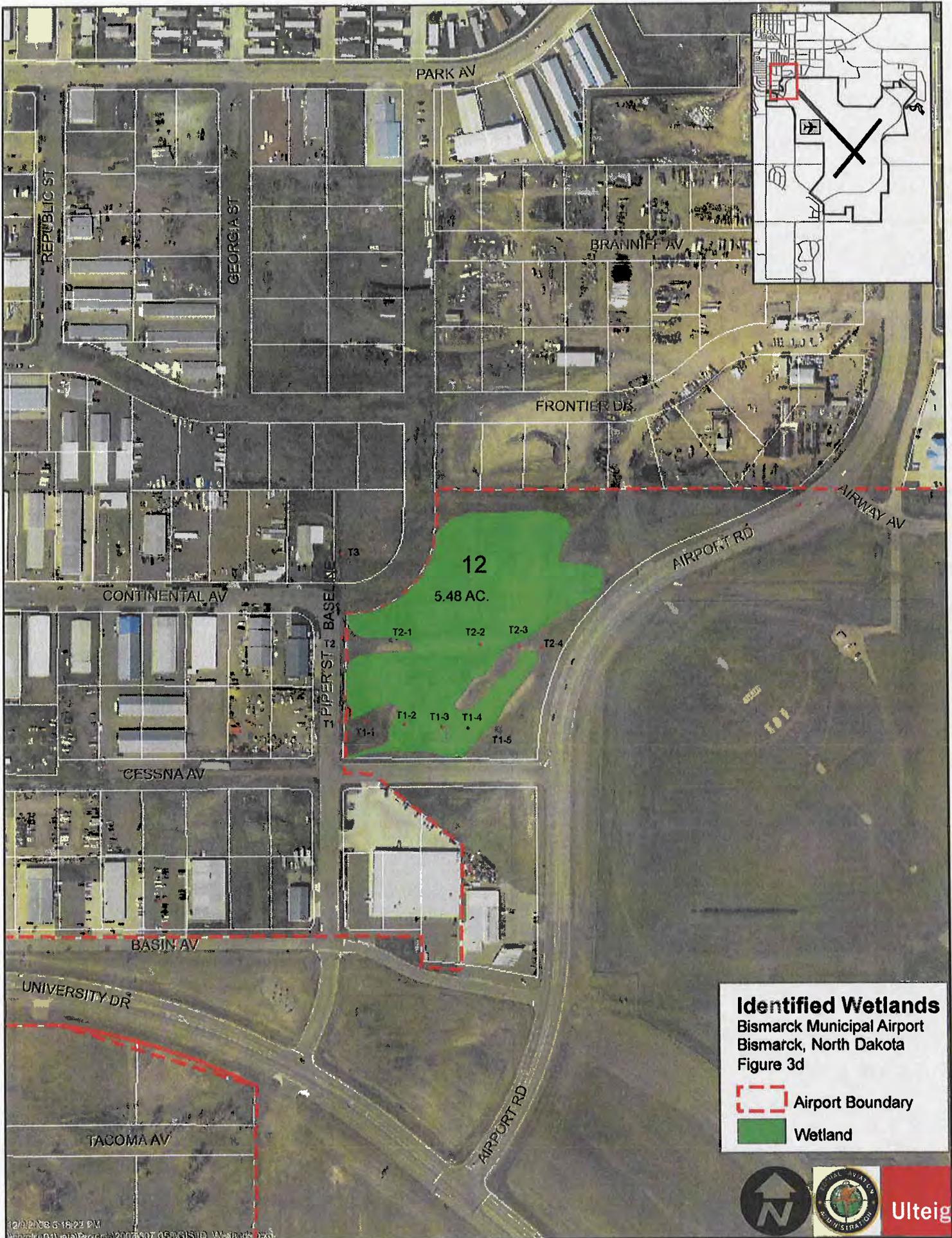


Identified Wetlands
 Bismarck Municipal Airport
 Bismarck, North Dakota
 Figure 3b

-  Airport Boundary
-  Wetland







Identified Wetlands
 Bismarck Municipal Airport
 Bismarck, North Dakota
 Figure 3d

-  Airport Boundary
-  Wetland



Ulteig

APPENDIX H

Public Haring Materials

- *Ad*
- *Affidavit of Publication*
- *Press Release*
- *Distribution Package*
 - *Agencies and Interested Parties*
 - *Mailing List*
 - *Letter*
- *Public Hearing Documents*
 - *Sign-In Sheet*
 - *Handout*

**NOTICE OF PUBLIC HEARING
AND AVAILABILITY OF ENVIRONMENTAL ASSESSMENT
CONCERNING IMPROVEMENTS AT BISMARCK AIRPORT
BISMARCK, ND**

The City of Bismarck, in cooperation with the Federal Aviation Administration and the North Dakota Aeronautics Commission, announces that a Public Hearing will be held on Tuesday, December 16, from 4:30 to 6:30 p.m. at the Bismarck Airport, Bismarck, ND in Conference Room A & B in the terminal building. This Hearing is being held to present and discuss the proposed action and the economic, social, and environmental effects of the proposed action. Exhibits will be on display. Representatives from KLJ will be available to answer your questions and receive your comments. A formal presentation will begin at 5:30 p.m., followed by a question-and-answer period.

Notice is hereby given of the availability of the Environmental Assessment for the proposed action at the Bismarck Airport. An Environmental Assessment was prepared pursuant to the National Environmental Policy Act of 1969 to assess the environmental impacts associated with the proposed action. The preferred alternative consists of the following:

The proposed action includes providing approximately 650 feet of general aviation (GA) apron frontage for Fix Based Operator (FBO) development. The new apron frontage would be located on the northwest GA apron and run parallel to University Drive, in conformity with the Airport's Airport Layout Plan. The proposed action would be accomplished by removing or relocating a City owned hangar (Hangar #5), removing or relocating an existing FBO hangar (Hangar #38), removing a City owned office/terminal building (Building #22) and paving approximately 15,200 square yards of new concrete apron.

Copies of the Environmental Assessment, which explains the proposed action and its environmental impacts, are available for public inspection during normal business hours at the following locations:

- ➔ Federal Aviation Administration, Airports District Office, 2301 University Drive Building 23B, Bismarck, ND
- ➔ North Dakota Aeronautics Commission, 2301 University Drive, Building 22, Bismarck, ND
- ➔ Airport Manager's Office at Bismarck Airport, Bismarck, ND

Also copies of the Environmental Assessment are available for download by request. Please contact Curt Cady at curt.cady@kljeng.com .

Individuals or organizations wishing to submit comments on the Environmental Assessment should do so within 30 days or by December 29, 2014. Comments should be made to:

Curt Cady, Environmental Planner
KLJ
4585 Coleman Street
Bismarck, ND 58503

BISMARCK MUNICIPAL AIRPORT

PO BOX 991
BISMARCK ND 58502

Customer: 60006989
Phone: (701) 222-6502
Date: 11/15/2014

RECEIVED
NOV 21 2014

Date	Order #	Tvbe	Order Amt
11/15/14	20757733	INV	63.20
Amount Paid:	CK #:		

CREDIT CARD PAYMENT (circle one)



Card #: _____
Exp Date: _____
Signature: _____
Credit card users: Fax to 608-791-8212

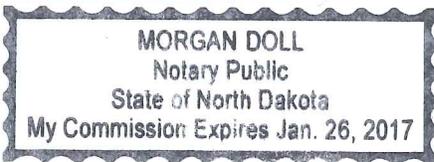
CashAm

PLEASE DETACH AND RETURN TOP PORTION WITH YOUR PAYMENT

Lee Enterprises no longer accepts credit card payments sent via e-mail. Emails containing credit card numbers will be blocked. Please use the coupon above to send a credit card payment to remittance address located in the upper right corner. You may also send the coupon to a secure fax at 608-791-8212.

Date	Date	Times Run	Description	Lines	Class Code	Order Amt	Net Amt Due
11/15/14	11/15/14	1	Improvements at Airport Bismarck Tribune PO:Public Hearing	80.00	Legals	63.20	63.20

Affidavit of Publication
State of North Dakota) SS County of Burleigh
Before me, a Notary Public for the State of North Dakota personally appeared CK who being duly sworn, deposes and says that he (she) is the Clerk of Bismarck Tribune Co., and that the publication(s) were made through the Bismarck Tribune on the following dates: 11/15 Signed Carmen Kuntz sworn and subscribed to before me this 20th day of November 14
Morgan Doll
Notary Public in and for the State of North Dakota



NOTICE OF PUBLIC HEARING AND AVAILABILITY OF ENVIRONMENTAL ASSESSMENT CONCERNING IMPROVEMENTS AT BISMARCK AIRPORT BISMARCK, ND

The City of Bismarck, in cooperation with the Federal Aviation Administration and the North Dakota Aeronautics Commission, announces that a Public Hearing will be held on Tuesday, December 16, from 4:30 to 6:30 p.m. at the Bismarck Airport, Bismarck, ND in Conference Room A & B in the terminal building. This Hearing is being held to present and discuss the proposed action and the economic, social, and environmental effects of the proposed action. Exhibits will be on display. Representatives from KLJ will be available to answer your questions and receive your comments. A formal presentation will begin at 5:30 p.m., followed by a question-and-answer period.

Notice is hereby given of the availability of the Environmental Assessment for the proposed action at the Bismarck Airport. An Environmental Assessment was prepared pursuant to the National Environmental Policy Act of 1969 to assess the environmental impacts associated with the proposed action. The preferred alternative consists of the following:

The proposed action includes providing approximately 650 feet of general aviation (GA) apron frontage for Fix Based Operator (FBO) development. The new apron frontage would be located on the northwest GA apron and run parallel to University Drive, in conformity with the Airport's Airport Layout Plan. The proposed action would be accomplished by removing or relocating a City owned hangar (Hangar #5), removing or relocating an existing FBO hangar (Hangar #38), removing a City owned office/terminal building (Building #22) and paving approximately 15,200 square yards of new concrete apron.

Copies of the Environmental Assessment, which explains the proposed action and its environmental impacts, are available for public inspection during normal business hours at the following locations:

- Federal Aviation Administration, Airports District Office, 2301 University Drive Building 23B, Bismarck, ND
- North Dakota Aeronautics Commission, 2301 University Drive, Building 22, Bismarck, ND
- Airport Manager's Office at Bismarck Airport, Bismarck, ND

Also copies of the Environmental Assessment are available for download by request. Please contact Curt Cady at curt.cady@kljeng.com.

Individuals or organizations wishing to submit comments on the Environmental Assessment should do so within 30 days or by December 29, 2014. Comments should be made to:

Curt Cady, Environmental Planner
KLJ
4585 Coleman Street
Bismarck, ND 58503

11/15 - 20757733

Please return invoice or put order number on check. Thank You.

Remarks

Bismarck Tribune
www.bismarcktribune.com
PO BOX 4001
LaCrosse, WI 54602-4001

63.20

From: [Jill Furaus](#)
Subject: Public Hearing/Open House to Discuss Bismarck Airport Project
Date: Tuesday, December 02, 2014 4:25:21 PM

NEWS RELEASE

FOR IMMEDIATE RELEASE

CONTACT: Curt Cady, Environmental Planner
KLJ
(701) 355-8719

Bismarck Airport Environmental Assessment Public Hearing

The City of Bismarck, in cooperation with the Federal Aviation Administration and the North Dakota Aeronautics Commission, will hold a Public Hearing–Open House on December 16, 2014 from 4:30 p.m. to 6:30 p.m. The Public Hearing–Open House will be held at the Bismarck Airport Terminal in Conference Room A/B above baggage claim. Representatives from KLJ and the Airport will be available to answer questions and receive your comments. A formal presentation will begin at 5:30 p.m., followed by a question and answer period.

The intent of this public hearing is to inform the public on the progress of the project, receive input regarding the preferred alternative, and to summarize the findings of the environmental analysis. Aerial photographs and alternatives that have been considered will be on display.

The proposed project will provide additional general aviation apron frontage needed to accommodate expanded Fixed Based Operations. The proposed project will be accomplished by removing or relocating three existing buildings and paving approximately 15,200 square yards of new concrete apron. This includes Hangar #5 which is eligible for listing on the National Register of Historic Places.

KLJ is a consulting firm specializing in airports across North Dakota. For further information, call Curt Cady, Environmental Planner at (701) 355-8719.

Those attending should park in the short term parking lot and bring their parking stub into the meeting for validation.

– END –

Bismarck Public Hearing Mailing List

Prefix	First Name	Last Name	Title	Company	Address1	City	State	Zip Code
Mr.	Robert	Stewart	Regional Environmental Officer	US Department of Interior	PO Box 25007 (D-108)	Denver	CO	80225-0007
Mr.	Raymond	Wallace	Historic Preservation Technician	Advisory Council on Historic Preservation	401 F Street, Suite 308	Washington	DC	20001-2637
Mr.	Merl	Paaverud	State Historic Preservation Officer	State Historical Society of ND	612 E. Boulevard Ave.	Bismarck	ND	58505-0830
Mr.	Dave	Glatt	Chief	ND Department of Health	PO Box 5520	Bismarck	ND	58506-5520
Dr.	Leander	McDonald	President	United Tribes Technical College	3315 University Dr.	Bismarck	ND	58504
Ms.	Waste' Wfn	Young		Standing Rock Sioux Tribe, THPO	PO Box D	Fort Yates	ND	58538
Mr.	Pete	Coffey		Three Affiliated Tribes, THPO	PO Box 429	Parshall	ND	58770



◇ November 13, 2014

Recipient Name
Recipient Title
Recipient Company
Recipient Address
Recipient City, State, Zip

Re: **November 2014 Draft Environmental Assessment
Bismarck Airport; Bismarck, ND**

Dear Recipient Name:

This letter accompanies one copy of the November 2014 Draft Environmental Assessment for the above referenced project. A Public Hearing is scheduled for December 16, 2014, at the Bismarck Airport terminal in Conference Room A & B to discuss the Environmental Assessment. The Public Hearing will be held from 4:30 to 6:30 p.m.

If you have any questions or comments on the project, please contact Curt Cady at (701) 355-8719. Please note that the comment period ends December 29, 2014. Thank you for your time and cooperation.

Sincerely,

KLJ

A handwritten signature in blue ink that reads "Curt Cady". The signature is written in a cursive style.

Curt Cady
Environmental Planner

Enclosure(s): 1 Draft Environmental Assessment November 2014
1 Notice of Availability

Project #: 1513713
cc: Lindsay Butler, FAA Airports Division - Great Lakes Region

Sign In

BISMARCK AIRPORT Environmental Assessment Public Hearing

December 16, 2014

(PLEASE PRINT)

Name	Business/Organization	Street Address	City/State	Zip Code	E-mail
Jerry McLaughlin	Bmas	3901 Normandy	Bismarck ND	58503	GDMcLac@BismarckND.gov
Walter L. Bailey	Bismarck Historical Soc	514 E. Ave E.	Bismarck ND	58501	wbailey@nt.gov
Gary R. NISS	BMAF	4421 Lookout Trk	"	58504	GNISS45@Outlook.com
Michael M. Conlin	BMAF	1008 Highland Pl	"	58501	MMConlin@KotVillage.com
Paul Vetter	EATC	Airport	"		
John Miller	EATC	Airport	"		
CRAG GRIESSBACH	KNIFE RIVER	3303 Rock Island Pl	Bismarck ND	58504	CRAIG.GRIESSBACH@EVERIVER.COM
Lloyd Dosch	KNIFE RIVER	"	"	"	lloyd.dosch@kniferiver.com
Nick Sterner	Veit & Co.	2801 Men. Hwy.	Mandan, ND	58554	nsterner@veitusa.com
DICK TRAVIS	VEIT CO.	"	"	"	dtravis@veitusa.com
RONNY LAMBERTH	UTTC	335 UNIVERSITY DR.	BISMARCK, ND	58504	r.lambert@uttc.edu
BOB ROSWICK	BISMARCK AREA MUSEUM FOUNDATION	4315 EVANGELIST	BISMARCK ND	58504	ROSWICK@ME.COM
Roger Pfeiffer	Bm	402 E. Broadway Dr.	B. D.	58503	
Andrew Larson	KLS	3700 W Regent Dr	Bismarck, ND	58504	andrew.larson@klsnj.com
Susan Quinnell	ND5701	602E Boulevard Ave	Bismarck ND	58505	squinnelle@nd.gov
Curt Cacko	HLW	4585 Coleman St	Bismarck	58503	curt.cacko@klsnj.com
Tom Neigum	KCS	"	"	"	tom.neigum@klsnj.com
Joe Schraatz	BTS	PO Box 991	Bismarck	58502	jschraatz@bismarcknd.gov

Sign In

December 16, 2014

BISMARCK AIRPORT

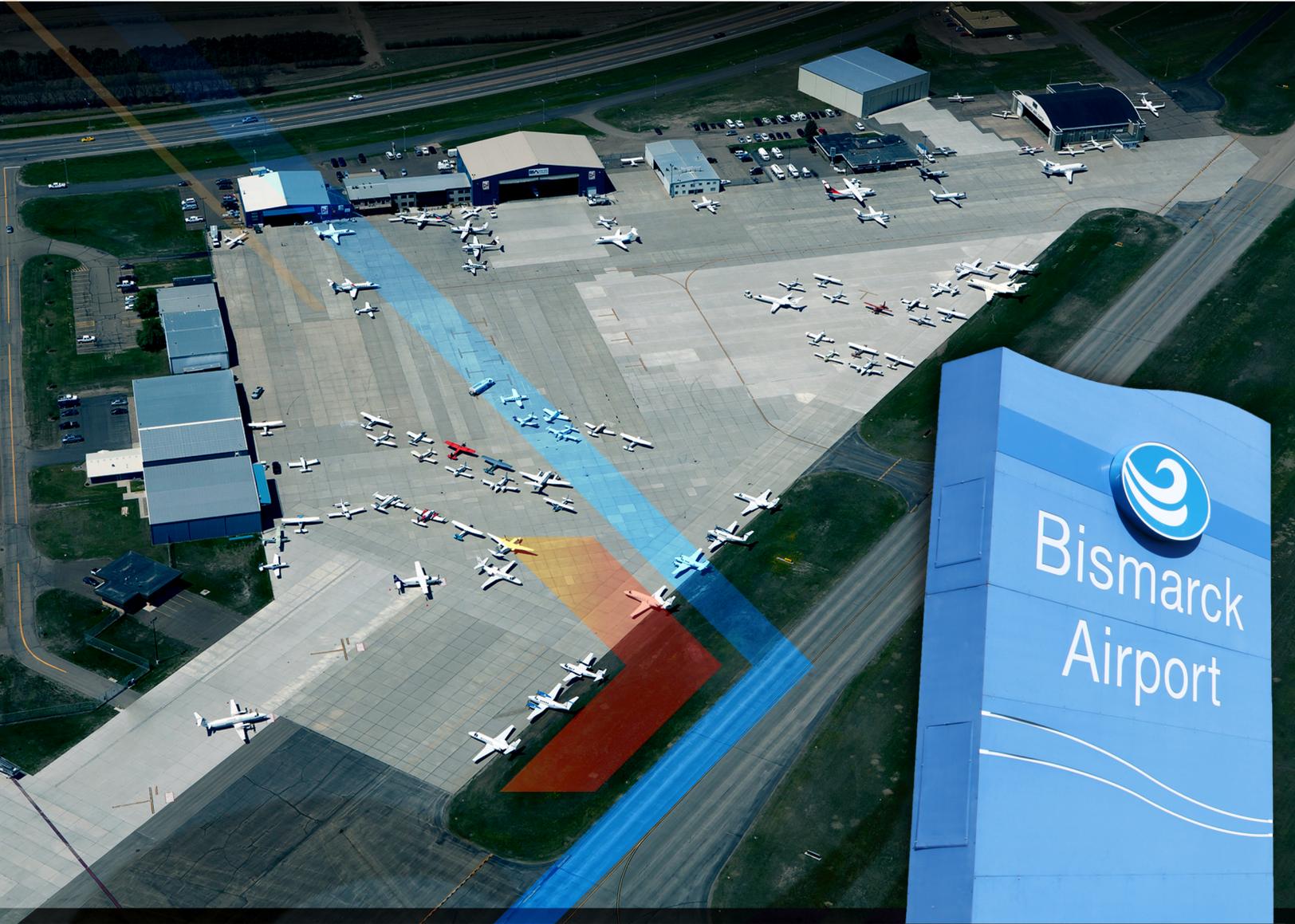
Environmental Assessment Public Hearing

(PLEASE PRINT)

Name	Business/Organization	Street Address	City/State	Zip Code	E-mail
Todd Humphrey	American Bank Center	Mendon	ND	58554	thumphrey@weaveameridn.com
Bob Simmers	Bismarck Aero Center	2301 University Dr	Bismarck ND	58504	bob@bismarckairport.com
Jon Simmers	Bismarck Aero Center	2301 University Dr #53	Bismarck ND	58504	jon@bismarckairport.com
DARREL PITMAN	RTMair Aviation	1805 BERKEL DR	BIS	58503	stephen@bismarckairport.com
MARK J. HOLZER	FAA DMA ADO	2301 University Dr - 208	BIS	58504	MARK.HOLZER@faa.gov
John A. Saiki	SIRF Consulting	2370 Vermont Ave	Bismarck	58504	john.saiki@sirfconsulting.com
Greg Haug	Bismarck Airport	2301 University Dr	Bismarck	58504	ghaug@bismarckairport.com
PAT DUBELK		9721 Kailly Dr.	Bis	58503	PWD@peerk.com
Mike Acresford	Bismarck Aero Center	2301 University Bldg 53	BIS	58504	Mike@bismarckairport.com
Emily Sakariassen		603 N Marston St	BIS	58501	emily.sak@bismarckairport.com
Tim THORSEN	Bismarck Airport	PO Box 991	Bismarck	58502	thorsen@bismarckairport.com

BISMARCK AIRPORT

Environmental Assessment Public Hearing



December 16, 2014

Bismarck Airport Terminal
Conference Room A/B

Open House 4:30 pm to 6:30 pm
Formal presentation 5:30 pm



Bismarck



Draft Environmental Assessment

General Aviation Apron Expansion

Bismarck Airport



Project Description:

Expand the General Aviation Apron to provide approximately 650 feet of apron frontage to accommodate expansion of Fix Based Operations.

Prepared By:

KLJ
November 2014

Sponsor:

City of Bismarck,
North Dakota



THIS ENVIRONMENTAL ASSESSMENT BECOMES A FEDERAL DOCUMENT WHEN EVALUATED AND SIGNED AND DATED BY A RESPONSIBLE FAA OFFICIAL

Responsible FAA Official

Date

This Public Hearing on the Draft Environmental Assessment aides in identifying the project purpose and need, alternatives studied, and the social, economic, environmental, and other impacts of the project.

Objective of the Proposed Action

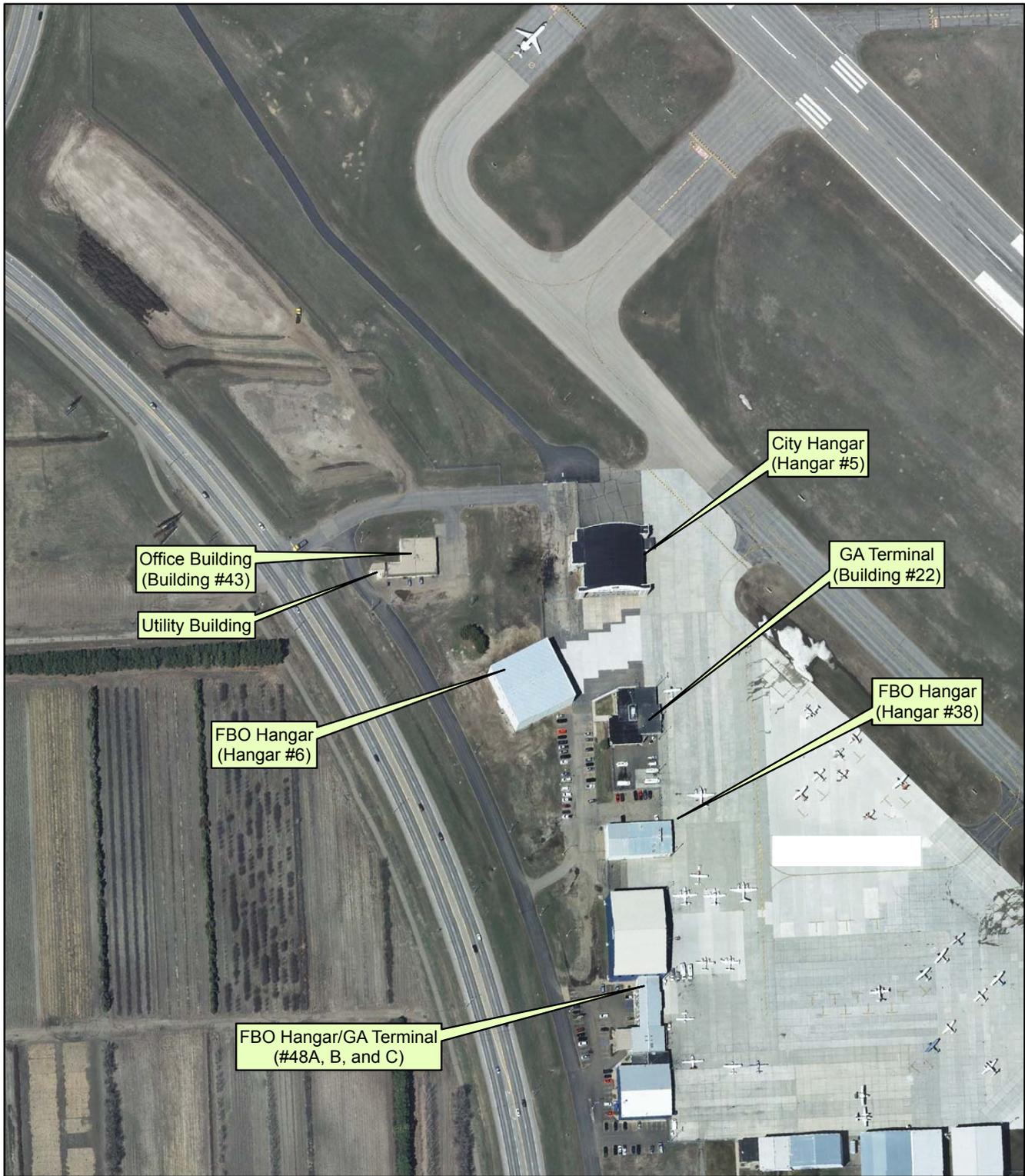
This action has been proposed to address Bismarck Airport's limited ability to provide development necessary to accommodate for the current and future Fixed Based Operator(s) (FBO) facilities at Bismarck Airport (Airport).

Proposed Action

The proposed action includes providing approximately 650 feet of general aviation (GA) apron frontage for FBO development. The new apron frontage would be located on the northwest GA apron and run parallel to University Drive, in conformity with the Airport's March, 2008 Airport Layout Plan. The proposed action would be accomplished by removing or relocating a City owned hangar (Hangar #5), removing or relocating an existing FBO hangar (Hangar #38), removing a City owned office/terminal building (Building #22) and paving approximately 15,200 square yards of new concrete apron. Please refer to the following exhibit: [ALTERNATIVE B, REALIGNMENT OF EXISTING NORTHWEST GENERAL AVIATION APRON](#) to view of the proposed action.

The proposed action would provide apron frontage necessary for the FBO(s) to construct three corporate style hangars approximately 15,675 square feet in size (one additional hangar, two hangars to replace Hangar #5 and Hangar #38) each needing up to 175 feet of apron frontage, a new terminal/office building (size undetermined) to replace Building #22 that could take up to 125 feet of apron frontage, and all the associated improvements (lighting, underground utilities access roads, auto parking areas, etc.). Additionally the new alignment will provide flexibility for future FBO expansion to the northwest of the new apron.





J:\airport\1510707\GIS_2011_Maps\Alternative_A.mxd CC 03-14-2014

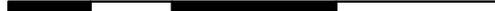
*Intended for Planning Purposes Only



PRELIMINARY



0 250 500 750 Feet



**Bismarck Airport
Alternative A
No Action**



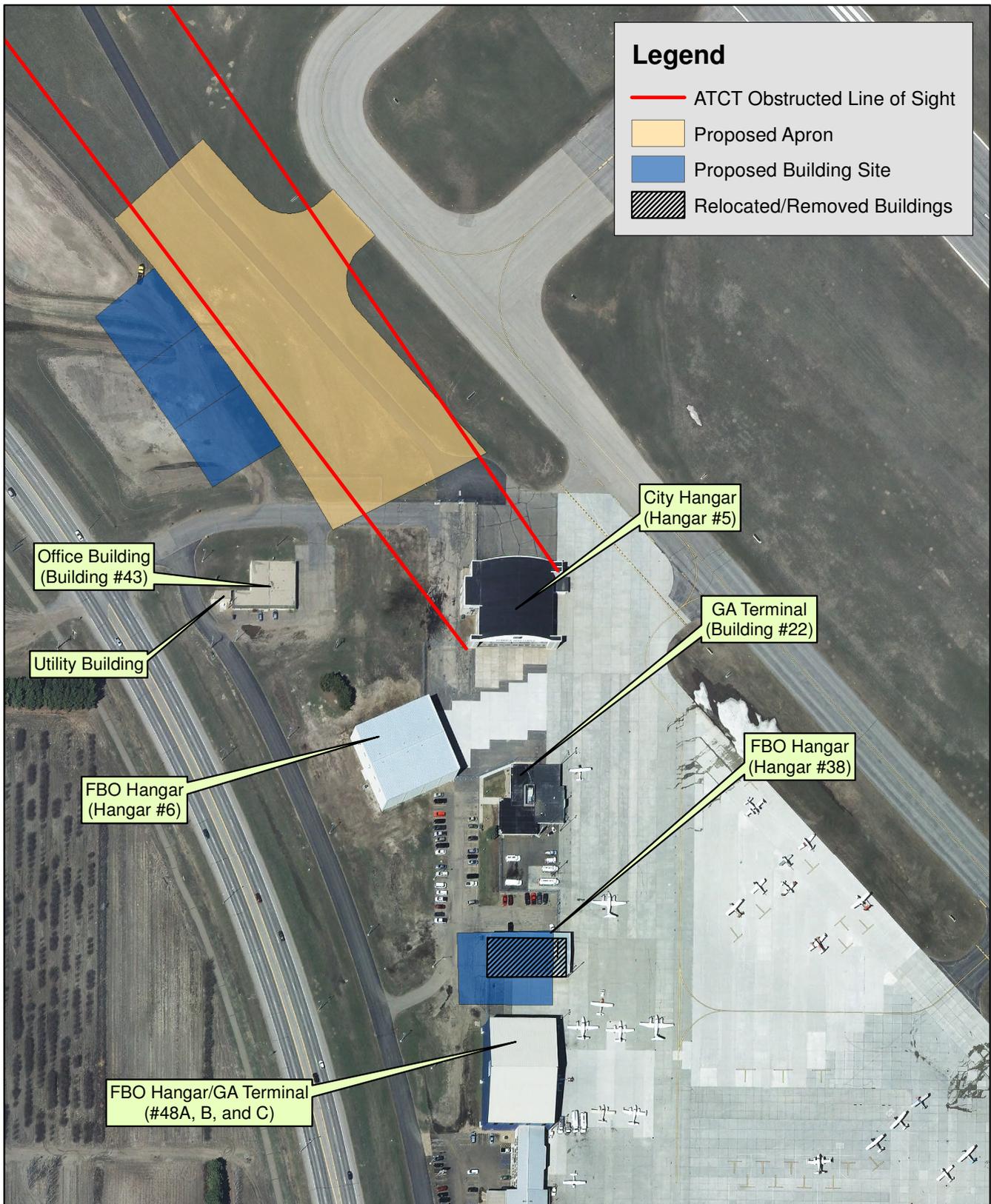
*Intended for Planning Purposes Only



PRELIMINARY



**Bismarck Airport
Alternative B
Construct GA Apron
for FBO Expansion**



Legend

- ATCT Obstructed Line of Sight
- Proposed Apron
- Proposed Building Site
- Relocated/Removed Buildings

*Intended for Planning Purposes Only

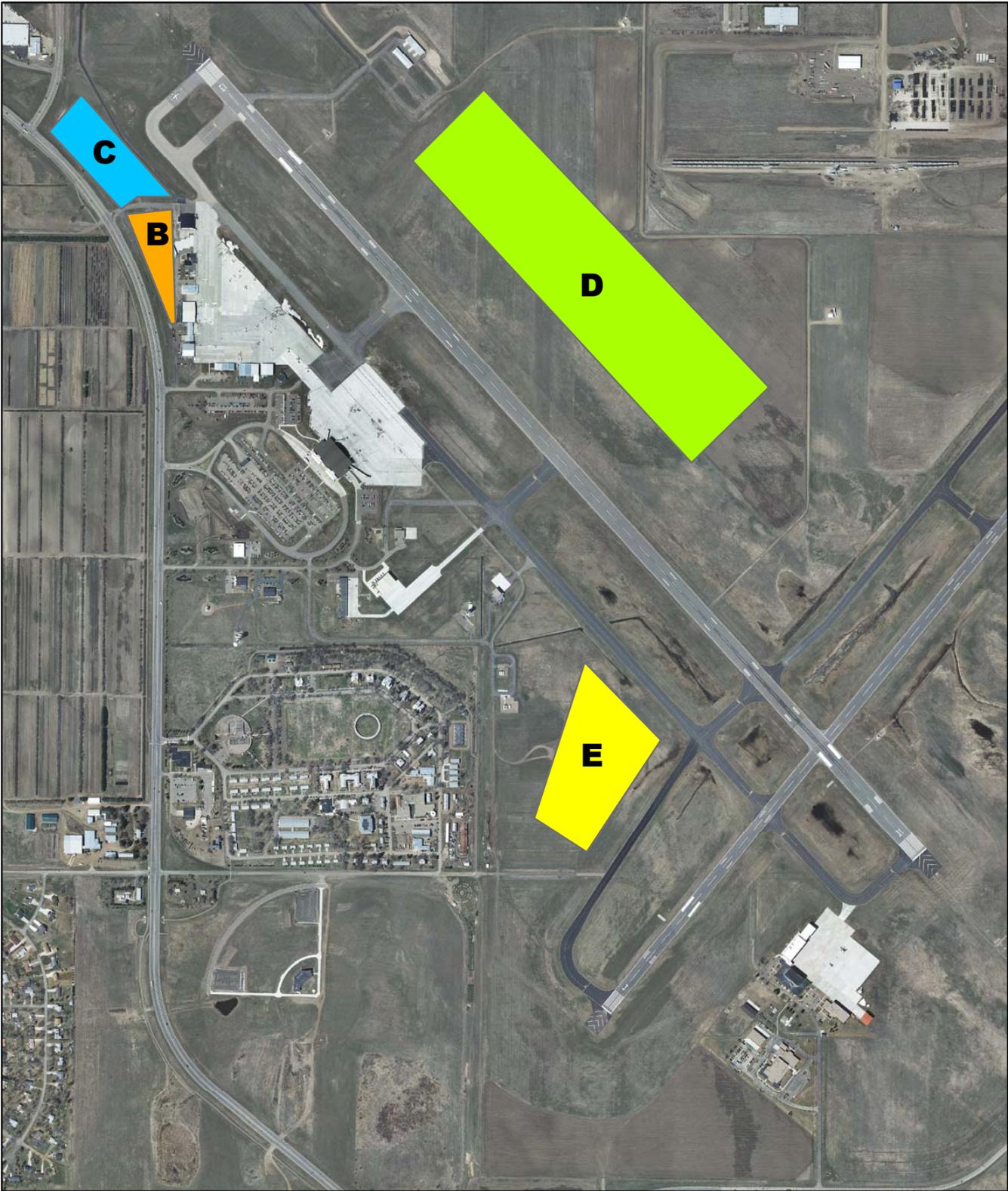
J:\airport\1510707\GIS_2011\Maps\Alternative_C.mxd TLG/03-13-2014



PRELIMINARY



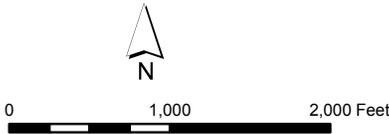
**Bismarck Airport
 Alternative C
 Construct GA Apron
 For FBO Expansion**



*Intended for Planning Purposes Only



PRELIMINARY



**Alternative Locations
Considered**



Project Purpose and Need

The purpose of the proposed action is to provide public apron frontage to facilitate expansion of existing FBO services at the Airport in a manner that is consistent with the Airport Layout Plan (ALP). Increased aircraft operations, change in GA fleet mix, and facility capacity demands are driving the need for the existing FBO(s) to expand current operations in order to continue to provide the essential services that support the flying public using the Airport. The project is needed because the current northwest GA apron does not have any apron frontage available to support additional FBO hangars, GA terminals, and/or office space development.

Environmental Assessment Process:

- » Prepare Draft Environmental Assessment (EA)
- » Provide public and agency review
- » Conduct public hearing
- » Prepare Final EA, including responses to comments on the EA
- » Obtain environmental clearance from the Federal Aviation Administration

Components of an EA:

- » Define purpose and need
- » Identify the reasonable alternatives
- » Identify the existing conditions
- » Evaluate the potential impacts of the alternatives
- » Develop potential mitigation measures



Social, Economic, Environmental, and Other Impacts

A detailed environmental analysis was conducted to determine the impacts of the proposed alternatives. A discussion of the probable environmental consequences is contained in Chapter 3 of the September 2012 EA. The following table is a summary of impacts for the preferred alternative:

<p>Air Quality: Not located in a nonattainment area; General Conformity Rule does not apply. No impacts to air quality.</p>	<p>Historical, Architectural, Archaeological, and Cultural Resources: The proposed action will have an Adverse Effect on Hangar #5 by removing it from its current location.</p>
<p>Coastal Resources: Not located within a coastal barrier or coastal zone.</p>	<p>Light Emissions and Visual Impacts: Changes to visible landscape by removal/relocation buildings.</p>
<p>Compatible Land Use: No Impact.</p>	<p>Natural Resources and Energy Supply: Use of energy and natural resources for construction.</p>
<p>Construction Impacts: Temporary impacts include increased noise, mobile source emissions, fugitive dust, soil erosion, and water quality.</p>	<p>Noise: Temporary increase due to construction. No permanent noise impacts.</p>
<p>Department of Transportation Act—Section 4(f): Physical use of a Section 4(f) resource. Impacts minimized by mitigation. Determined to be the only prudent and feasible alternative.</p>	<p>Secondary (Induced) Impacts: No reasonably foreseeable impacts.</p>
<p>Farmlands (Prime or Important): No impacts to prime or important farmland.</p>	<p>Socioeconomic Impacts, Environmental Justice, and Children's Environmental Health and Safety Risks: No Impacts.</p>
<p>Fish, Wildlife, and Plants: No impacts.</p>	<p>Water Quality: Potential for minimal impacts during construction minimized by use of Best Management Practices.</p>
<p>Floodplains: No impact.</p>	<p>Wetlands: No impact.</p>
<p>Hazardous Materials, Pollution Prevention, and Solid Waste: No known contamination sites; no anticipated impacts. Asbestos Containing Materials is located in some of the buildings been removed/relocated.</p>	<p>Wild and Scenic Rivers: No impact.</p>

Alternatives Analysis

Three alternatives were examined for their potential ability to meet the purpose and need established for Bismarck Airport. A detailed description of the various alternatives considered is contained in Chapter 2 of the November 2014 Draft Environmental Assessment. Please refer to the included drawings that illustrate the alternatives considered. The alternatives included:

- » Alternative A: No-Action
- » Alternative B: Realignment of the existing Northwest General Aviation Apron.
- » Alternative C: New Northwest General Aviation Apron.

Identification of the Preferred Alternative

- » Remove or relocate Hangar #5.
- » Remove or relocate Hangar #38.
- » Remove Building #22.
- » Amend property lease for Building #43.
- » Pave approximately 4,700 square yards of concrete apron south of Hangar #6.
- » Pave approximately 10,500 square yards of concrete apron north of Hangar #6.
- » Preliminary grading and utility work to provide no less than four building sites with automobile parking, lighting, and access roads.

The following mitigation measures have been incorporated into this alternative:

- » Hangar #5 would be photographically documented in accordance with North Dakota Architectural Documentation Standards.
- » Hangar #5 would be offered to any state or local government or responsible private entity to relocate and maintain the building. Relocation would mean that Hangar #5 would be moved in whole or in part to an alternative location in accordance with the requirements set forth in a Memorandum of Agreement (MOA). There are currently two locations that have been preliminarily identified on the Airport as potential relocation sites. One is in the northwest corner adjacent to University Drive and Airport Road. The other potential location is on the north side of the Airport just south of Airway Avenue.
- » If no acceptable offers are made for Hangar #5, it will be dismantled and a plaque would be erected at a public location on the Airport describing the building and its significance.

Project Schedule

The FAA (Federal Aviation Administration), Bismarck Airport District Office, reviewed the Draft November 2014 EA. Following the Public Hearing and 30-day comment period, the FAA will review the final document, agency and public comments, and responses to comments, to determine whether an EIS (Environmental Impact Statement) or a FONSI (Finding of No Significant Impact) should be prepared. At this time, the project schedule is uncertain and will be dependent upon funding. Right-of-way acquisition and relocation assistance cannot occur until environmental clearance from the FAA is received. No project schedule is determined at this time, pending funding availability.

About This Hearing

Today's Public Hearing is an important part of the public information program designed to keep the public, agencies, and interested parties informed about the project. It is also an opportunity to gather community comments and positions from all interested parties for public record and for consideration in the decision making process. The information provided today identifies the project purpose and need, alternatives studied, and the social, economic, environmental, and other impacts of the project. We welcome any comments you have regarding this project. Written statements will be made a part of the official record if received by December 29th, 2014. Thank you for your interest in the Bismarck Airport project. Please submit comments by **December 29th, 2014** to:

Curt Cady, Environmental Planner

KLJ

4585 Coleman Str.

Bismarck, ND 58503

Email: curt.cady@kljeng.com

APPENDIX I

Public Hearing Comments

- *Comment and Response Log*

Agency Comments

- *ND Department of Health(Letter)*
12/01/14
- *State Historical Society of North Dakota (Phone Log)*
11/18/14
- *State Historical Society of North Dakota (Letter)*
12/31/14
- *Bismarck Historical Society (Letter)*
12/29/14
- *United Tribes Technical College (Phone Log)*
11/24/14

Public Comments

- *Knife River MDU Resources (Phone Log)*
12/15/14

Environmental Assessment - Bismarck Airport - General Aviation Apron Expansion

Public Hearing Comments

Agency Comments (excluding SOV responses)

Date Received	Name	Mail Method	Comment	Response
12/1/2014	ND Department of Health, David Glatt, P.E., Chief Environmental Health Section	Letter	Informed that projects disturbing one or more acres need a permit to discharge storm water runoff until the site is stabilized. Also suggested to check with local officials on post-construction storm water quality and make sure the storm water management considerations are addressed	Application for the NPDES Permit is called out as a commitment in the Final EA. All construction plans are reviewed by the City of Bismarck prior to implementation.
11/18/2014	ND SHPO, Susan Quinell, Review and Compliance Coordinator	Phone	Susan stated that State Historical Society was in full support of Hangar #5's use as a museum, but in case it doesn't turn into a museum they would like to be able to use it for cold storage but wondered if it could remain on the Airport.	Comment noted.
12/31/2014	ND SHPO, Susan Quinell, Review and Compliance Coordinator	Letter	SHPO reviewed the Draft EA and had no comments. A list of comments were received pertaining to the MOA for Hangar 5.	No comments on draft EA were noted. Comments on the MOA were coordinated with the City of Bismarck and on a conference call between the FAA, SHPO, and the Airport's consultant on January 16, 2015. A final version satisfactory to all parties was prepared and disturbed for signature. SHPO signed on February 3, 2015; the City of Bismarck on February 10, 2015 and the FAA executed the MOA on February 19, 2015.
12/29/2014	Bismarck Historical Society, Walter L. Bailey, Executive Director	Letter	Comments: (1) Requested we send an EA to Bismarck Historical Society's; (2) Agreed that Hangar #5 is indeed eligible for NRHP and Alternative B would adversely affect the building; (3) Concerned about extent and quality of the recordation for mitigation and is concerned that important elements of historic value may be lost if the historic scope is not expanded, also concerned that the building only being proposed to become a museum raises the likelihood of the building being destroyed and not preserved; (4) Concerned that federal funding will be delayed and the building will be destroyed so they suggest changing the time limit to begin after project funding is assured; (5) Request the Bismarck Historical Society receive a copy of the Level III HABS/HAER recordation mentioned in the MOA	<p>1) A link where the draft EA could be downloaded was forwarded to Mr. Bailey on 12/30/2014. The Bismarck Historic Society was added to the list of agencies that would receive a full copy of the Final EA and was added to the list of agencies listed in the MOA to receive a copy of the recordation of Hangar 5.</p> <p>2) Comment is noted.</p> <p>3) A Chronology of Hangar 5 was added to the mitigation requirements listed in the MOA for adverse impact. The future use as an aerospace museum has not been predetermined by the EA or the MOA. The hangar will be advertised to interested parties that may take over the hangar for other uses. Use as an aerospace museum was identified as the preferred form of mitigation to inform the public that the Airport has one new potential owner identified. If multiple offers are received to take over the hangar they will be evaluated based on the criteria set forth in the MOA by the FAA, the Airport and SHPO.</p> <p>4) Funding of the mitigation commitments set for within the MOA is required to receive federal funding through the FAA's grant process. The two years specified in the MOA is to find a new potential owner that is acceptable to the Airport, SHPO, and the FAA. The new potential owners will need to prepare a plan to remove and rehab the hangar at another location. Preference will be given to proposals that will move the building within two years. These timeframes have been discussed with the SHPO and agreed to in the MOA. No time limits will be placed on the full restoration or rehabilitation of the hangar once moved.</p> <p>5) The Bismarck Historic Society had been added to list of agencies in the MOA that will receive copies of the Level III recordation.</p>
11/24/2014	UTTC, Randy Lamberth, Director of Residential Life at UTTC	Phone	Concerned if the project would have any impacts on the UTTC campus properties	Responded that the project would not impact the UTTC property
12/15/2014	MDU Resources, Craig Griesbach, Concrete Construction Manager	phone	Mr. Griesbach wanted to know when the project might be bid and how large it was.	Project will be bid in phases and the project is estimated at \$1.6 million



NORTH DAKOTA
DEPARTMENT of HEALTH

ENVIRONMENTAL HEALTH SECTION
Gold Seal Center, 918 E. Divide Ave.
Bismarck, ND 58501-1947
701.328.5200 (fax)
www.ndhealth.gov



December 1, 2014

Mr. Curt Cady
KLJ
P.O. Box 1157
Bismarck, ND 58502-1157

RECEIVED
DEC 02 2014

Re: November 2014 Draft Environmental Assessment
Bismarck Airport, Burleigh County

Dear Mr. Cady:

This department has reviewed the information concerning the above-referenced project submitted under date of November 13, 2014, with respect to possible environmental impacts.

This department believes that environmental impacts from the proposed construction will be minor and can be controlled by proper construction methods. With respect to construction, we have the following comments in addition to those in our September 1, 2011 letter to Ms. Tina Fricke of your office (copy included in the Draft Environmental Assessment):

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. 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). In addition, the City of Bismarck is required to consider and address post-construction storm water quality as part of its NDPDES Small Municipal Separate Storm Sewer System (MS4) General Permit obligations. Check with the local officials to be sure any local storm water management considerations are addressed.

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

Environmental Health
Section Chief's Office
701.328.5150

Division of
Air Quality
701.328.5188

Division of
Municipal Facilities
701.328.5211

Division of
Waste Management
701.328.5166

Division of
Water Quality
701.328.5210



**RECORD OF CONVERSATION
AVIATION PRACTICE AREA**

DATE: 11-18-2014

TIME: 9:30 AM

PROJECT NUMBER: 1513713

RECORDED BY (FULL NAME): Curt Cady

TALKED WITH: Susan Quinnell

REPRESENTING: ND SHPO

PHONE NUMBER: 701 328 3576

NATURE OF CALL: INCOMING OUTGOING
 RETURNING CALL MULTI-PARTY CALL*

*List additional participant information:

SUBJECT OF CONVERSATION:



CONVERSATION SUMMARY:

Susan called to thank me for a copy of the Draft EA for the Apron Expansion project. Susan stated that the State Historical Society was in full support of Hangar #5 use as a museum. They would also make a bid to use the building in the event that it isn't used as a museum. They would like to use it for cold storage and they would like it to remain on the Airport.

Susan also stated that she planned to attend the public meeting on Dec. 16th.



**STATE
HISTORICAL
SOCIETY**
OF NORTH DAKOTA

Jack Dalrymple
Governor of North Dakota

December 31, 2014

North Dakota
State Historical Board

Ms. Lindsay Butler
Regional Environmental Program Manager
Great Lakes Region
2300 East Devon Avenue
Des Plaines, IL 60918

Calvin Grinnell
New Town - President

A. Ruric Todd III
Jamestown - Vice President

Margaret Puetz
Bismarck - Secretary

**ND SHPO Ref.:11-2061A FAA Draft Environmental Assessment and Draft
MOA on the removal of Hangar 5 from present location at Bismarck
Municipal Airport, Burleigh County, North Dakota**

Albert I. Berger
Grand Forks

Gereld Gertholz
Valley City

Dear Ms. Butler,

Diane K. Larson
Bismarck

We reviewed ND SHPO Ref.:11-2061A FAA Draft Environmental Assessment and Draft MOA on the removal of Hangar 5 from present location at Bismarck Municipal Airport, Burleigh County, North Dakota. We have no comments on the Draft Environmental Assessment. We also reviewed the document "Bismarck Municipal Airport (BIS) Bismarck, North Dakota Department of Transportation Act Section 4(f) Statement, June 2014" and have no comment.

Chester E Nelson, Jr.
Bismarck

Sara Otte Coleman
*Director
Tourism Division*

Attached please find comments on the Draft MOA.

Kelly Schmidt
State Treasurer

Thank you for the opportunity to review this project to date. We look forward to further discussions on the proposed actions. If you have any questions, please contact Susan Quinnell at 701-328-3576. E-mail: squinnell@nd.gov

Alvin A. Jaeger
Secretary of State

Sincerely,

Mark Zimmerman
*Director
Parks and Recreation
Department*

Claudia J. Berg
State Historic Preservation Officer (North Dakota)

Grant Levi
*Director
Department of Transportation*

Claudia J. Berg
Director

C: Curt Cody, KLJ, Bismarck

*Accredited by the
American Alliance
of Museums since 1986*

Susan Quinnell, Review and Compliance Coordinator, ND SHPO December 31, 2014

Comments on “Memorandum of Agreement between the City of Bismarck, North Dakota, The North Dakota State Historic Preservation Office, and the Federal Aviation Administration for the Removal of Hanger 5 from its present location at Bismarck Municipal Airport Bismarck North Dakota”

General Comment: The most important concern ND SHPO has regarding the MOA is that it does not limit the time to implement the recordation, move, and set up of Hangar 5 in its new location.

Page 1 line 2

MOA Among rather than between

Page 1 Whereas 7 line 2

Art Deco stylistic tendency

Page 2 Whereas 1 line 1

passive voice – who reviewed the Environmental Assessment, is it the signatory parties?

Page 2 Stipulations 1

Someplace in this paragraph please mention that Hangar 5 is considered eligible for the NRHP at the state level. (This is to assist the National Park Service with their determination of appropriate level of recordation). I would like to add that a detailed chronology of the uses of Hangar 5 from build date to present was not required for the June 21, 2012 Architectural Survey and should be included in the HABS recordation. It will also be useful in the interpretative signage mentioned in page 4 Item 8.

Page 3 information point b:

I think it may be useful to include “non-profit groups” in this list as a potential museum group would not necessarily be a local historic preservation group.

Page 3 information point f:

If this dollar amount is known, please include the amount.

Page 3 information point g:

long term lease agreement – can the city define long term?

Page 3 Relocation Planning and Design point 6, line 2:

please strike ~~at its own discretion~~

Page 4 Item 9: is this report the one in the EA? If so please reference the EA report here.

Page 4 Item 10: Is the Airport going to provide the rehabilitation, reconstruction and maintenance guidelines as mentioned here or is it the new owners as mentioned on page 3 item e? I believe it would be better for the Airport to provide the guidelines as it has the best access to local knowledge of Hangar 5 operations and maintenance.

Page 4 Item 14: Please add:

For the length of the long term lease as specified on Page 3 information point g.

I would like to see a **reporting clause** where the City of Bismarck will prepare a semi-annual report in letter format to all signatories on the progress of the MOA until all stipulations are completed.

THE ACHP will probably want an **expiration of MOA clause**. The most important concern ND SHPO has regarding the MOA is that it does not limit the time to implement the recordation, move, and set up of Hangar 5 in its new location.

New ND SHPO: please change signatory line to:

Claudia J. Berg, North Dakota State Historic Preservation Officer

Please include a copy of all attachments.

Attachment A something about the choke/congestion point

Attachment B a map of the general aviation area I think

Attachment C: I don't know

Attachment D: Air Traffic Control Tower Line of Sight

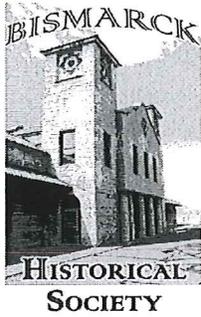
I would like to see:

Page 3 information point f:

Supporting page on dollar amount of estimated cost of removal

Page 3 information point g:

Sample long term lease agreement for relocation site on BIS, including map of the square footage subject to the lease.



BISMARCK HISTORICAL SOCIETY

POST OFFICE BOX 47
BISMARCK NORTH DAKOTA 58502-0047

OFFICE OF THE EXECUTIVE DIRECTOR
Post office Box 2597
Bismarck, North Dakota 58502-2597
wbailey@nd.gov 701-425-9000

December 29, 2014

Mr. Curt Cady
Environmental Planner
Kadmas, Lee & Jackson
4585 Coleman Street
Bismarck, North Dakota 58503

Comments inre: Draft Environmental Assessment, Bismarck Airport General Aviation Apron Expansion, Hangar #5.

Dear Mr. Cady:

Thank you for the opportunity to participate in the open house and public hearing concerning the matter referenced above on December 16, 2014. It was an interesting and informative meeting and I appreciated the courtesy accorded to all in attendance.

Comments:

1.) The Bismarck Historical Society is a sister organization to several listed in your schedule of entities identified as recipients of information about this project early on in the environmental assessment process, namely:

Bismarck Mandan Historical & Genealogical Society
Germans From Russia Society
Missouri Valley Historical Society
Mandan Historical Society.

Similar to those named above, we have a profound respect for, and interest in, the Bismarck Airport and its considerable historic value to Bismarck and South Central North Dakota. Therefore, we respectfully request a copy of the Draft Environmental Assessment prepared for this project and apparently circulated to interested parties some while ago. We also request that we be added to your notification list for future projects involving potential impact to historic, archeological, architectural and other cultural properties lying within the Bismarck developmental area.

2.) Based on information included in, or appended to, the Draft Environmental Assessment, it is clear that Hangar #5 is indeed eligible for nomination to the National Register of Historic Places (NRHP) and that Alternative B. would indeed adversely effect the historically and architecturally significant building.

3.) The preferred mitigation method involves four parts a) photographic recordation of interior and exterior surfaces of Hanger #5; b) finding a suitable new owner for the building; c) moving the building to another location; and d) repurposing the building to serve as an aerospace museum.

While the four elements of mitigation proposed appear logical and appropriate in theory, the details of execution could certainly determine the actual effectiveness of the mitigation. In this regard, two specific matters are of concern. The first is the extent and quality of the recordation. Our main concern in this regard is that only one historical factor is discussed as a basis of historical significance in consideration of Criterion A. There is much more to the history of the building (and the airport) than its (their) association to economic and social history as part of the area's recovery from the Great Depression. To cite but one example, consider the role of the building and the airport in the war effort of 1941 to 1945 when it (they) served as a way point for ferrying war planes from factory to military bases, as well as for all manner of supplies for U.S. allies as part of the Lend-Lease programs of the war effort. One W.A.S.P pilot died just after take-off from BIS due to engine failure of her Bell P-39 enroute to our Russian allies, a Lend-Lease partner.

3.a) Therefore, when we note that the research completed as part of the EA will comprise a significant part of the mitigation narrative, (i.e. Most of this information is already available in the June 21 2012 Architectural Survey." Paragraph 1 of Stipulations, General; page 2 MOA) we are concerned that import elements of the historic value of Hangar #5 may be lost if the historical scope is not expanded.

3.b) The second concern is based on the apparent pre-determination that the building will be used as an aerospace museum. While that certainly would be a admirable and appropriate use, it is certainly not the only use that might be worthy of such a building. As one example, what about a general historical/architectural museum with or without an aerospace component? With the seemingly strong bias towards use as an aerospace museum, other options seems needlessly foreclosed thus possibly raising the likelihood of the building being destroyed rather than preserved.

4.) During the December 16, 2014 public meeting, it was noted that federal money was an important part of the project's funding and that a completion schedule could not be confidently determined at this time. This raised another possible risk to

KLJ BIS AIR Page 3.
12/29/14

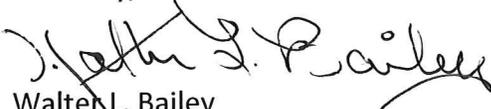
the survival of Hangar #5. The MOA specifies a two year time limit from the date of the MOA's approval for a new owner to be identified and the restoration plan to be accomplished. This creates a real possibility that if federal funding were delayed for some reason, the two year limit could be reached and the building destroyed before the project could even be officially created, if ever. While this eventuality may be unlikely, in today's volatile economy it is not impossible. What a historical and architectural disaster the loss of this building would be especially if the project was never undertaken or if the project was delayed long enough for a suitable owner to be found or restoration accomplished beyond a very arbitrary two-year limit.

Therefore, we request that you consider changing the time limit for a new owner to complete restoration to begin only after project funding is assured by the federal funding source.

5.) We respectfully request that the Bismarck Historical Society be included in the list of recipients to receive a copy of the Level III HABS/HAER recordation mentioned in paragraph 1a of the General Stipulations of the Memorandum of Agreement for this project.

Thank you for considering these comments and the opportunity to submit them.

Sincerely,



Walter L. Bailey
Executive Director
Bismarck Historical Society

Cc: DOI
FAA
SHSND
BIS



**RECORD OF CONVERSATION
AVIATION PRACTICE AREA**

DATE: 11-24-2014

TIME: 9:30 AM

PROJECT NUMBER: 1513713

RECORDED BY (FULL NAME): Curt Cady

TALKED WITH: Randy Lamberth

REPRESENTING: UTTC

PHONE NUMBER: 701 255 3285 ext 1391

NATURE OF CALL: INCOMING OUTGOING
 RETURNING CALL MULTI-PARTY CALL*

*List additional participant information:

SUBJECT OF CONVERSATION:



CONVERSATION SUMMARY:

I returned Randy's call. He had been forwarded the Draft EA copy that was sent to UTTC. He asked if the project would have any impacts on the UTTC campus properties. I told him that this project would not impact the UTTC property and he didn't have any further questions or concerns about the project.



**RECORD OF CONVERSATION
AVIATION PRACTICE AREA**

DATE: 12-15-2014

TIME: 1:27 PM

PROJECT NUMBER: 1513713

RECORDED BY (FULL NAME): Curt Cady

TALKED WITH: Craig Griesbach

REPRESENTING: MDU Resources

PHONE NUMBER: 701 530 1318

NATURE OF CALL: INCOMING OUTGOING
 RETURNING CALL MULTI-PARTY CALL*

*List additional participant information:

SUBJECT OF CONVERSATION:



CONVERSATION SUMMARY:

Craig call to ask about the apron project. He wanted to know when the project might be bid and how large it was.

APPENDIX J

Public Notice of Proposed FONSI/ROD

- *Ad*
- *Affidavit of Publication*
- *Distribution Package*
 - *Agencies and Interested Parties*
 - *Mailing List*
 - *Letter*
 - *Public Viewing Locations*
 - *Mailing List*
 - *Letter*

Agency Comments

- *Bismarck Historical Society (Letter)*
05/19/15
- *Comment and Response Log*

**NOTICE OF
AVAILABILITY OF DRAFT FINDING OF NO SIGNIFICANT IMPACT/RECORD OF DECISION
CONCERNING IMPROVEMENTS AT BISMARCK AIRPORT, BISMARCK, ND**

Notice is hereby given of the availability of the Draft Finding of No Significant Impact/Record of Decision (FONSI/ROD) and the Final Environmental Assessment (EA) for the proposed action at the Bismarck Airport.

The Federal Aviation Administration (FAA) has prepared its proposed FONSI/ROD for the evaluation of the Final EA for the City of Bismarck's proposed action to expand the general aviation apron by adding approximately 650 feet of apron frontage to accommodate expansion of Fixed Based Operator development. The proposed action would be accomplished by removing or relocating a City owned hangar (Hangar #5), removing or relocating an existing FBO hangar (Hangar #38), removing a City owned office/terminal building (Building #22) and paving approximately 15,200 square yards of new concrete apron.

The Draft FONSI/ROD indicates the project is consistent with existing environmental policies and objectives as set forth in the National Environmental Policy Act of 1969 (NEPA) and will not significantly affect the quality of the human environment.

The proposed action would involve special purpose laws having public notice requirements separate from NEPA including Section 106 of the National Historic Preservation Act and the Department of Transportation Act of 1966 and amendments, Section 4(f), 49 USC § 303(c).

Copies of the draft FONSI/ROD, Final EA, and related documents referenced above are available for public inspection during normal business hours at the following locations:

- Federal Aviation Administration, Airports District Office, 2301 University Drive Building 23B, Bismarck, ND
- North Dakota Aeronautics Commission, 2301 University Drive, Building 22, Bismarck, ND
- Airport Manager's Office at Bismarck Airport, Bismarck, ND

Also copies are available for download by request. Please contact Curt Cady at curt.cady@kljeng.com.

Individuals or organizations wishing to submit comments on the Draft FONSI/ROD should do so by **May 19, 2015**. Comments should be sent to:

Curt Cady, Environmental Planner
KLJ
4585 Coleman Street
Bismarck, ND 58501
Email: curt.cady@kljeng.com

BISMARCK MUNICIPAL AIRPORT

PO BOX 991
BISMARCK ND 58502

Customer: 60006989
Phone: (701) 222-6502
Date: 04/18/2015

Date	Order #	Type	Order Amt
04/18/15	20782465	INV	52.93
Amount Paid		CK#	

Cash/Amt

CREDIT CARD PAYMENT (circle one)



Card #: _____
Exp Date: _____
Signature: _____
Credit card users: Fax to 608-791-8212

PLEASE DETACH AND RETURN TOP PORTION WITH YOUR PAYMENT

Lee Enterprises no longer accepts credit card payments sent via e-mail. Emails containing credit card numbers will be blocked. Please use the coupon above to send a credit card payment to remittance address located in the upper right corner. You may also send the coupon to a secure fax at 608-791-8212.

Date	Date	Times Run	Description	Lines	Class Code	Order Amt	Net Amt Due
04/18/15	04/18/15	1	Bismarck Tribune	67.00	Legals	52.93	52.93
Proposed FONSI - Improvements							

Affidavit of Publication
State of North Dakota) SS County of Burleigh
Before me, a Notary Public for the State of North Dakota personally appeared ck who being duly sworn, deposes and says that he (she) is the Clerk of Bismarck Tribune Co., and that the publication(s) were made through the Bismarck Tribune on the following dates: 4/18 Signed Calvin Kuntz sworn and subscribed to before me this 27th day of April 2015
Morgan Doll
Notary Public in and for the State of North Dakota



NOTICE OF AVAILABILITY OF DRAFT FINDING OF NO SIGNIFICANT IMPACT/RECORD OF DECISION CONCERNING IMPROVEMENTS AT BISMARCK AIRPORT, BISMARCK, ND

Notice is hereby given of the availability of the Draft Finding of No Significant Impact/Record of Decision (FONS/ROD) and the Final Environmental Assessment (EA) for the proposed action at the Bismarck Airport.

The Federal Aviation Administration (FAA) has prepared its proposed FONS/ROD for the evaluation of the Final EA for the City of Bismarck's proposed action to expand the general aviation apron by adding approximately 650 feet of apron frontage to accommodate expansion of Fix Based Operator development. The proposed action would be accomplished by removing or relocating a City owned hangar (Hangar #5), removing or relocating an existing FBO hangar (Hangar #38), removing a City owned office/terminal building (Building #22) and paving approximately 15,200 square yards of new concrete apron. The Draft FONS/ROD indicates the project is consistent with existing environmental policies and objectives as set forth in the National Environmental Policy Act of 1969 (NEPA) and will not significantly affect the quality of the human environment.

The proposed action would involve special purpose laws having public notice requirements separate from NEPA including Section 106 of the National Historic Preservation Act and the Department of Transportation Act of 1966 and amendments, Section 4(f), 49 USC § 303(c). Copies of the draft FONS/ROD, Final EA, and related documents referenced above are available for public inspection during normal business hours at the following locations:

- Federal Aviation Administration, Airports District Office, 2301 University Drive Building 23B, Bismarck, ND
- North Dakota Aeronautics Commission, 2301 University Drive, Building 22, Bismarck, ND
- Airport Manager's Office at Bismarck Airport, Bismarck, ND

Also copies are available for download by request. Please contact Curt Cady at curt.cady@kljeng.com. Individuals or organizations wishing to submit comments on the Draft FONS/ROD should do so by **May 19, 2015**. Comments should be sent to: Curt Cady, Environmental Planner

KLJ
4585 Coleman Street
Bismarck, ND 58501
Email: curt.cady@kljeng.com
4/18 - 20782465

93

Bismarck Tribune
www.bismarcktribune.com
PO BOX 4001
LaCrosse, WI 54602-4001



◇ April 17, 2015

Name
Title
Company
Address
City, State, Zip

Re: Draft Finding of No Significant Impact/Record of Decision (FONSI/ROD)
February 2015 Final Environmental Assessment
Bismarck Airport, Bismarck, ND, Burleigh County

Dear Name:

This letter accompanies one copy of the (FONSI/ROD) and Notice of Draft FONSI for the above referenced project. A Public Hearing was held on December 16, 2014, at the Bismarck Airport Terminal, Conference room A/B in Bismarck, ND to discuss the EA.

Please note that the comment period for the Draft FONSI/ROD ends May 19, 2015. Thank you for your time and cooperation on this project.

Sincerely,

KLJ

Curt Cady
Environmental Planner

Enclosure(s): 1 copy Draft Finding of No Significant Impact/Record of Decision (FONSI/ROD)
1 Notice of draft FONSI

Project #: 1510707

Bismarck FONSI Distribution Mailing List								
Prefix	FirstName	LastName	Title	Company	Address1	City	State	ZipCode
Mr.	Robert	Stewart	Regional Environmental Officer	US Department of Interior	PO Box 25007 (D-108)	Denver	CO	80225-0007
Mr.	Raymond	Wallace	Historic Preservation Technician	Advisory Council on Historic Preservation	401 F Street, Suite 308	Washington	DC	20001-2637
Ms.	Claudia	Berg	State Historic Preservation Officer	State Historical Society of ND	612 E. Boulevard Ave.	Bismarck	ND	58505-0830
Mr.	Dave	Glatt	Chief	ND Department of Health	PO Box 5520	Bismarck	ND	58506-5520
Mr.	Waller	Bailey	Executive Director	Bismarck Historical Society	PO Box 2597	Bismarck	ND	58505
Dr.	Leander	McDonald	President	United Tribes Technical College	3315 University Dr.	Bismarck	ND	58504
Ms.	Waste' Win	Young		Standing Rock Sioux Tribe, THPO	PO Box D	Fort Yates	ND	58538
Mr.	Pete	Coffey		Three Affiliated Tribes, THPO	PO Box 429	Parshall	ND	58770

◇ April 16, 2015

Name
Title
Company
Address
City, State, Zip

Re: April 2015 Draft Finding of No-Significant Impact/Record of Decision (FONSI/ROD) &
Environmental Assessment
Bismarck Airport; Bismarck, ND

Dear Name:

Attached is a copy of the April 2015 Draft FONSI/ROD & Environmental Assessment (EA) for the referenced project. As specified in the attached Notice of Availability, your office has been selected to receive a copy of the document to make available for public viewing. Please make the document available to the public until May 19, 2015.

Please forward any comments received for the project to our office as soon as possible. Comments will be accepted no later than May 19, 2015 at the following address:

Curt Cady
Environmental Planner
KLJ
4585 Coleman Street
Bismarck, ND 58503
Email: curt.cady@kljeng.com

Sincerely,

KLJ

A handwritten signature in blue ink that reads 'Jessica Dudley'.

Jessica Dudley
Environmental Planner

Enclosure(s): 1 Draft FONSI/ROD &EA

Project #: 1510707

Public Viewing Locations

LOCATION	OFFICE	ADDRESS	CITY	STATE	ZIP	PHONE
Bismarck Airport	Airport Manager's Office	PO Box 991	Bismarck	ND	58502-0991	
North Dakota Aeronautics Commission	Building 22	2301 University Drive	Bismarck	ND	58502-5020	
Federal Aviation Administration	Airports District Office, Building 23B	2301 University Drive	Bismarck	ND	58504	

Note: Chapter 4 of the EA contains a list of public viewing locations for the project



BISMARCK HISTORICAL SOCIETY

POST OFFICE BOX 47

BISMARCK NORTH DAKOTA 58502-0047

OFFICE OF THE EXECUTIVE DIRECTOR

Post office Box 2597

Bismarck, North Dakota 58502-2597

wbailey@nd.gov 701-425-9000

May 19, 2015

Mr. Curt Cady
Environmental Planner
KLJ
4585 Coleman Street
Bismarck, North Dakota 58503

Comments inre: Draft Finding of No Significant Impact/Record of Decision (FONSI/ROD)
February 2015 Final Environmental Assessment Bismarck Airport, Bismarck, ND,
Burleigh County

Dear Mr. Cady:

Thank you for the opportunity to participate in these closing steps of the Environmental Assessment of Project #: 1510707, particularly the findings pertaining to the evaluation and eventual disposition of Hanger #5. The following comments are essentially a reiteration of our comments on earlier steps of this review process most particularly our letter of December 29, 2014.

Comments:

1.) Based on information previously included in, or appended to, the Draft Environmental Assessment, it is clear that Hangar #5 is indeed eligible for nomination to the National Register of Historic Places (NRHP) and that Alternative B. would indeed adversely effect the historically and architecturally significant building.

2.) The preferred mitigation method involves four parts a) photographic recordation of interior and exterior surfaces of Hanger #5; b) finding a suitable new owner for the building; c) moving the building to another location; and d) repurposing the building to serve as an aerospace museum.

While the four elements of mitigation proposed appear logical and appropriate in theory, the details of execution could certainly determine the actual effectiveness of the mitigation. In this regard, two specific matters are of concern. The first is the extent and quality of the recordation. Our main concern in this regard is that only one

historical factor is discussed as a basis of historical significance in consideration of Criterion A. There is much more to the history of the building (and the airport) than its (their) association to economic and social history as part of the area's recovery from the Great Depression. To cite but one example, consider the role of the building and the airport in the war effort of 1941 to 1945 when it (they) served as a way point for ferrying war planes from factories to military bases, as well as for all manner of supplies for U.S. allies as part of the Lend-Lease programs of the war effort. Among the many accomplishment of the Lend-Lease Programs it should be remembered that these efforts entailed great costs, including the death of at least one W.A.S.P pilot who died due to engine failure of her Bell P-39 fighter plane, shortly after take-off from BIS, enroute to our Russian allies, a Lend-Lease partner.

2.a) Therefore, when we note that the research completed as part of the EA will comprise a significant part of the mitigation narrative, (i.e. "Most of this information is already available in the June 21 2012 Architectural Survey." Paragraph 1 of Stipulations, General; page 2 MOA) we are concerned that important elements of the historic value of Hangar #5 may be lost if the historical research scope is not expanded.

2.b) The second concern is based on the apparent pre-determination that the building will be used as an aerospace museum. While that clearly would be an admirable and appropriate use, it is certainly not the only use that might be worthy of such a building. As one example, what about a general historical/architectural/cultural museum with or without an aerospace component? With the seemingly strong bias towards use as an aerospace museum, other options seem needlessly foreclosed thus possibly increasing the likelihood of the building being destroyed rather than preserved.

3.) During a December 16, 2014 public meeting, it was noted that federal money was an important part of the project's funding and that, consequently, a project completion schedule could not be confidently determined at that time. This raises another possible risk to the survival of Hangar #5. The MOA specifies a two year time limit from the date of the MOA's approval for a new owner to be identified and the restoration plan to be accomplished. This creates a real possibility that if federal funding were delayed for some reason, the two year limit could be reached and the building destroyed before the project could even be officially created. While this eventuality may be unlikely, in today's volatile economy it is not impossible. What a historical and architectural disaster the loss of this building would be especially if the project was never undertaken or if the project start was delayed long enough to disallow a suitable owner to be found or restoration accomplished within a very arbitrary two-year limit.

KLJ BIS AIR Page 3.
5/18/15

Therefore, we reiterate our recommendation that the time limit for a new owner to be found and to complete restoration not begin until after project funding from the proposed federal funding source is assured.

4.) We respectfully request that the Bismarck Historical Society be included in the list of recipients to receive a copy of the Level III HABS/HAER recordation effort mentioned in the General Stipulations of the Memorandum of Agreement for this project.

Thank you for the opportunity to submit these comments.

Sincerely,

Signed

Walter L. Bailey

Executive Director

Bismarck Historical Society

Cc: (Via Email)

SHSND: squinnell@nd.gov

Environmental Assessment - Bismarck Airport - General Aviation Apron Expansion
Public Hearing Comments

Agency Comments			
Date Received	Name	Mail Method	Comment
5/19/2015	Bismarck Historical Society, Walter L. Bailey, Executive Director	Letter	<p>Based on information previously included in, or appended to, the Draft Environmental Assessment, it is clear that Hangar #5 is indeed eligible for nomination to the National Register of Historic Places (NRHP) and that Alternative B. would indeed adversely affect the historically and architecturally significant building.</p> <p>The preferred mitigation method involves four parts: a) photographic recordation of interior and exterior surfaces of Hangar #5; b) finding a suitable new owner for the building; c) moving the building to another location; and d) repurposing the building to serve as an aerospace museum.</p> <p>While the four elements of mitigation proposed appear logical and appropriate in theory, the details of execution could certainly determine the actual effectiveness of the mitigation. In this regard, two specific matters are of concern. The first is the extent and quality of the recordation. Our main concern in this regard is that only one historical factor is discussed as a basis of historical significance in consideration of Criterion A. There is much more to the history of the building (and the airport) than its (their) association to economic and social history as part of the area's recovery from the Great Depression. To cite but one example, consider the role of the building and the airport in the war effort of 1941 to 1945 when it (they) served as a way point for ferrying war planes from factories to military bases, as well as for all manner of supplies for U.S. allies as part of the Lend-Lease programs of the war effort. Among the many accomplishments of the Lend-Lease Programs it should be remembered that these efforts entailed great costs, including the death of at least one W.A.S.P. pilot who died due to engine failure of her Bell P-39 fighter plane, shortly after take-off from BIS, enroute to our Russian allies, a Lend-Lease partner.</p> <p>2.a) Therefore, when we note that the research completed as part of the EA will comprise a significant part of the mitigation narrative, (i.e. "Most of this information is already available in the June 21 2012 Architectural Survey," Paragraph 1 of Stipulations General; page 2 MOA) we are concerned that important elements of the historic value of Hangar #5 may be lost if the historical research scope is not expanded.</p> <p>2.b) The second concern is based on the apparent pre-determination that the building will be used as an aerospace museum. While that clearly would be an admirable and appropriate use, it is certainly not the only use that might be worthy of such a building. As one example, what about a general historical/architectural/cultural museum with or without an aerospace component? With the seemingly strong bias towards use as an aerospace museum, other options seem needlessly foreclosed thus possibly increasing the likelihood of the building being destroyed rather than preserved.</p>
			<p>During a December 16, 2014 public meeting, it was noted that federal money was an important part of the project's funding and that, consequently, a project completion schedule could not be confidently determined at that time. This raises another possible risk to the survival of Hangar #5. The MOA specifies a two year time limit from the date of the MOA's approval for a new owner to be identified and the restoration plan to be accomplished. This creates a real possibility that if federal funding were delayed for some reason, the two year limit could be reached and the building destroyed before the project could even be officially created. While this eventuality may be unlikely, in today's volatile economy it is not impossible. What a historical and architectural disaster the loss of this building would be especially if the project was never undertaken or if the project start was delayed long enough to disallow a suitable owner to be found or restoration accomplished within a very arbitrary two-year limit.</p>
			<p>We respectfully request that the Bismarck Historical Society be included in the list of recipients to receive a copy of the Level III HABS/HAER recordation effort mentioned in the General Stipulations of the Memorandum of Agreement for this project.</p>
			<p>Response</p> <ul style="list-style-type: none"> • There is no feasible or prudent alternative to the use of Hangar #5 that meets both the purpose and need for this project. • The project includes all possible planning to minimize harm resulting from use. <p>The scope of historic research has been agreed to by the signatories of the MOA and are based upon the standards and guidelines established by the Secretary of the Interior. moved.</p> <p>The future use as an aerospace museum has not been predetermined by the EA or the MOA. The hangar will be advertised to interested parties that may take over the hangar for other uses. Use as an aerospace museum was identified as the preferred form of mitigation to inform the public that the Airport has one new potential owner identified. If multiple offers are received to take over the hangar they will be evaluated based on the criteria set forth in the MOA by the FAA, the Airport and SHPO.</p> <p>Funding of the mitigation commitments set forth within the MOA is required to receive federal funding through the FAA's grant process. Meaning if the mitigation funding is not put in place first than future projects will not be funded. The two years specified in the MOA is to find a new potential owner that is acceptable to the Airport, SHPO, and the FAA. The new potential owners will need to prepare a plan to remove and rehab the hangar at another location. Preference will be given to proposals that will move the building within two years. These timeframes have been discussed with the SHPO and agreed to in the MOA. No time limits will be placed on the full restoration or rehabilitation of the hangar once moved.</p> <p>The Bismarck Historical Society was added to the list agencies that would receive a copy of Level III HABS/HAER recordation prior to the MOA being signed by FAA, City of Bismarck and the ND SHPO. It is now an environmental commitment of the project.</p>