



FEMA

**FINDING OF NO SIGNIFICANT IMPACT
CITY OF KINGMAN PARKS
City of Kingman, Kingman County, Kansas
Public Assistance Program
Federal Emergency Management Agency
FEMA-4449-DR-KS**

The City of Kingman, Kansas has requested funding from the Federal Emergency Management Agency (FEMA) for assistance to repair flood damage and mitigate against future flood damage in the City of Kingman Parks' Kingman Fairgrounds and Riverside Park. FEMA proposes to provide funding for this project through the Public Assistance Program.

The Proposed Action will:

- Repair damage to sidewalks at Kingman Fairgrounds,
- Remove flood-damaged culverts and associated vegetation to install low-water crossings at Kingman Fairgrounds to manage and direct floodwaters when future flooding occurs,
- Raise the ground elevation of a portion of Kingman Fairgrounds by adding fill to direct floodwaters away from the Kingman Fairgrounds and equipment,
- Add additional sidewalks and lighting to Kingman Fairgrounds,
- Repair and stabilize Kingman Fairgrounds and Riverside Park embankments along the South Fork Ninescah River and associated Mill Race to minimize the impacts of future flooding events on the parklands, and
- Remove trees and provide continued ground maintenance on the overbank area north of the baseball fields in Riverside Park to maximize future floodplain capacity.

In accordance with FEMA Directive 108-1 and FEMA Instruction 108-1-1, an Environmental Assessment (EA) was prepared pursuant to Section 102 of the National Environmental Policy Act of 1969 (NEPA), as implemented by the regulations promulgated by the President's Council on Environmental Quality (40 CFR Parts 1500-1508). The purpose of the EA was to analyze potential environmental impacts of repairing damage and upgrading Park infrastructure to better handle future flooding, and to determine whether to prepare an Environmental Impact Statement (EIS) or a Finding of No Significant Impact (FONSI).

As part of NEPA's public information process, a public notice with information about the availability of the Draft EA for public review and comment was published in the Kingman Leader-Courier on October 6, 2022. The public notice and Draft EA were posted on FEMA's website at [Region 7 - Environmental Documents and Public Notices | FEMA.gov](#) and on the City of Kingman's website; a hard copy of the EA was made available for public review at the City of Kingman Public Library and City of Kingman City Hall. The notice stated that the City of Kingman EA was available for a period of 30 days for the public to review the assessment and provide comment. The public comment period ended on November 5, 2022. No substantive comments were received.

The Proposed Action, as described in the EA, will not result in any significant adverse impacts individually or cumulatively to: geology, soils and seismicity; prime farmland; climate change and

resiliency; water quality; surface waters; floodplains; wetlands; vegetation; invasive species; fish, wildlife or avian species; threatened and endangered species; hazardous materials; public services and utilities; low income or minority populations; and cultural resources including archeological sites and historic structures within the project area. During the construction period, short-term impacts are anticipated to soils, Waters of the United States, floodplains, air quality, terrestrial and aquatic environment, wetlands, traffic, visual resources, noise, and safety. All anticipated short-term impacts will include conditions developed to minimize and mitigate impacts of the Proposed Action to the project site and surrounding areas.

The Proposed Action will be carried out in coordination with the Kansas Adjutant General's Department, Division of Emergency Management (KDEM), the Kansas Department of Agriculture, Division of Water Resources (KDA DWR), the Kansas Department of Wildlife and Parks (KDWP), the U.S. Army Corps of Engineers (USACE), U.S. Fish and Wildlife Service (USFWS), the Kansas State Historic Preservation Office (SHPO), and the Tribal Historic Preservation Offices (THPO) of Indian tribes with interests in the project area.

CONDITIONS

The following conditions were developed to mitigate the potential impacts of this project and must be met as a condition of project approval. Failure to comply with these conditions and the conditions contained in the EA may jeopardize obligation of federal funds:

1. The City is responsible for obtaining and complying with any conditions within all required local, state and federal permits and approvals;
2. The City will monitor ground disturbance during the construction phase, and if artifacts or human remains are found on site during construction or within potential borrow areas, the Kansas SHPO and FEMA will be contacted immediately and work will cease in the area of discovery;
3. All fill/gravel shall be obtained from a commercial source. Fill/gravel from non-commercial sources may require permits and/or additional consultation, and failure to obtain these prior to commencing borrow extraction may jeopardize federal funding;
4. If deviations from the proposed scope of work result in substantial design changes, the need for additional ground disturbance, additional removal of vegetation, or in any other unanticipated changes to the physical environment, the City shall contact FEMA, and a re-evaluation under NEPA and other applicable environmental laws will be conducted by FEMA;
5. The City is responsible for coordinating with and obtaining required Clean Water Act Section 404 permits from the U.S. Army Corps of Engineers (USACE) and Clean Water Act Section 401 certification from the Kansas Department of Agriculture, Division of Water Resources (KDA DWR). The City shall comply with all conditions and pre-construction notification requirements of the required permits, including any applicable regional conditions. All coordination pertaining to these activities or compliance with applicable permits must be documented in the City's permanent files. Copies must be forwarded to KDEM and FEMA as part of the permanent project file. Failure to comply with this requirement may jeopardize receipt of federal funds;
6. The project area is located within a Special Flood Hazard Area (SFHA) or may have potential to affect Waters of the U.S. The City is responsible for coordinating with its local Floodplain Administrator for any permitting requirements. Documentation of coordination

- with the local Floodplain Administrator must be maintained in the project files and copies forwarded to KDEM and FEMA;
7. The City shall minimize dust and particulate emissions during construction activities through best management practices such as watering the work site or other measures. Construction workers must adhere to safety requirements and utilize proper personal protective equipment (PPE), such as masks, to limit exposure to dust and disturbed soil as required;
 8. Best Management Practices (BMP) that ensure temporary erosion, sedimentation and accidental spills from construction equipment do not occur must be utilized to protect water quality of surface waters during construction;
 9. To avoid deposition of sediments into the Ninnescah River and Mill Race, which are inhabited by protected species of fish, all areas denuded of vegetation as a result of the Proposed 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;
 10. Wetlands that would be temporarily disturbed should be returned to pre-construction contours following construction and reseeded. Temporary erosion control measures shall be used during construction to eliminate soil erosion and spread of invasive species. All disturbed areas will be reseeded with native seed mix immediately after construction is completed. All seed mixes will be free of invasive plant seeds;
 11. The City shall protect any off-channel wetland complexes, such as old oxbow meanders that are present near the project area. Additional siltation prevention measures will be implemented, if necessary, to ensure the protection of these habitats;
 12. Prior to commencement of construction activities, the City will determine if any bald eagle nests are in the vicinity of the construction zone. If an eagle nest is visible from, or identified within, 660 feet (200 meters) of the construction zone, a permit may be required. If this is the case, the City must contact FEMA and coordinate with the U.S. Fish and Wildlife Service (USFWS) before work begins. Failure to do so may jeopardize federal funding;
 13. The City shall maintain documentation of coordination with USFWS and KDWP to minimize impacts to federal and state listed species. The City shall also implement all practicable mitigation measures recommended by KDWP. To protect state-listed species, the City shall obtain an Action Permit from KDWP before any work can begin;
 14. Tree removal will occur only from December 1 through March 1 to avoid impacts to the Northern Long-eared Bat during its reproduction and hibernacula swarming seasons. Construction will be limited to daytime hours to reduce noise impacts;
 15. 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;
 16. 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, follow established reporting procedures and contact the Environmental Protection Agency (EPA), Kansas Department of Health and Environment (KDHE), and KDEM immediately;
 17. 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;

18. There shall be no deposition of concrete 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;
19. 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;
20. FEMA encourages the establishment of native plants to provide pollinator habitat to promote the conservation of the Monarch Butterfly and recommends seeded areas include a native Tall Grass Prairie and Pollinator seed mix;
21. Routine precautions for lead handling and disposal will be required for any bullets encountered during construction; and
22. The City is responsible for informing all contractors of the conditions listed herein and assuring compliance therewith throughout the construction period.

FINDINGS

Based upon the conditions and information contained in the EA for the City of Kingman Parks Repair and Hazard Mitigation Project and in accordance with FEMA Directive 108-1 and FEMA Instruction 108-1-1 (Environmental Considerations) and Executive Orders 11988 (Floodplain Management), 11990 (Protection of Wetlands), and 12898 (Environmental Justice), FEMA has determined that the Proposed Action would not have any significant adverse impacts on the quality of the natural and human environment. As a result of this FONSI, an Environmental Impact Statement will not be prepared.

APPROVAL

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Date: 2022.11.21
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Teri Toye
Regional Environmental Officer, Acting

Date