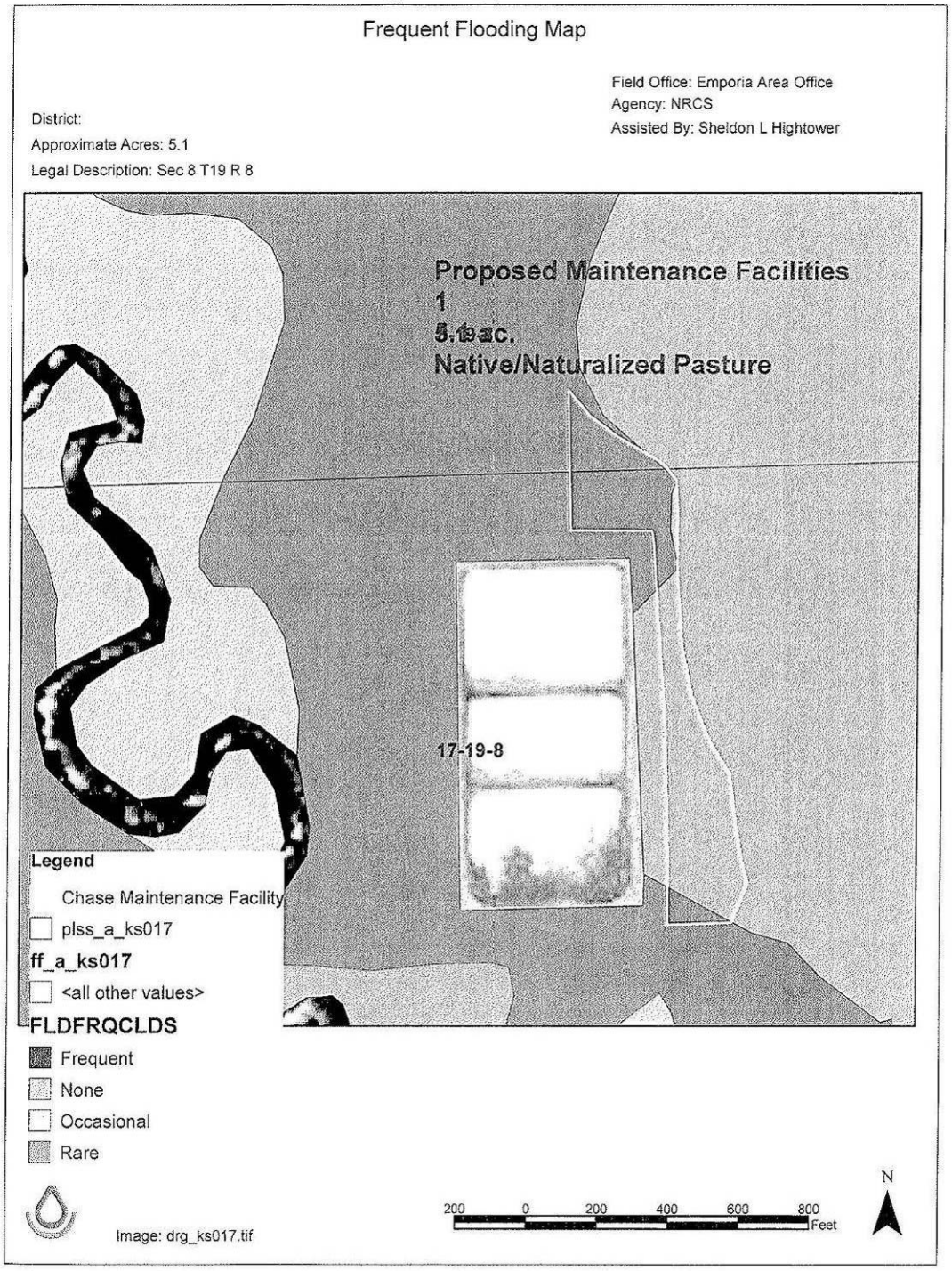
Frequent Flooding Map
Field Office: Emporia Area Office
Agency: NRCS
Assisted By: Sheldon L Hightower
District:
Approximate Acres: 5.1
Legal Description: Sec 8 T19 R 8
Proposed Maintenance Facilities
1
5.1 ac.
Native/Naturalized Pasture
17-19-8
Legend
Chase Maintenance Facility
plss_a_ks017
ff_a_ks017
<all other values>
FLDFRQCLDS
Frequent
None
Occasional
Rare
Image: drg_ks017.tif
200 0 200 400 600 800
Feet
N

STEPS IN THE PROCESSING THE FARMLAND AND CONVERSION IMPACT RATING FORM

Step 1 – Federal agencies 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.

Step 2 – Originator will send copies A, B and C together with maps indicating locations of site(s), to the Natural Resources Conservation Service (NRCS) local field office and retain copy D for their files. (Note: NRCS has a field office in most counties in the U.S. The field office is usually located in the county seat. A list of field office locations are available from the NRCS State Conservationist in each state).

Step 3 – NRCS will, within 45 calendar days after receipt of form, make a determination as to whether the site(s) of the proposed project contains prime, unique, statewide or local important farmland.

Step '4 – In cases where farmland covered by the FPPA will be converted by the proposed project, NRCS field offices will complete Parts II, IV and V of the form.

Step 5 – NRCS will return copy A and B of the form to the Federal agency involved in the project. (Copy C will be retained for NRCS records).

Step 6 – The Federal agency involved in the proposed project will complete Parts VI and VII of the form.

Step 7 – The Federal agency involved in the proposed project will make a determination as to whether the proposed conversion is consistent with the FPPA and the agency's internal policies.

INSTRUCTIONS FOR COMPLETING THE FARMLAND CONVERSION IMPACT RATING FORM

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

**Part III:** In 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.

2. Acres planned to receive services from an infrastructure project as indicated in the project justification (e.g. highways, utilities) that will cause a direct conversion.

**Part VI:** Do not complete Part VI if a local site assessment is used.

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

Individual Federal agencies at the national level, may assign relative weights among the 12 site assessment criteria other than those shown in the FPPA rule. In all cases where other weights are assigned relative adjustments must be made to maintain the maximum total weight points at 160.

In rating alternative sites, Federal agencies shall consider each of the criteria and assign points within the limits established in the FPPA rule. Sites most suitable for protection under these criteria will receive the highest total scores, and sites least suitable, the lowest scores.

**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, adjust the site assessment points to a base of 160. Example: if the Site Assessment maximum is 200 points, and alternative Site "A" is rated 180 points:

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

## Site Assessment Scoring for the Twelve Factors Used in FPPA

The Site Assessment criteria used in the Farmland Protection Policy Act (FPPA) rule are designed to assess important factors other than the agricultural value of the land when determining which alternative sites should receive the highest level of protection from conversion to non agricultural uses.

Twelve factors are used for Site Assessment and ten factors for corridor-type sites. Each factor is listed in an outline form, without detailed definitions or guidelines to follow in the rating process. The purpose of this document is to expand the definitions of use of each of the twelve Site Assessment factors so that all persons can have a clear understanding as to what each factor is intended to evaluate and how points are assigned for given conditions.

In each of the 12 factors a number rating system is used to determine which sites deserve the most protection from conversion to non-farm uses. The higher the number value given to a proposed site, the more protection it will receive. The maximum scores are 10, 15 and 20 points, depending upon the relative importance of each particular question. If a question significantly relates to why a parcel of land should not be converted, the question has a maximum possible protection value of 20, whereas a question which does not have such a significant impact upon whether a site would be converted, would have fewer maximum points possible, for example 10.

The following guidelines should be used in rating the twelve Site Assessment criteria:

1. **How much land is in non-urban use within a radius of 1.0 mile from where the project is intended?**

| | |
|---|---|
| More than 90 percent: | 15 points |
| 90-20 percent: | 14 to 1 points |
| Less than 20 percent: | 0 points |

This factor is designed to evaluate the extent to which the area within one mile of the proposed site is non-urban area. For purposes of this rule, "non-urban" should include:

- Agricultural land (crop-fruit trees, nuts, oilseed)
- Range land
- Forest land
- Golf Courses
- Non paved parks and recreational areas
- Mining sites
- Farm Storage
- Lakes, ponds and other water bodies
- Rural roads, and through roads without houses or buildings
- Open space
- Wetlands
- Fish production
- Pasture or hayland

Urban uses include:

- Houses (other than farm houses)
- Apartment buildings
- Commercial buildings
- Industrial buildings
- Paved recreational areas (i.e. tennis courts)
- Streets in areas with 30 structures per 40 acres
- Gas stations

- Equipment, supply stores
- Off-farm storage
- Processing plants
- Shopping malls
- Utilities/Services
- Medical buildings

In rating this factor, an area one-mile from the outer edge of the proposed site should be outlined on a current photo; the areas that are urban should be outlined. For rural houses and other buildings with unknown sizes, use 1 and 1/3 acres per structure. For roads with houses on only one side, use one half of road for urban and one half for non-urban.

The purpose of this rating process is to insure that the most valuable and viable farmlands are protected from development projects sponsored by the Federal Government. With this goal in mind, factor S1 suggests that the more agricultural lands surrounding the parcel boundary in question, the more protection from development this site should receive. Accordingly, a site with a large quantity of non-urban land surrounding it will receive a greater
number of points for protection from development. Thus, where more than 90 percent of the area around the proposed site (do not include the proposed site in this assessment) is non-urban, assign 15 points. Where 20 percent or less is
non-urban, assign 0 points. Where the area lies between 20 and 90 percent non-urban, assign appropriate points from 14 to 1, as noted below.

| **Percent Non-Urban Land within 1 mile** | **Points** |
|---|---|
| 90 percent or greater | 15 |
| 85 to 89 percent | 14 |
| 80 to 84 percent | 13 |
| 75 to 79 percent | 12 |
| 70 to 74 percent | 11 |
| 65 to 69 percent | 10 |
| 60 to 64 percent | 9 |
| 55 to 59 percent | 8 |
| 50 to 54 percent | 7 |
| 45 to 49 percent | 6 |
| 40 to 44 percent | 5 |
| 35 to 39 percent | 4 |
| 30 to 24 percent | 3 |
| 25 to 29 percent | 2 |
| 21 to 24 percent | 1 |
| 20 percent or less | 0 |

**2. How much of the perimeter of the site borders on land in non-urban use?**

| | |
|---|---|
| More than 90 percent: | l0 points |
| 90 to 20 percent: | 9 to 1 point(s) |
| Less than 20 percent: | 0 points |

This factor is designed to evaluate the extent to which the land adjacent to the proposed site is non-urban use. Where factor #1 evaluates the general location of the proposed site, this factor evaluates the immediate perimeter of the site. The definition of urban and non-urban uses in factor #1 should be used for this factor.

In rating the second factor, measure the perimeter of the site that is in non-urban and urban use. Where more than 90 percent of the perimeter is in non-urban use, score this factor 10 points. Where less than 20 percent, assign 0 points. If a road is next to the perimeter, class the area according to the

use on the other side of the road for that area. Use 1 and 1/3 acre per structure if not otherwise known. Where 20 to 90 percent of the perimeter is non-urban, assign points as noted below:

| Percentage of Perimeter Bordering Land | Points |
|---|---|
| 90 percent or greater | 10 |
| 82 to 89 percent | 9 |
| 74 to 81 percent | 8 |
| 65 to 73 percent | 7 |
| 58 to 65 percent | 6 |
| 50 to 57 percent | 5 |
| 42 to 49 percent | 4 |
| 34 to 41 percent | 3 |
| 27 to 33 percent | 2 |
| 21 to 26 percent | 1 |
| 20 percent or Less | 0 |

**3. How much of the site has been farmed (managed for a scheduled harvest or timber activity) more than five of the last ten years?**

| | |
|---|---|
| More than 90 percent: | 20 points |
| 90 to 20 percent: | 19 to 1 point(s) |
| Less than 20 percent: | 0 points |

This factor is designed to evaluate the extent to which the proposed conversion site has been used or managed for agricultural purposes in the past 10 years.

Land is being farmed when it is used or managed for food or fiber, to include timber products, fruit, nuts, grapes, grain, forage, oil seed, fish and meat, poultry and dairy products.

Land that has been left to grow up to native vegetation without management or harvest will be considered as abandoned and therefore not farmed. The proposed conversion site should be evaluated and rated according to the percent, of the site farmed.

If more than 90 percent of the site has been farmed 5 of the last 10 years score the site as follows:

| Percentage of Site Farmed | Points |
|---|---|
| 90 percent or greater | 20 |
| 86 to 89 percent | 19 |
| 82 to 85 percent | 18 |
| 78 to 81 percent | 17 |
| 74 to 77 percent | 16 |
| 70 to 73 percent | 15 |
| 66 to 69 percent | 14 |
| 62 to 65 percent | 13 |
| 58 to 61 percent | 12 |
| 54 to 57 percent | 11 |
| 50 to 53 percent | 10 |
| 46 to 49 percent | 9 |
| 42 to 45 percent | 8 |
| 38 to 41 percent | 7 |
| 35 to 37 percent | 6 |
| 32 to 34 percent | 5 |
| 29 to 31 percent | 4 |
| 26 to 28 percent | 3 |

| | |
|---|---|
| 23 to 25 percent | 2 |
| 20 to 22 percent percent or Less | 1 |
| Less than 20 percent | 0 |

4. **Is the site subject to state or unit of local government policies or programs to protect farmland or covered by private programs to protect farmland?**

| | |
|---|---|
| Site is protected: | 20 points |
| Site is not protected: | 0 points |

This factor is designed to evaluate the extent to which state and local government and private programs have made efforts to protect this site from conversion.

**State and local policies and programs to protect farmland include:**

**State Policies and Programs to Protect Farmland**

1. Tax Relief:

   A. Differential Assessment: Agricultural lands are taxed on their agricultural use value, rather than at market value. As a result, farmers pay fewer taxes on their land, which helps keep them in business, and therefore helps to insure that the farmland will not be converted to nonagricultural uses.

      1. Preferential Assessment for Property Tax: Landowners with parcels of land used for agriculture are given the privilege of differential assessment.

      2. Deferred Taxation for Property Tax: Landowners are deterred from converting their land to nonfarm uses, because if they do so, they must pay back taxes at market value.

      3. Restrictive Agreement for Property Tax: Landowners who want to receive Differential Assessment must agree to keep their land in - eligible use.

   B. Income Tax Credits

   Circuit Breaker Tax Credits: Authorize an eligible owner of farmland to apply some or all of the property taxes on his or her farmland and farm structures as a tax credit against the owner's state income tax.

   C. Estate and Inheritance Tax Benefits

   Farm Use Valuation for Death Tax: Exemption of state tax liability to eligible farm estates.

2. "Right to farm" laws:

   Prohibits local governments from enacting laws which will place restrictions upon normally accepted farming practices, for example, the generation of noise, odor or dust.

3. Agricultural Districting:

   Wherein farmers voluntarily organize districts of agricultural land to be legally recognized geographic areas. These farmers receive benefits, such as protection from annexation, in exchange for keeping land within the district for a given number of years.

4. Land Use Controls: Agricultural Zoning.

Types of Agricultural Zoning Ordinances include:

A. Exclusive: In which the agricultural zone is restricted to only farm-related dwellings, with, for example, a minimum of 40 acres per dwelling unit.

B. Non-Exclusive: In which non-farm dwellings are allowed, but the density remains low, such as 20 acres per dwelling unit.

Additional Zoning techniques include:

A. Sliding Scale: This method looks at zoning according to the total size of the parcel owned. For example, the number of dwelling units per a given number of acres may change from county to county according to the existing land acreage to dwelling unit ratio of surrounding parcels of land within the specific area.

B. Point System or Numerical Approach: Approaches land use permits on a case by case basis.

LESA: The LESA system (Land Evaluation-Site Assessment) is used as a tool to help assess options for land use on an evaluation of productivity weighed against commitment to urban development.

C. Conditional Use: Based upon the evaluation on a case by case basis by the Board of Zoning Adjustment. Also may include the method of using special land use permits.

5. Development Rights:

A. Purchase of Development Rights (PDR): Where development rights are purchased by Government action.

Buffer Zoning Districts: Buffer Zoning Districts are an example of land purchased by Government action. This land is included in zoning ordinances in order to preserve and protect agricultural lands from non-farm land uses encroaching upon them.

B. Transfer of Development Rights (TDR): Development rights are transferable for use in other locations designated as receiving areas. TDR is considered a locally based action (not state), because it requires a voluntary decision on the part of the individual landowners.

6. Governor's Executive Order: Policy made by the Governor, stating the importance of agriculture, and the preservation of agricultural lands. The Governor orders the state agencies to avoid the unnecessary conversion of important farmland to nonagricultural uses.

7. Voluntary State Programs:

A. California's Program of Restrictive Agreements and Differential Assessments: The California Land Conservation Act of 1965, commonly known as the Williamson Act, allows cities, counties and individual landowners to form agricultural preserves and enter into contracts for 10 or more years to insure that these parcels of land remain strictly for agricultural use. Since 1972 the Act has extended eligibility to recreational and open space lands such as scenic highway corridors, salt ponds and wildlife preserves. These contractually restricted lands may be taxed differentially for their real value. One hundred-acre districts constitute the minimum land size eligible.

Suggestion: An improved version of the Act would state that if the land is converted after the contract expires, the landowner must pay the difference in the taxes between market value for the land and the agricultural tax value which he or she had been

paying under the Act. This measure would help to insure that farmland would not be converted after the 10 year period ends.

B. Maryland Agricultural Land Preservation Program: Agricultural landowners within agricultural districts have the opportunity to sell their development rights to the Maryland Land Preservation Foundation under the agreement that these landowners will not subdivide or develop their land for an initial period of five years. After five years the landowner may terminate the agreement with one year notice.

As is stated above under the California Williamson Act, the landowner should pay the back taxes on the property if he or she decides to convert the land after the contract expires, in order to discourage such conversions.

C. Wisconsin Income Tax Incentive Program: The Wisconsin Farmland Preservation Program of December 1977 encourages local jurisdictions in Wisconsin to adopt agricultural preservation plans or exclusive agricultural district zoning ordinances in exchange for credit against state income tax and exemption from special utility assessment. Eligible candidates include local governments and landowners with at least 35 acres of land per dwelling unit in agricultural use and gross farm profits of at least $6.000 per year, or $18,000 over three years.

8. Mandatory State Programs:

A. The Environmental Control Act in the state of Vermont was adopted in 1970 by the Vermont State Legislature. The Act established an environmental board with 9 members (appointed by the Governor) to implement a planning process and a permit system to screen most subdivisions and development proposals according to specific criteria stated in the law. The planning process consists of an interim and a final Land Capability and Development Plan, the latter of which acts as a policy plan to control development. The policies are written in order to:

- prevent air and water pollution;
- protect scenic or natural beauty, historic sites and rare and irreplaceable natural areas; and
- consider the impacts of growth and reduction of development on areas of primary agricultural soils.

B. The California State Coastal Commission: In 1976 the Coastal Act was passed to establish a permanent Coastal Commission with permit and planning authority The purpose of the Coastal Commission was and is to protect the sensitive coastal zone environment and its resources, while accommodating the social and economic needs of the state. The Commission has the power to regulate development in the coastal zones by issuing permits on a case by case basis until local agencies can develop their own coastal plans, which must be certified by the Coastal Commission.

C. Hawaii's Program of State Zoning: In 1961, the Hawaii State Legislature established Act 187, the Land Use Law, to protect the farmland and the welfare of the local people of Hawaii by planning to avoid "unnecessary urbanization". The Law made all state lands into four districts: agricultural, conservation, rural and urban. The Governor appointed members to a State Land Use Commission, whose duties were to uphold the Law and form the boundaries of the four districts. In addition to state zoning, the Land Use Law introduced a program of Differential Assessment, wherein agricultural landowners paid taxes on their land for its agricultural use value, rather than its market value.

D. The Oregon Land Use Act of 1973: This act established the Land Conservation and Development Commission (LCDC) to provide statewide planning goals and guidelines.

Under this Act, Oregon cities and counties are each required to draw up a comprehensive plan, consistent with statewide planning goals. Agricultural land preservation is high on the list of state goals to be followed locally.

If the proposed site is subject to or has used one or more of the above farmland protection programs or policies, score the site 20 points. If none of the above policies or programs apply to this site, score 0 points.

**5. How close is the site to an urban built-up area?**

| | |
|---|---|
| The site is 2 miles or more from an urban built-up area | 15 points |
| The site is more than 1 mile but less than 2 miles from an urban built-up area | 10 points |
| The site is less than 1 mile from, but is not adjacent to an urban built-up area | 5 points |
| The site is adjacent to an urban built-up area | 0 points |

This factor is designed to evaluate the extent to which the proposed site is located next to an existing urban area. The urban built-up area must be 2500 population. The measurement from the built-up area should be made from the point at which the density is 30 structures per 40 acres and with no open or non-urban land existing between the major built-up areas and this point. Suburbs adjacent to cities or urban built-up areas should be considered as part of that urban area.

For greater accuracy, use the following chart to determine how much protection the site should receive according to its distance from an urban area. See chart below:

| Distance From Perimeter of Site to Urban Area | Points |
|---|---|
| More than 10,560 feet | 15 |
| 9,860 to 10,559 feet | 14 |
| 9,160 to 9,859 feet | 13 |
| 8,460 to 9,159 feet | 12 |
| 7,760 to 8,459 feet | 11 |
| 7,060 to 7,759 feet | 10 |
| 6,360 to 7,059 feet | 9 |
| 5,660 to 6,359 feet | 8 |
| 4,960 to 5,659 feet | 7 |
| 4,260 to 4,959 feet | 6 |
| 3,560 to 4,259 feet | 5 |
| 2,860 to 3,559 feet | 4 |
| 2,160 to 2,859 feet | 3 |
| 1,460 to 2,159 feet | 2 |
| 760 to 1,459 feet | 1 |
| Less than 760 feet (adjacent) | 0 |

**6. How close is the site to water lines, sewer lines and/or other local facilities and services whose capacities and design would promote nonagricultural use?**

| | |
|---|---|
| None of the services exist nearer than 3 miles from the site | 15 points |
| Some of the services exist more than one but less than 3 miles from the site | 10 points |
| All of the services exist within 1/2 mile of the site | 0 points |

This question determines how much infrastructure (water, sewer, etc.) is in place which could facilitate nonagricultural development. The fewer facilities in place, the more difficult it is to develop an area. Thus, if a proposed site is further away from these services (more than 3 miles distance away), the site should be awarded the highest number of points (15). As the distance of the parcel of land to services decreases, the number of points awarded declines as well. So, when the site is equal to or further than 1 mile but less than 3 miles away from services, it should be given 10 points. Accordingly, if this distance is 1/2 mile to less than 1 mile, award 5 points; and if the distance from land to services is less than 1/2 mile, award 0 points.

Distance to public facilities should be measured from the perimeter of the parcel in question to the nearest site(s) where necessary facilities are located. If there is more than one distance (i.e. from site to water and from site to sewer), use the average distance (add all distances and then divide by the number of different distances to get the average).

Facilities which could promote nonagricultural use include:

- Water lines
- Sewer lines
- Power lines
- Gas lines
- Circulation (roads)
- Fire and police protection
- Schools

7. **Is the farm unit(s) containing the site (before the project) as large as the average-size farming unit in the county? (Average farm sizes in each county are available from the NRCS field offices in each state. Data are from the latest available Census of Agriculture, Acreage of Farm Units in Operation with $1,000 or more in sales.)**

| | |
|---|---|
| As large or larger: | 10 points |
| Below average: Deduct 1 point for each 5 percent below the average, down to 0 points if 50 percent or more is below average | 9 to 0 points |

This factor is designed to determine how much protection the site should receive, according to its size in relation to the average size of farming units within the county. The larger the parcel of land, the more agricultural use value the land possesses, and vice versa. Thus, if the farm unit is as large or larger than the county average, it receives the maximum number of points (10). The smaller the parcel of land compared to the county average, the fewer number of points given. Please see below:

| Parcel Size in Relation to Average County Size | Points |
|---|---|
| Same size or larger than average (l00 percent) | 10 |
| 95 percent of average | 9 |
| 90 percent of average | 8 |
| 85 percent of average | 7 |
| 80 percent of average | 6 |
| 75 percent of average | 5 |
| 70 percent of average | 4 |
| 65 percent of average | 3 |
| 60 percent of average | 2 |
| 55 percent of average | 1 |
| 50 percent or below county average | 0 |

State and local Natural Resources Conservation Service offices will have the average farm size information, provided by the latest available Census of Agriculture data

**8. If this site is chosen for the project, how much of the remaining land on the farm will become non-farmable because of interference with land patterns?**

| | |
|---|---|
| Acreage equal to more than 25 percent of acres directly converted by the project | 10 points |
| Acreage equal to between 25 and 5 percent of the acres directly converted by the project | 9 to 1 point(s) |
| Acreage equal to less than 5 percent of the acres directly converted by the project | 0 points |

This factor tackles the question of how the proposed development will affect the rest of the land on the farm The site which deserves the most protection from conversion will receive the greatest number of points, and vice versa. For example, if the project is small, such as an extension on a house, the rest of the agricultural land would remain farmable, and thus a lower number of points is given to the site. Whereas if a large-scale highway is planned, a greater portion of the land (not including the site) will become non-farmable, since access to the farmland will be blocked; and thus, the site should receive the highest number of points (10) as protection from conversion

Conversion uses of the Site Which Would Make the Rest of the Land Non-Farmable by Interfering with Land Patterns

Conversions which make the rest of the property nonfarmable include any development which blocks accessibility to the rest of the site Examples are highways, railroads, dams or development along the front of a site restricting access to the rest of the property.

The point scoring is as follows:

| Amount of Land Not Including the Site Which Will Become Non-Farmable | Points |
|---|---|
| 25 percent or greater | 10 |
| 23 - 24 percent | 9 |
| 21 - 22 percent | 8 |
| 19 - 20 percent | 7 |
| 17 - 18 percent | 6 |
| 15 - 16 percent | 5 |
| 13 - 14 percent | 4 |
| 11 - 12 percent | 3 |
| 9 - 11 percent | 2 |
| 6 - 8 percent | 1 |
| 5 percent or less | 0 |

**9. Does the site have available adequate supply of farm support services and markets, i.e., farm suppliers, equipment dealers, processing and storage facilities and farmer's markets?**

| | |
|---|---|
| All required services are available | 5 points |
| Some required services are available | 4 to 1 point(s) |
| No required services are available | 0 points |

This factor is used to assess whether there are adequate support facilities, activities and industry to keep the farming business in business. The more support facilities available to the agricultural

## CORRIDOR - TYPE SITE ASSESSMENT CRITERIA

The following criteria are to be used for projects that have a linear or corridor - type site configuration connecting two distant points, and crossing several different tracts of land. These include utility lines, highways, railroads, stream improvements, and flood control systems. Federal agencies are to assess the suitability of each corridor-type site or design alternative for protection as farmland along with the land evaluation information.

For Water and Waste Programs, corridor analyses are not applicable for distribution or collection networks. Analyses are applicable for transmission or trunk lines where placement of the lines are flexible.

(1) How much land is in nonurban use within a radius of 1.0 mile form where the project is intended?

| | |
|---|---|
| (2) More than 90 percent | (3) 15 points |
| (4) 90 to 20 percent | (5) 14 to 1 point(s). |
| (6) Less than 20 percent | (7) 0 points |

(2) How much of the perimeter of the site borders on land in nonurban use?

| | |
|---|---|
| (3) More than 90 percent | (4) 10 point(s) |
| (5) 90 to 20 percent | (6) 9 to 1 points |
| (7) less than 20 percent | (8) 0 points |

(3) How much of the site has been farmed (managed for a scheduled harvest or timber activity) more than five of the last 10 years?

| | |
|---|---|
| (4) More than 90 percent | (5) 20 points |
| (6) 90 to 20 percent | (7) 19 to 1 point(s) |
| (8) Less than 20 percent | (9) 0 points |

(4) Is the site subject to state or unit of local government policies or programs to protect farmland or covered by private programs to protect farmland?

| | |
|---|---|
| Site is protected | 20 points |
| Site is not protected | 0 points |

(5) Is the farm unit(s) containing the site (before the project) as large as the average - size farming unit in the County? (Average farm sizes in each county are available from the NRCS field offices in each state. Data are from the latest available Census of Agriculture, Acreage of Farm Units in Operation with $1,000 or more in sales.)

| | |
|---|---|
| As large or larger | 10 points |
| Below average deduct 1 point for each 5 percent below the average, down to 0 points if 50 percent or more below average | 9 to 0 points |

(6) If the site is chosen for the project, how much of the remaining land on the farm will become non-farmable because of interference with land patterns?

| | |
|---|---|
| Acreage equal to more than 25 percent of acres directly converted by the project | 25 points |
| Acreage equal to between 25 and 5 percent of the acres directly convened by the project | 1 to 24 point(s) |
| Acreage equal to less than 5 percent of the acres directly converted by the project | 0 points |

(7) Does the site have available adequate supply of farm support services and markets, i.e., farm suppliers, equipment dealers, processing and storage facilities and farmer's markets?

| | |
|---|---|
| All required services are available | 5 points |
| Some required services are available | 4 to 1 point(s) |
| No required services are available | 0 points |

(8) Does the site have substantial and well-maintained on-farm investments such as barns, other storage building, fruit trees and vines, field terraces, drainage, irrigation, waterways, or other soil and water conservation measures?

| | |
|---|---|
| High amount of on-farm investment | 20 points |
| Moderate amount of on-farm investment | 19 to 1 point(s) |
| No on-farm investment | 0 points |

(9) Would the project at this site, by converting farmland to nonagricultural use, reduce the demand for farm support services so as to jeopardize the continued existence of these support services and thus, the viability of the farms remaining in the area?

| | |
|---|---|
| Substantial reduction in demand for support services if the site is convened | 25 points |
| Some reduction in demand for support services if the site is convened | 1 to 24 point(s) |
| No significant reduction in demand for support services if the site is converted | 0 points |

(10) Is the kind and intensity of the proposed use of the site sufficiently incompatible with agriculture that it is likely to contribute to the eventual conversion of surrounding farmland to nonagricultural use?

| | |
|---|---|
| Proposed project is incompatible to existing agricultural use of surrounding farmland | 10 points |
| Proposed project is tolerable to existing agricultural use of surrounding farmland | 9 to 1 point(s) |
| Proposed project is fully compatible with existing agricultural use of surrounding farmland | 0 points |

landowner, the more feasible it is for him or her to stay in production. In addition, agricultural support facilities are compatible with farmland. This fact is important, because some land uses are not compatible; for example, development next to farmland cam be dangerous to the welfare of the agricultural land, as a result of pressure from the neighbors who often do not appreciate the noise, smells and dust intrinsic to farmland. Thus, when all required agricultural support services are available, the maximum number of points (5) are awarded. When some services are available, 4 to 1 point(s) are awarded; and consequently, when no services are available, no points are given. See below:

| Percent of Services Available | Points |
|---|---|
| 100 percent | 5 |
| 75 to 99 percent | 4 |
| 50 to 74 percent | 3 |
| 25 to 49 percent | 2 |
| 1 to 24 percent | 1 |
| No services | 0 |

**10. Does the site have substantial and well-maintained on farm investments such as barns, other storage buildings, fruit trees and vines, field terraces, drainage, irrigation, waterways, or other soil and water conservation measures?**

| | |
|---|---|
| High amount of on-farm investment | 20 points |
| Moderate amount of non-farm investment | 19 to 1 point(s) |
| No on-farm investments | 0 points |

This factor assesses the quantity of agricultural facilities in place on the proposed site. If a significant agricultural infrastructure exists, the site should continue to be used for farming, and thus the parcel will receive the highest amount of points towards protection from conversion or development. If there is little on farm investment, the site will receive comparatively less protection. See-below:

| Amount of On-farm Investment | Points |
|---|---|
| As much or more than necessary to maintain production (100 percent) | 20 |
| 95 to 99 percent | 19 |
| 90 to 94 percent | 18 |
| 85 to 89 percent | 17 |
| 80 to 84 percent | 16 |
| 75 to 79 percent | 15 |
| 70 to 74 percent | 14 |
| 65 to 69 percent | 13 |
| 60 to 64 percent | 12 |
| 55 to 59 percent | 11 |
| 50 to 54 percent | 10 |
| 45 to 49 percent | 9 |
| 40 to 44 percent | 8 |
| 35 to 39 percent | 7 |
| 30 to 34 percent | 6 |
| 25 to 29 percent | 5 |
| 20 to 24 percent | 4 |
| 15 to 19 percent | 3 |
| 10 to 14 percent | 2 |
| 5 to 9 percent | 1 |
| 0 to 4 percent | 0 |

**11. Would the project at this site, by converting farmland to nonagricultural use, reduce the support for farm support services so as to jeopardize the continued existence of these support services and thus, the viability of the farms remaining in the area?**

| | |
|---|---|
| Substantial reduction in demand for support services if the site is converted | 10 points |
| Some reduction in demand for support services if the site is converted | 9 to 1 point(s) |
| No significant reduction in demand for support services if the site is converted | 0 points |

This factor determines whether there are other agriculturally related activities, businesses or jobs dependent upon the working of the pre-converted site in order for the others to remain in production. The more people and farming activities relying upon this land, the more protection it should receive from conversion. Thus, if a substantial reduction in demand for support services were to occur as a result of conversions, the proposed site would receive a high score of 10; some reduction in demand would receive 9 to 1 point(s), and no significant reduction in demand would receive no points.

Specific points are outlined as follows:

| Amount of Reduction in Support Services if Site is Converted to Nonagricultural Use | Points |
|---|---|
| Substantial reduction (100 percent) | 10 |
| 90 to 99 percent | 9 |
| 80 to 89 percent | 8 |
| 70 to 79 percent | 7 |
| 60 to 69 percent | 6 |
| 50 to 59 percent | 5 |
| 40 to 49 percent | 4 |
| 30 to 39 percent | 3 |
| 20 to 29 percent | 2 |
| 10 to 19 percent | 1 |
| No significant reduction (0 to 9 percent) | 0 |

**12. Is the kind and intensity of the proposed use of the site sufficiently incompatible with agriculture that it is likely to contribute to the eventual conversion of the surrounding farmland to nonagricultural use?**

| | |
|---|---|
| Proposed project is incompatible with existing agricultural use of surrounding farmland | 10 points |
| Proposed project is tolerable of existing agricultural use of surrounding farmland | 9 to 1 point(s) |
| Proposed project is fully compatible with existing agricultural use of surrounding farmland | 0 points |

Factor 12 determines whether conversion of the proposed agricultural site will eventually cause the conversion of neighboring farmland as a result of incompatibility of use of the first with the latter. The more incompatible the proposed conversion is with agriculture, the more protection this site receives from conversion. Therefor-, if the proposed conversion is incompatible with agriculture, the site receives 10 points. If the project is tolerable with agriculture, it receives 9 to 1 points; and if the proposed conversion is compatible with agriculture, it receives 0 points.

SEP 27 2006
9/27/06

KANSAS

DEPARTMENT OF WILDLIFE & PARKS

KATHLEEN SEBELIUS, GOVERNOR

September 26, 2006

Stephen Miller
United States Department of Interior
National Park Service
Tallgrass Prairie National Preserve Office
P.O. Box 585, 226 Broadway
Cottonwood Falls, KS. 66845-0585

Dear Mr. Miller:

We have reviewed the most current material submitted and accompanied by your letter dated August 16, 2006; regarding a new visitor center and administrative facility proposed to be located south of the existing historic ranch headquarters on the west side of Kansas State Highway 177. The current action alternative being considered places the new facilities in a different location than originally proposed in the general management plan (GMP) submitted for our review in 2003.

It appears that the new location will involve the tributary to Fox Creek where Topeka Shiners were collected by our (National Park Service [NPS] and Kansas Department of Wildlife and Parks [KDWP]) cooperative sampling efforts in the recent past. Topeka Shiners are state and federally listed species and we note you have been in contact with Dan Mulhern of the United States Fish and Wildlife Service (USFWS) in Manhattan, Kansas.

Without more detailed plans, we are unable to make a thorough review of this proposal for the new location of the subject facilities at this time. However, we can offer some general comments from the information we have received.

Construction activities around or involving the tributary may require an Action Permit from our department pursuant to K.S.A. 32-961 and K.A.R. 115-15-3 to meet requirements of the *Kansas Nongame and Endangered Species Act of 1975*. As more detailed plans are developed, we would anticipate working closely with you to avoid, minimize, or mitigate potential impacts from the project. As a general observation, locating the facilities some distance away from the tributary would likely reduce or eliminate the need for an Action Permit.

Pratt Operations Office
512 SE 25th Ave., Pratt, KS 67124-8174
Phone 620-672-5911 Fax 620-672-6020 www.kdwp.state.ks.us

In addition to communicating with KDWP and USFWS; we recommend contact with other state/federal agencies including: Kansas Department of Health and Environment for construction activity disturbing more than one acre, Kansas Department of Agriculture - Division of Water Resources for a stream obstruction permit (bridge crossing), State Historical Preservation Office for historical activity associated with the site; United States Army Corps of Engineers for any dredge/fill activity in or along a stream.

We look forward to working with you as the project moves ahead. Please provide more detailed plans as they become available, so we can offer a more thorough environmental evaluation for the project.

Sincerely,

Jim Hays
Environmental Services Section Chief
Kansas Department of Wildlife and Parks

cc: Dan Mulhern, USFWS

August 16, 2006

D18 (TAPR)
xL7615
xN1619

Jim Hays
Kansas Department of Wildlife and Parks
Environmental Services Section
512 SE 25th Avenue
Pratt, Kansas 67124

Dear Mr. Hays:

Tallgrass Prairie National Preserve has restarted the process of preparing a site development plan and environmental assessment for future facilities. We informed your agency of the initial start of this process in a letter dated October 28, 2003. For your information, a copy of the U.S. Fish and Wildlife Service's most recent response regarding this matter is enclosed.

We consulted with your agency during the development of the general management plan (GMP) including our preparation of a related biological assessment (BA). The BA is enclosed for your reference.

The current action alternative being considered for future facilities would require amending the preserve's GMP to move the visitor information and orientation area. The new proposed location for the visitor center and administration facility is south of the historic ranch headquarters along the west side of Kansas State Highway 177 (NE/4 Sec. 6 T19S R8E). The new proposed location for the maintenance facilities is east of the Strong City Sewage Lagoons (NE/4 Sec. 17 T19S R8E). A map is enclosed showing the original location and the two new proposed locations.

The primary habitat includes go-back prairie and brome fields. Most of the area was previously disturbed by agricultural and ranch facilities development. The visitor center/administration area includes Topeka shiner habitat (tributary to Fox Creek). Topeka shiners have been collected by National Park Service and Kansas Department of Wildlife and Parks staff upstream. It is anticipated that development will be close but not occur directly in the stream area, however, the Topeka shiner habitat is within the proposed development area. The maintenance area does not include Topeka shiner habitat.

We would appreciate your input regarding the Topeka shiner and other species and habitat under your jurisdiction that may occur in these areas. Please contact our Natural Resources Program Manager, Kristen Hase, at 620-273-6034 if you have any questions or need additional information.

Sincerely,

Stephen T. Miller
Superintendent

Enclosures 3
bcc:
CNR
central files
chron files
reading file

STMiller:mem:8/15/2006

KSR&C No. 03-10-194 (3)

SEP - 1 2006

# KANSAS

Kansas State Historical Society
Jennie Chinn, *Executive Director*

KATHLEEN SEBELIUS, GOVERNOR

August 28, 2006

Stephen T. Miller
Superintendent
Tallgrass Prairie National Preserve Office
P.O. Box 585, 226 Broadway
Cottonwood Falls, Kansas 66615-1099

Dear Mr. Miller:

In accordance with 36 CFR 800, the Kansas State Historic Preservation Office has reviewed plans (described in your letter dated August 17, 2006 and in Bruce Jones' attached report) for a new visitor center/administration complex and a new maintenance facility at the Tallgrass Prairie National Preserve in Chase County. In the area proposed for a new visitor center/administration complex, we concur with the recommendation that pre-construction investigations including remote sensing be carried out at the former location of a structure near Highway 177 visible in historic photographs. In the proposed maintenance facility area, we concur with the recommendation than an assessment of the historic significance of the extant post-1938 barn be undertaken should plans for its demolition be developed. Providing that these recommended activities be carried out, our office concludes that construction of the above referenced facilities will have no effect on historic properties as defined in 36 CFR 800.

This information is provided at your request to assist you in identifying historic properties, as specified in 36 CFR 800 for Section 106 consultation procedures. If you have questions or need additional information regarding these comments, please contact Tim Weston at 785-272-8681 (ext. 214).

Sincerely,

Jennie Chinn, Executive Director and
State Historic Preservation Officer

Timothy Weston for

Patrick Zollner
Deputy SHPO

6425 SW Sixth Avenue • Topeka, KS 66615-1099
Phone 785-272-8681 Ext. 205 • Fax 785-272-8682 • Email jchinn@kshs.org • TTY 785-272-8683
www.kshs.org

August 17, 2006

D18 (TAPR)
xH4217
xL7615

Patrick Zollner
Director, Cultural Resources Division
6425 SW Sixth Avenue
Topeka, Kansas 66615-1099

Dear Mr. Zollner:

Tallgrass Prairie National Preserve has restarted the process of preparing a site alternatives study and environmental assessment for future facilities. We informed you of the initial start of this process in a letter dated October 28, 2003. Your office's response, dated November 19, 2003, reference KSR&C#03-10-194, is enclosed.

The current action alternative being considered for future facilities would require amending the preserve's general management plan to move the visitor information and orientation area. The new proposed location for the visitor center and administration facilities is south of the historic ranch headquarters along the west side of Kansas State Highway 177 (NE/4 Sec. 6 T19S R8E). The new proposed location for the maintenance facility is east of the Strong City Sewage Lagoons (NE/4 Sec. 17 T19S R8E). A map is included showing the original location and the two new proposed locations.

Most of the area was previously disturbed by agricultural and ranch facilities development, and includes go-back prairie and brome fields. The area includes an unnamed tributary to Fox Creek. It is anticipated that development will be close but not occur directly in the stream area. In November 2005, Bruce Jones from the National Park Service Midwest Archeological Center conducted brief inventories that included these locations. A copy of his report is enclosed for your information.

We would appreciate any comments your office may have regarding this proposal. Please contact me at 620-273-6034 if you have any questions or need additional information.

Sincerely,

Sgd

Stephen T. Miller
Superintendent

Enclosures 3

bcc:
central files
chron files
reading file

STMiller:mem:8/17/2006

11/20/03 Bob + Bruce provided a copy. (3)

NOV 20 2003

# KANSAS

KSR&C No. 03-10-194

Kansas State Historical Society
Dick Pankratz, *Director, Cultural Resources Division*

KATHLEEN SEBELIUS, GOVERNOR

November 19, 2003

Stephen T. Miller
US Department of the Interior
National Park Service
Tallgrass Prairie National Preserve Office
P.O. Box 585
Cottonwood Falls, KS 66845-0585

RE: Tallgrass Prairie National Preserve Proposed Visitor Information and Orientation Area
Chase County

Dear Mr. Miller:

Thank you for providing the Kansas State Historic Preservation Office with information regarding the proposed construction of the Visitor Information and Orientation Area at the Tallgrass Prairie National Preserve. We have reviewed the park's General Management Plan and our cultural resources files in accordance with 36 CFR 800. Because the project area lies in an area of high archeological potential that has never undergone an archeological survey, we recommend the area be surveyed by a professional archeologist prior to beginning construction.

Additionally, two previously recorded archeological sites (14CS105 and 14CS113) lie within the general area identified for construction of the visitor center and associated facilities. If these sites lie within or adjacent to the area ultimately selected for construction, we recommend they be tested for eligibility for listing on the National Register of Historic Places prior to the onset of construction.

Please provide this office with two **unbound** copies of the report documenting the survey, its results, and recommendations for avoidance or further testing of archeological sites, if any.

This information is provided at your request to assist you in identifying historic properties, as specified in 36 CFR 800 for Section 106 consultation procedures. If you have questions or need additional information regarding these comments, please contact Will Banks 785-272-8681 (ex. 214) or Jennifer Epperson (ex. 225). Please refer to the Kansas Review & Compliance number (KSR&C#) above on all future correspondence relating to this project.

Sincerely,

Mary R. Allman
State Historic Preservation Officer

Richard Pankratz

Richard Pankratz, Director
Cultural Resources Division

RDP/jee

6425 SW Sixth Avenue • Topeka, KS 66615-1099
Phone 785-272-8681 Ext. 217 • Fax 785-272-8682 • Email dpankratz@kshs.org • TTY 785-272-8683
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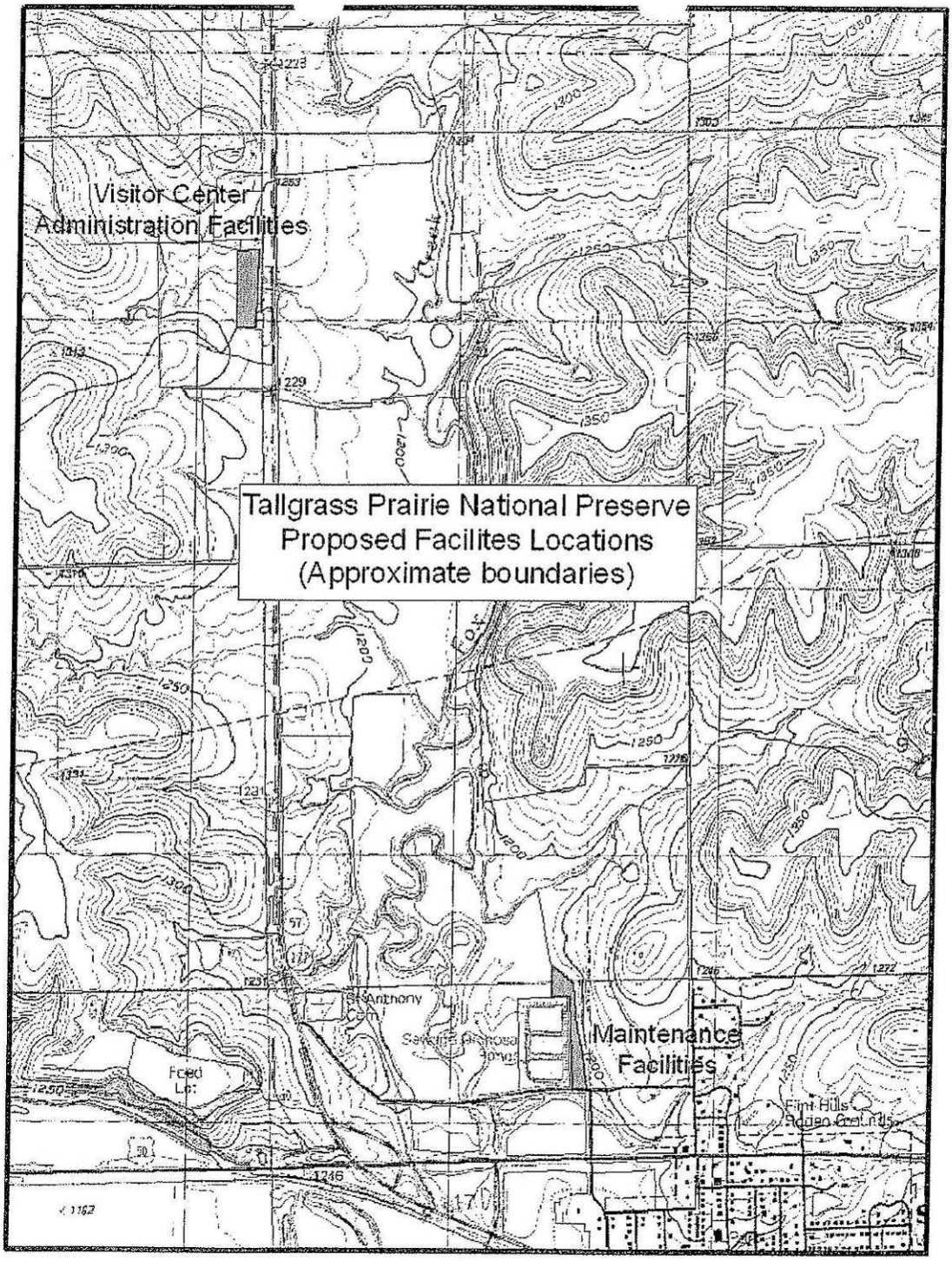

Visitor Center
Administration Facilities
Tallgrass Prairie National Preserve
Proposed Facilites Locations
(Approximate boundaries)
Maintenance
Facilities
St Anthony
Cem
Feed
Lot
Flint Hills
Rodeo Grounds

TAPR Supt

DEC 16 2005

# United States Department of the Interior

NATIONAL PARK SERVICE
Midwest Archeological Center
Federal Building, Room 474
100 Centennial Mall North
Lincoln, Nebraska 68508-3873

IN REPLY REFER TO:

A2624 (MWAC)

December 14, 2005

Memorandum

To: Manager, Midwest Archeological Center

From: Archeologist, Midwest Archeological Center

Subject: Travel to Tallgrass Prairie National Preserve, November 7-10, 2005

I traveled to Tallgrass at the request of Superintendent Steve Miller to conduct a series of small-scale investigations relating to present and future Preserve plans. These were as follows.

**1) Replacement of soil in the basin of the former fountain in front of the main house at the Spring Hill Ranch headquarters.** Preserve staff are replacing the soil in a flower bed that lies in the basin of a one-time fountain built during the Stephen Jones era at the Spring Hill Ranch. The fountain sits on an artificial terrace in front of the main ranch house. Illustrated in an 1883 lithograph of the ranch buildings, it is believed to have been supplied with water from an underground cistern a short distance uphill to the northwest (Jones 2002). The fountain superstructure is believed to have been dismantled in the 1940s, at which time the circular basin around the feature was filled with soil to support a flower bed. I had previously recommended that the soil be systematically removed and the basin of the fountain exposed to obtain further details of the feature.

Preserve maintenance worker Jim Whitton and I shoveled out 6-10 inches of soil fill in the basin, exposing a smooth-finished concrete floor ringed by low tabular limestone walls that were topped with six tooled limestone capstones, the latter forming a raised circular rim. The concrete floor of the basin measured 6 inches thick (Al O'Bright, personal communication, December 5, 2005) and pitched slightly to the center. The basin itself was roughly circular in plan view, and measured about 10½ feet in diameter north-south. At the approximate center of the basin lay a cylindrical depression or sump that measured 2½ feet in diameter and extended to a depth of 3 feet below the basin floor. The sump, probably formed in a separate pour prior to that of the basin floor (Al O'Bright, personal communication, December 5, 2005) had been intentionally filled with large, angular limestone rubble, presumably in the 1940s when the fountain was removed, but also contained seeping water and mud/soil from the overlying flower bed. A rusted one-

1

inch galvanized steel pipe rose diagonally from the bottom of the sump, and via a series of elbow joints, crossed the floor of the basin to rise again and terminate in a hose bib at the inner west side of the capstone ring.

Except for fragments of plastic plant markers, no artifactual material was observed or recovered from the soil in the fountain base. After the concrete floor of the basin had been exposed, I cleaned out much of the rock in the upper sump in order to obtain a depth measurement for the feature, but was unable to remove all of the water, limestone rubble, and mud in the bottom of the sump. Preserve Chief Interpreter Heather Brown will remove these materials as time permits in order to expose the floor of the sump and obtain details regarding how it was filled, etc. It is possible that the existing steel pipe that rises from the sump is connected to other fittings in the center sump floor that relate to the initial fountain function.

I concluded my part of this project by taking photographs of the excavated fountain base and sump and making measured drawings of the feature.

**2) Examination of the standing privy and other possible privy locations behind the Lower Fox Creek School.** The Lower Fox Creek School was built in 1882 on land donated by Stephen Jones a short distance north of the Spring Hill Ranch headquarters. The school, which is listed on the National Register of Historic Places, was closed in 1930, has burned once, been rebuilt, and undergone a number of other physical changes.

A short distance behind and to the west of the school house is a standing wooden privy with a cylindrical concrete pedestal base and single wooden seat, the construction date of which is unknown. Adjacent to the south of the standing privy lies the large rectangular concrete base of another privy, age and origin also unknown. Relative to preservation and maintenance issues, Preserve staff are interested in knowing the date of the standing privy's construction together with the locations of the original 1882 privies, which presumably stood in the same general area behind the school.

The standing privy, which is in need of roof repair, appears to have been built of dimensioned lumber and wire nail fasteners. The concrete floor of the feature and the concrete pedestal for the seat are smooth-finished and in excellent condition. By contrast, the isolated rectangular concrete privy base a short distance to the south was crudely board-formed in several small pours, and barbed wire reinforcement is visible in its sides.

A growing set of informant data variously suggests that a) the original school privies lay in the same general area at the back of the schoolyard, and were in fact capable of serving four children at one time; b) the original girls' privy stood to the south, the boys' to the north, and they served two children at once; c) the large rectangular concrete privy base was built by the Works Progress Administration as part of a program to upgrade public and/or school restrooms; d) the same base is in fact a boys' urinal; e) the standing privy was built by a local garden club; or f) it served a family which occupied the schoolhouse

in the 1930s following its abandonment as a school (Heather Brown, personal communication, November 10, 2005; Land and Community Associates 2004).

The locations of the original 1882 privies at the back of the schoolyard have not yet been identified. The land in question, a slope along a north-south wire fence and collapsed rock wall, is currently in sparse grass and sumac. However, upon close examination of the area, I could see no surface vegetation changes that might indicate where the original privy pits might once have been excavated, and though I made several passes just inside the fences with a steel probe, I found no soil changes or soft spots that would indicate subsurface privy fill. At this preliminary point, however, it should be noted that it is uncertain whether the original privies had subterranean pits or above ground chambers.

In my closeout with Superintendent Miller, I indicated that the standing privy had no structural elements or fasteners that indicated an 1882 construction date. However, the opinion of Historic Architect Al O'Bright regarding the age of the standing structure and its significance should preempt my own recommendations.

**3) Archeological inventory for a new visitor center**. I also undertook brief inventories at three alternative locations under consideration for construction of a visitor center and a new maintenance facility. At this early stage, it is uncertain whether the two facilities will be combined at one location or whether they will be built at separate sites.

The location now under consideration for a new visitor center lies a short distance south of the recently expanded parking lot at the Spring Hill Ranch headquarters on the west side of Kansas Highway 57/177. The location is likewise a short distance north of a small east-flowing stream that is tributary to Fox Creek. The area in question is currently in pasture, but has seen use for several decades in moving upland livestock through an underpass in the highway to pastures along Fox Creek.

A formal file search was requested from the Kansas State Historical Society on October 19, 2005, the results of which indicated that there were no previously recorded archeological sites in the immediate vicinity of the project location. The nearest recorded site, 14CS106, was that of the Spring Hill Ranch headquarters 200 m further to the north.

However, at the east edge of the area under consideration is the former site of at least one simple frame structure that dates to the George Davis period of ranch ownership (Orville Burtis, personal communication, December 8, 2005). This building, visible in an historic photograph taken from the barn at the Spring Hill Ranch complex, appears to have been single story and rectangular in shape with a simple gable roof; the photograph documents that the structure had four windows on its long northern side. The roof of a second small isolated structure, possibly a gas pump house, is also visible both in this photograph and perhaps in the 1938 aerial photograph of the area. Any remains of this structure would lie a few meters to the west along an old fence line..

The structure was reportedly moved by Burtis and Davis from the Gabe Frank Ranch (now the Merrill Ranch to the north of the Preserve), perhaps at the same time as the ranch hand house was moved to the back of the Spring Hill complex on the hill to the north. Ostensibly, the structure near the highway also served as a residence for ranch hands working on the Davis Ranch, but was eventually torn down, probably in the late 1980s.

The site of the structure now lies within a rectangular outline of mature trees immediately west of the state highway and a short distance south of the Preserve parking lot. While I walked the area enclosed by the trees, I did not observe clear evidence of former structure locations, etc. However, subsurface features and artifacts relating to the occupation may still be present, as may be the small adjacent structure visible in the photographs.

This location has not yet been assigned a Kansas archeological site number. However, given the fact that it was moved to the Davis Ranch from its original location elsewhere, the site does not appear to be significant relative to the larger ranch history at Tallgrass, and by itself does not appear to be eligible for nomination to the National Register of Historic Places. Should this general location be selected for construction of a visitor center, limited preconstruction investigations including remote sensing should be undertaken to confirm that no other more significant historic archeological materials or features are present.

**4) Archeological inventory of three locations for a stand-alone maintenance facility.** Three different locations are currently under consideration for construction of a new stand-alone maintenance facility.

a) The first alternative is an elongated site that lies immediately north of a corrugated steel storage barn at the extreme south end of the Preserve. Situated a few meters north of an east-west county gravel road, the location extends along a slope overlooking the east floodplain and terraces of Fox Creek, The site is bounded uphill to the east by a line of trees and a dry-laid stone wall, and downhill to the west by a complex of sewage lagoons that serve nearby Strong City. The site covers approximately 6 acres north and south, and is quite narrow.

This location is presently in dense brome grass, and ground surface visibility is poor. No other historic features were observed in the area save the low stone fence along the east side of the site, and the barn at its south end. The former probably dates to the late 19th century; while the barn post-dates the 1938 aerial photographs of the area. A file search by the Kansas State Historical Society indicated that no recorded archeological sites were present in the immediate area of the location, although 14CS105, a lithic scatter, was identified in 1998 600 meters to the west across Fox Creek (Jones 1999), and 14CS124, a prehistoric/historic site, was recorded 450 meters to the southwest in 2003 (Jones 2005).

I excavated a pair of shovel tests at a 20-m interval along a north-trending transect and roughly 25 m west of the stone wall alignment. To a depth of roughly 40 cm below the

surface, the soil was a homogenous dark clay loam with light gravel. No contact was reached with lower soil horizons, and no archeological materials were identified to indicate the presence of a prehistoric component in the area.

It is unclear whether construction of the sewage lagoons affected this location, although preliminary indications are that such disturbance did not occur. However, the previously mentioned 1938 aerials illustrate a buried meander scar of Fox Creek immediately adjacent to or actually within the elongated project area, and the stream almost certainly would have eroded away any prehistoric or historic occupations save those of perhaps the last one to two centuries.

It is likely that the post-1938 barn would remain standing should this alternative site be selected for construction of a new maintenance facility, but should such not be the case, a Determination of Eligibility should be sought from the Kansas State Historic Preservation Officer regarding its significance. Based upon the above geomorphological considerations, it is unlikely that implementation of construction at this location would adversely affect significant unrecorded subsurface archeological resources, and no further investigations are recommended.

b) The second possible maintenance facility location lies at the east end of a 14-acre field immediately east of Kansas Highway 57/77 and a short distance northeast of the Spring Hill Ranch headquarters. This location is positioned atop an alluvial fan that has formed at the mouth of a right or west bank tributary to Fox Creek, and that larger stream is actively cutting into the toe of the feature at the eastern edge of the field. Although the field has been under cultivation at least since 1938 (documented on the earliest aerial photographs of the area), it has been fallow for some time. Ground cover atop the fan, which now consists of thick, high grass and weeds, greatly reduces ground surface visibility. A ledge of the Cottonwood Limestone outcrops along the banks of the tributary stream at the south edge of the fan, but soils atop the highest point in the center of the fan may still be up to 5-6 ft thick. The uppermost soil consists of a very dark clay loam containing little to no gravel.

A file search by the Kansas State Historical Society indicated that no previously recorded archeological sites lay in the immediate vicinity of this location. However, two historic sites, 14CS106 (the Spring Hill Ranch headquarters), and 14CS112 (the Lower Fox Creek School), lay a short distance to the west across Kansas Highway 57/177 (Jones 1999), and 14CS109, a prehistoric lithic scatter, had been recorded along Fox Creek 600 meters further to the southeast (Jones 1999).

Limited shovel testing was undertaken along a single north-south transect aligned across the crest of the fan. Nine tests were excavated along and on either side of the alignment at approximate 10-12 m intervals, and were routinely excavated to depths of 35-40 cm below the present ground surface. Four additional tests were subsequently excavated around a positive shovel test (ST 7) on the highest point on the crest of the fan and roughly 75 m west of the east edge of the field. The 13 tests produced a pair of

unmodified chert flakes, the larger of which has been derived from a stream cobble of tan chert, probably collected from the nearby Fox Creek streambed. The second, smaller, flake, a fragment, represents the typical Florence B type grey chert quarried by prehistoric populations at numerous locations throughout the Flint Hills.

The location that produced the flakes has been officially designated 14CS125. Neither of the recovered artifacts is diagnostic of a particular prehistoric time period or cultural manifestation, and an age for the lithic scatter cannot now be determined. However, the fan deposits are likely to contain more artifactual materials, some of which should be time- or culture-sensitive, as well as other intact subsurface features. Should this location ultimately be selected as the construction site, additional archeological investigations will be warranted in order to generate information relating to the horizontal distribution and significance of the materials at 14CS125 relative to National Register of Historic Places eligibility.

c) The final site under consideration for a new maintenance facility lies immediately west of Kansas Highway 57/177 and a short distance south of the small tributary stream which bounds the location examined for a new visitor center. This area has undergone considerable historic use as documented in multiple aerial photographs beginning in 1938. Currently visible features include a large standing mineral chute, a two-track access road that leads west into the pastures, and three concrete grain bin bases a few meters to the south of the two-track.

Based upon aerial photographs and informant information (Orville Burtis, personal communication, December 8, 2005), this general area is believed to be the site of the former home of Curt and Edith Benninghoven, a son and daughter-in-law of Otto and Flora Benninghoven, who purchased and operated part of the former Spring Hill Ranch following its sale by Charles Patten in 1909. Flora Benninghoven lived in the main ranch house on the hill to the north after she had acquired title to the land in 1917. The Curt and Edith Benninghoven house was reportedly built in the mid-1930s, and lay in the immediate vicinity of a grove of mature trees that presently stand just north and west of the access road intersection with Kansas Highway 57/177.

Curt Benninghoven directed the larger ranch operation following his father's death, and was a prominent figure in the local community. His wife was active in the county extension program, and had considerable success raising turkeys. The Benninghovens lost their ranch due to financial difficulties in 1935. However, Curt continued to work for the subsequent owner, George H. Davis, during which time Curt and his wife continued to live in their home south of the main ranch. It is not known when the structures—the house and presumably several outbuildings—were removed.

The Benninghoven home site has as yet not been awarded a formal Kansas archeological site number. Since the Benninghoven ownership and time period are important factors in the complex history of the Preserve, the area of the main ranch house, presently adjacent to the large trees, should be completely avoided by any construction activities. Should it

be impossible to avoid the Benninghoven site, the location will warrant extensive archeological testing and evaluation to enable a formal Determination of Eligibility to be made vis à vis the site's nomination to the National Register of Historic Places.

Following a brief reexamination of aerial photographs and a closeout session with Superintendent Miller, I left Tallgrass the morning of November 10, arriving back in Lincoln in the early afternoon.

References Cited

Land and Community Associates
2004 Tallgrass Prairie National Preserve Cultural Landscape Report. Prepared for Midwest Regional Office, National Park Service, Omaha, Nebraska

Jones, Bruce A.
1999 Archeological Overview and Assessment for Tallgrass Prairie National Preserve, Chase County, Kansas. Midwest Archeological Center Technical Report No. 61. Lincoln, Nebraska.

2005 Archeological Construction Monitoring for the Water and Fire Suppression Systems, Tallgrass Prairie National Preserve, Chase County, Kansas. Draft manuscript on file, Midwest Archeological Center, Lincoln, Nebraska.

Bruce A. Jones

Cleared for distribution:

Manager, Midwest Archeological Center

12/14/05
Date

cc: Supt., TAPR
Robert King, TAPR
Tom Thiessen, MWAC

7

SEP - 5 2006

# KANSAS

DEPARTMENT OF AGRICULTURE
ADRIAN J. POLANSKY, SECRETARY

KATHLEEN SEBELIUS, GOVERNOR

September 1, 2006

US DEPARTMENT OF THE INTERIOR
TALLGRASS PRAIRIE NATIONAL PRESERVE OFFICE
STEPHEN MILLER
PO BOX 585
COTTONWOOD FALLS KS 66845-0585

RE: DWR A-95 2006.251

Dear Mr. Miller:

This will acknowledge receipt of your letter and attachments dated August 16, 2006 regarding the future facilities at the Tallgrass Prairie National Preserve.

The comments that were provided in our letter dated November 25, 2003 still apply to the newly proposed locations for the visitor center and administrative facilities.

If you have questions regarding water structures or believe that a water structures permit has already been applied for or obtained, please contact Jean Darrah at (785) 296-2855.

Sincerely,

Bob Lytle

Bob Lytle
Environmental Scientist
Technical Services Section

RFL:ssc
pc: Topeka Field Office

Division of Water Resources David L. Pope, Chief Engineer
109 SW 9th ST., 2nd Floor Topeka, KS 66612-1283
Voice (785) 296-3717 Fax (785) 296-1176 http://www.accesskansas.org/kda

August 16, 2006

D18 (TAPR)
xL7615
xN3043

David L. Pope, Chief Engineer
Division of Water Resources
Kansas Department of Agriculture
109 SW 9th Street, 2nd Floor
Topeka, Kansas 66612-1283

Dear Mr. Pope:

Tallgrass Prairie National Preserve has restarted the process of preparing a site alternatives study and environmental assessment for future facilities. We informed you of the initial start of this process in a letter dated October 28, 2003. Your office's response, dated November 25, 2003, is enclosed.

The current action alternative being considered for future facilities would require amending the preserve's general management plan to move the visitor information and orientation area. The new proposed location for the visitor center and administration facilities is south of the historic ranch headquarters along the west side of Kansas State Highway 177 (NE/4 Sec. 6 T19S R8E). The new proposed location for the maintenance facility is east of the Strong City Sewage Lagoons (NE/4 Sec. 17 T19S R8E). A map is enclosed showing the original location and the two new proposed locations.

Most of the area was previously disturbed by agricultural and ranch facilities development, and includes go-back prairie and brome fields. Surface water resources include an unnamed tributary to Fox Creek. It is anticipated that development will be close but not occur directly in the stream area.

We would appreciate any additional input your office may have regarding water resources in the proposed areas. Please contact our Natural Resources Program Manager, Kristen Hase, at 620-273-6034 if you have any questions or need additional information.

Sincerely,

Sgd

Stephen T. Miller
Superintendent

Enclosures 2

bcc:
CNR
central files
chron files
reading file

STMiller:mem:8/16/2006

B 11/26/03 (2)

NOV 26 2003

# KANSAS

DEPARTMENT OF AGRICULTURE
ADRIAN J. POLANSKY, SECRETARY

KATHLEEN SEBELIUS, GOVERNOR

November 25, 2003

STEPHEN T. MILLER
TALLGRASS PRAIRIE PRESERVE OFFICE
P.O. BOX 585, 226 BROADWAY
COTTONWOOD FALLS, KS 66845-0585

RE: DWR A-95 2003.326

Dear Sir:

This will acknowledge receipt of your letter and attachments dated October 28, 2003 regarding a site development plan and environmental assessment for future facilities at the Preserve.

If the proposed project includes the construction of any facility, levee, floodplain fill, or other structure which controls, regulates or changes the flood waters of a stream or watercourse in this state, it will be subject to the provisions of K.S.A. 24-126 or 24-105, both of which require plans for the project to be approved by the Chief Engineer of the Division of Water Resources prior to construction.

If the proposed project includes the construction of a dam, or if it in any way changes or diminishes the course, current or cross section of a stream or watercourse in this state, it is subject to the provisions of K.S.A. 82a-301 to 305a, which requires the issuance of a permit and approved by the Chief Engineer prior to construction.

The project may require approval from the local community if it is located in an identified Special Flood Hazard Area (floodplain) and the community participates in the National Flood Insurance Program. If the project involves repair of damages or renovation and rehabilitation of structures, and the costs of the repair or renovation exceed 50 percent of the market value of a structure before the damage occurred or the renovation starts, the lowest floor of the repaired or renovated structure may need to be elevated above the base (one percent chance) flood level. If the elevation is accomplished by the placement of fill material in the floodplain, approval of plans for the placement of the fill material may be required from this office. Approval from our office also involves environmental review by other state agencies.

If you have questions regarding water structures, please contact Jean Darrah at (785) 296-2855.

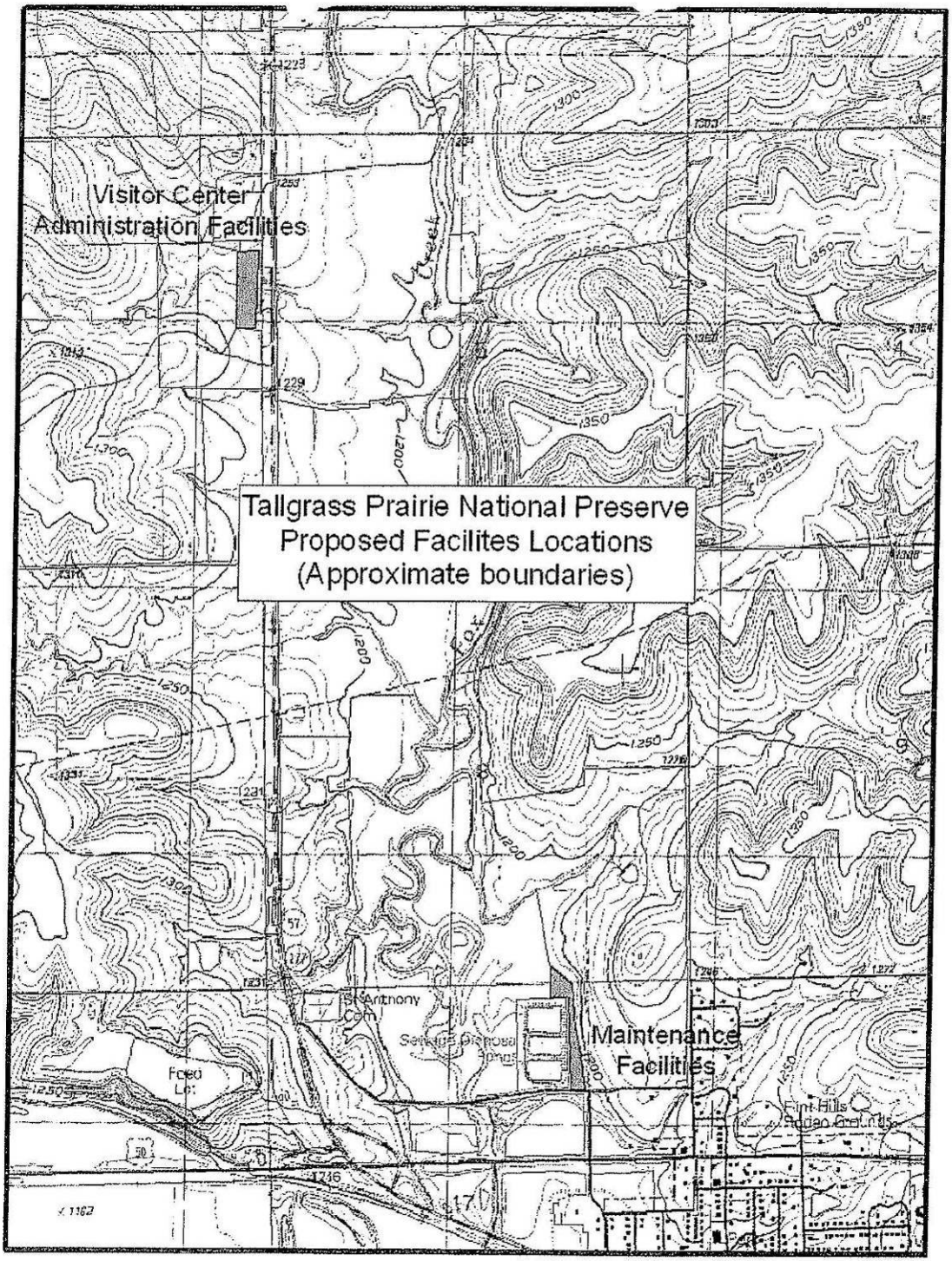
Sincerely yours,

Bob Lytle

Bob Lytle
Environmental Scientist
Technical Services Section

RFL:ssc
pc: Topeka Field Office, Iona Branscum Water Commisioner

Division of Water Resources David L. Pope, Chief Engineer
109 SW 9th ST., 2nd Floor Topeka, KS 66612-1283
Voice (785) 296-3717 Fax (785) 296-1176 http://www.accesskansas.org/kda


Visitor Center
Administration Facilities
Tallgrass Prairie National Preserve
Proposed Facilites Locations
(Approximate boundaries)
Maintenance
Facilities

The Nature Conservancy
SAVING THE LAST GREAT PLACES ON EARTH

Kansas Chapter
700 SW Jackson Street, Suite 804
Topeka, KS 66603

tel [785] 233.4400
fax [785] 233.2022
nature.org/kansas

FEB 13 2007

Tallgrass Prairie National Preserve
Steve Miller, Superintendent
P.O. Box 585
Cottonwood Falls, KS 66845

February 9, 2007

Dear Superintendent Miller:

I have reviewed the Site Alternatives Study for the proposed Visitor Center, Administrative and Maintenance Facilities at the Tallgrass Prairie National Preserve. I have also reviewed the comments submitted by staff of The Nature Conservancy in Kansas and trust they have proven useful.

As you know, we have consistently expressed a strong reservation about alternatives that would involve any more than de minimis destruction of native prairie. To do otherwise would send an inconsistent message to landowners in the greater Flint Hills landscape that we hope to engage in long term preservation through the use of conservation easements.

We also want to emphasize that we remain hopeful that the design guidelines itemized in Appendix D can be followed to the greatest degree feasible. We look forward to working with the National Park Service during the design process to identify options that enhance the public's experience while causing the least possible impacts to the important natural and cultural resources at the chosen site.

The official position of The Nature Conservancy in Kansas on the proposed visitor center site is as follows:

1.) We trust the National Park Service, its professional staff, and its scoping process to produce the best available option for future facilities locations.
2.) When the planning process is completed and construction funding has been secured, we anticipate a prompt and orderly donation of the necessary land from The Nature Conservancy to the National Park Service.

In closing I would like to note that the unique partnership that exists between The Nature Conservancy and the National Park Service at the Tallgrass Prairie National Preserve brings with it, likewise, a unique set of challenges. The fact that this partnership continues to work well has much to do with the attitude of cooperation and courtesy that you have always fostered and modeled for both organizations. I look forward to working with you on this exciting phase in the history of the Tallgrass Prairie National Preserve.

Sincerely,

Alan J. Pollom

Alan J. Pollom, Vice President
The Nature Conservancy

Cc. Sandra Washington, NPS

August 17, 2006

D18 (TAPR)
xD30
xL7615

Donald C. Drickey, P.E.
District Engineer
Kansas Department of Transportation
District Two
1006 North Third, P.O. Box 857
Salina, Kansas 67402-0857

Dear Mr. Drickey:

Tallgrass Prairie National Preserve has restarted the process of preparing a site alternatives study and environmental assessment for future facilities. We informed you of the initial start of this process in a letter dated October 28, 2003.

The current action alternative being considered for future facilities would require amending the preserve's general management plan to move the visitor information and orientation area. The new proposed location for the visitor center and administration facilities is south of the historic ranch headquarters along the west side of Kansas State Highway 177 (NE/4 Sec. 6 T19S R8E). The new proposed location for the maintenance facility is east of the Strong City Sewage Lagoons (NE/4 Sec. 17 T19S R8E) on county road 227. A map is enclosed showing the original location and the two new proposed locations.

Most of the area was previously disturbed by agricultural and ranch facilities development, and includes go-back prairie and brome fields. The area includes an unnamed tributary to Fox Creek. It is anticipated that development will be close but not occur directly in the stream area.

We would appreciate any comments your office may have regarding this proposal. Please contact me at 620-273-6034 if you have any questions or need additional information.

Sincerely,

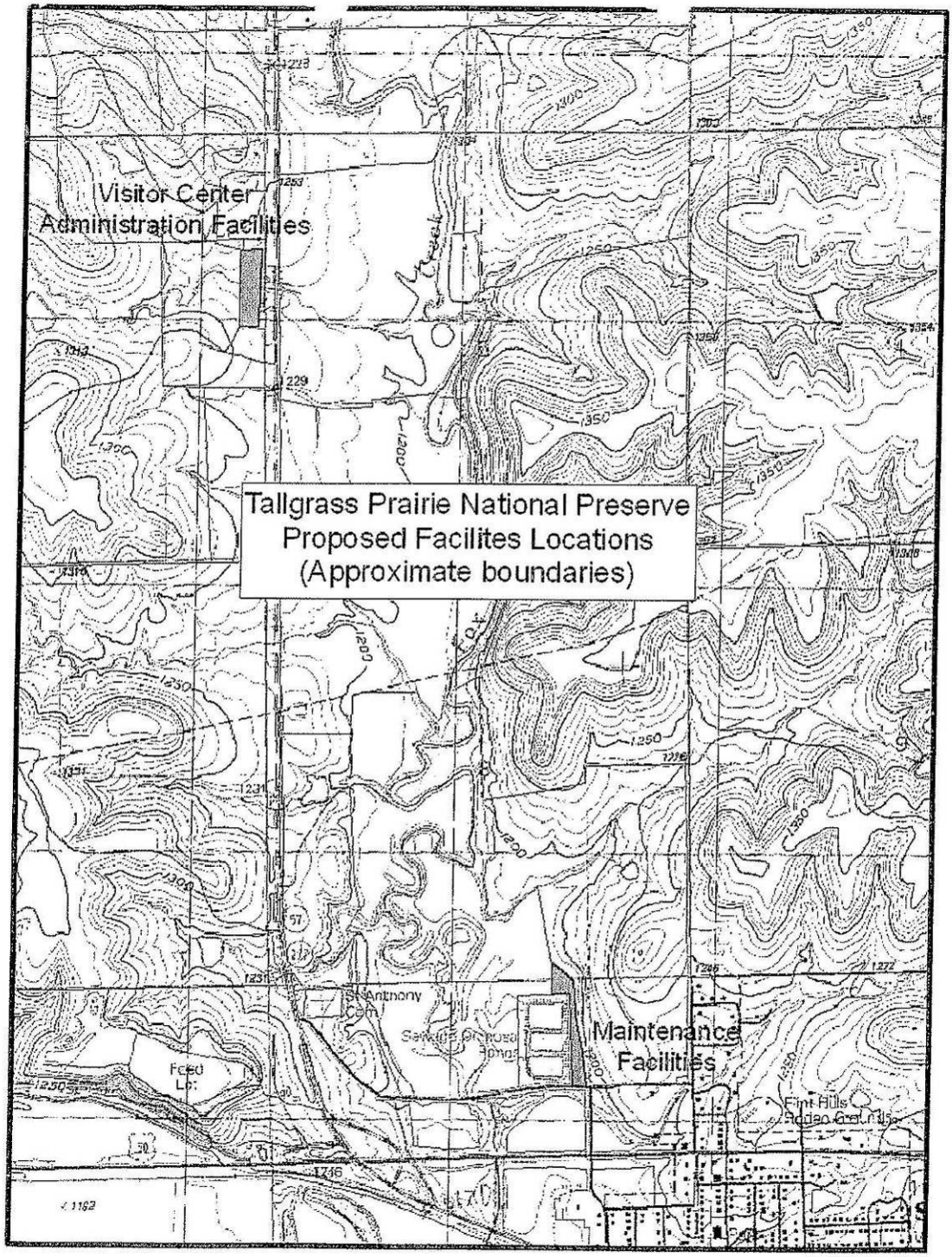
Sgd

Stephen T. Miller
Superintendent

Enclosures 1

bcc:
central files
chron files
reading file

STMiller:mem:8/17/2006


Visitor Center
Administration Facilities
Tallgrass Prairie National Preserve
Proposed Facilites Locations
(Approximate boundaries)
Maintenance
Facilities
Feed
Lot
St Anthony
Cem
Flint Hills
Rodeo Grounds

NOV-21-2003 15:29 TALLGRASS PRAIRIE NPRES P.19/26

NOV 17 2003
11/17/03
copy provided to Park

# United States Department of the Interior

FISH AND WILDLIFE SERVICE
Kansas Field Office
315 Houston Street, Suite E
Manhattan, Kansas 66502-6172

November 12, 2003

Stephen T. Miller
Superintendent
National Park Service
Tallgrass Prairie National Preserve
P.O. Box 585, 226 Broadway
Cottonwood Falls, Kansas 66845

Dear Mr. Miller:

This is in response to your October 28, 2003 letter announcing the Park Service's process of preparing a site development plan and environmental assessment for future facilities development. Plans include a visitor information and orientation area with visitor and administrative facilities. Our principle interests in this development are the protection of federal trust resources, including threatened and endangered species, migratory birds, and wetlands.

As you are already aware, the endangered Topeka shiner (Notropis topeka) has been confirmed as occurring in streams on the Preserve. Two unnamed right bank tributaries to Fox Creek are known to contain this endangered fish, as is an unnamed left bank direct tributary to the Cottonwood River. Impacts to these areas, including increased runoff or significant alterations to the watershed areas, should be avoided if at all possible. You have already indicated in your General Management Plan a desire to minimize impacts on the prairie resource for which the Preserve was dedicated, which will help minimize impacts on grassland nesting birds, some of which are experiencing sharp population declines in recent years. In this predominantly prairie setting, wetlands are generally associated with streams and artificial impoundments. However, a more site-specific assessment should be conducted prior to final selection of a particular site for development. If wetland habitats may be impacted, a permit may be required from the U.S. Army Corps of Engineers.

If you have any further questions regarding any of these comments, please contact this office again. Thank you for providing us this opportunity for coordination.

Sincerely,

William H. Gill

William H. Gill
Field Supervisor

Appendix C

NOV-21-2003 15:30 TALLGRASS PRAIRIE NPRES P.21/26

NOV 18 2005

KANSAS

RODERICK L. BREMBY, SECRETARY

DEPARTMENT OF HEALTH AND ENVIRONMENT

KATHLEEN SEBELIUS, GOVERNOR

The following list of Leaking Underground Storage Tank projects are printed from the Agency's database of Underground and Aboveground storage tank facilities that have been assessed. The information contained in this printout is for informational purposes only and does not necessarily represent the current condition of the property.

If the receiver of this information would like to view specific documents in these files, please contact Kristie Ohlemeier at (785) 296-1678 or provide a written request by mail or fax at (785) 296-6190.

DIVISION OF ENVIRONMENT
Bureau of Environmental Remediation
CURTIS STATE OFFICE BUILDING, 1000 SW JACKSON ST., STE 410, TOPEKA, KS 66612-1367
Phone 785-296-1678 Fax 785-296-6190 http://www.kdhe.state.ks.us/ber/index.html
Printed on Recycled Paper

*Appendix C*

NOV-21-2003 15:30 TALLGRASS PRAIRIE NPRES P.23/26

NOV 18 2003

**K A N S A S**

RODERICK L. BREMBY, SECRETARY

DEPARTMENT OF HEALTH AND ENVIRONMENT

KATHLEEN SEBELIUS, GOVERNOR

MEMORANDUM

DATE: November 4, 2003

TO: Donna Fisher, Receptionist - DOE Director's Office

FROM: Donald Carlson - BOW

SUBJECT: Agency Review Comments
Tallgrass Prairie National Preserve - Cottonwood Falls

I offer the following comments for review and consideration:

- As of January 9, 2003, the owner or operator (the party responsible for the project) of any construction activity which disturbs 1 acre or more is required to file a National Pollutant Discharge Elimination System (NPDES) permit application for stormwater runoff resulting from construction activities. The project owner (the party responsible for the project) must obtain authorization from KDHE to discharge stormwater runoff associated with construction activities prior to commencing construction. The Kansas construction stormwater general permit, a Notice of Intent (application form), a frequently asked questions file and supplemental materials are on-line on the KDHE Stormwater Program webpage at www.kdhe.state.ks.us/stormwater. Any additional questions or further information regarding construction stormwater permitting requirements should be directed to Alan Brooks at (785) 296-5549.

- Wastewater generated by the facility which is not directed to a City sanitary sewer may require the issuance of a State Water Pollution Control Permit. To obtain information regarding the need for a permit or to obtain the appropriate application forms, please contact Donald Carlson at (785) 296-5547 or Joe Mester at (785) 296-6804.

- If you will utilize a private water well to supply drinking water for the proposed facility, and the facility will serve 25 people or more per day, you need to contact Dave Waldo

DIVISION OF ENVIRONMENT
Bureau of Water - Industrial Programs Section
CURTIS STATE OFFICE BUILDING, 1000 SW JACKSON ST., STE 420, TOPEKA, KS 66612-1367
Voice 785-296-5545 Fax 785-296-0086 http://www.kdhe.state.ks.us

Appendix C

NOV-21-2003 15:31 TALLGRASS PRAIRIE NPRES P.25/26

Bob + Bruce provided a copy. [illegible]

NOV 20 2003

KANSAS KSR&C No. 03-10-194

Kansas State Historical Society
Dick Pankratz, *Director, Cultural Resources Division*

KATHLEEN SEBELIUS, GOVERNOR

November 19, 2003

Stephen T. Miller
US Department of the Interior
National Park Service
Tallgrass Prairie National Preserve Office
P.O. Box 585
Cottonwood Falls, KS 66845-0585

RE: Tallgrass Prairie National Preserve Proposed Visitor Information and Orientation Area
Chase County

Dear Mr. Miller:

Thank you for providing the Kansas State Historic Preservation Office with information regarding the proposed construction of the Visitor Information and Orientation Area at the Tallgrass Prairie National Preserve. We have reviewed the park's General Management Plan and our cultural resources files in accordance with 36 CFR 800. Because the project area lies in an area of high archeological potential that has never undergone an archeological survey, we recommend the area be surveyed by a professional archeologist prior to beginning construction.

Additionally, two previously recorded archeological sites (14CS105 and 14CS113) lie within the general area identified for construction of the visitor center and associated facilities. If these sites lie within or adjacent to the area ultimately selected for construction, we recommend they be tested for eligibility for listing on the National Register of Historic Places prior to the onset of construction.

Please provide this office with two **unbound** copies of the report documenting the survey, its results, and recommendations for avoidance or further testing of archeological sites, if any.

This information is provided at your request to assist you in identifying historic properties, as specified in 36 CFR 800 for Section 106 consultation procedures. If you have questions or need additional information regarding these comments, please contact Will Banks 785-272-8681 (ex. 214) or Jennifer Epperson (ex. 225). Please refer to the Kansas Review & Compliance number (KSR&C#) above on all future correspondence relating to this project.

Sincerely,

Mary R. Allman
State Historic Preservation Officer

Richard Pankratz

Richard Pankratz, Director
Cultural Resources Division

RDP/jee

6425 SW Sixth Avenue • Topeka, KS 66615-1099
Phone 785-272-8681 Ext. 217 • Fax 785-272-8682 • Email dpankratz@kshs.org • TTY 785-272-8683
www.kshs.org