

Appendix A
Agency Coordination



United States Department of the Interior

FISH AND WILDLIFE SERVICE
Kansas Ecological Services Office
2609 Anderson Avenue
Manhattan, Kansas 66502-2801

May 20, 2015

Chris Name, Biologist PM-PR
Corps of Engineers, Kansas City District
601 East 12th Street
Kansas City, Missouri 64106-2896

FWS Tracking # 2015-CPA-0480

Dear Mr. Name`:

We have reviewed the information for the Supplemental Environmental Assessment City of Topeka Flood Risk Management Study Topeka, Kansas. The proposed alterations are to the Oakland Levee Unit, Topeka, Kansas. Your email of April 17, 2015 states that minor changes to the project design include a larger seepage berm area, larger borrow area, minor interior drainage improvements adjacent to the underseepage berm, and rock anchors to a pump station located at Lat 39.069002°N, Long -95.605136°W. A haul route has been identified which may require the removal of less than 0.1 acres of trees which would be removed during the winter months.

We previously provided comments on the Draft Environmental Assessment (EA) and Draft Feasibility Report for the Topeka, Kansas, Flood Risk Management Study in a letter dated October 28, 2008.

Federal Threatened and Endangered Species

On May 4, 2015 the northern long-eared bat (NLEB) was listed as a threatened species under the Endangered Species Act (ESA) with a special rule under section 4(d) of the ESA that provides flexibility to landowners, land managers, government agencies and others as they conduct activities in areas that could be NLEB habitat.

The Service has identified a buffer zone consisting of such area as those counties within 150 miles of the boundaries of U.S. counties or Canadian districts where the White-nose Syndrome has been detected. For illustrative purposes, the most recent map of such areas can be viewed at the website www.fws.gov/midwest/nleb. The map will be updated regularly. Although WNS has not yet been detected in Kansas, portions are included in the buffer zone, **including all of Shawnee County**. Neither our agency nor KDWP has specific information at this time

identifying known maternity roosting trees or hibernacula near the project area.

For more information about the northern long-eared bat, the final listing as threatened, the interim 4(d) rule and related information, visit the Service's web site at www.fws.gov/midwest/endangered/mammals/nleb.

Aerial photography indicates that suitable habitat for the NLEB exists on the project site. Any tree clearing associated with the proposed project should comply with acreage and date conditions established in the interim 4(d) rule. If those acreage and date conditions can't be met, then summer surveys should be conducted to document the presence or likely absence of the northern long-eared bat within the project area during the summer. The survey must be conducted by an approved surveyor and be designed and conducted in coordination with the Endangered Species Coordinator for the U.S. Fish and Wildlife Service, Ecological Services, Kansas Field Office. If it is found, and a "may affect" determination is warranted, formal consultation may be necessary with the Service pursuant to section 7 of the Endangered Species Act (16 U.S.C. 1531 et seq.)

General Comments

Many pollinators, including monarch butterflies, are experiencing significant declines in populations. We encourage you to include native plants that support pollinators in the areas that will be replanted/revegetated. Native milkweeds are especially important to support monarch butterflies. You find more information on monarch butterflies and their conservation at: <http://www.fws.gov/savethemonarch/>.

We recommend a vegetated buffer of a minimum 500-foot wide be maintained along the riverward side of the borrow area. This will inhibit the river from cutting a new channel through the borrow area during times of overbank flows.

The Service appreciates the coordination between the Service and the U.S. Army Corps of Engineers (Corps) throughout the development of this project and values the efforts made to address our concerns.

Thank you for the opportunity to comment on this project. If you have any questions, please contact me or Susan Blackford of my staff at (785) 539-3474.

Sincerely,



Dan Mulhern
Acting Field Supervisor

cc: EPA, Kansas City, KS (Wetland Protection Section)
KDWPT, Pratt, KS (Environmental Services)
KDHE, Topeka, KS (Bureau of Water)

From: [Hofmeier, Jordan](#)
To: [Name, Chris NWK](#)
Cc: [Susan Blackford](#)
Subject: [EXTERNAL] KDWPT Review: Topeka Levee Flood Risk Management Study Design Changes - Oakland Unit (Track #20070264)
Date: Saturday, April 25, 2015 4:06:17 PM

Dear Mr. Name,

We have reviewed the information for the proposed alterations to the Oakland Levee Unit, Topeka, KS. The project was reviewed for potential impacts on crucial wildlife habitats, current state-listed threatened and endangered species and species in need of conservation, and Kansas Department of Wildlife, Parks, and Tourism managed areas for which this agency has administrative authority.

We provide the following comments and general recommendations, when applicable:

- * Re-locate the proposed borrow area to location that is less likely to be flooded during high flows in the Kansas River. The proposed area is very near to and on the inside bend of the Kansas River and has a higher likelihood of flooding, and thus increasing sediment input into the river.
- * Implement and maintain standard erosion-control Best-Management-Practices during all aspects of construction by installing sediment barriers across the entire construction area to prevent sediment and spoil from entering aquatic systems. Silt fences used in conjunction with sandbags is the preferred barrier, but hay bales can be used if properly staked. Barriers should be maintained at high functioning capacity until construction is completed and vegetation is established.
- * Reseed disturbed areas with native warm-season grasses, forbs, and trees.

Results of our review indicate there will be no significant impacts to crucial wildlife habitats; therefore, no special mitigation measures are recommended. The project will not impact any public recreational areas, nor could we document any potential impacts to currently-listed threatened or endangered species or species in need of conservation. No Department of Wildlife, Parks, and Tourism permits or special authorizations will be needed if construction is started within one year, and no design changes are made in the project plans.

Since the Department's recreational land obligations and the State's species listings periodically change, if construction has not started within one year of this date, or if design changes are made in the project plans, the project sponsor must contact this office to verify continued applicability of this assessment report. For our purposes, we consider construction started when advertisements for bids are distributed.

Please consider this email our official review for this project. Thank you for the opportunity to provide these comments and recommendations. Please let me know if you have any questions or concerns about the preceding information.

Please direct all review materials electronically to ess@ksoutdoors.com to streamline the review process

for all parties.

Jordan Hofmeier
Aquatic Ecologist, Ecological Services
Kansas Dept. of Wildlife, Parks, and Tourism
Pratt, KS 67124

Office: (620) 672-0798
Cell: (785) 249-0874

Fax: (620) 672-2972

Appendix B

Notice of Availability and Public Comments



DEPARTMENT OF THE ARMY
KANSAS CITY DISTRICT, CORPS OF ENGINEERS
635 FEDERAL BUILDING
601 E. 12TH STREET
KANSAS CITY MISSOURI 64106-2824

REPLY TO
ATTENTION OF

Project Management
Planning Branch

NOTICE OF AVAILABILITY

The U.S. Army Corps of Engineers, Kansas City District, has prepared a draft Supplemental Environmental Assessment and a Finding of No Significant Impact (FONSI) that are available for public review. These documents were prepared in accordance with the National Environmental Policy Act.

The Oakland Levee Unit Project is a flood risk management project located in Topeka, Kansas. An Environmental Assessment and Finding of No Significant Impact for the project were prepared in 2008. Since that time, several modifications have been proposed to the design to improve structural weaknesses, correct levee underseepage safety concerns, and prevent a pump station failure. The project is anticipated to begin construction in 2015 and be completed by 2016.

The Corps is soliciting public comments on the draft Supplemental Environmental Assessment and FONSI during a 30-day review period that opens June 22, 2015 and will close July 22, 2014. These documents are available for review on the Corps' website at www.nwk.usace.army.mil/Media/PublicNotices.aspx. The reports may also be obtained by contacting Mr. Chris Name, Environmental Resources Specialist, U.S. Army Corps of Engineers, Kansas City District, ATTN: Environmental Resources Section, 601 East 12th Street, Kansas City, Missouri 64106, by telephone at (816) 389-3829 or by email at chris.name@usace.army.mil. All comments should be directed to the above address or email. For an alternate point of contact, please call Mr. Jesse Granet at (816) 389-3470.

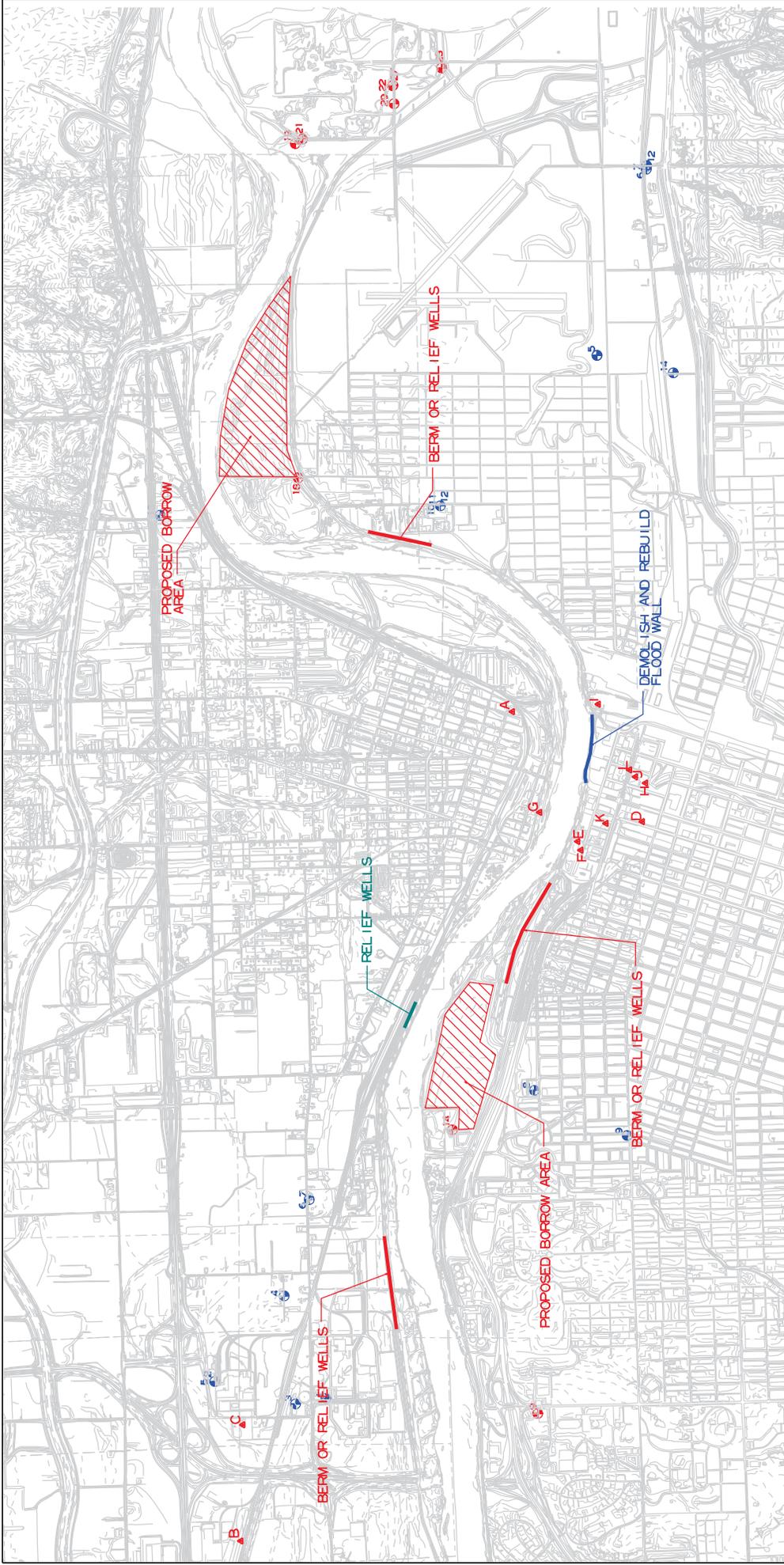
Sincerely,

A handwritten signature in black ink, appearing to read "Jason Farmer", written over a white background.

Jason Farmer
Chief, Environmental Resources Section

Appendix C

HTRW



- UNDERGROUND AND ABOVE GROUND STORAGE TANK CLOSURE LOCATIONS
- ⊕ SOLID WASTE UNITS
- ▲ KNOWN CONTAMINATED SITES

ENVIRONMENTAL SITE ASSESSMENT
 POTENTIAL CONTAMINATED SITE LOCATIONS

Appendix D
Cultural Resources Coordination

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

KSR&C No. 06-07-001

June 8, 2015

Timothy Meade
District Archeologist/Tribal Liaison
U.S. Army Corps of Engineers
Kansas City District
600 Federal Building
601 E. 12th Street
Kansas City, Missouri 64106-2896

Via E-Mail

RE: Revised Borrow Area Location
Oakland Levee Unit
Shawnee County

Dear Mr. Meade:

In accordance with 36 CFR 800, the Kansas State Historic Preservation Office has examined its cultural resources files and has reviewed your letter (dated June 1, 2015) describing plans for a revised borrow area location associated with improvements to the Oakland Levee Unit in Topeka and North Topeka in Shawnee County. The revised location is adjacent to an area reviewed during an earlier phase of the overall levee upgrade project and is situated between the existing levees and the Kansas River. It has little potential for archeological sites and, as you have pointed out, has been subjected to considerable recent disturbance (particularly in the form of Kansas River channel movement). We therefore concur with the conclusion that use of the revised borrow area location during the levee construction project will have no effect on historic properties as defined in 36 CFR 800. This office has no objection to use of the proposed borrow area.

Any changes to the project, which include additional ground disturbing activities, will need to be reviewed by this office prior to beginning construction. If construction work uncovers buried archeological materials, work should cease in the area of the discovery and this office should be notified immediately.

This information is provided at your request to assist you in identifying historic properties, as specified in 36 CFR 800 for Section 106 consultation procedures. If you have questions or need additional information regarding these comments, please contact Tim Weston at 785-272-8681 (ext. 214).

Sincerely,

Jennie Chinn, Executive Director and
State Historic Preservation Officer

Patrick Zollner
Deputy SHPO



DEPARTMENT OF THE ARMY
KANSAS CITY DISTRICT, CORPS OF ENGINEERS
600 FEDERAL BUILDING
KANSAS CITY, MISSOURI 64106-2896

June 1, 2015

REPLY TO
ATTENTION OF

Environmental Resources Section
Planning Branch

Ms. Jennie A. Chinn
Executive Director, State Historic Preservation Officer
Kansas State Historical Society
6425 S. W. 6th Avenue
Topeka, Kansas 66615-1099

Dear Ms. Chinn:

The U.S. Army Corps of Engineers, Kansas City District (Corps) and the City of Topeka are partnering on improvements to the Oakland Levee unit. The proposed improvements are a modification to overall improvements to the levee units in Topeka and North Topeka that were coordinated with your office in August 2006 (KSR&C 06-07-001). This letter continues Section 106 coordination for the project.

The Oakland Levee project is located directly east and downstream of downtown Topeka, along the right bank of the Kansas River. The levee is approximately ten miles long and protects residential homes, businesses, agricultural fields, the Philip Billard Municipal Airport, a BNSF rail yard, schools, churches, and various city infrastructures such as the city waste water treatment plant among others. The Oakland Levee also ties into the Shunganunga Creek levee system (Figure 1)

This proposed project would consist of modifying the Oakland Levee Unit by constructing under seepage berms, improving interior surface drainage, installing rock anchors to the East Oakland pump station, and expanding the borrow area (Figure 2). Underseepage improvements would be constructed at the landward toe of the levee on city waste water treatment plant property. The combined underseepage berm area is approximately 4.6 acres. The additional borrow would be acquired in the agricultural field immediately to the east of the borrow area coordinated with your office in 2006 (Figure 3a-b). The borrow material would be excavated to a depth of approximately five feet below the current ground surface.

A background cultural resource literature review was conducted of the project vicinity utilizing the Kansas State Historical Society's Archeological Data Viewer. No sites have been identified within or near the proposed project or borrow areas (Figure 4). As mentioned, the project was previously coordinated with your office in 2006. At that time the Corps noted that the proposed borrow location had been entirely crossed by the historic Kansas River channel since 1885 and had little potential for buried archeological

deposits. Your office concurred with this recommendation in a letter dated August 25, 2006. The proposed additional borrow area likewise is depicted as having been crossed by the Kansas River channel since 1885 (Figure 5). The proposed levee improvements would be conducted within the heavily disturbed existing levee corridor.

Because of the above mentioned conditions, it is unlikely that the proposed project or additional borrow area would impact any sites listed on or eligible for listing on the National Register of Historic Places. At this time we request your concurrence that the project as described would have no effect on historic properties. In the unlikely event that archeological materials are discovered during construction, work in the area of discovery will cease and the discovery investigated by a qualified archeologist. The findings on the discovery would be coordinated with your office and appropriate federally recognized Native American tribes.

Thank you for your consideration in this matter. If you have any questions or have need of further information please contact me at timothy.m.meade@usace.army.mil or at (816) 389-3138.

Sincerely,

A handwritten signature in black ink that reads "Timothy Meade". The signature is written in a cursive style with a large, sweeping initial "T".

Timothy Meade
District Archeologist

Enclosures

KANSAS

Kansas State Historical Society
Jennie Chinn, *Executive Director*

KATHLEEN SEBELIUS, GOVERNOR

August 25, 2006

Timothy Meade
Cultural Resource Manager
Kansas City District, Corps of Engineers
700 Federal Building
Kansas City, Missouri 64106-2896

RE: Possible Borrow Locations
Levee Construction Along the Kansas River
Shawnee County

Dear Mr. Meade:

In accordance with 36 CFR 800, the Kansas State Historic Preservation Office has examined its cultural resources files and has reviewed your letter (dated August 2, 2006) describing plans for borrow areas associated with improvements to the levee system in Topeka and North Topeka in Shawnee and Jefferson Counties. The proposed borrow areas are all situated between the existing levees and the Kansas River. This area has little potential for archeological sites and as you have pointed out, has been subjected to considerable recent disturbance. We therefore concur with the conclusion that use of the proposed borrow areas during the levee construction project will have no effect on historic properties as defined in 36 CFR 800. This office has no objection to use of the proposed borrow areas.

Any changes to the project, which include additional ground disturbing activities, will need to be reviewed by this office prior to beginning construction. If construction work uncovers buried archeological materials, work should cease in the area of the discovery and this office should be notified immediately.

This information is provided at your request to assist you in identifying historic properties, as specified in 36 CFR 800 for Section 106 consultation procedures. If you have questions or need additional information regarding these comments, please contact Tim Weston at 785-272-8681 (ext. 214).

Sincerely,

Jennie Chinn, Executive Director and
State Historic Preservation Officer

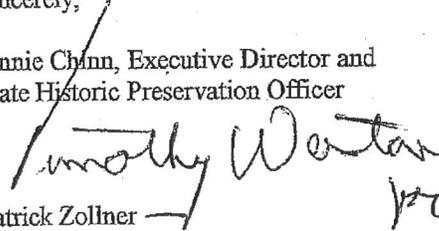

Patrick Zollner
Deputy SHPO



Figure 1. Proposed project and borrow location area.

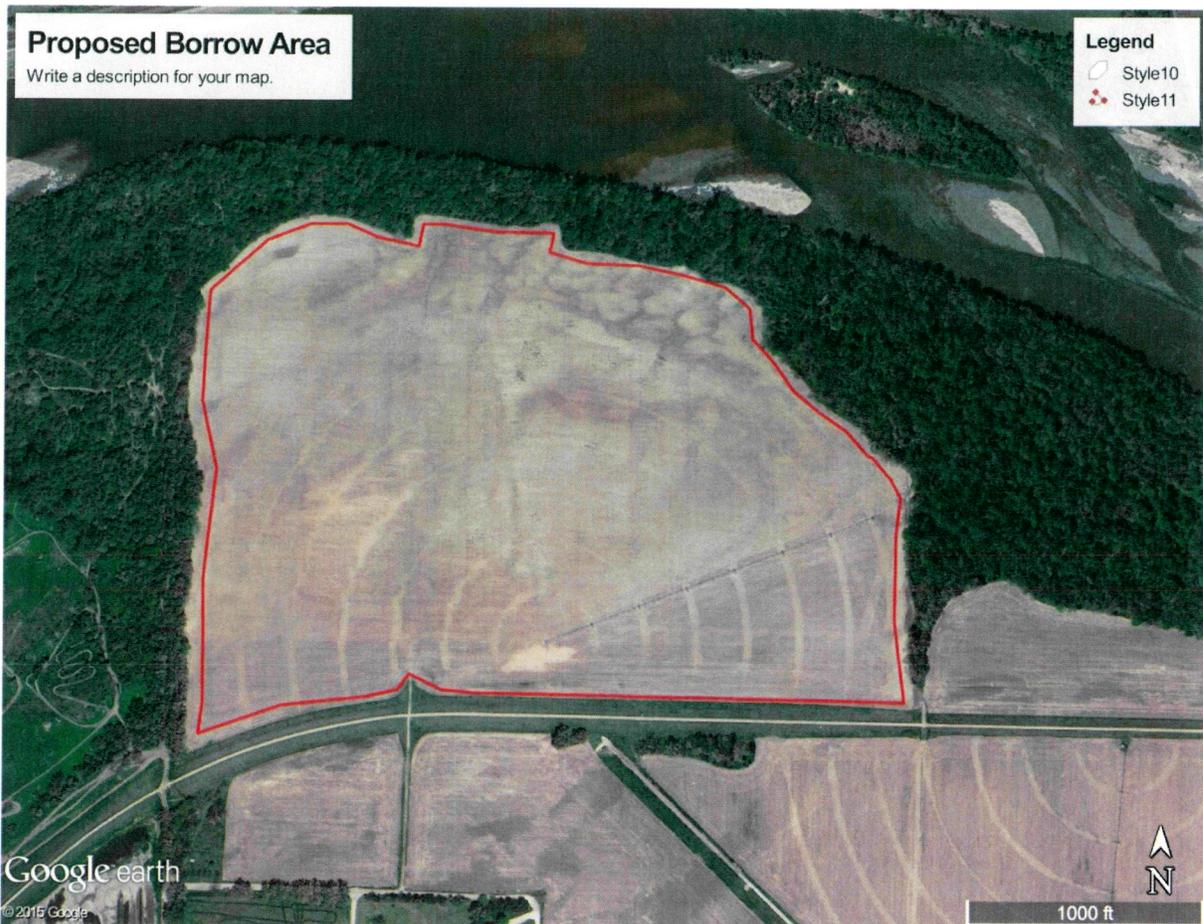


Figure 2. Proposed new borrow area.

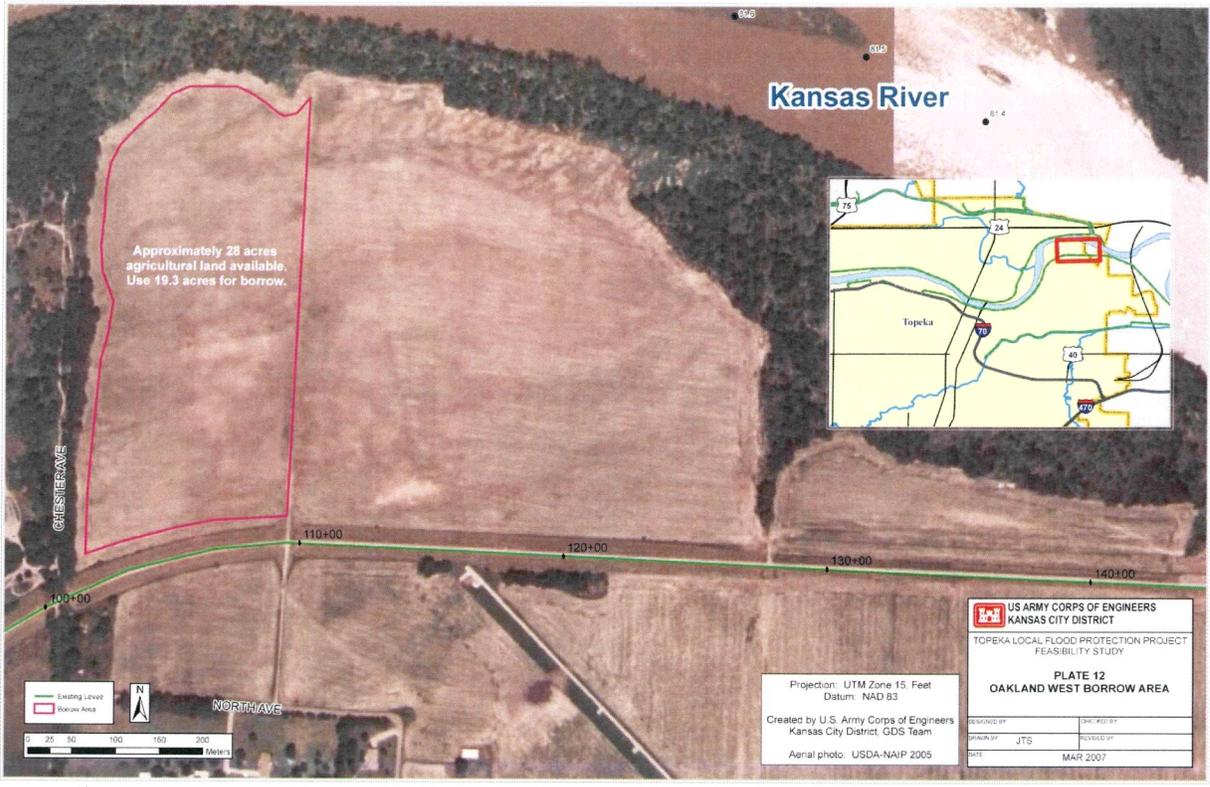


Figure 3a. Former proposed borrow area

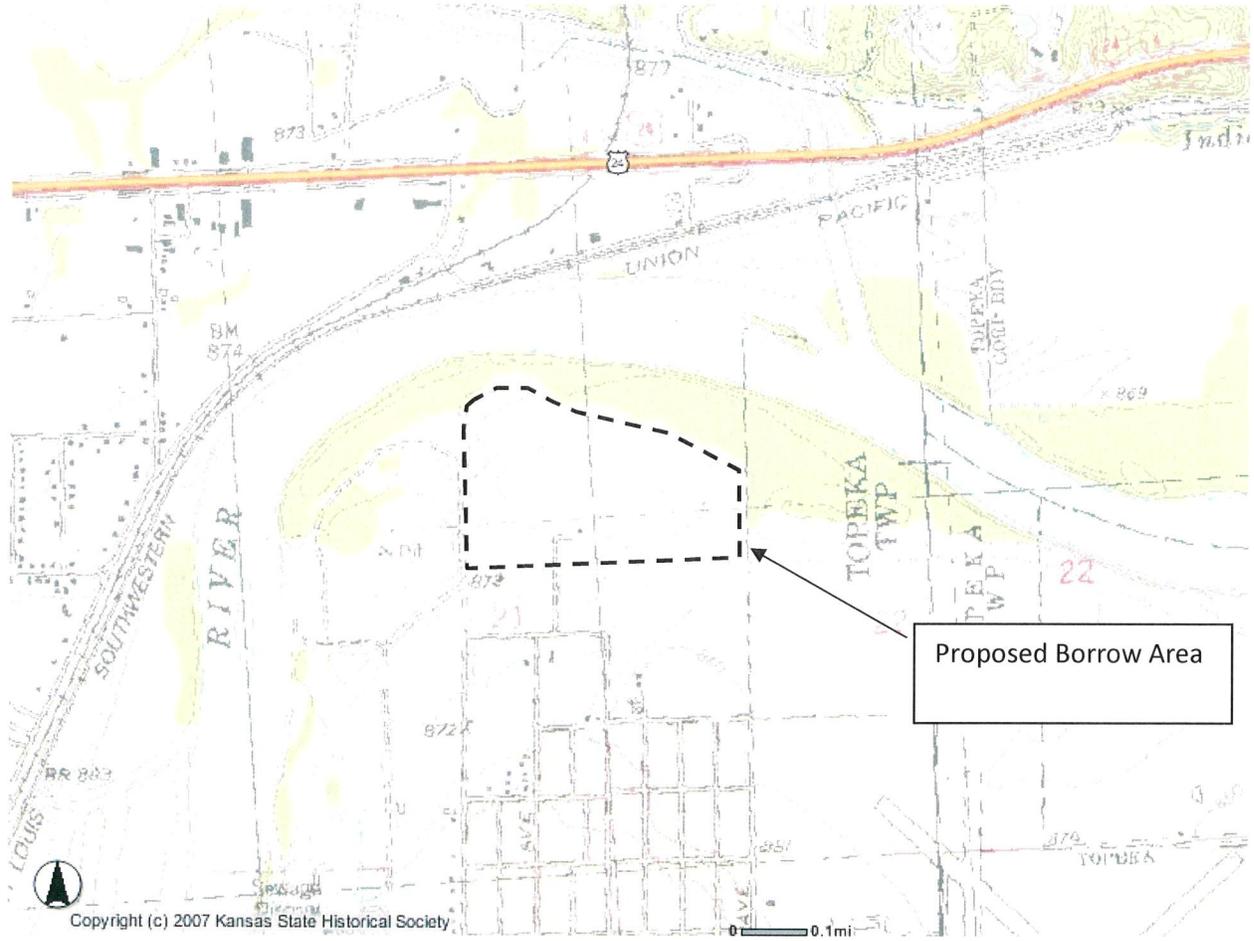


Figure 3b. Proposed Borrow Area

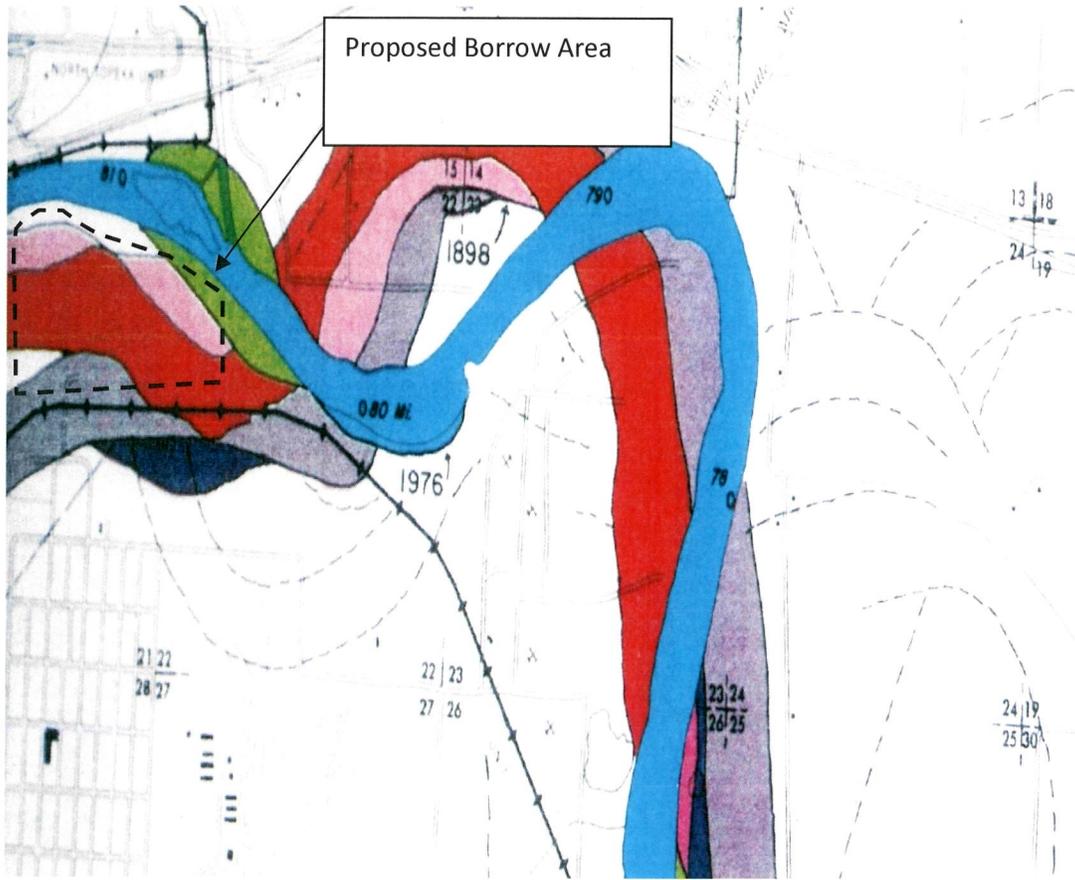


Figure 5. Borrow area location on historic Kansas River channels map.