

Finding of No Significant Impact (FONSI)
Mined Lands Wildlife Area Land Disposal
Cherokee County, Kansas
Pittman-Robertson Wildlife Restoration Act

The U. S. Fish and Wildlife Service (Service) has prepared this document in accordance with the procedures for compliance with the National Environmental Policy Act as it applies to the Federal Aid in Fish and Wildlife Restoration Acts (64 Stat. 430; 16 U.S.C. Sec. 777 et. seq. and 50 State 916; 16 U.S.C. Sec. 669 et. seq.).

The Kansas Department of Wildlife, Parks and Tourism (KDWPT) proposes to dispose of 2.9 acres of the Mined Lands Wildlife Area along Kansas-7 (K-7) Highway to support development of a proposed highway improvement project. Safety concerns will be addressed along the highway with the improvements. The KDWPT will be compensated \$4,545 for the disposal of the land. The Federal share of this revenue will be returned to the Service's Wildlife and Sport Fish Restoration Grant Program (WSFR) and will be made available to KDWPT for future expenditure on WSFR-eligible activities.

The KDWPT acquired the Mined Lands Wildlife Area (MLWA) property in 1981 in part with grant funds from the Service's Wildlife and Sport Fish Restoration (WSFR) program. The MLWA totals 14,500 acres and provides wildlife habitat, as well as public hunting opportunities for whitetail deer, eastern turkey, mourning dove, bobwhite quail, fox squirrel, cottontails and waterfowl.

A Proposed Action (Build Alternative 1), Alternative Action (Build Alternative 2), and No Action were fully analyzed in the *Mined Lands Wildlife Area Disposal, K-7 Highway Improvements from US-160/US-69 to US-400 Environmental Assessment* (EA). The Proposed Action is for the Service to approve the transfer of four tracts, totaling approximately 2.9 acres, from the MLWA to KDOT to accommodate the widening of K-7 between US 160/US-69 and US-400.

A No Action and the Build Alternative 2 Action were evaluated. The No Action is not feasible due to the need of improving the highway for safety purposes. Build Alternative 2 is not feasible because it would not avoid existing strip mines and underground mines and would have a greater impact on the MLWA.

The EA evaluated environmental and social factors relevant to the Proposed Action. These include, but are not limited to: soils and prime/unique farmland; water resources, water quality, wetlands and floodplains; vegetation; fisheries; wildlife; federally-listed endangered, threatened, or candidate species, and state-listed species; other sensitive habitat; historic, cultural and archeological resources; and aesthetics, recreation, and access.

Relevant to the Endangered Species Act, there are no federally listed species or their habitat occurring within the Preferred Action project area, and therefore, the project will have "no effect" on listed, candidate, or proposed species or their critical habitat. To satisfy the National Historic Preservation Act, a cultural resources investigation was completed by KDOT in 2010 for the proposed project. KDOT determined that there were neither archeological resources nor

historic architectural resources present within the project area. The State Historic Preservation Officer (SHPO) concurred there were no National Register of Historic Places (NRHP) or eligible structures listed within or adjacent to the right-of-way to be acquired. The Kansas State Historical Society completed a Phase II archeological survey of the project for KDOT. On March 27, 2013 the SHPO concurred there were no archaeological sites eligible for listing in the NRHP in the project area.

KDOT solicited public input via: a Public Official's Meeting on August 17, 2009; a Meeting with Emergency Responders, School Districts in the Area, the City of Columbus Public Works, and the Mid-American Pipe Company on February 18, 2010; a Public Meeting on February 25, 2010; others meetings July 17 through 19, 2012; and Public Meeting for Public Officials and General Public on July 19, 2010. There were no comments opposing the project.

The Service released the EA for a 15-day public review period that ended November 29, 2014. No comments were received.

Based on review of the Environmental Assessment and evaluation of the effects of the proposed action, I have determined that the proposed action is not a major federal action which would significantly affect the quality of the human environment within the meaning of Section 102 (2) (c) of the National Environmental Policy Act of 1969. Consequently, I have determined that an Environmental Impact Statement is not required. The Final Environmental Assessment is on file in the Regional Office of the U.S. Fish and Wildlife Service, Wildlife and Sport Fish Restoration Program, 134 Union Boulevard, Lakewood, Colorado 80228 and is available for public review upon request.

APPROVAL:

Deputy


Regional Director, U.S. Fish and Wildlife Service, Region 6

12.12.14

Date

Reference:

Mined Lands Wildlife Area Disposal, K-7 Highway Improvements from US-160/US-69 to US-400 Environmental Assessment, U.S. Fish and Wildlife Service, December 2014.