

McIntosh WPA R-O-W Information Sheet

CSAH 41 Expansion – Polk County

**SUMMARY:**

The Detroit Lakes Wetland Management District is seeking public comment on a proposed Right of Way expansion on the McIntosh Waterfowl Production Area in Polk County. This Right of Way is required in order to bring CSAH 41 to the minimum safety standards as established by the Minnesota Department of Transportation. This would impact approximately 0.16 acres of wetland and 0.15 acres of uplands on the WPA. These impacts would be mitigated by Polk County acquiring an inholding to an existing WPA and the restoration of a minimum of 0.30 of previously drained wetlands.

**HOW TO COMMENT:**

Comments can be made by contacting the Detroit Lakes Wetland Management District.

Send written comments to:

Detroit Lakes Wetland Management District  
Attn: Project Leader – ROW Comments  
26624 North Tower Road  
Detroit Lakes, MN 56501

E-mail Correspondence to:

[detroitlakes@fws.gov](mailto:detroitlakes@fws.gov)

Or by phone:

218-847-4431

**Comments must be received by 4:00 PM on September 20, 2013.**

## COMPATIBILITY DETERMINATION

**Use:** Right-of-Way (ROW) expansion to reconstruct Polk County CSAH 41 through portions of the McIntosh Waterfowl Production Area in Polk County, Minnesota.

**Refuge Name:** Detroit Lakes Wetland Management District (WMD)  
26624 North Tower Road  
Detroit Lakes, Minnesota 56501-7959

**Establishing and Acquisition Authority(ies):** Migratory Bird Hunting Stamp Act of March 16, 1934, as amended by Section 3 of the Act of August 1, 1958 (72 Stat. 486, 16 U.S.C. sec. 716 d(c)), authorized the Secretary of Interior to acquire small wetland or pothole areas suitable as Waterfowl Production Areas (WPA).

**Refuge Purpose(s):** “...as Waterfowl Production Areas” subject to “...all of the provisions of such Act [Migratory Bird Conservation Act]...except the inviolate sanctuary provisions...” and “...for any other management purpose, for migratory birds”

**National Wildlife Refuge System Mission:** “The Mission of the National Wildlife Refuge System is to administer a national network of lands and waters for the conservation, management, and where appropriate, restoration of the fish, wildlife, and plant resources and their habitats within the United States for the benefit of present and future generations of Americans.”

**Description of Use:** Expansion of the current Polk County CSAH 41 ROW from the existing 33’ to 45’ along a part of the south boundary of the McIntosh WPA in Polk County, Minnesota. The requested ROW lies on the southern boundary of the McIntosh WPA in Section 16 of King Township (T148N, R41W). The purpose of the expanded ROW across the WPA would be primarily for widening the road surface and back sloping the ditches to comply with MnDOT minimum design standards for public safety.

This activity must occur on NWRS lands as the widening of the existing road bed, to the state standard, can not be accommodated within the existing right-of-way. No reasonable alternatives exist for the project as this is an existing, well-traveled highway. The County has incorporated FWS suggestions in the design for minimizing impacts to Service-managed lands.

ROWs are not a priority public use, as defined by the Refuge Improvement Act of 1997, of the National Wildlife Refuge System.

The issuance of ROWs across units of the National Wildlife Refuge System is governed by the provisions of Title 50 Code of Federal Regulations 29.21. ROW permits of this nature are issued for terms of 50 years, or “as long as needed.”

**Availability of Resources:** Permitting this use will require staff resources to monitor the construction activities to ensure compliance with the ROW permit. Permitting this activity will not result in an incremental increase above general operating costs for this station.

### **Anticipated Impacts of the Use:**

The proposed road reconstruction would permanently impact .315 acres of habitat on the McIntosh WPA. Of these acres, .165 would be considered wetland impacts and the remaining .150 acres would be upland impacts. General construction activity will result in temporary disturbance or displacement of wildlife from the immediate vicinity of the project area.

The proposed impacts occur in the previously disturbed road ditch footprint on the WPA. These sites consist of tame grass species, present at the time of acquisition and do not contain native prairie.

In granting this ROW, a total of .165 acres of wetland and .150 acres of upland habitat would be permanently lost on the WPA, primarily from road widening, and back-sloping. Replacement of this habitat is required according to 50 CFR 26.41.

This WPA does not have native prairie habitat. Following the sloping and contouring of the ROW for this project, the disturbed areas would be seeded with a native prairie mix approved by the wetland district manager.

Direct impacts to the waterfowl production purpose of the WPA are not expected to be discernable. Indirect impacts to wildlife and habitat resources that may arise from the improved roadway can not be predicted with certainty, but are expected to be negligible in the foreseeable future.

### **Public Review and Comment:**

Based a lack of public concerns regarding the WPA, notice of this action will be posted at the Detroit Lakes WMD headquarters and on the Detroit Lakes WMD website for 14 days.

### **Determination (check one below):**

- Use is Not Compatible  
 Use is Compatible With the Following Stipulations

### **Stipulations Necessary to Ensure Compatibility:**

1) Per 50 CFR 26.41, the .165 acres of wetland habitat that would be impacted by the ROW expansion must be replaced. Habitat replacement must not result in a net loss of habitat quality or quantity and must be restored to the satisfaction of the manager, Detroit Lakes WMD. One third of an acre of wetland habitat (replacement wetland acres at a 2:1 ratio) will be restored on the Jenkins WPA as shown on the attached map.

2) Per 50 CFR 26.41, the .150 acres of uplands that would be impacted by the ROW expansion must be replaced. Habitat replacement must not result in a net loss of habitat quality or quantity and must be restored to the satisfaction of the manager, Detroit Lakes WMD. Polk County will acquire, up to the appraised value of the land requested for the ROW, a parcel of land that will round-out a WPA.

