

Appendix C. FEMA Section 7 Informal Consultation with the U.S. Fish and Wildlife Service

This letter is 11 pages long and dated May 24, 2022. It was written by Lois H. Coulter Environmental and Historic Preservation Advisor, Readiness Branch, Office of Environmental Planning and Historic Preservation, Washington, DC, who is currently deployed to FEMA Region 7. It was addressed to Jason Luginbill, Kansas Field Supervisor, U.S. Fish and Wildlife Service, Kansas Ecological Services Field Office, in Manhattan, Kansas. It describes the Action Area, the Proposed Action, justification for the action, and the anticipated effects and proposed mitigation regarding the Peppered Chub, Northern Long Eared Bat, and Monarch Butterfly.



FEMA

May 24, 2022

Jason Luginbill,
Kansas Field Supervisor
U.S. Fish and Wildlife Service
Kansas Ecological Services Field Office
2609 Anderson Avenue
Manhattan, Kansas 66502

Re: PA-07-KS-4449-PW760 GM137376 – City of Kingman Parks, Kingman County, Kansas

Dear Mr. Luginbill,

The U.S. Department of Homeland Security's Federal Emergency Management Agency (FEMA) proposes to provide Federal funds, through the Kansas Division of Emergency Management (KDEM or Applicant), in response to the Presidentially declared Major Disaster Declaration, FEMA-DR-4449-KS, dated June 20, 2019, will be providing federal funds authorized under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, P.L. 93-288, as amended, in response to Severe Storms, Straight-line Winds, Tornadoes, Flooding, Landslides and Mudslides that occurred April 28 to July 12, 2019. The assistance would be provided through FEMA's Public Assistance in accordance Section 406 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5172, and Title 44 Code of Federal Regulations §206.226.

FEMA is requesting a Section 7 informal consultation with the United States Fish and Wildlife Service (USFWS) for the review of potential effects on any threatened and endangered species in accordance with the Endangered Species Act of 1973 (ESA: 16 U.S.C. § 1531(c)(1)) for the proposed repairs to embankments, including the incorporation of bioengineering for improved resilience of the embankments from future flood events, and restoration of flood damaged elements at Kingman Fairgrounds and Riverside Park in the City of Kingman. Your review and concurrence with the May Effect, Not Likely to Adversely Affect determinations is requested.

Action Area

The proposed actions will take place in Kingman Fairgrounds and Riverside Park in the City of Kingman. These parks, consisting of 87.1 acres in total, are located on the south side of the City of Kingman between the South Fork Ninnescah River and the Mill Race (an historic watercourse constructed in 1881 to provide power to rolling mills, and later for electric power generation at plants approximately 1 mile east of the parks). Kingman Fairgrounds is on the west end of the Action Area and Riverside Park on the east end (Figure 1). The Action Area encompasses all areas with direct and indirect effects of the action to the parklands and the surrounding waterways, comprised of areas that may be required for completion of the work including, but not limited to, access and staging. To address the indirect effects of turbidity as a result of construction activities,

the Action Area extends a minimum of 100 meters downstream of the proposed construction activities (Figure 4). A .kmz file of the Action Area is provided as Attachment A.

Proposed Action

The City of Kingman proposes to repair damaged elements and improve the Kingman Fairgrounds and Riverside Parks by:

- removing washed out culverts and replacing them with low-water crossings,
- replacing fill material to raise the ground elevation,
- replacing damaged electrical wiring and components,
- adding an additional semicircle concrete walking trail,
- adding new lighting fixtures,
- repairing the embankments along the South Fork of the Ninnescah River and the Mill Race by installing geogrid fabric, and
- seeding and planting on the west end of Kingman Fairgrounds.

The city will also excavate and conduct overbank grading, restore fill to embankments and install vegetated geogrid fabric, seeding and plantings to the north bank of the South Fork Ninnescah River in Riverside Park to repair damaged elements. The incorporation of the vegetated geogrid bioengineering measures is designed to make the parklands more resilient to future flooding. Project details follow:

- **Kingman Fairgrounds (GPS: 37.639947, -98.118618) (Figure 2, West End)** Flooding caused damage to the west 950 feet of the Kingman Fairgrounds. The proposed plan will rehabilitate parklands and adds mitigation measures to make park features more resilient to future flooding and washout by:
 - o Adding fill to center of west end raising the ground approximately 2 feet to reduce flooding (GPS: 37.640280, -98.119570)
 - o Repairing portions of the damaged 2,800 linear feet of sidewalk (GPS: 37.640597, -98.119317) and installing an additional 3,710 square feet of concrete sidewalk in a semicircle in the center of the park's west end creating a barrier to prevent flood water from reaching Kingman Fairground Park facilities (GPS: 37.639981, -98.118690)
 - o Repairing underground damaged electrical wiring for lighting along the original concrete sidewalk (GPS: 37.640597, -98.119317) and installing five (5) new light poles and underground wiring along the proposed semicircular sidewalk (GPS: 37.639981, -98.118690)
 - o Removing culverts from underneath the original sidewalk and installing 2,205 square feet of concrete creating three low-water crossings at locations where damage has occurred to the culverts and sidewalk (GPS: 37.6400552, -98.117863) (GPS: 37.640626, -98.119164) (GPS: 37.640589, -98.121031). Each crossing will be 12 feet wide with 3-foot toe walls on either end and 12 feet of riprap upstream and downstream of the crossing to allow floodwaters to flow over the crossing and reduce scour risk when flooding occurs. A total of 830 square yards of riprap will be installed at the three (3) low-water crossing locations to protect the crossings during flood events
 - o Installing 980 linear feet of slope protection in the form of vegetative geogrid fabric applied to the embankment along the Mill Race and vegetative slope plantings with

- o locally adapted seeds and cuttings (GPS: Start 37.640380, -98.121815 End 37.638679, -98.115463)
 - o Installing 540 square yards of riprap as slope protection to the northwest park embankment along the South Fork Ninescah River and vegetative slope plantings with locally adapted seeds and cuttings (GPS: Start 37.640624, -98.121986 End 37.640904, -98.121012)
 - o Removing three trees on the south side of Kingman Fairgrounds along the north bank of the Mill Race (GPS: 37.639720, -98.119338)
 - o Removing approximately 26 trees on the north side of Kingman Fairgrounds south of sidewalk at location where the new semicircular sidewalk will link in to current sidewalk (GPS: Start 37.640543, -98.118895 End 37.640521, -98.118372)
- **Riverside Park – (GPS: 37.638911, -98.110766)** (Figure 3, East End) The proposed plan will repair north park embankment and mitigate future flood damage by:
 - o Excavating 3,800 cubic yards of sediment and vegetation and conduct overbank grading to an area on the southern bank of the South Fork Ninescah River north of the baseball fields approximately 250 feet to 1,200 feet east of the Main Street Bridge (GPS: Start 37.640876, -98.112155, End 37.639857, -98.109511)
 - o Removing of approximately 50 trees along the southern bank of the South Fork Ninescah River (GPS: Start 37.640988, -98.111846 End 37.639676, -98.109130)
 - o Removing approximately 20 trees along embankment between Hoover Pond and South Fork Ninescah River (GPS: Start 37.639452, -98.109089 End 37.638834, -98.108263)
 - o Clearing and grubbing vegetation, repairing embankment, and installing 385 linear feet of slope protection with vegetated geogrid fabric, native seeds, and plantings for embankment protection on the southern bank of the South Fork Ninescah River, approximately 650 feet west of the South Fork Ninescah River and Mill Race confluence (GPS: Start 37.639622, -98.109000, End 37.638886, -98.108099)

Justification

Flooding in 2019 caused erosion and wash out, damaging portions of a 2,800 linear-foot concrete walking trail, culverts, and electrical lighting components at the City of Kingman Fairgrounds. Much of the parkland was underwater for days. Flooding on the east end of Riverside Park caused wash out along the South Fork Ninescah River creating hazardous embankment conditions. Restoring the parks will continue to provide public open space and recreational facilities to promote community wellness and a community connection space for enhanced quality of life.

Threatened and Endangered Species

The following threatened and endangered species are identified as potentially occurring within Kingman County, Kansas: Northern Long-eared Bat (*Myotis septentrionalis*), Whooping Crane (*Grus americana*), and the Peppered Chub (*Macrhybopsis tetranema*). The Monarch Butterfly (*Danaus plexippus plexippus*), a candidate species, may also be present in the county. No critical habitats are identified within the project area.

Based on the FEMA ESA Matrix and Avoidance and Minimization Measures (AMMs), FEMA determines there will be **No Effect** to the following listed species that have potential to occur within or near the project site: Whooping Crane.

The Northern Long-eared Bat and the Peppered Chub have potential to be present within the action area (Figure 4) and FEMA determines that the proposed actions **May Affect** these species. Additionally, the Kansas Department of Wildlife and Parks (KDWP) has identified several state fish species of concern that may be present in the Action Area. Avoidance and minimization measures discussed in this consultation incorporate measures for the conservation of the state fish species of concern.

Peppered Chub

The Peppered Chub, a small cyprinid minnow, prefers shallow channels of wide rivers and larger streams where current flows over sand, cobble and gravel substrates. This species is adapted for drought prone prairie streams and may be found in the headwaters of streams. The spawning season for the Peppered Chub is May 1 – August 31. A Final Rule listing the Peppered Chub as a federally endangered species was published in the Federal Register on February 28, 2022. No designated critical habitat for this species was listed for Kansas in the Final Rule.

FEMA analyzed the Action Area utilizing the ESA Matrix and Avoidance and Minimization Measures (AMMs) developed through informal consultation, transmitted to FWS on February 16, 2022, modified as per adaptive management to address the February 28, 2022 Final Rule.

The project will occur in the South Fork Ninescaw River in Kingman County. FEMA will include the AMMs as conditions below on the project; among them, no project activities will be conducted in the stream channel between March 1 and August 31. This restriction coincides with the spawning season for KDWP species of concern Arkansas Darter, Silver Chub, Plains Minnow and Arkansas River Shiner.

- i. To protect Peppered Chub during its peak spawning period, no project activity shall be conducted within the stream channel proper between the dates of May 1 and August 31, inclusive.
- ii. All temporary storage facilities for petroleum products, other fuels, and chemicals shall be located and protected to prevent accidental spills from entering the stream, its tributaries, or off channel wetland complexes/oxbows within the project area. In the event of an accidental spill, the Sub-applicant shall follow established reporting procedures and contact the FEMA personnel immediately.
- iii. All riprap and other project material that will be placed in or adjacent to the stream shall be clean, and free of fine particles and chemicals.
- iv. There shall be no deposition of cement sweepings, washings, treatment chemicals, or other material into the stream proper or into any location where such pollutants can be washed into the stream by runoff water.
- v. Close attention is warranted for the placement and maintenance of temporary erosion and sediment control measures to minimize unnecessary sediment loading into the stream. Appropriate temporary erosion control measures and/or temporary grass seeding should be in place within one week of land disturbance at the project site. Other applicable erosion control measures should be implemented at these sites, as sediment loading could result in considerable harm to both the Peppered Chub and its habitat.
- vi. All areas denuded of vegetation as a result of the action, including any borrow areas that drain into the stream, shall be reseeded within one month following completion of construction. USDA Natural Resources Conservation Service approved native grasses, or other native 'quick' rooting grasses, are preferred for the permanent seeding mix.

- vii. Special attention should be taken to protect any off-channel wetland complexes, such as old oxbow meanders that are present near the project area. Additional siltation prevention measures should be implemented, if necessary, to ensure the protection of these habitats.
- viii. The applicant is responsible for informing all contractors of the conditions listed herein and assuring compliance therewith throughout the construction period.

Northern Long-eared Bat (NLEB)

Northern Long-eared Bats (NLEB) forage for insects in upland and lowland woodlots as well as tree-lined corridors along water features. No critical habitat has been designated for the NLEB. The greatest risk to populations of this species is from White Nose Syndrome (WNS), which poses a severe and immediate threat. Loss and degradation of maternity (summer) and wintering habitats combined with the impact of WNS can cause further declines of the NLEB population. There is potential for summer roosting habitat to be present in the Action Area.

The NLEB is currently listed as threatened, therefore the proposed action falls under the 4(d) rule. On March 23, 2022, the USFWS published proposed rulemaking for a listing change for the species from threatened to endangered. As per technical assistance provided by the U.S. Fish and Wildlife Service, Ecological Services, Kansas Field Office (FWS) during a March 30, 2022, agency coordination meeting, the listing change is anticipated to occur in December 2022.

FEMA analyzed the Action Area utilizing the ESA Matrix and Avoidance and Minimization Measures (AMMs) developed through informal consultation with FWS initiated on April 5, 2021, and ongoing that were transmitted to FWS on February 16, 2022. FEMA has also considered and applied both the current and proposed listing status of the species, the project implementation schedule, and consideration of habitat loss in reaching its effect determinations and AMMs.

The NLEB is listed as threatened. The 4(d) rule that exempts the take prohibitions associated with this project does not exempt FEMA's responsibility as a Federal action agency to consult under Section 7(a)(2) of the Endangered Species Act. Based on the parameters of the January 5, 2016, *USFWS Programmatic Biological Opinion on Final 4(d) Rule for the Northern Long-eared Bat and Activities Excepted from Take Prohibitions* and a review of the associated IPaC Effect Determination Key, FEMA has determined the project fits within the parameters required to be able to apply this programmatic consultation to fulfill its obligations under Section 7 of the ESA. FEMA acknowledges that use of these documents as an alternative to informal consultation ceases December 31, 2022, when it is anticipated the proposed listing change for the NLEB to endangered will become effective (Attachment B).

To address the potential for project implementation occurring after December 31, 2022, when the listing changes for the NLEB to endangered would be effective, FEMA will include the following AMM for tree removal as a condition on the project as a precautionary measure to protect roosting NLEB:

- i. If tree removal occurs after December 31, 2022, tree removal will be limited to the winter hibernation season of the Northern Long-eared Bat (November 15 – March 1).

In consideration of the loss of tree habitat associated with the project, FEMA has recommended that the City of Kingman pursue additional tree planting within the park. The city confirmed that they

incorporate tree management into their park planning and maintenance and regularly replace trees that are removed. With inclusion of the condition for tree cutting and recommendation for tree planting, FEMA determines that the action **May Affect, but is Not Likely to Adversely Affect**, the NLEB.

None of the other conditions in the ESA Matrix and AMMs apply to this project. The project scope of work does not include work on bridges, buildings or culverts, and no hibernacula or maternity colonies have been identified within ¼ mile of the Action Areas.

Monarch Butterfly

On December 15, 2020, USFWS found that listing for the monarch butterfly is warranted but precluded by higher priority listing decisions. This species is a candidate for listing. The Monarch caterpillar stage is solely dependent on milkweed as a food source; therefore, loss of milkweed stems is a concern; conservation measures that increase milkweed stems and nectar producing pollinator resources are encouraged for the conservation of the species. Although an effect determination has not been made for this species because it is not currently listed, there is the potential for pollinator habitat restoration that could support this species within the City of Kingman parks overall. FEMA has identified a potential opportunity for the establishment of pollinator habitat as part of this project, and, consistent with its ESA 7(a)(1) obligation, will encourage this proactive conservation measure beneficial for the monarch butterfly and pollinator species during the development of this project.

In accordance with consultation protocols, FEMA respectfully requests your concurrence with its May Effect, Not Likely to Adversely Affect determinations before proceeding with the funding authorized under Section 404 (42 U.S.C. 5170c) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, P.L. 93-288, as amended, to the eligible applicants.

Should you have any questions or need to discuss this project in greater detail, please feel free to contact Lois Coulter, FEMA Environmental and Historic Preservation Advisor, at lois.coulter@fema.dhs.gov at 202-440-2387 or FEMA Environmental Specialist, Claudia Vines at claudia.vines@fema.dhs.gov or 202-735-4693.

Sincerely,

LOIS H COULTER Digitally signed by LOIS H
COULTER
Date: 2022.05.24 11:06:25 -05'00'

Lois H. Coulter
Environmental & Historic Preservation Advisor

Figures:

- Figure 1: Kingman Parks Project Area, Fairgrounds and Riverside Park
- Figure 2: Proposed mitigation for Kingman Fairgrounds (West End)
- Figure 3: Proposed mitigation for Riverside Park (East End)
- Figure 4: Action Areas for Northern Long-eared Bat and Peppered Chub

Attachments:

Attachment A: Google Earth .kmz file of project location (attached in email)

Attachment B: NLEB consultation verification letter(s) dated April 15, 2022

Attachment C: Photographs of Kingman Park trees to be removed

Federal Emergency Management Agency
FEMA-DR4449-KS PW #760, GM #137376
ESA Section 7 Review: Kingman Parks Restoration and Mitigation
Project Location Coordinates:
• Kingman Fairgrounds: West End (GPS: 37.639947, -98.118618)
• Riverside Park: East End (GPS: 37.638911, -98.110766)



Figure 1: Kingman Parks Action Area – Kingman Fairgrounds and Riverside Park
Google Earth Pro Imagery, 2019

Federal Emergency Management Agency
FEMA-DR4449-KS PW #760, GM #137376
ESA Section 7 Review: Kingman Parks Restoration and Mitigation
Project Location Coordinates:
• Kingman Fairgrounds: West End (GPS: 37.639947, -98.118618)
• Riverside Park: East End (GPS: 37.638911, -98.110766)



Figure 4: City of Kingman Parks Action Areas
Red – Northern Long-eared Bat
Green – Peppered Chub

Appendix D: USFWS Concurrence Letter

This letter is two pages long and is dated June 21, 2022. It was signed by Gibran Suleiman on behalf of Jason Luginbill, Kansas Field Supervisor, U.S. Fish and Wildlife Service, Kansas Ecological Services Field Office, in Manhattan, Kansas. It was addressed to Jason Luginbill, Kansas Field Supervisor, U.S. Fish and Wildlife Service, Kansas Ecological Services Field Office, in Manhattan, Kansas. The letter concluded: “Our office has reviewed the action area and the scope and nature of the proposed work to be completed as well as the avoidance and minimization measures to be implemented, that you provided. We concur with your determination of No Effect for the Whooping Crane and May Effect, Not Likely to Adversely Affect for the Peppered Chub and Northern Long-eared Bat.”



United States Department of the Interior

FISH AND WILDLIFE SERVICE
2609 Anderson Avenue
Manhattan, Kansas 66502



In Reply Refer to:
FWS/R6

June 21, 2022

Louis Coulter
FEMA
Environmental and Historic Preservation Advisor

RE: City of Kingman Fairground and Parks, Kingman Co., KS

Louis Coulter,

This letter is in response to a request we received from you dated May 24th, 2022, requesting informal consultation and review of potential effects on any threatened and endangered species in accordance with the Endangered Species Act of 1973 (ESA: 16 U.S.C. § 1531(c)(1)) for the proposed repairs to embankments, including the incorporation of bioengineering for improved resilience of the embankments from future flood events, and restoration of flood damaged elements at Kingman Fairgrounds and Riverside Park in the City of Kingman.

In your letter, you provided a very thorough and informative description of the proposed action and provided avoidance and minimization measures for listed species that have the potential to occur within the project area. You determined that the following threatened and endangered species are identified as potentially occurring within Kingman County, Kansas: The Northern Long-eared Bat (*Myotis septentrionalis*), Whooping Crane (*Grus americana*), and the Peppered Chub (*Macrhybopsis tetranema*). The Monarch Butterfly (*Danaus plexippus plexippus*), a candidate species, may also be present in the county. No critical habitats were identified within the project area. You made a No Effect determination for the Whooping Crane and a May Effect, Not Likely to Adversely Affect for the Peppered Chub and Northern Long-eared Bat. You requested concurrence from our office with that determination.

Our office has reviewed the action area and the scope and nature of the proposed work to be completed as well as the avoidance and minimization measures to be implemented, that you provided. We concur with your determination of No Effect for the Whooping Crane and May Effect, Not Likely to Adversely Affect for the Peppered Chub and Northern Long-eared Bat.

This letter concludes our review for this project as submitted, we do not have significant concerns that could potentially delay the project going forth. Please provide any updates to our office if there are changes to the scope or timeframe of this project.

INTERIOR REGION 5
MISSOURI BASIN

KANSAS, MONTANA*, NEBRASKA, NORTH DAKOTA,
SOUTH DAKOTA

*PARTIAL

INTERIOR REGION 7
UPPER COLORADO RIVER BASIN

COLORADO, NEW MEXICO, UTAH, WYOMING

Thank you for the opportunity to comment on this project. If we can be of any further assistance, please contact Gibran Suleiman, at gibran_suleiman@fws.gov.

Sincerely,

**GIBRAN
SULEIMAN**

Digitally signed by
GIBRAN SULEIMAN
Date: 2022.06.21
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For Jason Luginbill
Field Supervisor

CC: KDWPT Pratt (ES Office)

Appendix E: Kansas Department of Parks and Wildlife Letter regarding State-Listed Threatened and Endangered Species

This letter is two pages long and dated May 5, 2022. It was written by Mark Van Scoyoc, Biodiversity Survey Coordinator/Ecologist, Ecological Services Section, KDWP, in Pratt, Kansas. It was addressed to Bert Wilson, Marshlands Environmental Consulting, in Topeka, Kansas. It identifies four fish species of concern and provides eight mitigation recommendations. The letter states that an Action Permit will be required from KDWP. Permit conditions will primarily consist of work date restrictions to avoid the spawning seasons for protected species of fish in the Ninnescah River. Project activity should not begin until application for the Action Permit has been received and signed by both parties.



Operations Office
512 SE 25th Ave.
Pratt, KS 67124-8174

Phone: (620) 672-5911
Fax: (620) 672-6020
www.ksoutdoors.com

Brad Loveless, Secretary

Laura Kelly, Governor

May 5, 2022

Ref. D1.1103
Kingman County
KDWPT Track no.: 20171242-3

Bert Wilson
Marshlands Environmental Consulting
5020 SW Docking
Topeka, KS 66610

Dear Bert,

We have reviewed the information for the proposed streambank stabilization project in and along the South Fork Ninescah River, KS (Section 05 & 06, Township 28 South, Range 07 West). 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 and Parks managed areas for which this agency has administrative authority.

Project plans indicate that construction will occur within Designated Critical Habitat for the Arkansas River Shiner (*Notropis Girardi*) state endangered/federally threatened, Peppered Chub (*Macrhybopsis tetranema*) state and federally endangered, Plains minnow (*Hybognathus placitus*) state threatened, and Silver chub (*Macrhybopsis storeriana*) state endangered, and will require an action permit from our Department. Permit conditions will primarily consist of work date restrictions to avoid these species' spawning dates. Project activity should not begin until application for the Action Permit has been received and signed by both parties.

A copy of the permit application is attached and should be completed and returned to our office at your earliest convenience. We ask that all other necessary permits be held in abeyance until conditions necessary to protect threatened and endangered species have been established.

We also provide the following comments and general recommendations applicable for a project of this type:

- **Implement soft-armoring techniques for streambank stabilization such as rootwad revetments and/or willow stakes.**
- **Stabilization projects should be keyed into existing stable points in the streambank at the up- and downstream extents to reduce the risk of flanking and failure.**
- **Erosion control blankets can pose impacts for reptiles and amphibians by ensnaring and entrapping individuals moving over/through the mesh. We recommend using compost, mulch, or biodegradable/natural fiber blankets (coconut/coir fiber is common) as potential alternatives to plastic erosion control blankets. Such alternatives can also promote the growth of vegetation further improving bank stability. Though less preferable than the aforementioned options, loose-weave mesh is also acceptable, specifically types with weaves that are not welded at the intersections that would allow the opening to expand if an animal attempts to pass through.**

- **The construction and removal of soil coffer dams is likely to increase sedimentation in the stream, which could impact several aquatic species. Soil coffer dams also have the potential to be eroded or destroyed during high flow events. If coffer dams are used, we recommend using portable or inflatable coffer dams. We also recommend seining areas between coffer dams to remove fish prior to pumping water out of the area. Fish should be released in flowing water downstream of the construction site.**
- **Prevent the introduction of aquatic or terrestrial non-native, invasive species during construction. Clean, Drain, and Dry all equipment of water, mud, plant material, and other debris prior to beginning construction. Equipment should be cleaned with pressurized, hot water (120F) or dried for 5 days. Non-native, invasive species in the riparian area should be controlled during construction until native vegetation is established.**
- **Avoid or minimize all bank or instream activity, particularly during general fish spawning season (March 1 – Aug. 31).**
- **Implement and maintain standard erosion-control Best-Management-Practices during all aspects of construction by installing sediment barriers (wattles, filter logs, rock ditch checks, mulching, or any combination of these) across the entire construction area to prevent sediment and spoil from entering aquatic systems. Barriers should be maintained at high functioning capacity until construction is completed and vegetation is established. For more information, go to: <http://www.kdheks.gov/stormwater/#construct>**
- **Reseed disturbed areas with native warm-season grasses, forbs, and trees.**

Permits or reviews may be required from other regulatory agencies including but not limited to: Kansas Dept. of Agriculture - Division of Water Resources, Kansas Dept. of Health and Environment, U.S. Army Corps of Engineers, U.S. Fish & Wildlife Service, etc. You should verify this yourself.

Thank you for the opportunity to provide these comments and recommendations. If you have any questions, please feel free to contact me at 620-672-0710 or mark.vanscoyoc@ks.gov.

Sincerely,



Mark Van Scoyoc
Biodiversity Survey Coordinator/Ecologist
Ecological Services Section, KDWP

Appendix F: FEMA Section 106 Programmatic Consultation with the State Historic Preservation Officer

This letter is 11 pages long and dated May 23, 2022. It was signed by Lois H. Coulter Environmental & Historic Preservation Advisor, Readiness Branch, Office of Environmental Planning and Historic Preservation, Washington, DC, who is currently deployed to FEMA Region 7. It was addressed to Patrick Zollner, Director, Cultural Resources Division, Deputy State Historic Preservation Officer, Kansas Historical Society, in Topeka, Kansas. The letter discusses a Finding of No Adverse Effect to Historic Properties for the project. It describes the Undertaking, the Area of Potential Effect (APE), Identification and Evaluation of Resources (including four standing structures), Tribal Involvement, and Determination of Effect. Its Conclusion requests SHPO concurrence with the finding.



FEMA

May 23, 2022

Patrick Zollner
Director, Cultural Resources Division
Deputy State Historic Preservation Officer
Kansas Historical Society
6425 SW 6th Avenue
Topeka, Kansas 66615-1099

Project Number: FEMA-4449-DR-KS: PW# 760, GM#137376

Project Name: City of Kingman Parks Repair and Flood Hazard Mitigation

Sub-Applicant: City of Kingman

Undertaking: Repair of Disaster-Damaged Park Features and Flood Hazard Mitigation Measures

Location: City of Kingman Parks, 121 South Main Street, Kingman, Kansas 67068
(GPS: 37.64026, -98.11947)

- Kingman Fairgrounds: (GPS: 37.639947, -98.118618)
- Riverside Park: (GPS: 37.638911, -98.110766)

Finding: No Adverse Effect to Historic Properties

Dear Mr. Zollner,

The U.S. Department of Homeland Security's Federal Emergency Management Agency (FEMA) proposes to provide funding through the Kansas Division of Emergency Management (KDEM or Applicant) to the City of Kingman (Sub-Applicant) authorized under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, P.L. 93-288, as amended, in response to the major Disaster Declaration FEMA-4449-DR-KS dated June 20, 2019, as amended, resulting from Severe Storms, Straight-line Winds, Tornadoes, Flooding, Landslides, and Mudslides, that occurred during the event period of April 28, 2019, through July 12, 2019. The Sub-Applicant has requested assistance for the repair of flood damage and for flood hazard mitigation measures for Kingman County Fairgrounds and Riverside Park (Figures 1 and 2). The assistance would be provided through FEMA's Public Assistance Program (Undertaking).

FEMA is reviewing the Undertaking for compliance with Section 106 of the National Historic Preservation Act (NHPA) in accordance with the *2018 Programmatic Agreement Among the Federal Emergency Management Agency, the Kansas State Historic Preservation Officer (SHPO)*,

and the Kansas Division of Emergency Management (KDEM). Accordingly, FEMA is providing the following information regarding the above referenced Undertaking.

Undertaking

Work to be Completed

Flooding in 2019 caused wash out and damage to portions of a 2,800 linear-foot concrete walking trail and electrical lighting components at the City of Kingman Fairgrounds Park and much of the parkland was underwater for many days. The Sub-Applicant proposes to repair the concrete walking trail, remove the washed-out culverts and replace them with low water crossings by raising and leveling the ground elevation along the trail for ease of water flow, replace fill material, replace electrical wiring and components that were damaged, repair embankments, and add riprap to armor the riverbank as a mitigation measure to prevent similar damage in future flooding events. The east side of the project area will include excavation and over grading on the south bank of the South Fork Ninescah River and embankment work. All borrow or fill material must come from pre-existing stockpiles or be commercially procured material from a licensed source existing prior to the event. The project consists of the following:

- **Kingman Fairgrounds (West End)** (Figure 3) Flooding caused damage to the west 950 feet of the Kingman Fairgrounds. The proposed plan will:
 - Add fill to center of west end to raise ground approximately 2 feet (GPS: 37.640280, -98.119570)
 - Install 5,570 square feet of concrete sidewalk along the west end (GPS: 37.640597, -98.119317) and in a semicircle in the center of the park's west end to raise the ground elevation and prevent flood water from impacting the Fairground equipment (GPS: 37.639981, -98.118690)
 - Install five (5) light poles and underground electrical wiring along the new semicircular sidewalk (GPS: 37.639981, -98.118690). Repair underground damaged electrical wiring for lighting along the original concrete sidewalk (GPS: 37.640597, -98.119317)
 - Remove culverts from underneath the original sidewalk and install 2,205 square feet of concrete creating three low-water crossings at locations where damage has occurred to the culverts and sidewalk (GPS: 37.6400552, -98.117863) (GPS: 37.640626, -98.119164) (GPS: 37.640589, -98.121031). Each crossing will be 12 feet wide with 3-foot toe walls on either end and 12 feet of riprap upstream and downstream of the crossing to allow floodwaters to flow over the crossing and reduce scour risk when flooding occurs. A total of 830 square yards of riprap will be installed at the three low-water crossing locations to protect the crossings during flood events
 - Install 980 linear feet of slope protection with vegetative geogrid to the southern park embankment along the Mill Race, install vegetative slope planting with locally adapted seeds and cuttings (GPS: Start 37.640380, -98.121815, End 37.638679, -98.115463)
 - Install 540 square yards of riprap as slope protection to the northwest park embankment along the South Fork Ninescah River and vegetative slope plantings with locally adapted seeds and cuttings (GPS: Start 37.640624, -98.121986, End 37.640904, -98.121012)
 - Remove three trees on south side of Kingman Fairgrounds along north bank of the Mill Race (GPS: 37.639720, -98.119338)

- Remove approximately 26 trees on the north side of Kingman Fairgrounds south of sidewalk at location where the new semicircular sidewalk will link into current sidewalk (GPS: Start 37.640543, -98.118895, End 37.640521, -98.118372)
- **Riverside Park – (GPS: 37.638911, -98.110766) (Figure 3, East End)** Proposed plan will repair the north park embankment and mitigate future flood damage by:
 - Excavate 3,800 cubic yards of sediment and vegetation and conduct overbank grading to an area on the southern bank of the South Fork Ninescah River north of the baseball fields approximately 250 feet to 1,200 feet east of the Main Street Bridge crossing South Fork Ninescah River (GPS: Start 37.640876, -98.112155, End 37.639857, -98.109511)
 - Remove approximately 50 trees along the southern bank of the South Fork Ninescah River (GPS: Start 37.640988, -98.111846, End 37.639676, -98.109130)
 - Remove approximately 20 trees along embankment between Hoover Pond and South Fork Ninescah River (GPS: Start 37.639452, -98.109089, End 37.638834, -98.108263)
 - Clear and grub vegetation, repair the embankment, and install 385 linear feet of slope protection with vegetated geogrid fabric, native seeds, and plantings for future embankment protection on the southern bank of the South Fork Ninescah River, approximately 650 feet west of the confluence of the South Fork Ninescah River and the Mill Race (GPS: Start 37.639622, -98.109000 End 37.638886, -98.108099)

Area of Potential Effects (APE)

Pursuant to 36 CFR 800.16(d), the Area of Potential Effects (APE) is defined as “the geographic area or areas within which the Undertaking may directly or indirectly cause alterations in the character or use of historic properties, if any such properties exist”. Based on the proposed scope of work, and in accordance with Stipulation II.C.2 b of the Agreement, FEMA has determined that the APE is the park land south of the South Fork Ninescah River and north of the Mill Race comprising the entire area between the two waterways (Figure 2). The area consists of two parks, Kingman Fairgrounds on the west side of the island and Riverside Park on the east side of the island. The direct APE for the entire undertaking is 87.1 acres; ground disturbance comprises approximately 5.25 acres primarily along the edge of the watercourses (Figures 3 and 4). The indirect APE is limited to visual and auditory effects during construction activities.

Identification and Evaluation

Archaeological Resources

FEMA has considered the Undertaking’s potential to affect historic properties. A FEMA Historic Preservation Specialist who meets the Secretary of the Interior’s Professional Qualifications Standards (SOI Qualified) in Archaeology conducted a record search of the project area. FEMA searched the National Park Service’s National Register of Historic Places (NRHP) and National Historic Landmark (NHL) database, and the Kansas Historical Society Archeological Inventory/Kansas SHPO viewer of the APE (including a quarter-mile buffer). Review of the NRHP and NHL lists, and the Kansas Historic Resources Inventory (KHRI) databases, as well as historic bridge inventories indicates that four (4) previously identified standing structures listed in, or eligible for listing in the NRHP are within a .25-mile radius of the APE. One (1) resource

within the APE, an extant building, is listed in the NRHP. No previously identified archaeological sites have been identified, nor have any archaeological surveys been conducted within the APE or a 0.25-mile radius.

The soil type within the APE is Waldeck Fine Sandy Loam with an A-horizon of 15 inches in depth with a mixed AC horizon from 15 inches to 35 inches. Due to the project location within the 100-year floodplain that has been subject to repetitive flooding and scouring, FEMA has concluded that the likelihood to encounter in situ cultural resources is low. Therefore, FEMA does not recommend archaeological survey of the APE in advance of the Undertaking, or archaeological monitoring during construction. However, in the event that archaeological deposits (soils, features, artifacts, or other remnants of human activity) are uncovered during the work, FEMA will require that the project shall be halted. The Sub-Applicant shall immediately stop all work in the vicinity of a discovery and take all reasonable measures to avoid or minimize harm to the finds. The Sub-Applicant shall inform KDEM immediately, will secure all archaeological finds, and will restrict access to the area. KDEM shall notify FEMA and FEMA will consult with SHPO, and other potential consulting parties including Native American Tribes. Work in sensitive areas may not resume until an SOI qualified archaeologist determines the extent and historical significance of a discovery, and FEMA concludes consultation. Work may not resume at or around a delineated archaeological deposit until the Sub-Applicant is notified by KDEM.

Standing Structures

A review of the NRHP and the KHRI databases, as well as historic bridge inventories indicates that four (4) previously identified historic properties listed in, or eligible for listing in, the NRHP are located within a .25 mile radius of the proposed Undertaking.

Kingman National Guard Armory (listed)	1937	brick Art-Moderne style arms storage facility and meeting house	National Guard (arch.); Thissen Bro. (builder)
Kingman Santa Fe Depot (listed)	1910	brick Mission style rail depot	O. Swanson & Sons
Kingman County Courthouse (listed)	1908	brick Richardsonian Romanesque/Romanesque Revival style civic/courthouse building	George P. Washburn
Kingman Missouri Pacific Depot (eligible)	Unknown (Early C.20, prior to 1911)	brick Prairie School style rail depot	unknown

In addition to the buildings listed in and previously determined eligible for listing in the NHRP, a variety of park features including street furniture, recreational and commercial facilities, and buildings and utilitarian sheds are located within the APE. A FEMA SOI Qualified Architectural Historian has evaluated the buildings and structures within the APE for eligibility for listing in the NRHP, including Kingman Park, Kingman Fairgrounds, Kingman Mill Race, City Mechanic Shop, Storage Shed, and the Kansas Route 14/Main Street Bridges, which bisect the island and

connect the City to the north and south. The NRHP evaluations are provided in the enclosed Determinations of Eligibility (DOE).

Tribal Involvement

Due to the proposed ground disturbance associated with repair and mitigation planned for this site, FEMA is providing this documentation to federally recognized Native American Tribes, Cheyenne and Arapaho Tribes, Osage Nation and Wichita and Affiliated Tribes, that have been identified through a search of The Tribal Directory Assessment Tool (TDAT) and other resources who may have knowledge of cultural resources in the project area or who may have other concerns about the Undertaking. In view of construction season time constrains, FEMA is providing this documentation concurrently to the SHPO and tribes in accordance with Stipulation II.C of the Agreement.

Determination of Effect

Based on the aforementioned identification and evaluation, FEMA has determined that none of the resources evaluated meet the criteria to be considered eligible for listing in the NRHP, and the only historic property within the APE is the Kingman National Guard Armory. FEMA has determined the proposed scope of work would not affect the NRHP integrity of setting of the Kingman National Guard Armory. Therefore, FEMA finds the Undertaking will result in **No Adverse Effect to Historic Properties** in accordance with Stipulation II.C.5.a of the Agreement.

Conclusion

FEMA respectfully requests your concurrence with this finding within 15 calendar days from the receipt of this documentation in accordance with Stipulation I.E.2.b of the Agreement. Unless the SHPO objects to this finding the Section 106 review of the Undertaking will have concluded in accordance with Stipulation II.C.5.a.ii of the Agreement, and FEMA may fund the Undertaking. In the interest of time, however, your prompt attention to this matter would be greatly appreciated. Should you have any questions or concerns or require additional information, please do not hesitate to contact me at lois.coulter@fema.dhs.gov, or 202-440-2387, or FEMA Environmental Protection Specialist, Claudia Vines, claudia.vines@fema.dhs.gov, or 202-735-4693.

Lois H. Coulter



Environmental and Historic Preservation Advisor
DR-4449-KS

cc: Teri Toyne, FEMA Region VII Deputy Regional Environmental Officer

Figures:

- Figure 1. Google Earth Pro map with location of Kingman Fairgrounds and Riverside Park proposed repair and mitigation work (Imagery date 6/27/2019)
- Figure 2. Area of Potential Effect for Kingman Parks including Kingman Fairgrounds and Riverside Park
- Figure 3. Proposed Mitigation for Kingman Fairgrounds (West End)
- Figure 4. Proposed Mitigation for Riverside Park (East End)
- Figure 5. Aerial location view of City of Kingman Parks – Kingman Fairgrounds Park (West Side) 2019 flood scouring

Attachments:

Attachment 1: Determinations of (NRHP) Eligibility

- Kingman Fairgrounds
- Kingman Riverside Park
- Storage Shed, Riverside Park
- Kingman City Mechanic Shop
- Kingman Mill Race
- KS 14 bridges Kingman Fairgrounds/Riverside Park

Attachment 2: Site Inspection Photo Reports

- Kingman Fairgrounds SI Photo Report
- Riverside Park SI Photo Report

U.S. Department of Homeland Security
Federal Emergency Management Agency
FEMA-4449-DR-KS GM#137376
Section 106 Review: Kingman Fairgrounds and Riverside Park Repair and Flood Hazard Mitigation
Project Location Coordinates:
Kingman Fairgrounds: (GPS: 37.639947, -98.118618)
Riverside Park: (GPS: 37.638911, -98.110766)

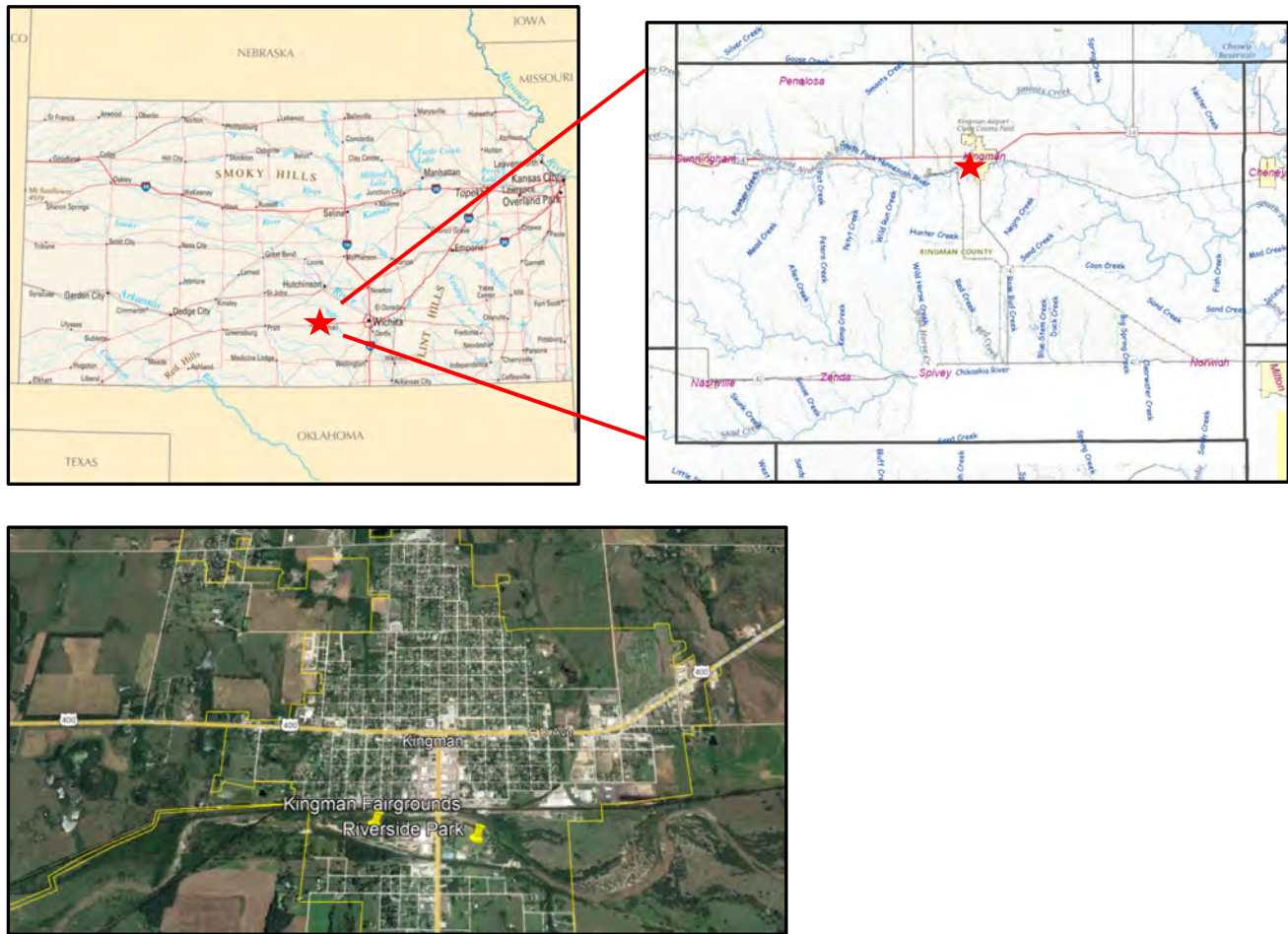


Figure 1. Google Earth Pro map with location of Kingman Fairgrounds and Riverside Park proposed repair and hazard mitigation (Imagery date 6/27/2019).

Federal Emergency Management Agency
FEMA-4449-DR-KS PW# 760, GM#137376
Section 106 Review: Kingman Fairgrounds and Riverside Park Repair and Flood Hazard Mitigation
Project Location Coordinates:
Kingman Fairgrounds: West End (GPS: 37.639947, -98.118618)
Riverside Park: East End (GPS: 37.638911, -98.110766)



Figure 2: Area of Potential Effect for Kingman Parks including Fairgrounds Park and Riverside Park

U.S. Department of Homeland Security
 Federal Emergency Management Agency
 FEMA-4449-DR-KS PW# 760, GM#137376
 Section 106 Review: Kingman Fairgrounds and Riverside Park Repair and Flood Hazard Mitigation
 Project Location Coordinates:
 Kingman Fairgrounds: West End (GPS: 37.639947, -98.118618)



Figure 3. Proposed mitigation for Kingman Fairgrounds (West End)
 Source: Wilson & Company – City of Kingman Parks Ninnescah River Mitigation Study, Preliminary West Site Plan

U.S. Department of Homeland Security
Federal Emergency Management Agency
FEMA-4449-DR-KS PW# 760, GM#137376
Section 106 Review: Kingman Fairgrounds and Riverside Park Repair and Flood Hazard Mitigation
Project Location Coordinates:
Kingman Fairgrounds: West End (GPS: 37.639947, -98.118618)



Figure 5. Aerial view of City of Kingman Parks – Kingman Fairgrounds Park (West Side) 2019 flood scouring
Source: Google Earth Pro – (Imagery date 6/27/2019)

Appendix G: FEMA National Register Eligibility Determination

This is a 21-page document prepared by FEMA that was an attachment to the Section 106 Consultation letter which is Appendix B. The paper presents Determinations of NRHP eligibility, including current photos and in some cases historic photos or maps, for the following sites:

- Kingman Fairgrounds
- Kingman Riverside Park
- Storage Shed, Riverside Park
- Kingman City Mechanic Shop
- Kingman Mill Race
- Two bridges along KS Highway-14 accessing Kingman Fairgrounds/Riverside Park

National Register Eligibility Evaluation

RE: Section 106 review

Application for Public Assistance funding - FEMA DR-4449-KS Project # 137376 PW 760

Applicant: City of Kingman

Facility: City Mechanic Shop

Location: 111 South Main Street, Kingman

GPS: 37.640469, -98.114236

Eligibility: An ancillary structure constructed on the same lot as the National Register listed (04000666) Kingman National Guard Armory, the City Mechanic Shop, was built in the mid-twentieth century directly west of the Armory immediately south of the South Fork of the Ninnescah River on the west side of South Main Street.

The period of significance for the Kingman National Guard Armory is defined in the National Register nomination as 1937-1951. The construction date of the City Mechanic Shop is listed in the Open Records for Kansas Appraisers (ORKA), a GIS Site under the Kansas Department of Revenue, as 1950. This date is not validated by concrete documentation. The building does not appear on the aerial image of Kingman, KS made in 1956, and the exterior cladding, described in ORCA property records as PE – Metal Sandwich Panels, a construction material suitable for industrial applications, did not come into use until the 1960s.

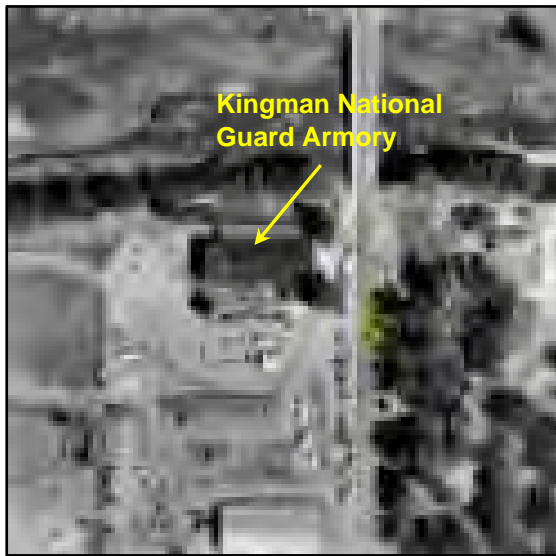
The 18' high 3977 square foot metal sandwich clad one-story rectangular building with a gable roof has regularly spaced windows along the east and west elevations and oversized roll up garage doors on the south elevation. Based on examination of aerial images, the outbuilding was constructed at some time between 1956 and 1965; the construction date is likely towards the end of that span.

As it is outside the period significance for the Kingman National Guard Armory, and unrelated in design elements, materials and style, the two buildings could not be considered as forming an historic district.

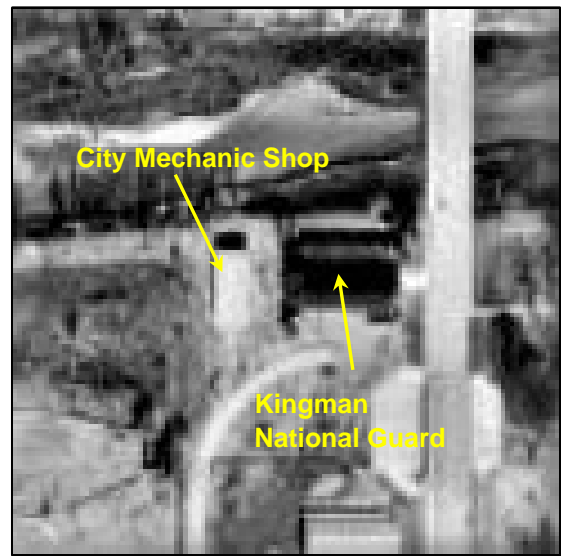
The City Mechanic Shop is not located within the boundary of an Historic District eligible, or potentially eligible, for listing in the National Register of Historic Places. There is no reliable documentation of the building's history; what information is available does not indicate that it made a significant contribution to local, state or national history, nor are any persons important in history associated either with the Armory and related activities in general or with the outbuilding in particular. The structure itself does not embody the distinctive characteristic of a type, period or method of construction. It is not, therefore, eligible for listing in the National Register of Historic Places under Criteria A, B or C. It is not eligible under Criterion D as it has not yielded, nor is it likely to yield, information important in prehistory or history.



Aerial View Kingman Fairgrounds – Source: Google Earth (Imagery Date 6/27/2019)



Historic Aerial 1956
Source: www.historicaerials.com



Historic Aerial 1965
Source: www.historicaerials.com



Google Earth Street View (view to northeast)



Aerial view – Google Earth imagery date 6/27/2019

National Register Eligibility Evaluation

RE: Section 106 review

Application for Public Assistance funding - FEMA DR-4449-KS Project # 137376

Applicant: City of Kingman

Facility: Kingman Fairgrounds Park

Location: W 1st Avenue, Kingman, Kansas 67068 – 45.9 acres bounded by South Fork Ninnescah River to the north, S. Main Street to the east and Northern Channel Mill Race to the south

Eastern Extent GPS: 37.639870, -98.113338

Western Extent GPS: 37.640415, -98.122026

Eligibility:

Kingman Fairgrounds Park was established in 1922 when the Cattleman's Picnic, begun in 1905 on the eastern side of the island delineated by the South Fork of the Ninnescah River to the north and the Northern Channel Mill Race to the south, moved to the west side of South Main Street. The land comprising the Fairgrounds Park is platted into five separate lots; the National Register listed Kingman National Guard Armory (NR 04000666) at the northeast corner of the island is not part of the Fairgrounds Park and will not be discussed further in this document.

In the 1950s the Kingman County Fair was moved to the City of Kingman; Fairgrounds Park became the county fair's home. The current centerpiece of Fairgrounds Park is the New Kingman Activity Center (1978); including two additions that were constructed in 2000. Related fairground facilities include a livestock pavilion and barns and an outdoor rodeo arena. Including prefabricated shelters and storage buildings ranging in size from 128-3200 square feet, there are 15 structures within the Fairgrounds Park. The majority postdate 1985; five are recorded in Open Records for Kansas Appraisers (ORKA) with a construction date of 1960. Those are utility/prefabricated purpose-built storage units. Park amenities include a firing range, RV campsites, concrete walking path, lighting and benches and, at the western most point of the park, a memorial plaque. Remnants of the Kingman Mill Race begun in 1881 remain along the southern extent of Kingman Fairgrounds Park. By the time the Fairgrounds were established, the mill race had fallen into disuse. The late 19th- early 20th Century infrastructure associated with the flour mills and later power generating facilities for which the mill race had been constructed were located at the eastern end of the mill race and have never had any association with the fair or fairgrounds. A foot bridge across the mill race constructed in 2011 leads to the Missouri Pacific Railroad depot which now houses Kingman's American Legion Post.

Of the extant structures within the boundary of Kingman Fairgrounds Park, none rise to the level of individual listing in the National Register of Historic Places nor, collectively, are they located within the boundary of an Historic District eligible, or potentially eligible, for listing in the National Register of Historic Places. The National Register listed Kingman National Guard Armory (NR 04000666) has no relation to the Fairgrounds either architecturally or socially. There is no reliable documentation of the buildings' history; what information is available does not indicate that any of them singly or collectively made a significant contribution to local, state or national history, nor are any persons important in history associated with Fairgrounds Park. None of the current infrastructure embodies any distinctive characteristic of a type, period or method of construction; most of the structures are strictly utilitarian with no ornamentation or decorative elements. Fairgrounds Park, therefore, is not eligible for listing in the National Register of Historic Places under Criteria A, B or C. It is not eligible

under Criterion D as the park has not yielded, nor, because of the historically meandering course of the South Fork Ninescah River, is it likely to yield, information important in prehistory or history.



Aerial View Kingman Fairgrounds – Source: Google Earth (Imagery Date 6/27/2019)



Kingman County Activity Center (1979) – view to west southwest
Source: FEMA EHP staff – image date 9 May 2022



Foot bridge over mill race – view to west (note concrete walking path at right of photograph and Missouri Pacific Railroad depot at left of photograph)

Source: FEMA EHP staff – image date 9 May 2022

Kingman Park System Master Plan 2018-2038



Kingman Rodeo Arena



Fairgrounds livestock barns & shelters



Safety gate to close path when firing range is in use



Firing range sign



Pedestrian bridge over mill race



RV camping hookups



Activity Center sign



Carnival entry sign

National Register Eligibility Evaluation

RE: Section 106 review

Application for Public Assistance funding - FEMA DR-4449-KS Project # 137376 PW 760

Applicant: City of Kingman

Facility: KS 14 bridges Kingman Fairgrounds/Riverside Park

Location: KDOT ID 0048-B0038 - Crossing S Fork Ninnescah River – GPS 37.640833, -98.113208

KDOT ID 0048-B0037 – overpass Kingman Fairground Park – GPS: 37.639884, -98.113216

KDOT ID 0048-B0036 – crossing Mill Race – Ninnescah Overflow – GPS 37.638294, -98.113214

Eligibility:

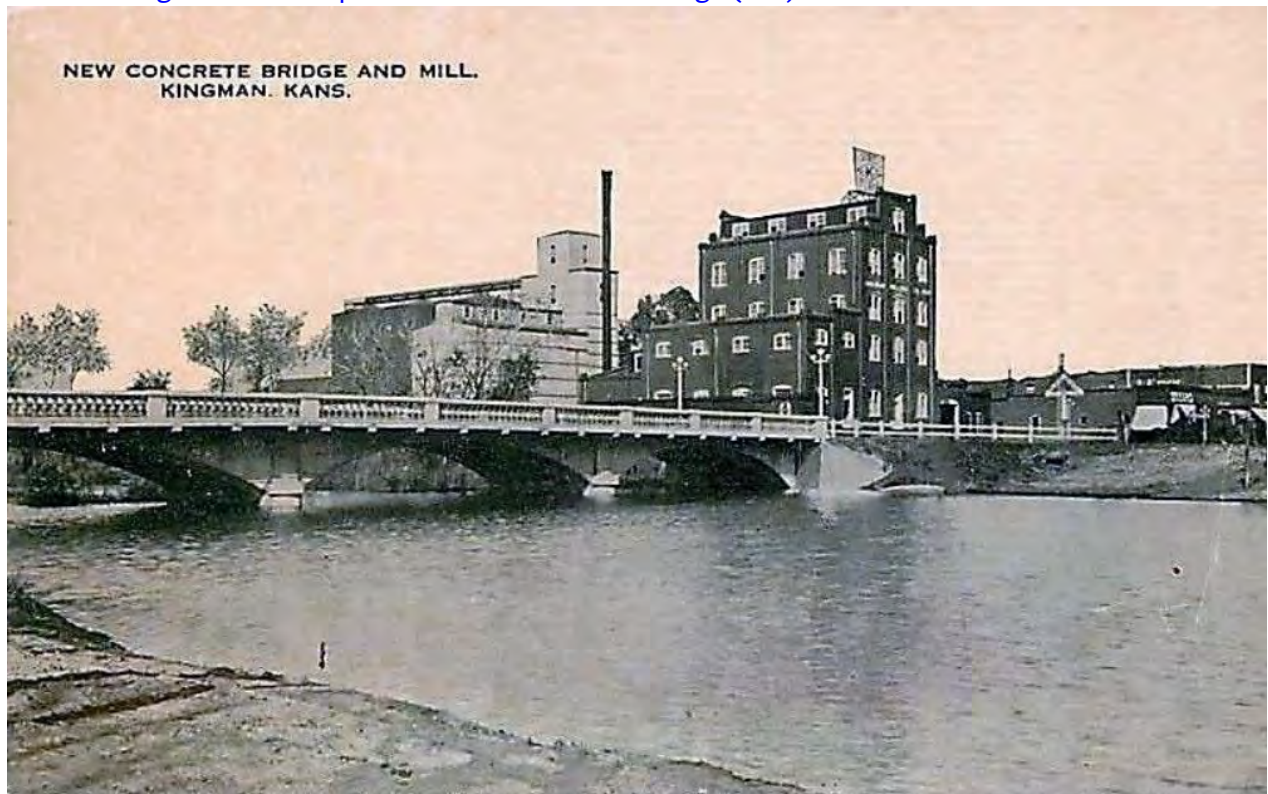
South Main Street (Kansas 14) divides Kingman Fairgrounds from Riverside Park. There are currently three bridges identified by KS DOT; from north to south, KDOT ID 0048-B0038 - crossing the South Fork Ninnescah River, KDOT ID 0048-B0037 an overpass at Kingman Fairground Park, and KDOT ID 0048-B0036, crossing the 1883 Mill Race. All three bridges were constructed in 1963; the crossing over the South Fork Ninnescah River replaces an earlier pre-1915 concrete spandrel arch structure, the overpass joining the fairgrounds on the west side of the island and Riverside Park on the east side was newly created to replace the previous level crossing. Although maps from early in the 20th Century show a crossing over the Mill Race, no information regarding its size or appearance is available.

The three extant crossings are clearly contemporaneous. Each is a four-lane concrete slab continuous span beam bridge on concrete piers with a cast-in-place concrete running surface. The bridge railings, likewise, are consistent among the three. All are reinforced cast concrete with minimal art deco style spandrel walls.

These bridges can be assessed as a unit given their contemporaneous construction and consistent construction techniques and materials. The bridges are part of the Kansas Highway system and under the jurisdiction of Kansas Department of Transportation (KDOT). A common bridge design because of its simplicity, commonly available materials and relatively inexpensive cost, the continuous span beam bridge has been used by KDOT through the 20th Century. They do not embody any distinctive characteristic of a type, period or method of construction. They are not, therefore, eligible for listing in the National Register of Historic Places under Criteria A, B or C. Although extensive ground disturbance would have been associated with their construction, they predate the requirements of the National Historic Preservation Act. Any archaeological resources that may have been present at the time of construction in 1963 were taken out of their original context. Therefore, in their current configuration, the site of each bridge does not have the capacity to yield information important in prehistory or history so are not eligible for listing in the National Register of Historic Places under Criterion D.



Main Street Crossing S Fork Ninescah River (ca. 1915)
Source: Bridgehunter.com | [Main Street South Fork Bridge \(Old\)](#)





Main Street crossing S Fork Ninnescah River, view to north
Source: Google Earth street view (Imagery date – February 2022)



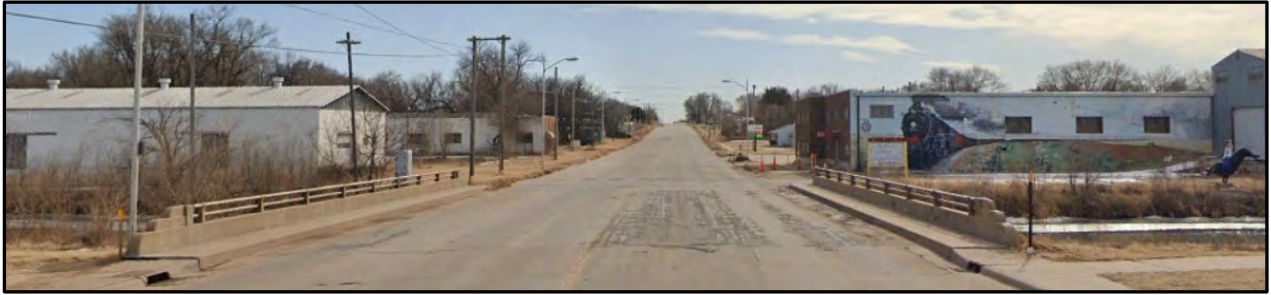
Main Street underpass, view to northeast
Source: Google Earth street view (Imagery date – February 2022)



Main Street underpass, view to west
Source: Google Earth street view (Imagery date – February 2022)



Main Street crossing Ninnescah overflow (Mill Race) view to northeast
Source: Google Earth street view (Imagery date – February 2022)



Main Street crossing Ninnescah overflow (Mill Race) view to south
Source: Google Earth street view (Imagery date – February 2022)



Typical railing detail



National Register Eligibility Evaluation

RE: Section 106 review

Application for Public Assistance funding - FEMA DR-4449-KS Project # 137376 PW 760

Applicant: City of Kingman

Facility: Kingman Mill Race

Location: Northern Channel Mill Race

Eastern Extent GPS: 37.637772, -98.107113

Western Extent GPS: 37.640415, -98.122026

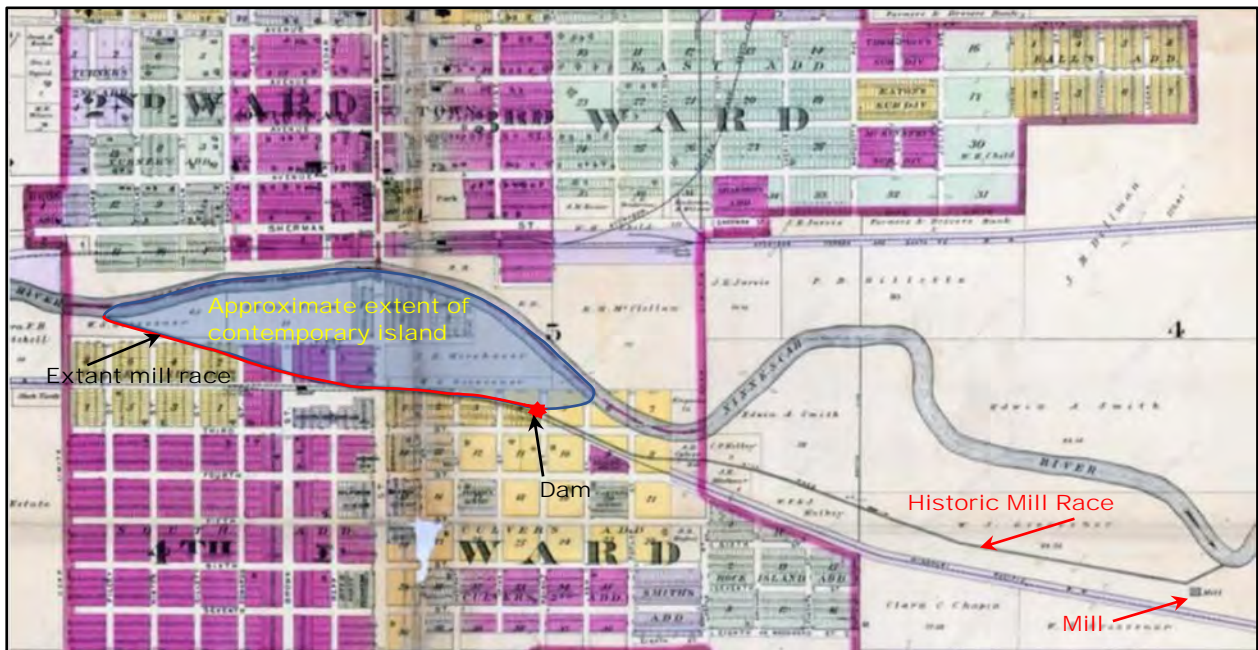
Eligibility:

Because of its consistent year-round flow and fall rate, the Ninescah River provided an effective and available source of water power in Kingman, KS. The remaining trace of the mill race, the second constructed in the city, is associated with an 1881 consortium organized to develop a power company. When the construction of the 2-mile long mill race was abandoned by the consortium, it was completed by William S. Grosvenor to power his state-of-the-art roller mill which began operations in 1883 at the eastern end of the race. The seven rollers in the mill could produce 100 barrels of flour every 24 hours. By first decade of the 20th Century, the flour processing operations had been replaced by Kingman Light and Power. No buildings associated with either the flour mill or the power company remain. The conversion of the water through the mill race to power was abandoned early in the 20th century as Kingman Light and Power converted to diesel powered generators. A low hazard concrete buttress diversion dam was constructed ca. 1933, likely under the auspices of a Works Progress Administration program, 0.25 miles downstream of the South Main Street Ninescah overflow bridge (KDOT ID 0048-B0036). The dam redirected the mill race flow to empty into the Ninescah River further east than its original configuration, reducing the total length of the mill race to 0.85 miles. In 2011 a pedestrian bridge crossing the mill race 0.1 miles upstream of the South Main Street bridge was added.

Although the earthen mill race is closely associated with the development of both flour milling, and William S. Grosvenor who developed roller mills which increased milling capacity, and early power generation in the City of Kingman, none of the associated infrastructure remains. These structures had been located at the outflow of the mill race approximately 1.0 mile east of the city center. As constructed, the mill race itself never embodied any distinctive characteristic of a type, period or method of construction. It is not, therefore, eligible for listing in the National Register of Historic Places under Criteria A, B or C. Because of extensive alterations the mill race is not eligible under Criterion D as it has not yielded, nor is it likely to yield, information important in prehistory or history.



Aerial View – extant extent of Mill Race
 Source: Google Earth – Imagery Date 6/27/2019



Kingman County 1903, Kansas Published by Northwest Publishing Co. in 1903
 Source: [Kingman, Atlas: Kingman County 1903, Kansas Historical Map \(historicmapworks.com\)](http://historicmapworks.com)



Mill Race, Kingman Kansas ca 1910

Source: [M.O.P. Mill Race Kingman, KS \(cardcow.com\)](http://M.O.P. Mill Race Kingman, KS (cardcow.com))



Mill Race from pedestrian bridge - view to east
Source: FEMA EHP staff - Image date 9 May 2022

National Register Eligibility Evaluation

RE: Section 106 review

Application for Public Assistance funding - FEMA DR-4449-KS Project # 137376

Applicant: City of Kingman

Facility: Riverside Park

Location: 100 E. 1st Avenue, Kingman, Kansas, 67068, 39 acres bounded by South Fork Ninnescah River to the north, South Main Street to the west and North Mill Race to the south

Eastern Extent GPS: 37.637772, -98.107113

Western Extent GPS: 37.640415, -98.113079

Eligibility:

Kingman's Riverside Park had been the home of the Cattleman's Picnic since 1905 although that association was severed in the 1950s when the rodeo moved to the west side of Main Street and the park was developed for community recreation. The Cattleman's Picnic is memorialized in the Salina Post Office in a mural produced under the auspices of the US Department of the Treasury's Section of Painting and Sculpture and funded under the Works Progress Administration. "In the Days of the Cattlemen's Picnic" (Jessie Wilber 1912-1989) illustrates preparations for the annual Cattlemen's Association of Kingman rodeo.

Riverside Park is comprised of three separate lots east of Main Street on the island which was created by the Mill Race constructed in 1881 to take advantage of the Ninnescah River's year-round flow and favorable drop rate. The island's location in close proximity to rail depots on both the north and south sides of the Ninnescah River and bisected by the main north-south thoroughfare in Kingman made it an ideal location as community recreation sites grew in popularity in the 1920s.

Recreational infrastructure was developed throughout the second half of the 20th century and into the first decades of the 21st century. A baseball diamond was built at some point prior to 1956; softball diamonds were added ca 1970s. The horseshoe pit at the east end of the park, and the sand volleyball court, were under-utilized and became overgrown with sand burs (*Cenchrus* spp.), a grassy annual weed. The Kingman Park System Master Plan (September 19, 2019) proposes replacement of the sand volleyball courts with Pickle Ball courts. A concrete in-ground outdoor swimming pool complex including a one-story low-pitch gable roofed cinder block structure housing change rooms/showers was constructed in the southwest quadrant of the park in the 1970s. Ancillary structures supporting the recreational opportunities; dugouts, shelters, restrooms and a concession stand were added and updated as needs and park usage required. Hoover Pond, a two-acre pond was constructed as part of the Works Progress Administration in the 1930s and is stocked for sport fishing. Into the 21st century, Riverside Park continues to be the site of the majority of Kingman's major recreational facilities.

Two structures remain from Riverside Park's early development. The first is a painted rusticated concrete block storage building constructed ca. 1925 in the northwest corner of the park. It is a 1200 square foot (30'x40') single story structure with an asphalt shingle hipped roof. Although the windows are in their original configuration, most are boarded up. The doors and windows have plain lintels and projecting sills. A roll-up garage door, not original to the structure, is on the east elevation. The façade appears to be the south elevation.

The second, the Mill Race Dam, was apparently constructed in the 1930s, likely as part of the Public Works Administration program, to redirect the flow from the 1881 mill race back to the South Fork Ninescah River. There is very limited information regarding this facility but stylistically it is typical of New Deal era design and there is anecdotal evidence that by the 1930s the Kingman Light and Power Company, for which the mill race had supplied power for their generators, had consolidated their operations to more modern diesel power generation. The low hazard concrete buttress dam structure has been maintained in good condition. The crest of the dam is used as a walkway between Riverside Park and the City of Kingman's Outdoor Wildlife Learning Site (OWLS).

Remaining park structures are, without exception, utilitarian park amenities constructed in the late decades of the 20th century and the first two decades of the 21st century. These include: a 1400 sf restroom, storage sheds and picnic shelters varying in size from 147 sf to 1400 sf.

Of the extant structures within the boundary of Kingman Riverside Park, none rise to the level of individual listing in the National Register of Historic Places nor, collectively, are they located within the boundary of an Historic District eligible, or potentially eligible, for listing in the National Register of Historic Places. There is no reliable documentation of the buildings' history; what information is available does not indicate that any of them singly or collectively made a significant contribution to local, state or national history, nor are any persons important in history associated with Riverside Park specifically or the development of community parks in the first decades of the 20th Century. None of the current infrastructure embodies any distinctive characteristic of a type, period or method of construction; most of the structures are strictly utilitarian with no ornamentation or decorative elements. Riverside Park, therefore, is not eligible for listing in the National Register of Historic Places under Criteria A, B or C. It is not eligible under Criterion D as the park has not yielded, nor is it likely to yield, information important in prehistory or history.



Aerial View Riverside Park – Source: Google Earth (Imagery Date 6/27/2019)



“Wooded Nook in Riverside Park – “Home of the Cattleman’s Picnic” Kingman, Kans”

Postcard 1909

Source: [Kingman, Kansas Postcard "RIVERSIDE PARK, Home of the Cattlemen's Picnic" 1909 | United States - Kansas - Other, Postcard / HipPostcard](#)



Storage Building ca.
1925 view to west

Source: FEMA EHP
Staff – 9 May 2022



Mill Race Dam (ca.1933) view to southwest
Image date: 9 May 2022 FEMA EHP staff photograph

Kingman Park System Master Plan 2018-2038



Main Street underpass (view from Riverside Park)



Swimming Pool entry & deck



Bandstand / picnic shelter



Picnic shelter by Pool parking lot



Picnic shelter / east



New Restroom/Concessions under construction



Restroom by Pool parking lot



Storage building



Playground / west



Playground / east



Basketball court



Memorial



Horseshoe pits (6)



Picnic tables

National Register Eligibility Evaluation

RE: Section 106 review

Application for Public Assistance funding - FEMA DR-4449-KS Project # 137376 PW 760

Applicant: City of Kingman

Facility: Storage Shed, Riverside Park

Location: northwest corner Riverside Park

GPS: 37.640546, -98.111962

Eligibility: Riverside Park is comprised of three separate lots east of Main Street on the island which was created by the Mill Race constructed in 1881 to take advantage of the Ninnescah River's year-round flow and favorable drop rate. The island's location in close proximity to rail depots on both the north and south sides of the Ninnescah River and bisected by the main north-south thoroughfare in Kingman made it an ideal location as community recreation sites grew in popularity in the 1920s.

Only two structures remain from Riverside Park's early development; a diversion dam constructed ca. 1933 to reestablish the flow through the Mill Race to the S Fork Ninnescah River and a storage shed. The storage shed is a painted rusticated concrete block storage building constructed ca. 1925 in the northwest corner of the park. It is a 1200 square foot (30'x40') single story structure with an asphalt shingle hipped roof. Openings remain in their original location and although the 1/3 vertical pane windows are in their original configuration, most are boarded up. The doors and windows have plain lintels and projecting sills. A roll-up garage door, not original to the structure, is on the east elevation. The façade appears to be the south elevation.

The Riverside Park concrete block storage shed is not located within the boundary of an Historic District eligible, or potentially eligible, for listing in the National Register of Historic Places. There is no reliable documentation of the building's history; what information is available does not indicate that it made a significant contribution to local, state or national history, nor are any persons important in history associated either with the Armory and related activities in general or with the outbuilding in particular. The structure itself does not embody the distinctive characteristic of a type, period or method of construction. It is not, therefore, eligible for listing in the National Register of Historic Places under Criteria A, B or C. It is not eligible under Criterion D as it has not yielded, nor is it likely to yield, information important in prehistory or history.



Aerial View Riverside Park – Source: Google Earth (Imagery Date 6/27/2019)



Left: view to northwest
Below left: typical window detail
Below right: view to northeast
Images made 5/9/2022 by FEMA EHP staff

