

Kansas Water Pollution Control Revolving Loan Fund

FINDING OF NO SIGNIFICANT IMPACT

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

FEB - 6 2013

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 RC&D**

SRF Project No.: **C20 1942 01**

Green Infrastructure / Non-Point Source Pollution Control Project
Wolf River Streambank Stabilization & Restoration Project

Estimated Total Project Amount: \$205,264
Loan Amount: \$153,948
Applicant Contribution: \$51,316
Estimated Principal Forgiveness: \$153,948

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 design and installation of bio-engineered streambank stabilization projects at sites along the Wolf River and Norton Creek within the Wolf River watershed in Doniphan and Brown counties (total of 4 sites). 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 Wolf River Watershed in Doniphan and Brown counties along the Wolf River, in the Coon Creek-Wolf River subwatershed (HUC 102400051205) and in the Middle Fork Wolf River-Wolf River subwatershed (HUC 102400051202). The Wolf River is a designated high priority TMDL watershed for biology and Fecal Coliform Bacteria (FCB) and is on the 2012 303(d) Impaired Waters List for biology and FCB impairments. The biology TMDL developed by the Kansas Department of Health and Environment (KDHE) indicates that a decrease in sediment (Total Suspended Solids or TSS) will help to address the biology

impairment. The proposed streambank stabilization and riparian restoration projects will reduce the amount of sediment reaching Wolf River, helping to reduce the water quality impairments.

The proposed project will stabilize and restore four (4) sites within the Wolf River watershed. Two of the sites are located along Norton Creek in Doniphan County, approximately 1.5 miles upstream of the Wolf River, and two of the sites are located along Wolf River in Brown County approximately 1.5 miles north of Sparks, Kansas.

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. 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 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 Wolf River. 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, Kansas Geological Survey, and Mo-Kan Regional Council. There was no response from the U.S. Environmental Protection Agency Region 7, the U.S. Department of Interior Fish & Wildlife Service, or the Mo-Kan Regional Council. 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 expressed concern that there could be recorded sites located with the proposed project areas, and that the proposed project sites 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 Geological Survey review indicated that the project will have minimal impact on the regional geologic or hydrologic conditions, subject to the following: (1) further characterization, testing, or design prior to construction, of the project soils in accordance with local, state, and federal requirements, (2) any project spoil or debris are disposed of in accordance with local, state, and federal requirements, and (3) stream channel or bank alterations and any dewatering wells comply with the requirements and regulations of the Division of Water Resources. The response also 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 (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 the Wolf River is Critical Habitat for the Western Silvery Minnow. Pursuant to the Kansas Nongame and Endangered Species Conservation Act of 1975, Glacial Hills RC&D is required to coordinate with KDWP on logistics, plans and construction of the stabilization to avoid and minimize impacts to the critical habitat. The KDWP conducted an onsite visit to review the project, and has determined that a KDWP Action Permit will be necessary to proceed with the projects. According to the Dec. 27, 2012 letter to Glacial Hills RC&D, a condition of the action permit will be to avoid in stream work during the spawning season of the Western Silvery Minnow, which is June 1 – August 15, all inclusive. The KDWP also stated that once final design plans are submitted there may be more conditions added to avoid and minimize impacts to the species. Glacial Hills RC&D will coordinate with the KDWP and will submit the plans and specifications to the KDWP for review and approval prior to construction of the project.

A public meeting and public hearing were held on July 9, 2012. No opposition to the project was expressed during the public meeting or hearing.

The project is estimated to cost \$205,264. The Glacial Hills RC&D has received a \$153,948 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.

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 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
University of Kansas
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

US EPA, Region 7
NPDES & Facilities Management
11201 Renner Blvd.
Lenexa, KS 66219

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

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

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

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

Environmental Protection Agency
Office of Federal Activities
1200 Pennsylvania Ave. NW
Washington, D.C. 20004

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

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

Wildhorse Riverworks, Inc.
Phil Balch, President
11821 N.W. 13th Street
Topeka, KS 66615

Environmental Assessment Document

A. Project Identification:

Project Applicant: **Glacial Hills RC&D**
Project Name: Wolf River Streambank Stabilization & Restoration Project
Project No.: **C20 1942 01**
Project Type: Streambank Restoration Project
Project Total: \$205,264
Loan Amount: \$153,948
Principal Forgiveness: \$153,948

B. Community Description:

Location: The project will provide the design and installation of bio-engineered streambank stabilization projects at sites along the Wolf River and Norton Creek within the Wolf River watershed in Doniphan and Brown counties (total of 4 sites). The project sites are located in the Wolf River Watershed in Doniphan and Brown counties along the Wolf River, in the Coon Creek-Wolf River subwatershed (HUC 102400051205) and in the Middle Fork Wolf River-Wolf River subwatershed (HUC 102400051202). The Wolf River is a designated high priority TMDL watershed for biology and Fecal Coliform Bacteria (FCB) and is on the 2012 303(d) Impaired Waters List for biology and FCB impairments. The biology TMDL developed by the Kansas Department of Health and Environment (KDHE) indicates that a decrease in sediment (Total Suspended Solids or TSS) will help to address the biology impairment. The proposed streambank stabilization and riparian restoration projects will reduce the amount of sediment reaching Wolf River, helping to reduce the water quality impairments.

C. Project Description:

Purpose: The purpose of the project is to reduce sediment and associated pollutant loadings to the Wolf River watershed. The proposed project will stabilize and restore four (4) sites within the Wolf River watershed. Two of the sites are located along Norton Creek in Doniphan County, approximately 1.5 miles upstream of the Wolf River, and two of the sites are located along Wolf River in Brown County approximately 1.5 miles north of Sparks, Kansas.

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. Bendway weirs will also be utilized at some of the sites.

Design Factors: Combinations of rock vanes and longitudinal peaked stone-toe protection will be utilized at individual 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 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 project is estimated to cost \$205,264. The Glacial Hills RC&D has received a loan in the amount of \$153,948 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.

D. Alternatives Considered:

Streambank and site assessments were conducted within the Wolf River watershed 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 Wolf River watershed as well as providing other water quality and wildlife habitat benefits.

Secondary:

- a. Population: This project will not adversely impact the populations of the Doniphan and Brown counties or surrounding communities. Citizens will benefit from reduced sedimentation and improved water quality within the Wolf River watershed.
- 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 public hearing were held on July 9, 2012. No opposition to the project was expressed during the public meeting or hearing.

Public Opposition or Opinions: No public opposition to the project was raised during the public meeting and 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. Environmental Protection Agency Region 7 or the U.S. Department of Interior Fish & Wildlife Service. The plan design layout will be submitted to certain review agencies for final comments, including the Corps of Engineers for permit determination and the Kansas Department of Wildlife & Parks.

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.

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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), as well as coordination with the Kansas Department of Wildlife & Parks, as previously stated.

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 Wolf River watershed. Additional benefits include enhanced wildlife habitat in vegetated streambanks and riparian buffer areas.

H. Reasons for Concluding No Significant Impacts:

The Wolf 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



Date

