



## 4.0 Federal Aviation Administration Coordination and Jabara Airport Impacts

At the request of the Federal Aviation Administration (FAA), this chapter documents and facilitates the FAA's independent review of actions associated with proposed KDOT improvements to the K-96 roadway facility. This chapter provides detailed descriptions of the layout options considered for the Webb Road interchange and the impacts to the Colonel James Jabara Airport (Jabara Airport) property. The effects of these proposed improvements on airport property are discussed here, and are also included in the presentation of overall effects of the build alternative described in Chapter 3 of this EA. All exhibits referenced in this chapter are located at the end of the chapter.

In addition to satisfying the requirements of NEPA this chapter was prepared following the guidance in FAA order 1050.1F, *Environmental Impacts: Policies and Procedures* and FAA Order 5050.4B, *National Environmental Policy Act Implementing Instructions for Airport Actions*. Under Section 8-2 of FAA Order 1050.1F, FAA may adopt, in whole or in part, another federal agency's draft or final EA, the EA portion of another agency's EA/FONSI, or EIS if certain criteria are met. The responsible FAA official must determine, based on an independent evaluation, that the document, or portion(s) thereof, to be adopted: (1) adequately address(es) the relevant FAA action(s); and (2) meet(s) the applicable standards (i.e., for an EA or EIS) in the FAA Order 1050.1F.

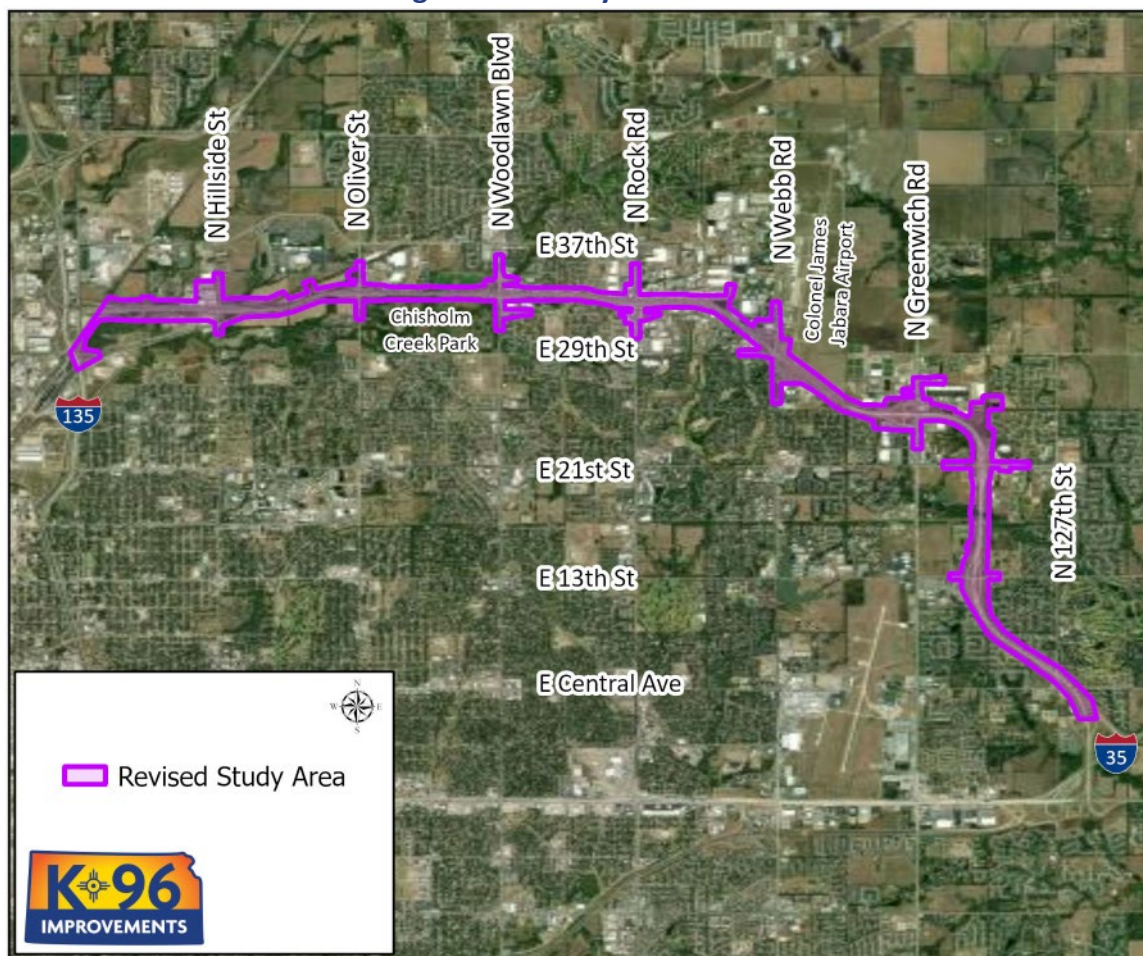
### 4.1 Proposed Action and Federal Action

#### 4.1.1 Proposed Action

The proposed project is located within the City of Wichita in Sedgwick County, Kansas. The project will upgrade K-96 from a 4-lane to a 6-lane freeway and will extend from approximately the K-96/I-135 interchange 9.5 miles east/southeast to just north of the K-96/US 54/US 400 interchange. From East 21<sup>st</sup> Street N to 13<sup>th</sup> Street, the project will replace pavement only. In addition, improvements at the interchanges of Hillside Street, Oliver Street, Woodlawn Boulevard, Rock Road, Webb Road, Greenwich Road, and East 21st Street N are being considered. The Study Area is depicted in **Figure 4-1**.



Figure 4-1. Study Area Limits



#### 4.1.2 Federal Actions

The FAA will take the following actions as appropriate to authorize implementation of the Proposed Action as it affects airport property:

- Unconditional approval of the Airport Layout Plan to depict the proposed improvements pursuant to 49 USC §§ 40103(b) and 47107(a)(16).
- Approval of an airport sponsor request for release of property pursuant to FAA Order 5190.6, FAA Airport Compliance Manual (49 USC Chapter 471) permitting the sale and disposal of airport property or change in land use from aeronautical to non-aeronautical.
- Determinations under 49 USC 47106 and 47107 relating to the eligibility of the Proposed Action for federal funding under the Airport Improvement Program and/or determinations under 49 USC 40117, as implemented by 14 CFR 158.25, to impose and use passenger facility charges.
- Determination under 49 USC § 44502(b) that the airport development is reasonably necessary for use in air commerce or in interests of national defense.
- Approval of Construction Safety and Phasing Plan to maintain aviation and airfield safety during construction pursuant to FAA Advisory Circular 150/5370-2F, Operational Safety on Airports During Construction (14 CFR Part 139 [49 USC § 44706]).
- Approval of changes to the airport certification manual pursuant to 14 CFR Part 139 (49 USC § 44706).



- Determinations, through the aeronautical study process, under 14 CFR Part 77, regarding obstructions to navigable airspace (49 USC §§ 40103(b) and 40113).

## 4.2 Colonel James Jabara Airport (AAO)

Colonel James Jabara Airport is a public airport nine miles northeast of the central business district of Wichita, and in the northeast corner of the K-96/Webb Road Interchange. The airport, owned by the Wichita Airport Authority, has an FAA designation of AAO. The airport covers 600 acres and contains one runway and one helipad. Jabara Airport is a general aviation reliever airport for the Wichita metropolitan area. AAO is also home to a technical education center that supports the aviation and manufacturing industry cluster.

AAO is accessible from Webb Road, which parallels the airport property. The two existing AAO access points are described as:

- South Access – from Webb Road to N Jabara Road
- North Access – from Webb Road to E 35<sup>th</sup> St N

## 4.3 Alternatives Considered

The following section describes the options considered for the K-96 and Webb Road Interchange. Each of the alternatives described here are previously described in more detail in **Chapter 2** of this EA.

### 4.3.1 No-Build Alternative

Under NEPA, the No-Build Alternative (Alternative 1) is required to be evaluated and provides a baseline from which to compare the other reasonable alternatives. The No-Build Alternative would involve maintaining existing roadways in their current condition. The No-Build Alternative was considered in the alternative's evaluation process. Although the No-Build Alternative does not meet the project Purpose and Need, it is carried through to the end of the evaluation process to serve as a basis for comparison with the Preferred Alternative.

The No-Build Alternative would not include the proposed interchange and thus would not require ROW from AAO. There would be no impact to AAO. **Exhibit 4-1** displays the No-Build Alternative.

### 4.3.2 Build Alternatives

Five build alternatives are under consideration at this location as identified in Chapter 2 of this EA.

#### Alternative 2

In this alternative, Eastbound Exit Loop, both off ramps would be extended to accommodate an additional lane on K-96. The additional lane would allow for a dual turning lane on the right side. **Exhibit 4-2** displays Alternative 2. Alternative 2 does have impacts to AAO.

#### Alternative 3

In this alternative, Continuous Green-T (CGT), three CGTs would be created. A CGT is a design where the top side of the "T" direction can pass through the intersection without stopping and the opposite major street direction of travel is controlled by a traffic signal. The three CGTs would include one north of the K-96 bridge (northwest



off ramp), one almost directly under the bridge, and one south of the bridge (southeast off ramp). A total of three lanes would make up the northern ramp, including a left turning lane, a dual turning lane, and a right turning lane. The southern off ramp would include four turning lanes, two going left and two going right. Under the bridge, the intersection would include a turning lane each direction, one lane turning left from northbound traffic on Webb and an 'on ramp' style lane entering the E 29<sup>th</sup> St N traffic. **Exhibit 4-3** displays this alternative.

Alternative 3 will impact AAO.

#### Alternative 4

Alternative 4 includes two roundabouts. Traffic exiting K-96 would either stay in the right-most lane to take a right onto Webb Road or stay in the left lane and enter the roundabout to go left down Webb Road. All traffic going down Webb Road would encounter a roundabout and could continue straight to reach the opposite direction of K-96, or through to Webb Road, or they would stay to the right and enter the roundabout to reach K-96. All traffic signals would be removed. **Exhibit 4-4** shows this alternative.

Alternative 4 will have impacts to AAO.

#### Alternative 5

In this alternative, Exit Ramps, traffic southeast bound on K-96 would exit prior to the bridge to reach southbound traffic of Webb Road, and continue to exit following the bridge to reach northbound traffic on Webb Road. Traffic going northwest on K-96 would exit prior to the bridge and have three turning lanes, one right with northbound Webb Road traffic, one left, southbound on Webb Road, and one left to go west on E. 29<sup>th</sup> St N. One additional traffic signal would be put in place for this alternative, and turning lanes would be added in each direction on Webb Road. **Exhibit 4-5** displays Alternative 5.

The northeast interchange ramp in Alternative 5 would require ROW from AAO. This alternative would impact AAO.

#### Alternative 6

Alternative six, Dogbone, would cause southeast bound K-96 traffic to exit prior to the bridge and enter the Dogbone. This traffic would either exit right away to reach E. 29<sup>th</sup> St. N, enter the second exit to southbound Webb Rd traffic, or remain through the third exit to travel north on Webb. Northwest bound K-96 traffic would exit prior to the bridge and remain in the left lane for access to E. 29<sup>th</sup> St N or southbound Webb Rd traffic. To go north on Webb Rd, they would remain in the right lane until merging onto Webb Rd. Webb Rd. traffic would enter the onramp prior to the Dogbone to reach K-96 northwest bound traffic, travel through the Dogbone to reach E. 29<sup>th</sup> St N, continue through to remain on Webb Rd, or travel through to reach southeast bound K-96. **Exhibit 4-6** shows Alternative 6.

The northeast interchange ramp and Dogbone in Alternative 6 would require ROW from AAO. This alternative would impact AAO.

### 4.3.3 Recommended Preferred Alternative

Alternative 5, the Exit Ramps concept, was selected as the preferred alternative at the Webb Road interchange due to its traffic operations performance for future traffic projections in comparison to all other concepts.





Specifically, the Exit Ramps concept substantially reduced delay and provided additional congestion capacity on the ramps in comparison to the other concepts.

## 4.4 Resources Not Affected at AAO

The following resources are either not present on or adjacent to AAO property or the permanent effects of the proposed improvements would be negligible. Temporary and short-term minor effects would occur under some categories during construction.

**Table 4-1. Resource Categories Where No Effects Would Occur**

Resource Category	Analysis of Effect
Air Quality	<p>The EPA uses the term “attainment area” to describe those areas where air quality meets health standards for particular airborne pollutants. As of September 2022, Sedgwick and Butler Counties were both classified by the EPA as attainment areas for all six criteria pollutants comprising the National Ambient Air Quality Standards (NAAQS).<sup>15</sup> (EPA, 2022).</p> <p>The proposed project is within the Kansas Metropolitan Urbanized Area (KMUA) – Wichita. However, it is outside of a non-attainment area. This type of project is included in paragraph (c) or (d) of 23 CFR §771.117 concerning categorical exclusions; therefore, the project is cleared for air quality concerns. Please see <b>Section 3.14</b> for further evaluations of air quality.</p>
Coastal Barriers, Coastal Zones, and Wild and Scenic Rivers	<p>There are no designated coastal zones, coastal management areas, or coastal barrier areas within the state of Kansas.</p>
Cultural Resources	<p>No National Register of Historic Places (NRHP) were identified on or adjacent to AAO. Previous archaeological surveys have not indicated known sites on or adjacent to AAO. In the event buried cultural deposits are encountered during construction of the project, all work within five meters (or approximately 20 feet) of located materials shall stop and the KS SHPO will be notified to evaluate the site before work may continue.</p> <p>The Osage Nation has requested to consult under Section 106. No specific sites have been identified. The proposed K-96 improvements and effects to AAO right-of-way (ROW) would not significantly or uniquely affect tribal lands or their cultural properties.</p> <p>Effects to historical, architectural, archaeological, and cultural resources are not anticipated. Please see <b>Section 3.8</b> for further evaluations of cultural resources.</p>
Farmland	<p>AAO is in an urban developed area that does not support agricultural uses, therefore coordination under the Farmland Protection Policy Act does not apply. Please refer to <b>Section 3.5</b> for further evaluation of farmland.</p>
Floodplains and Floodways	<p>There are no floodplains or floodways at AAO. Please refer to <b>Section 3.11</b> for further evaluations of floodplains.</p>



Resource Category	Analysis of Effect
Noise and Compatible Land Use	No changes would occur in the airfield, approach/departure procedures, or the type and number of aircraft using AAO. No changes would occur in the current airport noise contour. Land would be released from aeronautical uses to non-aeronautical use to provide ROW for the proposed access and highway improvements as shown in <b>Figure 4-2</b> . However, the proposed access and transportation corridor improvements are compatible with land uses on and adjacent to AAO. Please see <b>Section 3.15</b> for further evaluations of noise.
Natural Resources and Energy Supply	Current aviation operations and maintenance activities would be maintained at AAO. No notable increases in the use of fossil fuels, other energy sources, or additional natural resources would be anticipated with continued operations at AAO.
Water Resources – Wetlands, Waters of the US, and Water Quality	<p>No wetlands or waters of the US are located within the area proposed for improvement. No fill would be placed into wetlands or waters considered jurisdictional under Section 404 of the Clean Water Act; therefore, no Section 404 permit, nationwide or individual, would be required. Improvements proposed on AAO would result in “no net loss” of wetlands in compliance with EO 11990. Please refer to <b>Section 3.10</b> for evaluation of wetlands and Waters of the US.</p> <p>No public drinking wells are located on AAO. No Outstanding Natural Resource Waters or Exceptional State Waters are located on or adjacent to AAO. During construction Best Management Practices (BMPs) would be implemented to manage stormwater runoff on airport property.</p>

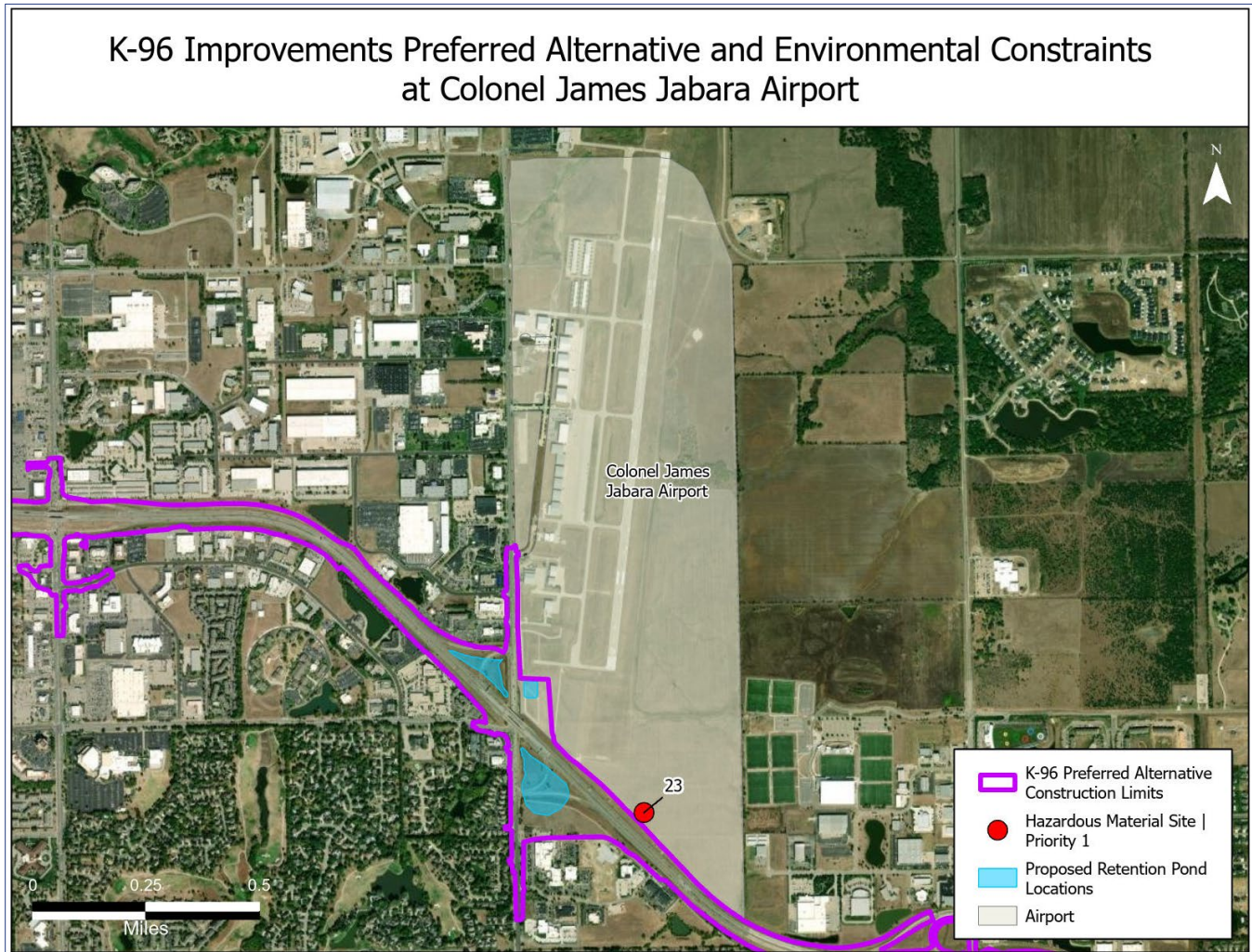
## 4.5 Resources Present on AAO, Project Effects, and Mitigation

The following sections describe the features and resources present on or adjacent to the airport and the anticipated effects of the No-Build Alternative and implementation of the Preferred Alternative as shown on **Figure 4-2**.

Direct effects, as defined by 40 CFR § 1508.8(a), CEQ Regulations, are caused by the Proposed Action and occur at the same time and place. Indirect effects per 40 CFR § 1508.8(b) are caused by the Proposed Action and are later in time or farther removed in distance but are still reasonably foreseeable. Cumulative effects per 40 CFR § 1508.7 are the effects on the environment which results from the incremental impact of the Proposed Action when added to other past, present, and reasonably foreseeable future actions regardless of what agency (federal or non-federal) or person undertakes such other actions. Cumulative effects can result from individually minor but collectively significant actions taking place over a period of time.



Figure 4-2. Preferred Alternative Effects to AAO



#### 4.5.1 Land Use, Right-of-Way, and Displacements

AAO, located in Wichita, Sedgwick County, Kansas, is comprised of airside and landside areas that support various aviation-related activities. AAO is bounded by K-96 on the south, Webb Road on the west and undeveloped land to the north and east. There are also sports fields and other commercial developments adjacent to the southeast corner of the property. No changes in future land use are proposed on or adjacent to AAO.

##### No-Build Alternative

No changes in existing or planned land use would occur. No ROW improvements would be made requiring the release of airport property from aeronautical use. No buildings, businesses, service providers or on-airport improvements would be displaced.



## Recommended Preferred Alternative

Construction of the redesigned K-96/Webb Rd Interchange with the addition of ramps from K-96 north to Webb Road would not displace buildings, businesses, or service providers on-airport or adjacent to AAO.

Based on the Recommended Preferred Alternative shown in **Figure 4-2**, approximately 9.7 acres of permanent ROW would be acquired from AAO to accommodate the proposed improvements. ROW acquisition would include the full acquisition of 6.6 acres AAO property located adjacent to the eastbound K-96 entrance ramp from Webb Road, and an additional 3.1 acres of partial acquisition of AAO property at two locations adjacent to the westbound lanes of K-96. These areas of ROW acquisition are shown on **Exhibit 3-5** and are identified as parcels C65 (partial property acquisition) and C72 (full property acquisition). The ROW acquisition and reconfiguration of the interchange will impact an existing airport drainage retention basin which would be replaced just north of the current location, with additional retention basins in the southeast (inside the loop ramp) and northwest (between on-ramp and K-96) quadrants. These proposed storm water basins are directly under the runway approach and departure, and it is critical that these do not pose or become hazardous wildlife attractants. The storm water basins are required to and will be designed and maintained to not hold water for more than 48-hours after a storm event and will not become a hazardous wildlife attractant per FAA Advisory Circular 150/5200-33C. KDOT is responsible for maintaining these detention basins and will work with the Wichita Airport Authority to ensure regular maintenance so that they perform as designed and do not attract wildlife. FAA will not release property without assurance that future use will not become hazardous wildlife attractants.

The information contained in this disclosure document and the follow-on environmental decision documents issued by FHWA and FAA will be used to support a federal land release required to release land currently used for aeronautical use to the non-aeronautical use of highway right-of-way for the purpose of this highway improvement project. The land release is required in compliance with FAA Order 5190.6B, *FAA Airport Compliance Manual*.

Based on the *2005 Airport Master Plan for Colonel James Jabara Airport*, there are no proposed plans for the portion of AAO impacted by the Recommended Preferred Alternative. The Master Plan will need to be updated to reflect any changes to AAO ROW.

**Section 3.1** contains further evaluation of land use impacts. Impacts to existing or future land uses or property are not anticipated to be significant.

## 4.5.2 Community Effects – Socioeconomics, Bicycle/Pedestrian Facilities, Community Facilities and Emergency Services

### No-Build Alternative

No construction or improvements would occur, so existing airport conditions would remain.

### Recommended Preferred Alternative

**Socioeconomics** – AAO is an economic hub for Wichita and the region. AAO provides general aviation service, charter service, fuel, maintenance and flight training. None of the businesses on-airport would be displaced or relocated. Off-airport businesses supporting the airport as well as airport employees and users would experience improved access to the airport once the proposed improvements are completed. No jobs at AAO would be displaced by the project and no change would occur in the community tax base.





***Bicycle/Pedestrian Facilities*** – No established bicycle or pedestrian facilities are designed on-airport, however, approximately 1,170-feet of the K-96 Bike Trail is located on FAA property immediately adjacent to KDOT ROW at the southbound entrance ramp to K-96 from Webb Road. This FAA property is maintained as clear approach space and is not developed. The K-96 Bike Trail will be temporarily impacted during construction, including potential short-term closures and/or detours while the trail is reconstructed to avoid the realignment of the new southbound K-96 entrance ramp from Webb Road. Trail connectivity will be fully restored during or after construction. K-96 Bike Trail temporary closures or detours will be coordinated with the City of Wichita Parks Department to minimize impacts to the cycling public.

***Community Facilities*** – No schools, daycare facilities, health care facilities, community centers or churches are located on-airport; therefore, no effects to community facilities would occur.

***Emergency Services*** – The non-emergency air ambulance service at AAO would not be affected. Improvements to access to AAO would accommodate emergency equipment ingress/egress at AAO and access would be maintained during all phases of construction.

**Section 3.2** evaluates community resources and emergency services in more detail, **Section 3.3** contains further evaluation of socio-economic resources, and **Section 3.4** further evaluates bicycle and pedestrian resources.

#### **4.5.3 Threatened and Endangered Species and Biological Resources**

Both landside and airside areas of AAO are well kept, minimizing the colonization of areas by plant communities that could support native and migratory wildlife. The Wichita Airport Authority has created a Wildlife Hazard Reporting and Documentation plan that includes AAO. The Plan provides for the maintenance of airport owned property to prevent and mitigate for the presence of hazardous wildlife to airport operations.



**Table 4-2. Federal and State Listed Threatened and Endangered Species in Sedgwick County**

Common Name	Scientific Name	Federal Status	State Status
<b>Mammals</b>			
Eastern spotted skunk <sup>2</sup>	<i>Spilogale putorius</i>	--	Threatened
<b>Birds</b>			
Least tern <sup>2</sup>	<i>Sterna antillarum athalassos</i>	Endangered	Endangered
Piping plover <sup>2</sup>	<i>Charadrius melodus</i>	Threatened	Threatened
Snowy plover <sup>2</sup>	<i>Charadrius alexandrinus</i>	--	Threatened
Whooping crane <sup>2</sup>	<i>Grus americana</i>	Endangered	Endangered
<b>Fishes</b>			
Arkansas River shiner <sup>2</sup>	<i>Notropis Girardi</i>	Threatened	Endangered
Peppered chub <sup>1 and 2</sup>	<i>Macrhybopsis tetranema</i>	Endangered	Endangered
Plains minnow <sup>2</sup>	<i>Hybognathus placitus</i>	--	Threatened
Silver chub <sup>2</sup>	<i>Macrhybopsis storeriana</i>	--	Endangered
<b>Invertebrates</b>			
Monarch butterfly <sup>1</sup>	<i>Danaus plexippus</i>	Proposed Threatened	
Western regal fritillary <sup>1</sup>	<i>Argynnis idalia occidentalis</i>	Proposed Threatened	

Although the Bald Eagle is not a listed threatened or endangered species, it is still afforded protection by the federal government under the Bald and Golden Eagle Protection Act (BGEPA) and the Migratory Bird Treaty Act (MBTA). The BGEPA provides for the protection of Bald and Golden Eagles by prohibiting the taking, possession, and commerce of such birds, except under certain specified conditions. The MBTA makes it unlawful to pursue, hunt, take, capture or kill; attempt to take, capture or kill; possess, offer to or sell, barter, purchase, deliver or cause to be shipped, exported, imported, transported, carried or received any migratory bird, part, nest, egg or product, manufactured or not. Provisions are in place for the protection of migratory birds, parts, nests, eggs, or products. Under the MBTA, "migratory birds" essentially includes all birds native to the U.S. and the regulations



pertain to any time of the year, not just during migration. Since the Preferred Alternative will require some tree removal, conservation measures to minimize the potential impacts to migratory birds, including tree clearing outside of the nesting season (generally March 1<sup>st</sup> to September 15<sup>th</sup>) or conducting nest surveys prior to clearing to avoid injuries to eggs or nestlings will be implemented. Based on the above conservation measures, impacts to migratory birds will be minimal.

AAO is an area where federal and state listed species could occur. There are no listed critical habitats for state or federally listed species within the Study Area.

### **No-Build Alternative**

No changes in land cover or grounds maintenance practices would occur at AAO.

### **Recommended Preferred Alternative**

There is no suitable habitat located within the airport property to be released for highway ROW. Therefore, there will be no effect to threatened and endangered species associated with the release of airport property. Impacts to threatened and endangered species are not anticipated to be significant.

## **4.5.4 Hazardous Materials**

Identification of potential hazardous materials locations within the Study Area was conducted through review of existing and previous land uses, a regulatory database review, and site investigations conducted in July 2022.

One site (Site 23) has a “moderate-to-high” priority located on AAO property. This site was identified in the Kansas Department of Health and Environment’s (KDHE) per- and polyfluoroalkyl substances (PFAS) Inventory Report database which includes development of a statewide inventory and prioritization of potential PFAS sources in water supplies. PFAS are widely used, long lasting chemicals, components of which break down very slowly over time. Site 23 is the location of a previous aircraft incident on the airport property.

### **No-Build Alternative**

No changes in existing airport and aircraft operations would occur. Generated wastes would continue to be collected and disposed of at licensed waste facilities.

### **Recommended Preferred Alternative**

Site 23 is located outside of the area required for ROW by the Recommended Preferred Alternative and any proposed construction activities. No airport operations or support services or facilities would be affected by this site. The contractor will dispose of construction wastes to the appropriate landfill operator per construction specifications.

Construction activities may result in short-term and temporary effects on surface water quality by increasing the amount of suspended sediments in runoff flowing to receiving waters. Contractors would be responsible for obtaining all land disturbance and construction-related stormwater discharge permits. The contractor will be responsible for preparation of a Storm Water Pollution Prevention Program (SWPPP) indicating the BMPs (e.g. silt fencing, silt socks, erosion control blankets, hay bales, etc.) to be implemented to manage stormwater discharges will be developed in association with obtaining NPDES authorization.

There are no impacts to known hazardous materials sites and impacts are not anticipated to be significant.



## 4.5.5 Visual Effects and Lighting

In accordance with FAA Order 5050.4B, *NEPA Implementing Instructions for Airport Actions*, the sponsor of an airport development project shall “consider the extent to which any lighting associated with an airport action will create an annoyance among people in the vicinity of the installation.” It is also prudent to consider whether lighting associated with a proposed project might confuse or interfere with the vision of the air traffic controller’s directing aircraft for arrival at an airport, or the vision of the pilots on approach to an airport runway.

### No-Build Alternative

The airport would remain developed as it is today, accommodating both landside and airside activities. No change in existing lighting (parking, building, airfield, approach) would occur.

### Recommended Preferred Alternative

AAO sits on a relatively flat piece of land along K-96 and Webb Rd. The visual character of AAO would not change with implementation of the proposed improvements. Along K-96 and the new ramp to N Webb Road, any changes to lighting type and location would be determined during design in coordination with the Wichita Airport Authority and FAA to ensure that any proposed lighting does not interfere with airport or aircraft operations. Lighting and signage associated with the Proposed Action would not affect the visual character of the area nor would it obstruct views of important resources, landmarks, or entrances on-airport. No changes would be made to the existing airfield or approach lighting systems.

Impacts on visual effects and lighting are not anticipated to be significant.

## 4.5.6 Section 4(f) and 6(f) Properties

The U.S. Department of Transportation (USDOT) refers to publicly owned land from parks, recreation areas, and wildlife and waterfowl refuges, or land from historic sites that are listed or potentially eligible for listing on the National Register of Historic Places, as “Section 4(f) resources” because they have special status under the provisions of Section 4(f) of the USDOT Act of 1966 (49 USC Part 303 and 23 CFR Part 774). Section 4(f) states that the administration may not approve the use of a Section 4(f) property unless a determination is made that 1) there is no prudent and feasible avoidance alternative to the use of the property and 2) the action includes all possible planning to minimize harm to the property; or if the use of the property, including any measures to minimize harm (avoidance, minimization, mitigation, or enhancement measures) will have a de minimis impact on the Section 4(f) property. In addition, any public park or recreation land that has used funds from the Land and Water Conservation Fund (LWCF) for acquisition or development is protected under Section 6(f) of the LWCF Act.

One Section 4(f) resource is located on FAA property at Jabara Airport. The K-96 Bike Trail begins in Chisholm Creek Park South and runs immediately adjacent to or close to (about one block away but parallel) K-96 down to Central Avenue for 7.9 miles. As a multi-use trail, the K-96 Bike Trail provides connectivity between neighborhoods and parks on the eastern side of Wichita. The 1,170-foot portion of the trail on FAA property is located immediately adjacent to KDOT ROW at the southbound entrance ramp to K-96 from Webb Road. This FAA property is maintained as clear approach space and is not developed.





## No-Build Alternative

The portion of the K-96 Bike Trail on FAA property would remain as it is today, and no change in its configuration, location, or use would be altered.

## Recommended Preferred Alternative

The K-96 Bike Trail will be temporarily impacted during construction, including potential short-term closures and/or detours while the trail is reconstructed to avoid the realignment of the new southbound K-96 entrance ramp from Webb Road. Trail connectivity will be fully restored during or after construction. K-96 Bike Trail temporary closures or detours will be coordinated with the City of Wichita Parks Department to minimize impacts to the cycling public. The impacts to the K-96 Bike Trail on FAA property are Section 4(f) de minimis impacts and are not anticipated to be significant, meaning that the features, attributes, or activities qualifying the trail for protection by Section 4(f) would not be adversely affected by the project.

FHWA and KDOT coordinated with the City of Wichita regarding Section 4(f) eligibility and impacts to the trail. After public comment regarding the potential de minimis impact finding for these resources, the City of Wichita will be re-contacted to obtain a concurrence letter for the de minimis impacts to all Section 4(f) properties impacted by the project. Comments from the public will be solicited via the EA public comment period and public hearing regarding the potential de minimis finding. Please see **Section 3.9** for evaluations of Section 4(f) and 6(f) properties.

## 4.6 Effects and Mitigation Summary

This chapter has presented the potential effects of the proposed improvements on airport property. No significant adverse effects (short- or long-term) are expected on airport resources from construction or operation of the Proposed Action. **Table 4-3** summarizes the anticipated effects and any required mitigation.

**Table 4-3. Summary of Effects at AAO and Required Mitigation**

Resource Category	Recommended Preferred Alternative		No-Build Alternative	
	Effects	Mitigation Required	Impact	Mitigation Required
Air Quality	No Impact	None required	None	None
Coastal Resources	None present	None required	None	None
Community Effects – Socioeconomics, Bicycle/Pedestrian Facilities, Community Facilities, and Emergency Services	Realignment and temporary closure and detour of the K-96 Bike Trail during construction.	Coordination with City of Wichita Parks Department regarding detour routes and closures.	None	None
Cultural Resources (Historical, Architectural, and Archaeological)	None present	None required	None	None



Resource Category	Recommended Preferred Alternative		No-Build Alternative	
	Effects	Mitigation Required	Impact	Mitigation Required
Farmland	Not applicable	None required	None	None
Floodplains and Floodways	None present	None required	None	None
Hazardous Materials	Project impacts are not anticipated to be significant	Site 23 PFAS to be avoided	None	None
Land Use, Right-of-Way, and Displacements	Project impacts are not anticipated to be significant.	KDOT committed to maintaining detention basins and working with the Wichita Airport Authority to ensure regular maintenance so that they perform as designed and do not attract wildlife.	None	None
Natural Resources and Energy Supply	Increase in use of construction materials, utility use (gas, water, electricity); not significant	Any on-airport utilities will be relocated as needed to accommodate the proposed improvements.	None	None
Noise and Compatible Land Use	No impact	None required	None	None
Section 4(f) and 6(f) Properties	K-96 Bike Trail to be realigned to property currently owned by AAO and acquired by KDOT for ROW. Temporary closure and detour routes for the K-96 Bike Trail during construction. Project impacts are <i>de minimis</i> in nature.	Coordination with City of Wichita Parks Department regarding detour routes and closures	None	None
Threatened and Endangered Species and Biological Resources	No effect on Threatened and Endangered species. Project impacts are	None required	None	None



Resource Category	Recommended Preferred Alternative		No-Build Alternative	
	Effects	Mitigation Required	Impact	Mitigation Required
	not anticipated to be significant.			
Visual Effects and Lighting	Project impacts are not anticipated to be significant.	Shielded or low-intensity lighting to be used as part of the proposed improvements would not interfere with airport or aircraft operations.	None	None
Water Resources	No surface waters or wetlands are present. Stormwater management during construction.	Contractor to obtain NPDES permit and implement SWPPP during construction.	None	None

## 4.7 Coordination

On December 12, 2022, the design team met with the Wichita Airport staff. At that time the concepts were reviewed, and the airport staff identified keeping Jabara Road open as important to operations. FAA was identified as a Cooperating Agency for the NEPA document.

A second meeting was held on January 11, 2023, which included FAA, KDOT, the City of Wichita and the design team to continue coordination of design information and potential property acquisition needs.

The FAA Air Traffic Organization (ATO) reviewed this EA because of the proximity of the highway improvements to operational navigational equipment. ATO comment: *initial reaction is that this project would likely not impact the LOC, but if KDOT changes that assessment as they move toward implementation, please make sure they coordinate with our NAS planning group.*



The design team received comments from FAA staff in April 2024 regarding comments on the draft EA and impacts to FAA property. A meeting was held with FHWA, FAA, and design team staff on April 16, 2024 to discuss and resolve the comments.

This project may require formal notice and review for airspace considerations under 14 CFR Part 77, Safe, Efficient Use, and Preservation of the Navigable Airspace. Several items may need to be checked such as any changes in ground elevation, structures, towers, poles, objects, and temporary construction equipment that exceed the notice criteria. For projects such as this one involving long routes, multiple locations will need to be checked (usually every mile and changes in elevation). If it is determined that filing with FAA is required, FAA recommends 120-day notification to accommodate the review process and issue a determination letter.



## Exhibit 4-1: Webb Road Alt. 1 - Do Nothing

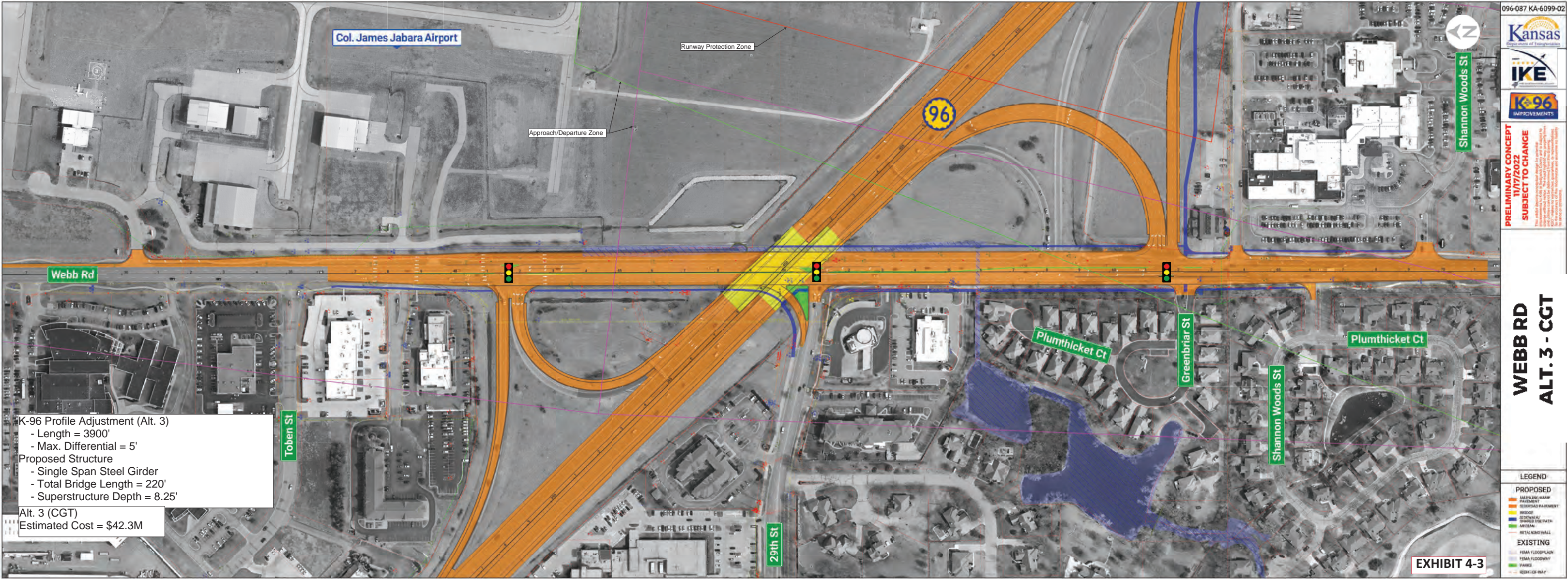






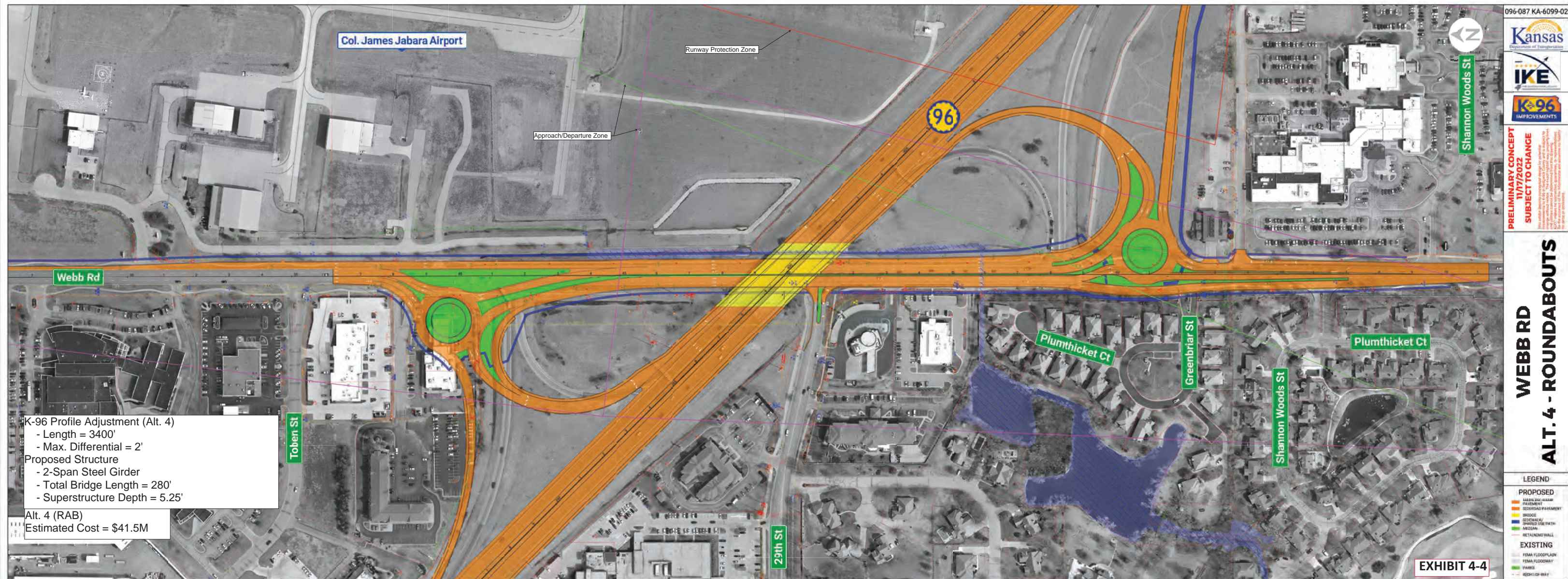


Exhibit 4-3: Webb Road Alt. 3 - CGT



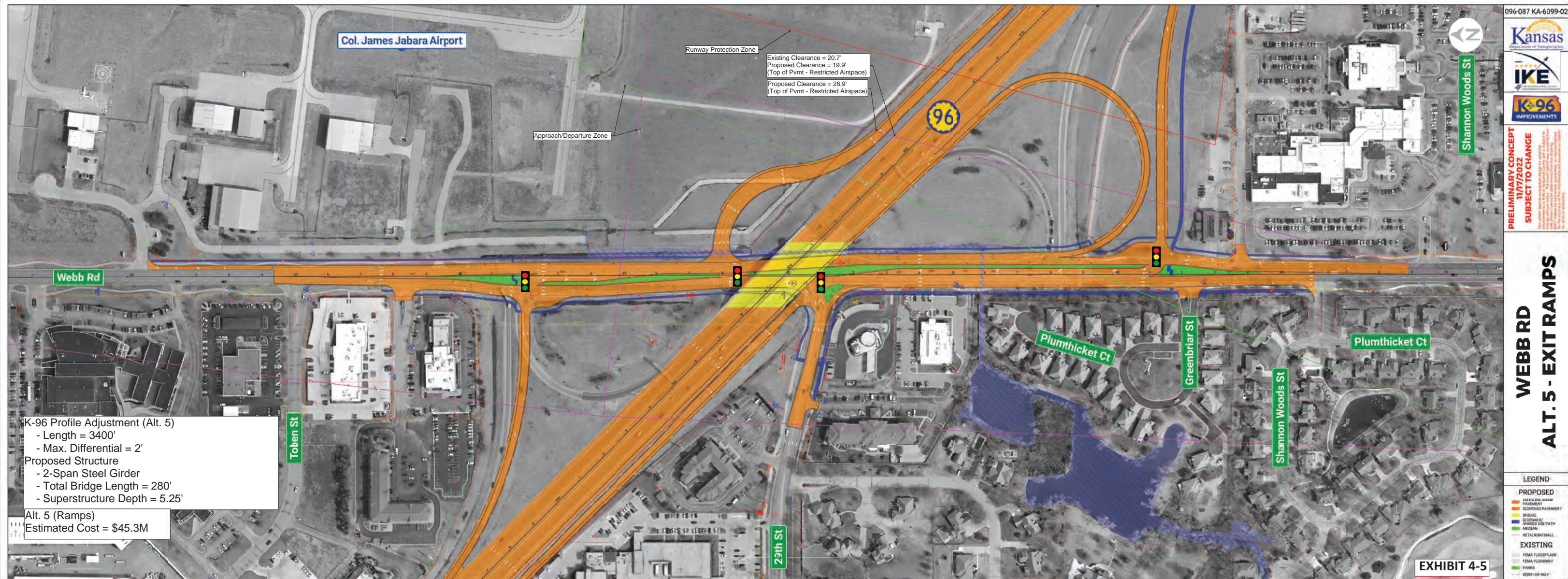


## Exhibit 4-4: Webb Road Alt. 4 - Roundabouts





## Exhibit 4-5: Webb Road Alt. 5 - Exit Ramps





# Exhibit 4-6: Webb Road Alt. 6 - Dog Bone





Exhibit 4-7: Concept Evaluation Criteria - Webb Interchange



CONCEPT EVALUATION CRITERIA - WEBB INTERCHANGE								
Criteria	Alt 1 Add'l Lanes	Alt 2 EB Exit Loop	Alt 3 CGT	Alt 4 Roundabouts	Alt 5 Exit Ramps	Alt 6 Dogbone RAB	COMMENTS	
Safety/Mobility								
Bicycle Accomodations/Safety	Lo	Lo	Lo	Lo	Lo	Lo		
Collision Severity	Lo	Lo	Lo	Hi	Lo	Med		
Pedestrian Accomodations/Safety	Lo	Lo	Lo	Lo	Lo	Lo		
Traffic Operations								
Access Management	Lo	Lo	Lo	Med	Med	Med		
Delay	Lo	Lo	Lo	Med	Hi	Med	Alt 4&5 >LOS D thru 2045	
Driver Expectancy	Hi	Hi	Lo	Lo	Med	Lo		
Queue Overflow	Lo	Lo	Lo	Med	Hi	Med		
Reserve Capacity	Lo	Lo	Lo	Lo	Hi	Lo		
Signing	Hi	Hi	Med	Med	Med	Med		
Physical Impacts								
Access Impacts	Lo	Lo	Lo	Med	Med	Med		
Airport Impacts	Hi	Lo	Lo	Lo	Lo	Med		
Environmental Impacts - See Below for Details		Hi	Med	Med	Med	Hi		
Right of Way Impacts - See Below for Details	Hi	Med	Med	Lo	Lo	Med		
Utility Impacts	Hi	Hi	Med	Lo	Hi	Lo	12" Southern Star, 20" Water, Ideatek, 12" KGS	
Constructability								
Constructability	Hi	Hi	Hi	Med	Hi	Lo		
Maintenance of Traffic	Hi	Hi	Hi	Med	Hi	Lo		
Cost								
Construction Cost	Hi	Med	Med	Med	Lo	Med		
Operation/Maintenance Cost								
ENVIRONMENTAL DETAIL								
Criteria	Unit of Measure	Alt 1 Add'l Lanes	Alt 2 EB Exit Loop	Alt 3 CGT	Alt 4 Roundabouts	Alt 5 Exit Ramps	Alt 6 Dogbone RAB	COMMENTS
Community Impacts								
National Register of Historic Places (Buildings or Districts)	No.	0	0	0	0	0	0	
Other (schools, religious orgs, cemeteries, fire stations)	No.	1	1	1	1	1	1	Wichita Fire Station 18
Environmental Impacts								
Hazardous Material Sites (EDR)	No.	**6	**6	7	7	7	*5	KS Spine & Specialty; UST *Site Improvements (Airport); FINDS *Gorges & Co; RCRA-VSQQ *Medical Park; FINDS *Kansas Gastroenterology; FINDS *Wichita Fire Station #18; UST **Kansas Surgery & Recovery Center; UST
NHD Stream Crossings	No.	0	0	1	1	1	0	
NHD linear feet of stream	feet	0	0	267	267	286	0	
K96 Trail Impacts	feet	1,511	2,217	3,168	3,326	3,714	2,438	
NWI Impacts	acre	0.2	0.2	0.4	0.4	0.5	0.2	
Potential Threatened/Endangered Species Habitat	Yes/No	No	No	No	No	No	No	
Wooded Areas	acre	0.0	0.0	0.0	0.0	0.0	0.0	
100-Year Floodplain Impacts	acre	0.1	0.1	0.6	0.6	0.1	0.1	
Right of Way								
Agricultural (Wooded/Vacant)	acre	0.0	0.0	0.0	0.0	0.0	0.0	
Commercial	acre	3.5	3.5	3.6	5.1	4.6	3.5	
Industrial	acre	0.0	0.0	0.0	0.0	0.0	0.0	
Public (Parks and other publicly owned parcels)	acre	0.0	0.0	0.0	0.0	0.0	0.0	
Residential	acre	0.5	0.5	0.5	0.6	0.5	0.6	
Other (e.g. utilities, institutional, fraternal organizations)	acre	3.1	7.2	8.9	8.7	10.8	6.0	Airport R/W



## 5.0 Agency and Public Comments and Coordination

### 5.1 Public Involvement Process

The K-96 improvements are focused on enhancing safety and mobility within the corridor. Public engagement had various levels of involvement within all phases of the project. A stakeholder engagement and communications plan was developed to outline objectives and to define the communication tools and techniques to accomplish the following communication goals:

- Work with the City of Wichita, KDOT, FHWA and additional key stakeholders to best meet the needs of the community.
- Work with the City of Wichita, KDOT, FHWA and additional key stakeholders to best position the project to apply for and be awarded federal funding.
- Work with the City of Wichita to widely distribute materials and post materials electronically to reach a broad and diverse audience.
- Identify, address and mitigate controversial issues, early in a collaborative and constructive manner. Examples of controversial issues include right-of-way impact, access changes, parking impacts, etc.
- Ensure the public involvement process is fair, open and responsive to input of the public and the public knows where and how to request project information.

A scoping and coordination process was initiated that involves appropriate federal, state, and local agencies, as well as stakeholders and the public. Engagement with key stakeholders and the local and regional community will continue throughout the NEPA process to obtain public input and to keep the public informed of project updates and milestones. Coordination meetings were held as needed with affected/concerned local, state, tribal, and federal governmental entities. Public meetings were held to gather input and share findings on the EA. The EA will be made available for public and agency review and comment prior to the final public hearing.

#### 5.1.1 Public Meetings

An in-person open house public scoping meeting was held on February 2, 2023, from 5:00 PM to 7:00 PM at Wichita State University Tech's National Center for Aviation Training in Wichita, Kansas. Approximately 120 people attended the open house. A virtual open house, including a recorded video of the in-person meeting, was hosted on the project website (<https://k96improvements.ksdot.gov>) during the comment period from February 2, 2023, through March 10, 2023. The same information and displays were provided in the online format as were presented at the in-person open house. A total of 59 comments were received during the comment period. Both the in-person and virtual meetings provided information on the purpose and need of the project, the alternatives being considered, an overview of the NEPA process, the anticipated study and construction schedule, and features and constraints to be considered. Comments received included questions about interchange design type, U-turns at Webb Road, bike/pedestrian accommodations along the corridor, HOA interests, and possible impacts to Chisholm Creek Park. The Public Meeting Summary is included in **Appendix B**.

People attending the open house meetings and those sending comments through letters or email were overall supportive of the improvements to K-96 and the respective interchanges. The following trends were noted.

- Many people noted seeing numerous crashes along the corridor and were happy to have a project that would enhance safety.



- The DDI was heavily preferred to the DLT, and many commentors requested that the DDI be used at all interchanges for driver consistency.
- Citizens were happy to see safer bicycle and pedestrian crossings with the DDI than the current intersections have, and requested our team connect sidewalks and bicycle paths to existing trails and paths whenever possible.
- The Webb Road interchange had the most individual feedback of the interchanges, with positive reactions to the larger loop and mixed reactions to eliminating left turns to and from 29th Street.

The public hearing for the project is expected to be held in mid-April 2024.

### 5.1.2 Stakeholder Meetings

The project team met in person with businesses and employers located in the corridor at multiple times and locations. These meetings were intended to provide an overview of the study and gather feedback from the businesses such as how they use their property, transportation concerns they have in the area, and improvements they would like to see.

During the public engagement process there were numerous official public presentations and presentations to local organizations. From September 7, 2022 to November 12, 2022 meetings were held with groups such as:

- Corridor Outreach Group
- District Area Boards 1 and 2
- WAMPO TAC, WAMPO TPB

Information presented at these meetings included:

- Project partners
- Project timeline, needs, benefits, and project limits
- Planned intersection upgrades to Woodlawn, Rock, and Webb
- Steps of the design and environmental process
- Discussion on a project vision statement
- Discussion on contact/website information.

On January 9, 2023 the project team updated two members of the Wichita City Council. The same information was presented with a change of project limits (now from K-96 at I-35 to I-135, with upgrades at seven interchanges: Hillside, Oliver, Woodlawn, Rock, Webb, Greenwich, and 21st Street). The concerns that were addressed at this meeting included:

- Eliminating left turns to and from 29<sup>th</sup> Street at the Webb Road interchange
- It was requested that the team create drive time simulations to compare existing conditions and the proposed design as traffic number increase to show to constituents
- Adding an FAQ to add to the website to display/explain traffic movements for the proposed U-Turns
- It was requested that the team ensuring HOAs along the Webb Road Interchange were contacted and informed of the proposed designs and Open House

Also on January 9, 2023 the City of Wichita Board of Park Commissioners were presented the same general information, and additional information on connections of interchanges to existing trails and project proximity to Wichita Parks. The project team also asked that the Board provide a Letter of Concurrence regarding



potential park impacts. The Board discussed how the designs would connect interchange crossing and sidewalks to the Wichita trail system and requested that any trees taken down for construction be replanted in the parks.

Friends of the Great Plains Nature Center met on February 16, 2023 and were presented general project information. The Corridor Outreach Group met for the second time on March 2, 2023 with updated information, primarily discussing the purpose and need and Open House feedback. Comments from this meeting can be found in **Appendix B**.

The project team met with representatives from District 1 and 2 and City of Wichita Planning Representatives met on March 6, 2023 to discuss a summary of feedback from the Open House held in February 2023, and interchange discussions based on feedback and possible solutions. The Wichita Bicycle and Pedestrian Advisory Board, WAMPO TPB, and WAMPO TAC met on March 13<sup>th</sup>, 14<sup>th</sup>, and 27<sup>th</sup> respectively, and were presented Open House meeting feedback, Interchange Design Concepts (DDIs), and next steps in the project. The Bicycle and Pedestrian Advisory Board was also involved in a discussion on how pedestrians/cyclists use DDIs, and were given examples of proposed safety barriers.

The South Central Kansas Legislative Delegation, the Bel Air Chamber of Commerce, Rotary Club of East Wichita, Rotary Club of Downtown Wichita, and the Andover Rotary Club were each presented a project overview video, steps of the design and environmental process, feedback from Open House #1, and proposed interchange designs. Questions following the presentations and team member responses can be found in **Appendix B**.

Property Owner Meetings were conducted from January to August 2023. U-Stor Self Storage, Subway and American Self Storage had independent meetings with team members to discuss concerns about the project and their related property. Group meetings by interchange location were conducted as well. Koch Industries, Wichita EMS, American Self Storage, Mid American Credit Union Group, Subway, Spangles, Wichita Fire Department, Midas, and Slawson met with team members and each had the opportunity to express their concerns. A summary of the property owner meetings can be found at **Appendix B**.

## 5.2 Agency Coordination

An in-person and virtual Agency Scoping Meeting was conducted on March 1, 2023, at the Great Plains Nature Center in Wichita, Kansas. An overview of the proposed project, the initial need and purpose, alternatives to be considered, the proposed methodology and level of detail to be used to evaluate alternatives, the anticipated NEPA and construction schedules, and an overview of the types of construction were discussed. All this information along with the Coordination Plan and Public Involvement Plan were included for review and comment as an attachment to the meeting invitations distributed on February 15, 2023. 13 people participated in the meeting representing nine agencies.

### 5.2.1 Notice of Intent

The City of Wichita published a Notice of Intent (NOI) to prepare an EA for the K-96 improvements and its respective interchanges in the Kansas Register on February 16, 2023. A copy is included in **Appendix B**. This was the first step in the agency and public coordination process for the project.

### 5.2.2 Agency Coordination Package

The City of Wichita and KDOT, in coordination with FHWA, prepared an initial coordination packet for distribution to local, state, and federal agencies, tribes, officials, and organizations identified in **Table 5-1**. This packet was sent to agencies in February 2023. This packet includes a letter inviting the agency to coordinate on





the project, a project description, a study area map, the draft purpose and need, and a copy of the Project Coordination Plan.

### 5.2.3 Cooperating and Participating Agencies

Cooperating agencies are those governmental agencies specifically requested by the lead agency to participate during the environmental evaluation process for the project. Cooperating agencies are federal agencies that have jurisdiction by law regarding aspects of the proposed project or special expertise pertaining to the project.

Wichita, in coordination with KDOT and FHWA, determined that FAA and USACE would be cooperating agencies for this project. If there is a need to request any additional agency to serve as a cooperating agency, then the City of Wichita, in consultation with KDOT and FHWA, will issue that agency an invitation.

Participating agencies are federal and non-federal governmental agencies that may have an interest in the project because of their jurisdictional authority, special expertise, and/or statewide interest. All federal, tribal, state, regional, and local government agencies that may have an interest in the project were invited to serve as participating agencies. Non-governmental organizations and private entities cannot serve as participating agencies.

Lead agencies (KDOT and FHWA) for the project must agree that the project may move forward at key points, including the agency coordination plan, purpose and need, range of alternatives and proposed action (Preferred Alternative), preliminary Draft EA, and FONSI. Participating agencies may be asked to review deliverables and provide feedback at collaboration points.

### 5.2.4 Agency List

Table 5-1 shows the Lead and Participating Agencies for the Project.

**Table 5-1: List of Lead and Participating Agencies**

Agency	Role	Accepted Invite*	Responsibility
Federal Highway Administration	Federal Lead Agency	Y	Manage environmental review process; prepare and approve EA; provide opportunities for public and agency involvement
Kansas Department of Transportation	State Lead Agency	Y	Manage environmental review process; prepare and approve EA; provide opportunities for public and agency involvement
Federal Aviation Administration (FAA)	Cooperating Agency	Y	Determinations regarding obstructions to navigable airspace (14 CFR Part 77 and 49 USC 40103(b) and 40113) Unconditional approval of the Airport Layout Plan to depict the proposed improvements pursuant to 49USC §§ 40103(b) and 47107(a)(16). Approval for release of property pursuant to FAA Order 5190.6, FAA



Agency	Role	Accepted Invite*	Responsibility
			Airport Compliance Manual (49 USC Chapter 471) permitting the sale and disposal of airport property or change in land use from aeronautical to non-aeronautical.
Federal Emergency Management Agency (FEMA)	Participating Agency		Floodplain management, oversight of the National Flood Insurance Program
Federal Railroad Administration (FRA)	Participating Agency		Identification and resolution of any issues or concerns regarding railroads and railroad safety in the study area
Federal Transit Administration (FTA)	Participating Agency		Guidance related to public transit system
U.S Army Corps of Engineers, Kansas State Regulatory Office (USACE)	Cooperating Agency	Y	Section 404 of Clean Water Act (CWA) permit jurisdiction Section 10 of the General Bridge Act of 1946 permit jurisdiction Section 408 of the Rivers and Harbors Act permit jurisdiction
U.S. Department of Agriculture (USDA), Natural Resource Conservation Services (NRCS)	Participating Agency		Compliance with Farmland Protection Policy Act (FPPA)
U.S Department of Commerce, Denver Regional Office	Participating Agency		US Census Bureau data and support for community economic growth
U.S Department of Housing and Urban Development (HUD)	Participating Agency		Compliance with Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (Uniform Act)
U.S Department of the Interior, Bureau of Indian Affairs	Participating Agency		Coordination assistance for federally recognized Tribes
U.S Department of the Interior, Fish and Wildlife Service (USFWS)	Participating Agency		Section 7 of the Endangered Species Act (ESA) permit jurisdiction Compliance with the Migratory Bird Treaty Act (MBTA) Compliance with the Bald and Golden Eagle Protection Act (BGEPA) Compliance with Fish and Wildlife Coordination Act
U.S Department of the Interior, National Park Service (NPS)	Participating Agency		Keeper of the National Register of Historic Places (NRHP) LWCF Grant Administrator



Agency	Role	Accepted Invite*	Responsibility
U.S Department of the Interior, Office of Environmental Policy and Compliance	Participating Agency		Conservation stewardship and sustainable development for DOI actions  NEPA reviews
U.S Department of Interior, Bureau of Land Management	Participating Agency		
U.S Bureau of Reclamation	Participating Agency		
U.S Department of the Interior, Office of the Solicitor	Participating Agency		
U.S Environmental Protection Agency, Region 7	Participating Agency		Compliance with Section 309 of the Clean Air Act (CAA)  Compliance with applicable hazardous materials regulations
Osage Nation of Oklahoma	Participating Agency	Y	Coordination under Section 106 of the NHPA
Wichita and Affiliated Tribes	Participating Agency		Coordination under Section 106 of the NHPA
Kansas Biological Survey	Participating Agency		Research and expertise regarding the flora and fauna of Kansas
Kansas Corporation Commission	Participating Agency		Identification and resolution of any issues or concerns regarding existing and planning public electric, telecommunication, and water and sewer utilities in the study area.
Kansas Department of Agriculture, Kansas Division of Water Resources	Participating Agency		Floodplain management oversight and floodplain fill/levee permitting  Stream Obstruction, Channel Change, and General DWR permits
Kansas Department of Health and Environment	Participating Agency	Y	Compliance with Section 401 of the CWA Compliance with state surface water quality standards  Manage National Pollutant Discharge Elimination System (NPDES) permitting
Kansas Department of Wildlife, Parks & Tourism	Participating Agency		Compliance with Section 6(f) Land and Water Conservation Fund. May also include Riston Landwehr at <a href="mailto:Riston.Landwehr@ks.gov">Riston.Landwehr@ks.gov</a>  Management of state-listed species, critical habitats, and Species in Need of Conservation (SINC)
Kansas State Historical Society	Participating Agency		Section 106 of the NHPA compliance and eligibility Compliance with



Agency	Role	Accepted Invite*	Responsibility
			Section 4(f) of the Department of Transportation Act of 1966
Kansas Turnpike Authority	Participating Agency		Oversight and management of the Kansas Turnpike system and associated infrastructure.
Kansas Water Office	Participating Agency		Development and implementation of the Kansas Water Plan.
Andover Public School District	Participating Agency		General Coordination
Circle Public School District	Participating Agency		General Coordination
Butler County	Participating Agency		General Coordination
City of Andover	Participating Agency		General Coordination
City of Wichita	Participating Agency	Y	General Coordination
Wichita-Sedgwick County Planning	Participating Agency		General Coordination
Sedgwick County	Participating Agency		General Coordination
Wichita Public School System Unified School District	Participating Agency		General Coordination
Wichita Area Metropolitan Planning Organization	Participating Agency		General Coordination
Wichita Transit	Participating Agency		General Coordination

## 5.3 Tribal Coordination

The Wichita Tribe and other Affiliated Tribes were contacted by KDOT on September 14, 2022. In accordance with the National Historic Preservation Act, the Wichita Tribe and other Affiliated Tribes were notified of the project, given a site map, and provided contact information in order to share comments about the project within 60 days. On December 21, 2022, KDOT contacted the tribes again in order to share an updated site map. On May 4, 2023, the EA Purpose & Need chapter was shared with the tribes and asked to share feedback on the document by June 7, 2023. No comments were received from the Wichita Tribe or Affiliated Tribes.

On September 14, 2022 notification of the project was sent to the Osage Nation. The Osage Nation responded by requesting a KMZ file of the project and to be notified when the Section 106 process will begin, as well as stating they had not been notified of the project by KDOT's Environmental Division or the Kansas Division of FHWA. On January 24, 2023, the Osage Nation communicated that they had received the update site location map and apologized for their delayed response but wanted it to be known that this project is a priority to them. Additionally, they expressed that their previous requests had yet to be satisfied (the KMZ file, and formal responses from KDOT and FHWA). On the same day a KMZ file and a statement was sent explaining that the NEPA process does not require the same formal level as Section 106 and that the Section 106 consultation process was initiated when the original letter was sent in September. The Osage Nation responded by stating they were looking forward to reviewing and commenting on the cultural resources report.



The Osage Nation was invited to attend the Agency Scoping Meeting conducted on March 1, 2023, at 10:00 AM. The Osage Nation was unable to attend the meeting, but were sent meeting minutes, a pdf of the presentation, and an updated copy of the Agency Coordination Plan on March 16, 2023. On April 12, 2023 the Osage Nation shared their concerns that their letter and request to be a participating agency had not been addressed in the updated Agency Coordination Plan, as well as leaving additional comments on the Agency Coordination Plan. At this time they also requested the EA for review and comment, requested an appropriate POC, requested formal consultation with all required parties, and stated they had received the archeological phase II survey and will review and comment as needed.

On May 4, 2023 the Purpose & Need was shared with the Osage Nation. Comments were requested to be made by June 7, 2023. The project team addressed the comments made by the Osage Nation on June 6, 2023 via email. On July 12, 2023, the Osage Nation requested construction monitoring and for a phase II evaluation south of 13<sup>th</sup> Street as well as in the western portion of the project near sites identified by OHNPO. On the same day the team responded that KSHA would use the project plans to identify APE and stated that the request for construction monitoring will be revisited. An updated KMZ file was attached with the construction limits. Coordination with the Osage Nation can be found in **Appendix B**.

## 5.4 Public Review of the EA

A Notice of Availability of the Draft EA and Notice of Public Hearing were published in the *Kansas Register* on March 28, 2024. The Draft EA was made available for review and comment by the public from March 27 through May 15, 2024. The public comment periods for the proposed Section 4(f) *de minimis* finding and the proposed Section 6(f) property conversions will occur concurrently with the Draft EA public comment period from March 27 to May 15, 2024. The Draft EA is posted on the K-96 website at <https://k96improvements.ksdot.gov/> and paper copies are available for inspection at the Atwater Neighborhood Resource Center, 2755 East 19<sup>th</sup> St. N., Wichita, KS. 67214 and the Rockwell Branch Library, 5939 East 9<sup>th</sup> St., Wichita, KS. 67208 during normal business hours., and at the public hearing. The public hearing will occur on April 11, 2024 and will be conducted in both an in-person open house setting and a virtual open house.



## 6.0 References

Bureau, U. S. C. (n.d.). Explore census data. Retrieved November, 2023, from <https://data.census.gov/all?q=Wichita,%20KS>

Delisle, J. 2023. K96 Improvements Heritage Review. Received by C. Thomas, Hg Consult Inc. Kansas Biological Survey and Center for Ecological Research. September 11, 2023.

EDR. 2022. The EDR Radius Map Report; K-96 Additional Area, Wichita, KS 67230. EDR Inquiry Number: 7141837.2s; October 7, 2022.

EDR. 2022. The EDR Radius Map Report; K-96 From E 13th To I-135, Wichita, KS 67220. EDR Inquiry Number: 7090840.5s; August 18, 2022.

EPA. (n.d.). EJScreen (Version 2.2). Retrieved November 2023, from <https://ejscreen.epa.gov/mapper/>

FEMA. (n.d.). FEMA's National Flood Hazard Layer (NFHL) Viewer. Retrieved November, 2023, from <https://hazards-fema.maps.arcgis.com/apps/webappviewer/index.html?id=8b0adb51996444d4879338b5529aa9cd>

Kansas Geological Survey. (April, 2022). (KGS) Water Well Completion (WWC5) Map. Retrieved November 2023, from <https://www.arcgis.com/home/item.html?id=5dc101377987432a91cdd441dec33370>

KDHE. (February, 2022). 2022 303(d) List. Retrieved November 2023, from <https://www.kdhe.ks.gov/1219/303d-Methodology-List-of-Impaired-Waters>

KDHE. (June, 2019). PFAS (per- and polyfluoroalkyl substances) Inventory Report. Retrieved November 2023, from <https://www.kdhe.ks.gov/635/Per--Polyfluoroalkyl-Substances>

KDOT. (June, 2022). KDOT Highway Traffic Noise Policy 2022. Retrieved November 2023, from <https://www.ksdot.gov/publications.asp>

NRHP. (n.d.). National Register of Historic Places. Retrieved November 2023, from <https://www.nps.gov/subjects/nationalregister/index.htm>

U.S. Department of Agriculture (USDA). 2023. Web Soil Survey. Accessed on October 15. <https://websoilsurvey.nrcs.usda.gov/app/WebSoilSurvey.aspx>

U.S. Fish and Wildlife Service. 2023. National Wetlands Inventory Online Mapper. Accessed on November, 2023. <https://www.fws.gov/wetlands/data/mapper.html>.





USGS. (n.d.). National Hydrography Dataset. Retrieved November 2023, from <https://www.usgs.gov/national-hydrography>

USGS. (n.d.). Topographic Maps. Retrieved November 2023, from <https://www.usgs.gov/programs/national-geospatial-program/topographic-maps>

**Agency Correspondence**

## **Notice of Intent to Conduct Environmental Assessment**

Public notice is hereby given that the Kansas Department of Transportation (KDOT), in cooperation with the Federal Highway Administration (FHWA), will prepare an Environmental Assessment (EA) for a proposal to upgrade a portion of K-96 in Wichita, Sedgwick County, Kansas, from a 4-lane to a 6-lane freeway. The City of Wichita, Kansas is serving as a partner in the study.

The overall environmental study limits begin just east of the K-96/I-135 interchange in Wichita, Kansas and extend east/southeast to just north of the K-96/US 54/US 400 interchange. The overall length of the proposed project is approximately 9.5 miles. The proposed upgrade of K-96 from a 4-lane to a 6-lane freeway includes pavement replacement only from 21<sup>st</sup> Street to the K-96/US 54/US 400/I-35 Interchange. In addition, improvements at the seven interchanges of Hillside, Oliver, Woodlawn, Rock, Webb, Greenwich, and 21<sup>st</sup> Street are being considered.

Within the EA, KDOT and FHWA will evaluate a “No Build” alternative as well as expansion alternatives. Roadway configurations, including freeway main lanes and interchange options will be evaluated throughout the corridor.

The FHWA and KDOT plan to prepare an EA for the project. The EA will analyze the potential social, economic, and environmental impacts resulting from the proposed project. The following issues will be specifically analyzed as part of the EA: traffic noise; impacts to aquatic ecosystems and floodplains; effects on cultural resources; effects on threatened and endangered species and habitats; effects on the transportation system; effects on parks/recreation; populations with environmental justice concerns; community cohesion; and socioeconomics. This includes direct, indirect, and cumulative impacts. Other federal approvals or permits that may be required; addition of the Federal Aviation Administration (FAA) as a Cooperating Agency and federal action on their part to address impacts to the Colonel James Jabara Airport, a Section 404 Permit from the U.S. Army Corps of Engineers (USACE), floodplain development permits from Sedgwick County, and water resource and floodplain permits from the Kansas Division of Water Resources.

A scoping and coordination process was initiated with stakeholders, tribal governments, and the public in September 2022. Coordination, including meetings as needed, will continue throughout the study to engage the local and regional community to inform and obtain input from agencies, tribal governmental entities, stakeholders, and the public with an interest in the project. A public meeting was conducted on February 2, 2023, to gather input and share findings from the development of the alternatives process. In addition, an Agency/Tribal Scoping meeting will be held on March 1, 2023 to discuss the project and receive input on the purpose and need for the project, alternatives being considered, and known environmental and cultural issues. The EA will be made available for public and agency review and comment prior to a public hearing anticipated to be held in late 2023. To ensure that the full range of issues related to the proposed action are addressed and all potentially significant issues defined, comments and suggestions are invited from all interested parties. Comments or questions

concerning the proposed action and the EA should be directed to KDOT at the address provided below.

For further information contact Kansas Department of Transportation, Attn: Kris Norton, PMC Coordinating Engineer, Kansas Department of Transportation, Division of Program & Project Management, Eisenhower State Office Building, 700 SW Harrison St., Topeka, KS 66603-3745, phone 785-368-6429, kris.norton@ks.gov

Calvin Reed

Acting Secretary

---

## Re: KDOT Project No. KA6099-02; K-96 Wichita, KS; Agency/Tribal Scoping Meeting

1 message

---

**Elizabeth Smith [KDHE]** <Elizabeth.Smith@ks.gov>

Tue, Mar 14, 2023 at 5:45 PM

To: David Kocour <dkocour@hgcons.com>

Cc: "Scott Satterthwaite [KDHE]" <Scott.Satterthwaite@ks.gov>, "Katlynn Decker [KDHE]" <Katlynn.Decker@ks.gov>, "Karle Woodward [KDHE]" <Karle.Woodward@ks.gov>

Hi, David --

Would you please also include:

[Scott.Satterthwaite@ks.gov](mailto:Scott.Satterthwaite@ks.gov)

[Katlynn.Decker@ks.gov](mailto:Katlynn.Decker@ks.gov)

and, if the project affects any NPDES dischargers,

[Karle.Woodward@ks.gov](mailto:Karle.Woodward@ks.gov)

Thanks!

Liz

---

Elizabeth Fabri Smith, PhD (she/her)

Bureau of Water

Kansas Department of Health and Environment

Curtis Building, [1000 SW Jackson St., Suite 430](#)

[Topeka, KS 66612-1367](#)

tel: (785) 296 - 4332

[elizabeth.smith@ks.gov](mailto:elizabeth.smith@ks.gov)

<https://www.kdhe.ks.gov/1204/Watershed-Planning-Monitoring-Assessment>

\*\*\* NOTE: our website is under construction \*\*\*

---

**From:** David Kocour <[dkocour@hgcons.com](mailto:dkocour@hgcons.com)>

**Sent:** Tuesday, March 14, 2023 4:59 PM

**To:** Elizabeth Smith [KDHE] <[Elizabeth.Smith@ks.gov](mailto:Elizabeth.Smith@ks.gov)>

**Subject:** Re: KDOT Project No. KA6099-02; K-96 Wichita, KS; Agency/Tribal Scoping Meeting

**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.

Good point. It looks like we also had previously invited and will continue to send items to:

Julie Coleman, Hazmat Coordination Director  
Leo Henning  
Kari Goldston, Water Supply and Wastewater, South Central Office

On Tue, Mar 14, 2023 at 4:54 PM Elizabeth Smith [KDHE] <[Elizabeth.Smith@ks.gov](mailto:Elizabeth.Smith@ks.gov)> wrote:

Hi, David -- so that I don't duplicate effort, can you tell me who else in KDHE you have already included? Then I can forward to any others who should be in the loop. Please let me know - thanks! Liz

---

Elizabeth Fabri Smith, PhD (she/her)

Bureau of Water

Kansas Department of Health and Environment

Curtis Building, [1000 SW Jackson St., Suite 430](#)

[Topeka, KS 66612-1367](#)

tel: (785) 296 - 4332

[elizabeth.smith@ks.gov](mailto:elizabeth.smith@ks.gov)

<https://www.kdhe.ks.gov/1204/Watershed-Planning-Monitoring-Assessment>

\*\*\* NOTE: our website is under construction \*\*\*

---

**From:** David Kocour <[dkocour@hgcons.com](mailto:dkocour@hgcons.com)>

**Sent:** Tuesday, March 14, 2023 3:06 PM

**To:** Elizabeth Smith [KDHE] <[Elizabeth.Smith@ks.gov](mailto:Elizabeth.Smith@ks.gov)>; [terri.parton@wichitatribe.com](mailto:terri.parton@wichitatribe.com)  
<[terri.parton@wichitatribe.com](mailto:terri.parton@wichitatribe.com)>

**Cc:** Borchers, Jacob <[Jacob.M.Borchers@wsp.com](mailto:Jacob.M.Borchers@wsp.com)>; Mike Herleth <[mherleth@burnsmcd.com](mailto:mherleth@burnsmcd.com)>;  
Steve Wells <[swells@hgcons.com](mailto:swells@hgcons.com)>

**Subject:** KDOT Project No. KA6099-02; [K-96 Wichita, KS](#); Agency/Tribal Scoping Meeting

**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.

Dear Mx:



It has come to my attention that your names were inadvertently left off our email list that was used to provide early information and an invitation to an agency/tribal scoping meeting we held on March 1, 2023 for the Kansas Department of Transportation project referenced above. I am attaching all previous documents that were sent to other agency/tribal contacts ahead of that meeting.

Later this week we will be sending out notes from that meeting, a link for a recording of that meeting, and a copy of our Agency Coordination Plan. We are still very early in the study process and welcome any comments you may have, but apologize for the oversight and any inconvenience this may have caused you. Thank you and feel free to reach out to me with any questions or concerns.

--

David L. Kocour, CEP, ENV SP  
NEPA Task Manager  
[dkocour@hgcons.com](mailto:dkocour@hgcons.com)  
816.256.8584 (O)

 [KA609902\\_01\\_25\\_23\\_  
SummaryEnvironConstraintsTM\\_v...](#)

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David L. Kocour, CEP, ENV SP  
Vice President  
Sr. Environmental Scientist/Planner  
Planning Department Manager  
Hg Consult, Inc.  
[dkocour@hgcons.com](mailto:dkocour@hgcons.com)  
816.256.8584 (O)  
913.747.8239 (M)  
[www.hgcons.com](http://www.hgcons.com)



---

**Re: KDOT K-96 Agency/Tribal Scoping Mtg Notes KA6099-02**

1 message

---

**David Kocour** <dkocour@hgcons.com>

Mon, Mar 20, 2023 at 1:38 PM

To: "Summerlin, Joe" &lt;summerlin.joe@epa.gov&gt;

Cc: "Tapp, Joshua" &lt;Tapp.Joshua@epa.gov&gt;

Bcc: David Kocour &lt;dkocour@hgcons.com&gt;, Steve Wells &lt;swells@hgcons.com&gt;, "Borchers, Jacob" &lt;Jacob.M.Borchers@wsp.com&gt;, Mike Herleth &lt;mherleth@burnsmcd.com&gt;, Jen Johnson &lt;jjohnson@hgcons.com&gt;, Chris Thomas &lt;cthomas@hgcons.com&gt;, "Albritton, Shane P." &lt;spalbritton@garverusa.com&gt;, Brett Pierson &lt;bpierson@hgcons.com&gt;

Understand. Thank you Joe. We will still include you in our emails and will understand if you don't respond.

On Thu, Mar 16, 2023 at 3:48 PM Summerlin, Joe <[summerlin.joe@epa.gov](mailto:summerlin.joe@epa.gov)> wrote:

David,

Thank you for sending the notes from the meeting. At this time, EPA is focusing on environmental impact statements and those environmental assessments that may have significant effects. We only have one NEPA reviewer at this time and will do our best to participate in any future meetings. Please reach out to me at [summerlin.joe@epa.gov](mailto:summerlin.joe@epa.gov) if you have any questions about the NEPA process and review.

Sincerely,

Joe Summerlin

NEPA Reviewer

EPA, Region 7

---

**From:** David Kocour <dkocour@hgcons.com>**Sent:** Thursday, March 16, 2023 2:20 PM**To:** [rnelson@achp.gov](mailto:rnelson@achp.gov); [mranslow@achp.gov](mailto:mranslow@achp.gov); [andrea.spillars@fema.dhs.gov](mailto:andrea.spillars@fema.dhs.gov); [William.cleveland@dot.gov](mailto:William.cleveland@dot.gov); [Mokhtee.Ahmad@dot.gov](mailto:Mokhtee.Ahmad@dot.gov); Reznicek, Sarah M CIV USARMY CENWK (US) <[Sarah.M.Reznicek@usace.army.mil](mailto:Sarah.M.Reznicek@usace.army.mil)>; [Karen.Woodrich@usda.gov](mailto:Karen.Woodrich@usda.gov); [Cathy.lynn.lacy@census.gov](mailto:Cathy.lynn.lacy@census.gov); Davis, Jose R <[Jose.R.Davis@hud.gov](mailto:Jose.R.Davis@hud.gov)>; [Natalie.M.Simms-Patton@hud.gov](mailto:Natalie.M.Simms-Patton@hud.gov); Michele McNulty <[michele\\_mcnulty@fws.gov](mailto:michele_mcnulty@fws.gov)>; [bert\\_frost@nps.gov](mailto:bert_frost@nps.gov); [Environmental\\_review@ios.doi.gov](mailto:Environmental_review@ios.doi.gov); [mlarson@blm.gov](mailto:mlarson@blm.gov); [ccunningham@usbr.gov](mailto:ccunningham@usbr.gov); [amanda.wang@sol.doi.gov](mailto:amanda.wang@sol.doi.gov); Summerlin, Joe <[summerlin.joe@epa.gov](mailto:summerlin.joe@epa.gov)>; [Karinda.eden@bia.gov](mailto:Karinda.eden@bia.gov); [jdelisle@ku.edu](mailto:jdelisle@ku.edu); [m.hoeme@kcc.ks.gov](mailto:m.hoeme@kcc.ks.gov); [laura.moody@ks.gov](mailto:laura.moody@ks.gov); julie coleman <[julie.coleman@ks.gov](mailto:julie.coleman@ks.gov)>; [kdhe.bwmweb@ks.gov](mailto:kdhe.bwmweb@ks.gov); Leo Henning <[leo.henning@ks.gov](mailto:leo.henning@ks.gov)>; [kari.goldston@ks.gov](mailto:kari.goldston@ks.gov); [riston.landwehr@ks.gov](mailto:riston.landwehr@ks.gov); [Linda.lanterman@ks.gov](mailto:Linda.lanterman@ks.gov); [Zachary.cordes@ks.gov](mailto:Zachary.cordes@ks.gov); [Jennie.chinn@ks.gov](mailto:Jennie.chinn@ks.gov); [djacobson@ksturnpike.com](mailto:djacobson@ksturnpike.com); [sara.maguire@kwo.ks.gov](mailto:sara.maguire@kwo.ks.gov); [wilsons@usd385.org](mailto:wilsons@usd385.org);

[bellr@usd385.org](mailto:bellr@usd385.org); [dpotter@usd375.org](mailto:dpotter@usd375.org); [dlutz@bucoks.com](mailto:dlutz@bucoks.com); [lmangus@andoverks.com](mailto:lmangus@andoverks.com); [jconstantino@andoverks.com](mailto:jconstantino@andoverks.com); [aking@wichita.gov](mailto:aking@wichita.gov); [joswald@wichita.gov](mailto:joswald@wichita.gov); [gjanzen@wichita.gov](mailto:gjanzen@wichita.gov); [swadle@wichita.gov](mailto:swadle@wichita.gov); Lynn Packer <[lynn.packer@sedgwick.gov](mailto:lynn.packer@sedgwick.gov)>; [jhutchison2@usd259.net](mailto:jhutchison2@usd259.net); [chad.parasa@wampo.org](mailto:chad.parasa@wampo.org); [MTann@wichita.gov](mailto:MTann@wichita.gov); [Mkundu@wichita.gov](mailto:Mkundu@wichita.gov); Elizabeth Smith <[elizabeth.smith@ks.gov](mailto:elizabeth.smith@ks.gov)>; [Scott.Satterwaite@ks.gov](mailto:Scott.Satterwaite@ks.gov); Katlynn Decker [KDHE] <[Katlynn.Decker@ks.gov](mailto:Katlynn.Decker@ks.gov)>; Karle Woodward [KDHE] <[Karle.Woodward@ks.gov](mailto:Karle.Woodward@ks.gov)>; [Scott.tener@faa.gov](mailto:Scott.tener@faa.gov); [ahunter@osagenation-nsn.gov](mailto:ahunter@osagenation-nsn.gov); [colleen.bell@osagenation-nsn.gov](mailto:colleen.bell@osagenation-nsn.gov); [deseray.helton@osagenation-nsn.gov](mailto:deseray.helton@osagenation-nsn.gov); [Caitlin.nichols@osagenation-nsn.gov](mailto:Caitlin.nichols@osagenation-nsn.gov); [terri.parton@wichitatribe.com](mailto:terri.parton@wichitatribe.com)  
**Cc:** [edward.thornton@dot.gov](mailto:edward.thornton@dot.gov); Ahumada, Javier (FHWA) <[javier.ahumada@dot.gov](mailto:javier.ahumada@dot.gov)>; Cliff Ehrlich [KDOT] <[cliff.ehrlich@ks.gov](mailto:cliff.ehrlich@ks.gov)>; Mike Herleth <[mherleth@burnsmcd.com](mailto:mherleth@burnsmcd.com)>; Albritton, Shane P. <[spalbritton@garverusa.com](mailto:spalbritton@garverusa.com)>; Steve Wells <[swells@hgcons.com](mailto:swells@hgcons.com)>; Jen Johnson <[jjohnson@hgcons.com](mailto:jjohnson@hgcons.com)>; Borchers, Jacob <[Jacob.M.Borchers@wsp.com](mailto:Jacob.M.Borchers@wsp.com)>; Liz Dipaola <[dipaola.liz@gmail.com](mailto:dipaola.liz@gmail.com)>  
**Subject:** KDOT K-96 Agency/Tribal Scoping Mtg Notes KA6099-02

Thank you to all who attended the recent agency/tribal scoping meeting for the Kansas Department of Transportation's Kansas Highway 96 corridor study in Wichita. I am attaching the notes from that meeting. If someone would like to request it we also have a recorded version of the meeting, but it is a rather large file.

We will soon be sending you an Agency Coordination Plan that describes a number of items including the scoping meeting, future agency/tribal input points and timelines.

--

David L. Kocour, CEP, ENV SP

Vice President

Sr. Environmental Scientist/Planner

Planning Department Manager

Hg Consult, Inc.

[dkocour@hgcons.com](mailto:dkocour@hgcons.com)

816.256.8584 (O)

913.747.8239 (M)

[www.hgcons.com](http://www.hgcons.com)



**DEPARTMENT OF THE ARMY**  
**U.S. ARMY CORPS OF ENGINEERS, KANSAS CITY DISTRICT**  
**KANSAS STATE REGULATORY OFFICE**  
**2710 NE SHADY CREEK ACCESS ROAD**  
**EL DORADO, KANSAS 67042**

February 24, 2023

Kansas State Regulatory Office  
(NWK-2022-00320)

Mr. Kris Norton  
PMC Coordinating Engineer  
Kansas Department of Transportation  
Eisenhower State Office Building  
700 Southwest Harrison Street  
Topeka, KS 66603-3745

Dear Mr. Norton:

This is in response to your recent letter regarding the initiation of an Environmental Assessment (EA) for the K-96 Improvements Project. The proposed project involves upgrading approximately 9.5 miles of K-96 to a 6-lane freeway, including pavement replacement from 21<sup>st</sup> Street to the K-96/U.S. 54/U.S. 400/I-35 interchange and improvements at seven interchanges between Hillside and 21<sup>st</sup> Street. The project is in northeast Wichita in Sedgwick County, Kansas.

This project has been assigned Regulatory file number NWK-2023-00132 by our office. Please reference this number in all comments and/or inquiries to our office relating to this project. The Corps of Engineers 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). The implementing regulation for this Act is found at Title 33 Code of Federal Regulations Parts 320-332.

Should the proposed improvements require the discharge of dredged or fill material in any waters of the United States, including wetlands, a Department of the Army (DA) permit may be required. However, if the proposed improvements do not require the discharge of dredged or fill material in any waters of the United States, including wetlands, a DA permit will not be required.

Thank you for the invitation to attend the interagency coordination meeting on March 1, 2023. We accept your invitation to participate as a cooperating agency for this project. If you have any questions concerning this matter, please feel free to write or contact Ms. Sarah Reznicek at 816-389-3741 or email [sarah.m.reznicek@usace.army.mil](mailto:sarah.m.reznicek@usace.army.mil).

Sincerely,

A handwritten signature in cursive script, reading "Thomas L. Schumann", is located below the "Sincerely," text.

Thomas L. Schumann  
State Program Manager  
Kansas State Regulatory Office

---

## FW: K-96 Improvement Project Environmental Assessment Participating Agency Status

1 message

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**Kris Norton [KDOT]** <Kris.Norton@ks.gov>

Tue, Feb 14, 2023 at 1:25 PM

To: "Herleth, Michael" <mherleth@burnsmcd.com>, Dave Kocour <dkocour@hgcons.com>, "Borchers, Jacob" <Jacob.M.Borchers@wsp.com>

Cc: "Albritton, Shane P." <spalbritton@garverusa.com>

FYI. KSN

---

**From:** Stroh, Terence L <TStroh@usbr.gov>

**Sent:** Tuesday, February 14, 2023 9:27 AM

**To:** Kris Norton [KDOT] <Kris.Norton@ks.gov>

**Cc:** Parish, Jeremy (Trent) <jparish@usbr.gov>; Gibbons, Jason C <jgibbons@usbr.gov>

**Subject:** K-96 Improvement Project Environmental Assessment Participating Agency Status

**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.

Kris Norton,

Thank you for the invitation to serve as a Participating Agency for preparation of the location study and NEPA document for the K-96 Improvement Project.

The City of Wichita, KS is within our Oklahoma-Texas Area Office, but the location of the proposed project appears to have no impact on our only project in the area. Cheney Reservoir is west of Wichita, Kansas. Therefore, we do not foresee a need to be a Participating Agency.

If you have any questions, please feel free to contact me or reach out to Trent Parish in our Oklahoma-Texas Area Office at [jparish@usbr.gov](mailto:jparish@usbr.gov) or 512-899-4157.

Thanks

Terry

Terence L Stroh

Regional NEPA Coordinator

Missouri Basin and Arkansas-Rio Grande-Texas Gulf Regions

U.S. Bureau of Reclamation

[11056 W. County Road 18E](#)

[Loveland, Colorado 80537](#)

970-461-5469 (Office)

970-210-3252 (Cell)

970-461-5316 (Fax)



**K96-Participating-Agency-Letter\_20230210.pdf**

555K

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**FW: Kansas Department of Transportation : K-96 Improvements Project Environmental Assessment - Invitation to be a Cooperating Agency**

1 message

---

**Kris Norton [KDOT]** <Kris.Norton@ks.gov>

Mon, Feb 13, 2023 at 1:06 PM

To: "Herleth, Michael" &lt;mherleth@burnsmcd.com&gt;

Cc: "Borchers, Jacob" &lt;Jacob.M.Borchers@wsp.com&gt;, Dave Kocour &lt;dkocour@hgcons.com&gt;

FYI. KSN

---

**From:** Tener, Scott (FAA) <[scott.tener@faa.gov](mailto:scott.tener@faa.gov)>**Sent:** Monday, February 13, 2023 10:24 AM**To:** Kris Norton [KDOT] <[Kris.Norton@ks.gov](mailto:Kris.Norton@ks.gov)>**Subject:** RE: Kansas Department of Transportation : K-96 Improvements Project Environmental Assessment - Invitation to be a Cooperating Agency

**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.

Kris,

We accept your invitation to be a Cooperating Agency. We will not be able to attend in person for your March 1 agency meeting, but we will participate virtually. Please send us a virtual meeting invite when available.

Please let me know if you have any questions,

Scott Tener

Environmental Program Manager

FAA Central Region Airports Division



901 Locust St., Room 364

Kansas City, Missouri 64106-2325

T 816.329.2639 | F 816.329.2611

<http://www.faa.gov/airports/central/>

---

**From:** Herleth, Michael <[mherleth@burnsmcd.com](mailto:mherleth@burnsmcd.com)>

**Sent:** Friday, February 10, 2023 2:46 PM

**To:** Tener, Scott (FAA) <[scott.tener@faa.gov](mailto:scott.tener@faa.gov)>

**Cc:** Kris Norton <[kris.norton@ks.gov](mailto:kris.norton@ks.gov)>; Borchers, Jacob <[jacob.m.borchers@wsp.com](mailto:jacob.m.borchers@wsp.com)>; dkocour <[dkocour@hgcons.com](mailto:dkocour@hgcons.com)>; Albritton, Shane P. <[spalbritton@garverusa.com](mailto:spalbritton@garverusa.com)>

**Subject:** Kansas Department of Transportation : K-96 Improvements Project Environmental Assessment - Invitation to be a Cooperating Agency

The Kansas Department of Transportation (KDOT) is initiating the preparation of Environmental Assessment for the K-96 Corridor in Wichita. KDOT is inviting the Federal Aviation Administration (FAA) to be a Cooperating Agency due to proximity of the Jabara Airport.

Attached is information about the project and what is planned to be accomplished as a result of your participation. Also included is information on an upcoming Agency Scoping Meeting, scheduled for March 1, 2023.

Please contact Kris Norton, PMC Coordinating Engineer by email at [kris.norton@ks.gov](mailto:kris.norton@ks.gov) regarding any questions, or your participation as a Cooperating Agency.

Sincerely



**Mike Herleth, PE**

Project Manager  
IKE Transportation Partners

**Phone:** (816) 627-6172

**Mobile:** (660) 651-0127

**Email:** [mherleth@burnsmcd.com](mailto:mherleth@burnsmcd.com)

[2029 Becker Drive, Suite 222](#)

[Lawrence, Kansas 66047](#)

[www.ksdotike.org](http://www.ksdotike.org)

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intended recipient and receive this communication, please contact the sender, and delete and purge this email from your email system and destroy any other electronic or printed copies.

Thank you for your cooperation.

Office of the Secretary  
Curtis State Office Building  
1000 SW Jackson St., Suite 540  
Topeka, KS 66612-1367



Phone: 785-296-0461  
www.kdheks.gov

Janet Stanek, Secretary

Laura Kelly, Governor

Comments by: KDHE

Transmittal Date: May 22, 2023

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: Stephen Wells  
Email: [swells@hgcons.com](mailto:swells@hgcons.com)

#### PART I

#### REVIEW AGENCIES/COMMISSION

☐ Aging  
☐ Agriculture  
☐ Biological Survey  
☐ Conservation Commission  
☐ Corporation Commission

☐ Education  
☐ Geological Survey, KS  
☒ Health & Environment  
☐ Historical Society  
☐ Social & Rehabilitation

☐ State Forester  
☐ Transportation  
☐ Water Office, KS  
☐ Wildlife & Parks  
☐ Commerce

#### PART II

#### AGENCY REVIEW COMMENTS

(Attach additional sheet if necessary) Re: KA609902\_K-96 Corridor Purpose

Kevin Heit, Bureau of Waste Management: Comments and an attachment are enclosed for this project.

Bureau of Environmental Remediation: Levi Crooke, The Remedial Section comments are enclosed this project, Christopher Wierman; comments are enclosed for this project, Brett Tavener; comments are enclosed for this project, Delbert Smith; comments are enclosed for this project, Jesse Cutter, comments are enclosed for this project, Redevelopment Section: Jorge Jacobs; No comments at this time.

Connie Ellis, Bureau of Air: BOA has no comments at this time.

Erich Glave, Bureau of Environmental Field Services, BEFS has no comments.

Tom Stiles, Bureau of Water: Comments are enclosed for this project.

#### PART III

#### RECOMMENDED ACTION COMMENTS

☐ Clearance of the project should be granted.

☐ Clearance of the project should not be granted.

☐ Clearance of the project should be delayed until the issues or questions above have been clarified.

☐ Request a State Process Recommendation in concurrence with the above comments

☒ 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.

☐ Request the opportunity to review final application prior to submission to the federal funding agency.

#### DIVISION/ AGENCY/ COMMISSION:

Judi Dunn, Division of Environment Director's Office

Phone: 785.291-3092

Email: [Judi.Dunn@ks.gov](mailto:Judi.Dunn@ks.gov)

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](http://www.kdheks.gov)

Janet Stanek, Secretary

Laura Kelly, Governor

## MEMORANDUM

TO: Judi Dunn

CC: Julie Coleman, Amy Thompson

FROM: Kevin Heit – Bureau of Waste Management

DATE: May 5<sup>th</sup>, 2023

RE: Intergovernmental Agency Review requested by Kansas Department of Transportation (KDOT) for the K-96 Improvements Project, KDOT Project Number: 096-087 KA-6099-02 in Sedgwick County, KS.

The City of Isabel should be aware that there is one DWOP (Disposal without a Permit) site within the vicinity of the proposed construction area, (see attached map). The site should not be disturbed during the process of improvements. Additionally, 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](mailto:kevin.heit@ks.gov) or by phone at (785) 296-1757.



## **Construction and Demolition Wastes and Clean Rubble Guidance Document**

---

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 Guidance Document Waste Screening and General Operations at Construction & Demolition Landfills, 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.

*Issued: 04/1994; Content revised 01/20/1998, 09/1998, 05/29/2002, 07/02/2002, 10/03/2007, and 09/29/2014; Revised 06/23/2022: updated formatting and contact information and added hyperlinks*

For additional information regarding proper management of solid or hazardous waste in Kansas, you may contact the Bureau of Waste Management at (785) 296-1600 or the address at the top of this document, or visit the Bureau’s website at [www.kdhe.ks.gov/Waste](http://www.kdhe.ks.gov/Waste).



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Janet Stanek, Secretary

Laura Kelly, Governor

## MEMORANDUM

**TO:** Judi Dunn

**FROM:** Levi Crooke, P.G. - Bureau of Environmental Remediation - Remedial Section

**DATE:** May 22, 2023

**RE:** Inergovernmental Agency Review for proposed K-96 Improvements Project, Wichita, Kansas

---

Kansas Department of Health and Environment (KDHE) Bureau of Environmental Remediation (BER), Remedial Section has identified multiple contaminated sites managed by the State Cooperative Program (SCP) within the vicinity of the proposed project area.

The proposed project may impact the monitoring wells networks for the North Industrial Corridor site (C2-087-70150), the Coleman Northeast site (C2-087-00678), and the Raytheon Aircraft Corp (Salvage Yard Site) site (C2-087-03013). Contamination at these sites includes VOCs, SVOCs, Heavy Metals, PCBs, Radionuclides, and Refined Petroleum products. Contamination from these sites may impact the planning and construction activities associated with the proposed K-96 Improvements Project. The monitoring well networks for these sites include a few wells that may be displaced by lane expansion activities. Please coordinate with KDHE Project Managers to determine if monitoring well networks will be impacted by lane expansion plans prior to implementing this proposed K-96 Improvements Project.

KDHE Project Manager contact information:

North Industrial Corridor & Coleman Northeast sites  
Pamela Green  
785/296.1935  
[pamela.green@ks.gov](mailto:pamela.green@ks.gov)

Raytheon Aircraft Corp (Salvage Yard Site)  
Mary Daily  
785/296.8896  
[mary.daily@ks.gov](mailto:mary.daily@ks.gov)

Please contact the appropriate KDHE Project Managers for the most up-to-date information regarding contaminant concentrations for planning and construction activities and to identify the locations of monitoring wells prior to implementing the proposed K-96 Improvements Project. For future K-96 Improvement Project workplans/drawings please consider including the locations of the monitoring wells to show if they will be impacted by the proposed lane expansion.

Staff members or representatives for the proposed K-96 Improvements Project or their consultants are welcome to view the KDHE BER site files in accordance with Kansas Open Records Act. Please contact me at 785/296.0225 or [levi.crooke@ks.gov](mailto:levi.crooke@ks.gov) if you have any further questions or concerns.

Additional information for the contaminated sites may be found at the following webpages:

North Industrial Corridor site (C2-087-70150)

[https://keap.kdhe.ks.gov/BER\\_ISL/ISL\\_Pub\\_Detail.aspx?ProjectCode=C208770150](https://keap.kdhe.ks.gov/BER_ISL/ISL_Pub_Detail.aspx?ProjectCode=C208770150)

Coleman Northeast site (C2-087-00678)

[https://keap.kdhe.ks.gov/BER\\_ISL/ISL\\_Pub\\_Detail.aspx?ProjectCode=C208700678](https://keap.kdhe.ks.gov/BER_ISL/ISL_Pub_Detail.aspx?ProjectCode=C208700678)

Raytheon Aircraft Corp (Salvage Yard Site) site (C2-087-03013)

[https://keap.kdhe.ks.gov/BER\\_ISL/ISL\\_Pub\\_Detail.aspx?ProjectCode=C208703013](https://keap.kdhe.ks.gov/BER_ISL/ISL_Pub_Detail.aspx?ProjectCode=C208703013)

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Phone: 785-296-1660  
Fax: 785-559-4261  
[www.kdheks.gov](http://www.kdheks.gov)

Janet Stanek, Secretary

Laura Kelly, Governor

## MEMORANDUM

**TO:** Judi Dunn  
**FROM:** Christopher Wierman  
**DATE:** May 18, 2023  
**RE:** Intergovernmental Agency Review requested by Hg Consult, Inc. for the K-96 Expansion Project in the City of Wichita

---

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 Hg Consult, Inc. WSP, or the City of Wichita 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](mailto:christopher.wierman@ks.gov) if you have any questions.

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Fax: 785-559-4261  
www.kdheks.gov

Janet Stanek, Secretary

Laura Kelly, Governor

## MEMORANDUM

**TO:** Judi Dunn

**FROM:** Brett Tavener

**DATE:** May 5, 2023

**RE:** Intergovernmental Agency Review for Improvements to K-96 (including interchange improvements), Wichita, KS

---

The Kansas Department of Health and Environment Bureau of Environmental Remediation (KDHE/BER), Storage Tank Section, identified several storage tank facilities within the vicinity of the proposed project area(s). The tank facilities are listed by Interchange Improvement Areas. Clearance for the project should be granted.

- **Hillsdale St. Intersection**
  1. **U-Store-It (80040)** – one UST was removed in 1992. No petroleum contamination was detected. The site is closed. There are currently no registered tanks at this facility.
- **Oliver St. Intersection**
  1. **Quiktrip #322 (30576)** – there are currently 5 USTs in use at the facility. There have been no documented releases at this facility.
- **Woodlawn Blvd. Intersection**
  1. **Casey's General Store #3261 (29931)** – the facility had a gasoline leak in 2006. The site was investigated and was in groundwater monitoring until closed in 2009. There are currently 2 USTs in use at the facility.
- **Rock Rd. Intersection**
  1. **KS0021 (29740)** – there are currently 3 USTS in use at the facility. There have been no documented releases at this facility.
  2. **Total (28642)** – petroleum contaminated soil was discovered at the facility in 1992 during an assessment. The site was investigated and was in groundwater monitoring until closed in 2003. Three USTs were removed from the facility in 2004. There are currently no registered tanks at this facility.
- **Webb Rd. Intersection**
  1. **Wichita Fire Station #18 (30047)** – there is currently 1 UST in use at the facility. There have been no documented releases at this facility.
  2. **Kansas Surgery & Recovery Center (30358)** - there is currently 1 UST in use at the facility. There have been no documented releases at this facility.



3. **Century Mfg. Co., Inc. (42538)** – two ASTs were removed from service (no date is available). There have been no documented releases at this facility.
  4. **Jabara Airport – Rage, Inc. (30107)** - there is currently 1 UST in use at the facility. There have been no documented releases at this facility.
  5. **KS Spine & Specialty Hospital, LLC (30302)** - there is currently 1 UST in use at the facility. There have been no documented releases at this facility.
- **Greenwich Intersection – no documentation that shows tank facilities in this area.**
  - **E. 21<sup>st</sup> N. St. Intersection**
    1. **Kensington Gardens (30105)** – two USTs were removed in 2020. No petroleum contamination was found, and the site was closed. There are currently no registered tanks at this facility.

KDHE/BER Storage Tank Section has queried the Kansas Environmental Interest Finder to provide a response concerning potential environmental contaminants located in the proposed project area(s). This information can be found at [KDHE Environmental Interest Finder](#). Undiscovered or unreported environmental contaminants may be present in soil and groundwater at the proposed area(s) of work.

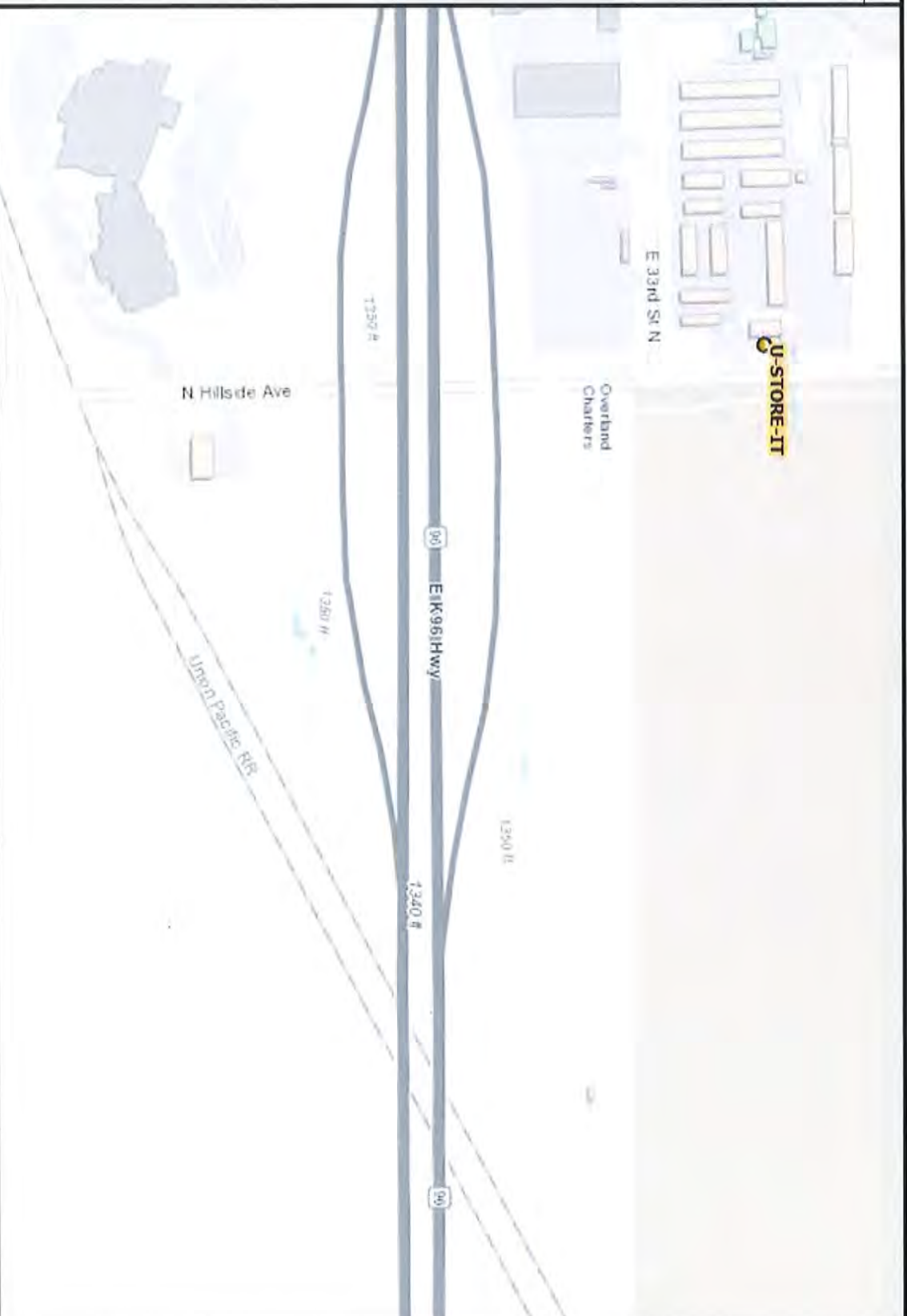
Staff members or representatives for the City of Wichita or their consultant are welcome to come and view the KDHE/BER files in accordance with the Kansas Open Records Act. Please contact me at 785-291-3105 or [brett.tavener@ks.gov](mailto:brett.tavener@ks.gov) if you have any questions or concerns.

# Kansas Department of Health and Environment

## Hillsdale Ave. Intersection

### Legend

-  Tank Site Location
-  Tank Details Facility Center Name Label



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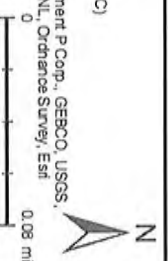
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# Kansas Department of Health and Environment

## N. Oliver Ave. Intersection

### Legend

-  Tank Site Location
-  Tank Details Facility Center Name Label






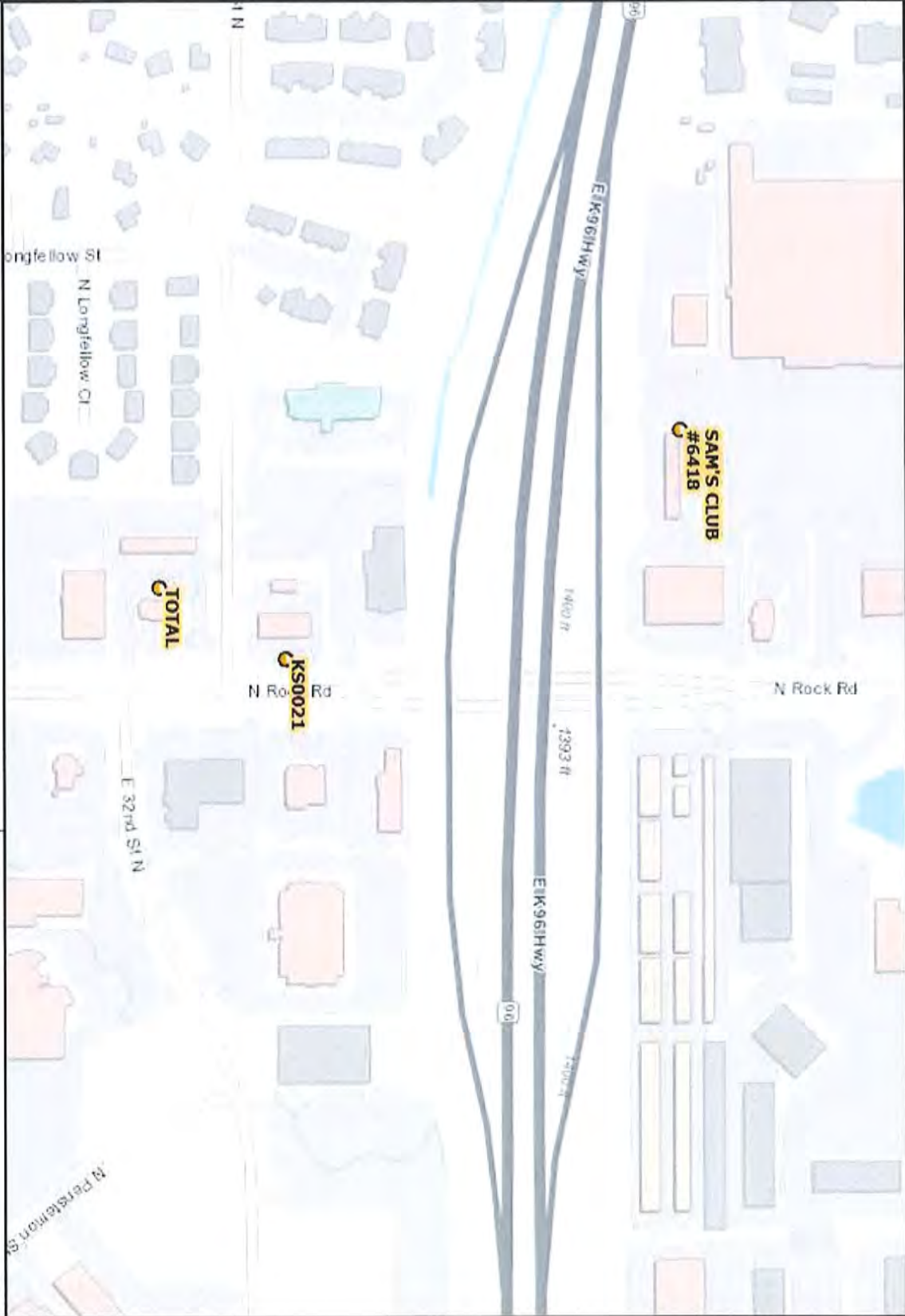


# Kansas Department of Health and Environment

## Rock Rd. Intersection

### Legend

-  Tank Site Location
-  Tank Details
-  Facility Center Name Label



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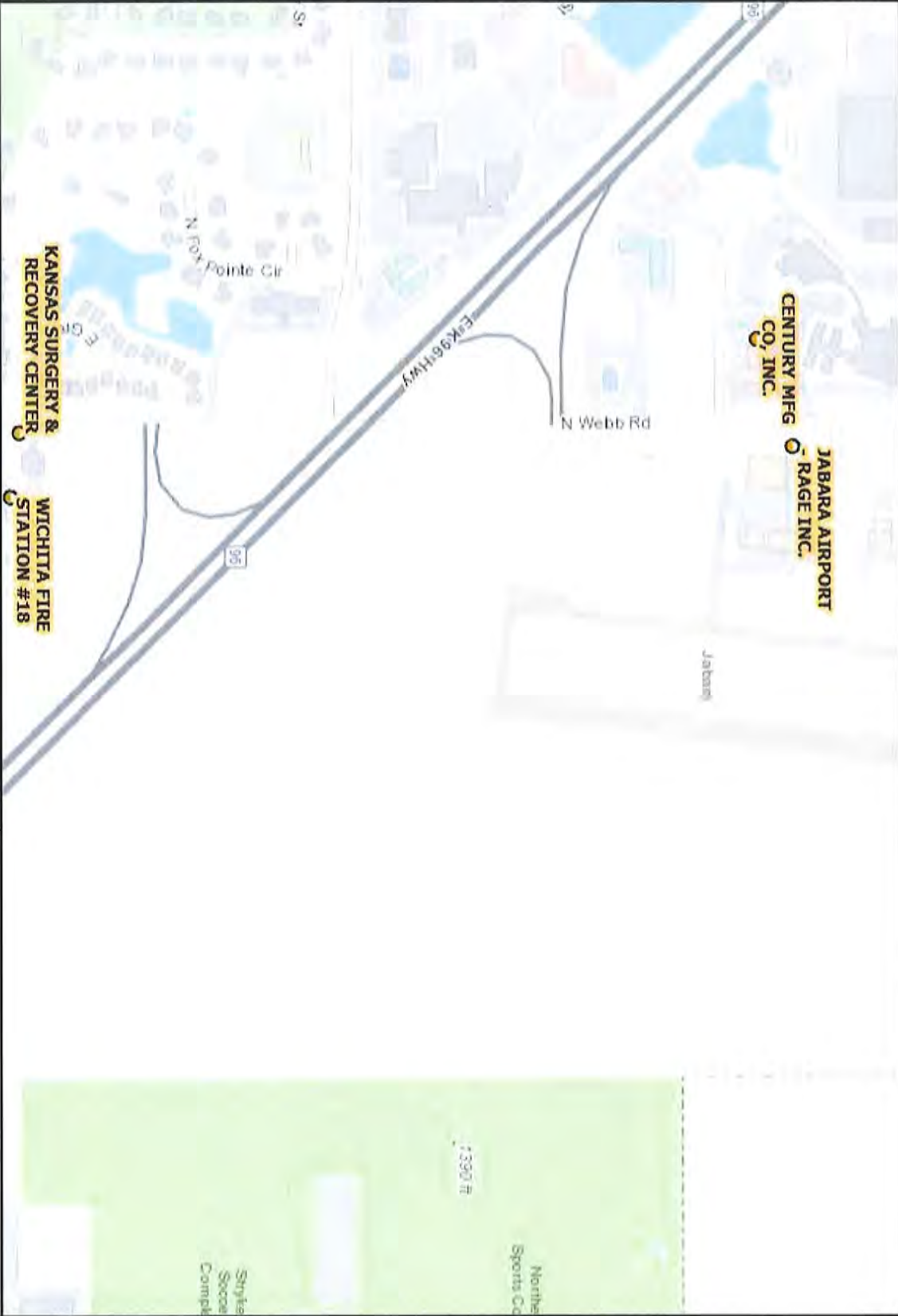


# Kansas Department of Health and Environment

## Webb Rd. Intersection

### Legend

-  Tank Site Location
-  Tank Details Facility Center Name Label



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**Legend**

- Tank Site Location
- + Facility Center Name Label

The map displays the area around Casey's General Store #3261 and Gammon Elementary School. Key streets shown include N Woodlawn Blvd, E 32nd St N, E 30th St N, N Brookfield St, N Bayberry St, N Cranberry St, N Rushwood St, N Governor Cir, E 31st St N, E 30th Cir N, E Winletberry St, E K96 Hwy, E 24th St N, E Woodbury St, and N Cameron St. The Cottonwood Village is also labeled.

**CASEY'S GENERAL STORE #3261**

**GAMMON ELEMENTARY SCHOOL**

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5/5/2023, 9:56:00 AM

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**Legend**

- Tank Site Location
- + Facility Center Name Label

The map displays the area around Casey's General Store #3261 and Gammon Elementary School. Key streets shown include N Woodlawn Blvd, E 32nd St N, E 30th St N, N Brookfield St, N Bayberry St, N Cranberry St, N Rushwood St, N Governor Cir, E 31st St N, E 30th Cir N, E Winletberry St, E K96 Hwy, E 24th St N, E Woodbury St, and N Cameron St. The Cottonwood Village is also labeled.

**CASEY'S GENERAL STORE #3261**

**GAMMON ELEMENTARY SCHOOL**

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5/5/2023, 9:56:00 AM

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**Legend**

- Tank Site Location
- + Facility Center Name Label

The map displays the area around Casey's General Store #3261 and Gammon Elementary School. Key streets shown include N Woodlawn Blvd, E 32nd St N, E 30th St N, N Brookfield St, N Bayberry St, N Cranberry St, N Rushwood St, N Governor Cir, E 31st St N, E 30th Cir N, E Winletberry St, E K96 Hwy, E 24th St N, E Woodbury St, and N Cameron St. The Cottonwood Village is also labeled.

**CASEY'S GENERAL STORE #3261**

**GAMMON ELEMENTARY SCHOOL**

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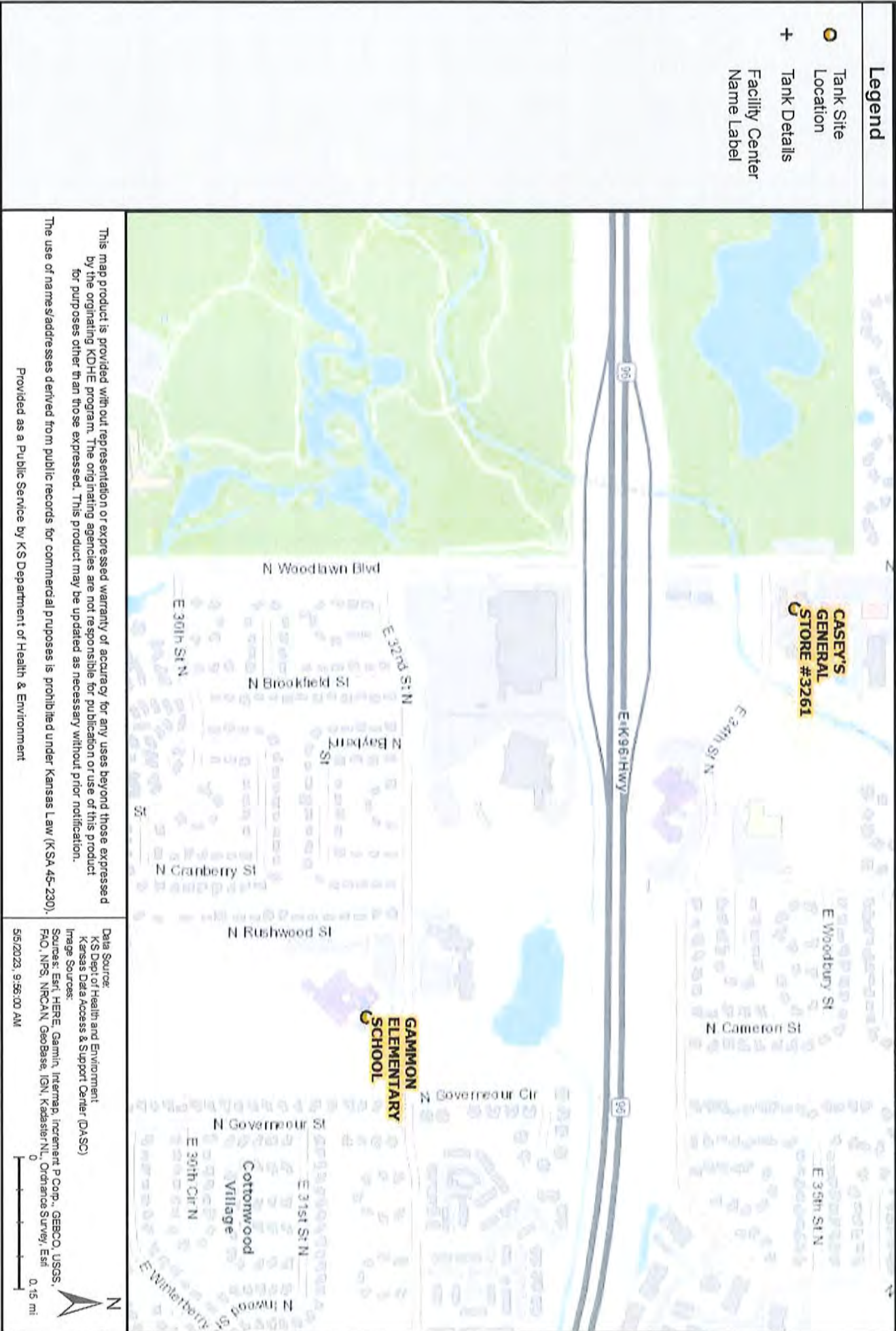
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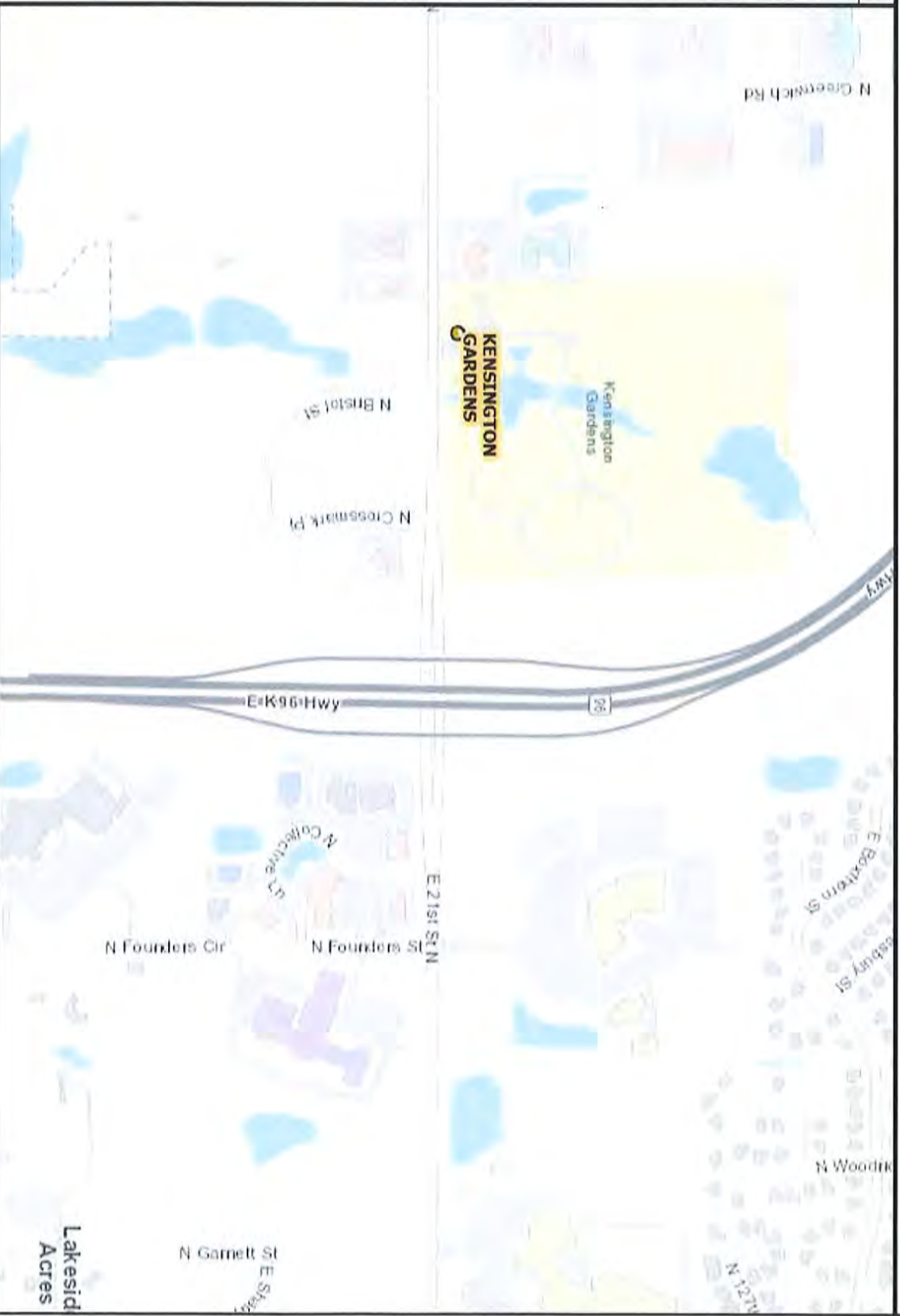
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## E. 21st St. N. Intersection

### Legend

- Tank Site  
Location



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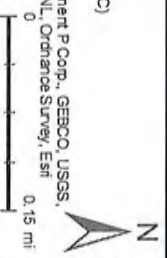
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[www.kdheks.gov](http://www.kdheks.gov)

Janet Stanek, Secretary

Laura Kelly, Governor

## MEMORANDUM

**TO:** Judi Dunn  
**FROM:** Delbert Smith  
**DATE:** May 8, 2023  
**RE:** Intergovernmental Agency Review requested by Hg Consult, Inc. (K-96 Improvements Project - Wichita).

---

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 Hg Consult and the City of Wicita 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](mailto:delbert.smith@ks.gov) if you have any questions.

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Janet Stanek, Secretary

Laura Kelly, Governor

## MEMORANDUM

**TO:** Judi Dunn  
**FROM:** Jesse Cutter  
**DATE:** May 16, 2023  
**RE:** Intergovernmental Agency Review requested by HG Consult, Inc. on behalf of the Kansas Department of Transportation regarding the K-96 Corridor Project

---

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 HG Consult, Inc. 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](mailto:Jesse.Cutter@ks.gov) if you have any questions.

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Janet Stanek, Secretary

Laura Kelly, Governor

## MEMORANDUM

**TO:** Judi Dunn  
**FROM:** Thomas C. Stiles  
**DATE:** 5/11/2023  
**RE:** K-96 Corridor Environmental Review Comments from BOW

---

No objections; Projects should obtain construction stormwater NPDES permits before beginning

Thomas C. Stiles  
Director, Bureau of Water  
Kansas Department of Health and Environment  
1000 SW Jackson Street, Suite 420  
Topeka, KS 66612  
785-296-6170  
[Tom.stiles@ks.gov](mailto:Tom.stiles@ks.gov)



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Phone: (785)-296-3185  
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[www.kwo.ks.gov](http://www.kwo.ks.gov)

Connie Owen, Director

Laura Kelly, Governor

May 8, 2023

Steve Wells  
c/o Hg Consulting, Inc.  
9111 NE 79<sup>th</sup> Street  
Kansas City, MO 64131

Dear Mr. Wells,

In reviewing the proposed road improvements to K-96 (KDOT Project No: 096-087 KA-6099-02) in Wichita, I did not see any issues of major concern. If the proposed project is approved, measures must be put in place during the entire project to prevent any contaminants from entering the areas surface and groundwater.

Thank you for the opportunity to comment on this project.

Sincerely,

*Kirk Tjelmeland*

Kirk Tjelmeland  
KWO, Field Services Coordinator

# **Archeological Survey of KDOT Project 96-87 KA-6099-02 (KA-6099-RCNS-01) Sedgwick County, Kansas**

by Barbara M. Crable  
Contract Archeology Program, Cultural Resources Division  
Kansas Historical Society  
November 22, 2022

## **Introduction**

The Kansas Department of Transportation (KDOT) proposes to carry out KDOT project number 96-87 KA-6099-02. The project consists of upgrading K-96 from a 4-lane to a 6-lane freeway from N. Hillside St to 13<sup>th</sup> Street and reconstructing the bridge (replacing the pavement from 21<sup>st</sup> Street to 13<sup>th</sup> Street) along K-96. The project area extends through multiple Sections (Table 1 and Figure 1).

Section	Township	Range
34	26 south	1 east
36	26 south	1 east
32	26 south	1 east
4	27 south	2 east
3	27 south	2 east

Table 1. Proposed project area's Sections, Townships, and Ranges.

The Contract Archeology Program (CAP) of the Kansas Historical Society (KSHS) recently completed an archeological field survey investigation of the proposed project area. The purpose of this investigation was to determine whether any significant archeological resources would be affected by the proposed project. This work is done in compliance with laws governing the treatment of cultural resources, particularly Section 106 of the National Historic Preservation Act and its implementing regulations, 36 CFR 800. This work was conducted following procedures outlined in a Memorandum of Agreement between the KSHS and KDOT, effective July 1, 2021.

A Phase I investigation (archival research) was requested by KDOT on August 25, 2022. In response, CAP submitted a Phase I report on September 26 to the State Historic Preservation Office recommending that a Phase II field survey investigation be performed (KSR&C # 22-08-223). SHPO concurred with that recommendation on April 21 and CAP notified KDOT of the recommendation. CAP archeologist Barb Crable carried out the recommended fieldwork on October 25 and 26. This report is submitted to KDOT and the Kansas SHPO. It describes the investigation and provide recommendations for project clearance regarding archeological resources.

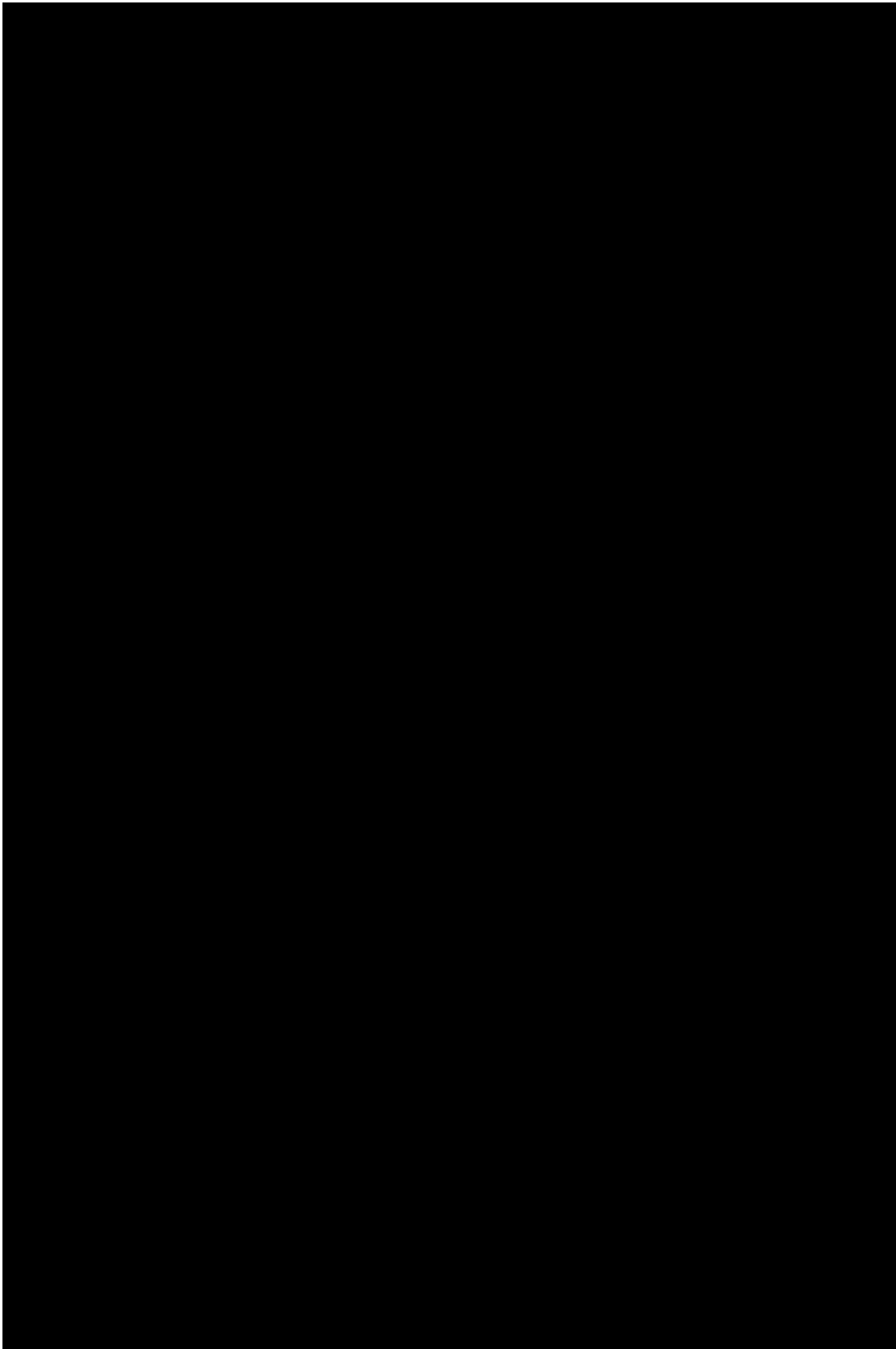


Figure 1. Topographic map of the project area and nearby archeological sites and surveys.

## Environmental Setting

The project area lies within the Great Bend Lowland division of the Arkansas River Lowlands section of the Central Lowland province of the Interior Plains of North America (Schoewe 1949:292-296). The Great Bend Lowland is an undulating plain of little relief extending in a 15-60 km wide band along the great northerly bend of the Arkansas River from around Dodge City on the west through Great Bend and Wichita to Arkansas City on the east. It is a poorly drained area of sand dunes and sandy plains, among which are found salt marshes, ponds, and sloughs. The surface materials consist almost entirely of sands and gravels eroded from the Rocky Mountains during the Pleistocene and carried downstream by alluvial action of the Arkansas River, which flows through the area in a shallow channel bounded by a wide, flat, poorly drained river valley. The river is characterized by a braided pattern characteristic of an aggrading or depositing stream. Most of the stream flow of the river is underground; water is usually only barely visible on the surface except during times of flooding.

The vegetation of the Great Bend Lowland before the encroachment of Old-World populations consisted of sand prairie cut through by a thin band of floodplain forest or savanna along the Arkansas River and a few of its tributaries. Wedel noted that the "...low grass-grown banks..." of the Arkansas upstream of the Little Arkansas seem to have been "...largely treeless except for occasional cottonwoods..." and in his view this was probably true for most of the region west and south of the mainstream (1959:12). Kuchler (1974:597) states that the potential natural vegetation of the prairie mainly included big and little bluestem, sandreed, and switchgrass, with the forested areas containing hackberry, cottonwood, willow, and elm along with various shrubs and bushes. Tall trees and dense undergrowth were present in the extreme east, but the forests became narrower and lower westward, and often less dense, the ground covered by an impoverished version of bluestem prairie, creating a savanna effect. Due to the shifting sand bottom of the Arkansas River channel, timber was often absent for long stretches.

The Great Bend Lowland is known to have supported a wide variety of fauna including such large game animals as bison, elk, deer, antelope, and bear. Predators such as wolf, coyote, cougar, and wildcat were also present along with smaller mammals such as beaver, otter, porcupine, fox, ferret, badger, prairie dog, and rabbit as well as small rodents. Quail and wild turkey were limited to the available timber, but prairie chicken and grouse were plentiful throughout the region. Ducks, geese, and other water and shore birds could be found seasonally on marshy areas and sandhill lakes and ponds (Wedel 1959:12).

The proposed project area was surveyed in five tract segments (Figure 2). Tract 1 was east of K-96, west of the Lakeview Funeral Home and Cemetery, with a sidewalk walking path in the center of the survey area. There is a mixture of pasture grasses and an occasional cedar tree. Tract 2 is west of K-96, east of Chapel Hill United Methodist Church and a housing community. North of Four Mile Creek is a milo field with a Home2 Suites. Tract 3 is west of K-96 and east of Kensington Gardens. The survey area is a mixture of deciduous and cedar trees. Tract 4 is northeast of K-96 and is an airstrip space, the Colonel James Jabara Airport. Tract 5 is southwest of K-96 and north of Wichita Firehouse 18, the surface is of intermittent short grasses.



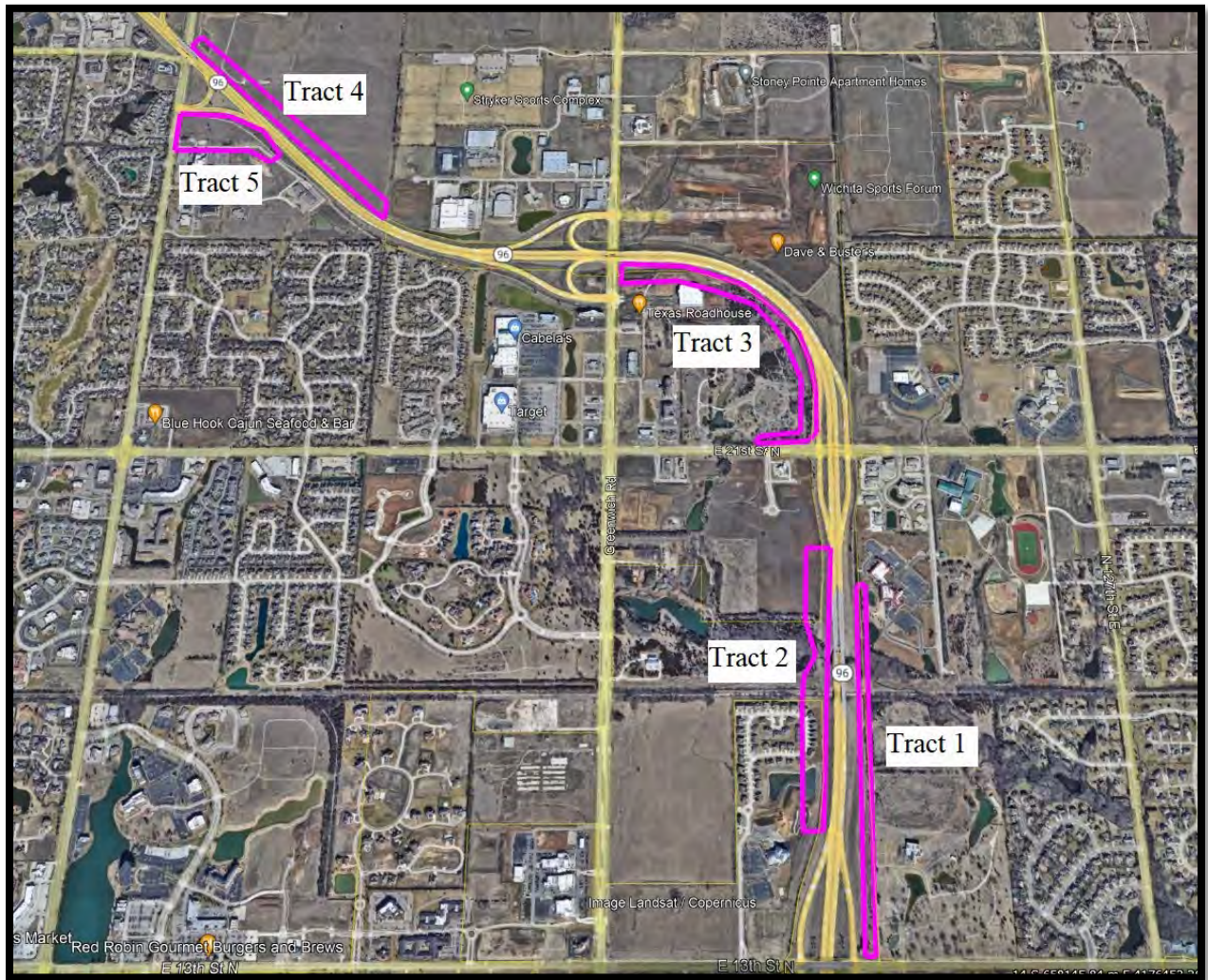


Figure 2. Surveyed tracts of the proposed project area.

## **Cultural-Historical Setting**

Archeological research in this region of Kansas has yielded evidence of human occupation dating from more than 13,000 years ago up to the modern era and will continue yielding more evidence. Sites in the region include habitation areas, work areas, and human burials, as well as other types of sites. While the full extent of the area's archeological resources has yet to be determined, the region contains materials from all the major cultural periods thus far identified in Kansas. The cultural sequence for Kansas is shown in Table 2. These are general categories, and there is some temporal overlap between periods. Summaries of Kansas archeology include Brown and Simmons (1987), Hoard and Banks (2006), Lees (1989), Thies (1987), and Wedel (1959).

Cultural Period		Dates	Area of Kansas and Physiographic Provinces				Subsistence
			Northeast: Glaciated Region	Southeast: Osage Cuestas, Chautauqua Hills, Cherokee Lowlands	Central: Smoky Hills, Flint Hills, Red Hills, Wellington-McPherson Lowlands, Arkansas River Lowlands	West: High Plains, Smoky Hills, Arkansas River Lowlands	
Historic	Modern	Present	Americans, including Indian Nations, and immigrants of many cultures				Service economy, light industry, mineral & petroleum exploitation, farming, ranching
	Historic	1900 CE	Industrialization, Mechanized Agriculture				
		1870 CE	Kansa, Iowa, Sac & Fox, Kickapoo, Potawatomi, Delaware, Wyandotte, Shawnee	Kansa, Shawnee, Ottawa, Peoria & Kaskaskia, Wea & Piankeshaw, Chippewa, Miami, Quapaw	Pawnee, Osage, Kansa	Comanche, Cheyenne, Arapahoe, Kiowa, Kiowa- Apache, Sioux, Pawnee	Reservations, Equestrian Bison Hunting; Maize-based Horticulture East; Equestrian Nomads West
		1800 CE	Immigrant Tribes				Equestrian Bison Hunting; Equestrian Nomadism; Maize-based Horticulture & Trapping East
Prehistoric	Proto- historic	1700 CE	Late Prehistoric Oneota		Pawnee, Kansa, Wichita	Dismal River aspect	
	Late Ceramic	1400 CE	White Rock phase	Neosho focus, Great Bend aspect	Great Bend aspect White Rock phase	Great Bend aspect White Rock phase	Hunting, Gathering; Maize Horticulture East; Some Supplemental Horticulture West
			Pomona variant, Nebraska & Steed Kisker phases	Pomona variant	Smoky Hill & Solomon River phases, Pratt & Bluff Creek complexes	Upper Republican & Odessa phases	
		1000 CE	Grasshopper Falls phase, Kansas City Hopewell	Grasshopper Falls & Cuesta phases	Grasshopper Falls & Greenwood phases, Valley variant	Keith phase	Hunting, Gathering; Cultivation & Domestication of Native Plants East
		1 CE	Nebo Hill phase	Nebo Hill & El Dorado phases	Walnut & El Dorado phases	Unclassified Archaic Cultural Manifestations	Hunting, Gathering; Incipient Cultivation of Native Plants East
	Early Ceramic	1400 BCE			Chelsea phase		
		3000 BCE			Munkers Creek phase	McKean complex	
		4000 BCE	Logan Creek phase	Stigterwalt complex	Logan Creek phase	Logan Creek phase	
		7000 BCE					Hunting, Gathering
	Archaic	10,000 BCE	Dalton, Cody Complex, Allert, Frederick				
		11,500 BCE	Clovis, Folsom, Plainview				

Table 2. Cultural sequence of Kansas by region. Adapted from Hoard and Banks 2006.

## Previous Investigations

### *Sites In or Near the Project Area*

Fourteen sites occur within one mile of the project area, 14SG115, 14SG117, 14SG311, 14SG312, 14SG503, 14SG505, 14SG506, 14SG507, 14SG521, 14SG523, 14SG542, 14SG551, 14SG559, and 14SG561 (Table 3 and Figure 3). The presence of these sites led CAP to recommend Phase II for the current project.

Site Number	Site Description	NRHP Eligibility	Distance from Project Area
14SG115	Historic structure, has been razed	n/a	0.6 mi north
14SG117	Sparse historic artifact scatter	n/a	0.1 mi south
14SG311	One projectile point, isolated find	n/a	0.5 mi south
14SG312	One projectile point, isolated find	n/a	0.5 mi south
14SG503	Surface scatter of small points, faunal remains	n/a	0.5 mi south
14SG505	Surface scatter	n/a	0.5 mi south
14SG506	Surface scatter	n/a	0.5 mi south
14SG507	Surface scatter of limestone, bone and lithics	n/a	0.1 mi south
14SG521	Surface scatter of lithic material	n/a	0.1 mi south
14SG523	Surface scatter of lithics	n/a	0.5 mi south
14SG542	Surface scatter of lithics	n/a	0.5 mi south
14SG551	Endscraper, flakes, 1 faunal bone	n/a	0.5 mi south
14SG559	Village, flakes, daub, charcoal, bones	n/a	0.5 mi south
14SG561	Pierpoint Cemetery, headstone fragments	n/a	0.5 mi west

Table 3. Sites In or Near the Project Area

### *Surveys In or Near the Project Area*

Sirico (1982) completed a drive through survey of the Lisa Cole First Addition for a housing project. Sirico noted the area was completely transformed by construction of street and housing.

Sirico (1983) completed a pedestrian survey and shovel testing along Gypsum Creek, approximately 185 m south of Harry Street. No cultural materials were located.

Thies (1984) completed a Phase II investigation of the East Fork Chisholm Creek for a proposed roadway project. One fragment of a chert biface was identified, but was located outside of the proposed roadway and was not considered indicative to a prehistoric occupation of the area. The project was recommended to proceed.

Garcia (1986) completed a pedestrian survey of the Chisolm Creek valley area for projects listed in the 1985 – 1990 Capital Improvement Program. At the time of the reporting, there were 8 recorded archeological sites, it was recommended to have monitoring done while expressway construction was underway.



Williams (1990) completed a pedestrian survey for a borrow project. Archeological site 14SG307 was located during the survey and was excluded from the borrow project. No other cultural material was located.

Hughes and Hughes-Jones (2006) completed a Phase II investigation for a proposed Cricket Cell Telephone Tower. No cultural materials were encountered.

Hughes and Hauser (2015) completed a Phase II investigation for a proposed Wichita State University Innovation Campus development. The area surveyed was first developed into a golf course in 1921 and had been extensively modified to suit the needs of the course. A small copper vessel was identified in a shovel test, no other cultural material was identified.

## Survey Methods and Results

The amount of land surveyed for the proposed project is 32 acres. Tract 1 consisted of a T1 terrace that has been borrowed for highway berm construction (Figure 4). A row of cedars flanks a walking pavement on the east and there is a dirt road with soil/rocks dumped along it. Extensive flooding has occurred at the creek, there were no cutbanks to inspect (Figure 5).



Figure 4. Tract 1, view is to the southwest.



Figure 5. Tract 1 at Four Mile Creek, view is to the west.

Tract 2 is parallel to the K-96 right of way with a berm in front of the Methodist Church. Two retention ponds are north of the church and south of a housing community. One shovel test was excavated north of the berm and southeast of the retention ponds. The soil was a yellow brown clay loam, it was determined the soils were contaminated by the nearby ponds and no further testing commenced. A milo field, north of Four Mile Creek, was pedestrian surveyed with north south transects at 10 m intervals. Recent rains provided 100% ground surface visibility, and there were no cultural materials encountered.

Track 3 is east of Kensington Garden Cemetery. An area of mixed deciduous and cedar trees was shovel tested with one transect at 15 m intervals (Table 4). No cultural materials were encountered.

Tract 4 was not surveyed, the Colonel James Jabara Airport, clearly for safety purposes there is a tall chain link fence directly next to the K-96 right of way.

Tract 5 is a small patch of short grasses southwest of the on-ramp to K-96, ground surface visibility was 75%. A pedestrian survey was conducted at 10m transects, and no cultural materials were encountered.

No significant cultural resources were found within the surveyed area. In terms of 36 CFR 800.4, the investigation produced a finding of “no historic properties affected.”

### **Recommendations**

Based on the amount of area surveyed and lack of cultural remains recovered, we recommend that the proposed project proceed as planned, with no additional investigations unless archeological discoveries are made during the project. We request the concurrence of the State Historic Preservation Office with this recommendation.

Due to the nature of archeological manifestations, it is always possible that buried cultural deposits could be encountered that were not detected during the Phase II investigation. If that occurs, construction must stop within five meters of the find spot and the Kansas State Historic Preservation Office must be notified.

Table 4. Shovel test log



## REFERENCES CITED

Brown, Kenneth L. and Alan H. Simmons, editors

- 1987 Kansas Prehistoric Archeological Preservation Plan. Unpublished report prepared for the Historic Preservation Department, Kansas State Historical Society, by the Office of Archeological Research, Museum of Anthropology, University of Kansas, Lawrence. Manuscript on file, Kansas Historical Society, Topeka.

Garcia, Hector F.

- 1986 Report of the City Archaeologist August 1985 - June 1986. City Archaeologist, WSU, Wichita. Submitted to the City of Wichita. Manuscript on file, Kansas Historical Society, Topeka.

Hoard, Robert J. and William E. Banks

- 2006 Kansas Archaeology. University Press of Kansas, Lawrence and Kansas State Historical Society, Topeka.

Hughes, David T. and Sheila J. Hauser

- 2015 Archaeological Investigations of Proposed Innovation Campus, Wichita State University. Submitted to Office of the Vice President for Administration and Finance, Wichita State University. Manuscript on file, Kansas Historical Society, Topeka.

Hughes, David T. and A. Alicia Hughes-Jones

- 2006 An Intensive Archeological Survey with Shovel Testing for Proposed Terracon, Inc. Cell Telephone Tower Cricket Site No. ICT055. Hughes Archeology, Newton, Kansas. Submitted to Terracon, Inc. Manuscript on file, Kansas Historical Society, Topeka.

Kuchler, A. W.

- 1974 A New Vegetation Map of Kansas. *Ecology* 55(3):586-604.

Lees, William B.

- 1989 Kansas Preservation Plan, Section on Historical Archeology. Unpublished report prepared for the Historic Preservation Department, Kansas State Historical Society, by the Archeology Department, Kansas State Historical Society. Manuscript on file, Kansas Historical Society, Topeka.

Schoewe, W. E.

- 1949 The Geography of Kansas, Part II, Physical Geography. *Transactions of the Kansas Academy of Science* 52(3): 261-333.

Sirico, Michael W.

- 1982 Phase II Archeological Survey of Lisa Cole First Addition, Sedgwick County, Department of Anthropology, WSU, Wichita. Submitted to Red Oaks, Inc. Manuscript on file, Kansas Historical Society, Topeka.

- 1983 Phase II Archeological Survey of Gypsum Creek (D-83)- South of Harry, Sedgwick County, Department of Anthropology, WSU, Wichita. Submitted to City of Wichita Department of Engineering. Manuscript on file, Kansas Historical Society, Topeka.

Thies, Randall M.

- 1984 The Proposed K-96 Crossing of East Fork Chisholm Creek: Results of an Archeological Survey of Highway Project K-1369, Sedgwick County, Kansas. Manuscript on file, Kansas Historical Society, Topeka.
- 1987 Kansas Culture History. In Amateur Archeological Handbook for Kansas, Kansas Anthropological Association Journal 7(1-9):35-51.

United States Geological Survey

- 2022 7.5 minute Topographic Map, Andover Quadrangle.

Wedel, Waldo R.

- 1959 An Introduction to Kansas Archeology. Smithsonian Institution, Bureau of American Ethnology, Bulletin 174.

Williams, Barry G.

- 1990 Archeological Survey of Two Sedgwick County Contractor Furnished Borrow Areas for K-4030. Manuscript on file, Kansas Historical Society, Topeka.

## **APPENDIX I.**

BC 1	Zone: 14S	N: 4176645	E: 658568
0-35cmbs dark gray silt loam 35-40cmbs brown sandy silt loam			
BC 2	Zone: 14S	N: 4176659	E: 658574
0-35cmbs dark gray silt loam 35-40cmbs brown sandy silt loam			
BC 3	Zone: 14S	N: 4176684	E: 658586
0-35cmbs dark gray silt loam 35-40cmbs brown sandy silt loam			
BC 4	Zone: 14S	N: 4176703	E: 658584
0-35cmbs dark gray silt loam 35-40cmbs brown sandy silt loam			
BC 5	Zone: 14S	N: 4176720	E: 658585
0-35cmbs dark gray silt loam 35-40cmbs brown sandy silt loam			
BC 6	Zone: 14S	N: 4176737	E: 658587
0-35cmbs dark gray silt loam 35-40cmbs brown sandy silt loam			
BC 7	Zone: 14S	N: 4176754	E: 658584
0-35cmbs dark gray silt loam 35-40cmbs brown sandy silt loam			
BC 8	Zone: 14S	N: 4176772	E: 658587
0-30cmbs dark gray silt loam 30-40cmbs light brown sandy silt loam			
BC 9	Zone: 14S	N: 4176788	E: 658591
0-30cmbs dark gray silt loam 30-40cmbs light brown sandy silt loam			
BC 10	Zone: 14S	N: 4176802	E: 658590
0-30cmbs dark gray silt loam 30-40cmbs light brown sandy silt loam			
BC 11	Zone: 14S	N: 4176820	E: 658593
0-30 cmbs brown silt loam 30-40cmbs light brown sandy silt loam			
BC 12	Zone: 14S	N: 4176837	E: 658595
0-30cmbs brown silt loam 30-40cmbs light brown sandy silt loam			
BC 13	Zone: 14S	N: 4176854	E: 658597
0-30cmbs brown silt loam 30-40cmbs light brown sandy silt loam			
BC 14	Zone: 14S	N: 4176869	E: 658595
0-30cmbs brown silt loam 30-40cmbs light brown sandy silt loam			
BC 15	Zone: 14S	N: 4176885	E: 658592
0-30cmbs brown silt loam 30-40cmbs light brown sandy silt loam			



BC 16	Zone: 14S	N: 4176899	E: 658586
0-30cmbs brown silt loam 30-40cmbs light brown sandy silt loam			
BC 17	Zone: 14S	N: 4176915	E: 658580
0-30cmbs brown silt loam 30-40cmbs light brown sandy silt loam			
BC 18	Zone: 14S	N: 4176932	E: 658579
0-25cmbs brown silt loam 25-40cmbs light brown sandy silt loam			
BC 19	Zone: 14S	N: 4176950	E: 658576
0-25cmbs brown silt loam 25-40cmbs light brown sandy silt loam			
BC 20	Zone: 14S	N: 4176964	E: 658570
0-25cmbs brown silt loam 25-40cmbs light brown sandy silt loam			
BC 21	Zone: 14S	N: 4176981	E: 658563
0-25cmbs brown silt loam 25-40cmbs light brown sandy silt loam			
BC 22	Zone: 14S	N: 4176997	E: 658556
0-25cmbs brown silt loam 25-40cmbs light brown sandy silt loam			
BC 23	Zone: 14S	N: 4177011	E: 658554
0-25cmbs brown silt loam 25-40cmbs light brown sandy silt loam			
BC 24	Zone: 14S	N: 4177027	E: 658547
0-25cmbs brown silt loam 25-40cmbs light brown sandy silt loam			
BC 25	Zone: 14S	N: 4177045	E: 658541
0-25cmbs brown silt loam 25-40cmbs light brown sandy silt loam			
BC 26	Zone: 14S	N: 4177060	E: 658523
0-25cmbs brown silt loam 25-40cmbs light brown sandy silt loam			
BC 27	Zone: 14S	N: 4177078	E: 658518
0-25cmbs brown silt loam 25-40cmbs light brown sandy silt loam			
BC 28	Zone: 14S	N: 4177097	E: 658512
0-25cmbs brown silt loam 25-40cmbs light brown sandy silt loam			
BC 29	Zone: 14S	N: 4177118	E: 658502
0-30cmbs gray silt loam 30-40cmbs brown silt loam			
BC 30	Zone: 14S	N: 4177137	E: 658480
0-30cmbs gray silt loam 30-40cmbs brown silt loam			

BC 31	Zone: 14S	N: 4177161	E: 658446
0-30cmbs gray silt loam 30-40cmbs brown silt loam			
BC32	Zone: 14S	N: 4177172	E: 658426
0-30cmbs gray silt loam 30-40cmbs brown silt loam			
BC 33	Zone: 14S	N: 4177195	E: 658409
0-30cmbs gray silt loam 30-40cmbs brown silt loam			
BC 34	Zone: 14S	N: 417199	E: 658359
0-30cmbs gray silt loam 30-40cmbs brown silt loam			

Shovel Test Log

Patrick Zollner, Acting Executive Director

Laura Kelly, Governor

KSR&C # 22-08-223

March 22, 2023

Terry Blackwell  
KDOT

Via email

Re: 96-87 KA-6099-02  
ACNHP-A609(902)  
Sedgwick County

Staff of the State Historic Preservation Office (SHPO) have reviewed the revised description and plans received October 18, 2022, regarding the above-referenced project in accordance with 36 CFR Part 800. This project was previously cleared by the SHPO on January 20, 2023, after the KSHS Contract Archeology Program (CAP) conducted a Phase II survey of the original APE. After the SHPO's Phase II request, the plans for the project area were extended to include portions of K-96 in the SE ¼ of S15-T27S-R2E and the NW ¼ of S23-T27S-R2E. The SHPO verbally cleared this portion of the project in communications with CAP and determined no survey was needed for this area. This letter affirms that verbal clearance for the project extension, and the SHPO has determined that the project will not adversely affect any property listed or determined eligible for listing in the National Register. As far as this office is concerned, the project may proceed.

Thank you for giving us the opportunity to comment on this proposal. Please refer to the Kansas State Review & Compliance number (KSR&C#) listed above on any future correspondence. Please submit any comments or questions regarding this review to Austin Main at 785-272-8681 ext. 228 or [Austin.Main@ks.gov](mailto:Austin.Main@ks.gov).

Sincerely,



Patrick Zollner, Acting Executive Director and  
State Historic Preservation Officer

Patrick Zollner, Acting Executive Director

Laura Kelly, Governor

KSR&C # 22-08-223

January 20, 2023

Cliff Ehrlich, Chief of Environmental Services  
Environmental Services Section  
KDOT

Via Email

Re: 96-87 KA-6099-02  
ACNHP-A609(902)  
Sedgwick County

Staff review of the above referenced project has been completed at the Phase II level. Pursuant to 36 CFR 800.4, we concur with the finding of no historic properties affected for the above referenced undertaking. We therefore have no objection to implementation of the project.

Sincerely,



Patrick Zollner, Acting Executive Director and  
State Historic Preservation Officer



KSR&C # 22-08-223  
September 26, 2022

Terry Blackwell  
KDOT  
Via Email

Re: 96-87 KA-6099-02  
ACNHP-A609(902)  
Sedgwick County

We have reviewed the project description and plans received August 26, 2022 regarding project 96-87 KA-6099-02 in accordance with 36 CFR Part 800. This project will upgrade from 4-lane to 6-lane freeway and bridge reconstruction (pavement replacement only from 21<sup>st</sup> Street to 13<sup>th</sup> Street) along K-96: from N Hillside Street east to 13<sup>th</sup> Street in Wichita. Following an architectural review of structures in the project area, the SHPO has determined that the project will not adversely affect any property listed or determined eligible for listing in the National Register. As far as this office is concerned, the project may proceed.

Thank you for giving us the opportunity to comment on this proposal. Please refer to the Kansas State Review & Compliance number (KSR&C#) listed above on any future correspondence. Please submit any comments or questions regarding this review to Lauren Jones at [lauren.jones@ks.gov](mailto:lauren.jones@ks.gov).

Sincerely,



Patrick Zollner  
Director, Cultural Resources Division  
State Historic Preservation Officer

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## K96 improvements heritage review

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**Delisle, Jennifer** <[jdelisle@ku.edu](mailto:jdelisle@ku.edu)>  
To: Chris Thomas <[cthomas@hgcons.com](mailto:cthomas@hgcons.com)>

Mon, Sep 11, 2023 at 11:28 AM

Hi Chris;

I do receive periodic announcements about this project. The Kansas Natural Heritage Inventory contains no data on rare plants, animals or native vegetation communities along the project route. We have not conducted surveys along the route however, so absence of data should not be interpreted to mean that rare species or communities could not occur there.

Jennifer

Jennifer M. Delisle, Information Manager  
Kansas Natural Heritage Inventory  
Kansas Biological Survey and Center for Ecological Research  
Takeru Higuchi Bldg., [2101 Constant Ave.](#)  
[Lawrence, KS 66047](#)  
785-864-[jdelisle@ku.edu](mailto:jdelisle@ku.edu)

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**From:** Chris Thomas <[cthomas@hgcons.com](mailto:cthomas@hgcons.com)>  
**Sent:** Friday, September 8, 2023 2:51 PM  
**To:** Delisle, Jennifer <[jdelisle@ku.edu](mailto:jdelisle@ku.edu)>  
**Subject:** K96 improvements heritage review

[Quoted text hidden]



## Osage Nation Historic Preservation Office

WA[A[E KOSY KY]EA

**Date:** October 26, 2022

**RE:** KDOT, 96-87 KA-6099-02, ACNHP-A609(902), K-96: Reconstruction and Expansion from four to six lanes with a bridge reconstruction, Sedgwick County, Kansas

Kansas Department of Transportation  
ATTN: Kris Norton, PMC Coordinating Engineer

*Sent via email*

Dear Mr. Norton,

The Osage Nation Historic Preservation Office has received notification and accompanying information for the proposed project listed as KDOT, 96-87 KA-6099-02, ACNHP-A609(902), K-96: Reconstruction and Expansion from four to six lanes with a bridge reconstruction, Sedgwick County, Kansas.

**The Osage Nation has not been notified of the project by KDOT's Environmental Division or the Kansas Division of FHWA only being made aware of the project through receipt of Mr. Norton's early coordination letter for the Environmental Assessment that is planned for the proposed project. The Osage Nation requests to know when the Section 106 process will be started, including formal Tribal Consultation, and takes this opportunity to remind KDOT that NEPA does not replace the Section 106 process.**

**The Osage Nation requests a kmz of the Study Area map shown in Mr. Norton's letter.**

In accordance with the National Historic Preservation Act, (NHPA) [54 U.S.C. § 300101 et seq.] 1966, undertakings subject to the review process are referred to in 54 U.S.C. § 302706 (a), which clarifies that historic properties may have religious and cultural significance to Indian tribes. Additionally, Section 106 of NHPA requires Federal agencies to consider the effects of their actions on historic properties (36 CFR Part 800) as does the National Environmental Policy Act (43 U.S.C. 4321 and 4331-35 and 40 CFR 1501.7(a) of 1969).

The Osage Nation has a vital interest in protecting its historic and ancestral cultural resources. **The Osage Nation anticipates initiation of the Section 106 process and formal Tribal Consultation along with the kmz of the Study Area Map for the proposed KDOT, 96-87 KA-6099-02, ACNHP-A609(902), K-96: Reconstruction and Expansion from four to six lanes with a bridge reconstruction, Sedgwick County, Kansas.**

Should you have any questions or need any additional information please feel free to contact me at the number listed below. Thank you for consulting with the Osage Nation on this matter.

Deseray Helton  
Archaeologist

Copy:

OSAGE NATION HISTORIC PRESERVATION OFFICE

W[A[E KOSY KY] E A



Colleen Bell, Deputy Tribal Historic Preservation Officer  
Javier Ahumada, FHWA Kansas Division  
Cliff Ehrlich, Chief Environmental Services Section, Attn: Terry Blackwell



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**FW: 96-87 KA-6099-02 (K-96 in Wichita) UPDATED project limits**

1 message

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**Ahumada, Javier (FHWA)** <javier.ahumada@dot.gov>  
To: Steve Wells <swells@hgcons.com>

Wed, Apr 26, 2023 at 11:05 AM

Steve, here are the two emails I sent to the Osage Nation that you may not have. Thanks again for putting together the meeting today.

Thanks,

Javier

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**From:** Deseray Helton <deseray.helton@osagenation-nsn.gov>  
**Sent:** Tuesday, January 24, 2023 12:50 PM  
**To:** Ahumada, Javier (FHWA) <javier.ahumada@dot.gov>  
**Cc:** Terry Blackwell [KDOT] <Terry.Blackwell@ks.gov>; Cliff Ehrlich [KDOT] <Cliff.Ehrlich@ks.gov>; Colleen A. Bell <colleen.bell@osagenation-nsn.gov>; 'kris.norton@ks.gov' <kris.norton@ks.gov>  
**Subject:** RE: 96-87 KA-6099-02 (K-96 in Wichita) UPDATED project limits

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Mr. Ahumada,

I appreciate you providing the updated status report. I look forward to receiving the cultural resources survey for review and comment.

Thank you,

**Deseray Wrynn**

Pronouns: She/her/hers

Archaeologist, MA

Osage Nation Historic  
Preservation Office627 Grandview Avenue,  
Pawhuska, OK 74056Office: 918-287-9719 | Fax: 918-  
287-5376

deseray.helton@osagenation-  
nsn.gov

[https://www.osageculture.com/  
culture/historic-preservation-  
office](https://www.osageculture.com/culture/historic-preservation-office)



Starting October 1, 2022 the Osage Nation Historic Preservation Office is changing the project notification process. **All project notifications and reports must be emailed to [s106@osagenation-nsn.gov](mailto:s106@osagenation-nsn.gov)** Include the Lead Agency, Project Name and Number, and TCNS Number (if available) on the subject line.

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---

**From:** Ahumada, Javier (FHWA) <[javier.ahumada@dot.gov](mailto:javier.ahumada@dot.gov)>  
**Sent:** Tuesday, January 24, 2023 12:04 PM  
**To:** Deseray Helton <[deseray.helton@osagenation-nsn.gov](mailto:deseray.helton@osagenation-nsn.gov)>  
**Cc:** Terry Blackwell [KDOT] <[Terry.Blackwell@ks.gov](mailto:Terry.Blackwell@ks.gov)>; Cliff Ehrlich [KDOT] <[Cliff.Ehrlich@ks.gov](mailto:Cliff.Ehrlich@ks.gov)>; Colleen A. Bell <[colleen.bell@osagenation-nsn.gov](mailto:colleen.bell@osagenation-nsn.gov)>; 'kris.norton@ks.gov' <[kris.norton@ks.gov](mailto:kris.norton@ks.gov)>  
**Subject:** RE: 96-87 KA-6099-02 (K-96 in Wichita) UPDATED project limits

Ms. Wrynn,

I apologize; I am afraid I was mistaken about the status of the Section 106 consultation on this project. The letter that Mr. Norton sent on September 14, 2022 (attached) serves as initiation of the Section 106 consultation process for this project. I have been told that professional archaeologists as well as the Kansas SHPO have recently conducted their investigation and the report is under review by KDOT. This information will be sent to the Osage Nation in the near future. Once again, I am very sorry for relaying incorrect information to you; in the future, I will make sure to slow down and make sure my information is up to date before replying to you!

Thank you,

Javier Ahumada, CPM

Environmental and Innovation Coordinator  
Federal Highway Administration | Kansas Division Office  
6111 SW 29<sup>th</sup> St., Suite 100 | Topeka, KS 66614 | (785) 273-2649



**Please consider the environment before printing this email.**

---

**From:** Ahumada, Javier (FHWA)  
**Sent:** Tuesday, January 24, 2023 10:37 AM  
**To:** Deseray Helton <[deseray.helton@osagenation-nsn.gov](mailto:deseray.helton@osagenation-nsn.gov)>  
**Cc:** Terry Blackwell [KDOT] <[Terry.Blackwell@ks.gov](mailto:Terry.Blackwell@ks.gov)>; Cliff Ehrlich [KDOT] <[Cliff.Ehrlich@ks.gov](mailto:Cliff.Ehrlich@ks.gov)>; Colleen A. Bell <[colleen.bell@osagenation-nsn.gov](mailto:colleen.bell@osagenation-nsn.gov)>; 'kris.norton@ks.gov' <[kris.norton@ks.gov](mailto:kris.norton@ks.gov)>  
**Subject:** RE: 96-87 KA-6099-02 (K-96 in Wichita) UPDATED project limits

Ms. Wrynn,

I apologize that you have not received a timely response to your previous inquiry. I am attaching a KMZ file of the draft NEPA Study Limits as requested. As for the distinction between NEPA and Section 106, you are correct that NEPA does not replace the Section 106 process nor the formal Tribal Consultation it requires. KDOT and FHWA have requested Osage Nation involvement in the NEPA process for this project as a recognition of your interests in the area as ancestral lands. The NEPA process customarily does not have the same level of individual formal involvement that you are accustomed to with the Section 106 process, but I assure you that although the Section 106 process has not yet begun for this project, the Osage Nation will receive formal consultation and communication as is required and expected.

For an update on the project, the NEPA Notice of Intent which serves as the official start date of the Environmental Assessment has not been published yet, but is expected to in the next week or two with an Agency Scoping meeting expected to follow in February. The project team has begun work on drafting a project Purpose and Need Statement; is beginning early coordination on Section 6(f) impacts (this is for park property purchased with LWCF money); coordinating with FAA for possible impacts to the Jabara airport; conducting initial traffic modeling and tolling feasibility study; as well as preparing for the first open house public meeting to introduce the public to the project and EA.

I hope this alleviates the concerns of the Osage Nation that the Section 106 process is not being adhered to on this project; we simply haven't progressed to that point in the overall process yet, but can assure you we will be involving all Tribes interested in the area as well as the Kansas SHPO as required. As always, both Rick Backlund, FHWA Kansas Division Administrator, and I are always available to the Osage Nation should you want to discuss any questions, comments or concerns that you may have; please don't hesitate to reach out!

Thank you,

Javier Ahumada, CPM

Environmental and Innovation Coordinator  
Federal Highway Administration | Kansas Division Office  
6111 SW 29<sup>th</sup> St., Suite 100 | Topeka, KS 66614 | (785) 273-2649

 **Please consider the environment before printing this email.**

---

**From:** Deseray Helton <[deseray.helton@osagenation-nsn.gov](mailto:deseray.helton@osagenation-nsn.gov)>  
**Sent:** Tuesday, January 24, 2023 9:42 AM  
**To:** 'kris.norton@ks.gov' <[kris.norton@ks.gov](mailto:kris.norton@ks.gov)>  
**Cc:** Terry Blackwell [KDOT] <[Terry.Blackwell@ks.gov](mailto:Terry.Blackwell@ks.gov)>; Cliff Ehrlich [KDOT] <[Cliff.Ehrlich@ks.gov](mailto:Cliff.Ehrlich@ks.gov)>; Colleen A. Bell <[colleen.bell@osagenation-nsn.gov](mailto:colleen.bell@osagenation-nsn.gov)>; Ahumada, Javier (FHWA) <[javier.ahumada@dot.gov](mailto:javier.ahumada@dot.gov)>  
**Subject:** 96-87 KA-6099-02 (K-96 in Wichita) UPDATED project limits  
**Importance:** High

**CAUTION:** This email originated from outside of the Department of Transportation (DOT). Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Mr. Norton,

The Osage Nation has received the updated letter you sent in regards to the updated project limits for pavement replacement on K-96. The Osage Nation has been inundated with surveying and monitoring efforts and apologizes for our delayed response but want it to be known that this project is of utmost importance to our office.

With that being said, The Osage Nation has not received an answer to our requests, from yourself nor KDOT's Environmental Services Section, stated in a formal response letter sent on October 26<sup>th</sup>, 2022. To date, with the exception of your most recent correspondence sent on December 21, 2022, our office has only received correspondences from the [info@k96improvements.com](mailto:info@k96improvements.com) email address indicating that a website has been created for the project, in which project updates and alerts about events and special announcements can be found. The fact that such an effort has been put into the creation of this webpage while at the same time there is a continued ignoring of the Osage Nation's requests is very concerning.

The Osage Nation requests a formal response from KDOT and Kansas FHWA in response to our concerns noted in the letter sent on October 26<sup>th</sup>, 2022 along with a project status update.

Thank you,

**Deseray Wrynn**

Pronouns: She/her/hers

Archaeologist, MA

Osage Nation Historic  
Preservation Office

627 Grandview Avenue,  
Pawhuska, OK 74056

Office: 918-287-9719 | Fax: 918-  
287-5376

[deseray.helton@osagenation-  
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[https://www.osageculture.com/  
culture/historic-preservation-  
office](https://www.osageculture.com/culture/historic-preservation-office)



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---

**KDOT, 96-87 KA-6099-02, ACNHP-A609(902) update**

1 message

**Ahumada, Javier (FHWA)** <javier.ahumada@dot.gov>

Tue, Jun 6, 2023 at 4:27 PM

To: Deseray Helton &lt;deseray.helton@osagenation-nsn.gov&gt;

Cc: Andrea Hunter <ahunter@osagenation-nsn.gov>, "Colleen A. Bell" <colleen.bell@osagenation-nsn.gov>, Sarah O'Donnell <sodonnell@osagenation-nsn.gov>, "Caitlin.nichols@osagenation-nsn.gov" <caitlin.nichols@osagenation-nsn.gov>, "Clarke, David (FHWA)" <david.clarke@dot.gov>, Mandy Ranslow <mranslow@achp.gov>, "Backlund, Richard (FHWA)" <Richard.Backlund@dot.gov>, "McDonald, Matthew (FHWA)" <matthew.mcdonald@dot.gov>, "Kris.Norton@ks.gov" <kris.norton@ks.gov>, "Cliff.Ehrlich@ks.gov" <cliff.ehrlich@ks.gov>, "Terry.Blackwell@ks.gov" <terry.blackwell@ks.gov>, "Chris.Eichman@ks.gov" <chris.eichman@ks.gov>

Ms. Wrynn,

I want to thank the Osage Nation for your patience as we reviewed the concerns and comments sent about the K-96 project, 96-87 KA-6099-02, ACNHP-A609(902), in Wichita, Kansas. For the sake of readability, I will address each of the comments in bulleted form below.

- **Comment:** 1. Draft Agency Coordination Plan did not capture the Osage Nation's response accepting participating agency status in the Environmental Assessment. 2. This outreach needs to be done through government to government consultation.
  - **Response:** Unfortunately, there was a disconnect in forwarding your response to the consultant and it was missed in the draft ACP. On behalf of the project team, I apologize for this oversight and as you now know from other projects we are collaborating on, I have now required that all correspondence to and from Tribal Nations relating to EA and EIS NEPA investigations and their subsequent Section 106 consultations will go through me as the FHWA representative. This will eliminate the potential for something like this that may occur on these large projects stemming from different consultants and project team members who have varying levels of knowledge with these consultations. KDOT will continue its Section 106 and NEPA procedures for categorical exclusions as you are accustomed to.
- **Comment:** The Osage Nation reiterates their acceptance of participating agency status, asks for a POC to address comments to and requests a formal consultation meeting.
  - **Response:** Thank you, we have updated the draft ACP to include the Osage Nation as a participating agency. I will be your contact for any comments or questions you have in review of any portion of the NEPA or Sec. 106 for this EA and any other EA/EIS in Kansas. As always, you may also contact me for any reason on any project. If you feel that you still want to meet, the project team would be happy to meet with the Osage Nation to discuss this project.
- **Comment:** The Osage Nation requests project plans and locations for these potential improvement locations for review for Osage Nation concerns.
  - **Response:** The project is still in the NEPA phase which means the project is still in the preliminary design phase so there are no plan sets available yet. The project team has sent a KMZ file of the NEPA project boundary to identify the areas of likely improvements. As a participating agency, you will receive more information as the NEPA process plays out.
- **Comment:** 1. The Osage Nation does not show receipt of the NOI being published. 2. Why was this not posted to the Federal Register?
  - **Response:** The NOI was published in the Kansas Register on February 16, 2023. NOIs for Environmental Assessments are not statutorily required to be published in the Federal Register. The NOI can be found here: <https://sos.ks.gov/publications/Register/Volume-42/Issues/Issue-07/02-16-23-50889.html>
- **Comment:** The Osage Nation does not show receipt of the Existing Conditions Technical Memorandum.
  - **Response:** I apologize if you didn't receive this document; it was emailed on February 22, 2023. I have attached another copy to this email for your review.
- **Comment:** The Osage Nation requests the appropriate POC within FHWA to submit formal responses to.
  - **Response:** I am the POC and will work to ensure that the Osage Nation receives all necessary correspondence for this project.
- **Comment:** 1. The Osage Nation did not receive a formal invitation to become a participating agency (pg 27 of this pdf). 2. The Osage Nation requests formal invitation from KDOT and FHWA to become a participating agency. 3. False. A formal invitation to become a participating agency was not received by the Osage Nation. 4. Effective

communication up to this point has been nonexistent. 5. The Osage Nation shows no receipt of this invitation to be a Participating Agency.

- **Response:** Once again, I apologize that you did not receive the formal invitation that was sent out. Now that all correspondence on this project will be going through me, we hope to avoid any similar issues going forward. The Osage Nation is confirmed and valued as a participating agency for this project.
- **Comment:** 1. The Osage Nation is a sovereign nation and not the public. 2. The Osage Nation is not the public and requests government to government consultation.
  - **Response:** The FHWA and project team recognizes and appreciates that the Osage Nation is a sovereign nation. The Public Involvement Plan is a required portion of the NEPA process and the term “public” refers to community interests as opposed to private affairs. While it is a broad term, the Osage Nation is a community with its own interests and as such, is required by 40 CFR §1506.6(b)(3)(i-iii) to be included in the Public Involvement Plan to ensure that you aren't excluded. There is absolutely no disrespect intended and I apologize if there is any consternation with the terminology of NEPA. As always, the Osage Nation is welcome to request a one-on-one meeting to discuss the project at any time.
- **Comment:** List Participating Agencies including the Osage Nation.
  - **Response:** The list of participating agencies, including the Osage Nation, can be found in Table 3-1.

Once again, we appreciate the partnership of the Osage Nation in this project.

Thank you,

Javier Ahumada, CPM

Environmental, Civil Rights and Innovation Coordinator  
Federal Highway Administration | Kansas Division Office  
6111 SW 29<sup>th</sup> St., Suite 100 | Topeka, KS 66614 | (785) 273-2649

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**KA609902\_01\_25\_23\_SummaryEnvironConstraintsTM\_v1.1\_revised\_reduced.pdf**  
11924K



## Osage Nation Historic Preservation Office

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Date: July 12, 2023

File: 2223-3380KS-10

RE: KDOT, 96 -87 KA-6099-02, ACNHP-A609(902), K-96: Reconstruction and Expansion from four to six lanes with a bridge reconstruction, Sedgwick County, Kansas ONHPO Comments on 2022 CRS, Environmental Constraints Review Update, and NEPA Expanded Study Area.

FHWA-Kansas Division Office  
Javier Ahumada, CPM

*Sent via email*

Dear Mr. Ahumada,

The Osage Nation Historic Preservation Office reviewed the cultural resource survey conducted by Ms. Barbara Crable on October 25-26, 2022, the Environmental Constraints Review Update, and the kmz which includes the expanded NEPA boundaries for the proposed project listed as KDOT, 96-87 KA-6099-02, ACNHP-A609(902), K-96: Reconstruction and Expansion from four to six lanes with a bridge reconstruction, Sedgwick County, Kansas.

The Osage Nation recognizes that the APE is highly developed however, due to the presence of nearby water ways and large clusters of prehistoric sites (14SG311, 14SG312, 14SG506, 14SG507, 14SG521, 14SG523, 14SG552, and 14SG559) within a half-mile buffer of the project's APE, many with noted human remains (14SG503, 14SG507, 15SG551, and 14SG559), there needs to be monitoring of construction activities especially in Section 34 T26S R1E, Section 35 T26S R1E, and Section 36, T26S, R1E where sites 14SG503, 14SG507, 15SG551, and 14SG559 are located. The Osage Nation requests monitoring by an SOI qualified archaeologist along with daily monitoring reports.

The Osage Nation requests that the expanded study area south of E 13<sup>th</sup> Street identified in the NEPA study limits be subjected to a Phase II cultural resource survey with shovel testing as this project is located within the Osage Nation's former Kansas Reservation and there are no previous surveys indicated on the KSHS Map Viewer within that expanded study area.

In accordance with the National Historic Preservation Act, (NHPA) [54 U.S.C. § 300101 et seq.] 1966, undertakings subject to the review process are referred to in 54 U.S.C. § 302706 (a), which clarifies that historic properties may have religious and cultural significance to Indian tribes. Additionally, Section 106 of NHPA requires Federal agencies to consider the effects of their actions on historic properties (36 CFR Part 800) as does the National Environmental Policy Act (43 U.S.C. 4321 and 4331-35 and 40 CFR 1501.7(a) of 1969).

The Osage Nation has a vital interest in protecting its historic and ancestral cultural resources. The Osage Nation anticipates KDOT/Kansas FHWA's response in regard to the monitoring request and Phase II of the expanded NEPA study area south of E 13<sup>th</sup> Street for the proposed KDOT, 96 -87 KA-6099-02, ACNHP-



**A609(902), K-96: Reconstruction and Expansion from four to six lanes with a bridge reconstruction, Sedgwick County, Kansas.**

Should you have any questions or need any additional information please feel free to contact me at the number listed below. Thank you for consulting with the Osage Nation on this matter.

Andrea A. Hunter, Ph.D.  
Director, Tribal Historic Preservation Officer

Deseray Helton  
Archaeologist

cc: Eric Skov, Historic & Cultural Resource Specialist, KDOT  
Austin Main, SHPO Archeologist, Kansas Historical Society

Dwight D. Eisenhower State Office Building  
700 S.W. Harrison Street  
Topeka, KS 66603-3745

Julie L. Lorenz, Secretary  
Peter Van Sickle, Director



*Division of Program and Project Management*

Phone: 785-409-3955  
Fax: 785-296-8168  
kdot#publicinfo@ks.gov  
<http://www.ksdot.org>  
Laura Kelly, Governor

9/14/2022

Dr. Andrea Hunter  
Director, Tribal Historic Preservation Officer  
Osage Nation of Oklahoma  
627 Grandview Avenue  
Pawhuska, OK 74056

Dear Dr. Hunter:

Subject: KDOT Project No. 96-87 KA-6099-02  
Federal Project No. ACNHP-A609(902)  
Sedgwick County

In accordance with the National Historic Preservation Act we are contacting your tribe to identify any potential impacts the referenced project may have on properties that have religious and cultural significance. This project will also be reviewed by professional archeologists and by the Kansas State Historic Preservation Office. You will be notified if any sites of potential interest are identified during their review.

Tech Location - K-96: From North Hillside Street East to 13th Street Upgrade from four-lane to six-lane freeway and bridge reconstruction (pavement replacement only from 21st Street to 13th Street). A general description of the project is as follows: The Kansas Department of Transportation (KDOT), in cooperation with the Federal Highway Administration (FHWA), will prepare an Environmental Assessment (EA) for a proposal to reconstruct and expand a portion of K-96 in the city of Wichita from a four-lane to six-lane freeway (pavement replacement only from 21st Street to 13th Street). The EA has not yet commenced, and its exact start date has not yet been determined. Please consider this early coordination for the EA. Please see the enclosure which is the Study Area Map. A .kmz of this map is available upon request.

If you have any questions I can be reached by phone at (785) 368-6429, or my e-mail address is [kris.norton@ks.gov](mailto:kris.norton@ks.gov)

Please send any comments on this project to me using either the address shown above or my e-mail address, if preferred, within 60 days of the date of this letter.

Sincerely,

Kris Norton, P.E.  
PMC Coordinating Engineer  
Division of Program and Project Management

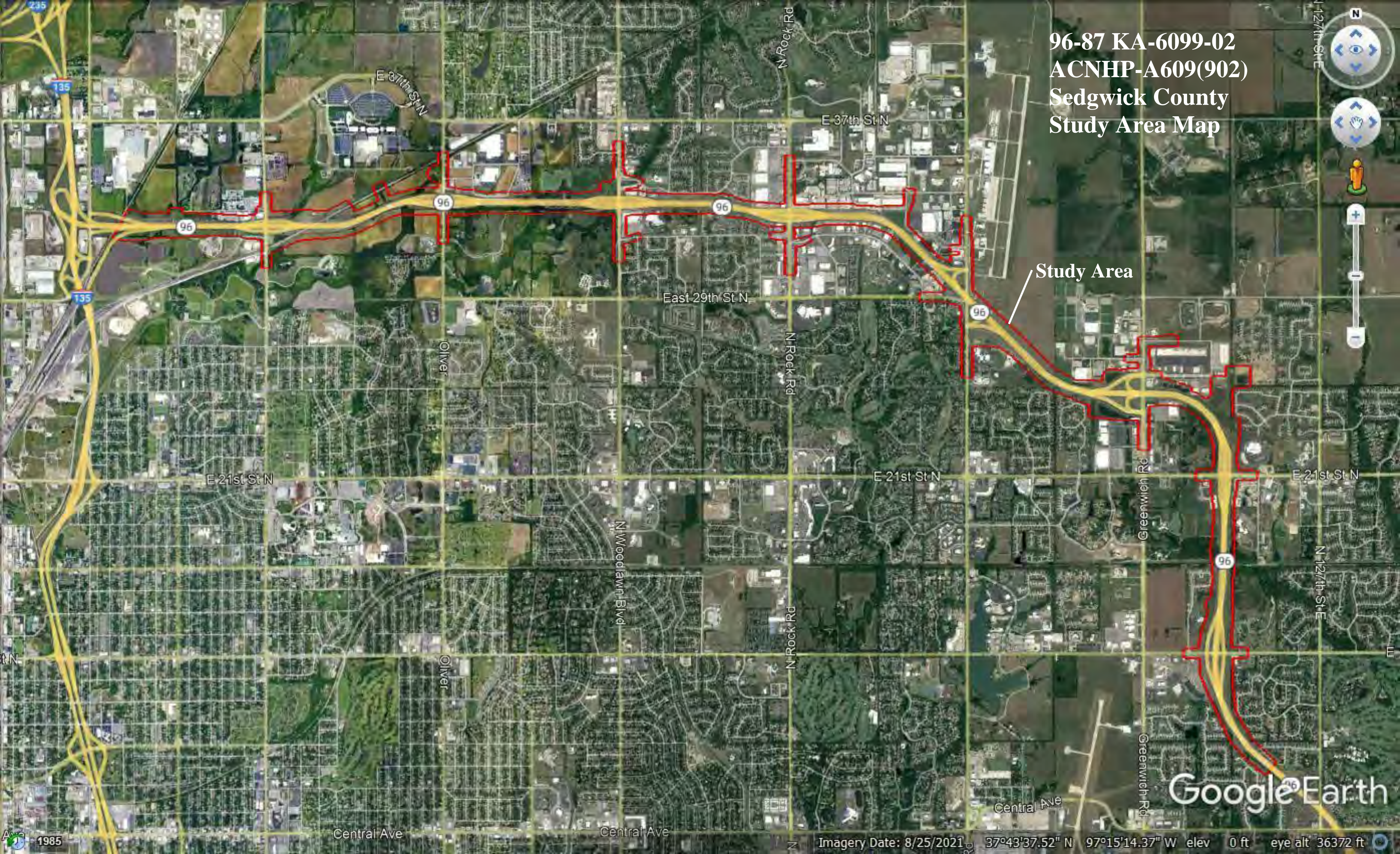
By e-mail: Javier Ahumada, FHWA Kansas Division  
Peter Van Sickle, Division Director of Program and Project Management  
Cliff Ehrlich, Chief Environmental Services Section, Attn: Terry Blackwell

Enclosure



96-87 KA-6099-02  
ACNHP-A609(902)  
Sedgwick County  
Study Area Map

Study Area



Google Earth



**Date** 2024-08-20T17:43:28Z

**Subject** 23-12-009 - KA-6099-RCNS-02

**Body** 23-12-009 (22-08-223) - KA-6099-RCNS-02  
Sedgwick County

Cliff Ehrlich  
Chief of Environmental Services  
Environmental Services Section  
KDOT

96-87 KA-6099-02  
ACNHP-A609(902)

Staff review of the above referenced project has been completed at the Phase II level. This survey identified on new archeological site, 14SG4, and revisited site 14SG117. Site 14SG4, is recorded as a historic dump site with a hedge post woven-wire fence. This site is not eligible for listing on the NRHP. Site 14SG117 was recorded as a result of an archeological survey conducted for improvements to the Chisholm Creek pathway in 2014. This site is a historic artifact scatter with wooden phone or electrical poles. The current survey identified three isolated finds within this site (see attached image). These finds include an artificial mound (IF1), a ceramic tile pipe (IF2), and a series of concrete blocks and broken stone, possibly a foundation from a now razed farmstead (IF3). These finds appear to be well outside of the proposed construction limits and should not be impacted by the current project. Within survey tract F, the Kensington Memorial Gardens with at five identified marked burials was identified. This location is within or near the study limits provided and construction activities should be avoided in this location. Pursuant to 36 CFR 800.4, we concur with the finding of no historic properties adversely affected for the above referenced undertaking. We therefore have no objection to implementation of the project.

This information is provided at your request to assist you in identifying historic properties, as specified in 36 CFR 800 for Section 106 consultation procedures.

Please let us know if you have any questions or concerns with this project review [shelby.beltz@ks.gov](mailto:shelby.beltz@ks.gov) or call 785-272-8681, ext. 219.

On behalf of:  
Katrina Ringler  
Deputy State Historic Preservation Officer  
Kansas Historical Society

KSR&C # 23-12-009 (22-08-223)  
September 11, 2024

Cliff Ehrlich, Chief of Environmental Services  
Environmental Services Section  
KDOT

Via email

Re: 96-87 KA-6099-02  
KA-6099-RCNS-02  
Sedgwick County

Staff review of the above referenced project has been completed at the Phase II level. This survey identified on new archeological site, 14SG4, and revisited site 14SG117. Site 14SG4, is recorded as a historic dump site with a hedge post woven-wire fence. This site is proposed to be disturbed by the construction activities, but due to the lack of significance and integrity, this site is likely not eligible to be considered for listing on the National Register of Historic places and will not be adversely affected by the proposed construction. Site 14SG117 was recorded as a result of an archeological survey conducted for improvements to the Chisholm Creek pathway in 2014. This site is a historic artifact scatter with wooden phone or electrical poles. The current survey identified three isolated finds within this site. These finds include an artificial mound (IF1), a ceramic tile pipe (IF2), and a series of concrete blocks and broken stone, possibly a foundation from a now razed farmstead (IF3). These finds appear to be well outside of the proposed construction limits and will not be adversely affected by the current construction plans. Within survey tract F, the Kensington Memorial Gardens is located near the project area and the survey identified five marked graves. While the memorial gardens are near the project, the construction plans indicate that Kensington Memorial Gardens and any marked graves will be avoided. Pursuant to 36 CFR 800.4, we concur with the finding of no historic properties affected for the above referenced undertaking. This concludes the SHPOs role in the review of this project.

This information is provided at your request to assist you in identifying historic properties, as specified in 36 CFR 800 for Section 106 consultation procedures.

Please let us know if you have any questions or concerns with this project review [shelby.beltz@ks.gov](mailto:shelby.beltz@ks.gov) or call 785-272-8681, ext. 219.

Sincerely,



Katrina Ringler, Director, Cultural Resources Division and  
Deputy State Historic Preservation Officer

Dwight D. Eisenhower State Office Building  
700 S.W. Harrison Street  
Topeka, KS 66603-3745

Julie L. Lorenz, Secretary  
Peter Van Sickle, Director



*Division of Program and Project Management*

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Fax: 785-296-8168  
kdot#publicinfo@ks.gov  
<http://www.ksdot.org>  
Laura Kelly, Governor

December 21, 2022

Ms. Terri Parton  
President Wichita and Affiliated Tribes  
P.O. Box 729  
Anadarko, OK 73005

Dear Ms. Parton:

Subject: KDOT Project No. 96-87 KA-6099-02 Update \*\*Extended limits of pavement replacement\*\*  
Federal Project No. ACNHP-A609(902)  
Sedgwick County

In accordance with the National Historic Preservation Act we are contacting your tribe to identify any potential impacts the referenced project may have on properties that have religious and cultural significance. This project will also be reviewed by professional archeologists and by the Kansas State Historic Preservation Office. You will be notified if any sites of potential interest are identified during their review. Since my letter to you dated September 14, 2022, the project limits have been extended approximately 1.5 miles to the south along K-96 from 13<sup>th</sup> Street to the I-35 Interchange (shown in blue on the study area map). These extended limits include pavement replacement only with no added lanes or capacity improvements.

Tech Location (updated) - K-96: From North Hillside Street East to 13th Street Upgrade from four-lane to six-lane freeway and bridge reconstruction (pavement replacement only from 21st Street to the I-35 Interchange). A general description of the project is as follows: The Kansas Department of Transportation (KDOT), in cooperation with the Federal Highway Administration (FHWA), will prepare an Environmental Assessment (EA) for a proposal to reconstruct and expand a portion of K-96 in the city of Wichita from a four-lane to six-lane freeway (pavement replacement only from 21st Street to the I-35 Interchange). The EA has not yet commenced, and its exact start date has not yet been determined. Please see the enclosure which is the updated Study Area Map. A .kmz of this map is available upon request.

If you have any questions I can be reached by phone at (785) 368-6429, or my e-mail address is [kris.norton@ks.gov](mailto:kris.norton@ks.gov)

Please send any comments on this project to me using my e-mail address shown above.

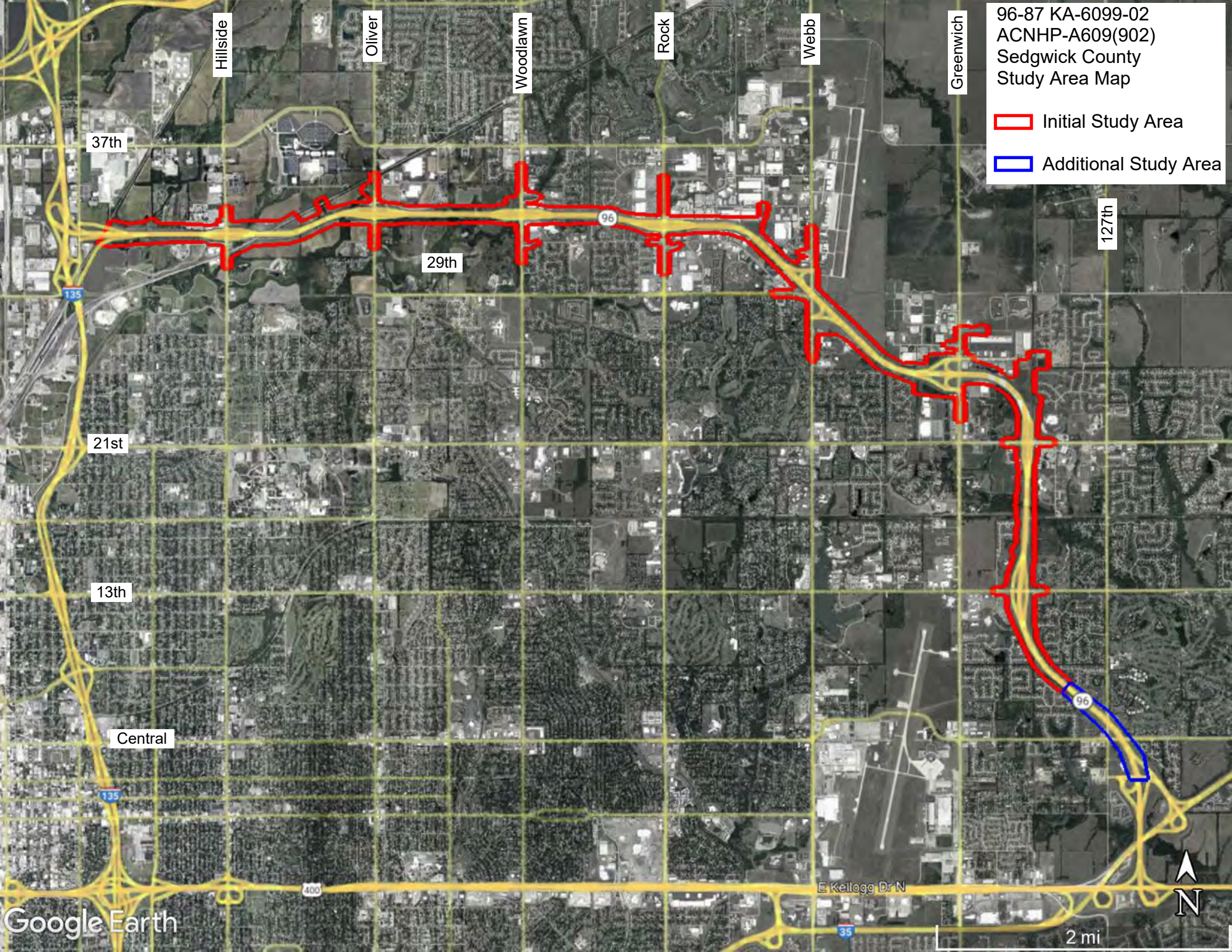
Sincerely,

Kris Norton, P.E.  
PMC Coordinating Engineer  
Division of Program and Project Management

By e-mail: Javier Ahumada, FHWA Kansas Division  
Peter Van Sickle, Division Director of Program and Project Management  
Cliff Ehrlich, Chief Environmental Services Section, Attn: Terry Blackwell

Enclosure





96-87 KA-6099-02  
ACNHP-A609(902)  
Sedgwick County  
Study Area Map

Initial Study Area

Additional Study Area



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



Phone: (620) 672-5911  
Fax: (620) 672-6020  
[www.ksoutdoors.com](http://www.ksoutdoors.com)

Brad Loveless, Secretary

Laura Kelly, Governor

December 07, 2023

Javier Ahumada, CPM  
Federal Highway Administration  
6111 SW 29<sup>th</sup> St., Suite 100  
Topeka, KS 66614

Javier,

Before a conversion package can be submitted to the National Park Service for review, a few things need to first be completed and sent to our office.

- An appraisal for both the park area being converted and the entire replacement property following UASFLA standards.
- A letter of intent to sell from the current owner of the replacement piece if the piece is not already owned by the sponsor.
- Future development plans for the replacement property including the site's compatibility and usefulness to the community.

Once these items have been completed and submitted to KDWP, our staff will put together a conversion packet to be submitted for NPS approval. The NPS will conduct their own NEPA determinations. If the sponsor has previously completed an EA, FONSI or other relating documents, the NPS can use these to process the conversion in a quicker manner but these are not necessarily required for LWCF conversion purposes.

If you have any further questions about the LWCF Conversion process, please contact me.

Sincerely,

Riston Landwehr  
Grant Coordinator  
Kansas Department of Wildlife and Parks  
620-672-0741

**Date** 2024-03-12T20:45:25Z

**Subject** 23-12-009 - KA-6099-RCNS-02

**Body** 23-12-009 - KA-6099-RCNS-02  
Sedgwick County

Cliff Ehrlich  
Chief of Environmental Services  
Environmental Services Section  
KDOT

96-87 KA-6099-02  
ACNHP-A609(902)

This letter serves as a conditional clearance for the project until the completed survey report is submitted to the portal. Until that time, the project shall remain open in the portal, but this letter can be used by the project submitter in the interim. This survey identified on new archeological site, 14SG4, and revisited site 14SG117. Site 14SG4, is recorded as a historic dump site with a hedge post woven-wire fence. This site is not eligible for listing on the NRHP. Site 14SG117 was recorded as a result of an archeological survey conducted for improvements to the Chisholm Creek pathway in 2014. This site is a historic artifact scatter with wooden phone or electrical poles. The current survey identified three isolated finds within this site (see attached image). These finds include an artificial mound (IF1), a ceramic tile pipe (IF2), and a series of concrete blocks and broken stone, possibly a foundation from a now razed farmstead (IF3). These finds appear to be well outside of the proposed construction limits and should not be impacted by the current project. The SHPO concurs that the project will have no effect on NRHP-eligible historic properties as defined in 36 CFR 800. This office has no objection to the proposed project. Once the survey report is submitted the project will be closed in the portal.

This information is provided at your request to assist you in identifying historic properties, as specified in 36 CFR 800 for Section 106 consultation procedures.

Please let us know if you have any questions or concerns with this project review at [shelby.beltz@ks.gov](mailto:shelby.beltz@ks.gov) or call 785-272-8681, ext. 219.

On behalf of:  
Katrina Ringler  
Deputy State Historic Preservation Officer  
Kansas Historical Society



## United States Department of the Interior

FISH AND WILDLIFE SERVICE  
Kansas Ecological Services Field Office  
2609 Anderson Avenue  
Manhattan, KS 66502-2801  
Phone: (785) 539-3474 Fax: (785) 539-8567



In Reply Refer To:

02/06/2025 17:58:16 UTC

Project Code: 2023-0127718

Project Name: KA 6099-02 | K-96 Improvement Project

Subject: List of threatened and endangered species that may occur in your proposed project location or may be affected by your proposed project

To Whom It May Concern:

The enclosed species list identifies threatened, endangered, proposed and candidate species, as well as proposed and final designated critical habitat, that may occur within the boundary of your proposed project and/or may be affected by your proposed project. The species list fulfills the requirements of the U.S. Fish and Wildlife Service (Service) under section 7(c) of the Endangered Species Act (Act) of 1973, as amended (16 U.S.C. 1531 *et seq.*).

New information based on updated surveys, changes in the abundance and distribution of species, changed habitat conditions, or other factors could change this list. Please feel free to contact us if you need more current information or assistance regarding the potential impacts to federally proposed, listed, and candidate species and federally designated and proposed critical habitat. Please note that under 50 CFR 402.12(e) of the regulations implementing section 7 of the Act, the accuracy of this species list should be verified after 90 days. This verification can be completed formally or informally as desired. The Service recommends that verification be completed by visiting the IPaC website at regular intervals during project planning and implementation for updates to species lists and information. An updated list may be requested through the IPaC system by completing the same process used to receive the enclosed list.

The purpose of the Act is to provide a means whereby threatened and endangered species and the ecosystems upon which they depend may be conserved. Under sections 7(a)(1) and 7(a)(2) of the Act and its implementing regulations (50 CFR 402 *et seq.*), Federal agencies are required to utilize their authorities to carry out programs for the conservation of threatened and endangered species and to determine whether projects may affect threatened and endangered species and/or designated critical habitat.

A Biological Assessment is required for construction projects (or other undertakings having similar physical impacts) that are major Federal actions significantly affecting the quality of the human environment as defined in the National Environmental Policy Act (42 U.S.C. 4332(2) (c)). For projects other than major construction activities, the Service suggests that a biological

evaluation similar to a Biological Assessment be prepared to determine whether the project may affect listed or proposed species and/or designated or proposed critical habitat. Recommended contents of a Biological Assessment are described at 50 CFR 402.12.

If a Federal agency determines, based on the Biological Assessment or biological evaluation, that listed species and/or designated critical habitat may be affected by the proposed project, the agency is required to consult with the Service pursuant to 50 CFR 402. In addition, the Service recommends that candidate species, proposed species and proposed critical habitat be addressed within the consultation. More information on the regulations and procedures for section 7 consultation, including the role of permit or license applicants, can be found in the "Endangered Species Consultation Handbook" at:

<https://www.fws.gov/sites/default/files/documents/endangered-species-consultation-handbook.pdf>

**Migratory Birds:** In addition to responsibilities to protect threatened and endangered species under the Endangered Species Act (ESA), there are additional responsibilities under the Migratory Bird Treaty Act (MBTA) and the Bald and Golden Eagle Protection Act (BGEPA) to protect native birds from project-related impacts. Any activity, intentional or unintentional, resulting in take of migratory birds, including eagles, is prohibited unless otherwise permitted by the U.S. Fish and Wildlife Service (50 C.F.R. Sec. 10.12 and 16 U.S.C. Sec. 668(a)). For more information regarding these Acts, see <https://www.fws.gov/program/migratory-bird-permit/what-we-do>.

The MBTA has no provision for allowing take of migratory birds that may be unintentionally killed or injured by otherwise lawful activities. It is the responsibility of the project proponent to comply with these Acts by identifying potential impacts to migratory birds and eagles within applicable NEPA documents (when there is a federal nexus) or a Bird/Eagle Conservation Plan (when there is no federal nexus). Proponents should implement conservation measures to avoid or minimize the production of project-related stressors or minimize the exposure of birds and their resources to the project-related stressors. For more information on avian stressors and recommended conservation measures, see <https://www.fws.gov/library/collections/threats-birds>.

In addition to MBTA and BGEPA, Executive Order 13186: *Responsibilities of Federal Agencies to Protect Migratory Birds*, obligates all Federal agencies that engage in or authorize activities that might affect migratory birds, to minimize those effects and encourage conservation measures that will improve bird populations. Executive Order 13186 provides for the protection of both migratory birds and migratory bird habitat. For information regarding the implementation of Executive Order 13186, please visit <https://www.fws.gov/partner/council-conservation-migratory-birds>.

We appreciate your concern for threatened and endangered species. The Service encourages Federal agencies to include conservation of threatened and endangered species into their project planning to further the purposes of the Act. Please include the Consultation Code in the header of this letter with any request for consultation or correspondence about your project that you submit to our office.



Attachment(s):

- Official Species List

## OFFICIAL SPECIES LIST

This list is provided pursuant to Section 7 of the Endangered Species Act, and fulfills the requirement for Federal agencies to "request of the Secretary of the Interior information whether any species which is listed or proposed to be listed may be present in the area of a proposed action".

This species list is provided by:

**Kansas Ecological Services Field Office**

2609 Anderson Avenue

Manhattan, KS 66502-2801

(785) 539-3474

## PROJECT SUMMARY

Project Code: 2023-0127718

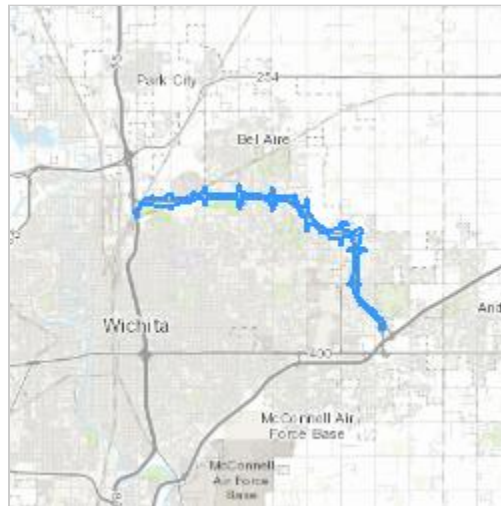
Project Name: KA 6099-02 | K-96 Improvement Project

Project Type: Road/Hwy - Maintenance/Modification

Project Description: The K-96 Improvements Project is designing improvements to the freeway between the I-135 and I-35 Interchanges including the expansion from 4 to 6 lanes (between I-135 and 21st Street), pavement replacement (between 21st Street and I-35 Interchange), and reconfiguration of seven interchanges: Hillside, Oliver, Woodlawn, Rock, Webb, Greenwich, and 21st.

Project Location:

The approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/@37.72023075,-97.19955006527918,14z>



Counties: Sedgwick County, Kansas

## ENDANGERED SPECIES ACT SPECIES

There is a total of 3 threatened, endangered, or candidate species on this species list.

Species on this list should be considered in an effects analysis for your project and could include species that exist in another geographic area. For example, certain fish may appear on the species list because a project could affect downstream species.

IPaC does not display listed species or critical habitats under the sole jurisdiction of NOAA Fisheries<sup>1</sup>, as USFWS does not have the authority to speak on behalf of NOAA and the Department of Commerce.

See the "Critical habitats" section below for those critical habitats that lie wholly or partially within your project area under this office's jurisdiction. Please contact the designated FWS office if you have questions.

- 
1. [NOAA Fisheries](#), also known as the National Marine Fisheries Service (NMFS), is an office of the National Oceanic and Atmospheric Administration within the Department of Commerce.

## FISHES

NAME	STATUS
Peppered Chub <i>Macrhybopsis tetranema</i> There is <b>final</b> critical habitat for this species. Your location does not overlap the critical habitat. Species profile: <a href="https://ecos.fws.gov/ecp/species/532">https://ecos.fws.gov/ecp/species/532</a>	Endangered

## INSECTS

NAME	STATUS
Monarch Butterfly <i>Danaus plexippus</i> There is <b>proposed</b> critical habitat for this species. Your location does not overlap the critical habitat. Species profile: <a href="https://ecos.fws.gov/ecp/species/9743">https://ecos.fws.gov/ecp/species/9743</a>	Proposed Threatened
Western Regal Fritillary <i>Argynnis idalia occidentalis</i> No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/12017">https://ecos.fws.gov/ecp/species/12017</a>	Proposed Threatened

## CRITICAL HABITATS

THERE ARE NO CRITICAL HABITATS WITHIN YOUR PROJECT AREA UNDER THIS OFFICE'S JURISDICTION.

YOU ARE STILL REQUIRED TO DETERMINE IF YOUR PROJECT(S) MAY HAVE EFFECTS ON ALL ABOVE LISTED SPECIES.



## **IPAC USER CONTACT INFORMATION**

Agency: Kansas Department of Transportation

Name: Brett Pierson

Address: 7733 N Wallace Ave

City: Kansas City

State: MO

Zip: 64158

Email bpierson@hgcons.com

Phone: 8166659637

## **LEAD AGENCY CONTACT INFORMATION**

Lead Agency: Federal Highway Administration





**KDOT is improving K-96 to prepare for and meet the demands of future growth in our city and region by enhancing safety, relieving congestion and increasing capacity.**

The **K-96 Improvements Project** aims to upgrade the K-96 corridor between I-135 and I-35. Improvements are needed to keep Kansans moving. Through traffic engineering studies and environmental review, the project is exploring pavement replacement, adding new lanes and upgrading the Woodlawn, Rock and Webb interchanges.

[Learn More](#)

## K-96 Improvements Benefit Our Communities

### INCREASE CAPACITY



#### Expands K-96

K-96 has more than 50,000 vehicles today and is expected to have nearly 100,000 vehicles by 2050.

### CONGESTION RELIEF



#### Better for you and the environment

Easing congestion will regulate travel during peak periods. Fewer cars idling on the roadway will decrease excess emissions.

### ENHANCED SAFETY



#### Safer and reliable roadway for users

The project will ease growing safety, travel-time reliability and congestion issues along K-96, where on average more than 200 accidents have occurred per year from 2015 to 2020.

### INTERCHANGE IMPROVE MENTS



#### Access K-96 with ease

Improved interchanges will reduce queuing on sideroads and ramps.

## What We're Doing



Currently, the K-96 Improvements Project is in the Preliminary Design phase.

From increasing freeway capacity to making interchange improvements and coordinating traffic signals, these enhancements can help reduce queuing on



sideroads and ramps. This project is following a phased and deliberate process to engage the community in project solutions.

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# Project Timeline

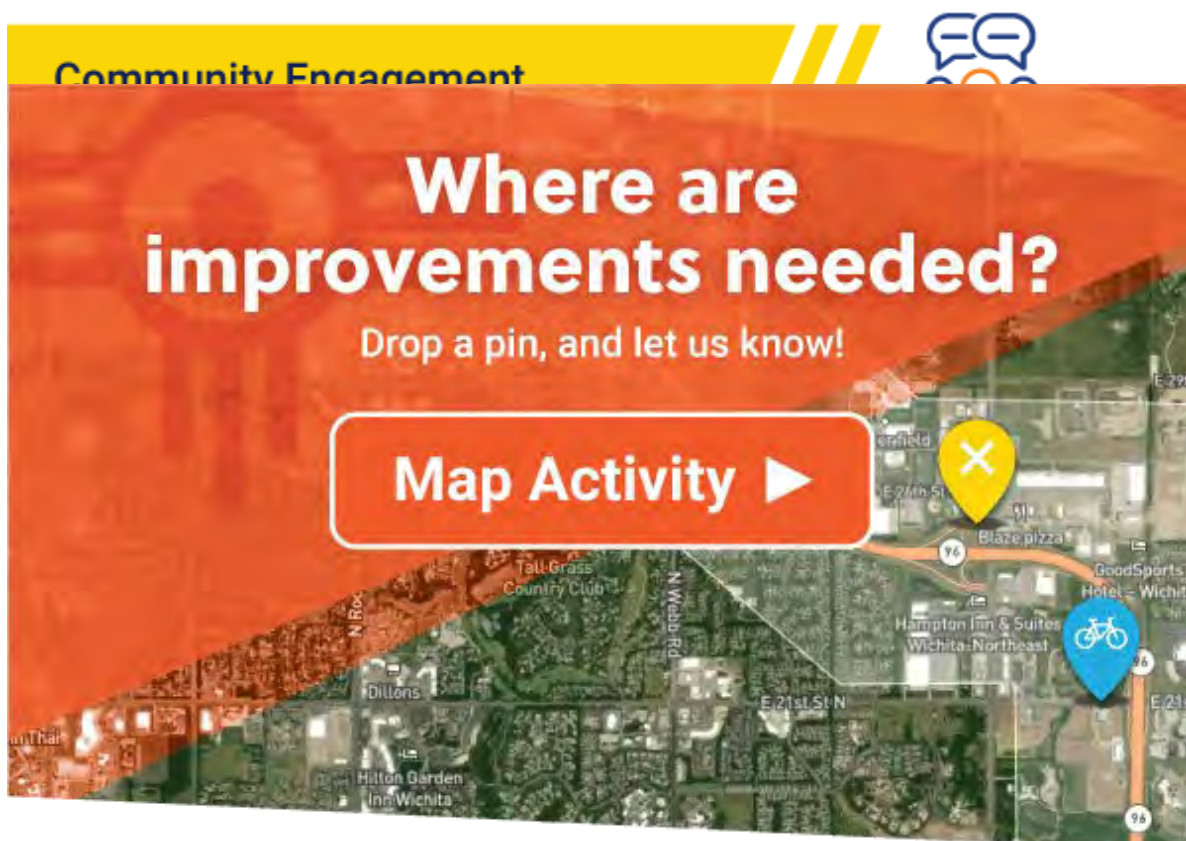


The project is currently underway with early stages of investigative work. From 2022 to 2023 we will explore potential design concepts along with environmental review to assess environmental, economic and social impacts. We'll need your input on the findings from both the design and environmental review work – information on these meetings coming soon!

[Sign up to join our mailing list for project updates.](#)

Starting in 2024, we will finalize the design of the K-96 improvements and complete preconstruction activities. Construction could begin as early as 2026.

\*The timeline is subject to change as the project evolves. While the project has an anticipated construction schedule, funding has not been allocated at this time. Following The Eisenhower Legacy Transportation Program (IKE Program) requirements, funding is not allocated for construction projects more than two years ahead of construction.





# We Want To Hear From You

K-96 is an important link in our community for moving people and goods. We need your input to ensure that improvements reflect the needs of our diverse communities.

Visit our project website to participate in an interactive map, take a poll, or submit a comment. You can also call 316-290-9691 or email [info@K96Improvements.com](mailto:info@K96Improvements.com).

A graphic with a blue background and an orange bottom section. In the top left, there is a yellow icon of a hand pointing up. The text "Leadership Spotlight" is in white, "Jake Borchers" is in yellow, and "K-96 Improvements Project Manager" is in yellow. A circular portrait of Jake Borchers is on the right. A white speech bubble contains the text: "We are striving for meaningful community input on this project. It's not just an empty promise; we've developed a robust plan to engage the community and encourage feedback in multiple ways. Whether it's through our website, social media, email or project hotline – the comments come directly to me and the project team. We look forward to hearing from you!"

**Leadership Spotlight**  
**Jake Borchers**  
**K-96 Improvements Project Manager**

We are striving for meaningful community input on this project. It's not just an empty promise; we've developed a robust plan to engage the community and encourage feedback in multiple ways. Whether it's through our website, social media, email or project hotline – the comments come directly to me and the project team. We look forward to hearing from you!

**Sign-up to receive project updates!** Stay involved and learn more about the K-96 Improvements Project by signing up to receive email updates about the project and upcoming events.

**SIGN-UP and SUBSCRIBE!**

## K-96 Road Show

When you check out the [K-96 project website](#), be sure to sign-up for updates to receive alerts about when the Design Team hits the road to talk about the project. From recent District Advisory Board meetings and WAMPO committees, to the upcoming Open House this winter, you won't want to miss a stop on the K-96 Road



Show. You can also engage with the project on social media on [Facebook](#), [Twitter](#),  
and



**Technical Advisory Group (TAG)** meets regularly and includes roadway design, traffic engineering, bridges, drainage, and pavement design professionals who plan the K-96 enhancements.



**Corridor Outreach Group (COG)** met in September with local businesses and community members.

[Visit Website](#)

Thank you,  
The K-96 Improvements Project Team

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This information can be made available in alternative accessible formats upon request. For information about obtaining an alternative format, contact the KDOT Communications Division: Eisenhower Building 700 SW Harrison St., 2nd Floor West, Topeka, KS, 66603-3745, or phone (785) 296-3585 (Voice)/Hearing Impaired – 711.

**Twitter** |



**Thursday, February 2, 2023**

**5–7pm**

***Formal presentation starts at 6pm***

**National Center for Aviation Training (NCAT)**

**WSU Tech**

**4004 N. Webb Road**

**Wichita, KS 67226**

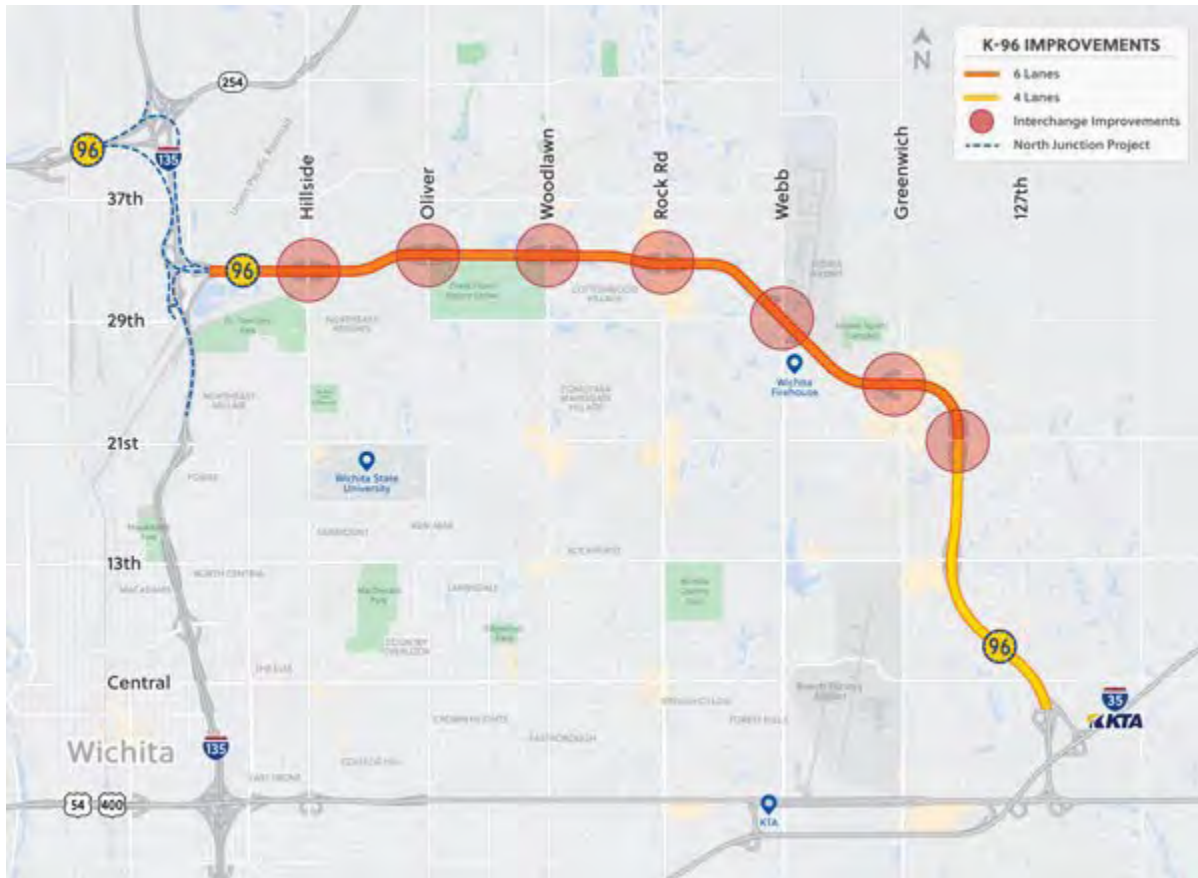
Across from Administration Center Plaza (Building 100)

Free parking available. Just look for our signs!

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**The K-96 Improvements Project team is excited to share proposed design concepts for the K-96 corridor.** This project is upgrading the freeway between the I-135 Interchange and I-35, including expanding the highway from 4 to 6 lanes, replacing existing pavement, and improving seven interchanges: Hillside, Oliver, Woodlawn, Rock, Webb, Greenwich, and 21st.



**The project will enhance safety, improve capacity, provide travel time reliability and relieve congestion to *keep Kansans moving*.**

## Community Open House



## What You Can Expect

Learn more about the corridor improvements planned for the K-96 Improvements Project at the Open House. Meet our Design Team and see project information. Review the benefits of the project, environmental assessments, and design

concepts.

K-96 Improvements Project Manager, Jake Borchers, will give a detailed briefing at 6pm on proposed interchange improvements along the corridor. We want to hear your questions and comments. Your input is vital to the success of this project.

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## **Please help spread the word about the K-96 Improvements Project and Open House on Feb. 2**

We make it easy to share the news with your networks. Use our Social Media Kit with shareable links for Facebook and Twitter, and just add your content to create your custom social media posts. Visit our website to [download the kit](#) and start using the K-96 Improvements Project Social Media Kit today!

### **We look forward to seeing you at the Open House!**

**Thank you,  
The K-96 Improvements Project Team**

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This information can be made available in alternative accessible formats upon request. For information about obtaining an alternative format, contact the KDOT Communications Division: Eisenhower Building  
700 SW Harrison St., 2nd Floor West, Topeka, KS, 66603-3745, or phone (785) 296-3585  
(Voice)/Hearing Impaired – 711.

For more information, questions, or to request special accommodations such as language interpretation and/or ASL services for the public meeting, please contact the K-96 Improvements Project team by emailing [info@K96improvements.com](mailto:info@K96improvements.com) or calling (316)290-9691.

[Twitter](#)[Facebook](#)[YouTube](#)



Save the  
**DATE**

# OPEN HOUSE

Join us to learn about the K-96 Improvements Project.



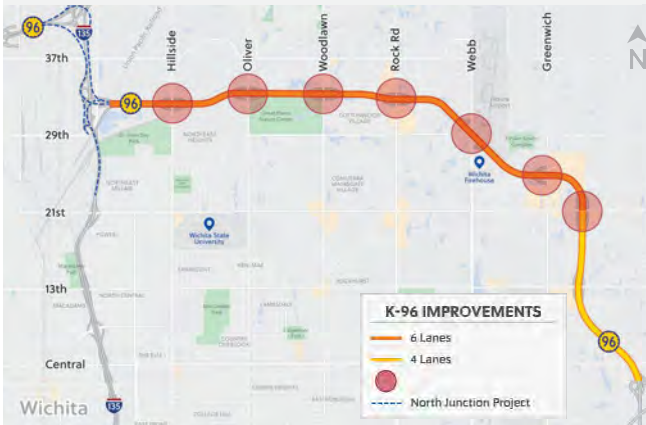
Learn about the project and provide feedback  
on design alternatives.

February  
**2**  
Thursday

**National Center for Aviation  
Training (NCAT), WSU Tech**  
4004 N. Webb Road  
Wichita, KS 67226

Across from Administration Center Plaza (Building 100)

**5<sup>from</sup>PM**  
to 7pm  
*Formal presentation  
starts at 6pm*



The K-96 Improvements Project team is excited to share proposed design concepts for the K-96 corridor. This project is upgrading the freeway between the I-135 Interchange and I-35, including expanding the highway from 4 to 6 lanes, and reconfiguring seven interchanges: Hillside, Oliver, Woodlawn, Rock, Webb, Greenwood, and 21st. The project will enhance safety, improve capacity, provide travel time reliability and relieve congestion to **keep Kansans moving.**

Interchange Improvements



**See you on February 2 at 5pm!**

*Formal presentation starts at 6pm.*

Free parking available. Just look for our signs! ●●●



For more information, questions, or to request special accommodations such as language interpretation and/or ASL services for the public meeting, please contact the K-96 Improvements Project team by emailing [info@K96improvements.com](mailto:info@K96improvements.com) or calling (316)290-9691.