

Kansas Water Pollution Control Revolving Loan Fund

FINDING OF NO SIGNIFICANT IMPACT

DEC - 7 2012

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 1989), 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 1946 01**
Green Infrastructure / Non-Point Source Pollution Control Project
Delaware River Streambank Stabilization & Restoration Project, **Phase 4**

Phase 4, Estimated Total Project Amount: \$563,295
Loan Amount: \$388,295
Applicant Contribution: \$175,000
Estimated Principal Forgiveness: \$388,295

The Draft Update to the Final State Fiscal Year 2012 Intended Use Plan scheduled a low interest Kansas Water Pollution Control Revolving Fund (KWPCRF) loan for this project. The entire loan amount dedicated to this project is expected to come from federal source KWPCRF funds allocated to the State of Kansas.

The project will provide the installation of bio-engineered streambank stabilization projects at eleven (11) sites along the Delaware River above Perry Reservoir, and along Muddy Creek and Straight Creek. This project qualifies as a Green Project Reserve project in accordance with the FFY 2011 Federal GPR guidelines.

Project Description, Location and Purpose

The project sites are located in the Kansas-Lower Republican River Basin in the Delaware River Watershed. Five of the sites are located along the Delaware River, with four of those being located in the Walnut Creek-Delaware River subwatershed (HUC 102701030110) and one located in the Town of Arrington-Delaware River subwatershed (HUC 102701030308). Five of the proposed sites are located along Muddy Creek in the Outlet Muddy Creek subwatershed (HUC 102701030109), and one site is located along Straight Creek in the Outlet Straight Creek subwatershed (HUC 102701030303). In 2012, the Kansas Department of Health and

Environment approved a high priority eutrophication TMDL for Perry Lake, and it is on the Kansas 2012 303(d) Impaired Waters List for eutrophication. The TMDL indicates that erosion of streambanks and riparian areas along streams can contribute to nonpoint source pollutants entering the lake. These have been targeted by the Delaware Watershed Restoration and Protection Strategy (WRAPS) for implementation activities to reduce sediment and nutrient loads within the Delaware River and Perry Lake watersheds.

The proposed project will utilize bank reshaping and planting of deep-rooted native vegetation, installation of rock vanes or bend-way weirs, and stabilization of the bank toe with rock and other materials that are proven to reduce streambank erosion. Riparian buffers will be established at all sites with a minimum width of 66 feet. Streambank stabilization and restoration practices will be designed to meet the standards and specifications of the Natural Resources Conservation Service and the Kansas Department of Agriculture – Division of Conservation. The project design and construction will also adhere to the KDHE “Guidance for Funding of Streambank Bioengineering Projects” dated May 3, 2011 provided as part of the loan application materials for this project.

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 Lake watersheds. 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.

Intergovernmental review comments were requested from 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 (KDHE), Kansas Department of Wildlife & Parks, Kansas Water Office, Kansas State Historical Society, Natural Resources Conservation Service, Kansas Department of Agriculture Division of Water Resources, Kansas Department of Agriculture Division of Conservation, Kansas Biological Survey, Kansas Corporation Commission, and Kansas Geological Survey. There was no response from the U.S. Environmental Protection Agency Region 7. As of this time, no agency has prohibited clearance of the project.

The U.S. Army Corps of Engineers commented that the proposed project may be considered for permitting through the issuance of Nationwide Permit (NWP-13) Bank Stabilization, provided that the following information is forwarded to the Corps office for review: (1) detailed description of the proposed project with plans of sufficient detail to understand the existing and proposed site conditions; (2) a vegetation restoration plan, including the planned use of plant species, restoration method and schedule of site restoration activity; and (3) contact information for the property owners and any project manager to identify responsible project participants. The final

plans and specifications, and other requested items, will be submitted to the U.S. Army Corps of Engineers prior to construction to ensure that all applicable permit requirements are met.

The Kansas State Historical Society (KSHS) expressed concern that there could be recorded archeological sites located within the general project area, and stated that considerable archeological survey has been conducted along the Delaware River and its tributaries. The agency further commented that those areas proposed for streambank stabilization that have already been surveyed or are located in heavily disturbed (channelized) settings will not require examination. The KSHS stated that a total of five areas (Ohlsen 0084, L&J Farms 0089, Dennis Smith 0086, and John Atwater 0090) should be surveyed by a professional archaeologist prior to beginning construction. Since this project will utilize federal funds, Section 106 of the National Historic Preservation Act applies, and thus makes the archeological survey a requirement as part of the proposed project.

The Kansas Department of Agriculture Division of Water Resources (DWR) stated that channel change permits will likely be required for the project. Glacial Hills RC&D is responsible to obtain all necessary DWR permits required for construction of the project.

The Kansas Department of Wildlife & Parks (KDWP) indicated that there are no threatened or endangered species concerns within the project area. The agency has no objection to the proposed project; however, the following recommendations were made for the project: (1) soft armoring techniques, such as large root wads and willow stakes, should be investigated as bank stabilization materials for the Phase 4 project; (2) minimize additional instream/wetland construction activities during general spawning dates of April 1 through August 31, inclusive; (3) avoid channel widening and further streambank degradation above and below the project area during the construction activities; (4) streambank and streambed impacted outside of the proposed projects footprint should be restored to a functioning stream system including meanders, riffles, runs, and pools; (5) avoid impacts to existing wetlands and riparian vegetation, including tree removal; (6) implement and maintain standard erosion control Best Management Practices such as silt fencing, hay bale ditch checks, erosion control blankets, storm drain inlet protection and temporary weed-free seeding/mulching; and (7) reseed and landscape with native warm season grasses, forbs, shrubs and trees to permanently revegetate all areas disturbed by construction. Glacial Hills RC&D, by receipt of the comment letter from the KDWP, has been made aware of the above recommendations, and is responsible to coordinate with both the design engineer and the KDWP to ensure that those recommendations are taken into account throughout the design and construction of the project.

A public meeting and public hearing were held on June 21, 2012. No opposition to the project was expressed during the public meeting or hearing.

The fourth phase of the project is estimated to cost \$563,295. The Glacial Hills RC&D has received a \$388,295 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, 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 Stabilization & Restoration Project
Project No.: **C20 1946 01**
Project Type: Streambank Restoration Project, **Phase 4**
Project Total: \$563,295
Loan Amount: \$388,295
Principal Forgiveness: \$388,295

B. Community Description:

Location: Phase 4 of the Delaware River Streambank Stabilization & Restoration will provide the installation of bio-engineered streambank stabilization projects at a total of eleven (11) sites along the Delaware River, and Muddy and Straight Creeks located within Brown, Jackson, and Atchison counties. The project sites are located in the Kansas-Lower Republican River Basin in the Delaware River Watershed. Five of the sites are located along the Delaware River, with four of those being located in the Walnut Creek-Delaware River subwatershed (HUC 102701030110) and one located in the Town of Arrington-Delaware River subwatershed (HUC 102701030308). Five of the proposed sites are located along Muddy Creek in the Outlet Muddy Creek subwatershed (HUC 102701030109), and one site is located along Straight Creek in the Outlet Straight Creek subwatershed (HUC 102701030303). In 2012, the Kansas Department of Health and Environment approved a high priority eutrophication TMDL for Perry Lake, and it is on the Kansas 2012 303(d) Impaired Waters List for eutrophication. The TMDL indicates that erosion of streambanks and riparian areas along streams can contribute to nonpoint source pollutants entering the lake. These have been targeted by the Delaware Watershed Restoration and Protection Strategy (WRAPS) for implementation activities to reduce sediment and nutrient loads within the Delaware River and Perry Lake watersheds.

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 located in Northeast Kansas providing flood control, recreation and public water supply benefits. The proposed project will stabilize and restore eleven (11) sites within the Kansas-Lower Republican River Basin in the Delaware River Watershed. Five of the sites are located along the Delaware River, five of the sites are located along Muddy Creek, and one site is located along Straight Creek.

The primary practices utilized will include longitudinal peaked stone protection, rock vanes, bank reshaping and revegetation of the streambank and riparian area with native plant materials. The project is coordinated with the Delaware River WRAPS project and the Kansas Department of Agriculture Division of Conservation.

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 the standards and specifications of the Natural Resources Conservation Service and the Kansas Department of Agriculture Division of Conservation, as well as the KDHE "Guidance for Funding of Streambank Bioengineering Projects" dated May 3, 2011.

Financial: The fourth phase of the project is estimated to cost \$563,295. The Glacial Hills RC&D has received a loan in the amount of \$388,295 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. 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 Atchison, Brown and Jackson 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 areas. 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 Irrecoverable 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 were held for this project on June 21, 2012.

Public Opposition or Opinions: No public opposition to the project was raised during the public meeting and 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 response was received from the U.S. EPA Region 7. The plan design layout will be submitted to certain review agencies for final comments, including the Corps of Engineers for permit determination.

The U.S. Army Corps of Engineers commented that the proposed project may be considered for permitting through the issuance of Nationwide Permit (NWP-13) Bank Stabilization, provided that the following information is forwarded to the Corps office for review: (1) detailed description of the proposed project with plans of sufficient detail to understand the existing and proposed site conditions; (2) a vegetation restoration plan, including the planned use of plant species, restoration method and schedule of site restoration activity; and (3) contact information for the property owners and any project manager to identify responsible project participants. The final plans and specifications, and other requested items, will be submitted to the U.S. Army Corps of Engineers prior to construction to ensure that all applicable permit requirements are met.

The Kansas State Historical Society (KSHS) expressed concern that there could be recorded archeological sites located within the general project area, and stated that considerable archeological survey has been conducted along the Delaware River and its tributaries. The agency further commented that those areas proposed for streambank stabilization that have already been surveyed or are located in heavily disturbed (channelized) settings will not require examination. The KSHS stated that a total of five areas (Ohlsen 0084, L&J Farms 0089, Dennis Smith 0086, and John Atwater 0090) should be surveyed by a professional archaeologist prior to beginning construction. Since this project will utilize federal funds, Section 106 of the National Historic Preservation Act applies, and thus makes the archeological survey a requirement as part of the proposed project.

The Kansas Department of Agriculture Division of Water Resources (DWR) stated that channel change permits will likely be required for the project. Glacial Hills RC&D is responsible to obtain all necessary DWR permits required for construction of the project.

The Kansas Department of Wildlife & Parks (KDWP) indicated that there are no threatened or endangered species concerns within the project area. The agency has no objection to the proposed project; however, the following recommendations were made for the project: (1) soft armoring techniques, such as large root wads and willow stakes, should be investigated as bank stabilization materials for the Phase 4 project; (2) minimize additional instream/wetland construction activities during general spawning dates of April 1 through August 31, inclusive; (3) avoid channel widening and further streambank degradation above and below the project area during the construction activities; (4) streambank and streambed impacted outside of the proposed projects footprint should be restored to a functioning stream system including meanders, riffles, runs, and pools; (5) avoid impacts to existing wetlands and riparian vegetation, including tree removal; (6) implement and maintain standard erosion control Best Management Practices such as silt fencing, hay bale ditch checks, erosion control blankets, storm drain inlet protection and temporary weed-free seeding/mulching; and (7) reseed and landscape with native warm season grasses, forbs, shrubs and trees to permanently revegetate all areas disturbed by construction. Glacial Hills RC&D, by receipt of the comment letter from the KDWP, has been made aware of the above recommendations, and is responsible to coordinate with both the design engineer and the KDWP to ensure that those recommendations are taken into account throughout the design and construction of the project.

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 River Streambank Stabilization & 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

11/28/2012

Date

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
11201 Renner Blvd.
Lenexa, KS 66219

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

Mr. Gary Satter
Glacial Hills RC&D
P.O. Box 130
Wetmore, KS 66550

The Holton Recorder
109 W. Fourth St.
Holton, KS 66436

Glacial Hills RC&D Delaware River Phase 4 Site Locations

