

**DRAFT
ENVIRONMENTAL ASSESSMENT**

**US-54 &
Byron Walker Wildlife Management Area
Land Exchange**

Kingman County, Kansas

Prepared by:



**U.S. Fish and Wildlife Service
Division of Wildlife and Sport Fish Restoration
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Kingman County, Kansas

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Chapter I PURPOSE AND NEED FOR ACTION

A. Introduction and Background

The Kansas Department of Wildlife, Parks and Tourism (KDWP) is requesting approval of the U.S. Fish and Wildlife Service's (Service) Wildlife and Sport Fish Restoration Program (WSFR) for an exchange of property from the Byron Walker Wildlife Area (BWWA), portions of which were acquired with WSFR grant funds (Kingman Game Management Area; Kansas Grant W-25-L). The KDWP proposes to relinquish approximately 59.13 acres of land in the BWWA along the corridor of US-54 Highway, to the Kansas Department of Transportation (KDOT) in return for two parcels of land purchased by KDOT for the exchange, totaling approximately 122.3 acres that are adjacent to the BWWA boundaries. The US-54 Highway project and the BWWA are located in the south-central part of Kansas as shown in **Figure 1**. The entire US-54 widening improvement project travels from the City of Kingman to the City of Pratt (see **Exhibit 1** in **Appendix A**) and was analyzed in an Environmental Assessment (EA) in 2004 completed by KDOT and the Federal Highway Administration (FHWA).



Figure 1 – Project Location Map (Source: Bing Maps – Microsoft Corp.)

Within the BWWA, tracts of land were purchased with Pittman-Robertson Wildlife Restoration funds under Kansas Grant W-25-L. These tracts extend from the South Fork Ninescah River, west to the BWWA boundary. WSFR funding has also been used for habitat improvements on other areas of the BWWA. If BWWA land is transferred for highway right-of-way, the land must be purchased for fair market value from KDWP or replaced with land that is equivalent in market value and which serves the same purpose as the land being relinquished. **50 CFR 80.14(b), Application of Federal Aid Funds** states “*Real property acquired or constructed with*

Wildlife and Sport Fish Restoration Program funds must continue to serve the purpose for which acquired or constructed, and (3) When such property is no longer needed or useful for its original purpose, and with prior approval of the Regional Director, the property must be used or disposed of as provided by 43 CFR 12.71 or 43 CFR 12.932.” Therefore, KDOT and the FHWA have made a commitment to replace BWWA lands taken by the project, with lands in locations desired by KDWPT and BWWA management personnel, as part of the US-54 Highway widening project (EA 2004).

The WSFR Program approval of the proposed exchange of the BWWA property constitutes a federal action subject to the provisions of the National Environmental Policy Act of 1969 (NEPA), as amended. The Service is therefore required to prepare an Environmental Assessment (EA) to analyze the effects on the human and natural environment and document the findings. The Service will use this Draft EA to determine if the Proposed Action is likely to result in significant impacts to the human and natural environment. If it is determined that there are no significant adverse impacts, the Service will issue a Finding of No Significant Impact (FONSI). If it is determined, conversely, that significant impacts might occur, the Service will be required to prepare an Environmental Impact Statement (EIS).

B. Purpose and Need

The purpose of the land exchange is to provide KDOT the property necessary for widening the right-of-way of the US-54 Highway through the BWWA. If implemented, the exchange of property would be in lieu of monetary payment from KDOT to KDWPT for right-of-way acquisition.

After having discussions with land owners in the immediate area, and through extensive coordination with KDWPT, two willing sellers with property suitable for exchange were identified. The locations are shown on **Exhibits 2 and 3** in **Appendix A**.

The Cole property, a 29.51-acre tract of land surrounded by the BWWA land, is located at the northeast corner of the US-54/SW 90th Avenue intersection. The parcel contains a portion of the South Fork Ninescaw River with an oxbow. It consists of mostly riparian woodland habitat and a mix of scrub-shrub and emergent wetlands within the oxbow. The river and the oxbow are also designated by KDWPT as critical habitat for state-listed fish species.

The Seiler property, a 92.79-acre tract of land, is located adjacent to the southeast corner of the BWWA property, in the southwest quadrant of the existing US-54/NW 70th Avenue intersection. This parcel consists of predominantly open grassland with some small wooded areas and a portion of the South Fork Ninescaw River. The river is designated by KDWPT as critical habitat for state-listed fish species.

KDOT has purchased the two properties and proposes to transfer them to KDWPT to replace the BWWA property needed as right-of-way for the US-54 Highway widening improvement project and as partial mitigation for impacts on the wildlife and habitat of the BWWA land.

Chapter II ALTERNATIVES

A. Proposed Action

The WSFR Program proposes to approve the transfer of approximately 59.13 acres of the BWWA land owned by KDWPT to KDOT in exchange for 122.3 acres of land on two parcels owned by KDOT adjacent to the BWWA boundaries (see **Exhibits 2 and 3 in Appendix A**), to provide for the widening of US-54 (see **Exhibit 1 in Appendix A**). The existing US-54 Highway travels through the middle of the BWWA. Improving US-54 would include widening improvements to the north side of the existing roadway and would require cut and fill slopes that would infringe on, and require the acquisition of BWWA land. The proposed east bound lanes would be aligned on the existing US-54 alignment and the proposed west bound lanes would be aligned to the north side of the existing roadway.

In addition to complying with WSFR regulations, replacement of the land relinquished to KDOT would mitigate the impacts from the widening improvements to US-54 that is adjacent to the BWWA. The BWWA is an important wildlife management area, providing habitat for several small game and non-game wildlife and aquatic species including five state-listed species: the endangered Arkansas River Shiner, Arkansas River Speckled Chub, and Silver Chub; and the threatened Arkansas Darter and Plains Minnow. The land exchange between KDWPT and KDOT would balance the loss of impacted BWWA property with a gain to BWWA of connecting habitat which includes the South Fork Ninescah River habitat and its riparian corridor, and adjacent woodland and prairie habitats with substantial and beneficial resource values.

B. No Action

The widening of US-54 has been analyzed and consented upon in the 2004 EA. Therefore, the widening is considered a completed action. The No Action Alternative in this EA is if the WSFR Program doesn't approve the exchange of 122.3 acres of land on two parcels owned by KDOT for the land to widen US-54 that is currently part of the BWWA owned by KDWPT. Consequently, KDWPT's only option would be that of receiving monetary compensation for the required right-of-way on BWWA property instead of receiving replacement land that possesses a similar function and habitat value. KDOT would pay KDWPT an amount based on an appraised fair market value of the 59.13 acres of BWWA property. These funds would have to be returned to the Service's Wildlife and Sport Fish Restoration grant fund program per the terms of the Wildlife Restoration Act for future obligation toward eligible wildlife resource activities. The 122.3 acres on the two private tracts would remain in the ownership of KDOT at the present time.

No other alternatives to the exchange of the impacted BWWA property, with the acquisition of the two KDOT-owned parcels, were considered.

Chapter III

AFFECTED ENVIRONMENT

A. Byron Walker Wildlife Area (BWVA) Property

1. Location

The Byron Walker Wildlife Area (BWVA) is located along both the north and south sides of US-54 in Kingman County, Kansas; approximately seven miles west of the City of Kingman, in the south-central part of the state (see **Exhibits 2 and 3** in **Appendix A**). The BWVA contains approximately 4,622 acres, including the 144-acre Kingman State Fishing Lake (KSFL) located in the northeast corner of the BWVA. The east two-thirds of the KSFL and some of the adjacent land is designated as a wildlife preservation area, and as such, no hunting is permitted in that area.

The BWVA property subject to the Proposed Action is a narrow band, most of which lies on the north side of US-54 highway, and is approximately 4.5 miles in length from the west boundary to the east boundary. It does not include the wildlife preservation area.

2. Topography

The topography of the west half of the BWVA land subject to the Proposed Action is characterized by gently sloping terrain, mostly east or west facing, between flatter areas of intermittent drainage ways. The east half of the BWVA land subject to the Proposed Action is dominated by the nearly level floodplain of the South Fork Ninnescah River with adjacent wetland areas.

3. Soils and Prime/Unique Farmland

According to information from the U.S. Department of Agriculture's Natural Resources Conservation Service (NRCS) soil survey database, most of the soils in the west half of the BWVA property subject to the Proposed Action are generally sandy loams. The soil type in the South Fork Ninnescah River floodplain consists of mostly sandy loam and loamy sand with some smaller areas of silty clay loam.

Some of the soils within the BWVA property subject to the Proposed Action are also designated as Prime Farmland and Farmland of Statewide Importance, based on the NRCS soil survey database, and includes the following:

Prime Farmland

- Waldeck fine sandy loam, 3 to 7 percent slopes
- Zenda clay loam, occasionally flooded
- Clark clay loam, 1 to 3 percent slopes
- Shellabarger sandy loam, 1 to 3 percent slopes
- Shellabarger sandy loam, 3 to 6 percent slopes
- Shellabarger-Nalim complex, 1 to 3 percent slopes
- Nalim loam, 1 to 3 percent slopes

Farmland of Statewide Importance

Dilwyn-Plevna complex, occasionally flooded

Albion sandy loam, 3 to 6 percent slopes

4. Water Resources and Floodplain

The BWWA property subject to the Proposed Action contains one 0.3-acre pond, two areas where US-54 crosses the South Fork Ninescah River, and six other smaller stream crossings. The Federal Emergency Management Agency (FEMA) has designated 100-year floodplains for the South Fork Ninescah River and two of the smaller streams. In addition, the Service's National Wetlands Inventory (NWI) database indicates that there are the following vegetated wetland areas:

- PEMA – Palustrine Emergent Temporarily Flooded
- PEMAx – Palustrine Emergent Temporarily Flooded Excavated
- PEMC – Palustrine Emergent Seasonally Flooded
- PEMCx – Palustrine Emergent Seasonally Flooded Excavated
- PSSA – Palustrine Scrub-Shrub Temporarily Flooded
- PSSC – Palustrine Scrub-Shrub Seasonally Flooded
- PFOA – Palustrine Forested Temporarily Flooded
- PFOCh – Palustrine Forested Seasonally Flooded Diked/Impounded

In conjunction with the Environmental Assessment that analyzed the widening of US-54 (EA 2004), KDOT's Environmental Services Section (ESS) also performed wetland field delineations which confirmed the presence of emergent wetlands (cattails, sedges, rushes), scrub-shrub wetlands (Sandbar Willow, Indigo Bush), and forested wetlands (Cottonwood, Black Willow) within the BWWA area subject to the Proposed Action.

5. Vegetation

The western half of the BWWA property subject to the Proposed Action is comprised of mostly native grasses and forbs (Sand Bluestem, Little Bluestem, Switchgrass, Prairie Sunflower, Fourpoint Evening Primrose) interspersed with areas of mature deciduous trees (Honey Locust, Hackberry, Black Walnut), evergreen trees (Eastern Red Cedar), and shrubs (Roughleaf Dogwood, Fragrant Sumac, Sandhill Plum). The eastern half of the BWWA property subject to the Proposed Action is predominantly deciduous riparian woodland habitat (Cottonwood, Northern Catalpa, American Elm), with some smaller areas of native grasses and forbs.

Through the use of cutting, controlled burning, and herbicide spraying, the KDWPT regularly implements measures to control and eliminate noxious weeds and other invasive plants such as Siberian Elm, Russian Olive, Eastern Red Cedar, Multiflora Rose, Salt Cedar, Sericea Lespedeza, and Johnson Grass.

6. Fisheries

The BWWA property subject to the Proposed Action includes the South Fork Ninescah River, which provides fishing for common species such as Channel Catfish, Flathead Catfish, Yellow

Bullhead, Carp, Bluegill, Green Sunfish, and Largemouth Bass, according to KDWPT. In addition, there is a small pond at the northwest corner of SW 90th Avenue that provides fishing for Channel Catfish, Largemouth Bass, and Bluegill. KDWPT has also indicated that other common aquatic species that can occur in the South Fork Ninnescah River include Northern Plains Killifish, Western Mosquitofish, Bluntnose Minnow, Bullhead Minnow, Flathead Minnow, Suckermouth Minnow, Emerald Shiner, Red Shiner, and River Carpsucker.

7. Wildlife

According to KDWPT, the BWWA offers diverse habitat areas for several species of wildlife. The BWWA property subject to the Proposed Action supports common birds such as Quail (the primary game bird species on the area), Ring-necked Pheasant, Turkey, Mourning Dove, as well as several species of migratory song birds in the spring. There is also migratory waterfowl (inhabiting wetland areas and open water) including Mallard, Pintail, Gadwall, Widgeon, Canvasback, Redhead, Wood Duck, Blue-winged Teal, Green-winged Teal, Scaup, Ringneck, Buffelhead, Canada Goose, White-fronted Goose, and Snow Goose. Common mammals found on the property include Fox Squirrel, Cottontail, Jack Rabbit, White-tailed Deer, Beaver, Raccoon, Coyote, Bobcat, Opossum, and Badger. The property also provides habitat for reptiles such as Blanchard’s Cricket Frog, Plains Leopard Frog, Boreal Chorus Frog, Woodhouse’s Toad, Plains Spadefoot (toad), Smooth Softshell Turtle, Spiny Softshell Turtle, Painted Turtle, Yellow Mud Turtle, Prairie King Snake, Diamondback Water Snake, Northern Water Snake, Gopher Snake, Common Garter Snake, and Six-lined Racerunner.

8. Federal-Listed Endangered, Threatened, or Candidate, and State-Listed Species

The federal and state lists of endangered, threatened, and candidate species for Kingman County, as determined by the Service and KDWPT are as follows:

State and Federal Listings for Kingman County

Common name, <i>Genus species</i>	State Listing	Federal Listing
Arkansas Darter, <i>Etheostoma cragini</i>	Threatened	Candidate
Arkansas River Shiner, <i>Notropis girardi</i>	Endangered	
Arkansas River Speckled Chub, <i>Macrhybopsis tetranema</i>	Endangered	
Eastern Spotted Skunk, <i>Spilogale putoris interrupta</i>	Threatened	
Eskimo Curlew, <i>Numenius borealis</i>	Endangered	
Least Tern, <i>Sterna antillarum</i>	Endangered	
Piping Plover, <i>Charadrius melodus</i>	Threatened	
Plains Minnow, <i>Hybognathus placitus</i>	Threatened	
Silver Chub, <i>Macrhybopsis storeriana</i>	Endangered	
Snowy Plover, <i>Charadrius alexandrinus</i>	Threatened	
Whooping Crane, <i>Grus americana</i>	Endangered	Endangered

A Biological Assessment (BA) was prepared by the KDOT Environmental Services Section (ESS) in 2003 in conjunction with the US-54 EA (2004). The BA was submitted to the Service by the FHWA on April 1, 2003, initiating formal consultation (see letter in **Appendix B**). At that time, the Bald Eagle was listed as threatened on both the state and federal level. It has since been de-listed and is discussed in the subsequent “Other Sensitive Habitats” section of this chapter. The other change since the BA is that the Arkansas River Shiner is no longer a federal-

listed species in Kingman County, Kansas. With the exception of the Bald Eagle, the state and federal listed species that were noted by the KDOT ESS as being most relevant to the project included the following:

Arkansas River Shiner – The Arkansas River Shiner was federally listed as threatened in 2003. At that time the Service indicated that the Shiner was not currently known to occur in the South Fork Ninescah River basin nor was there any federally designated critical habitat in this basin (see letter dated April 17, 2003 in **Appendix B**). Since then the Arkansas River Shiner has been taken off the federal species list for this area. However, a portion of KDWP’s designated critical habitat for the state-endangered Arkansas River Shiner is the main stem of the South Fork Ninescah River in Kingman County. The river runs through two areas of the BWWA property subject to the Proposed Action. The spawning period of the Arkansas River Shiner is from June 1 through August 31.

Arkansas Darter – Although the Arkansas Darter is only a candidate species on the federal level, it is state-listed as threatened. A portion of KDWP’s designated critical habitat for the Arkansas Darter includes numerous perennial spring-fed reaches of named and unnamed streams south of the Arkansas River in Kingman County. In conjunction with the US-54 EA, KDWP reviewed the project corridor for occurrences of the Arkansas Darter and indicated that Arkansas Darters were present in wetlands, streams, and ditches, and the South Fork Ninescah River. In addition to those water resources within the BWWA, the KDWP has designated two areas adjacent to the South Fork Ninescah River within the BWWA property subject to the Proposed Action as critical habitat areas where the Arkansas Darter is present. One is the oxbow northeast of SW 90th Avenue, and the other is a roadside ditch just west of the US-54 crossing of the South Fork Ninescah River in the southeast portion of the BWWA. The spawning period for the Arkansas Darter is from March 1 through May 31.

Arkansas River Speckled Chub - A portion of KDWP’s designated critical habitat for the state-endangered Speckled Chub is the main stem of the South Fork Ninescah River in Kingman County. The river runs through two areas of the BWWA property subject to the Proposed Action. The spawning period of the Speckled Chub is from May 15 through August 31.

Subsequent to the Biological Assessment mentioned above, KDWP recently changed the status of the Plains Minnow from Species in Need of Conservation to Threatened and the Silver Chub is now on KDWP’s endangered list in Kingman County. In addition, the state and federal endangered Whooping Crane is also added to this discussion, as the BWWA is within the migration corridor of this species.

Plains Minnow – Although critical habitat has not been designated by KDWP for the state-threatened Plains Minnow, it occurs in Kansas streams that have broad beds of sand and shallow braided flow, and has been found in the South Fork Ninescah River, which runs through two areas of the BWWA property subject to the Proposed Action. The Plains Minnow spawning period is from April 1 to August 31.

Silver Chub – A large portion of KDWPT’s designated critical habitat for the state-endangered Silver Chub is the South Fork Ninescah River through Kingman County. The river runs through two areas of the BWWA property subject to the Proposed Action. The spawning period of the Silver Chub is from April 1 through May 31.

Whooping Crane - Although there is no state or federally designated critical habitat in Kingman County for the state and federal endangered Whooping Crane, the BWWA property subject to the Proposed Action is located within the migration corridor identified by the Service and contains wetland areas. Preferred resting areas of the Whooping Crane are wetlands in level to moderately rolling terrain, away from human activity, and where the vegetation is low and sparse in order to permit ease of movement and open views.

9. Other Sensitive Habitats

According to the Service, the Bald Eagle (*Haliaeetus leucocephalus*) was removed from the federal list of threatened and endangered species on August 9, 2007, and is no longer protected under the Endangered Species Act. However, bald eagles remain protected under the Bald and Golden Eagle Protection Act and the Migratory Bird Treaty Act.

Bald Eagle - A Biological Assessment was prepared by the KDOT ESS in 2003, in conjunction with the US-54 Environmental Assessment. At that time, the Bald Eagle was listed as threatened on both the state and federal level. The Service indicated that the South Fork Ninescah River was listed as important Bald Eagle wintering habitat, containing potential perching/roosting trees (see letter dated April 17, 2003 in **Appendix B**). The BWWA property subject to the Proposed Action contains the South Fork Ninescah River in two areas. The assessment of trees to determine their potential as perching/roosting trees included the following criteria: individual trees at least 50 feet tall and/or 24" diameter breast height (dbh) within 100 feet of open water, or a cumulative stand of 10 or more trees greater than 12" dbh within 100 feet of open water. Based on these criteria, the KDOT ESS determined that Bald Eagle wintering habitat exists, within the BWWA property subject to the Proposed Action, at the two locations where US-54 highway crosses the South Fork Ninescah River.

10. Historical, Cultural, and Archeological Resources

In conjunction with the US-54 EA (2004), cultural resource investigations were commenced in September of 2001 by the Kansas State Historical Society (KSHS) and the KDOT ESS. In March of 2004, the KDOT ESS determined that there were no archeological resources nor historic architectural resources present within the BWWA property subject to the Proposed Action, that are listed or eligible for listing in the National Register of Historic Places (NRHP).

11. Hazardous Material Sites

The KDOT ESS, in conjunction with the US-54 EA, performed a search of the Kansas Department of Health and Environment (KDHE) data bases, the results of which indicated that there were no registered landfills or identified/ listed hazardous material sites within the BWWA

property subject to the Proposed Action. The KDOT ESS also conducted a field inspection in September of 2002, through which it was determined that the BWWA property subject to the Proposed Action contained no hazardous material sites.

12. Aesthetics, Recreation, and Access

The BWWA property subject to the Proposed Action is visually pleasing, providing aesthetically pleasing views of prairie, woodland, wetland, and riparian environments for public users. The BWWA property is directly adjacent to US 54 Highway, and as such, contains access drives/pull-offs and parking areas that provide walk-in access to areas that can be used by the public for hunting, fishing, trapping, and viewing. Hunting for all small game species is permitted onsite during the appropriate archery or firearms hunting seasons. The Jayhawk Retriever Club uses BWWA property to sponsor hunting dog competitions for field trials and hunting tests. The access points are also used by the KDWPT for maintenance purposes, farming-type operations, and/or fire protection. Some of the current access points from US-54 are KDWPT's only means of access to some of the BWWA tracts.

There are also BWWA access roads and local north-south roads along US-54 and BWWA property including NW and SW 120th Avenue, NW 110th Avenue, NW and SW 90th Avenue, and SW 80th Avenue. The access road to the main headquarters office and the access road (State Lake Road) to the Kingman State Fishing Lake area are also off of US-54 Highway. Although not within the BWWA property subject to the Proposed Action, there are two archery ranges, one located east and one located west of the main office, both of which are accessed from the main office access road off of US-54. The archery ranges are open to the public everyday and are also used by youth groups, including the 4-H, and by the South Fork Archers club.

B. Kansas Department of Transportation (KDOT) Properties

1. Location

The 122.3 acres of KDOT property is located on two parcels. The 29.51-acres Cole property is located approximately 1.4 miles west of the east BWWA boundary, adjacent to the north side of US-54. The north, east, and west Cole property boundaries are surrounded by the BWWA property. The 92.79-acres Seiler property is located adjacent to the southeast corner of the BWWA property, in the southwest quadrant of the existing US-54/NW 70th Avenue intersection (see **Exhibits 2 and 3 in Appendix A**).

2. Topography

The topography of the Cole property and the Seiler property are similar, as both properties contain portions of the South Fork Ninescah River and lie within the nearly level floodplain of the river.

3. Soils and Prime/Unique Farmland

According to the NRCS soil survey database, the Cole property includes soils of sandy loam to loamy sand. With the exception of the South Fork Ninescah River channel, the soils on the

property are also designated as Prime Farmland (Waldeck fine sandy loam) and Farmland of Statewide Importance (Dilwyn-Plevna complex), although the property is mostly wooded and is not used for agricultural purposes.

The Seiler property includes soils of sandy loam to loamy sand. Some of these soils are also designated as Farmland of Statewide Importance (Dilwyn-Plevna complex), with a small area designated as Prime Farmland (Waldeck fine sandy loam). The property is not cultivated, but has previously been used as pasture for livestock.

4. Water Resources and Floodplain

The Cole property includes a portion of the South Fork Ninnescah River and is entirely within the FEMA designated 100-year floodplain. In addition, the NWI database indicates that the following vegetated wetland areas occur on the property:

- PEMA – Palustrine Emergent Temporarily Flooded
- PSSA – Palustrine Scrub-Shrub Temporarily Flooded
- PFOA – Palustrine Forested Temporarily Flooded

In the past few years the South Fork Ninnescah River has changed course in the northwest portion of the Cole property. What was once the main channel, that used to meander close to US-54 highway, is now an oxbow that is evolving into emergent and scrub-shrub wetlands. The main channel is now located in the northwest portion of the Cole property.

The Seiler property is adjacent to, and includes a portion of the South Fork Ninnescah River and is entirely within the FEMA designated 100-year floodplain. In addition, the NWI database indicates that the following vegetated wetland areas occur on the property:

- PEMC – Palustrine Emergent Seasonally Flooded
- PSSA – Palustrine Scrub-Shrub Temporarily Flooded
- PFOA – Palustrine Forested Temporarily Flooded

A site visit conducted on May 24, 2011, confirmed the presence of emergent wetlands (cattails, sedges, rushes), scrub-shrub wetlands (Sandbar Willow, Indigo Bush), and forested wetlands (Cottonwood, Black Willow) within the two properties.

5. Vegetation

The Cole property is predominantly a riparian wooded area with only a few small open areas of herbaceous vegetation (grasses and forbs). The primary tree species include Cottonwood, Northern Catalpa, White Mulberry, and American Elm.

The Seiler property is predominantly open grassland with some small wooded areas dominated by tree species such as Cottonwood, Northern Catalpa, White Mulberry, and Black Willow. Some of the shrub species include Roughleaf Dogwood and Indigo Bush. There are also some invasive species that exist on the property including Eastern Red Cedar, Salt Cedar, Siberian Elm, and Russian Olive.

6. Fisheries

The KDOT properties include the South Fork Ninescah River, which can provide fishing for common species such as Channel Catfish, Flathead Catfish, Yellow Bullhead, Carp, Bluegill, Green Sunfish, and Largemouth Bass. Other common aquatic species that can occur in the South Fork Ninescah River include Northern Plains Killifish, Western Mosquitofish, Bluntnose Minnow, Bullhead Minnow, Flathead Minnow, Suckermouth Minnow, Emerald Shiner, Red Shiner, and River Carpsucker. There are no ponds that are used for fishing on either of the two properties.

7. Wildlife

The KDOT properties are located directly adjacent to the BWWA property and provide diverse connective habitat areas for the same wildlife species as those that can be found on the BWWA property subject to the Proposed Action discussed previously.

8. Federal-Listed Endangered, Threatened, or Candidate, and State-Listed Species

The federal and state lists of endangered, threatened, and candidate species for Kingman County, as determined by the Service and KDWPT are as follows:

State and Federal Listings for Kingman County

Common name, <i>Genus species</i>	State Listing	Federal Listing
Arkansas Darter, <i>Etheostoma cragini</i>	Threatened	Candidate
Arkansas River Shiner, <i>Notropis girardi</i>	Endangered	
Arkansas River Speckled Chub, <i>Macrhybopsis tetranema</i>	Endangered	
Eastern Spotted Skunk, <i>Spilogale putoris interrupta</i>	Threatened	
Eskimo Curlew, <i>Numenius borealis</i>	Endangered	
Least Tern, <i>Sterna antillarum</i>	Endangered	
Piping Plover, <i>Charadrius melodus</i>	Threatened	
Plains Minnow, <i>Hybognathus placitus</i>	Threatened	
Silver Chub, <i>Macrhybopsis storeriana</i>	Endangered	
Snowy Plover, <i>Charadrius alexandrinus</i>	Threatened	
Whooping Crane, <i>Grus americana</i>	Endangered	Endangered

Both of the KDOT properties are directly adjacent to the BWWA property and both include portions of the South Fork Ninescah River. As such, the state and federal listed species that are most relevant to the KDOT properties are the same species as those described for the BWWA property in this chapter, and include the following:

Arkansas River Shiner – A portion of KDWPT’s designated critical habitat for the Arkansas River Shiner is the main stem of the South Fork Ninescah River in Kingman County. Both the Cole and Seiler properties contain segments of the river. The spawning period of the Arkansas River Shiner is from June 1 through August 31.

Arkansas Darter – A portion of KDWPT’s designated critical habitat for the Arkansas Darter includes numerous perennial spring-fed reaches of named and unnamed streams south of the Arkansas River in Kingman County. In conjunction with the US-54 EA, the

KDWPT reviewed the project corridor for occurrences of the Arkansas Darter and indicated that Arkansas Darters were present in wetlands, streams, ditches, and the South Fork Ninescah River. Both of the KDOT properties contain wetland areas, the South Fork Ninescah River, and areas adjacent to the river that the KDWPT has designated as critical habitat areas where the Arkansas Darter is present. One area is the oxbow on the Cole property and the other is a roadside ditch just west of the US-54 crossing of the river which is adjacent to the Seiler property. The spawning period for the Arkansas Darter is from March 1 through May 31.

Arkansas River Speckled Chub - A portion of KDWPT's designated critical habitat for the Speckled Chub is the main stem of the South Fork Ninescah River in Kingman County. Both the Cole and Seiler properties contain segments of the river. The spawning period of the Speckled Chub is from May 15 through August 31.

Plains Minnow – Although critical habitat has not been designated by KDWPT for the Plains Minnow, it occurs in Kansas streams that have broad beds of sand and shallow braided flow, which is characteristic of the South Fork Ninescah River. Both the Cole and Seiler properties contain segments of the river. The Plains Minnow spawning period is from April 1 to August 31.

Silver Chub – A large portion of KDWPT's designated critical habitat for the Silver Chub is the South Fork Ninescah River through Kingman County. Both the Cole and Seiler properties contain segments of the river. The spawning period of the Silver Chub is from April 1 through May 31.

Whooping Crane - Preferred resting areas of the Whooping Crane are wetlands in level to moderately rolling terrain, away from human activity, and where the vegetation is low and sparse in order to permit ease of movement and open views. Both of the KDOT properties contain the open water of the South Fork Ninescah River. Most of the wetlands on the Cole property are contained in the oxbow, much of which is dense vegetation with a few areas of open water. Most of the wetlands on the Seiler property also contain dense vegetation with minor amounts of open water. Most of the open water of the river on both KDOT properties is farther removed from existing roadways and human activity, but is still adjacent to BWWA hunting areas.

9. Other Sensitive Habitats

According to the Service, the Bald Eagle was removed from the federal list of threatened and endangered species on August 9, 2007, and is no longer protected under the Endangered Species Act. However, bald eagles remain protected under the Bald and Golden Eagle Protection Act and the Migratory Bird Treaty Act.

Bald Eagle - The Service has indicated that the South Fork Ninescah River is important Bald eagle wintering habitat, containing perching/roosting trees. Both of the KDOT properties contain the South Fork Ninescah River and, based on a site visit, it was determined that both properties contain potential perching/roosting trees adjacent to the river.

10. Historical, Cultural, and Archeological Resources

In March of 2011, the KDOT ESS requested a Section 106 review of the Cole and Seiler properties by the KSHS/SHPO. On March 7, 2011, the KSHS signed the Phase I archeology clearance, indicating that the two properties contain no archeological sites listed or eligible for listing in the NRHP (see **Appendix B**).

In a letter dated March 11, 2011 (see **Appendix B**), the SHPO determined that the proposed project (pertaining to the portions of the Cole and Seiler properties being acquired for the land exchange) will not adversely affect any historic/architectural property listed or determined eligible for listing in the NRHP. The previous historic architectural survey conducted by KDOT ESS (2002) in conjunction with the US-54 EA indicated that there was one potentially eligible historic architectural resource, the Calista Corners Service Station, on the far south portion of the Cole property adjacent to US-54 Highway.

Although the original boundaries of the Cole property contain the Calista Corners Service Station, the historic portion of the property is part of the right-of-way acquisition for the US-54 widening improvements and is not a part of the Cole property that will be given to the BWWA for the land exchange (a Draft Section 4(f) Evaluation and a signed Memorandum of Agreement (MOA) for mitigation of the adverse effect to the Calista Corners Service Station was included in the US-54 Corridor Environmental Assessment. The service station has been removed by KDOT and no longer exists).

11. Hazardous Material Sites

Based on a search of the Kansas Department of Health and Environment (KDHE) data bases, it was determined that there are no registered landfills or identified/listed hazardous material sites on either of the KDOT properties. The KDOT ESS conducted a field inspection in September of 2002 in conjunction with the US-54 EA, through which it was determined that the Cole property contained one hazardous material site. An abandoned gas station, the Calista Corners Service Station, was located in the far south portion of the property adjacent to US-54 Highway. It was noted as having attendant environmental and hazardous materials concerns and having two Underground Storage Tanks (USTs) in place. That portion of the property is part of the right-of-way acquisition for the US-54 widening improvements and is not a part of the Cole property that will be given to BWWA for the land exchange. The service station and the USTs have been removed by KDOT and no longer exist.

A recent site visit (May 24, 2011) indicated that there are a few areas on the Cole property that contain household waste deposited by the previous owners. There are no hazardous material sites on the Seiler property.

12. Aesthetics, Recreation, and Access

The KDOT properties are visually similar to the adjacent BWWA land, and have the potential of providing aesthetically pleasing views of prairie, woodland, wetland, and riparian environments. The KDOT properties have been privately owned and currently have no facilities that are used for public recreation. However, these properties are not currently farmed or developed and the

South Fork Ninnescah River runs through both properties. Therefore, both have the potential for providing recreational opportunities such as hunting, fishing, and viewing. The Cole property is currently accessed off of US-54 Highway and the Seiler property can currently be accessed in the northeast corner of the property from either US-54 on the north or SW 70th Avenue on the east.

Chapter IV

ENVIRONMENTAL CONSEQUENCES

A. Proposed Action

The property description below is based on the current landownership for which the land exchange is proposed.

1. Soils and Prime/Unique Farmland

BWWA Property

Widening improvements to US-54 Highway would result in the removal and manipulation of soils, and the permanent loss of approximately 22.3 acres of land designated as “prime farmland” and approximately 11.6 acres of land designated as “farmland of statewide importance”.

KDOT Properties

The KDWPT does not anticipate any grading or soil disturbing activities on these properties after the exchange, other than potential activities related to habitat enhancement.

2. Water Resources and Floodplain

BWWA Property

Widening improvements to US-54 Highway result in bridging over the South Fork Ninnescah River in two locations, thus avoiding or minimizing impacts to the river, and placing/extending culverts at six other smaller stream crossings, which would impact approximately 1780 linear feet of narrow stream channels. Fill material would also be placed in approximately 2.2 acres of emergent wetlands, 1.0 acre of scrub-shrub wetlands, 4.2 acres of forested wetlands, and one 0.3-acre pond. In addition, the widening improvements would impact approximately 23 acres of the 100-year floodplain.

Through coordination between KDWPT and KDOT, it was determined that the roadway widening would occur on the north side of the existing alignment in order to avoid and minimize impacts to the more extensive wetlands on the south side of the existing highway, including a unique fen (see memo dated May 13, 2003 in **Appendix B**).

During the Section 404 Permit process for US-54 improvements through the BWWA, the method for mitigating for impacts to Waters of the U.S. will be determined through coordination with the U.S. Army Corps of Engineers (USACE). Mitigation options could include payment for mitigation banking, payment of an in-lieu fee, or KDOT-provided mitigation either on-site or within the watershed.

KDOT Properties

KDWPT does not anticipate filling or disturbing any streams, wetlands, or floodplain areas within either of the KDOT properties. The public would gain walk-in access to approximately 4,065 linear feet of the South Fork Ninnescah River and approximately 26 acres of its adjacent and abutting wetlands on the properties. It is estimated that the KDOT

properties collectively contain approximately 13 acres of emergent wetlands, 5 acres of scrub-shrub wetlands, and 8 acres of forested wetlands, all of which would provide wildlife habitat. The land exchange would also result in a gain of 122.3 acres of floodplain area, as the entirety of the properties is within the 100-year floodplain.

3. Vegetation

BWWA Property

Widening improvements to US-54 Highway would result in the permanent alteration or removal of existing vegetation. Approximately 25.3 acres of wooded areas consisting of deciduous trees and shrubs, and approximately 32.2 acres of herbaceous vegetation consisting of predominantly grasses and forbs would be removed or altered. Pavement would be placed on the new driving lanes and shoulders; and the medians, clear zones adjacent to the shoulders, and disturbed areas outside the clear zones would be seeded with native herbaceous vegetation.

It was also determined that widening the roadway on the north side of the existing alignment would minimize impacts to a large mature shelterbelt with associated woodland, from west of the main entrance road to SW 90th Avenue (Co Rd 296/Calista Road).

KDOT Properties

Most of the native vegetation that exists on the KDOT properties would be managed for the benefit of fish, wildlife, and recreation and would be subject to the same invasive and noxious weed management procedures as those that KDWPT implements on the existing BWWA land. Since the KDOT properties have been privately owned, there has previously been no noxious weed/invasive plant management on these sites. However, KDOT, under the direction of KDWPT, will remove several invasive trees on the Seiler property, including Eastern Red Cedar, Salt Cedar, Honey Locust, Siberian Elm, and Russian Olive. The KDWPT is planning to manage this property as a predominantly prairie habitat. The removal of the invasive trees will benefit the land by eliminating the spread of these trees, thereby encouraging the rejuvenation of native herbaceous plant growth and diversity and providing improved and more valuable prairie wildlife habitat on the property. The vegetation on the Cole property, being predominantly riparian woodland habitat, will remain and will continue to develop as such.

4. Fisheries

BWWA Property

Widening improvements to US-54 Highway would result in the filling of a small pond at the northwest corner of SW 90th Avenue that provides public fishing. The South Fork Ninescaw River, which also provides public fishing, would be crossed in two locations with the US-54 widening. However, these areas would include bridges over the river, thereby preserving the channel width, depth, and substrate, and consequently, fishing opportunities.

KDOT Properties

The KDOT properties contain the South Fork Ninescah River, which has the potential of providing public fishing opportunities.

5. Wildlife

BWWA Property

Up to approximately 57 acres of potential wildlife habitat would be permanently removed due to the roadway widening. During construction of the widening improvements to US-54 Highway, wildlife would generally avoid the area because of habitat disturbance, noise, and equipment traffic.

KDOT Properties

No wildlife habitat would be impacted on the KDOT properties; however the exchange of property would provide a net increase of approximately 63 acres of wildlife habitat for the BWWA.

6. Federal-Listed Endangered, Threatened, or Candidate, and State-Listed Species

BWWA Property

The Biological Assessment (BA; 2003) that was prepared by the KDOT ESS indicated that the project may adversely affect the federally listed Bald Eagle, Arkansas River Shiner, and candidate Arkansas Darter. The Service's response (see letter dated April 17, 2003 in **Appendix B**) concurred that the project may adversely affect the Bald Eagle and candidate species Arkansas Darter, however, the Service pointed out that the Arkansas Darter is a candidate species and has no legal status under the Endangered Species Act. The Service also stated that the Arkansas River Shiner is not currently known to occur in the South Fork Ninescah River basin, nor is there any federally designated critical habitat in this basin, and the species should not be included in formal Section 7 consultation. The Arkansas River Shiner is no longer a federal-listed species in Kingman County, Kansas. Since the Bald Eagle was delisted in 2007, a discussion of impacts to this species can be found in the "Other Sensitive Habitats" section below.

Whooping Crane – As the BWWA property is located within the migration corridor of the Whooping Crane, the Service requested additional information on wetland impacts in order to make a more thorough assessment of potential impacts to the Whooping Crane (see letter dated April 17, 2003 in **Appendix B**). The KDOT ESS subsequently submitted wetland impact information to the Service in a letter dated June 14, 2004 (see **Appendix B**), and explained that the wetlands within the project limits are small in size and are located adjacent to areas of human activity such as US-54 Highway, county roads, and hunting areas within the BWWA, and as such would not likely provide ideal or suitable resting areas for the Whooping Crane. The KDOT ESS also indicated that additional factors that render many of these wetlands less than ideal for use by whooping cranes are minimal open water and tall dense vegetation, such as cattails and cottonwood trees, which prevent open views. In a comment letter dated September 21, 2004 (see **Appendix B**) for the US-54 EA, the Service indicated that they may perform a separate evaluation

and report, pursuant to the Fish and Wildlife Coordination Act, in conjunction with the Corps of Engineers Section 404 Permit process for the US-54 improvements project during the final design phase. A field survey will be conducted during construction, and if whooping cranes are found in the project site, activities would be stopped until the whooping cranes leave or the Service office would be contacted to make a determination of effects.

Arkansas River Darter, Arkansas River Shiner, Speckled Chub, Silver Chub, and Plains Minnow – Construction for widening improvements to US-54 Highway within the BWWA property subject to the Proposed Action would occur within state designated critical habitat for the Arkansas River Darter, Arkansas River Shiner, Speckled Chub, Silver Chub, and Plains Minnow. Through coordination between KDWPT and KDOT (see memo dated May 13, 2003 in **Appendix B**) it was determined that the roadway widening would occur on the north side of the existing alignment through the BWWA in order to avoid and minimize impacts to the Arkansas Darter critical habitat in the streams, wetlands, and ditches on the south side of the existing highway. In addition, the US-54 crossing over the South Fork Ninescah River would utilize bridges, thereby minimizing impacts to the state-listed species whose designated critical habitat is in the river. Although minimized, impacts could still occur to state designated critical habitat by the construction of bridge piers in the river, culverts across other streams within the BWWA, or placement of rip-rap in those streams. Best Management Practices for erosion and pollution control will be included in the project to minimize impacts to the streams and aquatic species.

Prior to construction, the KDWPT Action Permits will be applied for in accordance with K.A.R. 115-15-3. Special conditions of the Action Permit will include, but will not be limited to date restrictions curtailing work in designated critical habitat waters. Date restrictions for culvert construction in perennial tributaries for the Arkansas Darter would extend from March 1 through May 31. The South Fork Ninescah River bridge construction activity below the water surface level would be subject to a date restriction of March 1 to August 31 in order to protect all five state-listed fish species. Other special conditions will be determined by KDWPT throughout the permitting process.

KDOT Properties

The KDOT properties contain the South Fork Ninescah River and wetland areas that can contain the same state-threatened and state-endangered species, and federally endangered whooping crane that are discussed above for the BWWA property. The KDWPT does not anticipate any type of disturbance activities on these properties that would impact those species.

7. Other Sensitive Habitats

BWWA Property

Although the Bald Eagle has been removed from the USFWS list of threatened and endangered species, the USFWS previously indicated that the South Fork Ninescah River was important Bald Eagle wintering habitat, and bald eagles remain protected under the Bald and Golden Eagle Protection Act and the Migratory Bird Treaty Act.

A Biological Assessment was prepared by the KDOT ESS in 2003, in conjunction with the US-54 EA. The USFWS requested additional information regarding impacts to riparian trees so that a more thorough assessment of impacts to the Bald Eagle could be made. The KDOT ESS subsequently submitted that information in a letter dated June 14, 2004 (see **Appendix B**), indicating that there are two locations at the South Fork Ninescah River, within the BWWA property subject to the Proposed Action, where 22 potential perching/roosting trees would be removed by the US-54 project, although no nests were found. The KDOT ESS also stated that these two locations are located adjacent to the existing US-54 Highway where daily traffic counts range from 5,000 to 17,500 vehicles per day, and with several miles of less disturbed fishing grounds available, it would be unlikely that wintering bald eagles would choose to perch in the vicinity of these two locations, and unlikely that the project would significantly impact the Bald Eagle.

In a comment letter dated September 21, 2004 (see **Appendix B**) for the US-54 EA, the Service indicated that they may perform a separate evaluation and report, pursuant to the Fish and Wildlife Coordination Act, in conjunction with the Corps of Engineers Section 404 Permit process for the US-54 improvements project during the final design phase. A field survey will be conducted prior to construction to determine the presence or absence of bald eagle nests, and if found, the Service would be contacted.

KDOT Properties

The KDWPT will not remove any of the trees on the KDOT properties that have the potential of providing wintering habitat for bald eagles.

8. Historical, Cultural, and Archeological Resources

BWVA Property

There are no historic or archeological sites listed or eligible for listing in the National Register of Historic Places (NRHP) within the BWVA property subject to the Proposed Action, therefore, there would be no impacts to such sites. However, if archaeological deposits are encountered during construction of the project, the deposits would be left in place and the KSHS would be immediately contacted.

KDOT Properties

Neither of the KDOT properties contains historic, cultural, or archeological sites listed or eligible for listing in the NRHP. Therefore, there would be no impacts to such sites.

9. Hazardous Material Sites

BWVA Property

There are no hazardous material sites within the BWVA property subject to the Proposed Action. Therefore there would be no impacts to such sites.

KDOT Properties

The Seiler property contains no hazardous material sites; therefore, there would be no impacts to such sites. The Cole property contains some areas with household waste. This waste poses a low risk for contamination and will be removed by KDOT prior to the land transfer.

10. Aesthetics, Recreation, and Access

BWWA Property

Widening improvements to US-54 Highway would result in impacts to some of the aesthetically pleasing environments adjacent to the highway. Although there would be a wider expanse of paved roadway adjacent to the BWWA, the remaining BWWA land would continue to provide users and travelers with aesthetically pleasing views of prairie, woodland, wetland, and riparian environments.

Widening improvements to US-54 Highway would also result in impacts to walk-in hunting and/or fishing access by way of 7 access drives/pull-offs, 4 parking areas, and 3 access roads, all of which are adjacent to the highway and within the BWWA property subject to the Proposed Action. Mitigation measures for impacted access drives/pull-offs and parking areas would include providing 10 new or relocated access drives and 10 new or relocated parking areas to replace those adjacent to the existing highway.

Mitigation measures for impacts to the access road just to the west of NW 110th Avenue include relocating the road to tie into the intersection of US-54 and NW 110th Avenue. In addition, the existing access road (State Lake Road) from US-54 to Kingman State Fishing Lake would be relocated to provide access from NW 70th Avenue, just north of a proposed interchange in that area. The relocated portion of the lake access road would be aligned on property that is outside of the BWWA property.

The existing entrance road to the BWWA main office, shop, residence, and archery range would be removed from US-54 and relocated to the west about one quarter of a mile, to SW 90th Avenue (Calista Road). The new entrance road would then proceed eastward through the south side of the west archery range, then to the BWWA main office, shop and residence area. There would be no acquisition of BWWA property, as the new entrance road would remain in the ownership of the KDWPT. After coordination with the KDWPT, it was determined that mitigation for impacts to the archery range would include relocating some of the archery target backstops and adding a parking lot along the relocated access road for users of the archery range.

KDOT Properties

The KDOT properties would add more viewing environments that were previously inaccessible to the public. The KDOT properties currently have no facilities that are used for public recreation and therefore there would be no impacts to recreation. The existing Cole property access off of US-54 Highway would be removed as a result of widening improvements; however, a new access drive with parking is proposed to be added along the west edge of the property. The current access to the Seiler property from US-54 and SW 70th Avenue would be removed with the US-54 proposed interchange at SW 70th Avenue. A new access drive would be provided near the southeast corner of the property.

The KDWPT plans to use the KDOT properties to provide the public with recreational uses including hunting, fishing, trapping, and viewing.

11. Cumulative Impacts

A cumulative impact is defined in 40 C.F.R. §1508.7 as "the impact on the environment which results from the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions regardless of what agency (federal or non-federal) or person undertakes such other actions. Cumulative impacts can result from individually minor but collectively significant actions taking place over a period of time."

BWWA Property

Widening improvements for US-54 Highway would eventually improve public safety and traffic flow along the highway for users of the BWWA, local residents, and commercial carriers. KDOT estimated that traffic volumes were projected to increase by 30% between 2010 and 2030. Wildlife movement across the highway would continue and it is anticipated that vehicle-wildlife collisions are likely to continue to occur. A review of KDOT's accident data indicated that information included animal collisions with deer only. Along US-54 through the BWWA, the number of animal collisions varied from 5 to 12 per year, with an average of 9 per year during a 5-year period from 2006 to 2010 (see **Appendix D**). With a wider roadway and a projected 30% increase in traffic, it could be estimated that collisions with deer might also potentially increase to an average of almost 12 per year in the future, however, the existing data shows that it can vary from year to year. (No accident data was available for other animals). With the removal of a narrow band of approximately 59 acres of BWWA property adjacent to existing US-54, wildlife populations are not anticipated to significantly decrease, since adequate suitable habitat is available adjacent to the BWWA property subject to the Proposed Action. The US-54 improvements would also include improvements to access drives and parking areas, thereby improving access to the recreational opportunities provided by the BWWA. If future roadway improvements, beyond the limits of the Proposed Action, were to take place in the future, additional impacts to BWWA property would similarly require KDOT to provide suitable replacement land as mitigation.

KDOT Properties

Cumulative impacts to the KDOT properties are expected to be minimal because KDWPT would preserve and enhance the valuable wildlife habitat that exists on the properties and manage the areas to control or eliminate invasive and noxious plants, thereby encouraging the rejuvenation of native plant growth and diversity, which will provide improved and more valuable wildlife habitat on the properties. In addition, portions of the South Fork Ninescah River on the KDOT properties would be taken out of private ownership and would be managed by KDWPT as designated critical habitat for state-listed fish species. The river's riparian habitat would continue to provide potential wintering habitat for bald eagles. The access drives and parking areas that would be provided to the KDOT properties would increase the accessible recreational area and opportunities available to the public for hunting, fishing, and viewing.

B. No Action

The following discussion of impacts to each environmental resource presumes that, for the No Action Alternative, KDOT would most likely provide KDWPT with a fair market value payment for the BWWA property required for right-of-way in order to proceed with the US-54 widening improvement project. In addition, KDWPT would have to repay the USFWS for any BWWA land lost to the highway project that was purchased with federal Wildlife and Sport Fish Restoration Grant Funds, and may lose future federal funding opportunities. Under the No Action Alternative, it is also presumed that the KDOT (Cole and Seiler) properties would remain in KDOT ownership at the present time.

1. Soils and Prime/Unique Farmland

BWWA Property

Anticipated impacts to the soils and prime and statewide important farmland would be the same as those described under the Proposed Action.

KDOT Properties

The KDOT properties would most likely remain undisturbed at the present time with no anticipated impacts to the soils or prime and statewide important farmland.

2. Water Resources and Floodplain

BWWA Property

Anticipated impacts to streams, wetlands, ponds, and the floodplain area would be the same as those described under the Proposed Action.

KDOT Properties

The KDOT properties would most likely remain undisturbed with no anticipated impacts to streams, wetlands, and the floodplain area at the present time.

3. Vegetation

BWWA Property

Anticipated impacts to vegetation would be the same as those described under the Proposed Action.

KDOT Properties

The KDOT properties would most likely remain undisturbed at the present time with no impacts to the vegetation on the properties.

4. Fisheries

BWWA Property

Anticipated impacts to fisheries would be the same as those described under the Proposed Action.

KDOT Properties

The KDOT properties would remain under KDOT ownership and the portions of the South Fork Ninnescah River on the properties would not be open to the public for fishing.

5. Wildlife

BWWA Property

Anticipated impacts to wildlife would be the same as those described under the Proposed Action.

KDOT Properties

The KDOT properties would most likely remain undisturbed with no anticipated impacts to wildlife.

6. Federal-Listed Endangered, Threatened, or Candidate, and State-Listed Species

BWWA Property

Anticipated impacts to federal and state-listed threatened and endangered species would be the same as those described under the Proposed Action.

KDOT Properties

The KDOT properties would most likely remain undisturbed with no anticipated impacts to federal or state-listed species.

7. Other Sensitive Habitats

BWWA Property

Anticipated impacts to potential Bald Eagle wintering habitat would be the same as those described under the Proposed Action.

KDOT Properties

The KDOT properties would most likely remain undisturbed with no anticipated impacts to potential Bald Eagle wintering habitat.

8. Historic, Cultural, and Archeological Resources

BWWA Property and KDOT Properties

Neither the BWWA property nor the KDOT properties contain historic, cultural, or archeological sites listed nor are eligible for listing in the NRHP; therefore, there would be no impacts to such sites.

9. Hazardous Material Sites

BWWA Property

There are no hazardous material sites within the BWWA property subject to the Proposed Action and therefore there would be no impacts to such sites.

KDOT Properties

The KDOT properties would most likely remain undisturbed and the household waste areas on the Cole property would remain.

10. Aesthetics, Recreation, and Access

BWWA Property

Anticipated impacts to aesthetics, recreation, and access would be the same as those described under the Proposed Action.

KDOT Properties

Neither of the KDOT properties would provide recreational areas and activities to the public, although viewing of these properties would still be available from the US-54 Highway right-of-way. Although the access drives to the KDOT properties would be removed as part of the highway improvements, new access drives would be provided.

11. Cumulative Impacts

BWWA Property

Anticipated cumulative impacts to the BWWA property would be the same as those described under the Proposed Action.

KDOT Properties

The KDOT property that was formerly the Cole property would most likely remain undisturbed and the vegetation would continue to develop and evolve as a riparian woodland and oxbow wetland. In turn, the wildlife habitat on the property would continue to function and evolve.

The former Seiler property would most likely remain undisturbed and the vegetation would continue to develop as a mix of grassland with pockets of trees and shrubs. In addition, without vegetative management, the invasive trees and woody plants that currently exist on the property would remain and would most likely increase in population, thereby potentially decreasing the grassland habitat on the property.

As KDOT property, there is a potential for the land to eventually be disturbed in relation to highway construction operations, such as staging or borrow areas. This could include impacts to some of the water resources and state-listed species. If that were to occur, KDOT would first obtain all required environmental clearances and permits, while practicing avoidance, minimization, and mitigation of impacts.

Chapter V

COORDINATION AND CONSULTATION

A. US-54 Corridor EA – Public and Agency Coordination

1. Public Involvement

Through 2003 and 2004, KDOT's Public Involvement (PI) approach for the US-54 Corridor Environmental Assessment (EA; 2004) included a series of activities linked to the selection and design of the recommended alignment, the development of property management plans, access control, and environmental documentation. Each stage of the public involvement process provided property owners, project sponsors and other local officials, community leaders, and the general public with the opportunity to learn about the project and provide input at several strategic points in the process including the following:

- Community Interviews with Stakeholders (City/County officials, Chamber of Commerce and business owners, land owners – January 2003)
- Informational Materials (displays, factsheets, handouts, meeting agendas - 2003 through 2004)
- Media Outreach (area newspaper press releases and media advisories issued before public events – 2003 through 2004)
- Quarterly Landowner Letters (project status updates 2003 through 2004)
- Website (A website was set up that provided project history, timeline, GIS mapping; and database capabilities for comments, email, events calendar, project news, and project documents – launched March 2003)
- Drop-in Centers (information, displays, and documents at libraries, community centers, banks, city halls, KDOT offices – March-April 2003 and December-January 2003-2004))
- Meetings with Public Officials (City, County & State – March & December 2003 and June 2004)
- Access Workshops (issues related to access management, right-of-way, property management, and access control – July 2003)
- Public Meetings (open house style – held December 2003 and December 2004)
- Kitchen Table Meetings (with individual property owners – June 2004)

Throughout the PI process there were no specific comments from the general public concerning impacts to the BWWA. However, separate meetings were held with KDWPT and BWWA staff as discussed in the section below (all supporting material, such as handouts, summaries from meetings and comments are located in a separate Public Involvement Log [PIL], which is available upon request).

2. Agency Coordination

a. Kansas Department of Wildlife and Parks and KDOT

During the EA process, KDOT conducted meetings with KDWPT officials and BWWA staff to discuss project issues, access modification, and impacts of the proposed US-54 project on the

BWWA. Items discussed during a meeting held on March 13, 2002 (see memo dated April 15, 2002 in **Appendix B**) included the following:

- Reasons for selection of the US-54 Corridor project through the BWWA
- Areas where potential wetland impacts could occur, the South Fork Ninescah River crossings and potential threatened and endangered species impacts, and consideration for locating the widening to the north side of the existing highway.
- Minimization of impacts to upland habitat areas.
- Some BWWA land was purchased with Wildlife and Sport Fish Restoration (WSFR) grant funds. Mitigation for impacts to these lands would include acquisition of replacement land. An examination of surrounding lands should be conducted to find suitable exchange property.
- Minimization or consolidation of access points from the highway to improve safety. Mitigation may include new access points at swale locations and new parking areas.
- Highway improvements through the BWWA could be accomplished contingent upon satisfactory mitigation measures.
- A “Letter of Understanding” between KDOT and KDWPT, detailing the discussions of the meeting, would be drafted and submitted to KDWPT.

The Letter of Understanding, dated July 8, 2002 (see **Appendix B**), was to serve as a future reference to document the previous correspondence and meetings between KDOT and KDWPT, to serve as an agreement to work together to resolve specific issues and concerns related to the US-54 widening improvements through the BWWA, and to provide a basis for developing measures to mitigate for the impacts within the BWWA. Additional meetings and site visits to work out the details of those issues and concerns were held on May 13, 2003; June 4, 2003; and November 20, 2003 (see corresponding memos in **Appendix B**).

b. US Fish and Wildlife Service and FHWA/KDOT

During the EA process, the Federal Highway Administration (FHWA), in conjunction with KDOT, also conducted correspondence and meetings with the Service as follows (see corresponding letters and memos in **Appendix B**):

- April 1, 2003 – FHWA sent KDOT’s Biological Assessment and a letter to the Service initiating a formal consultation.
- April 17, 2003 – The Service sent a response letter to FHWA requesting additional information on riparian tree impacts and wetland impacts.
- September 16, 2003 – FHWA sent a letter requesting the Service to be a cooperating agency in the preparation of the US-54 Corridor Environmental Assessment.
- October 22, 2003 – The Service sent a response letter to FHWA indicating that the EA should include a discussion of impacts to BWWA land purchased with WSFR grant funds and replacement land. In addition, the Service also stated that the EA should include discussions of impacts to streams, wetlands, and threatened and endangered species.
- June 21, 2004 – FHWA sent a letter to the Service initiating Section 7 consultation and included additional information on riparian tree impacts and wetland impacts in an attached letter from KDOT, dated June 14, 2004.

- September 21, 2004 – The Service sent a comment letter pertaining to the information in the Preliminary Draft EA, stating concerns about impacts to BWWA land purchased with WSFR grant funds pertaining to a Section 4(f) Evaluation. Additional comments pertained to the Service’s coordination with the US Army Corps of Engineers that will take place during the final design phase of the project to address wetland mitigation and possible impacts to endangered species.
- October 6, 2004 – A meeting among the Service, FHWA, and KDOT was held to discuss the US-54 project in relation to the BWWA. The Service and FHWA disagreed on the applicability of Section 4(f). The Service held the position that the BWWA is a 4(f) resource based on hunting being a recreational activity, and the BWWA provides habitat for the game species that are hunted. The Service stated that the WSFR funding “...is viewed as a resource provided to assist in managing and enhancing the whole area versus point source improvements that may or may not be specifically impacted by the project”. The FHWA's position was that the BWWA property impacted “...does not function as a refuge, does not have recreational elements within any of the affected right-of-way, and its associated primary use of hunting does not constitute a recreational use and thus no 4(f) impact.” It was agreed to disagree on the issue. Regardless of the 4(f) issue, FHWA and KDOT made a commitment to provide suitable replacement land for impacts to the BWWA. KDOT also stated that they will work with KDWPT to identify locations for wetland mitigation.

B. Land Exchange – Public and Agency Coordination

The meeting between KDOT and KDWPT, held on November 20, 2003 (see **Appendix B**), also included some further discussion of the location of potential replacement properties, including the Cole property (within the BWWA limits) and other properties between the existing south BWWA boundary and the river. The KDOT Environmental Services Section and the Bureau of Right-of-Way searched extensively for properties that would be suitable for the land exchange. Two willing sellers (Cole and Seiler) were found and KDWPT indicated that the two properties were suitable for the exchange.

On May 24, 2011, an informal meeting was held at the BWWA with KDWPT and BWWA staff to discuss the preparation of the Land Exchange EA document and the two properties (Cole and Seiler) that are proposed to be transferred to KDWPT by KDOT in exchange for acquiring BWWA land for the US-54 Highway improvement project. A site visit was conducted on each property to assess the past and present conditions of the sites, and to discuss the KDWPT’s plans for uses on the site and for managing the sites after the transfer of land takes place (see Meeting Documentation memo in **Appendix B**).

Chapter VI
PUBLIC COMMENT

Chapter VII LIST OF PREPARERS

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Chapter VIII LITERATURE CITED & REFERENCES

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(Kingman County)

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<http://public1.kdhe.state.ks.us/Landfills/Landfills.nsf?Opendatabase>

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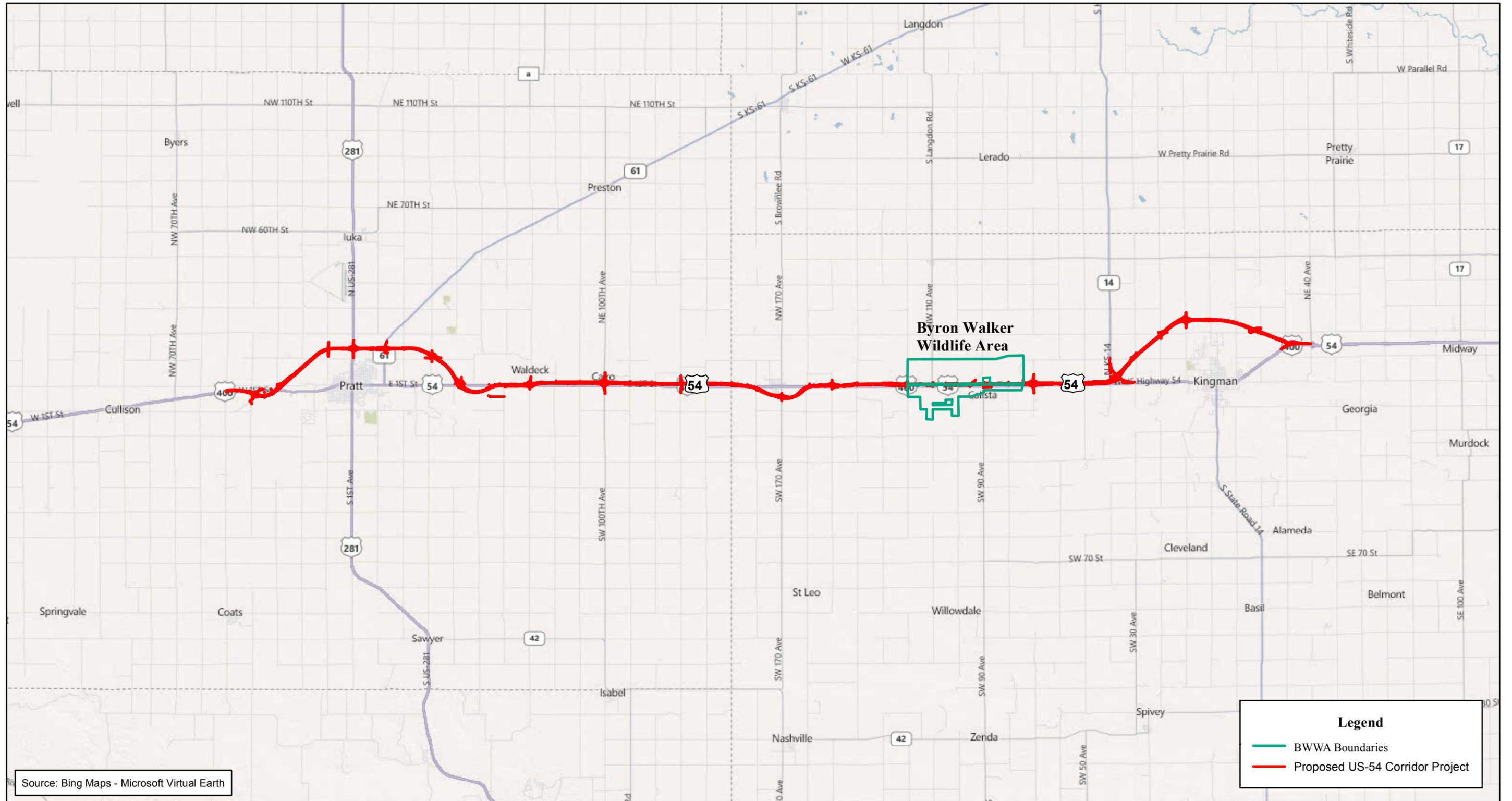
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(Kingman County)

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Appendix A

EXHIBITS



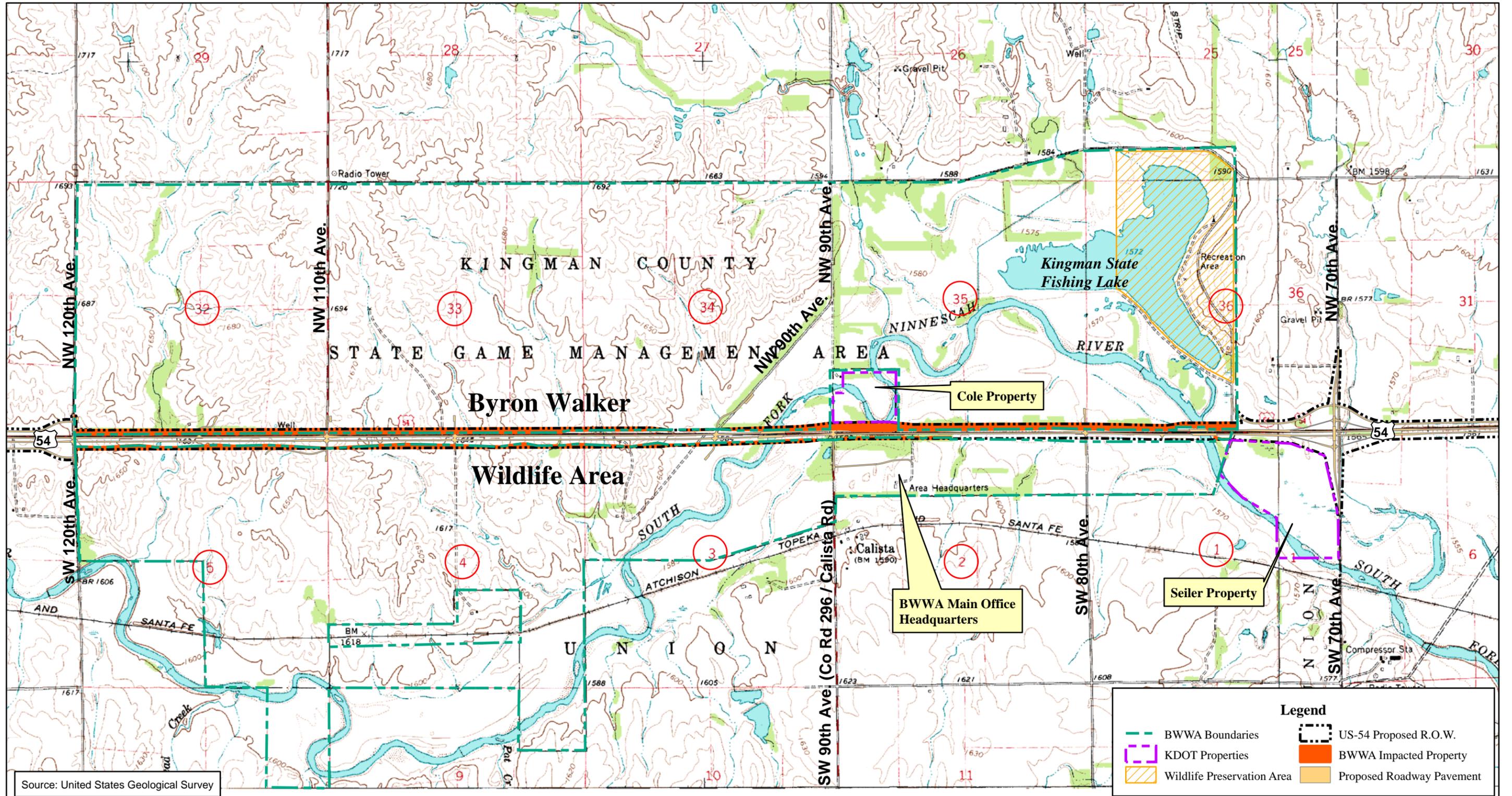
0 2.5 5 10 15 20 Miles



**US-54 & Byron Walker Wildlife Area
Land Exchange EA**

Kingman County, Kansas

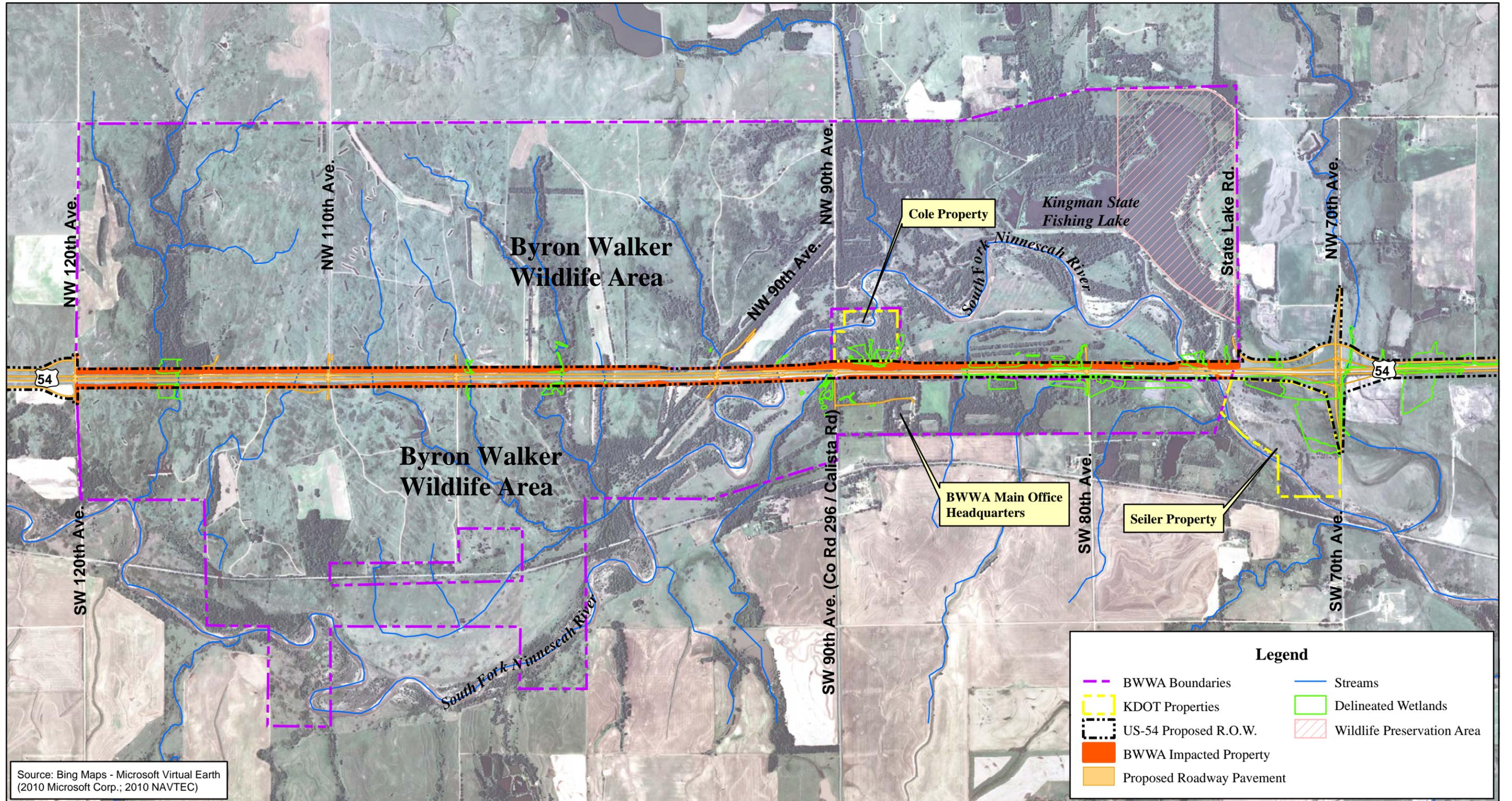
**Exhibit 1
US-54 Corridor Project Map**



**US-54 & Byron Walker Wildlife Area
Land Exchange EA**

Kingman County, Kansas

**Exhibit 2
BWWA Property & KDOT Properties
USGS Map**



0 1,000 2,000 4,000 6,000 8,000 Feet



**US-54 & Byron Walker Wildlife Area
Land Exchange EA**

Kingman County, Kansas

**Exhibit 3
BWWA Property & KDOT Properties
Impact Area**

Appendix B

CORRESPONDENCE AND COORDINATION LETTERS/MEMOS

(In Chronological Order)

Kansas Department of Transportation

MEMO TO: Jim L. Kowach, P.E.
Chief, Bureau of Design

FROM: ✓ James R. Richardson, P.E. *JRR*
Road Design Leader

DATE April 15, 2002

REFERENCE: 54-106 K-7829-01
Kiowa, Pratt and Kingman Counties

SUBJECT: Byron Walker Wildlife Area Coordination Meeting

A meeting was held on March 13, 2002, to discuss the proposed improvements to US-54 highway through the Byron Walker Wildlife Area. The purpose of the meeting was to review previous phone and letter coordination efforts between the Kansas Department of Wildlife and Parks (KDWP) and the Kansas Department of Transportation (KDOT), discuss the potential impacts of the US-54 project on the Byron Walker Wildlife Area, and to establish a project understanding and foundation for identifying potential mitigation efforts. Those present were:

Steve AdamsKansas Department of Wildlife and Parks
Terry Denker.....Kansas Department of Wildlife and Parks
Troy Smith.....Kansas Department of Wildlife and Parks
Randy Clark.....Kansas Department of Wildlife and Parks
Robert Barbee.....Kansas Department of Wildlife and Parks
Jim Hays.....Kansas Department of Wildlife and Parks

Chris Rops.....HNTB Corporation

David Comstock.....KDOT, Director of Engineering & Design

Bill Vicory.....KDOT, Bureau of Right of Way

Tom Shafer.....KDOT, Bureau of Program Management

Scott Vogel.....KDOT, Bureau of Design, Environmental Services
Terry Fleck.....KDOT, Bureau of Design, Bridge
Jim Brewer.....KDOT, Bureau of Design, Road
Richard Adams.....KDOT, Bureau of Design, Road
Jim Richardson.....KDOT, Bureau of Design, Road

The following is a summary of the concerns and comments discussed.

1. Recommended Corridor: The recommended corridor for improvements to US-54, which goes through the Byron Walker Wildlife Area, and reasons for selection of the corridor were discussed. The KDOT representatives indicated that the concept was to construct two new lanes along the south side of the existing highway resulting in a four-lane expressway section.

It was explained that as part of the current Comprehensive Transportation Program, funding was allotted for a system enhancement project between Pratt and Kingman. The recommendations for use of these funds included completion of the preliminary engineering, acquisition of all project right-of-way, and construction projects in Pratt and Kingman counties. Impacts to the Byron Walker Wildlife Area would include acquisition of additional right-of-way and appropriate mitigation measures for future improvements to the highway. At the present time, KDOT is in the process of gathering detailed survey information and performing environmental studies for the entire corridor between Pratt and Kingman. Actual construction of highway improvements within the Byron Walker Wildlife Area is not programmed at this time.

2. Wetlands and Threatened and Endangered (T&E) Species: Representatives from the KDWP indicated that the eastern portion of the Byron Walker Wildlife Area contained natural as well as constructed wetland areas and a unique fen that may be impacted. The eastern portion, including the west river crossing, is also known to contain the Arkansas Darter and possibly other T&E species. It was suggested that consideration be given to adding the new lanes on the north side of the existing highway through this portion. The proximity to the Ninnescah River is a constraining factor. It was also mentioned that more aggressive erosion control measures would need to be applied during construction of the highway improvements.
3. Upland Habitat Areas: The proposed highway improvements may result in a general loss of habitat areas and impact an existing shelter belt from west of the manager's house to Calista Road. Consideration needs to be given to these areas during the design in order to minimize the impacts and/or develop mitigation measures.
4. Land Purchased with Federal Funds: KDWP representatives indicated that some of the land within the Byron Walker Wildlife Area was purchased with 6(f) federal funds. Mitigation for additional right-of-way needed for the project in these areas may include the acquisition of replacement land. It was suggested to examine lands in the surrounding area that would be desirable to incorporate into the wildlife area. It was also mentioned that all mitigation in these areas may require concurrence by the United States Fish and Wildlife Services.

5. Access from Highway: KDOT representatives indicated that it would be desirable to minimize the number of access points from the highway through the Byron Walker Wildlife Area in order to enhance traffic operations and improve safety. KDWP representatives expressed concern regarding the loss of access along US-54. They indicated that many of the existing access points are for public use; however, many are also used by them for maintenance purposes. A few of the existing entrances provide access to private properties outside of the Byron Walker Wildlife Area. KDWP indicated that access to certain tracts are used for farming type operations and/or fire protection. They indicated that due to river flooding and existing drainage swales, current entrances from the highway were their only access to some tracts of land. It was discussed that mitigation measures for the loss of access from the highway may include providing access roads or crossings at the swale locations. It was also mentioned that new parking areas may be necessary to replace those adjacent to the existing highway. The importance of improving traffic operations within the Byron Walker Wildlife Area was acknowledged and it was suggested that a higher degree of access control than the non-upgradeable expressway may need to be considered. KDWP indicated that Troy Smith should be contacted regarding the access issues with the Byron Walker Wildlife Area.

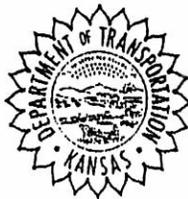
KDWP representatives indicated that the proposed improvements to US-54 through the Byron Walker Wildlife Area were doable contingent upon satisfactory mitigation measures. It was decided that KDOT would formulate a draft "Letter of Understanding" and submit it to the KDWP for review. The final version of this letter will serve as future reference to document the general consensus between the KDWP and KDOT to work together in an effort to resolve the issues and concerns pertaining to future highway improvements within the Byron Walker Wildlife Area. Subsequent to the meeting, KDOT transmitted copies of the aerial plot with the recommended corridor in the area of the Byron Walker Wildlife Area to the KDWP.

If there are any corrections and/or questions pertaining to the above comments, please contact me at (785) 368-8292.

JRR:js

cc: Chris Rops, HNTB Corporation
Warren L. Sick, Assistant Secretary and State Transportation Engineer
G. David Comstock, Director of Engineering and Design
Robert Cook, District V Engineer
Joseph Krahn, Chief, Bureau of Right of Way
Scott Vogel, Chief of Environmental Services Section
Kenneth F. Hurst, Engineering Manager – State Bridge Office
Attn: Terry Fleck, Sr. Bridge Squad Leader
James O. Brewer, Engineering Manager – State Road Office

STATE OF KANSAS



KANSAS DEPARTMENT OF TRANSPORTATION

BUREAU OF DESIGN

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Bill Graves
Governor
E. Dean Carlson
Secretary of Transportation

Jim Kowach, P.E.
Bureau Chief

July 8, 2002

Mr. Steve Adams
Natural Resource Coordinator
Kansas Department of Wildlife and Parks
Office of the Secretary
900 South Jackson, Suite 502
Topeka, Kansas 66612

Dear Mr. Adams:

KDOT Project No. 54-106 K-7829-01
Kiowa, Pratt, and Kingman Counties
Subject: Byron Walker Wildlife Area – "Letter of Understanding"

As discussed with you during our meeting on March 13, 2002, we have formulated this "Letter of Understanding." The purpose of this letter is to serve as a future reference to document the discussions between the Kansas Department of Wildlife and Parks (KDWP) and the Kansas Department of Transportation (KDOT) and the agreement to work together to resolve specific issues and concerns pertaining to the construction of future highway improvements on US-54/US-400 through the Byron Walker Wildlife Area.

Following is a summary of issues and concerns that have been outlined in previous correspondence and meetings between the KDWP and KDOT. These items may or may not include all items that need to be considered; however, they are intended to serve to establish a basis for proposed actions regarding mitigation measures for impacts within the Byron Walker Wildlife Area.

Recommended Corridor:

As part of a recent corridor study, KDOT has investigated corridors for future improvements to the US-54/US-400 highway between Mullinville and Kingman. During the study process, a series of public meetings was held in order to obtain input from the general public, as well as local public officials, regarding the

corridor selection. The corridor recommended for improvements to the highway is generally along the existing route and passes through the Byron Walker Wildlife Area.

The alignment concept is to construct two new lanes along the south side of the existing highway resulting in a four-lane expressway section. As part of the current Comprehensive Transportation Program, funding was allotted for a system enhancement project between Pratt and Kingman. The recommendations for use of these funds included completion of all of the preliminary engineering, acquisition of all project right-of-way, and construction projects in Pratt and Kingman counties. Impacts to the Byron Walker Wildlife area would include acquisition of additional right-of-way and appropriate mitigation measures for future improvements to the highway. Actual construction of highway improvements within the Byron Walker Wildlife Area is not programmed at this time.

Wetlands and Threatened and Endangered (T&E) Species:

Much of the land on the south side of the highway, beginning at the east property line and continuing west approximately two and a half miles (eastern portion), is comprised of marshy and seep streams habitat. Arkansas Darters, a T&E species, have been documented several times from 1988 through 1998 in this area, which includes the west river crossing. The eastern portion also contains natural as well as constructed wetland areas and a unique fen that may be impacted by the proposed highway improvements.

KDOT is currently in the process of performing detailed environmental studies and will coordinate this work with the KDWP. During the design phase, consideration will be given to adding the new lanes on the north side of the existing highway through the eastern portion of the Byron Walker Wildlife Area. The proximity to the Ninnescah River may be a constraining factor. More aggressive erosion control measures should be applied during actual construction of the highway improvements. Appropriate mitigation measures for the wetlands and T&E species will need to be developed in conjunction with the KDWP.

Upland Habitat Areas/Shelterbelt:

The western two and a half miles is comprised of established native grass interspersed with mature trees/shrubs habitats. The proposed highway improvements may result in a general loss of habitat areas through this portion of the Byron Walker Wildlife Area. A large mature shelterbelt and associated woodland from the west of the manager's house to Calista road will also be impacted or destroyed.

Consideration needs to be given to these areas during the design phase in order to minimize the impacts and/or develop appropriate mitigation measures. Since a construction project is not currently programmed in this area, new shrubs and trees might be planted outside of the new right-of-way limits and will have some time to become established. Temporary and permanent seeding types during construction should be coordinated with and approved by the KDWP.

Lands Purchased with Federal Aid:

The western two and a half miles of the Byron Walker Wildlife Area were purchased with United States Fish and Wildlife Services (USFWS) Wildlife Restoration Funds. Mitigation measures in this area may require concurrence from the USFWS.

Mitigation for additional right-of-way needed for the project in these areas may include the acquisition of replacement land. Property within the surrounding area that would be desirable to incorporate into the wildlife area may be investigated as replacement lands.

Access from Highway:

In order to enhance traffic operations and improve safety through the Byron Walker Wildlife Area, KDOT proposes to minimize the number of access points from the highway. Currently, there are several entrances from the highway which serve as access to the public for hunting and fishing, for KDWP maintenance purposes, and to private property. Access to certain tracts of land are used by the KDWP for farming-type operations and/or fire protection. Because of periodic river flooding and existing drainage swales, the current entrances from the highway are the only access to some tracts of land within the Byron Walker Wildlife Area.

Mitigation measures for the loss of access from the highway may include providing access roads and/or crossings at the swale locations outside of the highway right-of-way limits. New parking areas may also be constructed, as necessary, to replace those adjacent to the existing highway. The anticipated increase in maintenance cost for additional access roads may also need to be considered as part of the mitigation measures. KDOT will work with the KDWP in order to develop an access management plan that will serve the long term needs for the Byron Walker Wildlife Area and the US-54/US-400 Highway.

Steve Adams
Page 4
July 8, 2002

As discussed in previous meetings and correspondence, the KDWP has indicated that the plan to design and construct proposed improvements to US-54 through the Byron Walker Wildlife Area may move forward. Both the KDWP and KDOT have reached a general consensus to work together in an effort to resolve the issues, develop appropriate mitigation measures, and construct US-54 through the Byron Walker Wildlife Area.

I concur

Signed: _____



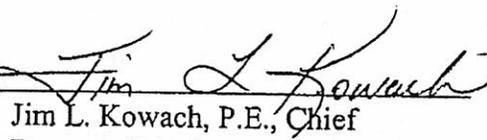
Steve Adams
Natural Resource Coordinator
Kansas Department of Wildlife & Parks

Date: _____



I concur

Signed: _____



Jim L. Kowach, P.E., Chief
Bureau of Design
Kansas Department of Transportation

Date: _____



JLK:JRR:js

cc: Warren L. Sick, Assistant Secretary and State Transportation Engineer
G. David Comstock, Director of Engineering & Design
Robert Cook, District V Engineer
Joseph Krahn, Chief, Bureau of Right of Way
Rosemary Ingram, Chief, Bureau of Program Management
Scott Vogel, Chief of Environmental Services Section
James O. Brewer, Engineering Manager – State Road Office
Attn: Jim Richardson, Road Design Leader

April 1, 2003

54-106 K-8674-01
Kingman & Pratt Counties
Formal Consultation

Mr. William H. Gill, State Supervisor
United States Department of the Interior
Fish and Wildlife Service, Kansas State Office
315 Houston, Suite E
Manhattan, Kansas 66502

Dear Mr. Gill:

We are initiating a formal consultation for the subject project. Attached is a Biological Assessment prepared by the Kansas Department of Transportation (KDOT) for your information and use. This project will replace the present two-lane U.S. 54 highway with a four-lane facility beginning approximately 2.5 miles east of Kingman and extending to 4.0 miles west of Pratt, a distance of approximately 45 miles. The project generally follows the existing alignment with bypasses north of Kingman, south of Cunningham, and north of Pratt. The project follows the existing U.S. 54 alignment through the Kansas Department of Wildlife & Parks' Byron Walker Wildlife Area.

Seven species are listed as nationally threatened or endangered, and an eighth species is a candidate for listing in Kingman and Pratt Counties. The South Fork Ninnescah River is crossed four times by the project and is listed by your agency as a Bald Eagle important wintering habitat. The project may affect the listed Bald Eagle habitat.

The South Fork Ninnescah River as well as seven perennial streams, which are crossed by this project, provides habitat for the Arkansas darter (candidate) and the Arkansas River shiner. Federal critical habit has not been established for either the darter or shiner but state designed habitat may be affected for these species.

Due to the potential to affect the Bald Eagle, the Arkansas darter, and the Arkansas River shiner, we are requesting your opinion in this matter. If you have any questions or require additional information, please contact David LaRoche, Transportation Engineer, at (785) 267-7299, ext. 327.

Sincerely yours,

/s/ Kurt C. Dunn

For J. Michael Bowen, P.E.
Division Administrator

Enclosure

Cc: KDOT

DFLaRoche:kmr

Once you have provided for these additional information needs, I would be pleased to accept a request to initiate formal consultation on the proposed widening of U.S. Highway 54 in Pratt and Kingman counties. If you have any questions or concerns about these information requests or the consultation process in general, please contact me or Dan Mulhern of this office. Thank you for your cooperation in the completion of this consultation.

Sincerely,

A handwritten signature in cursive script that reads "William H. Gill".

William H. Gill
Field Supervisor

cc: FWS/LE, Derby, KS (Senior Resident Agent)
COE, El Dorado, KS (Regulatory Field Office)
KDWP, Pratt, KS (Environmental Services)

WHG/dwm

PROJECT: US-54 Corridor – West of Pratt to East of Kingman
KDOT Job No. 54-106 K-8674-01
HNTB Corporation Project No. 35983

MEETING LOCATION: Byron Walker Wildlife Area
Wildlife and Parks Office
Kingman County

MEETING DATE: May 13th, 2003

MEETING TIME: 11:00 AM

SUBJECT: Access to Byron Walker
US-54 Corridor

PRESENT:

Jim Richardson	KDOT Road Design	(785) 296-4487
Gary Christensen	KDOT Road Design	(785) 296-4099
Pam Thompson	KDOT Environmental	(785) 296-8415
Jim Peterson	KDOT Environmental	(785) 296-2997
Randy Clark	KDWP – Wichita	(620) 683-8069
Jeff Rue	KDWP	(620) 728-1362
Troy Smith	KDWP – Wildlife Area Mgr.	(620) 532-3242
Robert Barbee	KDWP – Pratt	(620) 672-5911
Jim Hays	KDWP – Pratt	(620) 672-0757
Nate Davis	KDWP – Pratt Env. Services	(620) 672-0720
David LaRoche	FHWA – Topeka	(785) 267-7284
Patrick Arno	FHWA – Topeka	(785) 267-7285
Chris Rops	HNTB	(913) 491-9333
Dan VanPetten	HNTB	(816) 527-2321
Sally Vance	HNTB	(913) 491-9333

Meeting Discussion Summary

1. The meeting began with introductions. The purpose of the meeting is to re-introduce the project to the KDWP and discuss access and alignment issues through the Byron Walker Wildlife Area.
2. Project Update: Surveys and mapping have recently been completed and supplied to HNTB. Alignment studies within the corridor are just beginning. From the corridor study a 1500 foot wide corridor has been selected through the Byron Walker Wildlife Area and will be designed to expressway standards. This means US-54 will be a four-lane divided highway with at-grade intersections.
3. Access was discussed and the KDWP expressed concern of limiting access for the walk-in hunting areas and that people aren't going to be willing to enter in one driveway and walk three to five miles to hunt in another area.

4. Frontage roads were mentioned as a method to minimize the number of access points along US-54. Any frontage road built would probably be put outside of KDOT's right-of-way.
5. Due to construction on US-54 through the Byron Walker Wildlife Area not occurring until sometime in the distant future, it was encouraged that the KDWP look at the future plans for development within the area. Any areas that may be changing sometime in the next ten or twenty years should be addressed now and considered when determining the final alignment. Even though the construction will not take place for some time, the sooner that the changes are put into place, the better. KDWP's thinking is that when the construction starts, the area's users will not have their access to their favorite areas changed, so users won't be complaining about the project.
6. It was requested that the KDWP mark up the provided plots with their preferred access locations, frontage roads, and any other issues not addressed within the corridor study. It was mentioned that some access locations will need gates for personnel use only. The main access to the lake needs to be improved; it is currently a very dangerous intersection. KDWP suggested one possibility would be separate turn lanes/bays to be provided at this location.
7. Certain seasons for construction will be better than others due to some of the livestock areas located throughout Byron Walker. The KDWP prefers to have their area fenced to represent the right-of-way needed for the proposed improvements.
8. The corridor study did not show many of the sites where the Arkansas Darter are located. The preferred sequence when dealing with a threatened and endangered species is to 1) avoid the area, 2) minimize the impact, and 3) mitigate. For example the roadside drainage ditch on the south side of US 54 in the east half of the WMA is Arkansas Darter habitat. This area should be avoided. Many of the little intermittent streams on the south side of the highway are potential Arkansas Darter habitat. KDWP would want a detailed assessment and a long term monitoring plan be established. Best management practices for erosion control and specific timing limitations for below water surface construction of bridges will be a part of their requirements.
9. There are federally funded lands located from the river bridge to the west limits of Byron Walker on both the north and south sides of US-54. It was requested that Jim Hays provide detailed areas throughout Byron Walker that were purchased with federal funds. There are several sources of federal funds for the Byron Walker area, these are the Pittman Roberston (fishing) and Dingle Johnson (hunting). These funding sources do not require special documentation like a park or historic site (i.e. the Section 4(f) Evaluation. To the best of their recollection, there are NO Land and Water Conservation Fund lands. This will eliminate the need for the 6(f) evaluation. PR & DJ funds do require that "just compensation" and "public access" be made if lands improved, managed or purchased with DJ/PR funds be impacted by the roadway improvements. This has been done a number of times on other KDWP lands that were impacted by KDOT projects.
10. Due to changing the intended purpose of the federally funded land, the KDWP will need to be justly compensated with either land or money and access will still need to be provided. The federal funds are for public hunting and fishing so access must be maintained to these areas.

11. It was the general consensus of the KDWP that there would be less environmental impacts if the new lanes were built north of the existing highway throughout the Byron Walker Wildlife Area. These environmental constraints include "the buffalo wallow wetland", the fen, Arkansas Darter Habitat at several locations, and wetlands. Access to the north half of the area can be made from the north county road system, no such alternative access system exists for the south half of the area. The north half includes some shelterbelt plantings, pastureland, woodlands, "never saw standing water on the north side of the road" and these are not significant when compared to the south side. The river recently made a cut off on the north side, near the gas station, that shifts the main channel away from the roadway. It appears that this shift will allow for filling in the remaining channel cut off under the 404 permit process. KDWP would want a biological survey for Arkansas Darter in the oxbow.
12. The group then took a tour of the Byron Walker Wildlife Area.
13. The Gas Station was viewed by the participants, it would appear to be eligible for the NRHP, and if so would require a Section 4(f) Evaluation. In addition to the comments in Item 11 above, it was noted that the Gas Station to the north would be less environmentally sensitive than the habitats to the south of US54. The constraints would be sufficient to show no feasible and prudent alternative to taking the NR eligible gas station. KDOT indicated the property was for sale now, they wanted to know if they could purchase it for right of way preservation now. FHWA indicated that they could, it was reasonable but could not demolish it until the Section 4(f) was approved.

Action Items

1. Troy Smith to return a plot showing the KDWP preferred access locations by June 13th, 2003.
2. Jim Hays to provide the specifics on the federally funded lands throughout the area.

The foregoing is our understanding of the issues discussed and conclusions reached. Please direct any comments or clarifications to Sally Vance at (913) 491-9333 or at svance@hntb.com.

Copy to: Attendees, Project File

Re-Issue Date: June 17th, 2003

Meeting Documentation

Project	US54 Corridor from Pratt to Kingman KDOT Job Number: 54-106 K-8674-01	Job No.	35983
Meeting Location	Byron Walker Wildlife Area Office	Meeting Date	June 4 th , 2003
Subject	Access to Byron Walker		
Present	Troy Smith Chris Rops Terry Weber Eric Saggars Sally Vance	Representing	KDWP HNTB Corporation HNTB Corporation HNTB Corporation HNTB Corporation

Discussion

June 2nd through the 4th, HNTB's project team went to visit the project site and, during our trip, we received a call from Troy Smith, manager of the Byron Walker Wildlife Area, wanting to talk about access through the Area. We then stopped in to talk to Troy and the following documents our discussion.

We marked the locations on one of the roll plots previously left behind of the entrances that Troy would like to see remain open. These locations are noted on the attached map. Locations of heavy use areas were noted and proposed parking lot locations were identified. It was mentioned that KDOT prefers a minimum of 150 feet to locate a driveway off of the highway for safety purposes.

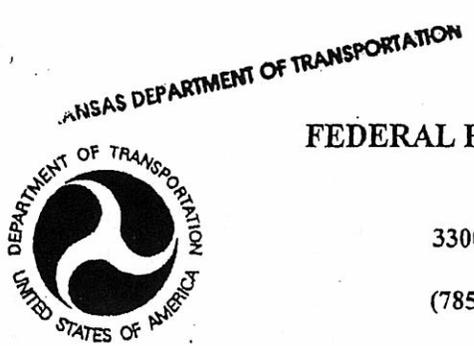
According to Troy, the Byron Walker Wildlife Area currently has 28 entrances on both the north and south side of US54 combined. Troy is proposing to consolidate these entrances to have a total of 10 access points with entrances on both the north and south side of US54 for a total of 20 entrances. Turning lanes for each of these locations were brought up and safety is definitely a concern with a right and left turn available about every half mile.

There was some discussion regarding the entrance to the lake and possibly relocating it to the east at NW 70 Ave. Troy mentioned that the focus of the lake was directly off of the current access and that the suggested relocation would not be ideal. However, Troy indicated that an access road, connecting NW 70 Ave to the current lake entrance, at about 150 ft to 300 ft from US54 might be acceptable. The benefits of the relocation would be a potentially safer entrance due to the location of bridge (poor sight distance and widening on bridge for left turn lane) to the west of the current location. Another benefit would be keeping SW 70 Ave open which is currently a paved road and leads directly to a Kansas Gas Facility, which may need a better quality road due to the type of traffic (big trucks) it generates.

Action/Response

HNTB is to study the access throughout the area and propose something taking into consideration all of the mentioned safety comments. We will specifically look at recommendations for the number and location of median cross over points.

HNTB is to look into a safer alternative for the entrance to the lake and review and discuss with KDOT and KDWP. A potential solution is to provide a frontage road from NW 70th Ave. back over to the state lake access point.



FEDERAL HIGHWAY ADMINISTRATION

Kansas Division
3300 S.W. Topeka Blvd., Suite 1
Topeka, KS 66611-2237
(785)267-7281 fax (785)267-7290



September 16, 2003

54-106 K-8674-01
Pratt & Kingman Counties
Environmental Assessment
Cooperating Agency Request

Mr. William Gill
U.S. Department of the Interior
Fish and Wildlife Service
Kansas State Office
315 Houston, Suite E
Manhattan, KS 66502

Dear Mr. Gill:

The Federal Highway Administration (FHWA) in cooperation with the Kansas Department of Transportation (KDOT) is initiating an environmental assessment (EA) for U.S. Highway 54 in Pratt and Kingman Counties, Kansas. Since the project may affect fish and wildlife habitat under your legal jurisdiction and because of your agency's special expertise, we are requesting you to be a cooperating agency.

KDOT has completed a location design concept study for the U.S. 54 corridor between Mullinville in Kiowa County and Kingman in Kingman County. The Study has resulted in the identification of a recommended corridor for upgrading U.S. 54 to a four-lane divided freeway or expressway. The recommended corridor would utilize a combination of the existing highway and offset alignment with bypasses.

Based on recommendations from the final study report, KDOT intends to design and acquire right-of-way for the eastern section of the corridor from just west of Pratt to east of Kingman, a distance of approximately 44 miles. At this time, funds are constrained for construction of approximately 10 miles in this corridor. The EA will cover the 44-mile corridor.

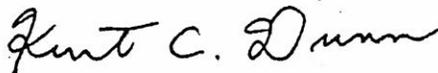
Your agency's involvement should entail those areas under its jurisdiction and no direct writing or analysis will be necessary for the document's preparation. The following are activities we will take to maximize interagency cooperation:

- Invite you to coordination meetings;
- Consult with you on any relevant technical studies that will be required for the project;
- Organize joint field reviews with you;
- Provide you with project information, including study results;
- Encourage your agency to use the above documents to express your views on subjects within your jurisdiction or expertise; and
- Include information in the project environmental documents that your agency needs to discharge its National Environmental Policy Act (NEPA) responsibilities and any other requirements regarding jurisdictional approvals, permits, licenses, and/or clearances.

You have the right to expect that the EA will enable you to discharge your jurisdictional responsibilities. Likewise, you have the obligation to tell us if at any point in the process, your needs are not being met. We expect that at the end of the process, the EA will satisfy your NEPA requirements including those related to project alternatives, environmental consequences and mitigation.

We look forward to your response to this request and your role as a cooperating agency on this project. The attached schedule is our anticipated timeline for completing the environmental process. An interagency scoping meeting will be scheduled if the need arises. If you have any questions or would like to discuss in more detail the project or our agencies' respective roles and responsibilities during the preparation of the EA, please contact David LaRoche in this office at (785) 267-7299 ext. 327.

Sincerely yours,



For J. Michael Bowen, P.E.
Division Administrator

Enclosure

Cc: KDOT

Sick
Comstock
Kowach
Brewer
Vogel
Kaufman



United States Department of the Interior

54-10616-8674-01

FISH AND WILDLIFE SERVICE

Kansas Field Office
315 Houston Street, Suite E
Manhattan, Kansas 66502-6172

October 22, 2003

Mr. J. Michael Bowen, P.E.
Division Administrator
Federal Highway Administration
3300 S.W. Topeka, Blvd., Suite 1
Topeka, Kansas 66611-2237

Dear Mr. Bowen :

Thank you for your September 16, 2003 letter regarding development of an Environmental Assessment (EA) for U.S. Highway 54 expansion in Pratt and Kingman Counties, Kansas. We understand the EA will cover a 44 mile corridor from just east of Kingman to just west of Pratt. The corridor would utilize a combination of existing highway and offset alignment with bypasses. No map accompanied your letter, but existing highway 54 passes through the 4,043 acre Byron Walker Wildlife Area owned and managed by the Kansas Department of Wildlife and Parks and crosses the South Fork of the Ninnescah river and its' tributaries several times.

Documentation of project impacts should recognize that Byron Walker Wildlife Area was purchased with Federal grant- in- aid assistance under the Wildlife Restoration Act (16 U.S.C. 669-669i; 50 Stat. 917)) and that any Wildlife Area land used by the project must be replaced. Although 50 CFR 80.14 allows up to three years to accomplish such replacement, we recommend that tentative replacement land be identified in your draft and final evaluation. In addition, the agreement between the U.S. Fish and Wildlife Service (FWS) and the Kansas Department of Wildlife and Parks (KDW&P) contains specific conditions on how lands are to be managed. Your draft and final evaluation should include results of consultation between the highway agencies, FWS, and KDW&P regarding project effects that may interfere with primary purpose for which the lands were acquired, as well as additional mitigation that might be recommended by resource agencies.

We would appreciate inclusion of a discussion of impacts to, and proposed mitigation for, fish and wildlife resource losses in the draft document. Your final assessment should evidence concurrence with proposed mitigation by the FWS and the KDW&P. The initiation of consultation under the Endangered Species Act should also be addressed in your draft

statement and the results of the consultation should be finalized for inclusion in your final statement. Similarly endangered species coordination with the KDW&P should be initiated early on and finalized for inclusion in your final evaluation.

In accordance with Section 7 of the ESA, the Service has determined that the following federally listed species may occur or be affected by the proposed Federal action:

<u>Listed Species</u>	<u>Expected occurrence</u>
Bald eagle (<i>Haliaeetus leucocephalus</i>)	Migration, winter
Whooping Crane (<i>Grus americana</i>)	Migration

Bald Eagle

The **bald eagle** (*Haliaeetus leucocephalus*), federally listed as threatened, nests, migrates, and winters statewide. Bald eagles utilize mature, forested, riparian areas near rivers, streams, lakes, and wetlands and occurs along the major river systems in Kansas. The bald eagles southward migration begins as early as October and the wintering period extends from December to March. Additionally, many bald eagles nest in Kansas from mid-February through mid-August. Disturbances within 0.5 mile of an active nest or within line-of-sight of the nest could cause adult eagles to abandon eggs. Human disturbance and loss of an eagle wintering habitat can cause undue stress leading to cessation of feeding and failure to meet winter thermoregulatory requirements. These affects can reduce the carrying capacity of preferred wintering habitat and reproductive success for the species.

Whooping Crane

The **whooping crane** (*Grus americana*) is a regular migrant through numerous central and western Kansas counties, generally occurring during March-April and October-November. Preferred habitat sites include wetlands, open fields, and grasslands in areas of low relief with short vegetation which affords the birds an open view of the surrounding terrain. Endangered.

Several candidate species may also occur in the project area: black-tailed prairie dog (*Cynomys ludovicianus*), Lesser Prairie Chicken (*Tympanuchus pallidicinctus*) and the Arkansas River Shiner (*Notropis girardi*). Candidates are those species for which the Service has on file substantial information on biological vulnerability and threats to support proposals to list them as threatened or endangered species. Development and publication of proposed rules to list candidate species as threatened or endangered are anticipated at some point in the future. Candidate species have no legal protection under the Endangered Species Act; however, the Service is concerned for their conservation due to their uncertain status.

State Listed and Species of Special Concern

The Kansas Department of Wildlife and Parks (KDW&P) may be concerned about potential impacts of this highway project on State listed species. The Service recommends the Federal Highway Administration, KDOT or its consultant contact (KDWP) at 620 672-5911 for information about current distributions and potential impacts of the highway project on State listed species.

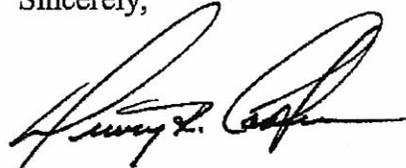
Wetlands and Streams

The Service recommends that unavoidable wetland impacts caused by the proposed project be mitigated at a ratio of no less than 1.5:1 (wetlands created/restored versus wetlands impacted). The Service further recommends that unavoidable wetland impacts caused by the proposed project be mitigated at a ratio of no less than 1:1 should mitigation be applied to a certified wetland mitigation bank. Regarding streams, the Service recommends that stream impacts particularly to the Ninnescha River be mitigated where an equal length of stream footage and number of meanders are created for stream footage and meanders lost as a result of the proposed project.

The Service recommends that the FHWA and KDOT consider the above concerns as they relate to the proposed highway project when applying for Federal permits and funding, and in subsequent development of NEPA documents. The Service is willing to provide further technical assistance in the development of NEPA documents. The Service is willing to participate as a cooperating agency and will provide further technical assistance in the development of potential avoidance, compensation, and/or mitigation strategies to offset the above potential effects, as applicable.

Thank you for the opportunity to comment on this project. If we can be of any assistance please call Mr. Dewey Caster, of my staff, at 785 539-3474 ext. 108.

Sincerely,


For: William H. Gill
Field Supervisor

cc: Kansas Department of Wildlife & Parks, Environmental Services, Pratt, KS

WHG\drc

PROJECT: US-54 Corridor – West of Pratt to East of Kingman
KDOT Job No. 54-106 K-8674-01
HNTB Corporation Project No. 35983

MEETING LOCATION: Byron Walker Wildlife Area (BWWA)
Management Office
Kingman County

MEETING DATE: November 20th, 2003

MEETING TIME: 10:30 AM

SUBJECT: US-54 Access and Alignment Alternatives through BWWA

PRESENT:

Jim Richardson	KDOT Road Design	(785) 296-4487
Gary Christensen	KDOT Road Design	(785) 296-4099
Randy Clark	KDWP – Wichita	(620) 683-8069
Troy Smith	KDWP – BWWA Manager	(620) 532-3242
Robert Barbee	KDWP – Pratt	(620) 672-5911
Bryan Simmons	KDWP – Pratt Env. Services	(620) 672-5911
Chris Rops	HNTB	(913) 491-9333
Sean Gellhaus	HNTB	(913) 491-9333

Meeting Discussion Summary

1. The meeting began with a project update stating that the past few months had been spent developing detailed alignment and access alternatives throughout the corridor. A recommended alignment had been developed throughout Pratt and Kingman counties to be presented to the public at the public meetings planned for December 9 & 10 in Pratt and Kingman. The purpose of this meeting was to present BWWA officials with the recommended alignment and access alternative along with other alternatives within the BWWA to get comments and reactions prior to the public meeting. This was desirable in order to confirm that the recommended alternative was acceptable, would adequately serve the management needs within the BWWA, and was appropriate for presentation to the public.
2. The first alternative discussed was based on comments from Troy Smith on June 23, 2003. This alternative provides full at-grade intersections approximately every ½-mile and provides right-in-right-out access at intermediate locations where additional management access is needed. Public use parking lots are also proposed throughout the BWWA to provide adequate parking away from the highway for those who use the area for hunting and fishing.
3. The second alternative discussed was the recommended alternative. This alternative is very similar to the previous one in that it maintains nearly the same amount of parking and access to the surrounding lands, but it consolidates the access to common locations

in order to reduce the total number of access points on the highway and to increase its overall safety. This alternative generally provides a full at-grade intersection approximately every mile and provides right-in-right-out access at intermediate locations where additional access is deemed necessary. Comments on this alternative included the desire for an additional culvert at approximate STA 1984+00 and to adjust the entrance location into the headquarters office (see Action Items noted at the end of the minutes).

4. The final alternative discussed was a freeway alternative. This alternative was not favorable due to the extensive right-of-way impacts, environmental impacts, and adverse travel throughout the BWWA for management of the land.
5. A possible median widening from 60 feet to up to 84 feet was brought up. An official decision as to the width has not been reached by KDOT at this time. A wider median would mean acquiring an additional width of right-of-way from the BWWA on the north of the existing highway, which would have to be mitigated. Another option to look at would be to study the feasibility of maintaining the 60-foot median within the BWWA and only using the wider median outside of its boundary. This issue will be looked at in more detail once KDOT reaches a decision on its preferred median width.
6. A triple 14' x 8' RCB structure located just east of the current State Lake Road appears to have a very small drainage area and be cut off from the 100-year flood due to the road acting as a dike. This observation was brought up with the BWWA management to see if at sometime in the past the lake spillway led to this structure to justify its large size. There was no recollection of a spillway leading to the RCB nor was there memory of the river ever overtopping the road. Gary Christensen stated that he would speak with the KDOT bridge section to try to get any information on the design of the structure.
7. Another topic of discussion was possible bank stabilization needs within the BWWA. The river is actively moving in many critical locations along the recommended alignment. It may be necessary to stop the movement in these locations by means of some sort of stabilization measures, possibly in conjunction with a grading project throughout the BWWA, to ensure that construction of the recommended alignment as designed today will be possible in the future when funding comes available.

It was brought up that a Phil Balch from the Kansas City office of the Watershed Institute has been involved with other bank stabilization projects along the Ninnescah River east of the BWWA. With his experience and knowledge of the river in this area, he may be of some assistance in getting the necessary approvals for such a project within the BWWA. Another person that could be of some help is Dave Derrick with the USACE.

8. Potential properties to be used in mitigation for the land acquired within the BWWA were discussed. Properties discussed include the two privately owned parcels within the current BWWA limits and any of the properties between the existing south BWWA boundary and the river that would help square off the southern edge. There are some

properties north of NW10th St that could potentially be looked at also. However, it is desirable that any land acquired outside the current BWVA limits be done in significant sizes such as ¼ or ½ sections. It is undesirable to have to manage a small 10 – 15 acre plot outside the main boundaries.

Conclusions

It was the general consensus that the recommended alignment was acceptable to continue forward with and present to the public. There were two slight adjustments to the recommended access that are described below under the Action Items heading. It was understood that the parking lots depicted on the plots were just representative of the general size and location of the parking areas. Their actual size, location, and orientation will be finalized during final design and/or mitigation negotiations. It was also understood that the BWVA management does not want to be responsible for construction of any parking areas, access roads, fencing, etc. They want a "turn key" project with all mitigation measures taken care of by KDOT as part of the project. The details and extent of these measures will be laid out in a Mitigation Memorandum of Understanding in the future, once exact impacts and mitigation strategies are known.

Plots of all but the freeway alternative were left with Troy Smith at the BWVA headquarters.

Action Items

1. Gary Christensen (KDOT) will speak with the KDOT bridge section to try to get any information on the design of the triple 14' x 8' RCB structure east of the existing State Lake Road.
2. HNTB will add a crossing structure north of the highway near station 1984+00 to allow management access across the low area during wet periods.
3. HNTB will move the relocated headquarters entrance off SW90th Av slightly north to avoid impacting the sub-irrigated tillable plot just south of the archery range west of the HQ buildings.

The foregoing is our understanding of the issues discussed and conclusions reached. Please direct any comments or clarifications to Sean Gellhaus at (913) 491-9333 or at sgellhaus@hntb.com.

Copy to: Attendees, Project File

KANSAS

DEPARTMENT OF TRANSPORTATION
DEB MILLER, SECRETARY

KATHLEEN SEBELIUS, GOVERNOR

JIM L. KOWACH, P.E., BUREAU CHIEF

June 14, 2004

US Fish & Wildlife Service
Kansas Field Office
351 Houston Street, Suite E
Manhattan, Kansas 66502-6172

Dear Mr. Gill:

Subject: 54-106 K-8674-01, Kingman and Pratt Counties

The April 17, 2003 correspondence from US Fish & Wildlife Service (USFWS) to Federal Highway Administration requested additional information be provided regarding the extent to which riparian trees may be removed or adversely impacted so that a more thorough assessment of impacts to the bald eagle may be made. Also, additional information on anticipated wetland impacts was requested due to the potential for impacting the federally listed whooping crane. As pointed out by USFWS the federal candidate Arkansas darter has no legal status under the Endangered Species Act. The Arkansas darter is a state threatened species and the Kansas Department of Transportation (KDOT) will coordinate with the Kansas Department of Wildlife and Parks (KDWP) to minimize impacts to this species as well as other state listed species occurring within the project area. Kansas Department of Wildlife & Parks Action Permits will be applied for in accordance with K.A.R. 115-15-3.

Enclosed is information regarding potential impacts to the federally listed bald eagle and whooping crane. Although there is no federally designated critical habitat for the bald eagle or the whooping crane within the project area, the South Fork Ninescah River is listed as important bald eagle wintering habitat by USFWS. The proposed project crosses the South Fork Ninescah River four times. The enclosed United States Geological Survey topography map with alignment and stationing overlain gives an overall view of the project route. The location of crossings and the number of eagle perching/roosting trees potentially impacted are shown in Table I.

While the crossing at Sta. 978+00 located approximately ¼ mile south of the existing US-54 will impact twelve bald eagle perching/roosting trees, no perching/roosting trees will be impacted at Sta. 1784+50 and the remaining two crossings at Sta. 2029+00 and 2119+50 are located adjacent to the existing US-54 where daily traffic counts range from 5,000 to 17,500 vehicles per day.

Table I. Potential bald eagle perching/roosting tree impacts*

South Fork Ninnescah River crossing	Station	Location	Perching/roosting trees impacted	Trees planted
1. Kingman Co.	2119+50	SW ¼ Sec. 36-T27S-R9W	10	30
2. Kingman Co.	2029+00	SE ¼ Sec. 34-T27S-R9W	12	36
3. Kingman Co.	1784+50	SW ¼ Sec. 36-T27S-R10W	0	0
4. Pratt Co.	978+00	SW ¼ Sec. 4-T28S-R12W	12	36

*Listed east to west.

With several miles of less disturbed fishing grounds available it is unlikely wintering bald eagles would choose to perch in the vicinity of the proposed crossings at Sta. 2029+00 or 2119+50. Impacted perching/roosting trees will be mitigated by planting three cottonwoods and/or sycamores for each tree removed. Replacement trees will be located within 100 ft. of the river where possible. Due to the small number of perching/roosting trees that would be impacted at Sta. 978+00 (12), the close proximity to the existing US-54 of the proposed crossings at Sta. 2029+00 and 2119+50, and the mitigation of impacted perching/roosting trees at a 3:1 ratio, it is felt the project will not significantly impact the bald eagle.

Plans for this project are in the early stages of development. At this time only the alignment with construction limits and right-of-way is available. On the enclosed ½ sized plan sheets construction limits are represented as a dashed line, while right-of-way is shown as a solid line. Delineated wetlands, outlined in red, are numbered from 1 to 116 from east to west and are referenced to alignment stationing. Cowardin classifications are given in the attached table, US-54 WETLANDS, Project # 54-106 K-8674-01. The table Summary of Wetlands within the Construction Limits, Project # 54-106 K-8674-01 totals the wetlands within construction limits according to Cowardin classification. Within construction limits 69.719 acres of wetlands were delineated, including 48.100 acres of emergent wetlands, 5.955 acres of shrub/scrub wetlands, 15.423 acres of forested wetlands, and 0.241 acres of aquatic bed wetlands. It would not be accurate to assume that all wetlands within construction limits will be filled. As the project progresses avoidance and minimization measures will be incorporated into design. Final wetland impacts cannot be determined until road and bridge plans are completed. It is expected that final wetland impacts will be substantially less than the 69.719 acres occurring within construction limits.

As may be seen in the attached information many of the listed wetlands are unsuitable for use by the whooping crane due to various factors. Many of the wetlands within construction limits are small in size, or are located adjacent to areas of human activity such as the existing US-54, county roads, or active farmsteads. Additional factors that render some wetlands within construction limits unsuitable for use by whooping cranes are lack of inundation, and the presence of dense hydrophytic vegetation such as *Typha latifolia*, or trees such as *Populus deltoides*.

Corps of Engineers regulations require mitigation for all jurisdictional wetland impacts. Unavoidable wetland impacts will be mitigated in the vicinity of the project. Emergent and aquatic bed wetlands will be mitigated at a 1.5:1 ratio, while shrub/scrub and forested wetlands

will be mitigated at a 2:1 ratio. The KDOT prefers that numerous, small, unavoidable wetland impacts be mitigated by consolidation into larger constructed wetlands. The KDOT is working with KDWP in attempts to locate a potential wetland mitigation site that may eventually add to Byron Walker Wildlife Area. A larger constructed wetland mitigation site has the potential to benefit the federally endangered whooping crane and numerous other species of wildlife.

Sincerely,
Jim L. Kowach, P.E.
Chief, Bureau of Design



Scott P. Vogel, Chief
Environmental Services Section

JLK:SPV:jrp
Attachments

C: Bryan Simmons, KDWP, Environmental Services, Pratt, KS
Road Section, Bureau of Design

JMB WLM JRS RDB FILE# K-8674-01

June 21, 2004

54-106 K-8674-01
Kingman & Pratt Counties
Section 7 Consultation

Mr. William H. Gill, State Supervisor
United States Department of the Interior
Fish and Wildlife Service, Kansas State Office
315 Houston, Suite E
Manhattan, Kansas 66502

Dear Mr. Gill:

We are initiating Section 7 consultation for the subject project. Our letter to you dated April 1, 2003 furnished a Biological Assessment prepared by the Kansas Department of Transportation (KDOT) for your information and use. Your letter dated April 17, 2003 requested additional information on riparian tree removal and wetlands impact. We have attached the additional information you requested.

This project will replace the present two-lane U.S. 54 highway with a four-lane facility beginning approximately 2.5 miles east of Kingman and extending to 4.0 miles west of Pratt, a distance of approximately 45 miles. The project generally follows the existing alignment with bypasses north of Kingman, south of Cunningham, and north of Pratt. The project follows the existing U.S. 54 alignment through the Kansas Department of Wildlife & Parks' Byron Walker Wildlife Area.

The South Fork Ninnescah River is crossed four times by the project and is listed by your agency as a Bald Eagle important wintering habitat.

Due to the potential to affect the Bald Eagle, and the whooping crane, we are requesting your opinion in this matter. If you have any questions or require additional information, please contact Kurt C. Dunn, Environmental Engineer, at (785) 267-7299, ext. 308.

Sincerely yours,

/s/ Kurt C. Dunn, P.E.

For J. Michael Bowen, P.E.
Division Administrator

Enclosure

Cc: KDOT

KCDunn:kmr
K867401 USFWS Pratt to Kingman.kcd.doc



United States Department of the Interior

FISH AND WILDLIFE SERVICE

Kansas Field Office
315 Houston Street, Suite E
Manhattan, Kansas 66502-6172

September 21, 2004

Mr. J. Michael Bowen, P.E.
Division Administrator
Federal Highway Administration
Kansas Division
3300 S.W. Topeka Blvd., Suite 1
Topeka, Kansas 66611-2275

Attn: Mr. Kent C. Dunn
54-106 K-8674-01
Pratt & Kingman Counties

Dear Mr. Bowen:

Thank you for your August 31, 2004 letter requesting our review of the *Preliminary Draft Environmental Assessment and draft Section 4(f) Evaluation for the U.S.-54 Corridor, Pratt to Kingman, State of Kansas*. We have reviewed the documents and provide the following for your consideration.

General Comments

The U.S. Fish and Wildlife Service appreciated your letter of September 16, 2003 requesting our early input to the Environmental Assessment (EA) for the U.S. Highway 54 expansion. In the Service's response of October 22, 2003 we noted that the Byron Walker Wildlife Area was purchased with Federal grant -in-aid assistance under the Wildlife Restoration Act (16 U.S.C. 669-669i; 50 Stat. 917) and requested that your draft and final evaluation (EA) include the results of consultation between the highway agencies, FWS (Service) and the Kansas Department of Wildlife and Parks (KDW&P) regarding project effects that may interfere with the primary purpose for which the (Byron Walker) lands were acquired, as well as additional mitigation that might be recommended by resource agencies.

Indications are that coordination did occur between the KDW&P and the Kansas Department of Transportation but the Service was not included in this cooperative effort. This is unfortunate because the Service would have made it clear, early-on, that any alternative for highway expansion that would require the use of Byron Walker Wildlife Area lands would require a

Section 4(f) evaluation. The Department of the Interior has declared "State lands and interests therein acquired or developed or improved with Federal grants for fish and wildlife conservation, restoration, or management" are wildlife and waterfowl refuges and Section 4(f) applies to them for any use by the Department of Transportation. The General Council, DOT, has determined that Section 4(f) applies to the use of State game lands. Since Pittman-Robertson and Dingell-Johnson funds are involved in development and management at Byron Walker Wildlife Area the Service will be the lead agency for review of the required Section 4(f) statement.

The Section 4(f) statement will require a rigorous exploration and objective evaluation of alternative actions that would avoid all use of Byron Walker Wildlife Area. The present EA presents but two alternatives, the No-Build and the Build Alternative-Preferred that would require a taking of 76 acres of land from the Byron Walker Wildlife Area. We would appreciate a thorough evaluation of alternatives that avoid the use of Byron Walker Wildlife Area within the EA. Without such an evaluation of alternative actions it will be impossible to determine if there is no prudent and feasible alternative to use of Byron Walker Wildlife Area and the project includes all possible planning to minimize harm to the area.

Section 4(f) Statement Comments

The Department of the Interior does not concur with Section 4(f) approval of this project at this time.

The 4(f) Statement within the EA addresses impacts to a historical structure, the Calista Corners Service Station. The Section 4(f) Statement should be expanded to include a discussion of impacts to the Byron Walker Wildlife Area and re-circulated for review.

Our comments on this preliminary draft EA and Section 4(f) statement are provide to give you an early indication of our thoughts about the lack of information and involvements concerning the Byron Walker Wildlife Area. They do not represent the results of a formal consultation by the Department of Transportation with the Department of the Interior, pursuant to the consultative requirements of Section 4(f). Such requirements would be fulfilled only when the Office of the Secretary of this Department comments separately on any statement which may be prepared and approved by you for circulation.

Fish and Wildlife Coordination Act Comments

The Fish and Wildlife Service will review the U.S. Army Corps of Engineers section 404 permit(s) for the proposed project during the final design phase of this project. We fully expect that site specific wetland functional assessments will document the need for additional wetland mitigation acreage and sites. We appreciate the commitment within the EA to set wetland mitigation ratios (1.5 to 1 for palustrine wetlands and 2 to 1 for forested wetlands) but these may be the minimum required and the functional assesments may require additional mitigation acreage to mitigate for wetland loss. Our comments on this EA therefore do not preclude a separate evaluation and report by the Service which may be necessary pursuant to the Fish and

Wildlife Coordination Act when the Corps of Engineers issues a section 404 permit for this project.

Summary Comments

The Service recommends the draft EA and Draft Section 4(f) statement in its Preliminary form not be released to the general public. The Service recommends that the FHWA and KDOT consider our concerns as they relate to the proposed project and give greater consideration to alternatives that would avoid impacts to the Byron Walker Wildlife Area and if impacts are unavoidable all possible planning to avoid harm to Section 4(f) lands has been completed and presented in a revised EA and new Section 4(f) statement.

A copy of our October 22, 2003 letter providing our early input to the Environmental Assessment for the U.S. Highway 54 expansion should have been included in the Appendix of this Preliminary Draft. Since our input was ignored we should not be listed as a cooperating agency.

Thank you for the opportunity to comment on this project. If we can be of any assistance please call Mr. Dewey Caster, of my staff, at 785 539-3474 ext. 108.

Sincerely,

William H. Gill
Field Supervisor

cc: KDW&P, Environmental Services, Pratt, Kansas
FWS, Federal Aid, Region 6, Denver, CO
FWS, Ecological Services, Federal Projects, Region 6, Denver, CO

WHG\drc

PROJECT: US-54 Corridor – West of Pratt to East of Kingman
KDOT Job No. 54-106 K-8674-01
HNTB Corporation Project No. 35983

MEETING LOCATION: US Fish & Wildlife Service
Manhattan, KS Office

MEETING DATE: October 6, 2004

MEETING TIME: 9:00 AM

SUBJECT: Discussion of 4(f) and Section 7 Comments in USFWS Letter Dated
September 21, 2004

PRESENT:

William Gill	US Fish & Wildlife Service (USFWS)
Dewey Caster	USFWS
Susan Blackford	USFWS
Kurt Dunn	FHWA – Topeka
Jim Richardson	KDOT Road Design
Scott Vogel	KDOT Environmental
Jim Peterson	KDOT Environmental
Chris Rops	HNTB

Meeting Discussion Summary

1. FHWA began the meeting with introductions and an overview of the agenda. The purpose of the meeting was to discuss the US 54 Kingman to Pratt EA, the USFWS response letter dated September 21, 2004, and for all parties to gain a better understanding of USFWS and FHWA's positions on the project.
2. HNTB provided a summary of the study efforts performed to date including an overview of the Corridor Study. The Corridor Study started as a very preliminary planning study based on a National Corridor Planning and Development (NCPD) Grant. Its purpose was to identify feasible locations and facility type for a transportation facility from Mullinville to Kingman (77 miles). There were no funds identified for construction and no direct actions initially expected. Midway through the study a KDOT System Enhancement (SE) project was awarded for the section from Pratt to Kingman (44 miles). The original NCPD project was modified to identify how to best utilize the \$96 million awarded as part of the SE Project. Extensive public input was solicited on the project through the project sponsors, public meetings, and coordination with affected agencies like Kansas Department of Wildlife and Parks and Bryon Walker. Alternatives avoiding the Byron Walker area were studied but dropped as not being prudent due to more property required, property severance, redundant facility, serious concern expressed by project sponsors on miles of US 54 turned back over to them for maintenance, and constructability. The study, public input, and project sponsor input resulted in the following priorities being identified: do all the engineering, buy all the right-of-way, and construct as much as possible (8-10 miles around Cunningham).
 - USFWS indicated they had not been coordinated with during the Corridor Study or provided copies of the report. They requested copies of the report.

- USFWS requested a summary of the data and analysis used in the avoidance analysis for Byron Walker since the detail was not provided in the EA.

3. FHWA continued with a discussion of their position on the Section 4(f) determination for Byron Walker. FHWA's position is that the Wildlife Management Area does not function as a refuge, does not have recreational elements within any of the affected right-of-way, and its associated primary use of hunting does not constitute a recreational use and thus no 4(f) impact. This position is based on: research of FHWA handbook guidance, memorandums, and policy papers (provided as attachments to the meeting agenda which was distributed); guidance was from Regional sources; and coordination meetings with KDWP and Byron Walker officials.

USFWS indicated that their position is that Byron Walker is a 4(f) impact based on hunting being a recreational activity, the area provides habitat (birds, animals and plants) to broadly enhance wildlife, and the wildlife area has received Pittman-Robertson Wildlife Restoration Funding and Dingell-Johnson Federal Funding. The funding is viewed as a resource provided to assist in managing and enhancing the whole area versus point source improvements that may or may not be specifically impacted by the project. Review of the funding uses may result in Byron Walker being in jeopardy of losing future federal funding if the land is transferred for highway uses without proper mitigation (land replacement) being made.

Extensive discussion ensued about the different positions taken by USFWS and FHWA on the application of 4(f) to Byron Walker. The meeting purpose was not to settle the issue but rather have each party have a clear understanding of the other's position. It was agreed to disagree on the issue.

In addition, regardless of the 4(f) designation, FHWA has made a commitment through the public involvement process and coordination with KDWP and Byron Walker management personnel to replace lands taken by the project in locations desired by KDWP and Byron Walker as part of the current project, make access improvements along the route (i.e. consolidate access points and provide needed parking facilities), and work collaboratively on preferred alignment locations to minimize impacts to environmental resources and create a safe facility.

Finally, FHWA wanted to clarify that the USFWS letter dated October 22, 2003 was not ignored and the elements were incorporated in the EA. Not including the letter in the Appendix was an oversight that will be corrected in the version distributed for public comment and to resource agencies.

- FHWA/HNTB will refine the EA as needed based on all comments received and distribute a signed version for distribution and public comment within a month. DOI/USFWS will get copies of the signed EA.
- Include USFWS letters to FHWA in the EA Appendix.
- USFWS indicated they will take exception to the 4(f) on Calista Corners and render an opinion that the EA/Draft 4(f) Evaluation is insufficient since the Byron Walker property was not considered 4(f).
- USFWS will begin the review of where and how the Pittman-Robertson and Dingell-Johnson funds were used.

4. KDOT continued the meeting by discussing the Section 7 and wetland replacement elements of the project. The USFWS indicated the status of Section 7 consultation was good. At the request of USFWS KDOT's approach to potential unavoidable wetland impacts has been to provide a worst case assessment. KDOT intends to work with KDWP and ideally identify locations they would find desirable to perform wetland replacement. USFWS indicated that they had reviewed the Appendix C elements and were generally content with it. USFWS's primary concern was with Byron Walker, when the document is re-sent they will do another review of all the contents.

Action Items

1. FHWA to follow-up with a letter to William Gill outlining the agreements reached at the meeting (letters from USFWS to be included in the EA, create a summary of the corridor study data related to the avoidance of Byron Walker, USFWS removed as a cooperating agency from the EA, and an agreement to disagree on the application of 4(f) to Wildlife Management Areas).
2. FHWA will initiate the internal process of removing USFWS from their tracking database as a cooperating agency.
3. As per their typical process, FHWA will provide DOI/USFWS copies of the full signed EA and draft 4(f) in approximately one month after all necessary refinements from initial comments are incorporated.
4. KDOT will send USFWS three copies of the US 54 Corridor Study.
5. HNTB will review the data developed in the Corridor Study and create a stand alone summary document comparing the recommended alternative to alternatives avoiding the taking of property from Byron Walker. Also included in the summary will be factors other than the environmental factors that collectively resulted the avoidance alternatives not being carried forward in the EA.
6. HNTB will add the two USFWS letters to the EA appendix and remove USFWS as a cooperating agency on the signature sheet.
7. USFWS will begin the review of where and how the Pittman-Robertson and Dingell-Johnson funds were used.

The foregoing is our understanding of the issues discussed and conclusions reached. Please direct any comments or clarifications to Chris Rops at (913) 491-9333 or at crops@hntb.com.

Copy to: Attendees, Project File

Phase I Review

Kansas State Historical Society
Contract Archeology Program

KSHS Database Number K-8244-DISC-01 K	KDOT Project Number 54-48 K-8244-05	Phase I request date	Received 2/28/2011
District 5	County Kingman	Legal Discription Sec. 1, T28S, R9W	

Review Resources

Project Plans Provided	County Map Kingman	County Atlases NW Pub. Co. 1903 (NEGATIVE)
USGS topo Penalosa & Kingman NW	Map of Historic Trails N/A	

Any recommendation made here is with the understanding that due to the nature of archeological manifestations, it is always possible that cultural deposits could be encountered during the course of the project. If that occurs, the remains should be left in place and the State Archeologist contacted immediately so that the appropriate mitigative measures can be carried out as soon as possible. Thank you for your cooperation in helping to preserve the State's archeological resources.

Phase I Clearance

Background Research has been conducted by consulting resources listed above. The results indicate that there are no recorded prehistoric or historic archeological site in the project area and that there is a low potential for the occurrence of sites eligible for listing on the National Register of Historic Places. We therefore see no need for further archeological investigations.

Phase II Recommended

Background research has been conducted by consulting resources listed above. Results indicate either the presence of recorded sites of a high potential for the occurrence of sites eligible for listing on the National Register of Historic Places. We therefore recommend a phase II investigation of all or parts of the project area.



Highway Archeologist



SHPO Archeologist

3/7/11

Date

3/4/11

Date

6425 SW 6th Avenue
Topeka, KS 66615



phone: 785-272-8681
fax: 785-272-8682
cultural_resources@kshs.org

Kansas Historical Society

Sam Brownback, Governor
Jennie Chinn, Executive Director

March 11, 2011

Scott Vogel
Environmental Services Section, Bureau of Design
Kansas Department of Transportation
Eisenhower Office Building, 700 SW Harrison
Topeka, KS 66603

Re: Byron Walker Land Transfer – Kingman County
KDOT #54-48K-8244-05

Dear Mr. Vogel:

We have reviewed the materials received March 1, 2011 regarding the above-referenced project in accordance with 36 CFR Part 800. In reviews of this nature, the State Historic Preservation Officer (SHPO) determines whether a federally funded, licensed, or permitted project will have an adverse effect to properties that are listed or determined eligible for listing in the National Register of Historic Places. The SHPO has determined that the proposed project will not adversely affect any property listed or determined eligible for the National Register. As far as this office is concerned the project may proceed.

Thank you for giving us the opportunity to comment on this proposal. Please submit any comments or questions regarding this review to Kim Gant at 785-272-8681, ext 225 or kgant@kshs.org.

Sincerely,

Jennie Chinn
State Historic Preservation Officer

Patrick Zollner
Director, Cultural Resources Division
Deputy State Historic Preservation Officer

RECEIVED

MAR 15 2011

BUREAU OF DESIGN
ADMINISTRATION

Des Engr	Coord Sec
Road	Env Sec
Bridge	Landscapa
Contracts	Bldg
	File

MEETING DOCUMENTATION



Project: Us-54/BWWA Land Exchange EA **Job #** 35983

Meeting Location: BWWA Main Office **Meeting Date** May 24, 2011

In attendance:

Troy Smith, Randy Clark, David Bender, Robert Barbee –
KDWP

Tim Flagler – HNTB Corporation

Discussion

An informal meeting was held at the Byron Walker Wildlife Area main office to discuss the preparation of the Land Exchange EA document and the two properties (Cole and Seiler) that will be transferred to KDWP by KDOT in exchange for acquiring BWWA land for the US-54 Highway widening improvements.

HNTB asked about the spawning dates of the Plains Minnow and the Silver Chub. KDWP stated that spawning for the Plains Minnow is between April 1 and August 31. David Bender is going to check on the spawning dates for the Silver Chub and email them to HNTB.

Site visits to the two properties were conducted by KDWP and HNTB personnel, and the following items were discussed:

Seiler Property

- KDWP stated that KDOT will be hiring a contractor to remove invasive tree species on the Seiler property such as Russian Olive, Siberian Elm, cedar,

Action/Response

HNTB will include the information about each of the properties in the Land Exchange EA document.

Meeting Documentation (cont'd.)



Project US-54/BWWA Land Exchange EA

Job # 35983

Meeting Location BWWA Main Office

Meeting Date May 24, 2011

salt cedar, and honey locust because KDWP is planning to manage the property as predominantly a prairie habitat.

- KDWP indicated that the tree removal would not reduce the habitat value on the property.
- KDWP stated that their invasive/noxious weed species management includes the entire BWWA land, and includes controlled burning as well as cutting.
- Wetlands were pointed out along the east side of the property.

Cole Property

- KDWP indicated that most of the Cole property is riparian woodland and that KDWP will manage it to remain as such.
- It was noted that the pond just outside the west boundary of the property would be removed by the widening project.
- KDWP stated that KDOT had removed the house and the service station from the property. However, there were still areas where household trash had been deposited (plastic and glass containers, metal, cans, etc.)
- KDWP was not sure if the septic system had been removed by KDOT.
- A plugged well was present on the property.

Appendix C

LEGAL DESCRIPTIONS AND LOCATION OF PROPERTIES

APPENDIX C

Legal Descriptions and Location of Properties

(Refer to Exhibit 2 in Appendix A)

Byron Walker Wildlife Area (KDWP-owned Property) = 59.13 Acres

North Side of US-54 (from West to East)

T27S, R9W, Section 32, SW1/4, SW1/4;
SE1/4, SW1/4;
SW1/4, SE1/4;
SE1/4, SE1/4

T27S, R9W, Section 33, SW1/4, SW1/4;
SE1/4, SW1/4;
SW1/4, SE1/4;
SE1/4, SE1/4

T27S, R9W, Section 34, SW1/4, SW1/4;
SE1/4, SW1/4;
SW1/4, SE1/4;
SE1/4, SE1/4

T27S, R9W, Section 35, SW1/4, SW1/4;
SE1/4, SW1/4;
SW1/4, SE1/4;
SE1/4, SE1/4

T27S, R9W, Section 36, SW1/4, SW1/4;
SE1/4, SW1/4;
SW1/4, SE1/4;

South Side of US-54 (from West to East)

T28S, R9W, Section 5, NW1/4, NW1/4;
NE1/4, NW1/4;
NW1/4, NE1/4;
NE1/4, NE1/4

T28S, R9W, Section 4, NW1/4, NW1/4;
NE1/4, NW1/4;
NW1/4, NE1/4;
NE1/4, NE1/4

T28S, R9W, Section 3, NW1/4, NW1/4;
NE1/4, NW1/4;
NW1/4, NE1/4;
NE1/4, NE1/4

T28S, R9W, Section 2, NW1/4, NW1/4;
NE1/4, NW1/4;

T28S, R9W, Section 1, NW1/4, NE1/4;

Cole and Seiler Properties (KDOT-owned Properties) = 122.3 Acres

Cole Property = 29.51 Acres

T28S, R9W, Section 35, SW1/4, SW1/4;

Seiler Property = 92.79 Acres

T28S, R9W, Section 3, NW1/4, NE1/4;
NE1/4, NE1/4;
SE1/4, NE1/4;

Appendix D

ANIMAL ACCIDENT DATA

US-54 IN KINGMAN COUNTY (120TH AVE, E. TO 70TH AVE)
MOTOR VEHICLE ACCIDENT SUMMARY
INVOLVING ANIMAL COLLISIONS

Year	ACCIDENTS				PEOPLE		
	Total	Fatal	Injury	PDO*	Deaths	Injuries	Animal
2006	10	0	2	8	0	3	DEER
2007	5	0	1	4	0	1	DEER
2008	12	0	0	12	0	0	DEER
2009	10	0	0	10	0	0	DEER
2010**	8	0	0	8	0	0	DEER
	45	0	3	42	0	4	

COUNTY	ON_ROAD	RCRP	Year	ACCIDENTS				PEOPLE	
				Total	Fatal	Injury	PDO*	Deaths	Injuries
KINGMAN	U054	7	2006	1	0	0	1	0	0
KINGMAN	U054	7	2007	3	0	1	2	0	1
KINGMAN	U054	7	2009	1	0	0	1	0	0
KINGMAN	U054	8	2008	5	0	0	5	0	0
KINGMAN	U054	8	2009	2	0	0	2	0	0
KINGMAN	U054	8	2010**	2	0	0	2	0	0
KINGMAN	U054	9	2006	1	0	0	1	0	0
KINGMAN	U054	9	2007	1	0	0	1	0	0
KINGMAN	U054	9	2008	3	0	0	3	0	0
KINGMAN	U054	9	2009	1	0	0	1	0	0
KINGMAN	U054	9	2010**	1	0	0	1	0	0
KINGMAN	U054	10	2006	7	0	1	6	0	1
KINGMAN	U054	10	2007	1	0	0	1	0	0
KINGMAN	U054	10	2008	1	0	0	1	0	0
KINGMAN	U054	10	2009	2	0	0	2	0	0
KINGMAN	U054	10	2010**	3	0	0	3	0	0
KINGMAN	U054	11	2006	1	0	1	0	0	2
KINGMAN	U054	11	2008	2	0	0	2	0	0
KINGMAN	U054	11	2009	4	0	0	4	0	0
KINGMAN	U054	11	2010**	2	0	0	2	0	0
KINGMAN	U054	12	2008	1	0	0	1	0	0
				45	0	3	42	0	4

* Property Damage Only accidents

** 2010 data are 99% complete and considered unofficial at this time.