

Kansas Water Pollution Control Revolving Loan Fund

FINDING OF NO SIGNIFICANT IMPACT

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: **Kansas Water Office**

SRF Project No.: **C20 1943 01**
Green Infrastructure / Non-Point Source Pollution Control Project
Smoky Hill River Streambank Stabilization & Restoration Project

Estimated Total Project Amount: \$400,640
Loan Amount: \$300,480
Applicant Contribution: \$100,160
Estimated Principal Forgiveness: \$300,480

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 seven (7) sites along the Smoky Hill River in Saline County. 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 Upper Lower Smoky Hill River Watershed in Saline County along the Smoky Hill River, in the Gas Lake-Smoky Hill River subwatershed (HUC 102600080305 and in the East Dry Creek-Smoky Hill River subwatershed (HUC 102600080306). The Lower Smoky Hill River Kanopolis to Salina is a designated high priority TMDL watershed for Total Suspended Solids (TSS) and is on the 2012 303(d) Impaired Waters List for biology, phosphorus, and TSS impairments. The proposed streambank stabilization and riparian restoration projects will address the high priority TMDL for TSS for the Smoky Hill River.

The proposed project will stabilize and restore seven (7) sites along the Smoky Hill River. Six of the sites are located southeast of the City of Salina south of E. Water Well Road and east of S. Ohio Street, and one of the sites is located north of Magnolia Road east of the City of Salina. 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 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 Smoky Hill 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, 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 contractor must adhere to the Nationwide 27 permit criteria when designing, engineering, and constructing the project. It further commented that if the project plans and/or construction do not meet the criteria for Nationwide 27 permit, mitigation will be necessary to complete the project. The final plans and specifications will be submitted to the U.S. Army Corps of Engineers prior 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, (3) the project should include operation and maintenance costs and an operation and maintenance plan, and (4) the project shall comply with the requirements of the Division of Water Resources, as applicable. 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. As part of the KWPCRF loan requirements, an operation and maintenance plan is required to be submitted to KDHE by the loan recipient for review and approval.

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

The Kansas Corporation Commission provided a log of the well drilling activity that has occurred within the project area. It stated that no activity has occurred within the immediate construction areas outlined on the map provided with the review request. It further stated that their office be contacted should any oil field related problems or wells be located during construction.

The Kansas Department of Wildlife & Parks (KDWP) indicated that there are no threatened or endangered species concerns within the project area. They have requested, however, that the detailed project plans and specifications be submitted to their office in order that they can provide recommendations concerning any potential biological impacts of construction activities. The Kansas Water Office will submit the plans and specifications to the KDWP for review and approval prior to construction of the project.

Public participation included an informational public meeting on April 5, 2012 as part of the Smoky Hill Saline Basin Advisory Committee meeting. A public hearing for the proposed streambank stabilization project will be held once the project plans and specifications have been completed. The proposed design plans will be reviewed at the public hearing and any public comments will be addressed at that time.

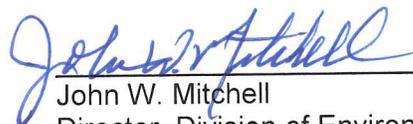
The project is estimated to cost \$400,640. The Kansas Water Office has received a \$300,480 loan for Green Project Reserve / Nonpoint Source Pollution Control Practices through the Kansas Water Pollution Control Revolving Fund (KWPCRF). The Kansas Water Office will receive 100% principal forgiveness on the loan amount up to a maximum of 75% of the total project cost. The Kansas Water Office 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 Assessment Document

A. Project Identification:

Project Applicant: **Kansas Water Office**
Project Name: Smoky Hill River Streambank Stabilization & Restoration Project
Project No.: **C20 1943 01**
Project Type: Streambank Restoration Project
Project Total: \$400,640
Loan Amount: \$300,480
Principal Forgiveness: \$300,480

B. Community Description:

Location: The project will provide the installation of bio-engineered streambank stabilization projects at seven (7) sites along the Smoky Hill River in Saline County. The project sites are located in the Upper Lower Smoky Hill River Watershed in Saline County along the Smoky Hill River, in the Gas Lake-Smoky Hill River subwatershed (HUC 102600080305 and in the East Dry Creek-Smoky Hill River subwatershed (HUC 102600080306). The Lower Smoky Hill River Kanopolis to Salina is a designated high priority TMDL watershed for Total Suspended Solids (TSS) and is on the 2012 303(d) Impaired Waters List for biology, phosphorus, and TSS impairments. The proposed streambank stabilization and riparian restoration projects will address the high priority TMDL for TSS for the Smoky Hill River.

Saline County has an estimated 2010 population of 55,606 people according to the U.S Census Bureau.

C. Project Description:

Purpose: The purpose of the project is to reduce sediment and associated pollutant loadings to the Smoky Hill River. The proposed project will stabilize and restore seven (7) sites along the Smoky Hill River. Six of the sites are located southeast of the City of Salina south of E. Water Well Road and east of S. Ohio Street, and one of the sites is located north of Magnolia Road east of the City of Salina.

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. The project is coordinated with the Upper Lower Smoky Hill River Watershed Restoration and Protection Strategy (WRAPS) project, the Kansas Department of Agriculture Division of Conservation, and the City of Salina.

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 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 \$400,640. The Kansas Water Office has received a loan in the amount of \$300,480 for Green Project Reserve / Nonpoint Source Pollution Control Practices through the Kansas Water Pollution Control Revolving Fund (KWPCRF). The Kansas Water Office will receive 100% principal forgiveness on the loan amount up to a maximum of 75% of the total project cost. The Kansas Water Office will utilize other funding sources for the remaining 25% of the project cost.

D. Alternatives Considered:

Streambank and site assessments were conducted along the Smoky Hill 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 Smoky Hill River as well as providing other water quality and wildlife habitat benefits.

Secondary:

- a. Population: This project will not adversely impact the population of Saline County or surrounding communities. Citizens will benefit from reduced sedimentation and improved water quality in the Smoky Hill River.
- 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 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 was held on April 5, 2012. The public hearing for the project will be held upon completion of the project plans and specifications, prior to advertising for bids for the project.

Public Opposition or Opinions: No public opposition to the project was raised during the public meeting. The Kansas Water Office will address any public opinions expressed during the upcoming public hearing for the project.

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 and the Kansas Department of Wildlife & Parks.

The U.S. Army Corps of Engineers commented that the contractor must adhere to the Nationwide 27 permit criteria when designing, engineering, and constructing the project. It further commented that if the project plans and/or construction do not meet the criteria for Nationwide 27 permit, mitigation will be necessary to complete the project. The final plans and specifications will be submitted to the U.S. Army Corps of Engineers prior 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, (3) the project should include operation and maintenance costs and an operation and maintenance plan, and (4) the project shall comply with the requirements of the Division of Water Resources, as applicable. 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. As part of the KWPCRF loan requirements, an operation and maintenance plan is required to be submitted to KDHE by the loan recipient for review and approval.

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

The Kansas Corporation Commission provided a log of the well drilling activity that has occurred within the project area. It stated that no activity has occurred within the immediate construction areas outlined on the map provided with the review request. It further stated that their office be contacted should any oil field related problems or wells be located during construction.

The Kansas Department of Wildlife & Parks (KDWP) indicated that there are no threatened or endangered species concerns within the project area. They have requested, however, that the detailed project plans and specifications be submitted to their office in order that they can provide recommendations concerning any potential biological impacts of construction activities. The Kansas Water Office will submit the plans and specifications to the KDWP for review and approval prior to 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 Smoky Hill River. Additional benefits include enhanced wildlife habitat in vegetated streambanks and riparian buffer areas.

H. Reasons for Concluding No Significant Impacts:

The Smoky Hill 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

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

Ms. Diane Coe
Kansas Water Office
901 S. Kansas Avenue
Topeka, Kansas 66612

Mr. Ron Graber
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