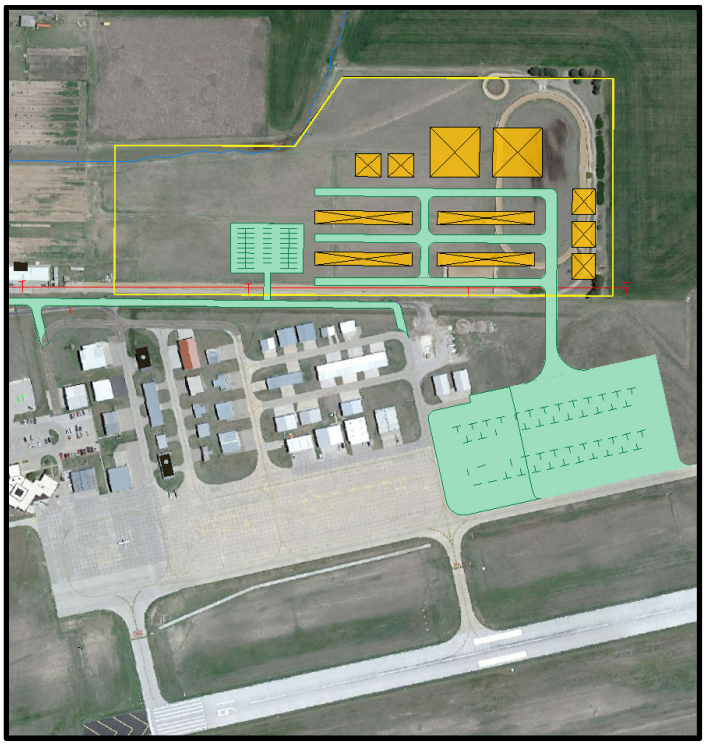
Environmental Assessment

Hays Regional Airport



Proposed Action:

1. Acquire a 20.33-acre tract of land located east of the existing airport property, Tract 4.
2. Construct seven box hangars, four T-hangar buildings, taxilanes, and a parking lot.
3. Construct paved automobile road to access Tract 4.
4. Construct taxilane and/or extend aircraft apron to access Tract 4.

Prepared by: LOCHNER

For: CITY OF Hays

This Environmental Assessment becomes a Federal document when evaluated, signed, and dated by the responsible Federal Aviation Administration (FAA) Official.

_____ _____

Responsible FAA Official Date

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APPENDICES

1. INTRODUCTION

This Environmental Assessment (EA) provides an analysis of significant potential impacts to environmental resources resulting from the Proposed Action for airport improvements at the Hays Regional Airport (HYS), Hays, Ellis County, Kansas, hereafter referred to as HYS. Overall, the environmental process contains three primary steps:

1. Coordination and solicitation of comments from local, state, and federal agencies concerning planned improvements for the recommended ultimate airport development plan.
2. A review of current conditions to establish a baseline for any subsequent environmental or permitting requirements.
3. The identification of development recommendations that may require a more extensive environmental study and potential mitigation strategies.

This EA has been prepared pursuant to Section 102 (2) of the *National Environmental Policy Act of 1969*, as well as Title V of the Airport and Airway Improvement Act of 1982, as amended. In addition, the subject matter contained herein and environmental audits performed within the body of the narrative text are completed in accordance with FAA Order 5050.4B, *NEPA Implementing Instructions for Airport Actions*, as well as FAA Order 1050.1F, *Environmental Impact: Policies and Procedures.* Lastly, the FAA, Central Region, Airports Division, will serve as the overseeing federal agency throughout the completion of this project.

HYS is located in northwestern Kansas, in the central portion of Ellis County, Kansas and can be referenced in **Exhibit 1.1**. **Exhibit 1.2** depicts the airport's location on an aerial photograph, while **Exhibit 1.3** depicts the airport's location on a topographic map.

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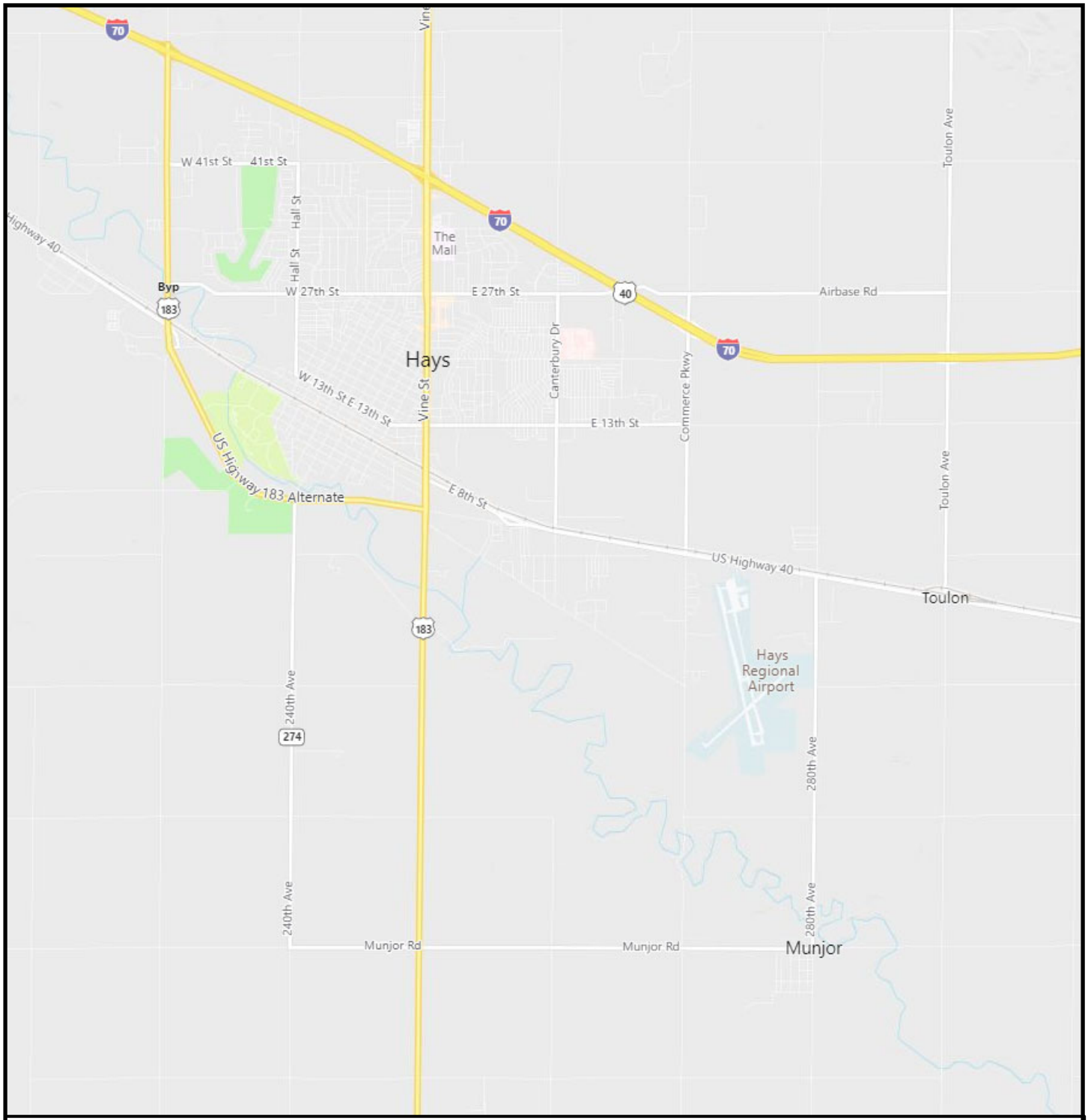

Exhibit 1.1: Airport Vicinity Map
Hays Regional Airport (HYS)
Environmental Assessment
Source: Bing Maps. Not to Scale

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Exhibit 1.2: Airport Location Map
Hays Regional Airport (HYS)
Environmental Assessment
Source: Google Earth. Not to Scale

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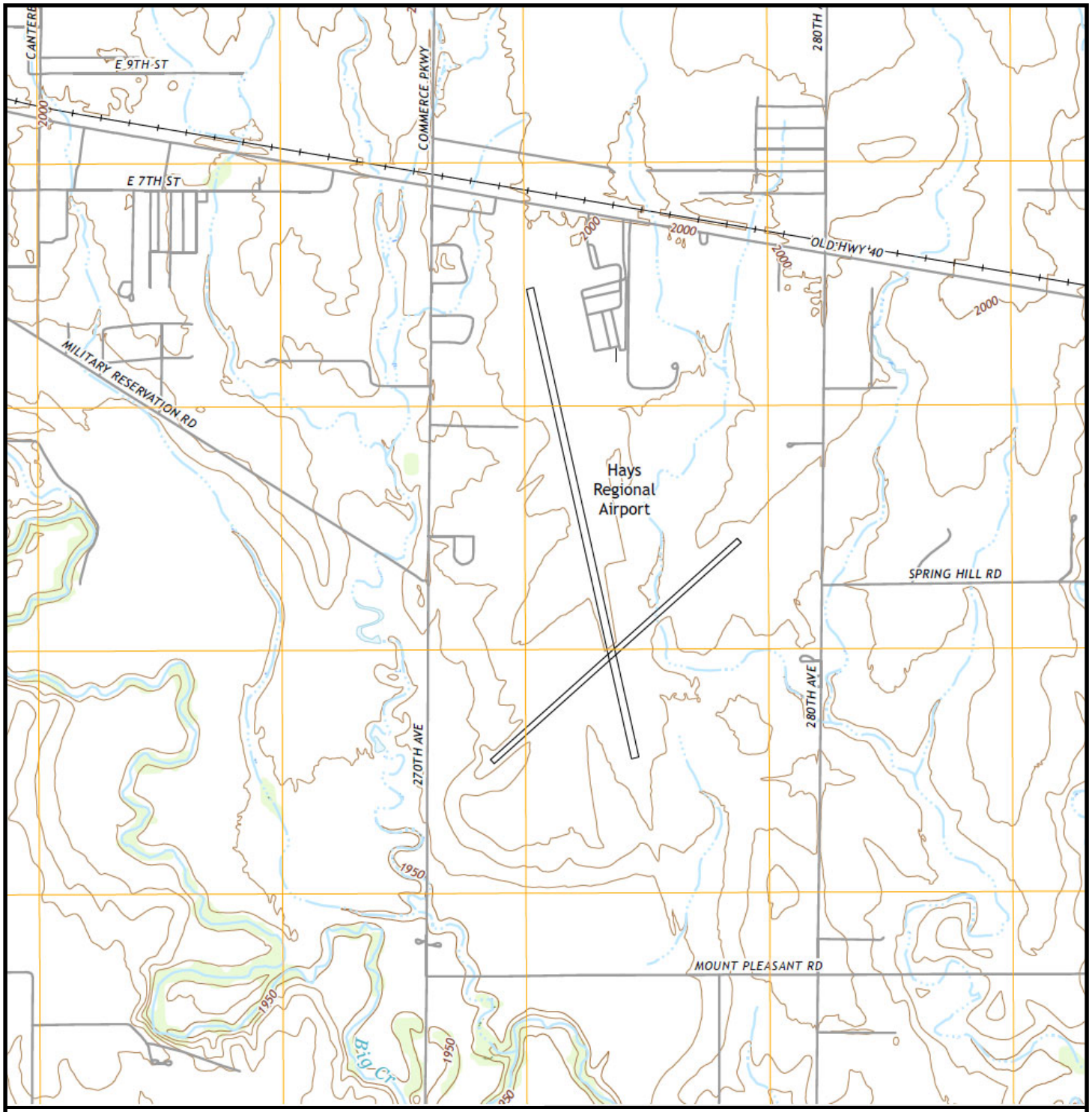

Exhibit 1.3: Airport Topographic Map
Hays Regional Airport (HYS)
Environmental Assessment
Source: 2018 7.5-Minute USGS Topo Map, Hays South Quadrangle. Not to Scale

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1.1 Purpose and Need

The purpose of the proposed improvements is to safely accommodate the airport's existing and projected demand for hangar space and automobile parking, while meeting FAA design standards in Advisory Circular (AC) 5300-13, *Airport Design*, as amended. Certificated as a 14 CFR Part 139 airport, HYS currently has 34 based aircraft, with a waiting list for hangar space.

1.2 Proposed Action

The Proposed Action involves the Federal financial participation for improvements to safely accommodate existing and future aviation demand as identified in the facility requirements from the Airport Master Plan study and airport layout plan update report. Additionally, the Airport Layout Plan (ALP) indicates the improvements being considered for this EA. The following are attributes of the Proposed Action:

1. Acquire a 20.33-acre tract of land located east of the existing airport property, hereafter referred to as 'Tract 4.'
2. Construct seven box hangars, four T-hangar buildings, taxilanes, and an auto parking lot on the newly-acquired tract of land.
3. Construct paved automobile road to access newly-acquired tract of land.
4. Construct taxilane and/or extend aircraft apron to access newly-acquired tract of land.

Throughout the planning process, the assessment of facility requirements and improvement priorities were discussed with the Sponsor and the Airport Board. While the location of the improvements associated with the Proposed Action has been modified since the ALP was last updated, the configuration depicted in the Proposed Action is viewed as offering the most durable and sound long-term development investment for local, state, and federal funds with the least negative impact to the environment. **Exhibit 1.4** is the Proposed Action Exhibit showing the ultimate development and property interests being considered.

1.3 Project Background and Location

An ALP was used to assess the most efficient future terminal area configuration, to determine the short- and long-term role of HYS, and to serve the general aviation airport needs of the City of Hays, Ellis County, and the surrounding region. Through a cooperative effort that included FAA review, and in coordination with the Airport Sponsor, the ALP report and KASP has enabled the Sponsor to agree upon a development plan for the airport that includes the development of facilities necessary to meet the future demand at the airport while adhering to FAA Standards.

HYS is located in northwest Kansas in the central portion of Ellis County, Kansas, and is situated on approximately 545 acres of property owned by the City of Hays. The airport is located approximately five miles southeast of the central business district of the City of Hays. The airport is accessed by Highway 40, which is located adjacent to the northern airport boundary.

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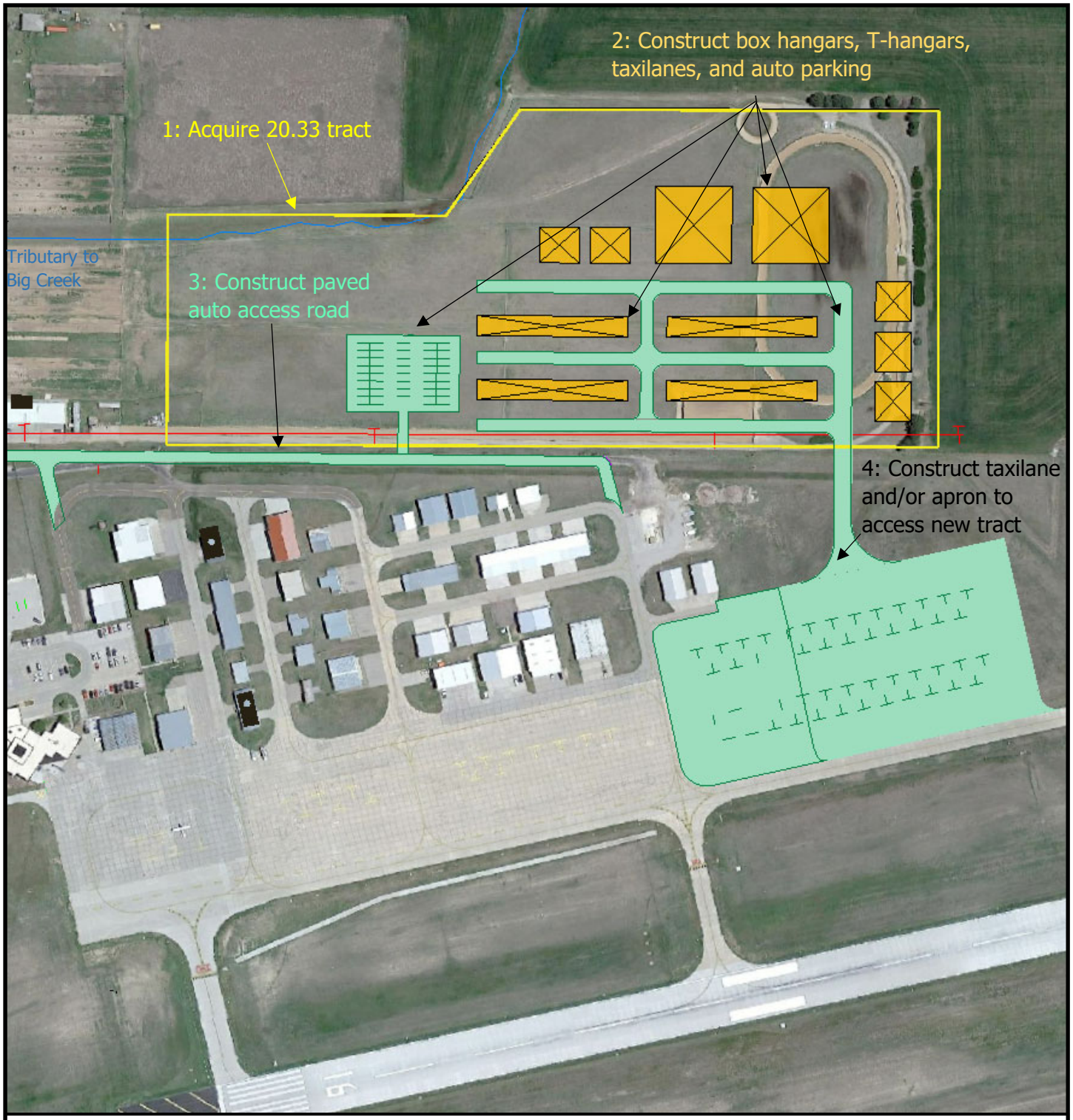

Exhibit 1.4: Proposed Action Map
Hays Regional Airport (HYS)
Environmental Assessment
Source: Google Earth (with Lochner markups). Not to Scale

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2. DEVELOPMENT ALTERNATIVES

This section evaluates the benefits of each alternative and provides the technical basis necessary for determining a preferred airport development plan. Overall, the actions proposed in this document are the formulation of a development policy, rather than the presentation of a design recommendation. While the assessment of alternatives was based on technical judgment, the most favorable improvement option conforms to local planning policies as consistent with social, economic, political, and environmental goals. The best course of action was determined using the following factors:

- Compliance with FAA airport standards (i.e., FAA AC 150/5300-13) and airspace criteria (i.e., FAR Part 77) without modification to FAA planning recommendations.
- Maintain compatibility with existing and proposed local land uses.
- Consider short and long-term development costs.
- Minimize the consequences of environmental impacts.
- Proposed mitigation strategies for any significant impacts.

As discussed in Chapter 1, the airport's current demand, as well as forecasted future demand, warrants additional hangar space, taxilanes, access roads, and automobile parking. To best meet the purpose and need of the project, while satisfying the aforementioned factors, the determination of the preferred development alternative was primarily a process of elimination based on economic and social design criteria, as well as environmental considerations. As the preferred development alternative satisfies both existing and future needs of the airport, it will become the Proposed Action for this project.

2.1 Alternative 1: No Action

The No Action Alternative does not meet the project purpose and need; however, in addition to being a Council on Environmental Quality (CEQ)/NEPA requirement, it does serve as a baseline for a comparison of impacts to the Proposed Action and is therefore retained for analysis.

Several variants of the No Action Alternative exist. They include the following:

Option A. Maintaining HYS with No Improvements

Design Considerations

- Minimizes capital improvement costs.
- No additional land acquisition.
- Development of taxilane does not occur.
- Development of hangars does not occur.
- Development of additional automobile parking does not occur.
- Does not improve the existing facilities.

Expected Environmental Impacts

Because the No Action Alternative would maintain the *status quo* of the airport and its surrounding vicinity, environmental consequences would not result from its implementation.

Conclusion

Option A of Alternative 1 provides a "no build" option for the Airport Sponsor. This alternative involves maintaining the airport elements in their current condition while not intending to make further developments or expansions based on projected aviation demand. This alternative precludes the Airport Sponsor from expanding the airport as an economic development tool to satisfy the needs of local and transient users, as well as local business interests. This alternative does not allow for the development of an additional taxilane, hangars, and automobile parking. Based on these considerations, this option does not meet the project purpose and need and is not considered a practical alternative.

Option B: Use Alternative Transportation Modes

The feasibility of alternative modes of transportation depends on accessibility and the level of service provided and includes the use of highways and railroads. The primary benefits of an airport are usually the time saved and costs avoided by travelers who use it over the next best alternative - usually the automobile.

US Highway 40 runs through Hays, as well as State Highway 183. The closest major interstates are I-70 (4 miles north). The closest passenger rail service is available in Garden City, Kansas, which is approximately 139 miles southwest of Hays. Although the cost of this rail service is competitive with general aviation travel, trip lengths and departure/arrival times that are available for rail travel to various points within the south-central U.S. can be unreasonable and lengthy.

Expected Environmental Impacts

Implementation of this Alternative would be similar to the No Action Alternative whereby no development would occur at the Airport. Environmental consequences within the immediate Airport vicinity would not result from its implementation.

Conclusion

The increasing cost of surface transportation for long distance travel, as well as travel time, makes general aviation air transportation more attractive as an alternative mode of transportation, especially for time-sensitive personal and business travel. Therefore, the sole reliance on alternative modes of transportation was not considered a feasible option and does not meet the project purpose and need. Therefore, this alternative has been eliminated from further consideration.

Option C: Use an Alternative Airport

Reliance on another general aviation airport increases the time and ground transportation costs from the Airport Sponsor and the surrounding region. **Table 2.1** summarizes the closest commercial and general aviation airport(s) able to accommodate the demand similar to that experienced at HYS. The table also summarizes the travel times via local roads to reach each of these airports from Hays.

Table 2.1
Travel Times to Surrounding Airports

Alternative Airport	City/State	Longest Runway	Air Miles from Hays	Highway Distance from Hays	Travel Time Estimate
Russell Municipal (RSL)	Russell, KS	5,000' x 75'	22 nautical miles	29 miles	31 minutes
Rooks County Regional (RCP)	Stockton, KS	5,000' x 75'	30 nautical miles	39 miles	43 minutes
Trego Wakeeney (0H1)	Wakeeney, KS	4,008' x 50'	31 nautical miles	34 miles	35 minutes
Great Bend Municipal (GBD)	Great Bend, KS	7,851 x 100'	36 nautical miles	60 miles	67 minutes
Larned-Pawnee County (LQR)	Larned, KS	4,201' x 75'	39 nautical miles	60 miles	63 minutes
Average	-	-	32 miles	44 miles	48 minutes

As **Table 2.1** indicates, five alternative airports are located within 40 nautical miles of Hays. Of those airports, only Great Bend Municipal provides a runway long and wide enough to accommodate the aircraft mix that utilizes HYS. However, as indicated in the table above, ground travel time from Hays to Great Bend is over an hour; as such, it is impractical to shift the demand for hangars to Great Bend Municipal.

Expected Environmental Impacts

Implementation of this option would entail no additional development at HYS. Environmental consequences within the immediate vicinity would not result from its implementation.

Conclusion

This alternative does not meet the project purpose and need and reliance on another general aviation airport in the region to serve the City of Hays was considered an undesirable alternative. For this reason, this alternative was eliminated from further consideration.

2.2 Alternative 2: Acquire Tract 4; Build Hangars as Depicted on ALP

This alternative entails acquisition of a 20.33-acre tract of land located east of the existing airport property, designated as Tract 4. Acquisition of this tract would allow for additional hangar development, as well as its affiliated taxilanes, automobile parking, and automobile access road. Exhibit 2.1 depicts Alternative 2.

Design Considerations

- Acquisition of 20.33 acres.
- Construction of two box hangars and four T-hangars, as depicted on the ALP.
- Construction of taxilanes on newly-acquired property.
- Construction of apron and/or taxilane on existing airport property to access the new tract.

- Construction of automobile parking on Tract 4.
- Construction of a paved driveway to access the terminal area from Tract 4.
- The ALP depicts development across not only Tract 4, but the eastern adjoining property as well (see Exhibit 2.1).
- Significant amounts of fill would be needed to elevate the improvements out of the floodplain.

Expected Environmental Impacts

This alternative entails development of hangars on an unnamed intermittent tributary to Big Creek, as well as its associated floodplain. Floodplain maps have been revised by the City and County and submitted to the Federal Emergency Management Agency (FEMA) for approval since the ALP was updated; the last ALP utilized floodplain data that was published in 1986. Construction of the proposed improvements as depicted on the ALP would require that the unnamed tributary to Big Creek be rerouted or conveyed through a box culvert to accommodate the improvements, which would trigger permitting with the US Army Corps of Engineers (USACE) and further coordination with FEMA. Exhibit 2.1 depicts the location of Alternative 2 on the 2020 Draft FEMA map.

Conclusion

This alternative would not be practical due to the environmental impacts on the floodplain and a jurisdictional stream. Additionally, from an engineering standpoint, placement of the hangars as depicted on the ALP would be cost-prohibitive, as a significant amount of fill would be needed to ensure the improvements did not flood. Due to these constraints, this alternative has been eliminated from further consideration.

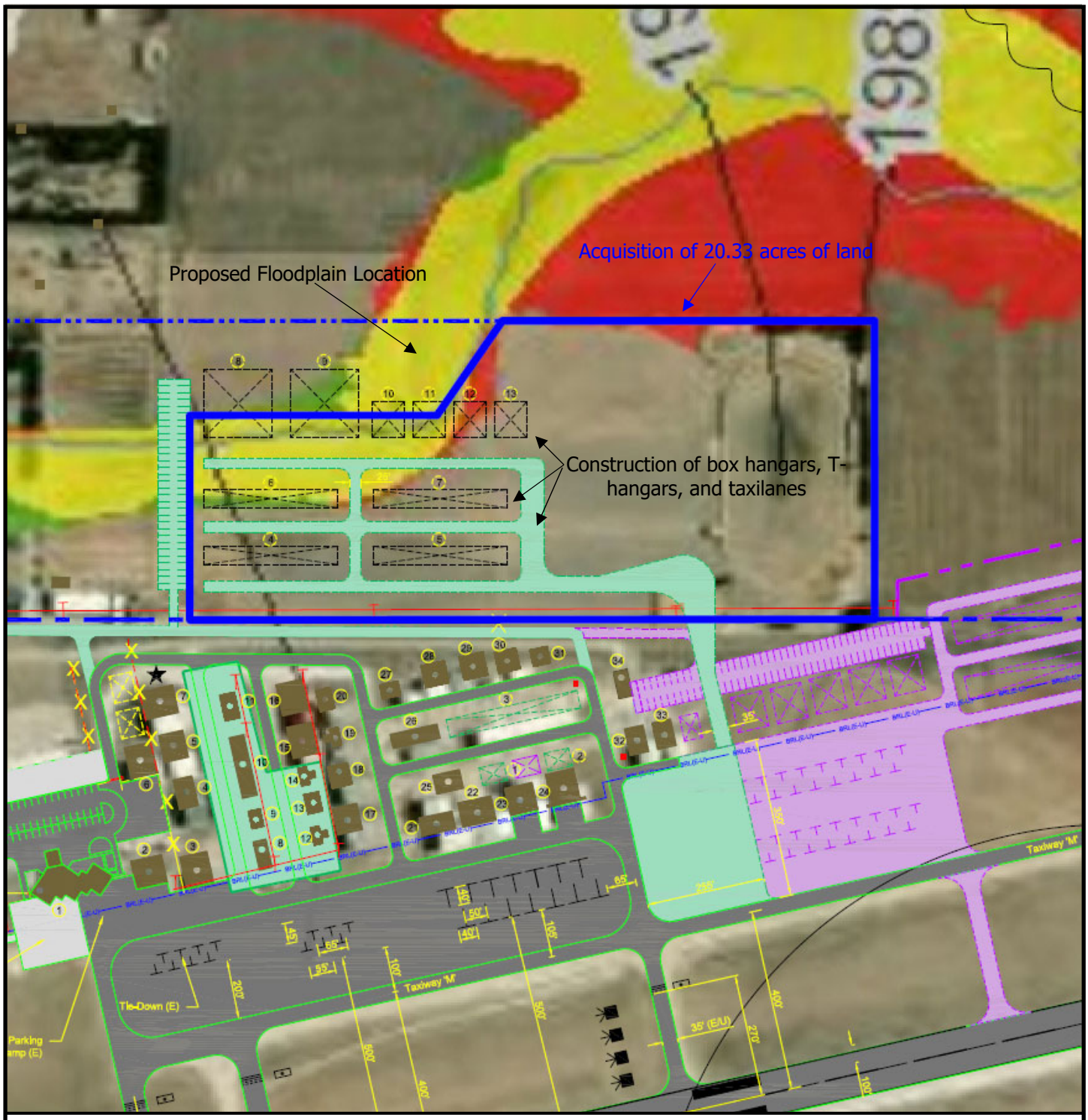

Exhibit 2.1: Alternative 2 (Proposed Improvements Depicted by Previous ALP)
Hays Regional Airport (HYS)
Environmental Assessment
Source: 2020 Draft FEMA Map (with BWR ALP). Not to Scale

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2.3 Alternative 3: Acquire Tract 4; Build Hangars on South Portion of Land (Preferred Alternative)

This alternative also entails acquisition of a 20.33-acre tract of land located east of the existing airport property, designated as Tract 4. However, this alternative differs from Alternative 2, in that the proposed hangar, taxilane, and parking lot development would occur on the southern portion of Tract 4 to avoid interference with the unnamed intermittent tributary to Big Creek and its associated floodplain. Exhibit 2.2 depicts Alternative 3.

Design Considerations

- Acquisition of 20.33 acres.
- Construction of seven box hangars and four T-hangars.
- Construction of taxilanes on newly-acquired property.
- Construction of apron and/or taxilane on existing airport property to access the new tract.
- Construction of automobile parking on Tract 4.
- Construction of a paved driveway to access the terminal area from Tract 4.

Expected Environmental Impacts

This alternative shifts the development proposed in Alternative 2 outside of the floodplain for the unnamed intermittent tributary to Big Creek. Hangar configuration differs from what is depicted on the previous ALP, as it maximizes the space available outside of the floodplain. Exhibit 2.2 depicts the location of Alternative 3 on the 2020 Draft FEMA map.

Conclusion

Alternative 3 would result in fewer environmental impacts than Alternative 2. Alternative 3 meets the Purpose and Need while minimizing environmental impacts. Therefore, Alternative 3 has been selected as the Proposed Action and will be carried forward for further environmental analysis.

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Exhibit 2.2: Alternative 3 (Proposed Action)
Hays Regional Airport (HYS)
Environmental Assessment
Source: 2020 Draft FEMA Map (with Modified BWR ALP). Not to Scale

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2.4 Conclusions

The determination of the Proposed Action was primarily a process of elimination based on various operational, political, environmental, financial, aviation needs and funding realities within the Hays and northwestern Kansas region. **Table 2.2** lists the comparison/analysis for the three alternatives. The table indicates factors that exhibit negative or unfavorable characteristics of airport improvement on the local environment. Gray shading indicates the alternative that satisfies all of the criteria, which is Alternative 3, the Proposed Action.

Table 2.2
Alternatives Comparison Matrix

Item/Impact	Alternative 1	Alternative 2	Alternative 3
Compliance with FAA Standards	Yes	Yes	Yes
Maintain Compatibility with Existing Land Use	Yes	Yes	Yes
Considers Short- and Long-Term Costs	No	Yes	Yes
Minimizes Environmental Consequences	Yes	No	Yes
Meets Purpose and Need	No	Yes	Yes

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3. AFFECTED ENVIRONMENT

The purpose of this section is to describe the existing environmental conditions of the potentially affected geographic area(s). This section includes existing and planned land uses, zoning, political jurisdictions, and past, present, and reasonably foreseeable future actions that may affect the region's environment.

3.1 Previous Actions—Airport History

Hays Regional Airport was originally opened in 1929 as a gravel strip airfield. The gravel runway was later developed as a grass landing strip in 1937. Throughout the 1960s, numerous land acquisition projects took place to accommodate various airport improvements, such as paving the primary runway, and constructing a taxiway and apron. A Very High Frequency Omni-Directional Range Tactical Air Navigation (VORTAC) was installed in 1969. Terminal area expansion, including construction of a new terminal building, was completed in the 1980s, and in the early 2000s, Runway 16-34 underwent an extension and Runway 4-22 was constructed.

3.2 Present Actions

The development identified in Chapter 1, B. *Proposed Action* will provide the City of Hays with airfield and terminal area facilities capable of accommodating the projected 20-year forecast of aviation demand at the airport. The Proposed Action is consistent with plans set forth in the approved ALP.

3.3. Foreseeable Actions

Projects to be completed at HYS in the next five years include the following:

- Replacement of airport rotating beacon.
- Rehabilitation of existing apron.
- Reconstruction of Taxiway M, including edge lighting.
- Construction of snow removal equipment building.

Additional construction of box hangars by private entities, through a land lease with the Airport Sponsor, may occur within the existing terminal area footprint.

3.4 Existing and Planned Land Uses

The airport is located on approximately 545 acres, five miles southeast of Hays' Central Business District and serves as the only publicly owned, publicly used airport in Ellis County, Kansas. The published airport elevation is 1,999.1 feet, with an existing airport reference point (APR) of 38^{0}50'32.00" N, 99^{0}16"23.40" W. Runway 16-34 is presently paved with concrete and has dimensions of 6,501' x 100'. Runway 4-22 is presently paved with concrete and has dimensions of 4,501' x 75'.

Geographical Land Features

According to the Kansas Geological Survey, the property lies over an expansive stretch of Loess deposits. Loess consists predominately of silt, with varying grain sizes dispersed within itself. This deposition was formed by the accumulation of wind-blown silt and is classified as an aeolian sediment. The formation is well exposed in the vicinity of the City of Hays.

The elevation of the airport ranges from approximately 1,957 feet to 2,001 feet above sea level. Jurisdictional waters are located on airport property; an unnamed intermittent tributary to Big Creek is conveyed below Runway 4-22 via a box culvert.

Land Use Control

Height restrictions in the vicinity of the airport are employed to preserve the integrity of the approach and departure surfaces near the airport. It is recommended that guidance contained in FAR Part 77 *Objects Affecting Navigable Airspace* be adopted by the city and county to restrict the heights of objects near the facility and establish land use and zoning regulations for land adjoining the Airport to ensure long-term compatibility with aircraft overflight and airport operation. A copy of the Land Use Assurance letter is included in **Appendix E**.

Airport Vicinity Land Uses

Land uses in the immediate vicinity of the Airport are comprised of agricultural use and rural residential dwellings, and light industrial use. Based on forecasted airport activity and improvements, there are no incompatible land uses in the project area.

3.5 Environmental Resources

This section provides information on whether environmental resources are present within the No Action or Proposed Action alternative action areas. In accordance with FAA Orders 5050.4B and 1050.1F, this section succinctly describes only those environmental resources the No Action Alternative and Proposed Action alternatives are likely to affect. Environmental resources that are impacted are further described in detail in Section 4: Environmental Consequences.

Air Quality

Located in Ellis County, which is in attainment for all federal criteria pollutants regulated under the National Ambient Air Quality Standards (NAAQS), the No Action and Proposed Action alternatives would not affect air quality. Therefore, no further analysis is provided in the remainder of this EA.

Biological Resources

The US Fish and Wildlife Service (USFWS) lists the Northern long-eared bat (*Myotis septentrionalis*) and whooping crane (*Grus americana*) as being Federally-listed threatened, endangered, or candidate species in Ellis County, Kansas. In addition to the federally-listed species, the Kansas Department of Wildlife, Parks, and Tourism (KDWPT) lists the following species as threatened, endangered, candidate species, or in need of conservation in the County:

- Eastern spotted skunk (*Spilogale putorius*)
- Topeka shiner (*Notropis topeka*)
- Whooping crane (*Grus americana*)
- Least tern (*Sterna antillarum*)
- Piping plover (*Charadrius melodus*)
- Snowy plover (*Charadrius alexandrinus*)
- Cylindrical papershell mussel (*Anodontoides ferussacianus*)
- Plains minnow (*Hybognathus placitus*)
- Southern bog lemming (*Synaptomys cooperi*)
- Western hognose snake (*Heterodon nasicus*)
- Black tern (*Chlidonias niger*)
- Short-eared owl (*Asio flammeus*)
- Curve-billed thrasher (*Toxostoma curvirostre*)
- Ferruginous hawk (*Buteo regalis*)
- Golden eagle (*Aquila chrysaetos*)
- Eastern hognose snake (*Heterodon platirhinos*)
- Common shiner (*Luxilus cornutus*)
- Bobolink (*Dolichonyx oryzivorus*)
- Long-billed curlew (*Numenius americanus*)
- Mountain plover (*Charadrius montanus*)
- Yellow-throated warbler (*Setophaga dominica*)
- Eastern whip-poor-will (*Antrostomas vociferus*)

Of the federal and state-listed species identified for Ellis County, only the Eastern spotted skunk (state-designated threatened species) has designated critical habitat in the County. The USFWS and KDWPT species lists are located in **Appendix A** of this report.

Due to the Proposed Action being located in an area designated as critical habitat for the Eastern spotted skunk, and due to the proximity of the Proposed Action to the unnamed intermittent tributary to Big Creek, further analysis will be conducted on the consequences of the Proposed Action alternative on Biological Resources. No further analysis will be completed for the No Action alternative.

<u>Climate</u>

As the No Action and Proposed Action alternatives do not entail significant increases in the combustion of fossil fuels, these alternatives would not affect climate. Therefore, no further analysis on climate is provided in the remainder of this EA.

<u>Coastal Resources</u>

The No Action and Proposed Action alternatives are not located in a coastal area. As such, the alternatives would not affect coastal resources, and no further analysis on coastal resources is provided in the remainder of this EA.

Construction Impacts

The Proposed Action alternative would involve removal of existing infrastructure on Tract 4, including a dog racing track and related improvements. Regrading of the 20.33-acre tract may also be necessary to achieve the desired grade for construction of hangars, taxilanes, and automobile parking. Disturbance of this amount of land can result in construction impacts such as increased erosion, spills and leaks of fuel in nearby surface water, and increased runoff. Therefore, construction impacts will be analyzed further in Section 4.

Department of Transportation Act, Section 4(f)

The No Action and Proposed Action alternatives will not affect publicly-owned land in a public park, recreation area, or wildlife and waterfowl refuge of national, state, or local significance or a historic site of national, state, or local significance. Therefore, no further analysis on Section 4(f) resources is provided in the remainder of this EA.

Farmlands

The No Action and Proposed Action alternatives do not involve land that is being farmed or has been farmed in over 30 years. However, because Tract 4 is located outside of the Hays city limits, in compliance with the Farmland Protection Policy Act, a letter describing the Proposed Action, as well as an AD1006 form, was submitted to the US Department of Agriculture (USDA) Natural Resource Conservation Service (NRCS) on July 8, 2020. The USDA NRCS responded on 28 October 2020 and indicated on the completed AD1006 form that the Proposed Action would result in an insignificant conversion of farmland in Ellis County. A copy of this letter, as well as the AD1006 form completed by the NRCS and consultant, can be found in **Appendix B**.

Due to the lack of agricultural activity on this property, no further analysis on farmland has been included in Section 4.

Hazardous Materials, Solid Waste, and Pollution Prevention

A Radius Report was obtained from GeoSearch, Inc. to ascertain the historic locations of hazardous waste—particularly Aboveground Storage Tanks (ASTs) and Underground Storage Tanks (USTs) on HYS property. The Radius Report indicates historic leaks have occurred from the tanks located at the airport. Because the leaking tanks were located adjacent to Tract 4, and in the vicinity of grading that would occur as part of the Proposed Action, hazardous materials will be further assessed for the Proposed Action in Section 4 of this report. Because the No Action alternative would not impact hazardous materials, it will not be further analyzed.

Historic, Architectural, Archaeological, and Cultural Resources

To determine the potential impacts on historic, architectural, archaeological, and cultural resources, correspondence was supplied to the Kansas Department of Health and Environment (KDHE) State Historic Preservation Office (SHPO) detailing the Proposed Action. In a letter dated 21 April 2020, the SHPO indicated that no historic properties are present or would be affected by the Proposed Action or reasonable alternatives.

Additionally, the FAA coordinated via Certified Mail and email with the Arapaho Tribe, Cheyenne Tribe, Iowa Tribe, Kaw Nation, Miami Tribe, Omaha Tribe, Osage Nation, Pawnee Nation, Ponca

Tribe, and Wichita Tribe in June 2020. The Osage Nation and Pawnee Nation responded, indicating that the Proposed Action would not adversely affect any sacred properties and/or properties of cultural significance. No other tribes provided comments.

Because no historic or cultural resources are present within the No Action or Proposed Action areas, the FAA determined that no historic properties will be affected and no further analysis of this resource will be provided. A copy of the SHPO response, letter to tribes, and responses can be found in **Appendix C**.

Land Use

The areas surrounding the airport on the north, east, and south sides are outside of the city limits of Hays, and function primarily as agricultural use and rural residential land. The land located west adjacent to the airport is comprised of an industrial park. Because the Proposed Action would entail development consistent with current land uses, further evaluation of land use will not be completed in Section 4.

Natural Resources and Energy Supply

Construction of the infrastructure as part of the Proposed Action would entail a slight increase in energy supply, as construction of the pavement and hangars would utilize fossil fuels, and use of the hangars would entail additional electricity. However, the impacts of the Proposed Action would not significantly increase energy consumption at HYS. The No Action alternative could potentially increase energy consumption, as individuals unable to find hangar space in Hays may base aircraft at other airports and drive more to access them. This resource will not be further analyzed in Section 4.

Noise

The No Action and Proposed Action alternatives would not result in any long-term increases in noise levels at HYS. A Noise Exposure Map was completed as part of the 2009 Airport Master Plan for HYS, which included analysis for terminal area expansion involving Tract 4, with operations projected out to 2029. The noise modeling as part of the Master Plan found that the 65-decibel noise contour was entirely contained within airport property, and no sensitive areas were found to be exposed. As such, no further analysis of this resource will be provided in Section 4.

Socioeconomic Environmental Justice, and Children's Health and Safety Risks

According to the US Bureau of the Census, HYS is located in Block Group 2 of Census Tract 727.02. The US Bureau of the Census indicates that the total population of Census Tract 727.02 was 2,867 people in 2010. Approximately 89 percent of Census Tract 727.02 is identified as white; the remainder of the population is comprised of Hispanics (5 percent), blacks (3 percent), and multiple races (2 percent). The median household income of Census Tract 727.02 was $57,337; the median household price was $190,300.

The No Action and Proposed Action alternatives would not impact any of the significance thresholds described in FAA Order 5050.4B (extensive relocation, disruption of local traffic patterns, or substantial loss in community tax base). Additionally, the Proposed Action would

not cause disproportionately high and adverse human health or environmental impacts on minority and/or low-income population, nor would it cause disproportionate health and safety risk for children, as the drainage improvements would be completed on airport property and impact a drainage basin situated away from the more densely populated areas surrounding the airport. Therefore, environmental justice impacts will not be further discussed in this report.

Visual Effects

The No Action and Proposed Action alternatives will not create effects contrasting with existing environments; therefore, the alternatives will not result in visual effects.

Water Resources

As depicted on Exhibit 1.3, an unnamed intermittent tributary to Big Creek travels along the northeastern boundary of Tract 4. The channel of this creek is relatively shallow and wide—it is typically approximately one foot in depth throughout Tract 4, and 40 feet in width. Due to these characteristics, the floodplain associated with the intermittent tributary is relatively large in size.

The No Action Alternative would not impact water resources. Although the Proposed Action was designed in a manner to avoid water resources, due to the proximity of the unnamed intermittent tributary to Big Creek to the proposed development, these resources will be further assessed in Section 4.

4. ENVIRONMENTAL CONSEQUENCES AND MITIGATION

The purpose of this section is to describe the potential environmental impacts of the Proposed Action. The following discussion(s) address the affected impact categories as outlined in FAA Order 1050.1F, *Environmental Impacts: Policies and Procedures*. Only the Proposed Action and No Action alternatives were carried forward for further discussion.

The No Action and Proposed Action would potentially affect:

- Biological Resources.
- Construction Impacts.
- Hazardous Materials.
- Water Resources.

The No Action and Proposed Action would not affect:

- Air Quality.
- Climate.
- Coastal Resources.
- Department of Transportation Act, Section 4(f).
- Farmland.
- Cultural Resources.
- Land Use.
- Natural Resources and Energy Supply.
- Noise.
- Socioeconomic Environmental Justice, and Children's Health and Safety Risks.
- Visual Effects.

4.1 Biological Resources

With regard to threatened or endangered species, the Kansas Department of Wildlife, Parks, and Tourism (KDWPT), and the US Department of the Interior, Fish and Wildlife Service – Kansas State Office (USFWS) were contacted to provide an assessment of regulatory compliance with regard to protecting biological resources. Coordination letters describing the Proposed Action were sent to the two entities on July 8, 2020, and are included in Appendix A. However, no responses were received from the agencies.

A list of state and federally-listed threatened, endangered, and candidate species was provided in **Section 3.5**. Neither of the federally-listed species prefer the habitat present at Tract 4. The Northern long-eared bat spends the winter hibernating in caves and mines, which are not present on Tract 4 or on airport property. In the summer, they utilize the bark of trees for roosting. Tract 4 does include trees, but they are coniferous trees with trunks averaging nine inches in diameter at breast height (DBH). Northern long-eared bat roost trees tend to be greater than 9 inches diameter at breast height, optimally greater than 20 inches DBH with loose or exfoliating bark. Therefore, preferred habitat of the Northern long-eared bat is not present within the Proposed Action area.

The whooping crane breeds and nests along lake margins or within sedges in marshes and meadows. They prefer wetland areas with at least eight inches in depth of water. This habitat does not exist within the Proposed Action area.

Of the state-listed threatened and endangered species, only the Eastern spotted skunk has designated critical habitat in Ellis County. Eastern spotted skunks inhabit open prairies, brushy areas, and cultivated land. They seem to require some form of cover such as a brushy field border, fence row, or heavily vegetated gully between the den and foraging areas. As Tract 4 and the airport property have been developed and are comprised of maintained vegetation, this habitat is not located within the Proposed Action area.

The remaining state-listed threatened and endangered species preferred habitat is as follows:

- The least tern, piping plover, snowy plover, and black tern are shorebirds that prefer sandy beaches or large wetland areas for nesting and foraging. This habitat does not exist on Tract 4 or on airport property.
- The Topeka shiner, cylindrical papershell mussel, plains minnow, and plains shiner dwell in small prairie streams; however, they prefer perennial streams with more consistent presence of water.
- The Southern bog lemming utilizes deciduous and mixed coniferous–deciduous forests. The grassy openings and edges of these forests, especially where sedges, ferns, and shrubs grow and when the soil is loose and crumbly. This type of habitat is not located within the vicinity of the Proposed Action.
- The Eastern and Western hognose snakes live in areas with loose, sandy soil. This habitat is not present within the Proposed Action area.
- The short-eared owl prefers open prairie adjacent to marshes. This habitat is not present within the Proposed Action area.
- The curve-billed thrasher utilizes open country of many kinds, including brushlands, thorn scrub with mesquite, thickets bordering woodlands, pinyon-oak woods, and desert flats with prickly pear, yucca, and cholla cactus. Due to the development on Tract 4 and the aircraft traffic at HYS, this habitat is not present within the Proposed Action area.
- The ferruginous hawk lives in open country, including dry prairie, sagebrush, and steppe-deserts with short vegetation containing large populations of small mammals. Due to the development on Tract 4 and the aircraft traffic at HYS, this habitat is not present within the Proposed Action area.
- The golden eagle prefers open country, especially around mountains, hills, and cliffs. This habitat is not present within the Proposed Action area.
- The bobolink breeds and forages in damp meadows and natural prairies with dense growth of grass and weeds and a few low bushes. This type of grass growth is not present within the Proposed Action area.
- The long-billed curlew breeds in native dry grassland and sagebrush prairie, and may favor areas with some damp low spots nearby. However, they do not prefer agricultural or developed land. As such, its preferred habitat is not present in the Proposed Action area.

- Mountain plovers breed on bare ground with little vegetation; they most often coexist with black-tail prairie dogs. This type of habitat is not located on Tract 4 or on airport property.
- The yellow-throated warbler breeds in pine forests with an open understory, bald cypress swamps, and woodlands near streams. This type of habitat is not located within the Proposed Action area.
- The Eastern whip-poor-will breeding habitat is found in upland, primarily deciduous and mixed forest adjacent to large clearings. This type of habitat is not located within the Proposed Action area.

Preferred habitat and critical habitat for the abovementioned state and federally-listed threatened, endangered, and candidate species is not located within the Proposed Action area. Furthermore, Tract 4 and the existing airport property do not currently include prairie, forested land, or edge habitat. The FAA has determined that federally-listed threatened and endangered species will not be affected. Therefore, the Proposed Action is not anticipated to adversely impact biological resources. However, a Best Management Practice of conducting any tree clearing only between October 15 and March 1 is recommended.

The Migratory Bird Treaty Act prohibits the take (including killing, capturing, selling, trading, and transport) of protected migratory bird species without prior authorization by the USFWS. The USFWS included a list of migratory birds of concern in the Official Species List included in **Appendix A**. The lists includes the golden eagle (*Aquila chrysaetos*), Harris' sparrow (*Zonotrichia querula*), and the red-headed woodpecker (*Melanerpes erythrocephalus*). The golden eagle was described in the bulleted list above and is not likely to be present within the Proposed Action area. Harris' sparrow is listed as 'breeds elsewhere,' and is not anticipated to be disturbed as part of the Proposed Action. The red-headed woodpecker breeds from May to September; Best Management Practices of clearing trees only between October 15 and March 1 would minimize disruption to the woodpecker.

4.2 Construction Impacts

Potential environmental impacts as a result of the proposed construction and development at HYS include noise of construction equipment on the site, noise, and dust from delivery of materials through public roadways, creation of burrow pits and disposal of soil, and water pollution from erosion and storm water runoff. Impacts associated with construction are temporary and confined to the construction site during the period of development and construction of the proposed action.

During the development and construction phase of the proposed action at the airport, all parties associated with construction, either directly or indirectly, shall employ measures and abide by specific standards as recommended in FAA Advisory Circular (AC) 150/ 5370-10, *Standards for Specifying Construction of Airports*, *Item P-156, Temporary Air and Water Pollution, Soil Erosion, and Siltation Control*, in a coordinated effort to minimize potential temporary adverse environmental impacts in the local community and encourage Best Management Practices.

Additionally, the contractor and oversight team will obtain all required permits, licenses, pay all fees, charges, and taxes, and conduct business in accordance with local, state, and federal statutes and regulations, as well as abide by all federal grant assurances and agreements.

4.3 Hazardous Materials

The Proposed Action is predominantly located on a rural residential tract of land that has functioned as a dog racing track for several decades. Small engines were utilized to operate the mechanical hare at the dog track. *De minimis* staining was observed on Tract 4 in the vicinity of the engine housing; this insignificant staining does not warrant the need for subsurface investigation on Tract 4. No other indicators of hazardous waste were observed on Tract 4.

Land uses located to the north, east, and south of Tract 4 are comprised of rural residential housing and agricultural fields, and do not indicate the presence of hazardous waste that could have historically impacted Tract 4. HYS is located west of adjacent to Tract 4, however, with fuel operations located close to the boundary between the airport and the western property line of Tract 4. Geo-Search located the following hazardous waste spills or leaks at HYS:

- Leaking Underground Storage Tank (LUST) containing aviation fuel, reported in 1988. The soil around the fuel like was removed, and the LUST case was closed by KDHE.
- LUST containing avgas and Jet-A fuel, reported in 1989. Further analysis conducted by KDHE indicated no impact to soil or groundwater had occurred, and the case was closed.
- LUST from Air Midwest's tank, reported in 1993. The fuel line was left in pace under the runway, but no extensive soil contamination was found. KDHE closed the case.
- LUST from Schlitter Service at HYS, reported in 1995. One UST was removed, and the KDHE closed the LUST case.

As all of the LUST cases attributed to fueling operations at HYS have been evaluated and closed under KDHE oversight, it is unlikely that hazardous materials—specifically petroleum hydrocarbons—would be encountered during grading operations of the Proposed Action.

4.4 Water Resources

As evidenced by the inundation observed on the aerial photograph in Exhibit 1.2, and the blue-line intermittent stream visible on the topographic map in Exhibit 1.3, Tract 4 includes water resources along its northeastern corner. Alternative 2 was eliminated from consideration because of the placement of a significant amount of fill material in an area on Tract 4 that would affect water resources. Although Alternative 3 was designed to avoid the floodplain and intermittent stream, further analysis is necessary to determine any indirect impacts to surface waters, wetlands, and the floodplain.

Surface Waters

The No Action and Proposed Action alternatives would not include disturbance to the unnamed intermittent tributary to Big Creek. However, the Proposed Action could slightly increase the

stormwater runoff that drains to the tributary, as impervious surface would be placed in an area that is currently vegetated. Coordination regarding the Proposed Action took place with the US Army Corps of Engineers (USACE) in July 2020, and is included in **Appendix D**. Because the tributary is an ephemeral stream, the USACE did not provide any mitigation strategies to minimize soil erosion or runoff occurring as part of the Proposed Action. However, Best Management Practices such as utilization of silt fence, straw wattles, or sediment basins would be appropriate to aid in slowing down stormwater runoff during construction of the Proposed Action.

The Proposed Action would also result in an increase of net stormwater runoff in the vicinity of Tract 4. Specific measures to slow down stormwater effluent and filter out sediments before reaching the unnamed tributary to Big Creek would be determined during the design phase of the Proposed Action. However, methodology for handling stormwater runoff would employ Best Management Practices and be in compliance with FEMA, USACE, and KDHE specifications.

Wetlands
As part of the coordination regarding the Proposed Action, the USACE provided an Approved Jurisdictional Determination concerning the unnamed intermittent tributary to Big Creek and any adjacent wetlands. This Determination is included in **Appendix D**. No wetlands were noted on Tract 4 by the USACE.

Floodplains
The No Action and Proposed Action areas are located on Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM) panel number 2000940185B, effective July 3, 1986. The Proposed Action area includes an area along the northeastern portion of the Tract 4 designated as Zone A, which is an area within the 100-year flood zone with no base flood elevations determined.

Due to the Proposed Action being located in proximity to the floodplain, the Ellis County Environmental Planning Supervisory and City of Hays Planning, Inspection, and Enforcement Superintendent were contacted regarding permitting responsibilities. In a phone conversation on July 10, 2020, the City of Hays Planning, Inspection, and Enforcement Superintendent indicated that the floodplain maps were undergoing updates, and that FEMA approval would occur in 2021. The digital version of the draft floodplain map provided by the City and County is depicted in Exhibit 2.2, where yellow depicts floodplain on the 1986 FEMA map that will remain, red depicts proposed floodplain areas not currently on the 1986 map, and green depicts floodplain areas from the 1986 map that are proposed to be removed from FEMA jurisdiction.

The City of Hays Planning, Inspection, and Enforcement Superintendent indicated that further coordination with the City would be warranted during design of the Proposed Action, when more precise floor elevations would be known for the hangars and pavement areas. However, as long as fill material is not placed in the area depicted as floodplain, permitting with the floodplain administrator is not anticipated.

Groundwater
According to the City of Hays, the No Action and Proposed Action areas are underlain by the Smoky Hill River, Dakota, and Big Creek aquifers. No water wells are located on the Proposed Action area.

Wild and Scenic Rivers
There are no wild and scenic rivers located in the vicinity of the No Action or Proposed Action areas.

4.12 Environmental Consequences (other considerations)

The Proposed Action is consistent with the policies, objectives, and goals of local, state, and regional transportation planning authorities. In addition, the City of Hays does not anticipate any adverse environmental impacts resulting from this project.

Table 4.1 summarizes the environmental determinations considered for each of the 19 environmental impact categories evaluated within the narrative of this project.

Table 4.1
Summary of Impact Category Determinations

Environmental Consequences Impact Category	Proposed Action Alternative	
	Impacts	Mitigation
Air Quality	None	None required
Biological Resources	No effect	BMP – Conduct tree removal between October 15 and March 1 to avoid disturbance of migratory bird nests and/or bat roosts.
Climate	None	None required
Coastal Resources	None	None required
Compatible Land Use	None	None required
Construction Impacts	Not significant	FAA AC 150/5370-10, Project-Specific BMPs, NPDES permit, KDHE NOI, SWPPP
Department of Transportation Act, Section 4(f)	None	None required

Environmental Consequences Impact Category	Proposed Action Alternative	
	Impacts	Mitigation
Energy Supplies, Natural Resources, and Sustainable Design	None	None required
Environmental Justice	None	None required
Farmlands	Not significant	None required
Hazardous Materials	None	None required
Historic and Archeological Resources	None	Contact KSHS SHPO and FAA if resources uncovered during construction
Induced Socioeconomic	None	None required
Light Emissions and Visual Effects	Not significant	None required
Noise	Not significant	None required
Solid Waste	None	None required
Water Resources	None	Coordinate with City floodplain department when undergoing design of Proposed Action
Environmental Consequences (other considerations)	None	None required

BMP: Best Management Practices
NOI: Notice of Intent
NPDES: National Pollution Discharge Elimination System
KSHS SHPO: Kansas State Historical Society State Historic Preservation Officer
SWPPP: Stormwater Pollution Prevention Plan
MBTA: Migratory Bird Treaty Act

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5. CUMULATIVE IMPACT ANALYSIS

In accordance with the guidelines set forth by the Council on Environmental Quality (CEQ), this EA considers the cumulative impacts of the Proposed Action with other actions. A cumulative impact is the environmental effect resulting from the incremental impact of the Proposed Action when added to the effects of other past, present, and reasonably foreseeable future actions, regardless of what agency (federal or non-federal) or person undertakes such actions. Cumulative impacts can result from individually minor but collectively significant actions taking place over a period of time. As such, this EA considers the cumulative impacts of associated actions taken and those actions that are reasonably foreseeable with respect to the proposed development at HYS.

The development identified in Chapter 1, *B. Proposed Action*, will provide the Airport Sponsor with an airport that will satisfy FAA design standards and protect the long range viability of the airport by providing room for the current hangar waiting list and/or based aircraft predicted to be located at the airport in the current aviation demand forecast. The Proposed Action entails expansion of airport infrastructure onto a parcel that is adjacent to the existing airport property, and that was identified in previous long-term airport plans for expansion. While the projected number of based aircraft will increase over the 20-year planning period, the ultimate forecast does not result in significant levels expected to have cumulative impacts within the affected area.

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6. SUMMARY OF PUBLIC INVOLVEMENT

This section will summarize comments received from the public during the 15-day public comment period.

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7. LIST OF PREPARERS AND AGENCIES/PERSONS CONSULTED

This section lists the preparer's names and qualifications for this project and a list of the agencies and persons consulted.

7.1 List of Preparers

Sadie Robb, AICP, Aviation Planner, Lochner
Abbey Hebbert, Environmental Planner, Lochner

Previous project experience includes the following:

Amelia Earhart Memorial Airport – Atchison, Kansas	Environmental Assessment
Atkinson Municipal Airport – Pittsburg, Kansas	Environmental Assessment
Clinton Memorial Airport – Clinton, Missouri	Environmental Assessment
Clay Center Municipal Airport – Clay Center, Kansas	Environmental Assessment
Emporia Municipal Airport – Emporia, Kansas	Environmental Assessment
Medicine Lodge Municipal Airport – Medicine Lodge, Kansas	Environmental Assessment
Gardner Municipal Airport – Gardner, Kansas	Environmental Assessment
Hutchinson Municipal Airport – Hutchinson, Kansas	Environmental Assessment
Lamar Municipal Airport – Lamar, Missouri	Environmental Assessment
New Greensburg Municipal Airport – Greensburg, Kansas	Environmental Review
Omar N. Bradley Airport – Moberly, Missouri	Environmental Assessment
Rooks County Regional Airport – Rooks County, Kansas	Environmental Assessment
Syracuse-Hamilton County Municipal Airport – Syracuse, KS	Environmental Assessment
Wellington Municipal Airport – Wellington, Kansas	Environmental Assessment

7.2 List of Agencies and Persons Consulted

Table 7.1 lists the government agencies contacts as part of this project. The local, regional, state, and federal agencies listed below were contacted to assess and evaluate the environmental aspects of the proposed development.

Table 7.1
List of Agencies and Persons Consulted

Agency Contacted/Address	Agency Contacted/Address
Patrick Zollner Kansas State Historical Society 6425 SW 6th Avenue Topeka, Kansas 66615-8682	Dennis Doring USDA - NRCS Hays Service Center 2715 Canterbury Drive Hays, Kansas 67601-3081
Kansas Department of Wildlife and Parks Environmental Services Section Operations Office 512 SE 25th Ave. Pratt, Kansas 67124-8174 Submitted via ess@ksoutdoors.com	U.S. Department of the Interior Fish & Wildlife Service Kansas Ecological Services Field Office 2609 Anderson Avenue Manhattan, Kansas 66502 Submitted via jason_luginbill@fws.gov
Matthew J. Mikulecky USACE – Kanopolis Regulatory Office 107 Riverside Drive Marquette, Kansas 67464	Mason R. Ruder Ellis County Environmental/Planning & Zoning 718 Main Street Hays, KS 67601
Curtis W. Deines Planning, Inspection, & Enforcement Superintendent – City of Hays 1002 Vine Street Hays, KS 67601	Matt Reid Tribal Historic Preservation Officer Pawnee Nation of Oklahoma PO Box 470 Pawnee, Oklahoma 74058
Dr. Andrea Hunter, THPO Osage Nation 627 Grandview Pawhuska, Oklahoma 74056	Yufna Soldier Wolf, THPO Arapaho Tribe-Wind River Reservation Wyoming PO Box 67 St. Stevens, WY 82524
Virginia Richey, THPO Cheyenne and Arapaho Tribes, Oklahoma 100 Red Moon Circle Concho, OK 73022	Bobi Roush Cultural Preservation -Iowa Tribe of Oklahoma 335588 E 750 Road Perkins, OK 74059
Crystal Douglas Historic Preservation Officer Kaw Nation P.O. Box 50 Kaw City, OK 74641	Diane Hunter Tribal Historic Preservation Officer Miami Tribe of Oklahoma P.O. Box 1326 Miami, OK 74355
Tony Provost Tribal Historic Preservation Officer Omaha Tribe P.O. Box 368 Macy, NE 68039	Shannon Wright Tribal Historic Preservation Officer Ponca Tribe of Nebraska PO BOX 288 Niobrara, NE 68760
Gary McAdams, THPO Wichita and Affiliated Tribes (Wichita, Keechi, Waco & Tawakonie), Oklahoma PO Box 729 Anadarko, OK 73005	

Appendix A: Biological Resources

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Kansas Department of Wildlife, Parks and Tourism

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Ellis County

Threatened and Endangered (T&E) Species

Critical Habitat Designated

EASTERN SPOTTED SKUNK *Spilogale putorius*
State: Threatened **Federal:** N/A **Critical Habitat:** Yes

No Critical Habitat Designated

TOPEKA SHINER *Notropis topeka*
State: Threatened **Federal:** Endangered **Critical Habitat:** No

WHOOPING CRANE *Grus americana*
State: Endangered **Federal:** Endangered **Critical Habitat:** No

LEAST TERN *Sterna antillarum*
State: Endangered **Federal:** Endangered **Critical Habitat:** No

PIPING PLOVER *Charadrius melodus*
State: Threatened **Federal:** Threatened **Critical Habitat:** No

SNOWY PLOVER *Charadrius alexandrinus*
State: Threatened **Federal:** N/A **Critical Habitat:** No

EASTERN SPOTTED SKUNK *Spilogale putorius*
State: Threatened **Federal:** N/A **Critical Habitat:** No

Cylindrical Papershell Mussel *Anodontoides ferussacianus*
State: Endangered **Federal:** N/A **Critical Habitat:** No

PLAINS MINNOW *Hybognathus placitus*
State: Threatened **Federal:** N/A **Critical Habitat:** No

Species In Need of Conservation (SINC)

Southern Bog Lemming *Synaptomys cooperi*

There are no SINC species with critical habitat in Ellis county

State: SINC **Federal:** N/A **Critical Habitat:** No

Western Hognose Snake *Heterodon nasicus*
State: SINC **Federal:** N/A **Critical Habitat:** No

Black Tern *Chlidonias niger*
State: SINC **Federal:** N/A **Critical Habitat:** No

Short-eared Owl *Asio flammeus*
State: SINC **Federal:** N/A **Critical Habitat:** No

Curve-billed Thrasher *Toxostoma curvirostre*
State: SINC **Federal:** N/A **Critical Habitat:** No

Ferruginous Hawk *Buteo regalis*
State: SINC **Federal:** N/A **Critical Habitat:** No

Golden Eagle *Aquila chrysaetos*
State: SINC **Federal:** N/A **Critical Habitat:** No

Eastern Hognose Snake *Heterodon platirhinos*
State: SINC **Federal:** N/A **Critical Habitat:** No

Common Shiner *Luxilus cornutus*
State: SINC **Federal:** N/A **Critical Habitat:** No

Bobolink *Dolichonyx oryzivorus*
State: SINC **Federal:** N/A **Critical Habitat:** No

Long-billed Curlew *Numenius americanus*
State: SINC **Federal:** N/A **Critical Habitat:** No

Mountain Plover *Charadrius montanus*
State: SINC **Federal:** N/A **Critical Habitat:** No

Yellow-throated Warbler *Setophaga dominica*
State: SINC **Federal:** N/A **Critical Habitat:** No

Eastern Whip-poor-will *Antrostomas vociferus*
State: SINC **Federal:** N/A **Critical Habitat:** No

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: October 21, 2020
Consultation Code: 06E21000-2021-SLI-0053
Event Code: 06E21000-2021-E-00193
Project Name: HYS Tract 4 Land Acquisition and Terminal Area Expansion

Subject: List of threatened and endangered species that may occur in your proposed project location, and/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 ECOS-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 ECOS-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/endangered/esa-library/pdf/esa_section7_handbook.pdf

Please be aware that bald and golden eagles are protected under the Bald and Golden Eagle Protection Act (16 U.S.C. 668 *et seq.*)(https://www.fws.gov/birds/management/managed-species/eagle-management.php), and wind projects affecting these species may require development of an eagle conservation plan (https://www.fws.gov/migratorybirds/pdf/management/eagleconservationplanguidance.pdf). Additionally, wind energy projects should follow the wind energy guidelines (https://www.fws.gov/ecological-services/energy-development/wind.html) for minimizing impacts to migratory birds and bats.

Guidance for minimizing impacts to migratory birds for projects including communications towers (e.g., cellular, digital television, radio, and emergency broadcast) can be found at: https://www.fws.gov/birds/management/project-assessment-tools-and-guidance.php

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 Tracking Number 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
- USFWS National Wildlife Refuges and Fish Hatcheries
- Migratory Birds
- Wetlands

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

Consultation Code: 06E21000-2021-SLI-0053

Event Code: 06E21000-2021-E-00193

Project Name: HYS Tract 4 Land Acquisition and Terminal Area Expansion

Project Type: LAND - ACQUISITION

Project Description: Acquisition of a 20.33-acre tract of land (Tract 4) located adjacent to the airport; development of box hangars and T-hangars; development of taxilanes; development of automobile parking; development of a taxilane to access the new tract of land.

Project Location:

Approximate location of the project can be viewed in Google Maps: https://www.google.com/maps/place/38.85235015956865N99.27014034087208W

Counties: Ellis, KS

Endangered Species Act Species

There is a total of 2 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[1], 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.

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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.

Mammals

NAME	STATUS
Northern Long-eared Bat *Myotis septentrionalis* No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/9045	Threatened

Birds

NAME	STATUS
Whooping Crane *Grus americana* Population: Wherever found, except where listed as an experimental population There is **final** critical habitat for this species. Your location is outside the critical habitat. Species profile: https://ecos.fws.gov/ecp/species/758	Endangered

Critical habitats

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

USFWS National Wildlife Refuge Lands And Fish Hatcheries

Any activity proposed on lands managed by the National Wildlife Refuge system must undergo a 'Compatibility Determination' conducted by the Refuge. Please contact the individual Refuges to discuss any questions or concerns.

THERE ARE NO REFUGE LANDS OR FISH HATCHERIES WITHIN YOUR PROJECT AREA.

Migratory Birds

Certain birds are protected under the Migratory Bird Treaty Act[1] and the Bald and Golden Eagle Protection Act[2].

Any person or organization who plans or conducts activities that may result in impacts to migratory birds, eagles, and their habitats should follow appropriate regulations and consider implementing appropriate conservation measures, as described below.

---

1. The Migratory Birds Treaty Act of 1918.
2. The Bald and Golden Eagle Protection Act of 1940.
3. 50 C.F.R. Sec. 10.12 and 16 U.S.C. Sec. 668(a)

The birds listed below are birds of particular concern either because they occur on the USFWS Birds of Conservation Concern (BCC) list or warrant special attention in your project location. To learn more about the levels of concern for birds on your list and how this list is generated, see the FAQ below. This is not a list of every bird you may find in this location, nor a guarantee that every bird on this list will be found in your project area. To see exact locations of where birders and the general public have sighted birds in and around your project area, visit the E-bird data mapping tool (Tip: enter your location, desired date range and a species on your list). For projects that occur off the Atlantic Coast, additional maps and models detailing the relative occurrence and abundance of bird species on your list are available. Links to additional information about Atlantic Coast birds, and other important information about your migratory bird list, including how to properly interpret and use your migratory bird report, can be found below.

For guidance on when to schedule activities or implement avoidance and minimization measures to reduce impacts to migratory birds on your list, click on the PROBABILITY OF PRESENCE SUMMARY at the top of your list to see when these birds are most likely to be present and breeding in your project area.

NAME	BREEDING SEASON
Golden Eagle *Aquila chrysaetos* This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities. https://ecos.fws.gov/ecp/species/1680	Breeds Jan 1 to Aug 31
Harris's Sparrow *Zonotrichia querula* This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.	Breeds elsewhere

NAME	BREEDING SEASON
Red-headed Woodpecker *Melanerpes erythrocephalus* This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.	Breeds May 10 to Sep 10

Probability Of Presence Summary

The graphs below provide our best understanding of when birds of concern are most likely to be present in your project area. This information can be used to tailor and schedule your project activities to avoid or minimize impacts to birds. Please make sure you read and understand the FAQ “Proper Interpretation and Use of Your Migratory Bird Report” before using or attempting to interpret this report.

Probability of Presence (■)

Each green bar represents the bird's relative probability of presence in the 10km grid cell(s) your project overlaps during a particular week of the year. (A year is represented as 12 4-week months.) A taller bar indicates a higher probability of species presence. The survey effort (see below) can be used to establish a level of confidence in the presence score. One can have higher confidence in the presence score if the corresponding survey effort is also high.

How is the probability of presence score calculated? The calculation is done in three steps:

1. The probability of presence for each week is calculated as the number of survey events in the week where the species was detected divided by the total number of survey events for that week. For example, if in week 12 there were 20 survey events and the Spotted Towhee was found in 5 of them, the probability of presence of the Spotted Towhee in week 12 is 0.25.
2. To properly present the pattern of presence across the year, the relative probability of presence is calculated. This is the probability of presence divided by the maximum probability of presence across all weeks. For example, imagine the probability of presence in week 20 for the Spotted Towhee is 0.05, and that the probability of presence at week 12 (0.25) is the maximum of any week of the year. The relative probability of presence on week 12 is 0.25/0.25 = 1; at week 20 it is 0.05/0.25 = 0.2.
3. The relative probability of presence calculated in the previous step undergoes a statistical conversion so that all possible values fall between 0 and 10, inclusive. This is the probability of presence score.

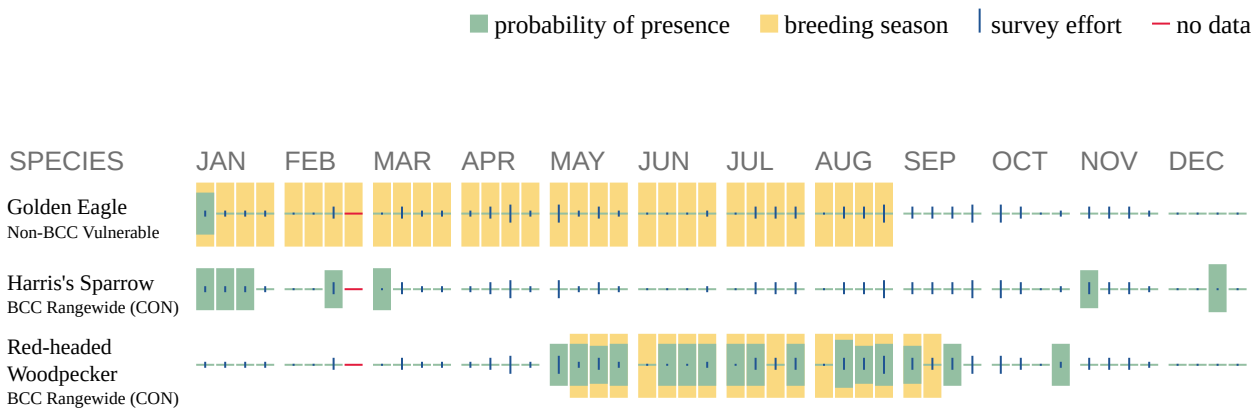
Breeding Season (■)
Yellow bars denote a very liberal estimate of the time-frame inside which the bird breeds across its entire range. If there are no yellow bars shown for a bird, it does not breed in your project area.

Survey Effort (|)

Vertical black lines superimposed on probability of presence bars indicate the number of surveys performed for that species in the 10km grid cell(s) your project area overlaps. The number of surveys is expressed as a range, for example, 33 to 64 surveys.

No Data (–)
A week is marked as having no data if there were no survey events for that week.

Survey Timeframe
Surveys from only the last 10 years are used in order to ensure delivery of currently relevant information. The exception to this is areas off the Atlantic coast, where bird returns are based on all years of available data, since data in these areas is currently much more sparse.



Additional information can be found using the following links:

- Birds of Conservation Concern http://www.fws.gov/birds/management/managed-species/birds-of-conservation-concern.php
- Measures for avoiding and minimizing impacts to birds http://www.fws.gov/birds/management/project-assessment-tools-and-guidance/conservation-measures.php
- Nationwide conservation measures for birds http://www.fws.gov/migratorybirds/pdf/management/nationwidestandardconservationmeasures.pdf

Migratory Birds FAQ

Tell me more about conservation measures I can implement to avoid or minimize impacts to migratory birds.
Nationwide Conservation Measures describes measures that can help avoid and minimize impacts to all birds at any location year round. Implementation of these measures is particularly important when birds are most likely to occur in the project area. When birds may be breeding in the area, identifying the locations of any active nests and avoiding their destruction is a very helpful impact minimization measure. To see when birds are most likely to occur and be breeding

in your project area, view the Probability of Presence Summary. Additional measures and/or permits may be advisable depending on the type of activity you are conducting and the type of infrastructure or bird species present on your project site.

What does IPaC use to generate the migratory birds potentially occurring in my specified location?
The Migratory Bird Resource List is comprised of USFWS Birds of Conservation Concern (BCC) and other species that may warrant special attention in your project location.

The migratory bird list generated for your project is derived from data provided by the Avian Knowledge Network (AKN). The AKN data is based on a growing collection of survey, banding, and citizen science datasets and is queried and filtered to return a list of those birds reported as occurring in the 10km grid cell(s) which your project intersects, and that have been identified as warranting special attention because they are a BCC species in that area, an eagle (Eagle Act requirements may apply), or a species that has a particular vulnerability to offshore activities or development.

Again, the Migratory Bird Resource list includes only a subset of birds that may occur in your project area. It is not representative of all birds that may occur in your project area. To get a list of all birds potentially present in your project area, please visit the AKN Phenology Tool.

What does IPaC use to generate the probability of presence graphs for the migratory birds potentially occurring in my specified location?
The probability of presence graphs associated with your migratory bird list are based on data provided by the Avian Knowledge Network (AKN). This data is derived from a growing collection of survey, banding, and citizen science datasets .

Probability of presence data is continuously being updated as new and better information becomes available. To learn more about how the probability of presence graphs are produced and how to interpret them, go the Probability of Presence Summary and then click on the "Tell me about these graphs" link.

How do I know if a bird is breeding, wintering, migrating or present year-round in my project area?
To see what part of a particular bird's range your project area falls within (i.e. breeding, wintering, migrating or year-round), you may refer to the following resources: The Cornell Lab of Ornithology All About Birds Bird Guide, or (if you are unsuccessful in locating the bird of interest there), the Cornell Lab of Ornithology Neotropical Birds guide. If a bird on your migratory bird species list has a breeding season associated with it, if that bird does occur in your project area, there may be nests present at some point within the timeframe specified. If "Breeds elsewhere" is indicated, then the bird likely does not breed in your project area.

What are the levels of concern for migratory birds?

Migratory birds delivered through IPaC fall into the following distinct categories of concern:

1. "BCC Rangewide" birds are Birds of Conservation Concern (BCC) that are of concern throughout their range anywhere within the USA (including Hawaii, the Pacific Islands, Puerto Rico, and the Virgin Islands);
2. "BCC - BCR" birds are BCCs that are of concern only in particular Bird Conservation Regions (BCRs) in the continental USA; and
3. "Non-BCC - Vulnerable" birds are not BCC species in your project area, but appear on your list either because of the Eagle Act requirements (for eagles) or (for non-eagles) potential susceptibilities in offshore areas from certain types of development or activities (e.g. offshore energy development or longline fishing).

Although it is important to try to avoid and minimize impacts to all birds, efforts should be made, in particular, to avoid and minimize impacts to the birds on this list, especially eagles and BCC species of rangewide concern. For more information on conservation measures you can implement to help avoid and minimize migratory bird impacts and requirements for eagles, please see the FAQs for these topics.

Details about birds that are potentially affected by offshore projects
For additional details about the relative occurrence and abundance of both individual bird species and groups of bird species within your project area off the Atlantic Coast, please visit the Northeast Ocean Data Portal. The Portal also offers data and information about other taxa besides birds that may be helpful to you in your project review. Alternately, you may download the bird model results files underlying the portal maps through the NOAA NCCOS Integrative Statistical Modeling and Predictive Mapping of Marine Bird Distributions and Abundance on the Atlantic Outer Continental Shelf project webpage.

Bird tracking data can also provide additional details about occurrence and habitat use throughout the year, including migration. Models relying on survey data may not include this information. For additional information on marine bird tracking data, see the Diving Bird Study and the nanotag studies or contact Caleb Spiegel or Pam Loring.

What if I have eagles on my list?
If your project has the potential to disturb or kill eagles, you may need to obtain a permit to avoid violating the Eagle Act should such impacts occur.

Proper Interpretation and Use of Your Migratory Bird Report
The migratory bird list generated is not a list of all birds in your project area, only a subset of birds of priority concern. To learn more about how your list is generated, and see options for identifying what other birds may be in your project area, please see the FAQ “What does IPaC use to generate the migratory birds potentially occurring in my specified location”. Please be aware this report provides the “probability of presence” of birds within the 10 km grid cell(s) that overlap your project; not your exact project footprint. On the graphs provided, please also look carefully at the survey effort (indicated by the black vertical bar) and for the existence of the “no data” indicator (a red horizontal bar). A high survey effort is the key component. If the survey effort is high, then the probability of presence score can be viewed as more dependable. In

contrast, a low survey effort bar or no data bar means a lack of data and, therefore, a lack of certainty about presence of the species. This list is not perfect; it is simply a starting point for identifying what birds of concern have the potential to be in your project area, when they might be there, and if they might be breeding (which means nests might be present). The list helps you know what to look for to confirm presence, and helps guide you in knowing when to implement conservation measures to avoid or minimize potential impacts from your project activities, should presence be confirmed. To learn more about conservation measures, visit the FAQ “Tell me about conservation measures I can implement to avoid or minimize impacts to migratory birds” at the bottom of your migratory bird trust resources page.

Wetlands

Impacts to NWI wetlands and other aquatic habitats may be subject to regulation under Section 404 of the Clean Water Act, or other State/Federal statutes.

For more information please contact the Regulatory Program of the local U.S. Army Corps of Engineers District.

Please note that the NWI data being shown may be out of date. We are currently working to update our NWI data set. We recommend you verify these results with a site visit to determine the actual extent of wetlands on site.

RIVERINE

- R4SBC

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Appendix B: Farmland

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United States Department of Agriculture

10/28/2020

Sadie Robb, AICP
Project Manager
H.W. Lochner, Inc.
16105 West 113th Street
Suite 107
Lenexa, KS 66219

RE: Farmland Protection Policy Act (FPPA) Request

Dear Ms. Robb:

We received the information that you provided regarding the Hays Regional Airport Terminal Area Development.

The Agriculture and Food Act of 1981 (Public Law 97-98) includes provisions for the Farmland Protection Policy Act (FPPA) in Subtitle 1 of Title XV, Sections 1539-1549. This Act is intended to minimize the impact of Federal programs on unnecessary and irreversible conversion of prime and important farmland to nonagricultural uses.

Please find enclosed Form AD-1006, Farmland Conversion Impact Rating. Please note that parts II, IV, and V have been completed by Natural Resources Conservation Service (NRCS). Please complete Parts VI and VII, then return a completed copy by email to KS.NRCS.ER.FPPA@usda.gov.

If you have any questions or concerns regarding FPPA or Form AD-1006, please contact Jeffrey A. Hellerich, State Soil Scientist, by phone at 785-823-4564 or email jeffrey.hellerich@usda.gov.

Sincerely,

Karen A Woodrich

KAREN A. WOODRICH
State Conservationist

Enclosure

ec:
Jeffrey A. Hellerich, State Soil Scientist, NRCS, Salina, Kansas
Brian K. Nester, Soil Scientist, NRCS, Salina, Kansas
Monty Breneman, Assistant State Conservationist for Field Operations, NRCS, Hays, Kansas

Natural Resources Conservation Service
760 South Broadway Boulevard
Salina, Kansas 67401-4604

Phone: 785-823-4500
FAX: 855-533-5070
www.ks.nrcs.usda.gov

U.S. Department of Agriculture

FARMLAND CONVERSION IMPACT RATING

PART I *(To be completed by Federal Agency)*	Date Of Land Evaluation Request 8 July 2020
Name of Project Hays Regional Airport Terminal Area Ex	Federal Agency Involved FAA
Proposed Land Use Aircraft Hangars and Taxilanes	County and State Ellis County, Kansas
PART II *(To be completed by NRCS)*	Date Request Received By NRCS 7/8/2020 / Person Completing Form: Brian Nester

Does the site contain Prime, Unique, Statewide or Local Important Farmland? *(If no, the FPPA does not apply - do not complete additional parts of this form)*	YES ✔ NO ☐	Acres Irrigated 1,854	Average Farm Size 770
Major Crop(s) Wheat	Farmable Land In Govt. Jurisdiction Acres: 572898 % 99.4	Amount of Farmland As Defined in FPPA Acres: 41574 % 72.1	
Name of Land Evaluation System Used Ellis County	Name of State or Local Site Assessment System none	Date Land Evaluation Returned by NRCS 8/7/2020	

PART III *(To be completed by Federal Agency)*	Alternative Site Rating Site A	Site B	Site C	Site D
A. Total Acres To Be Converted Directly	10.0 ac			
B. Total Acres To Be Converted Indirectly	10.0 ac			
C. Total Acres In Site	20.0 ac			
PART IV *(To be completed by NRCS)* Land Evaluation Information				
A. Total Acres Prime And Unique Farmland	15.2			
B. Total Acres Statewide Important or Local Important Farmland	4.8			
C. Percentage Of Farmland in County Or Local Govt. Unit To Be Converted	0.00481			
D. Percentage Of Farmland in Govt. Jurisdiction With Same Or Higher Relative Value	81%			
PART V (To be completed by NRCS) Land Evaluation Criterion Relative Value of Farmland To Be Converted (Scale of 0 to 100 Points)	40			

PART VI *(To be completed by Federal Agency)* Site Assessment Criteria *(Criteria are explained in 7 CFR 658.5 b. For Corridor project use form NRCS-CPA-106)*	Maximum Points	Site A	Site B	Site C	Site D
1. Area In Non-urban Use	(15)	12			
2. Perimeter In Non-urban Use	(10)	5			
3. Percent Of Site Being Farmed	(20)	0			
4. Protection Provided By State and Local Government	(20)	0			
5. Distance From Urban Built-up Area	(15)	5			
6. Distance To Urban Support Services	(15)	0			
7. Size Of Present Farm Unit Compared To Average	(10)	0			
8. Creation Of Non-farmable Farmland	(10)	10			
9. Availability Of Farm Support Services	(5)	5			
10. On-Farm Investments	(20)	0			
11. Effects Of Conversion On Farm Support Services	(10)	0			
12. Compatibility With Existing Agricultural Use	(10)	0			
TOTAL SITE ASSESSMENT POINTS	160	37	0	0	0
PART VII ***(To be completed by Federal Agency)***					
Relative Value Of Farmland *(From Part V)*	100	40	0	0	0
Total Site Assessment *(From Part VI above or local site assessment)*	160	37	0	0	0
TOTAL POINTS ***(Total of above 2 lines)***	260	77	0	0	0

Site Selected: A	Date Of Selection 2020-11-02	Was A Local Site Assessment Used? YES ☐ NO X

Reason For Selection:

Proposed Action results in less-than-significant impact to farmland in Ellis County.

Name of Federal agency representative completing this form:	Date:

(See Instructions on reverse side) **Form AD-1006 (03-02)**

STEPS IN THE PROCESSING THE FARMLAND AND CONVERSION IMPACT RATING FORM

Step 1 - Federal agencies (or Federally funded projects) involved in proposed projects that may convert farmland, as defined in the Farmland Protection Policy Act (FPPA) to nonagricultural uses, will initially complete Parts I and III of the form. For Corridor type projects, the Federal agency shall use form NRCS-CPA-106 in place of form AD-1006. The Land Evaluation and Site Assessment (LESA) process may also be accessed by visiting the FPPA website, http://fppa.nrcs.usda.gov/lesa/.

Step 2 - Originator (Federal Agency) will send one original copy of the form together with appropriate scaled maps indicating location(s)of project site(s), to the Natural Resources Conservation Service (NRCS) local Field Office or USDA Service Center and retain a copy for their files. (NRCS has offices in most counties in the U.S. The USDA Office Information Locator may be found at http://offices.usda.gov/scripts/ndISAPI.dll/oip_public/USA_map, or the offices can usually be found in the Phone Book under U.S. Government, Department of Agriculture. A list of field offices is available from the NRCS State Conservationist and State Office in each State.)

Step 3 - NRCS will, within 10 working days after receipt of the completed form, make a determination as to whether the site(s) of the proposed project contains prime, unique, statewide or local important farmland. (When a site visit or land evaluation system design is needed, NRCS will respond within 30 working days.

Step 4 - For sites where farmland covered by the FPPA will be converted by the proposed project, NRCS will complete Parts II, IV and V of the form.

Step 5 - NRCS will return the original copy of the form to the Federal agency involved in the project, and retain a file copy for NRCS records.

Step 6 - The Federal agency involved in the proposed project will complete Parts VI and VII of the form and return the form with the final selected site to the servicing NRCS office.

Step 7 - The Federal agency providing financial or technical assistance to the proposed project will make a determination as to whether the proposed conversion is consistent with the FPPA.

INSTRUCTIONS FOR COMPLETING THE FARMLAND CONVERSION IMPACT RATING FORM

(For Federal Agency)

Part I: When completing the "County and State" questions, list all the local governments that are responsible for local land use controls where site(s) are to be evaluated.

Part III: When completing item B (Total Acres To Be Converted Indirectly), include the following:

1. Acres not being directly converted but that would no longer be capable of being farmed after the conversion, because the conversion would restrict access to them or other major change in the ability to use the land for agriculture.
2. Acres planned to receive services from an infrastructure project as indicated in the project justification (e.g. highways, utilities planned build out capacity) that will cause a direct conversion.

Part VI: Do not complete Part VI using the standard format if a State or Local site assessment is used. With local and NRCS assistance, use the local Land Evaluation and Site Assessment (LESA).

1. Assign the maximum points for each site assessment criterion as shown in § 658.5(b) of CFR. In cases of corridor-type project such as transportation, power line and flood control, criteria #5 and #6 will not apply and will, be weighted zero, however, criterion #8 will be weighed a maximum of 25 points and criterion #11 a maximum of 25 points.

2. Federal agencies may assign relative weights among the 12 site assessment criteria other than those shown on the FPPA rule after submitting individual agency FPPA policy for review and comment to NRCS. In all cases where other weights are assigned, relative adjustments must be made to maintain the maximum total points at 160. For project sites where the total points equal or exceed 160, consider alternative actions, as appropriate, that could reduce adverse impacts (e.g. Alternative Sites, Modifications or Mitigation).

Part VII: In computing the "Total Site Assessment Points" where a State or local site assessment is used and the total maximum number of points is other than 160, convert the site assessment points to a base of 160.
Example: if the Site Assessment maximum is 200 points, and the alternative Site "A" is rated 180 points:

$$\frac{\text{Total points assigned Site A}}{\text{Maximum points possible}} = \frac{180}{200} \times 160 = 144 \text{ points for Site A}$$

For assistance in completing this form or FPPA process, contact the local NRCS Field Office or USDA Service Center.

NRCS employees, consult the FPPA Manual and/or policy for additional instructions to complete the AD-1006 form.

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Appendix C: Cultural Resources

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Cultural Resources Division
State Historic Preservation Office
6425 SW 6th Avenue
Topeka KS 66615-1099

Jennie Chinn, Executive Director

Kansas Historical Society

785-272-8681, ext. 240
kshs.shpo@ks.gov
kshs.org

Laura Kelly, Governor

KSR&C # 20-04-018
April 21, 2020

Sadie Robb
Lochner
Via email

Re: Land Acquisition (20-Acre Tract)
Hays Regional Airport
Ellis County

Staff of the State Historic Preservation Office (SHPO) has reviewed the information received April 6, 2020 regarding the above-referenced project in accordance with 36 CFR Part 800. In reviews of this nature, the SHPO determines whether a federally funded, licensed, or permitted project will adversely affect properties that are listed or determined eligible for listing in the National Register of Historic Places. The SHPO has determined that the proposed project will not 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 Tim Weston at 785-272-8681 ext. 214 or Tim.Weston@ks.gov.

Sincerely,

Jennie Chinn
State Historic Preservation Officer

Patrick Zollner

Patrick Zollner
Director, Cultural Resources Division
Deputy State Historic Preservation Officer

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

Central Region
Iowa, Kansas,
Missouri, Nebraska

901 Locust
Kansas City, Missouri 64106
(816) 329-2600

June 16, 2020

CERTIFIED MAIL

<NAME> [See Attached List]
<ADDRESS>

Section 106 Consultation
Hays Regional Airport
Hays, Ellis County, Kansas

Dear <NAME>:

An environmental evaluation is being prepared for proposed development at the Hays Regional Airport subject to the National Environmental Policy Act (NEPA). In conjunction with the NEPA process, the FAA intends to complete Section 106 of the National Historic Preservation Act (NHPA), as implemented through 36 CFR 800. The intent of this letter is to request your input on properties of cultural or religious significance that may be affected by the proposed project and invite you to participate in the Section 106 consultation process.

Hays Regional Airport is in the process of acquiring a 20-acre tract of land located within the northeast quarter of Section 12, Township 14 South, Range 18 West of the Hays South Quadrangle in Ellis County, Kansas. The latitude and longitude of the tract is 38.85178° N, -99.27096° W. The tract of land is being acquired to accommodate additional terminal area development such as t-hangars, taxilanes, and automobile parking. Upon acquisition of the parcel, the private dog racing track will be deconstructed, along with its associated corrugated metal lean-tos. A Detailed Project Location Map and Project Topographic Map are attached.

The FAA is the lead federal agency for the NEPA document. Jim Johnson, Director, FAA Central Region Airports Division, will be making the final FAA decision on the environmental determination.

To help in our preparation of the EA, we would appreciate your input (via mail or e-mail) within thirty (30) days. If you have questions or require additional information, please contact me at 816-329-2639 or scott.tener@faa.gov.

Sincerely,

Scott Tener
Environmental Specialist

Attachment (Vicinity Map, Project Map)

Tener, Scott (FAA)

From: Candace Parker <candace.parker.ctr@osagenation-nsn.gov>
Sent: Wednesday, July 29, 2020 2:41 PM
To: Tener, Scott (FAA)
Subject: FAA, Hays Regional Airport, Land Acquisition and Terminal Area Development, Ellis County, Kansas

File: 1920-4097KS-6

RE: FAA, Hays Regional Airport, Land Acquisition and Terminal Area Development, Ellis County, Kansas

Federal Aviation Administration
Federal Aviation Administration, Central Region
Scott Tener
901 Locust
Kansas City, Missouri 64105

Dear Mr. Tener,

The Osage Nation Historic Preservation Office has received your submission for Hays Regional Airport, land acquisition and terminal area development in Ellis County, Kansas and we have determined that the proposed project most likely will not adversely affect any sacred properties and/or properties of cultural significance to the Osage Nation. **The Osage Nation has no further concern regarding this project.**

In accordance with the National Historic Preservation Act, (NHPA) [16 U.S.C. 470 §§ 470-470w-6] 1966, undertakings subject to the review process are referred to in S101 (d) (6) (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, which are protected under the NHPA, NEPA, the Native American Graves Protection and Repatriation Act, and Osage law. **If, however, artifacts or human remains are discovered during project-related activities, we ask that activities cease immediately and the Osage Nation Historic Preservation Office be contacted.**

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

_____
Candace Parker
Archaeologist

Pawnee Nation

Tuesday, November 03, 2020

Scott Tener
Environmental Specialist
Central Region
Federal Aviation Administration
US Department of Transportation

RE: Section 106 Consultation and Review on:
Hays Regional Airport
Hays, Ellis County, Kansas

The Pawnee Nation Office of Historic Preservation has received the information and materials requested for our Section 106 Review and Consultation. Consultation with the Pawnee nation is required by Section 106 of the National Historic Preservation Act of 1966 (NHPA), and 36 CFR Part 800.

Given the information provided, you are hereby notified that the proposed project/s should not affect the cultural landscape of the Pawnee Nation.

However, be advised that additional undiscovered properties could be encountered, and they must be immediately reported to us under both the National Historic Preservation Act and the Native American Graves Protection and Repatriation Act regulations.

This information is provided to assist you in complying with 36 CFR Part 800 for Section 106 Consultation procedures. Should you have questions, please do not hesitate to contact me at jreed@pawneenation.org or by phone at 918-762-2180 ext 220. Thank you for your time and consideration.

Sincerely,
Matt Reed
Historic Preservation Officer
Pawnee Nation of Oklahoma

Historic Preservation Office
Matt Reed
Phone: 918.762.2180
E-mail: jreed@pawneenation.org
P.O. Box 470
Pawnee, Oklahoma 74058

Appendix D: Water Resources

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DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS, KANSAS CITY DISTRICT
KANOPOLIS REGULATORY SATELLITE OFFICE
107 RIVERSIDE DRIVE
MARQUETTE, KANSAS 67464

July 16, 2020

Kanopolis Regulatory Satellite Office
(Ellis Co., KS, NWK-2020-00538)

Ms. Sadie Robb, AICP
Project Manager
H.W. Lochner, Inc.
16105 West 113th Street, Suite 107
Lenexa, Kansas 66219

Dear Ms. Robb:

This letter concerns your July 8, 2020, request for U.S. Army Corps of Engineers' review of the Hays Regional Airport land acquisition as part of future terminal area development. The project area is located in the NE ¼ of Section 12, Township 14 South, Range 18 West, in the City of Hays, Ellis County, Kansas.

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 Section1344). The implementing regulation for this Act is found at Title 33 Code of Federal Regulations Parts 320-332.

We have reviewed the information provided and completed an approved jurisdictional determination (AJD) for the proposed project and determined that the review area does not contain waters of the United States; therefore, **Department of the Army authorization is not required.** The AJD is valid for a 5-year period from the date of this letter unless new information warrants revision of the determination before the expiration date. If you object to this determination, you may request an administrative appeal under Corps regulations at 33 C.F.R. Part 331. Enclosed you will find a Notification of Administrative Appeal Options and Process and Request for Appeal (NAO-RFA) form. If you request to appeal this determination you must submit a completed NAO-RFA form to the Northwestern Division Office at the following address:

Division Engineer
ATTN: Melinda M. Larsen
Regulatory Appeals Review Officer
U.S. Army Corps of Engineers
P.O. Box 2870
Portland, OR 97208-2870
Telephone: 503-808-3888

In order for an NAO-RFA to be accepted by the Corps, the Corps must determine that it is complete, that it meets the criteria for appeal under 33 C.F.R. Part 331.5, and that it has been received by the Division Office within 60 days of the date of the NAO-RFA. Should you decide to

submit an NAO-RFA form, it must be received at the above address by September 16, 2020. It is not necessary to submit an NAO-RFA form to the Division Office if you do not object to the determination in this letter.

In the event that you disagree with an approved jurisdictional determination, and you have new information not considered in the original determination, you may request reconsideration of that determination by the Corps District prior to initiating an appeal. To request this reconsideration based upon new information, you must submit the completed NAO-RFA form and the new information to the District Office so that it is received within 60 days of the date of the NAO-RFA. Send approved jurisdictional determination reconsideration requests to:

District Commander
ATTN: Mark D. Frazier
Chief, Regulatory Branch
U.S. Army Engineer District, Kansas City
601 East 12th Street, Suite 402
Kansas City, MO 64106-2824
Voice: 816-389-3990 – FAX: 816-389-2032

We are interested in your thoughts and opinions concerning your experience with the Kansas City District, Corps of Engineers Regulatory Program. Please feel free to complete our Customer Service Survey form on our website at: http://corpsmapu.usace.army.mil/cm_apex/f?p=regulatory_survey. You may also call and request a paper copy of the survey which you may complete and return to us by mail or fax.

If you have any questions concerning this matter, please feel free to contact Mr. Mikulecky at 816-389-3027 or by email at matthew.j.mikulecky@usace.army.mil. Please reference Permit No. NWK-2020-00538 in all comments and/or inquiries relating to this project. This letter is only being provided to you electronically at: srobb@hwlochner.com.

Enclosures

U.S. ARMY CORPS OF ENGINEERS
REGULATORY PROGRAM
APPROVED JURISDICTIONAL DETERMINATION FORM (INTERIM)
NAVIGABLE WATERS PROTECTION RULE

I. ADMINISTRATIVE INFORMATION

Completion Date of Approved Jurisdictional Determination (AJD): 7/16/2020
ORM Number: NWK-2020-00538
Associated JDs: N/A
Review Area Location[1]: State/Territory: Kansas City: Hays County/Parish/Borough: Ellis
Center Coordinates of Review Area: Latitude 38.850992 Longitude -99.270583

II. FINDINGS

A. Summary: Check all that apply. At least one box from the following list MUST be selected. Complete the corresponding sections/tables and summarize data sources.

- ☐ The review area is comprised entirely of dry land (i.e., there are no waters or water features, including wetlands, of any kind in the entire review area). Rationale: N/A or describe rationale.
- ☐ There are "navigable waters of the United States" within Rivers and Harbors Act jurisdiction within the review area (complete table in Section II.B).
- ☐ There are "waters of the United States" within Clean Water Act jurisdiction within the review area (complete appropriate tables in Section II.C).
- ☒ There are waters or water features excluded from Clean Water Act jurisdiction within the review area (complete table in Section II.D).

B. Rivers and Harbors Act of 1899 Section 10 (§ 10)[2]

§ 10 Name	§ 10 Size		§ 10 Criteria	Rationale for § 10 Determination
N/A.	N/A.	N/A	N/A.	N/A.

C. Clean Water Act Section 404

Territorial Seas and Traditional Navigable Waters ((a)(1) waters):[3]				
(a)(1) Name	(a)(1) Size		(a)(1) Criteria	Rationale for (a)(1) Determination
N/A.	N/A.	N/A.	N/A.	N/A.

Tributaries ((a)(2) waters):				
(a)(2) Name	(a)(2) Size		(a)(2) Criteria	Rationale for (a)(2) Determination
N/A.	N/A.	N/A.	N/A.	N/A.

Lakes and ponds, and impoundments of jurisdictional waters ((a)(3) waters):				
(a)(3) Name	(a)(3) Size		(a)(3) Criteria	Rationale for (a)(3) Determination
N/A.	N/A.	N/A.	N/A.	N/A.

Adjacent wetlands ((a)(4) waters):				
(a)(4) Name	(a)(4) Size		(a)(4) Criteria	Rationale for (a)(4) Determination
N/A.	N/A.	N/A.	N/A.	N/A.

[1] Map(s)/figure(s) are attached to the AJD provided to the requestor.
[2] If the navigable water is not subject to the ebb and flow of the tide or included on the District's list of Rivers and Harbors Act Section 10 navigable waters list, do NOT use this document to make the determination. The District must continue to follow the procedure outlined in 33 CFR part 329.14 to make a Rivers and Harbors Act Section 10 navigability determination.
[3] A stand-alone TNW determination is completed independently of a request for an AJD. A stand-alone TNW determination is conducted for a specific segment of river or stream or other type of waterbody, such as a lake, where upstream or downstream limits or lake borders are established. A stand-alone TNW determination should be completed following applicable guidance and should NOT be documented on the AJD Form.

D. Excluded Waters or Features

Excluded waters ((b)(1) – (b)(12)):[4]				
Exclusion Name	Exclusion Size		Exclusion[5]	Rationale for Exclusion Determination
#1 Channelized tributary to Big Creek	700	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	The review area contains approximately 700 linear feet of a channelized reach of an unnamed ephemeral stream channel. Aerial imagery from multiple years have been reviewed and provide no indication of continuous flows or extended inundation within the channel. A 13 July 2020, onsite review of the channelized stream from an area directly upstream of the area did not exhibit any indication of persistent flows. Upstream of Old Highway 40, the channel is 100% farmed and growing a corn crop. Downstream of Old Highway 40 the channel is a mowed grass swale with some areas of scour. Photographs are included in the administrative record. Further, aerial imagery shows that the unnamed ephemeral channel is also annually cultivated (cropland) downstream of the review reach which indicates that flows are infrequent and abbreviated consistent with an ephemeral flow regime. Reviewing aerial imagery dated 19 April 2020, 31 March 2018 and 8 September 2013 show a range of conditions from completely dry to wetted/saturation channel. Typical year assessments were generated using the Antecedent Precipitation Tool (APT) for these dates and all reports indicate normal conditions with April and March being during the wet season and September being during the dry season. No flows were observed on these dates, nor were flows observed on any other available aerial images reviewed in this determination (listed in Section III below). Because the reach does not exhibit any indicators of persistent and continuous flows, the channelized (ditched) segment is determined to be an ephemeral feature [(b)(3) exclusion].

III. SUPPORTING INFORMATION

[4] Some excluded waters, such as (b)(2) and (b)(4), may not be specifically identified on the AJD form unless a requestor specifically asks a Corps district to do so. Corps districts may, in case-by-case instances, choose to identify some or all of these waters within the review area.
[5] Because of the broad nature of the (b)(1) exclusion and in an effort to collect data on specific types of waters that would be covered by the (b)(1) exclusion, four sub-categories of (b)(1) exclusions were administratively created for the purposes of the AJD Form. These four sub-categories are not new exclusions, but are simply administrative distinctions and remain (b)(1) exclusions as defined by the NWPR.

U.S. ARMY CORPS OF ENGINEERS
REGULATORY PROGRAM
APPROVED JURISDICTIONAL DETERMINATION FORM (INTERIM)
NAVIGABLE WATERS PROTECTION RULE

A. Select/enter all resources that were used to aid in this determination and attach data/maps to this document and/or references/citations in the administrative record, as appropriate.

☒ Information submitted by, or on behalf of, the applicant/consultant: 8 July 2020 Jurisdictional Inquiry
This information is sufficient for purposes of this AJD.
Rationale: The information provided combined with the Corps review of other available resources, is sufficient to make an approved jurisdictional determination for the review area.

☐ Data sheets prepared by the Corps: Title(s) and/or date(s).

☒ Photographs: Aerial and Other: Google Earth Pro: 4/24/2016, 9/8/2013, 9/25/2011, 8/19/2010, 7/27/2010; and Digital Globe: 4/19/2020, 3/31/2018; Onsite view from Old Highway 40: 7/13/2020.

☒ Corps site visit(s) conducted on: July 13, 2020

☐ Previous Jurisdictional Determinations (AJDs or PJDs): ORM Number(s) and date(s).

☒ Antecedent Precipitation Tool: *provide detailed discussion in Section III.B*.

☐ USDA NRCS Soil Survey: Title(s) and/or date(s).

☐ USFWS NWI maps: Title(s) and/or date(s).

☒ USGS topographic maps: 1:24K, Hays South

Other data sources used to aid in this determination:

Data Source (select)	Name and/or date and other relevant information
USGS Sources	1:24K Hays South Topographic Quad Map
USDA Sources	N/A.
NOAA Sources	N/A.
USACE Sources	Onsite visit on July 13, 2020
State/Local/Tribal Sources	N/A.
Other Sources	Google Earth and Digital Globe aerial imagery (listed in “A” above).

B. Typical year assessment(s): APT reports were generated for three aerial images. The findings are as follows:
-April 19, 2020: Moderate Wetness, Wet Season = Normal Conditions (no flows observed).
-March 31, 2018: Moderate Drought, Wet Season = Normal Conditions (no flows observed).
-September 8, 2013: Normal PDSI, Dry Season = Normal Conditions (no flows observed).

C. Additional comments to support AJD: The channelized (drainage ditch) ephemeral stream does not meet intermittent flow criteria. The stream flows in direct response to precipitation runoff. Review of available resources indicate the stream meets the criteria of an ephemeral feature exluded from Section 404 Clean Water Act jurisdiction. All remaining land within the review area consists of uplands. An AJD map is attached.

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Approved Jurisdictional Determination
Hays Regional Airport Development Site
Corps No. NWK-2020-00538

Review Area

Excluded ephemeral feature (b)(3)

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Appendix E: Land Use Assurance Letter

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Hays REGIONAL AIRPORT

AIRPORT DIRECTOR
JAMIE SALTER

October 28, 2020

Mr. Scott Tener
Environmental Specialist
FAA Central Region Airports Division
901 Locust St., Room 364
Kansas City, MO 64106-2325

RE: Land Use Assurances for Hays Regional Airport (HYS)

Dear Mr. Tener:

The City of Hays, Kansas, as the grant sponsor of Hays Regional Airport, makes the following statement of compatible land use assurance:

The City of Hays assures that per 49 USC 47107(a)(10), appropriate action, including the adoption of zoning laws, has been or will be taken, to the extent reasonable, to restrict the use of land adjacent to or in the immediate vicinity of the Hays Regional Airport to activities and purposes compatible with normal airport operations, including the landing and takeoff of aircraft. This applies to both existing and planned land uses.

Sincerely,

Jamie Salter

Jamie Salter
Airport Director
Hays Regional Airport

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HAYS
REGIONAL
AIRPORT