



APPENDIX A: AGENCY COORDINATION

MAY, 2021





U.S. Department
of Transportation
**Federal Highway
Administration**

Kansas Division

October 18, 2018

6111 SW 29th, Suite 100
Topeka, Kansas 66614
(785)273-2600
(785)273-2620 (fax)
www.fhwa.dot.gov/ksdiv/index.htm

In Reply Refer To:
HDA-KS

Gibran Suleiman
U.S. Fish and Wildlife Service
Kansas Field Office
2609 Anderson Ave.
Manhattan, KS 66502

Subject: South Lawrence Trafficway SEIS Cooperating Agency Response

Dear Mr. Suleiman:

Thank you for responding on behalf of the U.S. Fish and Wildlife Service to the Federal Highway Administration's request for cooperating agency involvement for the South Lawrence Trafficway Supplemental Environmental Impact Statement (SEIS). We appreciate your agency's involvement and expertise in this NEPA process as we strive to identify and minimize any potential environmental impacts resulting from this project.

Regarding the next steps in this process, we request a written letter from USFWS to FHWA accepting the cooperating agency invitation. We also request USFWS's review and comments on the proposed Project Coordination Plan and Impact Methodologies Memorandum as soon as possible, but no later than November 15, 2018. Please direct these written comments to Javier Ahumada, the FHWA Kansas Division Environmental Coordinator, via the mailing address above or by email at javier.ahumada@dot.gov. If you would like a discussion or an electronic copy of these documents, he may be reached via email or by telephone at (785) 273-2649. We look forward to working with your agency in this process.

Sincerely yours,

^{TOP:} Richard E. Backlund, AICP
Division Administrator



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

November 5, 2018

Regulatory Branch
(NWK-2018-1264)

Mr. Richard Backlund, AICP
Division Administrator
U.S. Department of Transportation
Federal Highways Administration
6111 Southwest 29th, Suite 100
Topeka, Kansas 66614

Dear Mr. Backlund:

This is in response to your recent letter, received on October 19, 2018, requesting comments regarding the scoping meeting and associated materials distributed for review of the Supplemental Environmental Impact Statement for the Highway K-10/South Lawrence Trafficway, (SLT). Please reference your project number designation of HDA-KS.

Work associated with the project that will involve the placement of fill materials into streams, wetlands or other waters of the United States, will require some type of authorization by a Department of the Army (DA) permit. These types of activities require authorization from the Corps of Engineers under Section 404 of the Clean Water Act (Title 33 United States Code Section 1344). The implementing regulation for this Act is found at Title 33 Code of Federal Regulations Parts 320-332.

After identification and completion of the type and amounts of surface waters and wetlands within the study areas has been completed, please furnish a copy of the report to our office for review and concurrence. This project has been assigned Regulatory file number NWK-2018-1264 by our office. Please reference this number in all comments and/or inquiries to our office relating to this project.

Portions of the project may also require permission under Section 14 of the Rivers and Harbors Act (33 USC 408) because the activity, in whole or in part, would alter, occupy, or use a Corps Civil Works project. Please let our office know if any portions of the project may require work within portions of fee or easement land associated with the Clinton Lake Project.

Thank you for the opportunity to review the draft project coordination plan and methodologies report for the project and the opportunity to attend the interagency coordination meeting on October 4, 2018. If you have any questions concerning this matter, please feel free to write or contact Mr. Brian Donahue at 816-389-3703 or by email at brian.t.donahue@usace.army.mil.

Sincerely,

A handwritten signature in black ink, appearing to read "David R. Hibbs".

David R. Hibbs
Regulatory Program Manager
Regulatory Branch



Delaware Tribe Historic Preservation Office

1 Kellogg Circle
Roosevelt Hall, RM 212
Emporia State University
Emporia, KS 66801
(620) 341-6699

bobermeyer@delawaretribe.org

February 06, 2019

KDOT
Attn: Aaron M. Frits
Dwight D. Eisenhower State Office Building
700 S.W. Harrison Street
Topeka, KS 66603

Re: SEIS for K-10 Highway (South Lawrence Trafficway), Douglas County, Kansas

Dear Aaron M. Frits,

Thank you for informing the Delaware Tribe on the proposed construction associated with the above referenced project. Our review indicates that there are no religious or culturally significant sites in the project area. As such, we defer comment to your office as well as to the State Historic Preservation Office and/or the State Archaeologist.

We wish to continue as a consulting party on this project and look forward to receiving a copy of the cultural resources survey report if one is performed. We also ask that if any human remains are accidentally unearthed during the course of the survey and/or the construction project that you cease development immediately and inform the Delaware Tribe of Indians of the inadvertent discovery.

If you have any questions, please feel free to contact this office by phone at (620) 341-6699 or by e-mail at bobermeyer@delawaretribe.org

Sincerely,

Brice Obermeyer
Delaware Tribe Historic Preservation Office
1 Kellogg Drive
Roosevelt Hall, RM 212
Emporia State University
Emporia, KS 66801

RECEIVED

FEB 13 2019

Bureau of Road Design

STATE OF KANSAS



DEPARTMENT OF AGRICULTURE
1320 RESEARCH PARK DRIVE
MANHATTAN, KS 66502
PHONE: (785) 564-6700
FAX: (785) 564-6777

900 SW JACKSON, ROOM 456
TOPEKA, KS 66612
PHONE: (785) 296-3556
www.agriculture.ks.gov

GOVERNOR JEFF COLYER, M.D.
JACKIE McCLASKEY, SECRETARY OF AGRICULTURE

AARON M FRITS PE
KANSAS DEPARTMENT OF TRANSPORTATION
BUREAU OF ROAD DESIGN
700 SW HARRISON ST
TOPEKA KS 66603-3745

October 15, 2018

RE: SEIS for K-10 Highway (South Lawrence Trafficway)

Mr. Frits:

This correspondence will acknowledge receipt of your request for comments as a Participating Agency for the K-10 Highway/South Lawrence Trafficway project. The request was received in our office today, October 15, 2018.

Comments by the Kansas Department of Agriculture Divisions of Conservation and Water Resources remain unchanged from our previous letter dated September 18, 2018.

To reiterate, the Water Structures Program of the Kansas Department of Agriculture Division of Water Resources noted that any work within a designated stream (natural or man-made channel that conveys drainage from a watershed having an area of 640 acres or more (K.S.A. 82a-301 et.al.)) or within a flood plain (K.S.A. 24-126) will require permitting from the Kansas Department of Agriculture Division of Water Resources. Please contact Janelle Phillips, P.E. (785) 564-6656 for any further discussion on floodplain issues.

Once again, thank you for the opportunity to review this project.

Sincerely,

Laura L Moody
Environmental Reviews
Kansas Department of Agriculture
Division of Water Resources
(785) 564-6674
KDA.EnvironmentalReview@ks.gov
<http://agriculture.ks.gov/dwr>

RECEIVED
OCT 19 2018
Bureau of Road Design



**EASTERN SHAWNEE
CULTURAL PRESERVATION DEPARTMENT**

12755 S. 705 Road, Wyandotte, OK 74370

March 25, 2019

Departments of the Army and Air Force
2722 Sw Topeka Blvd
Topeka, KS 66611

RE: SEIS for k-10 hwy, Douglas County, KS

Dear Mr. Frits,

The Eastern Shawnee Tribe has received your letter regarding the above referenced project(s) within Douglas County, KS. The Eastern Shawnee Tribe is committed to protecting sites important to Tribal Heritage, Culture and Religion. Furthermore, the Tribe is particularly concerned with historical sites that may contain but not limited to the burial(s) of human remains and associated funerary objects.

As described in your correspondence, and upon research of our database(s) and files, we find our people occupied these areas historically and/or prehistorically. However, the project proposes **NO Adverse Effect** or endangerment to known sites of interest to the Eastern Shawnee Tribe. Please continue project as planned. However, should this project inadvertently discover an archeological site or object(s) we request that you immediately contact the Eastern Shawnee Tribe, as well as the appropriate state agencies (within 24 hours). We also ask that all ground disturbing activity stop until the Tribe and State agencies are consulted. Please note that any future changes to this project will require additional consultation.

In accordance with the NHPA of 1966 (16 U.S.C. § 470-470w-6), federally funded, licensed, or permitted undertakings that are subject to the Section 106 review process must determine effects to significant historic properties. As clarified in Section 101(d)(6)(A-B), historic properties may have religious and/or cultural significance to Indian Tribes. Section 106 of NHPA requires Federal agencies to consider the effects of their actions on all significant historic properties (36 CFR Part 800) as does the National Environmental Policy Act of 1969 (43 U.S.C. § 4321-4347 and 40 CFR § 1501.7(a)). This letter evidences NHPA and NEPA historic properties compliance pertaining to consultation with this Tribe regarding the referenced proposed projects.

Thank you, for contacting the Eastern Shawnee Tribe, we appreciate your cooperation. Should you have any further questions or comments please contact our Office.

Sincerely,

Tribal Historic Preservation Officer (THPO)
Eastern Shawnee Tribe of Oklahoma
(918) 666-5151 Ext:1845



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 7

11201 Renner Boulevard
Lenexa, Kansas 66219

OCT 16 2018

OFFICE OF THE
REGIONAL ADMINISTRATOR

Mr. Richard Backlund
Nebraska Regulatory Office
Attention: District Commander
8901 South 154th Street
Omaha, Nebraska 68138-3635

Dear Mr. Backlund:

This letter responds to your invitation to serve as a cooperating agency during the development of the Draft Supplemental Environmental Impact Statement for the K-10/South Lawrence Trafficway- West Leg Project. I am pleased to accept your invitation to serve as a cooperating agency for the development of the EIS.

During the formal review period, the U.S. Environmental Protection Agency will fulfill its responsibilities under section 309 of the Clean Air Act regarding its independent review of the Draft SEIS, as well.

While it is understood that there will be no formal Memorandum of Agreement issued between the lead agency and cooperating agencies, we would like to offer some parameters by which we can collaboratively define our role as we serve in this capacity.

- The EPA Region 7 program staff will provide timely reviews and comments on preliminary documents, reports, analyses and sections of the Supplemental Draft and Final EISs that address impacts to agency lands and resources.
- The EPA Region 7 will conduct a review of the Supplemental Draft and Final EISs, providing comments that address the issues of the proposed action and alternatives to agency lands and resources.
- The EPA Region 7 will participate in meetings and provide information as requested by Federal Highway Administration.
- At the request of the FHWA, the EPA Region 7 will make available personnel and/or expertise to the lead agency, to the extent practicable, and as staff availability and resources allow.

Amber Tilley (tilley.amber@epa.gov) will serve as the primary point of contact for the EPA Region 7's National Environmental Policy Act Program and Tiffany DeLong (delong.tiffany@epa.gov) will serve as the primary point of contact for the EPA Region 7's Clean Water Act 404 Program.



The EPA commends FHWA efforts to engage early with federal and state agencies that may have jurisdiction, expertise, or interest in various components of this project. The content and coordination resulting from the October 4, 2018, early interagency coordination meeting for this project were valuable and appreciated. We look forward to continuing our close work with FHWA and other cooperating agencies in the development of the SEIS.

Sincerely,



James B. Gulliford

cc: Javier Ahumada (FHWA, Kansas Division Office)

Eric Viera

From: Greg Weatherd
Sent: Tuesday, April 16, 2019 2:40 PM
To: Brandon Yarbrough
Cc: Gretchen Ivy; Kyle Kroner; Marcus Geist; Robyn Arthur
Subject: FW: SEIS for K-10 Highway (10-23 KA-3634-01)

Follow Up Flag: Flag for follow up
Flag Status: Flagged

Brandon,

Please file.

Thanks,
Greg

From: Aaron Frits [KDOT] [mailto:Aaron.Frits@ks.gov]
Sent: Tuesday, February 19, 2019 4:03 PM
To: Greg Weatherd <GWeatherd@HNTB.com>; Gretchen Ivy <givy@hntb.com>
Subject: FW: SEIS for K-10 Highway (10-23 KA-3634-01)

FYI

Aaron Frits, P.E.

KDOT – Bureau of Road Design
Lawrence Office
785-296-4139
Aaron.Frits@ks.gov

From: Prue, Stephen <stephen.prue@BIE.EDU>
Sent: Tuesday, February 19, 2019 1:42 PM
To: Aaron Frits [KDOT] <Aaron.Frits@ks.gov>
Subject: SEIS for K-10 Highway

EXTERNAL: This email originated from outside of the organization. Do not click any links or open any attachments unless you trust the sender and know the content is safe.

Aaron,

Thank you for taking my call today regarding the K-10 project and its impact on Haskell. As I stated we had no comments based on the fact that there will be no impact on Haskell property. Please let me know if you need any further information. Our acting President, Dan Wildcat will be responding next week when he returns to campus.

Thanks

Stephen C. Prue

Haskell Indian Nations University
Executive Assistant to the President
Office: (785) 832-6644

stephen.prue@bie.edu
www.haskell.edu

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The University of Kansas

Kansas Biological Survey

February 27, 2019

Aaron Frits
Road Design Leader
Bureau of Road Design
Kansas Dept. of Transportation

RE: SEIS for K-10 Highway (South Lawrence Trafficway), Douglas County, Kansas

Dear Aaron;

Thank you for giving the Kansas Biological Survey the opportunity to comment on the Supplemental EIS for improvements to the South Lawrence Trafficway in Douglas County, Kansas. I sent data on the locations of native tallgrass prairies and populations of Mead's Milkweed (*Asclepias meadii*) to Cliff Ehrlich on December 10, 2018. Following are some additional comments.

Improvements to the Trafficway will lead to increased housing and commercial development on the west side of Lawrence. This could have indirect impacts on nearby (not only adjacent) native prairies, some of which contain the federally protected Mead's milkweed. We encourage KDOT to work with City/County Planning to prevent such losses, or engage in mitigation when loss is unavoidable. A draft of the new comprehensive plan that will replace Horizon 2020, Plan 2040, is now available. We encourage KDOT to work closely with the City/County Planning Commission to implement the vision set out in this document, especially regarding sensitive lands.

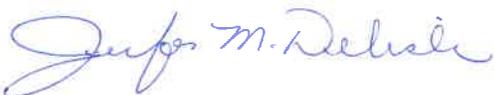
We encourage KDOT to obtain data on historic resources, including ruts of the Oregon Trail, from the Kansas Historic Resources Inventory and other sources.

We recommend that KDOT maintain regular communication with the Kansas Land Trust regarding conservation easements in the project area. Currently there are two conservation easements in the general area but they are not directly within the current project limits.

And finally, we suggest that KDOT address the issue of climate change in the SEIS.

Please contact me at 785-864-1538 or jdelisle@ku.edu if you need clarification of these comments. We look forward to working with you as this process moves forward.

Sincerely,



Jennifer M. Delisle
Information Manager
Kansas Natural Heritage Inventory

1320 Research Park Drive
Manhattan, KS 66502
785-564-6700
www. agriculture.ks.gov



900 SW Jackson, Room 456
Topeka, KS 66612
785-296-3556

Mike Beam, Interim Secretary

Laura Kelly, Governor

AARON M FRITS PE
KANSAS DEPARTMENT OF TRANSPORTATION
BUREAU OF ROAD DESIGN
700 SW HARRISON ST
TOPEKA KS 66603-3745
Email: aaron.frits@ks.gov

February 4, 2019

RE: K-10 Highway (South Lawrence Trafficway) Project Study

Mr. Frits:

This correspondence will acknowledge receipt of your environmental review request for the K-10 HWY South Lawrence Trafficway project study area. The request was received in our office on January 30, 2019. The Kansas Department of Agriculture Divisions of Conservation and Water Resources appreciate the request to provide comments as this project progresses.

At this time the Kansas Department of Agriculture has no additional comments on the K-10 HWY South Lawrence Trafficway. Janelle Phillips of the Division of Water Resources Water Structures Program continues to note that any work within a designated stream (natural or man-made channel that conveys drainage from a watershed having an area of 640 acres or more (K.S.A. 82a-301 et.al.)) or within a flood plain (K.S.A. 24-126) will require permitting from the Kansas Department of Agriculture Division of Water Resources.

Thank you for the opportunity to review this project.

Sincerely,

A handwritten signature in blue ink that reads "Laura L Moody". The signature is written in a cursive style.

Laura L Moody
Environmental Reviews
Kansas Department of Agriculture
Division of Water Resources
(785) 564-6674
KDA.EnvironmentalReview@ks.gov
<http://agriculture.ks.gov/dwr>

STATE OF KANSAS

DEPARTMENT OF HEALTH AND ENVIRONMENT
DIVISION OF ENVIRONMENT
CURTIS STATE OFFICE BUILDING
1000 SW JACKSON ST., SUITE 400
TOPEKA, KS 66612-1367



PHONE: (785) 296-1535
FAX: (785) 559-4264
WWW.KDHEKS.GOV

GOVERNOR JEFF COLYER, M.D.
JEFF ANDERSEN, SECRETARY

Comments by: KDHE

Transmittal Date: October 16, 2018

This form provides notification and the opportunity for your agency to review and comments on this proposed project as required by Executive Order 12372. Review Agency, please complete Parts II and III as appropriate and return to the contact person listed below. Your prompt response will be appreciated.

Return To: Aaron M. Frits, P.E., Road Design Leader
Kansas Department of Transportation
Bureau of Road Design
Dwight D. Eisenhower State Office Building
700 S.W. Harrison Street
Topeka, KS 66603-3745

PART I REVIEW AGENCIES/COMMISSION

- | | | |
|--|--|---|
| <input type="checkbox"/> Aging | <input type="checkbox"/> Education | <input type="checkbox"/> State Forester |
| <input type="checkbox"/> Agriculture | <input type="checkbox"/> Geological Survey, KS | <input type="checkbox"/> Transportation |
| <input type="checkbox"/> Biological Survey | <input checked="" type="checkbox"/> Health & Environment | <input type="checkbox"/> Water Office, KS |
| <input type="checkbox"/> Conservation Commission | <input type="checkbox"/> Historical Society | <input type="checkbox"/> Wildlife & Parks |
| <input type="checkbox"/> Corporation Commission | <input type="checkbox"/> Social & Rehabilitation | <input type="checkbox"/> Commerce |

PART II AGENCY REVIEW COMMENTS

COMMENTS: (Attach additional sheet if necessary) Re: Letter dated September 13, 2018 for SEIS for K-10 Highway (South Lawrence Trafficway), Douglas County, KS

Please see the enclosed comments from Kevin Moon and Jesse Branham, Bureau of Environmental Remediation. Connie Ellis, Bureau of Air offers this comment: Unless a structure needs to be demolished, there are no foreseeable air or asbestos concerns with this project. Don Carlson, Bureau of Water comments are enclosed.

PART III RECOMMENDED ACTION COMMENTS:

- | | |
|--|---|
| <input checked="" type="checkbox"/> Clearance of the project should be granted. | <input type="checkbox"/> Clearance of the project should not be delayed but the Applicant should (in the final application) address and clarify the question or concerns indicated above. |
| <input type="checkbox"/> Clearance of the project should not be granted. | |
| <input type="checkbox"/> Clearance of the project should be delayed until the issues or questions above have been clarified. | <input type="checkbox"/> Request the opportunity to review final application prior to submission to the federal funding agency. |
| <input type="checkbox"/> Request a State Process Recommendation in concurrence with the above comments | |

DIVISIONS/ AGENCY/ COMMISSION

Donna Fisher
Director's Office

RECEIVED

OCT 18 2018

Bureau of Road Design

STATE OF KANSAS

DEPARTMENT OF HEALTH AND ENVIRONMENT
DIVISION OF ENVIRONMENT
CURTIS STATE OFFICE BUILDING
1000 SW JACKSON ST., SUITE 400
TOPEKA, KS 66612-1367



PHONE: (785) 296-1535
FAX: (785) 559-4264
WWW.KDHEKS.GOV

GOVERNOR JEFF COLYER, M.D.
JEFF ANDERSEN, SECRETARY

MEMORANDUM

TO: Donna Fisher
FROM: Kevin Moon, P.G.
DATE: October 4, 2018
RE: Intergovernmental Agency Review requested by the Kansas Department of Transportation for K-10 – South Lawrence Trafficway Improvements, Douglas County, Kansas

The Kansas Department of Health and Environment Bureau of Environmental Remediation (KDHE/BER), Assessment and Restoration Section, Dry Cleaning & Superfund Unit, has no identified, contaminated Dry Cleaning or Superfund sites within the vicinity of the proposed project.

Staff members or representatives of the Kansas Department of Transportation are welcome to come and view the KDHE/BER files in accordance with the Kansas Open Records Act. Please contact me at (785) 291-3246 or by email at Kevin.Moon@ks.gov if you have any questions.

STATE OF KANSAS

DEPARTMENT OF HEALTH AND ENVIRONMENT
DIVISION OF ENVIRONMENT
CURTIS STATE OFFICE BUILDING
1000 SW JACKSON ST., SUITE 410
TOPEKA, KS 66612-1367



PHONE: (785) 296-1660
FAX: (785) 559-4261
WWW.RDHEKS.GOV

GOVERNOR JEFF COLYER, M.D.
JEFF ANDERSEN, SECRETARY

MEMORANDUM

TO: Donna Fisher
FROM: Jesse Branham
DATE: October 8, 2018
RE: Agency Review for the City of Lawrence, Douglas County, KS. Supplemental Environmental Impact Statement – K-10/South Lawrence Trafficway Improvements Project DUD date 10/09/2018.

Assessment and Restoration Section – Brownfields and Orphans Sites Programs notes no known sites within the project area. Clearance for the project should be granted.

Representatives for Douglas County are welcome to come and view the KDHE/BER files in accordance with the Kansas Open Records Act. Please contact me at 785-291-3089 or Jesse.Branham@ks.gov if you have any questions.

STATE OF KANSAS

DEPARTMENT OF HEALTH AND ENVIRONMENT
DIVISION OF ENVIRONMENT
CURTIS STATE OFFICE BUILDING
1000 SW JACKSON ST., SUITE 400
TOPEKA, KS 66612-1367



PHONE: (785) 296-1535
FAX: (785) 559-4264
WWW.KDHEKS.GOV

GOVERNOR JEFF COLYER, M.D.
JEFF ANDERSEN, SECRETARY

October 16, 2018

Aaron M. Frits, P.E., Road Design Leader
Kansas Department of Transportation
Bureau of Road Design
Dwight D. Eisenhower State Office Building
700 S.W. Harrison Street
Topeka, KS 66603-3745

Re: Letter dated September 15, 2018 for SEIS for K-10 Highway
(South Lawrence Trafficway), Douglas County, Kansas

Dear Mr. Frits:

Please see the enclosed comments submitted by Don Carlson, Bureau of Water.

I have no objection to the proposal but offer the following comment for review and consideration:

Any construction activity which disturbs 1 acre or more is required to file a National Pollutant Discharge Elimination System (NPDES) permit application for stormwater runoff resulting from construction activities. The project owner (the party responsible for the project) must obtain authorization from KDHE to discharge stormwater runoff associated with construction activities prior to commencing construction. The Kansas construction stormwater general permit, a Notice of Intent (application form), a frequently asked questions file and supplemental materials are on-line on the KDHE Stormwater Program webpage at www.kdhe.state.ks.us/stormwater. Any additional questions or further information regarding construction stormwater permitting requirements should be directed to Alan Brooks at (785) 296-5549.

Sincerely,

Donna Fisher
Director's Office

DC/df

STATE OF KANSAS

DEPARTMENT OF HEALTH AND ENVIRONMENT
DIVISION OF ENVIRONMENT
CURTIS STATE OFFICE BUILDING
1000 SW JACKSON ST., SUITE 400
TOPEKA, KS 66612-1367



PHONE: (785) 296-1535
FAX: (785) 559-4264
WWW.KDHEKS.GOV

GOVERNOR JEFF COLYER, M.D.
JEFF ANDERSEN, SECRETARY

Comments by: KDHE

Transmittal Date: November 2, 2018

This form provides notification and the opportunity for your agency to review and comments on this proposed project as required by Executive Order 12372. Review Agency, please complete Parts II and III as appropriate and return to the contact person listed below. Your prompt response will be appreciated.

Return To: Aaron M. Frits, P.E., Road Design Leader
Kansas Department of Transportation, Bureau of Road Design
Dwight D. Eisenhower State Office Building
700 S.W. Harrison Street
Topeka, KS 66603-3745

PART I REVIEW AGENCIES/COMMISSION

- | | | |
|--|--|---|
| <input type="checkbox"/> Aging | <input type="checkbox"/> Education | <input type="checkbox"/> State Forester |
| <input type="checkbox"/> Agriculture | <input type="checkbox"/> Geological Survey, KS | <input type="checkbox"/> Transportation |
| <input type="checkbox"/> Biological Survey | <input checked="" type="checkbox"/> Health & Environment | <input type="checkbox"/> Water Office, KS |
| <input type="checkbox"/> Conservation Commission | <input type="checkbox"/> Historical Society | <input type="checkbox"/> Wildlife & Parks |
| <input type="checkbox"/> Corporation Commission | <input type="checkbox"/> Social & Rehabilitation | <input type="checkbox"/> Commerce |

PART II AGENCY REVIEW COMMENTS

COMMENTS: (Attach additional sheet if necessary) Re: SEIS for K-10 Highway (South Lawrence Trafficway), Douglas County. This letter was dated October 11, 2018.

Please see the enclosed comments from Kevin Moon and Jesse Branham, Bureau of Environmental Remediation. Connie Ellis, Bureau of Air offers this comment: Potential BOA impacts/concerns with the project (not necessarily the impact study) Would include the relocation impacts and dust (particulate matter). If a commercial building has to be demolished or 2 or more residential buildings with the same owner, it would require asbestos inspections, notifications and possible abatements. There is no fugitive dust regulations in the state of Kansas but excess dust from road construction could generate complaints. Don Carlson, Bureau of Water, has no new comments from his letter dated October 16, 2018.

PART III RECOMMENDED ACTION COMMENTS:

- | | |
|--|--|
| <input type="checkbox"/> Clearance of the project should be granted. | <input checked="" type="checkbox"/> Clearance of the project should not be delayed but the Applicant should (in the final application) address and clarify the question or concerns indicated above. |
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| <input type="checkbox"/> Request a State Process Recommendation in concurrence with the above comments | |

DIVISIONS/ AGENCY/ COMMISSION


Donna Fisher
Director's Office

STATE OF KANSAS

DEPARTMENT OF HEALTH AND ENVIRONMENT
DIVISION OF ENVIRONMENT
CURTIS STATE OFFICE BUILDING
1000 SW JACKSON ST., SUITE 400
TOPEKA, KS 66612-1367



PHONE: (785) 296-1535
FAX: (785) 559-4264
WWW.KDHEKS.GOV

GOVERNOR JEFF COLYER, M.D.
JEFF ANDERSEN, SECRETARY

MEMORANDUM

TO: Donna Fisher
FROM: Kevin Moon, P.G.
DATE: October 26, 2018
RE: Intergovernmental Agency Review requested by the Kansas Department of Transportation for K-10 – South Lawrence Trafficway Improvements, Douglas County, Kansas

The Kansas Department of Health and Environment Bureau of Environmental Remediation (KDHE/BER), Assessment and Restoration Section, Dry Cleaning & Superfund Unit, has no identified, contaminated Dry Cleaning or Superfund sites within the vicinity of the proposed project.

Staff members or representatives of the Kansas Department of Transportation are welcome to come and view the KDHE/BER files in accordance with the Kansas Open Records Act. Please contact me at (785) 291-3246 or by email at Kevin.Moon@ks.gov if you have any questions.

STATE OF KANSAS

DEPARTMENT OF HEALTH AND ENVIRONMENT
DIVISION OF ENVIRONMENT
CURTIS STATE OFFICE BUILDING
1000 SW JACKSON ST., SUITE 410
TOPEKA, KS 66612-1367



PHONE: (785) 296-1660
FAX: (785) 559-4261
WWW.KDHEKS.GOV

GOVERNOR JEFF COLYER, M.D.
JEFF ANDERSEN, SECRETARY

MEMORANDUM

TO: Donna Fisher
FROM: Jesse Branham
DATE: November 2, 2018
RE: Agency Review for the South Lawrence Trafficway, Douglas County, Supplemental Environmental Impact Statement for K-10/South Lawrence Trafficway Improvements, KS, DUD date 11/09/2018.

Assessment and Restoration Section – Brownfields and Orphans Sites Programs notes no known sites within the project area. Clearance for the project should be granted.

Representatives for Douglas County are welcome to come and view the KDHE/BER files in accordance with the Kansas Open Records Act. Please contact me at 785-291-3089 or Jesse.Branham@ks.gov if you have any questions.

STATE OF KANSAS

DEPARTMENT OF HEALTH AND ENVIRONMENT
DIVISION OF ENVIRONMENT
CURTIS STATE OFFICE BUILDING
1000 SW JACKSON ST., SUITE 400
TOPEKA, KS 66612-1367



PHONE: (785) 296-1535
FAX: (785) 559-4264
WWW.KDHEKS.GOV

GOVERNOR JEFF COLYER, M.D.
JEFF ANDERSEN, SECRETARY

October 16, 2018

Aaron M. Frits, P.E., Road Design Leader
Kansas Department of Transportation
Bureau of Road Design
Dwight D. Eisenhower State Office Building
700 S.W. Harrison Street
Topeka, KS 66603-3745

Re: Letter dated September 15, 2018 for SEIS for K-10 Highway
(South Lawrence Trafficway), Douglas County, Kansas

Dear Mr. Frits:

Please see the enclosed comments submitted by Don Carlson, Bureau of Water.

I have no objection to the proposal but offer the following comment for review and consideration:

Any construction activity which disturbs 1 acre or more is required to file a National Pollutant Discharge Elimination System (NPDES) permit application for stormwater runoff resulting from construction activities. The project owner (the party responsible for the project) must obtain authorization from KDHE to discharge stormwater runoff associated with construction activities prior to commencing construction. The Kansas construction stormwater general permit, a Notice of Intent (application form), a frequently asked questions file and supplemental materials are on-line on the KDHE Stormwater Program webpage at www.kdhe.state.ks.us/stormwater. Any additional questions or further information regarding construction stormwater permitting requirements should be directed to Alan Brooks at (785) 296-5549.

Sincerely,

Donna Fisher
Director's Office

DC/df

Division of Environment
Curtis State Office Building
1000 SW Jackson St., Suite 400
Topeka, KS 66612-1367



Phone: 785-296-1535
Fax: 785-559-4264
www.kdheks.gov

Lee A. Norman, M.D., Secretary

Laura Kelly, Governor

Comments by: KDHE

Transmittal Date: April 9, 2019

This form provides notification and the opportunity for your agency to review and comments on this proposed project as required by Executive Order 12372. Review Agency, please complete Parts II and III as appropriate and return to the contact person listed below. Your prompt response will be appreciated.

Return To: Aaron M. Frits, P.E., Road Design Leader
Kansas Department of Transportation, Bureau of Road Design
Eisenhower State Office Building
700 S.W. Harrison Street
Topeka, KS 66603-3745

PART I REVIEW AGENCIES/COMMISSION

- | | | |
|--|--|---|
| <input type="checkbox"/> Aging | <input type="checkbox"/> Education | <input type="checkbox"/> State Forester |
| <input type="checkbox"/> Agriculture | <input type="checkbox"/> Geological Survey, KS | <input type="checkbox"/> Transportation |
| <input type="checkbox"/> Biological Survey | <input checked="" type="checkbox"/> Health & Environment | <input type="checkbox"/> Water Office, KS |
| <input type="checkbox"/> Conservation Commission | <input type="checkbox"/> Historical Society | <input type="checkbox"/> Wildlife & Parks |
| <input type="checkbox"/> Corporation Commission | <input type="checkbox"/> Social & Rehabilitation | <input type="checkbox"/> Commerce |

PART II AGENCY REVIEW COMMENTS

COMMENTS: (Attach additional sheet if necessary) Re: SEIS for K-10 Highway (South Lawrence Trafficway), Douglas County, KS
Please see the enclosed comments from Jesse Branham and Matt Ptacek, Bureau of Environmental Remediation.
Don Carlson, Bureau of Water comments are enclosed for this project.

PART III RECOMMENDED ACTION COMMENTS:

- | | |
|--|---|
| <input checked="" type="checkbox"/> Clearance of the project should be granted. | <input type="checkbox"/> Clearance of the project should not be delayed but the Applicant should (in the final application) address and clarify the question or concerns indicated above. |
| <input type="checkbox"/> Clearance of the project should not be granted. | |
| <input type="checkbox"/> Clearance of the project should be delayed until the issues or questions above have been clarified. | <input type="checkbox"/> Request the opportunity to review final application prior to submission to the federal funding agency. |
| <input type="checkbox"/> Request a State Process Recommendation in concurrence with the above comments | |

DIVISIONS/ AGENCY/ COMMISSION

Donna Fisher
Director's Office

RECEIVED
APR 15 2019
Bureau of Road Design

Division of Environment
Curtis State Office Building
1000 SW Jackson St., Suite 410
Topeka, KS 66612-1367



Phone: 785-296-1660
Fax: 785-559-4261
www.kdheks.gov

Lee A. Norman, M.D., Secretary

Laura Kelly, Governor

MEMORANDUM

TO: Donna Fisher
FROM: Jesse Branham
DATE: April 9, 2019
RE: Intergovernmental Agency Review requested for the City of Lawrence, SEIS for K-10 Highway (South Lawrence Trafficway), Douglas County, Kansas

The Kansas Department of Health and Environment Bureau of Environmental Remediation (KDHE/BER), Assessment and Restoration Section, Response and Remediation Unit, has no identified contaminated Drycleaner or Superfund sites within the vicinity of the proposed project.

Staff members or representatives for the City of Lawrence and Douglas County are welcome to come and view the KDHE/BER files in accordance with the Kansas Open Records Act. Please contact me at (785) 291-3089 or by email at Jesse.Branham@ks.gov if you have any questions.

Division of Environment
Curtis State Office Building
1000 SW Jackson St., Suite 410
Topeka, KS 66612-1367



Phone: 785-296-1660
Fax: 785-559-4261
www.kdheks.gov

Lee A. Norman, M.D., Secretary

Laura Kelly, Governor

TO: Donna Fisher
FROM: Matt Ptacek
DATE: April 5, 2019
RE: Intergovernmental Agency Review requested by The Kansas Department of Transportation for K10/South Lawrence Trafficway Improvement Project, Lawrence, Douglas County, Kansas

Assessment and Restoration Section – Brownfields and Orphans Sites Programs notes no known sites within the project area. Clearance for the project should be granted.

Staff members or representatives from The Kansas Department of Transportation are welcome to come and view the KDHE/BER files in accordance with the Kansas Open Records Act. Please contact me at (785) 296-1681 or by email at Matthew.Ptacek@ks.gov if you have any questions or concerns.

Division of Environment
Curtis State Office Building
1000 SW Jackson St., Suite 400
Topeka, KS 66612-1367



Phone: 785-296-1535
Fax: 785-559-4264
www.kdheks.gov

Lee A. Norman, M.D., Secretary

Laura Kelly, Governor

April 5, 2019

Aaron M. Frits, P.E.
Road Design Leader
Bureau of Road Design
Kansas Department of Transportation

Re: SEIS for K-10 Highway (South Lawrence Trafficway), Douglas County, Kansas

Dear Mr. Frits:

Please see the enclosed comments submitted by Don Carlson, Bureau of Water.

I have no objection to the proposal but offer the following comment for review and consideration:

Any construction activity which disturbs 1 acre or more is required to file a National Pollutant Discharge Elimination System (NPDES) permit application for stormwater runoff resulting from construction activities. The project owner (the party responsible for the project) must obtain authorization from KDHE to discharge stormwater runoff associated with construction activities prior to commencing construction. The Kansas construction stormwater general permit, a Notice of Intent (application form), a frequently asked questions file and supplemental materials are on-line on the KDHE Stormwater Program webpage at www.kdhe.state.ks.us/stormwater. Any additional questions or further information regarding construction stormwater permitting requirements can be obtained by calling (785) 296-5549.

Sincerely,

A handwritten signature in cursive script that reads "Donna Fisher".

Donna Fisher
Director's Office

DC/df

Division of Environment
Curtis State Office Building
1000 SW Jackson St., Suite 400
Topeka, KS 66612-1367



Phone: 785-296-1535
Fax: 785-559-4264
www.kdheks.gov

Lee A. Norman, M.D., Secretary

Laura Kelly, Governor

Comments by: KDHE

Transmittal Date: November 10, 2020

This form provides notification and the opportunity for your agency to review and comments on this proposed project as required by Executive Order 12372. Review Agency, please complete Parts II and III as appropriate and return to the contact person listed below. Your prompt response will be appreciated.

Return To: Brian Kierath, P.E.
Kansas Department of Transportation
Bureau of Road Design
700 S.W. Harrison St.
Topeka, KS 66603-3745

PART I REVIEW AGENCIES/COMMISSION

<input type="checkbox"/> Aging	<input type="checkbox"/> Education	<input type="checkbox"/> State Forester
<input type="checkbox"/> Agriculture	<input type="checkbox"/> Geological Survey, KS	<input type="checkbox"/> Transportation
<input type="checkbox"/> Biological Survey	<input checked="" type="checkbox"/> Health & Environment	<input type="checkbox"/> Water Office, KS
<input type="checkbox"/> Conservation Commission	<input type="checkbox"/> Historical Society	<input type="checkbox"/> Wildlife & Parks
<input type="checkbox"/> Corporation Commission	<input type="checkbox"/> Social & Rehabilitation	<input type="checkbox"/> Commerce

PART II AGENCY REVIEW COMMENTS

COMMENTS: (Attach additional sheet if necessary) Re: SEIS for K-10 Highway (South Lawrence Trafficway), Douglas County, KS, KDOT Project No. 10-23-KA-3634-01

Please see the enclosed comments from Christopher Wierman, Delbert Smith, Seth Mettling and Jesse Cutter, Bureau of Environmental Remediation.

Tom Stiles, Bureau of Water offer this comment: Please make sure that KDOT applies for and adheres to a construction stormwater NPDES permit, regardless of which alternative is chosen.

Kevin Heit, Bureau of Waste Management has enclosed comments for this project.

PART III RECOMMENDED ACTION COMMENTS:

<input type="checkbox"/> Clearance of the project should be granted.	<input checked="" type="checkbox"/> Clearance of the project should not be delayed but the Applicant should (in the final application) address and clarify the question or concerns indicated above.
<input type="checkbox"/> Clearance of the project should not be granted.	<input type="checkbox"/> Request the opportunity to review final application prior to submission to the federal funding agency.
<input type="checkbox"/> Clearance of the project should be delayed until the issues or questions above have been clarified.	
<input type="checkbox"/> Request a State Process Recommendation in concurrence with the above comments	

DIVISIONS/ AGENCY/ COMMISSION

Donna Fisher
Director's Office

Division of Environment
Curtis State Office Building
1000 SW Jackson St., Suite 410
Topeka, KS 66612-1367



Phone: 785-296-1660
Fax: 785-559-4261
www.kdheks.gov

Lee A. Norman, M.D., Secretary

Laura Kelly, Governor

MEMORANDUM

TO: Donna Fisher
FROM: Christopher Wierman
DATE: November 3, 2020
RE: Intergovernmental Agency Review requested by the Kansas Department of Transportation for KDOT Project No. 10-23 KA-3634-01 (SEIS for K-10) in Douglas County

The Kansas Department of Health and Environment Bureau of Environmental Remediation (KDHE/BER), Assessment and Restoration Section, Dry Cleaner / Superfund Unit, has not identified contaminated Drycleaner or Superfund sites within the vicinity of the proposed project.

Staff members or representatives for KDOT, the Federal Highway Administration or Douglas County are welcome to come and view the KDHE/BER files in accordance with the Kansas Open Records Act. Please contact me at (785) 296-5548 or by email at christopher.wierman@ks.gov if you have any questions.

Division of Environment
Curtis State Office Building
1000 SW Jackson St., Suite 410
Topeka, KS 66612-1367



Phone: 785-296-1660
Fax: 785-559-4261
www.kdheks.gov

Lee A. Norman, M.D., Secretary

Laura Kelly, Governor

MEMORANDUM

TO: Donna Fisher
FROM: Delbert Smith
DATE: October 21, 2020
RE: Intergovernmental Agency Review requested by the Kansas Department of Transportation (K-10 – South Lawrence Trafficway).

The Kansas Department of Health and Environment Bureau of Environmental Remediation (KDHE/BER), Assessment and Restoration Section, Spills Unit, has no identified contaminated spill sites within the vicinity of the proposed project.

Staff members or representatives for Kansas Department of Transportation are welcome to come and view the KDHE/BER files in accordance with the Kansas Open Records Act. Please contact me at (785) 368-7301 or by email at delbert.smith@ks.gov if you have any questions.

Division of Environment
Curtis State Office Building
1000 SW Jackson St., Suite 400
Topeka, KS 66612-1367



Phone: 785-296-1535
Fax: 785-559-4264
www.kdheks.gov

Lee A. Norman, M.D., Secretary

Laura Kelly, Governor

TO: Donna Fisher
FROM: Seth Mettling
DATE: October 27, 2020
RE: Intergovernmental Agency Review, requested by KDOT

Redevelopment Section – Brownfield Program notes no known sites within the project area. Clearance for the project should be granted.

Staff members or representatives for KDOT are welcome to come and view the KDHE/BER files in accordance with the Kansas Open Records Act. Please contact me at 785.296.5519 or by email at seth.mettling@ks.gov if you have any questions or concerns.

Division of Environment
Curtis State Office Building
1000 SW Jackson St., Suite 410
Topeka, KS 66612-1367



Phone: 785-296-1660
Fax: 785-559-4261
www.kdheks.gov

Lee A. Norman, M.D., Secretary

Laura Kelly, Governor

MEMORANDUM

TO: Donna Fisher
FROM: Jesse Cutter
DATE: October 22, 2020
RE: Intergovernmental Agency Review requested by the Kansas Department of Transportation regarding SEIS for K-10 Highway (South Lawrence Trafficway), KDOT Project No. 10-23 KA-3634-01

The Kansas Department of Health and Environment Bureau of Environmental Remediation (KDHE/BER), Assessment and Restoration Section, Orphan Sites Unit, has not identified any sites within the vicinity of the project which would be impacted by or would impact the proposed project.

Staff members or representatives for the Kansas Department of Transportation are welcome to come and view the KDHE/BER files in accordance with the Kansas Open Records Act. Please contact me at (785) 296-1676 or by email at jesse.cutter@ks.gov if you have any questions.

Division of Environment
Curtis State Office Building
1000 SW Jackson St., Suite 400
Topeka, KS 66612-1367



Phone: 785-296-1535
Fax: 785-559-4264
www.kdheks.gov

Lee A. Norman, M.D., Secretary

Laura Kelly, Governor

MEMORANDUM

TO: Donna Fisher

CC: Ken Powell, Julie Coleman

FROM: Kevin Heit – Bureau of Waste Management

DATE: October 27th, 2020

RE: Intergovernmental Agency Review requested by Kansas Department of Transportation (KDOT) for K-10 Highway (South Lawrence Trafficway) KDOT Project No. 10-23 KA-3634-01 improvement activities in Douglas County, KS.

The Kansas Department of Transportation and its contractor(s) should review the attached Technical Guidance Document and ensure all waste is properly disposed. Waste that does not meet the definition of clean rubble or construction/demolition waste should be disposed at a permitted municipal solid waste landfill. If further information is required, I may be reached via email at kevin.heit@ks.gov or by phone at (785) 296-1757.



Construction and Demolition Wastes and Clean Rubble Technical Guidance Document SW-1994-G2

Construction and Demolition (C&D) waste is solid waste generated during construction or demolition activities. Clean rubble is also generated during construction or demolition activities, but it differs in composition from C&D waste. This document explains the definitions of C&D waste and clean rubble and acceptable methods for disposal of both.

Construction and Demolition Waste

Definition of C&D waste

C&D waste is defined in KSA 65-3402 (u) as:

- solid waste resulting from the construction, remodeling, repair and demolition of structures, roads, sidewalks and utilities;
- untreated wood and untreated sawdust from any source;
- treated wood from construction or demolition projects;
- small amounts of municipal solid waste generated by the consumption of food and drinks at construction or demolition sites, including, but not limited to, cups, bags and bottles;
- furniture and appliances from which ozone depleting chlorofluorocarbons have been removed in accordance with the provisions of the federal clean air act;
- solid waste consisting of motor vehicle window glass; and
- solid waste consisting of vegetation from land clearing and grubbing, utility maintenance, and seasonal or storm related cleanup.

Such wastes include, but are not limited to, bricks, concrete, and other masonry materials, roofing materials, soil, rock, wood, wood products, wall or floor coverings, plaster, drywall, plumbing fixtures, electrical wiring, electrical components containing no hazardous materials, non-asbestos insulation and construction related packaging.

Other statutes and regulations further refine the definition:

Construction related packaging means small quantities of packaging wastes that are generated in the construction, remodeling or repair of structures and related appurtenances. "Construction related packaging" does not include packaging wastes that are generated at retail establishments selling construction materials, chemical containers generated from any source or packaging generated during maintenance of existing structures. *KSA 65-3402(dd)*

Furniture and appliances do not include computer monitors and other computer components, televisions, videocassette recorders, stereos, and similar waste electronics.
KAR 28-29-300(a)(4)(A)

Treated wood includes wood treated with any of the following:

- (i) Creosote;
- (ii) oil-borne preservatives, including pentachlorophenol and copper naphthenate;

- (iii) waterborne preservatives, including chromated copper arsenate (CCA), ammoniacal copper zinc arsenate (ACZA), and ammoniacal copper quaternary compound (ACQ); or
- (iv) any other chemical that poses risks to human health and the environment that are similar to the risks posed by the chemicals specified in paragraphs (i) through (iii).

KAR 28-29-300(a)(4)(B)

Untreated wood includes the following, if the wood has not been treated with any of the chemicals listed in the definition of treated wood:

- (i) Coated wood, including wood that has been painted, stained, or varnished; and
- (ii) engineered wood, including plywood, laminated wood, oriented-strand board, and particle board. KAR 28-29-300(a)(4)(C)

Wastes which may be disposed of in a C&D landfill

In addition to the items *explicitly* identified as C&D waste in KSA 65-3402 (u), the Kansas Department of Health and Environment (KDHE) considers the following materials as *acceptable* for disposal in a C&D landfill:

1. Uncontaminated wooden pallets;
2. Street sweepings (litter must be removed and concentrations of metals, volatile organic compounds, and other compounds must be below regulatory levels);
3. Floor tile, siding, and roofing material containing non-friable asbestos. This material should be:
 - a. handled so it remains non-friable (e.g., may have to be manually removed prior to demolition of structure);
 - b. transported wet (covered with a mist spray to suppress dust) or transported with tarp cover; and
 - c. covered immediately at the landfill;
4. Trees, brush, sod, and incidental quantities of leaves and grass;
5. Ash and other residues from the burning of trees and brush (trees and brush must have been burned in accordance with KAR 28-19-647);
6. Metal scrap (e.g. tie strapping);
7. Mobile homes and trailers (except the tires and fuel tanks). KDHE encourages the recycling of metal components.

Dry mud trap solids from commercial car washes may be applied as cover at a C&D landfill. To be considered a solid the material must pass the paint filter test, EPA method SW 846/9095.

Wastes which may *not* be disposed of in a C&D landfill

Construction and demolition waste does not include waste material containing friable asbestos, garbage, appliances from which ozone depleting chlorofluorocarbons have not been removed in accordance with the provisions of the federal clean air act, electrical equipment containing hazardous materials, tires, drums and containers even though such wastes resulted from construction and demolition activities.

KSA 65-3402(u)

In addition to the items *explicitly* identified as not being C&D waste, KDHE considers the following wastes *unacceptable* for disposal in a C&D landfill:

1. Processed tires - i.e. cut or baled;
2. Mud trap wastes from businesses other than commercial car washes;
3. Bagged or bulk quantities of leaves and/or grass clippings;
4. Trash bags, unless demonstrated to contain only acceptable wastes.

Disposal options for C&D wastes

Acceptable C&D wastes may be disposed of in either a municipal solid waste landfill (MSWLF) or in a C&D landfill. Both MSWLFs and C&D landfills must be approved by KDHE through a permit process. But because of the relatively inert nature of the wastes disposed in C&D landfills, these landfills do not have to meet design standards as strict as those for MSWLFs.

Most C&D landfills will, on occasion, receive waste that is not appropriate for disposal. Therefore, all C&D landfills should conduct waste screening (i.e., inspect incoming waste and remove unacceptable materials) and maintain a dumpster or roll-off container onsite for unacceptable wastes which are received at the landfill. Waste screening is covered in Technical Guidance Document SW 02-01, and storage of unapproved wastes screened from construction and demolition landfills is addressed in Bureau of Waste Management Policy 02-01.

Clean Rubble

Definition of clean rubble

According to KSA 65-3402 (w), “Clean rubble means the following types of construction and demolition waste: concrete and concrete products including reinforcing steel, asphalt pavement, brick, rock and uncontaminated soil as defined in rules and regulations adopted by the secretary.”

KSA 65-3415b lists “clean rubble” as a waste which is exempt from the state solid waste tonnage fee. The definition of “construction and demolition waste” in KSA 65-3402(u) states: “Clean rubble that is mixed with other construction and demolition waste during demolition or transportation shall be considered to be construction and demolition waste.”

Clean rubble that is brought separately to a construction and demolition landfill or a municipal solid waste landfill is not subject to the tonnage fee, even if the clean rubble is mixed with construction and demolition waste or municipal solid waste upon disposal.

Disposal of clean rubble

The stable nature of the materials in clean rubble means it may be disposed of with C&D waste, or it may be disposed of separately at a clean rubble site. However, clean rubble that is mixed with other C&D waste during demolition or transportation is considered to be C&D waste and must be disposed of at either a MSWLF or at a C&D landfill.

Unlike a C&D landfill, state statutes do not require a solid waste permit for operation of a site that accepts only clean rubble. However, a clean rubble site may be subject to local city or county requirements such as local approval (zoning or land use) and local ordinances.

Approval from the Division of Water Resources (DWR) may be required if the site is located in the 100-year flood plain. The operation and appearance of the site must not create a public nuisance or adversely affect the public health or the environment.

For additional information regarding the proper management of solid or hazardous waste in Kansas, you may visit the Bureau of Waste Management website at <http://www.kdheks.gov/waste/> or contact the Bureau at: (785) 296-1600, bwm_web@kdheks.gov, or the address at the top of this document.

Eric Viera

From: Greg Weatherd
Sent: Tuesday, April 16, 2019 2:39 PM
To: Brandon Yarbrough
Cc: Gretchen Ivy; Kyle Kroner; Marcus Geist; Robyn Arthur
Subject: FW: KDWPT review, SEIS for K-10 Highway, Douglas County (Track# 19920864-54)

Follow Up Flag: Flag for follow up
Flag Status: Flagged

Brandon,

Please file.

Thanks,
Greg

From: Aaron Frits [KDOT] [mailto:Aaron.Frits@ks.gov]
Sent: Wednesday, February 27, 2019 8:32 AM
To: Greg Weatherd <GWeatherd@HNTB.com>; Gretchen Ivy <givy@hntb.com>; Judy Sprout [KDOT] <Judy.Sprout@ks.gov>
Subject: FW: KDWPT review, SEIS for K-10 Highway, Douglas County (Track# 19920864-54)

For our records.

Judy – please file this response under project #10-23 KA-3634-01. Thanks,
Aaron

Aaron Frits, P.E.

KDOT – Bureau of Road Design
Lawrence Office
785-296-4139
Aaron.Frits@ks.gov

From: Pounds, Samantha [KDWPT] <Samantha.Pounds@KS.GOV>
Sent: Tuesday, February 26, 2019 9:19 AM
To: Aaron Frits [KDOT] <Aaron.Frits@ks.gov>
Subject: KDWPT review, SEIS for K-10 Highway, Douglas County (Track# 19920864-54)

Dear Aaron Frits,

We have reviewed the information for the proposed SEIS for K-10 Highway (S Lawrence Traffic Way) in the City of Lawrence in Douglas County, KS. The project was reviewed for potential impacts on crucial wildlife habitats, current state-listed threatened and endangered species and species in need of conservation, and Kansas Department of Wildlife, Parks, and Tourism managed areas for which this agency has administrative authority.

We strongly encourage strict adherence to erosion control and storm water pollution prevention protocols along K-10 Hwy as the receiving Wakarusa River is Designated Critical Habitat for the Mucket Mussel. There are

records of the Federally Threatened Mead's Milkweed near the S Lawrence Traffic way between I-70 and N 1500 Rd, which is indicative of high quality native prairie and heightens our recommendation of avoidance. We encourage consultation with the U.S. Fish and Wildlife Service.

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

- **Consult with the U.S. Fish and Wildlife Service Ecological Services Field Office in Manhattan, KS.**
- **Avoid impacts to existing streams and rivers, adjacent riparian zones, wetlands, and native prairie and woodland areas.**
- **Minimize all bank or instream activity, particularly during general fish spawning season (March 1 – Aug. 31).**
- **Incorporate principles of low impact development (LID), such as permeable asphalt pavement, porous concrete, swales, bioretention, or raingardens. More info. on LID: <http://www.epa.gov/owow/NPS/lid/>**
- **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.**

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

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

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

Please direct all review materials electronically to KDWPT.ess@ks.gov to streamline the review process for all parties.

Samantha Pounds
Ecologist, Ecological Services Section
Kansas Dept. of Wildlife, Parks, and Tourism
Pratt, KS 67124
Office: (620)672-0792
Cell: (620)388-6061
samantha.pounds@ks.gov

Eric Viera

From: Brandon Yarbrough
Sent: Tuesday, November 10, 2020 10:01 AM
To: Eric Viera
Subject: FW: KDWPT review, SEIS for K-10 Highway, Douglas County (KDOT# KA-3634-01; Track# 19920864-57)

Brandon Yarbrough, AICP

Planner V
HNTB Corporation
Tel (816) 527-2007 Cell (319) 269-9645

From: Kyle Kroner <kkroner@HNTB.com>
Sent: Tuesday, November 10, 2020 10:00 AM
To: Brandon Yarbrough <byarbrough@HNTB.com>
Subject: FW: KDWPT review, SEIS for K-10 Highway, Douglas County (KDOT# KA-3634-01; Track# 19920864-57)

Can you save in appropriate SLT folder?

Kyle M. Kroner, CEP

HNTB Corporation
(816) 527-2489 (W)
(913) 558-2274 (M)

From: Brian Kierath [KDOT] <Brian.Kierath@ks.gov>
Sent: Tuesday, November 10, 2020 9:59 AM
To: Kyle Kroner <kkroner@HNTB.com>
Cc: Greg Weatherd <GWeatherd@HNTB.com>; Craig Cogan <ccogan@HNTB.com>; Jordan Herbert <jherbert@HNTB.com>; Kris Norton [KDOT] <Kris.Norton@ks.gov>
Subject: FW: KDWPT review, SEIS for K-10 Highway, Douglas County (KDOT# KA-3634-01; Track# 19920864-57)

Kyle, below find the response from the Kansas Department of Wildlife parks and tourism.

Brian Kierath Jr., P.E. | Kansas Department of Transportation
785.296.2093 | Brian.Kierath@ks.gov

From: Pounds, Samantha [KDWPT] <Samantha.Pounds@KS.GOV>
Sent: Tuesday, November 10, 2020 9:42 AM
To: Brian Kierath [KDOT] <Brian.Kierath@ks.gov>
Subject: KDWPT review, SEIS for K-10 Highway, Douglas County (KDOT# KA-3634-01; Track# 19920864-57)

Dear Brian Kierath,

We have reviewed the information for the proposed SEIS for K-10 Highway (S Lawrence Traffic Way) in the City of Lawrence in Douglas County, KS. The project was reviewed for potential impacts on crucial wildlife habitats, current state-listed threatened and endangered species and species in need of conservation, and Kansas Department of Wildlife, Parks, and Tourism managed areas for which this agency has administrative authority.

We strongly encourage strict adherence to erosion control and storm water pollution prevention protocols along K-10 Hwy as the receiving Wakarusa River is Designated Critical Habitat for the Mucket Mussel. There are records of the Federally Threatened Mead's Milkweed near the S Lawrence Traffic way between I-70 and N 1500 Rd, which is indicative of high quality native prairie and heightens our recommendation of avoidance. We encourage consultation with the U.S. Fish and Wildlife Service.

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

- **Consult with the U.S. Fish and Wildlife Service Ecological Services Field Office in Manhattan, KS.**
- **Avoid impacts to existing streams and rivers, adjacent riparian zones, wetlands, and native prairie and woodland areas.**
- **Minimize all bank or instream activity, particularly during general fish spawning season (March 1 – Aug. 31).**
- **Incorporate principles of low impact development (LID), such as permeable asphalt pavement, porous concrete, swales, bioretention, or raingardens. More info. on LID: <http://www.epa.gov/owow/NPS/lid/>**
- **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.**

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

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

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

Please direct all review materials electronically to KDWPT.ess@ks.gov to streamline the review process for all parties.

Samantha Pounds

she, her, hers

Ecologist, Ecological Services Section

Kansas Dept. of Wildlife, Parks, and Tourism

Pratt, KS 67124

Office: (620)672-5911

samantha.pounds@ks.gov

January 31, 2019

Mr. Aaron M. Frits, P.E.

Road Design Leader

Bureau of Road Design

Kansas Department of Transportation

Dwight D. Eisenhower State Office Building

700 S.W. Harrison Street

Manhattan, KS 66603-3745

RE: SEIS for K-10 Highway (South Lawrence Trafficway), Douglas County, Kansas

Mr. Frits: Thanks for routing subject. Interesting and telling document. Although I do not have any comments to offer I do pose a question central to the language at the top of page 3.

As I understand, no additional right-of-way is needed for the East Section. However, for the West Section there's reference to "... upgrading of the West Section as a Freeway with either four or six lanes, as predicated on future need with controlled access." To me this suggest additional right-of-way. Should that be the case, might you want to specify that component in the South Lawrence Trafficway Supplemental EIS Preliminary Purpose and Need Statement, and / or, disclose that no additional right-of-way is needed?

Once again, thanks for routing subject.

Sincerely,



Larry Biles

State Forester

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FEB 04 2019
Bureau of Road Design

Aron M. Frits, P.E.
Department of Transportation
Bureau of Road Design
Dwight D. Eisenhower State Office Building
700 S.W. Harrison Street
Topeka, KS 66603-3745

October 5, 2018

RE: SEIS for K-10 Highway (South Lawrence Trafficway), Douglas County, Kansas

Dear Mr. Frits,

The Kansas Geological Survey (KGS) has received your letter dated September 13, 2018, requesting environmental review comments for the above referenced project. The project consists of improvements to a section of the K-10/South Lawrence Trafficway (SLT), located within the south and west limits of the City of Lawrence, in Douglas County, Kansas.

A review of regional geologic information and project information provided with the request indicates that there are no unduly adverse geologic conditions that should affect this project. However, the applicant should be aware that large portions of the project area south of Lawrence lie within the 100-year floodplain of the Wakarusa River according to the FEMA Flood Map Service Center (<https://msc.fema.gov/portal/search>). Site-specific conditions may need to be considered prior to commencement of the project. An agency environmental comments form was not included with the request; therefore, this letter will serve as the agency review and transmittal form.

This assessment was based on regional geologic and project information available to the KGS at the time of the review and should not be used for a detailed site characterization. Other geologic conditions, not discussed herein, or for which the KGS has no knowledge, may affect the feasibility of this project. It is the responsibility of the applicant to provide any necessary site characterizations, geotechnical or environmental testing, or design by a licensed professional geologist or engineer to complete the project.

If you have questions please do not hesitate to contact me at my office (785-864-2179).

Sincerely,



Jon J. Smith

Encl

Cc: Dan Suchy, KGS Data Resources Library

Aron M. Frits, P.E.
Department of Transportation
Bureau of Road Design
Dwight D. Eisenhower State Office Building
700 S.W. Harrison Street
Topeka, KS 66603-3745

February 14, 2019

RE: SEIS for K-10 Highway (South Lawrence Trafficway), Douglas County, Kansas

Dear Mr. Frits,

The Kansas Geological Survey (KGS) has received your letter dated January 25, 2019, requesting environmental review comments for the above referenced project. The project consists of upgrading and widening a section of the K-10/South Lawrence Trafficway (SLT), located within the south and west limits of the City of Lawrence, in Douglas County, Kansas.

A review of regional geologic information and project information provided with the request indicates that there are no unduly adverse geologic conditions that should affect this project. However, the applicant should be aware that large portions of the project area south of Lawrence lie within the 100-year floodplain of the Wakarusa River according to the FEMA Flood Map Service Center (<https://msc.fema.gov/portal/search>). Site-specific conditions may need to be considered prior to commencement of the project. An agency environmental comments form was not included with the request; therefore, this letter will serve as the agency review and transmittal form.

This assessment was based on regional geologic and project information available to the KGS at the time of the review and should not be used for a detailed site characterization. Other geologic conditions, not discussed herein, or for which the KGS has no knowledge, may affect the feasibility of this project. It is the responsibility of the applicant to provide any necessary site characterizations, geotechnical or environmental testing, or design by a licensed professional geologist or engineer to complete the project.

If you have questions please do not hesitate to contact me at my office (785-864-2179).

Sincerely,



Jon J. Smith

Encl

Cc: Dan Suchy, KGS Data Resources Library

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FEB 21 2019
Bureau of Road Design



Kansas Historical Society

Governor Jeff Colyer, M.D.
Jennie Chinn, Executive Director

KSR&C No. 18-10-101

October 16, 2018

Aaron Frits, P.E.
Road Design Leader
Kansas Department of Transportation
Dwight D. Eisenhower State Office Building
700 S.W. Harrison Street
Topeka, KS 66603-3745

Via Email

RE: Supplemental Environmental Impact Statement (SEIS)
South Lawrence Trafficway
Douglas County

Dear Mr. Frits:

In accordance with 36 CFR 800, the Kansas State Historic Preservation Office has reviewed your letter dated October 11, 2018 and an earlier notice dated September 13, 2018 regarding the above-referenced project. While we have no role in the NEPA process, we have been involved with this project since the late 1980s and are certainly willing to serve as a participating agency.

It is our understanding that the project will involve upgrading the western (2-lane) portion of the trafficway (Iowa Street to Interstate 70) and that while the eastern (4-lane) portion is included, no physical roadway changes are planned. In the technical memorandum (dated October 4, 2018) which accompanied your most recent letter, plans for upcoming archeological and architectural investigations are described. According to our records, preliminary evaluation of the western portion was undertaken in 2014 and 2014 (KSR&C No. 14-12-006) as part of Section 106 consultation. Some of the area had already received archeological survey during planning for placement of the existing 2-lane roadway, but additional survey and architectural evaluation was undertaken within the study area. As far as we can determine the boundaries of that study area were very similar to what is being presented now, but we will need to see final/more detailed boundaries once they become available.

A total of five historic archeological sites (14DO365, 14DO366, 14DO367, 14DO368, and 14DO369) were recorded. None were found to be eligible for National Register listing and no further archeological survey was recommended. In addition, the location of previously recorded archeological site 14DO185 was revisited, but it could not be relocated. An inventory and assessment of standing structures within the study area was also undertaken. One structure, the George and Emma Miller House (Property #51), was determined to be eligible for listing in the National Register of Historic Places. All project correspondence was addressed to Michael Fletcher, then Chief of the Environmental Services Section.

We look forward to working with you on this project and will await further correspondence as it progresses. If you have questions or need additional information regarding these comments, please contact Tim Weston at 785-272-8681 (ext. 214) or Lauren Jones at 785-272-8681 (ext. 225).

Sincerely,

Jennie Chinn, Executive Director and
State Historic Preservation Officer

A handwritten signature in black ink that reads "Timothy Weston" in a cursive style, with "for" written below it in a simpler, more legible script.

Patrick Zollner
Deputy SHPO

Eric Viera

From: Greg Weatherd
Sent: Wednesday, September 19, 2018 10:43 AM
To: Tim Flagler
Cc: Gretchen Ivy; Kyle Kroner; Marcus Geist
Subject: FW: SEIS for K-10 - Douglas County, KS

Tim,

Do you agree with Cliff's assessment that KDOT will not need to fill this form out with the SEIS? Please respond to this and we will follow up with Cliff as necessary.

Thanks,
Greg

From: Cliff Ehrlich [KDOT] [mailto:Cliff.Ehrlich@ks.gov]
Sent: Wednesday, September 19, 2018 10:26 AM
To: Aaron Frits [KDOT] <Aaron.Frits@ks.gov>
Cc: Greg Weatherd <GWeatherd@HNTB.com>; Marcus Geist <mgeist@HNTB.com>; Gretchen Ivy <givy@hntb.com>
Subject: RE: SEIS for K-10 - Douglas County, KS

Aaron,
The AD-1006 will Not need to be completed for the SEIS. We will complete when we have at least Field Check plans and are moving forward with construction on -02 and -03 projects, as you say below.
Thanks,
Cliff

From: Aaron Frits [KDOT]
Sent: Wednesday, September 19, 2018 8:12 AM
To: Cliff Ehrlich [KDOT] <Cliff.Ehrlich@ks.gov>
Cc: Greg Weatherd <GWeatherd@HNTB.com>; Marcus Geist (mgeist@HNTB.com) <mgeist@HNTB.com>; Gretchen Ivy (givy@hntb.com) <givy@hntb.com>
Subject: FW: SEIS for K-10 - Douglas County, KS

FYI

Cliff – any direction on when Form AD-1006 will need to be completed? Is this needed for the SEIS, or the -02 and -03 Construction Projects?

Aaron Frits, P.E.
KDOT – Bureau of Road Design
Lawrence Office
785-296-4139
Aaron.Frits@ks.gov

From: Hellerich, Jeffrey - NRCS, Salina, KS <jeffrey.hellerich@ks.usda.gov>
Sent: Tuesday, September 18, 2018 3:43 PM
To: Aaron Frits [KDOT] <Aaron.Frits@ks.gov>

Cc: Lucas, Cynthia - NRCS, Salina, KS <cynthia.lucas@ks.usda.gov>; Boerger, Alan - NRCS, Manhattan, KS <Alan.Boerger@ks.usda.gov>

Subject: SEIS for K-10 - Douglas County, KS

EXTERNAL: This email originated from outside of the organization. Do not click any links or open any attachments unless you trust the sender and know the content is safe.

Mr. Frits,

I was forwarded the letter that you sent to Damarys Mortenson regarding the SEIS for K-10 Highway (South Lawrence Trafficway), Douglas County, Kansas.

If the proposed project involves the permanent conversion of cropland the Farmland Protection Policy Act (FPPA) might apply. If you anticipate this to be the case, please find and complete parts I, II and VI of the form AD-1006 and return to us with a map depicting the location of the acres noted in part III. If you have any questions, please let me know.

The form AD-1006 can be found online at:

https://www.nrcs.usda.gov/Internet/FSE_DOCUMENTS/stelprdb1045394.pdf

The FPPA applies when federally funded projects result in the permanent conversion of agricultural lands for non-agricultural purposes. For your reference, more information regarding the Farmland Protection Policy Act can be found online at:

https://www.nrcs.usda.gov/wps/portal/nrcs/detail/?cid=nrcs143_008275

Please let me know if you have any questions related to the Farmland Protection Policy Act.

Sincerely,

Jeff Hellerich
State Soil Scientist
USDA – NRCS
785-823-4564 (office)
785-210-4629 (cell)

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April 10, 2019

Mr. Aaron M. Frits, P.E.
Road Design Leader
Bureau of Road Design
Kansas Department of Transportation
Dwight D. Eisenhower State Office Building
700 SW Harrison Street
Topeka, Kansas 66603-3745

Dear Mr. Frits:

The Kansas Natural Resources Conservation Service (NRCS) has reviewed your letter dated January 25, 2019 and the supporting documentation provided regarding the Supplemental Environmental Impact Statement (SEIS) for K-10 Highway (South Lawrence Trafficway) in Douglas County, Kansas.

In this case, the Wakarusa Watershed Joint District No. 35 has a flood retarding structure (site 24) adjacent to the project study area north of Clinton Parkway. Infrastructure changes may impact the surface elevations of water discharging from this structure. These impacts should be considered and evaluated.

If you have any questions or comments, please contact the Wakarusa Watershed Joint District No. 35, P.O. Box 139, Overbrook, Kansas 66524. Their office phone and fax number is 785-665-7231. You may also email wakarusa-watershed35@embarqmail.com.

Sincerely,

 **Acting For**

KAREN A. WOODRICH
State Conservationist

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APR 12 2019
Bureau of Road Design

ec:

Kevin D. Gustafson, State Conservation Engineer, NRCS, Salina, Kansas
Jeffrey A. Hellerich, State Soil Scientist, NRCS, Salina, Kansas
R. Dean Krehbiel, State Resource Conservationist, NRCS, Salina, Kansas



DEPARTMENT OF THE ARMY
CLINTON PROJECT OFFICE
KANSAS CITY DISTRICT, CORPS OF ENGINEERS
872 N. 1402 ROAD
LAWRENCE, KANSAS 66049-9048

11 December, 2015

REPLY TO
ATTENTION OF:
CE-NWK-OF-CL

RECEIVED

DEC 16 2015

Bureau of Road Design

Jim Kowach, PE
Special Requirements Engineer
Kansas Department of Transportation (KDOT)
Bureau of Road Design
700 S.W. Harrison Street
Topeka, KS 66603-3745

Dear Mr. Kowach:

This letter is regarding the design of the West Leg of the South Lawrence Trafficway, K-10 expansion project. Members of your staff and your consultant, HNTB, briefed Kansas City District Corps of Engineers staff and provided design information and cost analysis data regarding the proposed diversion of West Yankee Tank Creek drainage into the Clinton Dam's emergency spillway pilot channel. This information was discussed at our Dam Safety Committee meeting in October. The committee recommended considering the proposal as long as KDOT meets the following conditions:

- a. Obtain the Corps' review and approval of the final design solution and supporting analysis. Plans, specifications, supporting analysis, and documentation of quality control must be submitted to the Corps for review. To reduce the risk of the Corps requiring significant redesign, it is recommended that the designer submit the design documents at the 35%, 65%, and 95% complete levels. Please note that the Corps will require a robust design solution that is developed with an eye towards minimizing future maintenance of the pilot channel.
- b. Provide detailed modeling assumptions and results so that acceptability of the extended ditch and impacted pilot channel protection can be evaluated. Provide this information in a 35% design review submittal so that the Corps can inform the designer of any unacceptable design assumptions early in the design process.
- c. Modify the draft maintenance agreement language that was provided for our review as follows:

Any maintenance agreement that the Corps accepts will need to roughly state: "Damage caused by an event that results in spillway flows caused by

Your Safety, Our Concern

lake levels above the spillway crest of elevation 907.4 msl would be the responsibility of USACE." Also, any final maintenance agreement must have clear language documenting what constitutes necessary and required maintenance, versus what is routine weathering or wear that does not affect the safety or functionality of the diversion ditch/pilot channel or impact surrounding property.

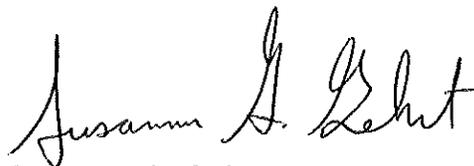
- d. Require utilization of riprap from Corps-approved sources or obtain approval from the Corps' Geology Section for alternative sources. A list of currently approved sources is available upon request.

As the design progresses, if KDOT's responses to Corps of Engineers' concerns are satisfactory, the Corps will allow the West Yankee Tank diversion channel to tie into the spillway pilot channel.

Please note that the proposed diversion channel crosses federal property so a new real estate agreement will be required before construction can begin on Corps of Engineers property. Also, we have determined that this action will not be subject to the requirements for a Section 408 review outlined in Engineering Circular 1156-2-216.

The Corps of Engineers, Regulatory Branch has jurisdiction over all waters of the United States. Discharges of dredged or fill material in waters of the United States, including wetlands, require prior authorization from the Corps under Section 404 of the Clean Water Act (Title 33 United States Code Section 1344). It appears the proposed improvements will require the discharge of dredged or fill material in waters of the United States, therefore a Department of the Army (DA) Section 404 permit will likely be required. Please continue your coordination efforts for all Section 404 permitting issues for this project with the Corps of Engineers, Regulatory Branch in our Kansas City District office.

We look forward to working with you and your staff on this project. Please do not hesitate to call if you have any questions regarding these requirements. I can be reached at 816-389-3635.



Susanna G. Gehrt
Operations Project Manager
Clinton and Hillsdale Projects



United States Department of Agriculture

Office of the Secretary
Washington, D.C. 20250

NOV 16 2018

Mr. Aaron Frits, P.E.
Road Design Leader
Kansas Department of Transportation
Bureau of Road Design
Dwight D. Eisenhower State Office Building
700 S.W. Harrison Street
Topeka, Kansas 66603

Dear Mr. Frits:

Thank you for your letter of September 13, 2018, providing information on the K-10 Highway project in Douglas County, Kansas. I apologize for the delayed response.

The U.S. Department of Agriculture's Forest Service does not intend to provide comments or information as part of the environmental analysis process, as this project is not near any National Forest System lands in the State of Kansas.

Sincerely,

A handwritten signature in blue ink that reads "Sonny Perdue". The signature is written in a cursive, flowing style.

Sonny Perdue
Secretary

RECEIVED

NOV 26 2018

Bureau of Road Design



United States Department of the Interior



FISH AND WILDLIFE SERVICE

Kansas Ecological Services Field Office
2609 Anderson Avenue
Manhattan, Kansas 66502-2801

November 8th, 2018

Javier Ahumada
FHWA Kansas Division Environmental Coordinator
Kansas Division Office
61111 SW 29th St., Suite 100
Topeka, KS 66614

RE: South Lawrence Traffic SEIS Cooperating Agency Response
FWS Tracking #2018-CPA-0691

Dear Mr. Ahumada:

This is in response to a letter we received dated October 18th, 2018, requesting a written letter from USFWS accepting the cooperating agency invitation and review and comments on the proposed Project Coordination Plan and Impact Methodologies Memorandum no later than November 15th, 2018. Please consider this letter to be our official acceptance to participate as a cooperating agency. Furthermore, it was requested we review and provide comments regarding on the proposed Project Coordination Plan and Impact Methodologies Memorandum.

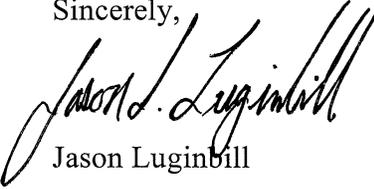
We reviewed the Project Coordination Plan, and did not have any concerns regarding it. Upon receiving this correspondence Table 1 can be edited to show that the USFWS has accepted the invitation to be a cooperating agency. The point of contact from our Kansas Field Office will be Jason Luginbill, who is the office supervisor.

We also reviewed the Technical Memorandum South Lawrence Trafficway Impact Assessment Methodologies. In that it was stated that resource evaluation will begin with a review of the impacts stated in the original 1990 EIS. Many of the impacts stated in the original EIS will still be relevant for the supplement EIS. The Northern long-eared bat was not listed at the time of the previous EIS and the bald eagle was removed from the federal list in 2007. The bald eagle is still protected under the Bald and Golden Eagle Protection Act. We highly support the utilization of Kansas Department of Wildlife Parks and Tourism and the Kansas Biological Survey (KBS) regarding information concerning rare or protected communities and plants that may occur in the project area. The KBS is considered to be one of the best sources regarding identifying native plant communities. We did not find any issues with how the Impact Assessment Methodologies was composed. The section regarding

Threatened and Endangered Species adequately assessed how the study team will evaluate impacts to Threatened and Endangered Species.

Thank you for the opportunity for us to be a cooperating agency during the SEIS process. Please feel free to contact me with any questions or concerns. I can be reached at (785) 539-3474 ext. 105.

Sincerely,

A handwritten signature in black ink, reading "Jason Luginbill". The signature is written in a cursive style with a large initial "J" and "L".

Jason Luginbill
Field Supervisor

cc: KDWPT, Pratt, KS (Ecological Services)



PLAN REVIEW COMMENT SUMMARY

Project Name	27th and K-10 Interchange
Project Number	MS-20-N002
Comments Requested	10.05.2020 08:53AM
Plans - % Complete	30%

Comment Summary

Review Info	Review
By: David Cronin, City of Lawrence	Comments sent back to KDOT 10/12/2020
By: David Cronin, City of Lawrence	<p>Folded Diamond Preferred alt. for connection the city street network. Wakarusa is a principal arterial and most appropriate to handle all traffic from/to K-10. Preferred alt. for bike/ped safety. The shared-use path is part of the city's 'Lawrence Loop' and a primary bikeway in the network. Will have more impacts on the city's raw waterline. More impacts to the neighbors on Stoneback.</p> <p>Diamond Hybrid This alt would increase traffic on 27th Street which is a collector street. I'm concerned about bike/ped safety for SUP crossing at skewed signalized intersection; can a roundabout be used instead? Need to look at other options for SUP connection from 27th Street to the Park.</p>
By: Andy Ensz, City of Lawrence	<p>The folded diamond could require significant utility relocation with the 36" raw water transmission main and possibly sanitary sewer on the east side of Wakarusa Dr. This may also impact waterline serving the sports complex and the sanitary sewer interceptor through the arboretum and crossing K-10 at 27th St. Relocation of the raw water main would likely require the Clinton WTP to shut down while the raw water main is out of service and limit the amount of water that could be produced for the City and its customers.</p> <p>The folded diamond/diamond hybrid will likely require less utility relocation but could impact the waterline serving the sports complex and the sanitary sewer interceptor through the arboretum and crossing K-10 at 27th St.</p>
By: Mark Hecker, City of Lawrence	<p>I feel that the Folded Diamond provides the cleanest access to the park property down Wakarusa.</p> <p>The Hybrid plan will most likely cause more traffic on 27th to access Inverness or Crossgate areas of the City.</p> <p>It would be better to keep the athletic complex traffic and future bike paths on Wakarusa.</p> <p>We will need a signal at 27th and the new Wakarusa to assure traffic can flow out of our complexes better than we do today.</p>

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DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS, KANSAS CITY DISTRICT
601 E. 12TH STREET, 635 FEDERAL BLDG
KANSAS CITY, MO 64106-2824

March 19, 2021

Operations Division

Brian Kierath, P.E.
KDOT Road Design Leader
Kansas Department of Transportation
Dwight D. Eisenhower State Office Building
700 S.W. Harrison Street
Topeka, KS 66603-3745

Dear Mr. Kierath:

My staff and I have completed our review of the Section 4(f) *de minimis* determination for the South Lawrence Traffic Way (SLT) West Section Improvements, as described in your letter dated December 4, 2020. The Clinton Lake Project is a 29,554 acre congressionally authorized project owned in fee title, operated, and maintained by the U.S. Army Corps of Engineers – Kansas City District. Project purposes include: flood control, water supply, recreation and fish & wildlife.

Since the SLT project impacts appear minor and no permanent impacts to Clinton Lake Project are anticipated, we concur that the SLT project is consistent with the use of the property. Based on my review of the proposal letter and subsequent information provided, I concur with the 4(f) *de minimis* determination, provided that a suitable restoration plan for all temporary disturbance in construction areas is incorporated into the final project measures for any anticipated impacts to Corps' lands. The restoration plan must address mitigative measures for temporary impacts to natural habitat associated with staging and construction access. The restoration plan needs to be submitted and approved by my Natural Resources Section before the SLT project construction commences. While I understand that the full extent of these impacts may not be known at this time, my staff will be available to work in conjunction with your agency in the development of these restoration measures as the SLT project progresses.

This 4(f) concurrence determination does not convey any Corps' real estate rights or Section 404 Clean Water Act authorization.

Additionally, a separate request letter to USACE is needed to review and approve the full scope of the proposal. This will include legal descriptions, restoration plans, engineer certified stamped plans, maps, environmental, regulatory and NEPA documents and any other supporting documents pertinent to the proposal. This should be submitted to RJ Harms, Operations Project Manager at Clinton Lake, 872 North 1402 Road, Lawrence, Kansas 66049 or by email at Rolf.J.Harms@usace.army.mil. Upon receipt, this action will be reviewed and routed through the appropriate offices for

approval. In addition, a Real Estate instrument must be obtained from the Corps' Real Estate Contracting Officer before any work begins.

Should you require any additional information please contact Zach Wallace, Natural Resource Management Specialist at zachary.d.wallace@usace.army.mil or by phone at 407-607-5149.

Sincerely,

Stuart R. Cook
Chief, Operations Division



City of Lawrence

PARKS AND RECREATION

CRAIG S. OWENS
CITY MANAGER

City Offices
PO Box 708 66044-0708
www.lawrenceks.org

6 East 6th St
785-832-3000
FAX 785-832-3405

CITY COMMISSION

MAYOR
BRADLEY R. FINKELDEI

COMMISSIONERS
COURTNEY SHIPLEY
STUART BOLEY
LISA LARSEN
JENNIFER ANANDA, JD, MSW

March 25, 2021

Brian Kierath
Kansas Department of Transportation
700 S.W. Harrison Street
Topeka, KS 66603-3745

Dear Mr. Kierath:

Subject: South Lawrence Trafficway (SLT) West Section Improvements SEIS –
Proposed Property Impacts – Section 4(f) de minimis Request for Concurrence.

The City of Lawrence has reviewed your project description from the February 22, 2021 letter regarding South Lawrence Trafficway (SLT) West Section Improvements. We concur that this project has a Section 4(f) de minimis impact on the city areas mentioned.

We also support Condition 2 regarding the public having the opportunity to review and comment on the effects of the project through a comment period and public hearing in late winter 2021.

We look forward to learning more as this project develops.

Sincerely,

Derek Rogers,
Director

