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BD

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Kansas

Robert Moser, MD, Secretary | Department of Health & Environment | Sam Brownback, Governor

BY

Kansas Water Pollution Control Revolving Loan Fund

FINDING OF NO SIGNIFICANT IMPACT

DEC 15 2011

To: **All Interested Government Agencies and Public Groups**

In accordance with procedures for implementing the Kansas Water Pollution Control Revolving Loan Fund Act (K.S.A. 65-3321 to 65-3329, K.A.R. 28-16-110 to 28-16-138 effective May 29, 1989 and K.A.R. 28-16-137 effective October 26, 1989, and T-28-16-137 amended October 17, 1989, and the Kansas Environmental Review Procedure for the Kansas Water Pollution Control Revolving Loan Program dated February 2003), an environmental review has been performed on the proposed agency action below:

Project Applicant: **Glacial Hills Resource Conservation and Development Region, Inc.**

SRF Project No.: **C20 1923 01**
Green Infrastructure / Non-Point Source Pollution Control Project
Delaware River Streambank Restoration Project, **Phase 3**

Phase 3, Project Total: $ 1,040,000
Phase 3, Loan Amount: $756,000
Phase 3, Principal Forgiveness: $756,000

The Final Draft FFY 2010 / Initial Draft FFY 2011 Intended Use Plan scheduled a low interest Kansas Water Pollution Control Revolving Fund (KWPCRF) loan for this project.

The Glacial Hills Resource Conservation and Development Region, Inc. is a nonprofit organization that has received funding to implement green infrastructure/nonpoint source pollution control project in Atchison, Jackson and Brown counties. The third phase of this project will consist primarily of sixteen streambank stabilization and riparian restoration projects along the Delaware River.

Project Location, Description, and Purpose

The project sites are located in the Kansas-Lower Republican River Basin in the Walnut Creek-Delaware River subwatershed (HUC 102701030110), the Town of Arrington-Delaware River subwatershed (HUC 102701030308), the Negro Creek-Delaware River subwatershed (HUC 102701030205), and the Catamount Creek-Delaware River subwatershed (HUC 102701030408). Perry Reservoir is on the Kansas 2010 303(d) Impaired Waters List for eutrophication. The Delaware River is a designated high priority TMDL watershed for bacteria impairments and is on the 2010 303(d) Impaired Waters List for aquatic life and bacteria impairments.

The primary components of the Delaware Streambank Restoration Project include the implementation of streambank stabilization and riparian restoration practices at 16 sites along the Delaware River above Perry Reservoir. The primary practices utilized include longitudinal peaked stone protection, rock vanes, bank reshaping and revegetation of the streambank and riparian area with native plant materials. Bendway weirs will also be utilized at some of the sites.

Combinations of rock vanes and longitudinal peaked stone-toe protection will be utilized at individual sites in specified locations. Streambanks will be reshaped and vegetated with appropriate woody and herbaceous vegetation. Riparian buffers will be established at all sites with a minimum width of 66 feet. Streambank stabilization and restoration practices are designed to meet standards and specifications of the Natural Resources Conservation Service and the State Conservation Commission.

The primary environmental impacts during the construction of this project include the noise of heavy construction equipment, slight erosion of exposed soil and temporary disruption of aquatic habitat. Measures to control construction erosion and other impacts will be employed as required by the necessary permits from applicable state and federal agencies. Land, materials, fuels and other forms of energy utilized in construction will be irretrievably committed to the project.

The primary environmental benefits following construction will be reduced amounts of sediment and associated pollutants entering the Delaware River and Perry Reservoir. Streambanks and riparian areas will be vegetated with woody and herbaceous plant materials that will provide water quality filtering and wildlife habitat benefits.

The project will have no known adverse impact on rare or endangered species, sensitive ecosystems, unique environmental features, critical archeological or historic sites, parks, wetlands, groundwater quality, open space and recreation opportunities, prime farmland or air quality. No relocation of residences or other buildings will be required.

Project information was provided to the U.S. Department of Interior Fish & Wildlife Service, U.S. Army Corps of Engineers, U.S. Environmental Protection Agency Region 7, Kansas Department of Health and Environment, Kansas Department of Wildlife & Parks, Kansas Water Office, Kansas State Historical Society, Natural Resources Conservation Service, State Department of Agriculture Division of Water Resources, Kansas Department of Agriculture Division of Conservation, Kansas Biological Survey, Kansas Corporation Commission, and Kansas Geological Survey.

No objections to the project were received from the reviewing agencies. No responses were received from the U.S. EPA Region 7 and the Natural Resources Conservation Service. The final design layout will be submitted to certain review agencies for final comments, including the Corps of Engineers for permit determination.

The Kansas State Historical Society stated that an archeological survey has been conducted for 4 of the 16 project sites, and that the remaining 12 sites (Behrnes 080, Bodenhausen 074, Cooley

0401, Conklin 0109A, Conklin 0109B, Fassnacht 0115/070, Fassnacht 062, Kickapoo 096, Kickapoo 0123, Patterson 0112, Self Farms 065, and Wheeler 045) should be surveyed by a professional archeologist prior to beginning construction.

The Kansas Geological Survey response included the statement that the applicant is responsible to provide any necessary characterization, geotechnical or environmental testing, or design by a licensed professional geologist or engineer to complete the project.

The Kansas Department of Agriculture Division of Water Resources directed the applicant to contact the Division of Water Resources to verify any channel change permit requirements.

A public meeting and hearing were held on October 26, 2011. No opposition to the project was expressed during the public meeting or hearing.

The third phase of the project is estimated to cost $1,040,000. The Glacial Hills RC&D has received a $756,000 loan for Green Project Reserve / Nonpoint Source Pollution Control Practices through the Kansas Water Pollution Control Revolving Fund (KWPCRF). The Glacial Hills RC&D will receive 100% principal forgiveness on the loan amount up to a maximum of 75% of the total project cost. The Glacial Hills RC&D will utilize other funding sources for the remaining 25% of the project cost and for riparian buffer establishment.

After considering both short-term and long-term environmental effects of the project, it has been determined that any short-term adverse impacts during construction will be surpassed by the long-term benefits derived from the project.

This action is taken on the basis of review of the project management plan, the environmental assessment and other supporting documentation. These are available for public review upon request. A copy of the environmental assessment document is attached. Persons wishing to comment on this Finding of No Significant Impact may submit comments to the Kansas Department of Health and Environment during this period to the attention of Jaime Gaggero, Interim Chief, Watershed Management Program.

Sincerely,

John W. Mitchell, Director
Division of Environment

attachments:
Environmental Assessment Document
Distribution List
Project Map

Environmental Assessment Document

A. Project Identification:

Project Applicant: **Glacial Hills RC&D**
Project Name: Delaware River Streambank Restoration Project
Project No.: **C20 1923 01**
Project Type: Streambank Restoration Project, **Phase 3**
Phase 3, Project Total: $1,040,000
Phase 3, Loan Amount: $756,000
Phase 3, Principal Forgiveness: $756,000

B. Community Description:

Location: Phase 3 of the Delaware River Streambank Restoration Project includes 16 additional sites along the Delaware River in Atchison, Jackson and Brown Counties above Perry Reservoir. The project sites are located in the Kansas-Lower Republican River Basin in the Walnut Creek-Delaware River subwatershed (HUC 102701030110), the Town of Arrington-Delaware River subwatershed (HUC 102701030308), the Negro Creek-Delaware River subwatershed (HUC 102701030205), and the Catamount Creek-Delaware River subwatershed (HUC 102701030408). Perry Reservoir is on the Kansas 2010 303(d) Impaired Waters List for eutrophication. The Delaware River is a designated high priority TMDL watershed for bacteria impairments and is on the 2010 303(d) Impaired Waters List for aquatic life and bacteria impairments.

Atchison County has an estimated 2010 population of 16,924 people, Jackson County has an estimated 2010 population of 13,462 people, and Brown County has an estimated 2010 population of 9,984 (U.S Census Bureau).

C. Project Description:

Purpose: The purpose of the project is to reduce sediment and associated pollutant loadings to the Delaware River and Perry Reservoir, a major federal reservoir in Northeast Kansas providing flood control, recreation and public water supply benefits. A recent USGS study indicated that stream channel and banks are a major source of sediment to Perry Reservoir (Juracek, 2007). Streambank erosion can also contribute nutrients, such as phosphorus, which can cause water quality impairments in surface water bodies (e.g. eutrophication). The site locations for this project adjoin fields used for agricultural production. The project is coordinated with the Delaware River Watershed Restoration and Protection Strategy (WRAPS) project and the Kansas Department of Agriculture Division of Conservation.

The primary components of the Delaware Streambank Restoration Project include the implementation of streambank stabilization and riparian restoration practices at 16 sites along the Delaware River above Perry Reservoir. The primary practices utilized include longitudinal peaked stone protection, rock vanes, bank reshaping and revegetation of the

streambank and riparian area with native plant materials. Bendway weirs will be utilized on three sites.

Design Factors: Combinations of rock vanes and longitudinal peaked stone-toe protection will be utilized at all sites in specified locations. Bendway weirs will also be utilized at some sites. Streambanks will be reshaped and vegetated with appropriate woody and herbaceous vegetation. Riparian buffers will be established at all sites with a minimum width of 66 feet. Streambank stabilization and restoration practices are designed to meet standards and specifications of the Natural Resources Conservation Service and the State Conservation Commission.

Financial: The third phase of this project is estimated to cost $1,040,000. The Glacial Hills RC&D has received a loan in the amount of $756,000 for Green Project Reserve / Nonpoint Source Pollution Control Practices through the Kansas Water Pollution Control Revolving Fund (KWPCRF). The Glacial Hills RC&D will receive 100% principal forgiveness on the loan amount up to a maximum of 75% of the total project cost. The Glacial Hills RC&D will utilize other funding sources for the remaining 25% of the project cost and for riparian buffer establishment.

D. Alternatives Considered:

Streambank and site assessments were conducted along the Delaware River to identify potential sites for stabilization and restoration projects. A landowner workshop was conducted to solicit landowner participation. Project sites were selected based on anticipated sediment reductions and landowner interest.

E. Environmental Impact Summary:

Primary:

a. Construction: Noise of heavy construction equipment and slight erosion of exposed soil can be expected during construction.

b. Environmental: The project will result in the establishment of permanent vegetative cover on eroding streambanks and in adjoining riparian areas, resulting in reduced sediment loading to the Delaware River and Perry Reservoir as well as providing other water quality and wildlife habitat benefits.

Secondary:

a. Population: This project will not adversely impact the populations of Jackson, Atchison and Brown counties or surrounding communities. Citizens will benefit from reduced sedimentation and improved water quality in Perry Reservoir.

b. Land Use and Trends: The project will not adversely affect land use trends in project area. Permanent vegetative cover will be established on streambanks and in riparian zones to provide water quality and wildlife habitat benefits, resulting in conversion of a relatively small amount of cropland acreage.

c. Environmental: Temporary disruption to aquatic habitats can be expected. No known long-term adverse impacts are anticipated on rare or endangered species, sensitive ecosystems, groundwater, unique environmental features, critical archeological or historic sites, parks, wetlands, or air quality.

Mitigation Measures Necessary: Permits for the streambank projects will be obtained from the U.S Army Corps of Engineers, the Kansas Department of Agriculture - Division of Water Resources, and the Kansas Department of Health and Environment (construction stormwater), which include measures to control sediment and erosion during construction and address other environmental considerations.

Irreversible and Irretrievable Commitment of Resources: land, materials, fuels and other forms of energy utilized in construction will be irretrievably committed to the project.

F. Measures Taken to Insure Environmental Soundness:

Public Involvement: A public meeting and hearing was held on October 26, 2011.

Public Opposition or Opinions: No public opposition to the project was raised during the public meeting or public hearing.

Coordination and Documentation with Other Agencies and Special Interest Groups: Project information was distributed to the following State and Federal agencies for review and comment:

a. United States Department of Interior Fish & Wildlife Service
b. United States Army Corps of Engineers
c. US EPA, Region 7
d. US Dept of Agriculture, Natural Resources Conservation Service
e. Kansas Department of Health and Environment
f. Kansas Department of Wildlife & Parks
g. Kansas Biological Survey
h. Kansas Corporation Commission
i. Kansas Water Office
j. Kansas Department of Agriculture
k. Kansas Geological Survey
l. Kansas State Historical Society
m. Kansas Department of Agriculture, Division of Conservation

No objections to the project were received from the reviewing agencies. No responses were received from the U.S. EPA Region 7 and the Natural Resources Conservation Service. The final design layout will be submitted to certain review agencies for final comments, including the Corps of Engineers for permit determination.

The Kansas State Historical Society stated that an archeological survey has been conducted for 4 of the 16 project sites, and that the remaining 12 sites (Behrnes 080, Bodenhausen 074, Cooley 0401, Conklin 0109A, Conklin 0109B, Fassnacht 0115/070,

Fassnacht 062, Kickapoo 096, Kickapoo 0123, Patterson 0112, Self Farms 065, and Wheeler 045) should be surveyed by a professional archeologist prior to beginning construction.

The Kansas Geological Survey response included the statement that the applicant is responsible to provide any necessary characterization, geotechnical or environmental testing, or design by a licensed professional geologist or engineer to complete the project.

The Kansas Department of Agriculture Division of Water Resources directed the applicant to contact the Division of Water Resources to verify any channel change permit requirements.

Permits are required from the U.S. Army Corps of Engineers; the Kansas Department of Agriculture; Division of Water Resources and the Kansas Department of Health and Environment (construction stormwater).

G. Positive Environmental Effects to be Realized from the Project:

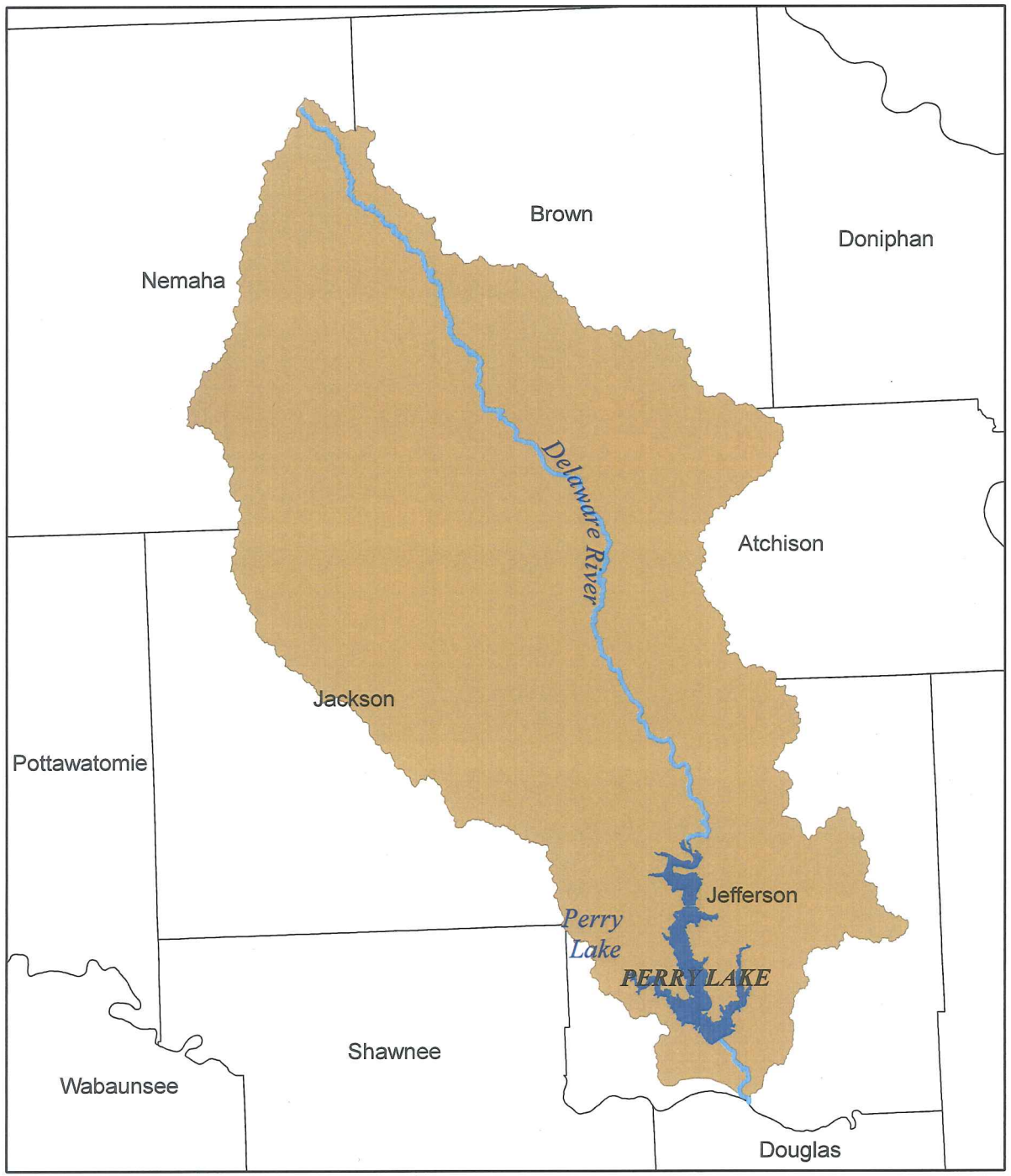
The project is designed to reduce the amount of sediment and associated pollutants entering the Delaware River and Perry Reservoir. Additional benefits include enhanced wildlife habitat in vegetated streambanks and riparian buffer areas.

H. Reasons for Concluding No Significant Impacts:

The Delaware Streambank Restoration Project will not adversely impact population densities and land use patterns within the surrounding communities or the State. No known adverse impacts are anticipated on floodplains, wetlands, groundwater, or environmentally sensitive areas. Minor, temporary, negative impacts associated with construction will be offset by the long-term benefits of the project.

Reviewer

12/8/2011
Date



Glacial Hills RC&D

Delaware River Streambank Restoration Project, Phase 3
Brown, Atchison & Jackson Counties, Kansas

Project No.: C20 1923 01
Project Type: Green Infrastructure / NPS
Project Total: $1,040,000
Loan Amount: $756,000

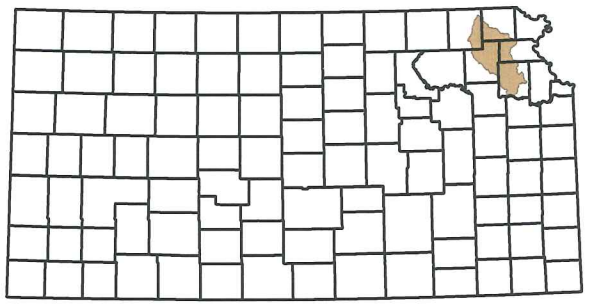
N

Map Legend

Delaware River

Delaware Watershed HUC 10270103

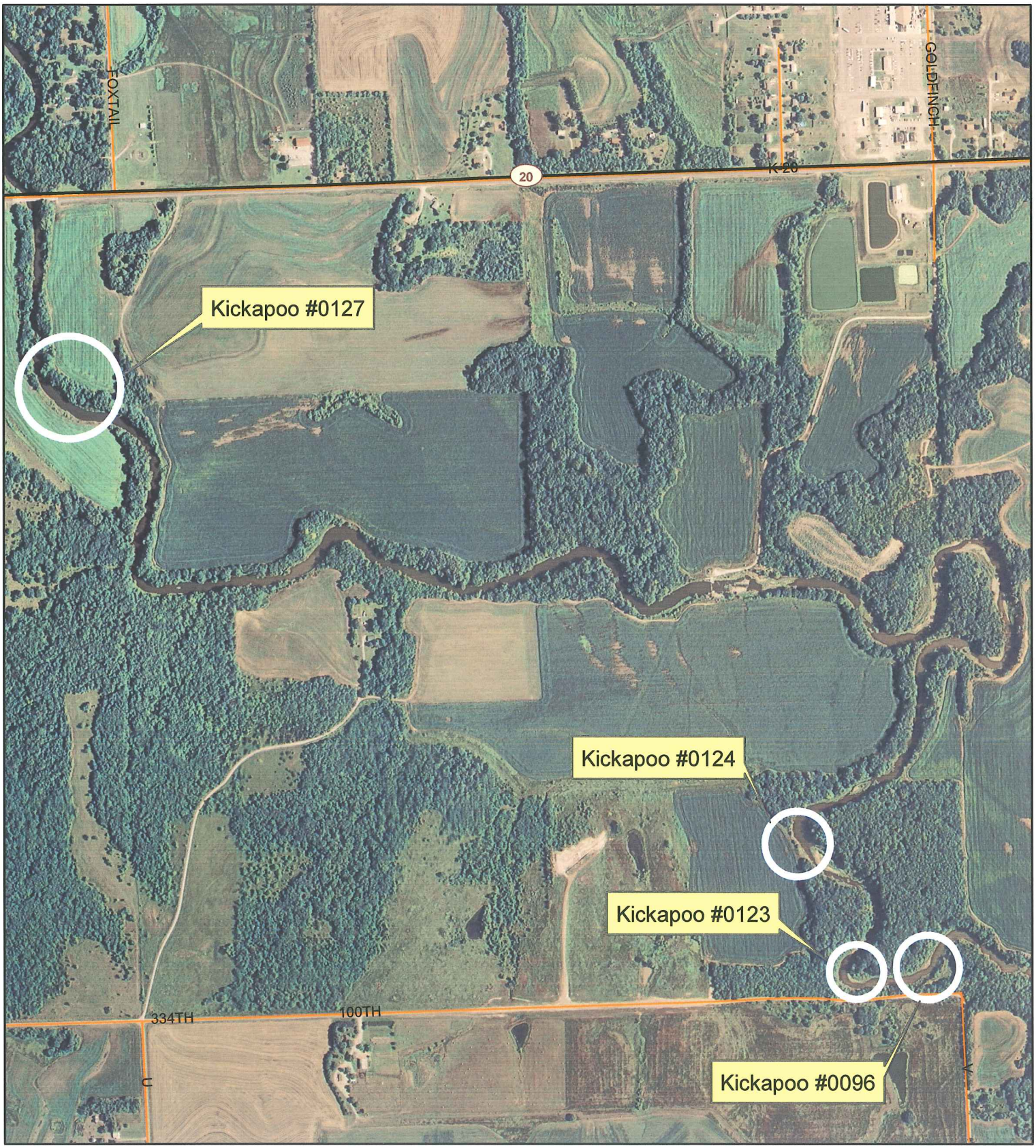
0 5 10 20 Miles



Glacial Hills RC&D

Delaware River Streambank Restoration Project, Phase 3
Group 1 Sites, Brown County

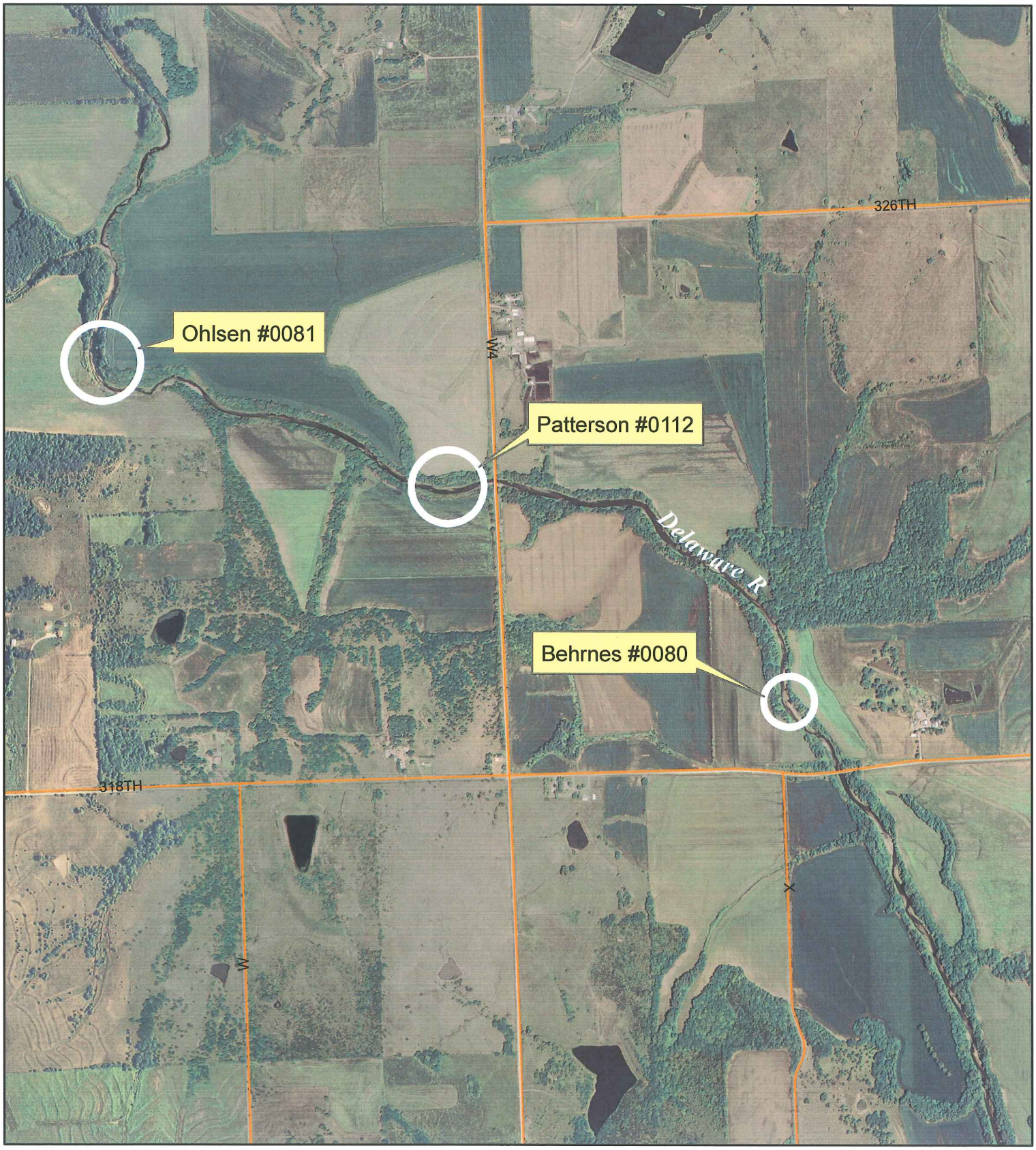
Project No.: C20 1923 01
Project Type: Green Infrastructure / NPS
Project Total: $1,040,000
Loan Amount: $756,000



Glacial Hills RC&D

Delaware River Streambank Restoration Project, Phase 3
Group 2 Sites, Jackson County

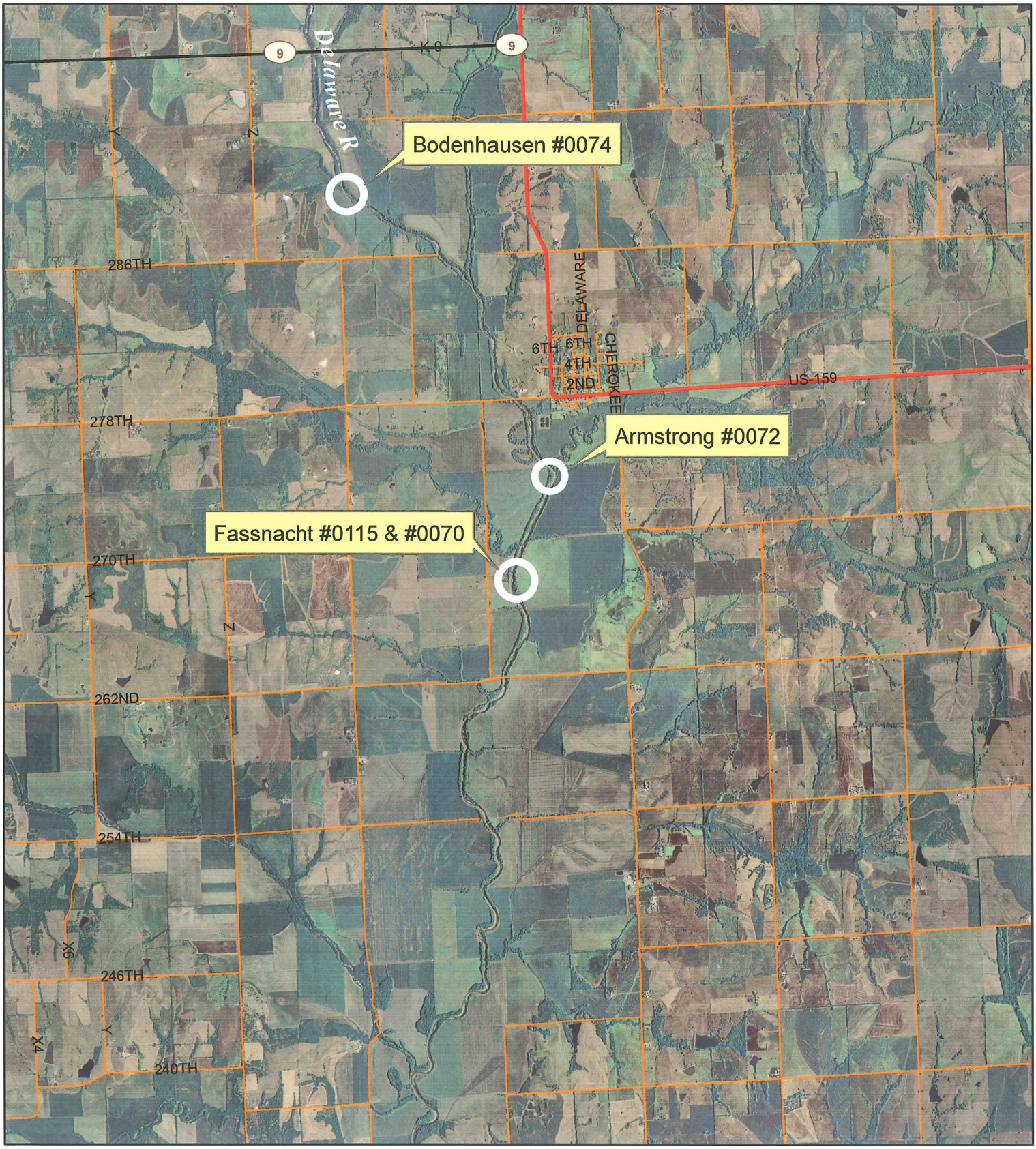
Project No.: C20 1923 01
Project Type: Green Infrastructure / NPS
Project Total: $1,040,000
Loan Amount: $756,000



Glacial Hills RC&D

Delaware River Streambank Restoration Project, Phase 3
Group 3 Sites, Atchison County

Project No.: C20 1923 01
Project Type: Green Infrastructure / NPS
Project Total: $1,040,000
Loan Amount: $756,000



Glacial Hills RC&D

Delaware River Streambank Restoration Project, Phase 3
Group 4 Sites, Atchison County

Project No.: C20 1923 01
Project Type: Green Infrastructure / NPS
Project Total: $1,040,000
Loan Amount: $756,000

Glacial Hills RC&D

Delaware River Streambank Restoration Project, Phase 3
Group 5 Sites, Atchison County

Project No.: C20 1923 01
Project Type: Green Infrastructure / NPS
Project Total: $1,040,000
Loan Amount: $756,000

Environmental Clearance Documents – Distribution List

Green Infrastructure / Non-Point Source Pollution Abatement Project
Finding of No Significant Impact and Environmental Assessment

Kansas Dept. of Wildlife & Parks
Environmental Services Section
512 SE 25th Avenue
Pratt, Kansas 67124-8174

State Conservationist
Natural Resources Conservation Service
760 South Broadway
Salina, Kansas 67401

Executive Director
Kansas State Historical Society
6425 SW 6th Ave
Topeka, Kansas 66615

Kansas Geological Survey
KU – 1930 Constant Ave
Campus West
Lawrence, KS 66047

Kansas Biological Survey
University of Kansas
2041 Constant Ave
Lawrence, Kansas 66047-2906

U.S. Army Corps of Engineers
700 Federal Building
601 E. 12th Street
Kansas City, Missouri 64106

Kansas Water Office
901 S. Kansas Avenue
Topeka, Kansas 66612

Kansas Dept. of Agriculture
Division of Water Resources
109 S.W. 9th Street
Topeka, Kansas 66612

Kansas Corporation Commission
130 S. Market - 2nd Floor
Wichita, Kansas 67202

U.S. Dept. of the Interior
Fish & Wildlife Service
Ecological Services/
Partners for Fish & Wildlife
2609 Anderson Avenue
Manhattan, Kansas 66502-2801

Kansas Dept. of Agriculture
Division of Conservation
109 S.W. 9th Street, Suite 2A
Topeka, Kansas 66612

US EPA, Region 7
NPDES & Facilities Management
901 N. 5th Street
Kansas City, KS 66101

Kansas Department of Health & Environment
1000 SW Jackson Street, Suite 400
Topeka, KS 66612

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St. Joseph, MO 64501

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Holton, KS 66436