

Draft Environmental Assessment
Coffeyville Animal Shelter
Coffeyville, Kansas
FEMA-1711-DR-KS
July 17, 2009



FEMA

U. S. Department of Homeland Security
9221 Ward Parkway, Suite 300 Kansas City, MO. 64114-3372

CITY OF COFFEYVILLE
ANIMAL SHELTER
MONTGOMERY COUNTY, KANSAS

DRAFT
ENVIRONMENTAL ASSESSMENT

U.S. DEPARTMENT OF HOMELAND SECURITY
9221 WARD PARKWAY, SUITE 300
KANSAS CITY, MO 64114-3372
JULY 2009

Table of Contents

1.0 INTRODUCTION.....	1
2.0 PURPOSE AND NEED.....	1
3.0 ALTERNATIVES.....	1
3.1 ALTERNATIVES CONSIDERED AND DISMISSED.....	1
3.2 NO ACTION.....	2
3.3 PROPOSED ACTION.....	2
4.0 AFFECTED ENVIRONMENT AND IMPACTS.....	4
4.1 GEOLOGY.....	5
4.1.1 Geology, Soils and Seismicity.....	5
4.2 WATER RESOURCES.....	6
4.2.1 Waters of the United States Including Wetlands.....	6
4.2.2 Floodplains.....	7
4.2.3 Water Quality.....	8
4.3 BIOLOGICAL RESOURCES.....	8
4.3.1 Flora and Fauna.....	8
4.3.2 Threatened and Endangered Species.....	9
4.3.3 Migratory Birds.....	10
4.4 CULTURAL RESOURCES.....	10
4.5 SOCIOECONOMIC RESOURCES.....	11
4.5.1 Executive Order 12898, Environmental Justice.....	11
4.6 HAZARDOUS MATERIALS.....	12
4.7 NOISE.....	13
4.8 AIR QUALITY.....	13
4.9 PUBLIC HEALTH AND SAFETY.....	13
4.10 TRAFFIC CIRCULATION, VOLUME, AND PARKING ACCESS.....	14
5.0 CUMULATIVE IMPACTS.....	14
6.0 PUBLIC INVOLVEMENT.....	14
7.0 COORDINATION AND PERMITS.....	15
8.0 CONCLUSION.....	15
9.0 REFERENCES.....	16
10.0 LIST OF PREPARERS.....	17

List of Tables

Table 1	
Affected Environment and Impacts Summary.....	4
Table 2	
Federal and State Listed Threatened/ Endangered Species in Wilson County, Kansas.....	9

Table 3 Summary of Hazardous Material Sites

List of Appendices

Appendix A – Agency Coordination

Appendix B – Public Notice

Abbreviations and Acronyms

CFR	Code of Federal Regulations
CO	carbon monoxide
EA	Environmental Assessment
EIS	Environmental Impact Statement
ESA	Environmental Site Assessment
FEMA	Federal Emergency Management Agency
FIRM	Flood Insurance Rate Map
FONSI	Finding of No Significant Impact
FPPA	Farmland Protection Policy Act
KDHE	Kansas Department of Health and Environment
KDWP	Kansas Department of Wildlife and Parks
KSDE	Kansas State Department of Education
LOMR-F	Letter of Map Revision Based on Fill
NAAQS	National Ambient Air Quality Standards
NFIP	National Flood Insurance Program
NEPA	National Environmental Policy Act of 1969
NHPA	National Historic Preservation Act
NO ₂	nitrogen dioxide
NPDES	National Pollutant Discharge Elimination System
NRCS	Natural Resources Conservation Service
NRHP	National Register of Historic Places
O ₃	ozone
PCB	polychlorinated biphenyls
pCi/L	picoCuries per liter
PM ₁₀	particulate matter with a diameter less than or equal to 10 micrometers
RCRA	Resource Conservation and Recovery Act
SFHA	Special Flood Hazard Area
SHPO	State Historic Preservation Officer
SO ₂	sulfur dioxide
SWP2	Stormwater Pollution Prevention
USACE	U.S. Army Corps of Engineers
USCB	U.S. Census Bureau
USDA	U.S. Department of Agriculture
USEPA	U.S. Environmental Protection Agency
USFWS	U.S. Fish and Wildlife Service
USGS	U.S. Geological Survey

1.0 INTRODUCTION

As a result of severe storms and flooding in Kansas on June 26, 2007, a major disaster was declared under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. § 5121-5206 (the Stafford Act). The disaster was designated as FEMA-1711-DR. One of the events that occurred during the disaster was flooding in Coffeyville, Kansas, including the City of Coffeyville's Animal Shelter.

The Animal Shelter was situated adjacent to the Verdigris River and consequently was inundated with water during the event. As a result of damage sustained from the flooding, the City of Coffeyville has applied for funding under the Public Assistance Program administered by the Federal Emergency Management Agency (FEMA). In accordance with the Stafford Act, FEMA is required to review the environmental effects of the proposed action prior to making a funding decision. In accordance with 44 Code of Federal Regulations (CFR) Part 10, FEMA has prepared this environmental assessment to meet the requirements of the National Environmental Policy Act of 1969 (NEPA) and the Council on Environmental Quality's implementing regulations at 40 CFR Parts 1500-1508. The purpose of this environmental assessment is to analyze and assess the potential environmental impacts associated with the proposed action.

2.0 PURPOSE AND NEED

The original City of Coffeyville Animal Shelter was substantially damaged by the severe flooding event in the summer of 2007. A damage assessment indicated the structure to be more than 50 percent damaged and therefore eligible for replacement. The original Animal Shelter facility was constructed in the 1960s and was contaminated when flood waters carrying oil entered the facility. The current situation has left the City of Coffeyville without a functioning Animal Shelter and the State of Kansas Animal Health Department ruled in July of 2007 that the existing structure could not under any circumstances house any animals.

The purpose of the proposed action is to replace the damaged Animal Shelter with a new facility so that the City of Coffeyville can provide a new Animal Shelter for the community. The need to build a new facility is that the City of Coffeyville currently contracts out the services they once provided to two local Veterinarians at a greatly increased cost to the City.

3.0 ALTERNATIVES

3.1 ALTERNATIVES CONSIDERED AND DISMISSED

One option for the reconstruction of the Coffeyville Animal Shelter was to rebuild on the site of the former facility. This option was considered but dismissed due to the presence of ground contamination at the site. The City of Coffeyville, along with FEMA, determined that the most cost effective solution would be to rebuild the Animal Shelter facility on a new site.

3.2NO ACTION

The No Action alternative would not reconstruct the City of Coffeyville Animal Shelter. Under this scenario, the community of Coffeyville would not have a public facility to use for housing animals and would continue to have to contract out these services. No having an Animal Shelter does not provide a suitable long-term solution to the residents of the City of Coffeyville.

3.3PROPOSED ACTION

The new Coffeyville Animal Shelter would be a 3,000 square foot building that would be located on an approximately .5 acre tract at 502 County Road 1400 in Coffeyville, Kansas. This site was chosen because there was no contamination present, the parcel was large enough to accommodate the proposed project, and it was located on land that was owned by the City of Coffeyville. The proposed project would the Animal Shelter with 20 dog pens and room for 18 cats or puppies in a separate area. The construction of the new facility would consist of site preparation (grading and/or excavation) and construction of building, and paved areas with 10 parking spaces of which two would be dedicated to the handicapped.

4.0 AFFECTED ENVIRONMENT AND IMPACTS

The following table summarizes the potential impacts of the proposed action, and identifies mitigation measures to minimize those impacts, where appropriate. Following the summary table, each environmental resource area is evaluated in greater detail.

Table 1
Affected Environment and Impacts Summary

Affected Environment	Impacts	Mitigation
Geology, Soils and Seismicity	The proposed project would cause some disturbance of the shallow soils and surficial geology as part of the site preparation work. Since the site is relatively flat/gently rolling, the grading needed at the site would be minor. In general, effects to geology and soils would be minor and temporary in nature.	Exposed soils could be subject to erosion, therefore, silt fence and/or other storm water runoff best management practices would be utilized during construction.
Waters of the U.S. including Wetlands	The proposed project would not impact waters of the U.S., including wetlands, and therefore would not require a section 404 permit. There are no navigable waters in the area; therefore, Section 10 of the Rivers and Harbors Act of 1899 do not apply.	N/A
Floodplains	The proposed action is located in Zone A of the floodplain.	Site of the proposed facility is elevated one foot about base flood elevation. A would include floodplain development permit and insurance until the maps can be amended to remove this parcel from Zone A
Water Quality	The proposed action would not disturb more than one acre, therefore a construction stormwater general permit from the KDHE would not be required	N/A
Flora and Fauna	The construction of the proposed action would result in clearing of approximately .5 acres of maintained vegetation. The effects to wildlife are expected to be minimal and temporary in nature.	N/A
Threatened and Endangered Species	The proposed project would have no effect on threatened and endangered species.	N/A
Migratory Birds	No adverse impacts are expected to migratory birds	N/A
Cultural Resources	Coordination with the State Historic Preservation Officer concluded that the proposed project “would have no affect on properties listed in the National Register of Historic Places.”	N/A

Affected Environment	Impacts	Mitigation
Socioeconomic Resources	The construction of the new Animal Shelter would provide the City of Coffeyville with a functioning Animal Shelter. In addition, the construction of the proposed project is expected to create jobs in the short term.	N/A
E.O. 12898 - Environmental Justice	Benefits of the proposed new Animal Shelter would be equally received by all residents of Coffeyville. Construction of the proposed project would not have an adverse effect on minority or low-income populations.	N/A
Hazardous Materials	Based on the information obtained for this study, there is currently no obvious evidence of potential environmental degradation within the project limits.	The contractor will take appropriate measures to prevent, minimize, and control the spill of hazardous materials in the construction staging area.
Noise	The proposed action would result in a slight increase in noise during the construction of the Animal Shelter. The increase in noise is expected to be a minor and short term. No permanent changes to noise levels in the area are expected to be associated with the proposed project.	N/A
Air Quality	Pollutant emissions from construction equipment may result in minor, temporary effects to air quality in the area immediately surrounding the construction activity. Vehicular exhaust emissions would be produced by the operation of diesel engines and other construction equipment. These effects would be localized and of short duration.	The contractor will be required to keep all equipment in good working order to minimize air pollution.
Public Health and Safety	The construction of the proposed project is expected to follow all applicable federal, state, and local safety laws and guidelines. No adverse effects to the health and safety of Coffeyville residents, employees, and others associated with the project are expected.	N/A
Traffic, Circulation, Volume, and Parking Access	Construction personnel and equipment would require access to the site, which would temporarily increase traffic in the project area. There would be no adverse or long term impacts to the transportation system.	N/A

4.1 GEOLOGY

4.1.1 Geology, Soils and Seismicity

Montgomery County is located in the physiographic region known as the Osage Cuestas of south-east Kansas. This region occupies all of eastern Kansas south of the Kansas River. It is characterized by a series of east-facing ridges (or escarpments), between which are flat to gently rolling plains. The Osage Cuestas is underlain by Pennsylvanian-age limestones and shales that dip gently to the west and northwest. Review of the *Map of*

Surficial Geology of Kansas, indicates that the bedrock underlying the project area is mapped as the Kansas City Group and the Lansing Group, which consists of seven different shale and limestone formations.

The Soil Survey of Montgomery County, Kansas, indicates the soils mapped in the project area are within the Eram and Talihina Soil Association. In general, this association consists of moderately well-drained, silty soils that occur on nearly level to moderately steep uplands. Specifically, the main soils mapped across the majority of the project area include, Dennis silt loam, 1 to 3 percent slopes, and Bates silt loam, 1 to 6 percent slopes (USDA 1980).

The Farmland Protection Policy Act (FPPA) (P.L. 97-98, Sec. 1539-1549; 7 U.S. Code 4201, et seq.) was enacted to minimize the unnecessary conversion of farmland to non-agricultural uses as a result of federal actions. The Natural Resources Conservation Service (NRCS) is responsible for protecting significant agricultural lands from irreversible conversions that result in the loss of an essential food or environmental resource. Prime farmland is characterized as land with the best physical and chemical characteristics for the production of food, feed, forage, fiber, and oilseed crops. This land is either used for food or fiber crops or is available for those crops, but is not urban, built-up land, or water areas. Unique farmland is land other than prime farmland that is used for production of specific high-value food and fiber crops, such as citrus, olives, cranberries, and other fruits and vegetables. It has the special combination of soil quality, location, growing season, and moisture supply needed to economically produce sustained high quality or high yields of specific crops when treated and managed according to acceptable farming methods. There are two soil map units present on the new Animal Shelter site; both map units are considered prime farmland by NRCS (USDA 1980). These two map units are Dennis silt loam, 1 to 3 percent slope and Bates silt loam, 1 to 3 percent slope. Farmland does not include previously developed land found in urban development areas. Therefore, coordination with NRCS is not required for the new Animal Shelter because the two soil map units are on previously disturbed land that is considered to be part of an urban development area.

Alternative A – No Action: The No Action alternative would no have any impact on the soils or geology of the area.

Alternative B – Build New Animal Shelter: Construction of a new Animal Shelter at the site would cause some disturbance of the shallow soils and surficial geology as part of the site preparation work. Since the site is relatively flat/gently rolling, the grading needed at the site would be minor. Exposed soils could be subject to erosion, therefore, silt fence and/or other storm water runoff best management practices would be utilized during construction. In general, effects to geology and soils would be minor and temporary in nature. Since the prime farmland soils on the site are found in an urbanized area, coordination with NRCS under the FPPA was not required.

4.2 WATER RESOURCES

4.2.1 Waters of the United States Including Wetlands

The U.S. Army Corps of Engineers (USACE) regulates the discharge of dredged or fill material into waters of the U.S., including wetlands, pursuant to Section 404 of the Clean Water Act. Wetlands are identified as those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. In addition, Executive Order 11990 (Protection of Wetlands) directs federal agencies to take actions to minimize the destruction, loss, or degradation of wetlands and to preserve and enhance the natural and beneficial values of wetlands on federal property. A site visit was performed on July

9th, 2009 to identify potential waters of the U.S., including wetlands, on or adjacent to the proposed project site.

Alternative A – No Action: The No Action alternative would have no effect on wetlands or other waters of the U.S. and would not require a Section 404 permit.

Alternative B – Build New Animal Shelter: An onsite review of the project location did not find any potential areas meeting the definition of waters of the U.S., including wetlands, and would not require a Section 404 permit.

4.2.2 Floodplains

Floodplains generally refer to 100-year floodplains as set by FEMA and are delineated on Flood Insurance Rate Maps (FIRM) or Flood Hazard Boundary Maps for all communities that are members of the National Flood Insurance Program (NFIP). The City of Coffeyville and Montgomery County are participants in the NFIP.

Executive Order 11988 requires federal agencies to avoid to the extent possible the long and short-term adverse impacts associated with the occupancy and modification of flood plains and to avoid direct and indirect support of floodplain development wherever there is a practicable alternative. According to the NFIP Flood Insurance Rate Map for Montgomery County Unincorporated Areas (Map Number 2005950006A), the proposed project site is located in an in special flood hazard areas (SFHA) of the floodplain (Zone A). However, practicable alternatives to locating in the base floodplain were considered, but alternative sites outside of the floodplain were dismissed.

NFIP regulations require flood insurance for insurable structures located in special flood hazard areas (SFHA)s that carry a mortgage loan backed by a federally regulated lender or servicer. The SFHAs are the areas subject to inundation by the 1-percent-annual-chance) flood, which is also referred to as the base, or 100-year, flood. The City of Coffeyville believes that the proposed site is no longer located in the designated 100-year floodplain [also known as a 1-percent-annual-chance floodplain, or (SFHA), as shown on the effective Flood Insurance Rate Map. The City of Coffeyville is in the process of asking FEMA to make an official determination regarding the location of the property relative to the SFHA through a process called a Letter of Map Revision Based on Fill (LOMR-F).

A LOMR-F is submitted for properties on which fill has been placed to raise a structure or lot to or above the base flood elevation. NFIP regulations require that the lowest adjacent grade of the structure be at or above the base flood elevation for a LOMR-F to be issued to remove the structure from the SFHA. The participating community must also determine that the land and any existing or proposed structures to be removed from the SFHA are "reasonably safe from flooding." To remove an entire lot and structure, both the lowest point on the lot and the lowest adjacent grade of the structure must be at or above the base flood elevation.

The issuance of a LOMR-F by FEMA eliminates the Federal flood insurance purchase requirement as a condition of Federal or federally backed financing. However, lenders retain the prerogative to require flood insurance as a condition of any loan as part of their standard business practices, regardless of the location of the structure.

Alternative A – No Action: The No Action alternative would not result in impacts to the 100 or 500 year floodplain.

Alternative B – Build New Animal Shelter: Since the proposed project site is located within in Zone A of the designated floodplain the existing site has been elevated to one foot above existing base flood elevation. Currently, a LOMR-F will be required to be completed by the applicant in order to modify the existing Flood Insurance Rate Map. The City of Coffeyville is in the process of completing a map revision

4.2.3 Water Quality

The Kansas Department of Health and Environment (KDHE) are responsible for administering the state’s stormwater management program. The Kansas stormwater program is closely modeled after the federal National Pollutant Discharge Elimination System (NPDES) program, which requires stormwater be treated to the maximum extent practicable. Owners or operators of any project or combination of projects who engage in construction activities which will disturb one or more acres must have authorization to discharge stormwater runoff under the construction stormwater general permit S-MCST-0701-1.

Alternative A – No Action: The No Action alternative would have no effect water quality.

Alternative B – Build New Animal Shelter: The proposed action would have no adverse impacts to ground or surface water quality. The proposed action would not disturb more than one acre, therefore a construction stormwater general permit from the KDHE would not be required.

4.3 BIOLOGICAL RESOURCES

4.3.1 Flora and Fauna

According to the Ecoregions of Nebraska and Kansas, the project area is located in the Osage Cuestas region Central Irregular Plains ecoregion (Chapman 2001). This region is a gently undulating cuesta plain. Natural vegetation ranges from a mosaic of mostly tall grass prairie in the west to a mixture of tall grass prairie and oak-hickory forest in the east, with floodplain forests along streams. The moist, silty clay loams are formed in material weathered from limestone and shale, and support a composite land use made up of woodlands and grassland/rangeland.

The project area is located on previously disturbed land currently used for open space adjacent to the City of Coffeyville’s waste water treatment plant. The herbaceous community is dominated by Bermuda grass.

Wildlife occurring in the project area is expected to be typical of urban locations within south-central Kansas.

The Fish and Wildlife Coordination Act was enacted to protect fish and wildlife when federal actions result in control or modification of a natural stream or body of water. No streams or other water bodies would be controlled or modified as a result of the proposed action; therefore, the Fish and Wildlife Coordination Act is not applicable.

Alternative A – No Action: The No Action alternative would have no effect on the flora and fauna.

Alternative B – Build New Animal Shelter: The construction of the proposed action would result in clearing of approximately .5 acres of existing mowed vegetation. The effects to wildlife are expected to be minimal and temporary in nature.

4.3.2 Threatened and Endangered Species

The Endangered Species Act of 1973 provides for the protection of all listed threatened and endangered species from take defined as "to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect or attempt to engage in any such conduct." Harm is further defined by U.S. Fish and Wildlife Service (USFWS) to include significant habitat modification or degradation that results in death or injury to listed species by significantly impairing behavioral patterns such as breeding, feeding, or sheltering. Harass is defined by the USFWS as actions that create the likelihood of injury to listed species to such an extent as to significantly disrupt normal behavior patterns which include, but are not limited to, breeding, feeding, or sheltering.

Rare species protection was implemented within the State of Kansas by the Kansas Nongame and Endangered Species Act of 1975. This act provided the state authority to define and list endangered and threatened species. Endangered species are any species of wildlife whose continued existence as a viable component of the state's wild fauna is determined to be in jeopardy. Threatened species are any species of wildlife that appear likely, within the foreseeable future, to become an endangered species. These designations protect the animal from commercial or personal possession. The law also gives authority to the Kansas Department of Wildlife and Parks to review projects requiring a state or federal permit or those funded by tax revenues. This process is designed to safeguard listed wildlife.

The USFWS lists one species as endangered in Madison County, the American Burying Beetle (*Nicrophorus americanus*) and one candidate species, the Neosho Mucket Mussel (*Lampsilis rafinesqueana*) (USFWS 2009). The KDWP lists the following seven species as endangered in Wilson County: American Burying Beetle, Eskimo Curlew (*Numenius borealis*), Least Tern (*Sterna antillarum*), Neosho Mucket Mussel, Peregrine Falcon (*Falco peregrinus*), Rabbitsfoot Mussel (*Quadrula cylindrica*), Western Fanshell Mussel (*Cyprogenia aberti*); and the following eight species as threatened in Montgomery County: Bald Eagle (*Haliaeetus leucocephalus*), Butterfly Mussel (*Ellipsaria lineolata*), Common Map Turtle (*Graptemys geographica*), Flutedshell Mussel (*Lasmigonia costata*), Ouachita Kidneyshell Mussel (*Ptychobranthus occidentalis*), Piping Plover (*Charadrius melodus*), and the Snowy Plover (*Charadrius alexandrinus*) (KDWP 2009).

**Table 2
Federal and State Listed Threatened/ Endangered Species in Wilson County, Kansas**

Common Name	USFWS Status	KDWP Status	Comments
American Burying Beetle	Endangered	Endangered	State Designated Critical Habitat; however, the project area does not contain potential habitat for this species
Bald Eagle	–	Threatened	Migratory/ Transient Species
Butterfly Mussel	–	Threatened	State Designated Critical Habitat in Montgomery County, however only on the main stem of the Verdigris River
Common Map Turtle	–	Threatened	Known historic range; habitat includes creeks, rivers, oxbows and lakes' the project area does not contain any bodies of water
Eastern Spotted Skunk	–	Threatened	State Designated Critical Habitat; the project area does not contain potential habitat for this species

Common Name	USFWS Status	KDWP Status	Comments
Eskimo Curlew	–	Endangered	Migratory/ Transient Species
Flutedshell Mussel	–	Threatened	Probable Historic Range; the project area does not contain any bodies of water
Least Tern	–	Endangered	Migratory/ Transient Species
Neosho Mucket Mussel	Candidate	Endangered	State Designated Critical Habitat within the Fall River which does not run in the project area
Ouachita Kidneyshell Mussel	–	Threatened	State Designated Critical Habitat in Montgomery County, however only on the main stem of the
Peregrine Falcon	–	Endangered	Migratory/ Transient Species
Piping Plover	–	Threatened	Migratory/ Transient Species
Rabbitsfoot Mussel	–	Endangered	State Designated Critical Habitat in Montgomery County, however only on the main stem of the
Snowy Plover	–	Threatened	Migratory/ Transient Species
Western Fanshell Mussel	–	Endangered	State Designated Critical Habitat within the Fall River which does not run through the project area

Sources: USFWS 2009, KDWP 2009a, KDWP 2009b

Alternative A – No Action: The No Action alternative would have no effect on threatened or endangered species.

Alternative B – Build New Animal Shelter: Both the KDWP and USFWS list of endangered, threatened, and proposed and candidate species for Wilson County were reviewed on July 14, 2009 and a field visit of the project area occurred on July 9, 2009. If any of the avian species defined above as migratory/ transient were to occur in the project area they would likely be transitory, due to the lack of the vegetation or landscapes typically used for resting or feeding present in the project area. The proposed action would have no effect on threatened and endangered species.

4.3.3 Migratory Birds

The Migratory Bird Treaty Act provides that it is unlawful for anyone to kill, capture, collect, possess, buy, sell, trade, ship, import or export, any migratory bird, or part, or nest or egg thereof, unless they first obtain an appropriate Federal Permit, issued pursuant to the Migratory Bird Treaty Act regulations, authorizing such activity.

Alternative A – No Action: The No Action alternative would have no effect on migratory birds.

Alternative B – Build New Animal Shelter: No adverse impacts are expected to migratory birds.

4.4 CULTURAL RESOURCES

In addition to review under NEPA, consideration of impacts to cultural resources is mandated under Section 106 of the National Historic Preservation Act, as amended and as implemented by 36 CFR Part 800. Requirements include the need to identify significant historic properties that may be impacted by the proposed action or alternatives within the project's area of potential effect. Historic properties are defined as

archeological sites, standing structures, or other historic resources listed in or determined eligible for listing in the National Register of Historic Places. If adverse effects on historic, archeological, or cultural properties are identified, then agencies must consider effects of their activities and attempt to avoid, minimize, or mitigate the impacts to these resources.

Alternative A – No Action: The No Action alternative would have no effect on cultural resources in the area.

Alternative B – Build New Animal Shelter: Coordination with the State Historic Preservation Officer (SHPO) concluded that the proposed project would have concluded that the proposed project “should have no affect on properties listed in the National Register of Historic Places” (see letter in *Appendix A*). However, if artifacts or other potential historic materials are discovered during construction, work would be suspended and the applicant would contact the Kansas State Historic Preservation Officer and the FEMA Regional Environmental Officer.

4.5 SOCIOECONOMIC RESOURCES

The City of Coffeyville, population 11,021 and per capita income of \$26,042, is located in Montgomery County (USCB 2000). According to the U.S. Census Bureau, Wilson County has a population of 10,332 and a per capita income of \$21,587. The primary industries in Montgomery County are related to agriculture.

According to *Census 2000*, 75.8 percent of the population in the City of Coffeyville is white; 12.1 percent is black; 5.1 percent Native American; 4.9 percent two or more races; 3.6 percent Asian; and less than 1 percent some other race. In Montgomery County 86.5 percent of the population is white; 5.6 percent is black or African American; 3 percent Native American; 3.9 percent two or more races; .4 percent Asian; and less than 1 percent some other race (USCB 2000).

Alternative A – No Action: The No Action alternative would have no effect on socioeconomic resources in the area.

Alternative B – Build New Animal Shelter: Currently, the City of Coffeyville Animal Shelter is not functional because of flood damage to the entire facility. Construction of the proposed Animal Shelter would allow for all residents in Coffeyville the use of the Animal Shelter. All residents are expected to benefit from the construction of the Animal Shelter. In addition, the construction of the new Animal Shelter is expected to create jobs for the shelter managers and construction activities in the short term.

4.5.1 Executive Order 12898, Environmental Justice

On February 11, 1994, President Clinton signed Executive Order 12898, entitled “Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations”. The Executive Order directs federal agencies to focus attention on human health and environmental conditions in minority and/or low-income communities. The Executive Order’s goals are to achieve environmental justice, fostering non-discrimination in federal programs that substantially affect human health or the environment. It also requires that agencies identify and address, as appropriate, disproportionately high and adverse human health or environmental effects on its programs, policies, and activities on minority populations and low-income populations in the United States.

Alternative A – No Action: The No Action alternative would not have disproportionate impacts on minority or low-income populations in the City of Coffeyville or Montgomery County.

Alternative B – Build New Animal Shelter: Benefits of the new Animal Shelter would be equally received by all residents of the City of Coffeyville. Construction of the proposed project would not have an adverse effect on minority or low-income populations.

4.6 HAZARDOUS MATERIALS

Hazardous wastes, as defined by the Resource Conservation and Recovery Act (RCRA), are defined as “a solid waste, or combination of solid wastes, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may; (1) cause, or significantly contribute to, an increase in mortality or an increase in serious irreversible or incapacitating reversible illness or; (2) pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported or disposed of or otherwise managed.” Hazardous materials and wastes are regulated in Kansas by a combination of federal laws and state laws. Federal regulations governing the assessment and disposal of hazardous wastes include RCRA, the RCRA Hazardous and Solid Waste Amendments, Comprehensive Environmental Response, Compensation and Liability Act, Solid Waste Act, and Toxic Substances Control Act.

A review of selected regulatory environmental databases published by federal and state agencies was conducted via the internet to determine the potential for environmental degradation in the project limits. In addition, a windshield survey of the project limits was conducted to confirm the location of listed regulatory facilities, and to observe the general environmental conditions at any listed sites within the project limits.

The environmental databases provide information on regulated facilities that are listed as having a past or present record of actual or potential environmental impact. The listings are limited and include only those sites that are known to the regulatory agencies at the time of publication to be contaminated or in the process of evaluation for potential contamination. The following is a list of the federal and state databases that were reviewed;

- Environmental Protection Agency (EPA) Envirofacts Multisystem
- EPA National Priorities List (NPL)
- KDHE Solid Waste Facilities Database
- KDHE Identified Sites List (ISL).

The EPA Envirofacts Multisystem database is composed of the Permit Compliance System; Toxics Release Inventory (TRI) System; Resource Conservation and Recovery Act (RCRA) Information; Comprehensive Environmental Response, Compensation, and Liability Information System (CERCLIS); and the Aerometric Information Retrieval System (AIRS). The above databases and lists were searched by county, city, zip code, and/or street name. Based on the regulatory database review, no regulated facility of potential environmental concern was identified within a half mile radius of the project limits.

Alternative A – No Action: The No Action alternative would not disturb any hazardous materials or create any potential hazard to human health.

Alternative B – Build a New Animal Shelter: The proposed project would cause some disturbance of shallow soils during the excavation and construction activities required for the Animal Shelter. Based on the information obtained for this study, there is currently no obvious evidence of potential environmental degradation within the project limits. If, however, hazardous constituents are unexpectedly encountered during construction, all construction activities would cease and FEMA would be contacted regarding the future eligibility of this project. The contractor will take appropriate measures to prevent, minimize, and control the spill of hazardous materials in the construction staging area.

4.7 NOISE

Noise is generally defined as an unwanted sound. The closest noise receivers to the proposed project site would be the adjacent wastewater treatment plant located south and east of the site along County Road 1400. Noise levels within and adjacent to the project would increase during the proposed construction activities as a result of construction and earth-moving equipment. The noise levels generated would be limited to workday daylight hours for the duration of the work.

Alternative A – No Action: The No Action alternative would not result in impacts to noise receivers in the area.

Alternative B – Build New Animal Shelter: The proposed action would result in a slight increase in noise during the construction of the facility. The increase in noise is expected to be minor and short term. No permanent changes to noise levels in the area are expected to be associated with the proposed project.

4.8 AIR QUALITY

The Clean Air Act, which was last amended in 1990, requires USEPA to set National Ambient Air Quality Standards (40 CFR part 50) for pollutants considered harmful to public health and the environment. The Clean Air Act established two types of national air quality standards. Primary standards set limits to protect public health, including the health of "sensitive" populations such as asthmatics, children, and the elderly. Secondary standards set limits to protect public welfare, including protection against decreased visibility, damage to animals, crops, vegetation, and buildings.

The USEPA has established National Ambient Air Quality Standards (NAAQS) for six principal pollutants called criteria pollutants. These pollutants include sulfur dioxide (SO₂), particulate matter with a diameter less than or equal to 10 micrometers (PM₁₀), carbon monoxide (CO), nitrogen dioxide (NO₂), ozone (O₃), and lead.

The USEPA has designated specific areas as NAAQS attainment or non-attainment areas. Attainment areas are any areas that meet ambient air quality standards. Non-attainment areas are any areas that do not meet (or that contribute to ambient air quality in a nearby area that does not meet) the quality standard for a pollutant. According to the USEPA, the entire State of Kansas is currently designated as an "attainment" area for all NAAQS (USEPA 2008).

Alternative A – No Action: The No Action Alternative would have no effect on air quality.

Alternative B – Build New Animal Shelter: Pollutant emissions from construction equipment may result in minor, temporary effects to air quality in the area immediately surrounding the construction activity. Vehicular exhaust emissions would be produced by the operation of diesel engines and other construction equipment. These effects would be localized and of short duration. The contractor would be required to keep all equipment in good working order to minimize air pollution.

4.9 PUBLIC HEALTH AND SAFETY

Safety and security issues that were considered in this environmental assessment include the health and safety of area residents, the public at-large, and the protection of personnel involved in activities related to the implementation of the proposed project.

Alternative A – No Action: The No Action alternative would not likely have an adverse effect on health and safety.

Alternative B – Build New Animal Shelter: The construction of the proposed project is expected to follow all applicable federal, state, and local safety laws and guidelines. No adverse effects to the health and safety of City of Coffeyville residents are expected.

4.10 TRAFFIC CIRCULATION, VOLUME, AND PARKING ACCESS

The proposed project is located near the intersection of Highway 169 and County Road 1400 south of the City of Coffeyville.

Alternative A – No Action: The No Action alternative would have no effect on transportation in the area.

Alternative B – Build New Animal Shelter: Access to the proposed Animal Shelter would be provided from the east via County Road 1400. The construction of the Animal Shelter would temporarily disrupt the traffic flow on County Road 1400 during the approximately 6-month construction period. Local traffic would need to slow down or stop to accommodate equipment, such as bulldozers, backhoes, and graders, used during construction. Flagmen and possibly escort vehicles would be utilized to sustain traffic flow while maintaining safe working and traffic conditions. This activity would have a short-term effect on the level of service for the connecting roads during the construction period. This level of service would, however, be expected to return to normal at the completion of the project

5.0 CUMULATIVE IMPACTS

Cumulative impacts are those effects on the environment that result from the incremental effect of an action when added to past, present, and reasonably foreseeable future actions, regardless of what agency (federal or nonfederal) or person undertakes such other actions. Cumulative effects can result from individually minor but collectively significant actions taking place over a period of time.

There are several projects planned and currently under construction within the City of Coffeyville:

- Many local businesses were affected by the flooding and are currently being rebuilt.
- Coffeyville Resource Nitrogen, a nitrogen fertilizer facility is currently undergoing a \$92,000,000 expansion

These repair, reconstruction and new construction activities would be expected to cause temporary inconveniences resulting from construction traffic, detours, noise and dust. In addition, these projects would be expected to create jobs in the short term. On a cumulative basis, these impacts would be short-term and localized until the reconstruction process has been completed.

6.0 PUBLIC INVOLVEMENT

The public was invited to comment on the proposed action and the Draft Environmental Assessment. A legal notice was posted in the Coffeyville Journal on July 19, 2009, and on FEMA's website (<http://www.fema.gov/>)

plan/ehp/envdocuments/index.shtm). Additionally, the Draft Environmental Assessment was made available for review for a period of 30 days at the Coffeyville Public Library located at 311 West 10th Street, Coffeyville, Kansas. A copy of the notice is attached in *Appendix B*.

7.0 COORDINATION AND PERMITS

The following agencies and organizations were contacted and asked to comment on the proposed project. Agency correspondence is located in *Appendix A*.

- Kansas State Historic Preservation Office

In accordance with applicable local, state, and federal requirements, the applicant is responsible for obtaining any necessary permits or approvals prior to commencing construction at the proposed project site.

The proposed action would require a construction stormwater general permit S-MCST-0701-1 from the KDHE.

8.0 CONCLUSION

The findings of this Environmental Assessment conclude that the proposed project would result in no significant environmental impacts to the human or natural environment; therefore, the proposed action meets the requirements of a Finding of No Significant Impact (FONSI) under NEPA and the preparation of an Environmental Impact Statement will not be required.

9.0 REFERENCES

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10.0 LIST OF PREPARERS

GOVERNMENT PREPARERS

Ken Sessa, Regional Environmental Coordinator, Federal Emergency Management Agency, Region VII

CONTRACTOR PREPARERS

Matthew M. Estes, Environmental Planner III, EDAW, Inc.

APPENDIX A
Agency Coordination

APPENDIX B
Public Notice