United States Department of Agriculture
Farm Service Agency

FINDING OF NO SIGNIFICANT IMPACT (FONSI)

Implementation of the Conservation Reserve Enhancement Program Agreement for Kansas

January 2007

Introduction:
The United States Department of Agriculture Farm Service Agency (FSA) has prepared a Programmatic Environmental Assessment (PEA), *Programmatic Environmental Assessment Upper Arkansas River Basin Conservation Reserve Enhancement Program*, to evaluate the environmental consequences associated with implementing Kansas' Conservation Reserve Enhancement Program (CREP) agreement.

The purpose of the Upper Arkansas River CREP agreement is to address declining water quantity and water quality in the Upper Arkansas River basin. The agreement seeks to reduce aquifer overdraft by retiring the water rights for up to 100,000 acres of irrigated cropland. The agreement also seeks to address the need to reduce the amount of nutrients, sediments, and agricultural chemicals (fertilizers, herbicides, and pesticides) that enter the Upper Arkansas River from adjacent farmland. The agreement is expected to improve habitat for local wildlife, migrating waterfowl, and aquatic organisms by increasing the quantity and quality of water in the Upper Arkansas River basin. The implementation of the agreement is needed to meet the following objectives in Kansas:

1. Establish a maximum of 100,000 acres of grass and legume crops through CREP in the project priority area (85,000 irrigated acres, 15,000 from dryland pivot corners as part of whole field enrollment). Of the 85,000 irrigated acres, an estimate of 3,000 acres would be farmable wetlands, wetland buffers, riparian buffer, or filter strips.

2. Reduce the application of groundwater for irrigation in the targeted area by 149,600 acre-feet, annually, with the enrollment of 85,000 irrigated acres.

3. Increase the frequency of meeting minimum desirable streamflows in the Arkansas River at the United States Geological Survey (USGS) gauging stations at Great Bend and Kinsley by 2020 from 71 percent and 52 percent, respectively, as measured in 1996-2005.

4. Reduce stream flow transient losses caused by inefficiencies in the delivery of the water by improving the channel and canal delivery system.

5. Reduce the rate of groundwater declines in the alluvial aquifer and the hydraulically connected High Plains aquifer in the CREP area by 2020 from those measured during the winter months for the past five years (2001 – 2005) and ten years (1996-2005).

6. Reduce the outward migration of river salinity within the High Plains aquifer by 2020 from the currently projected extent based on 1990s groundwater conditions in the Arkansas River valley.

7. Reduce the bacterial levels in the Arkansas River in Edwards and Pawnee Counties by 2020 from the 1990 – 2000 levels.

8. Increase aquifer recharge and wildlife habitat by enrolling 1,000 acres of playa lakes and soils in the CREP.

9. Provide educational assistance to CREP area irrigators to maximize crop profitability with limited irrigation water with consultations by Kansas State University's Research & Extension personnel.

10. Protect the ecological and recreational viability of the Cheyenne Bottoms with improved Arkansas River stream flow, as measured by an increase in the average, annual bird count at the Bottoms in 2015-2023 as recorded from 1996-2004, and in post-CREP increased human visitation rates in 2015-2023 as recorded from 1996-2004.

11. Reduce energy consumption from an average of 59,850 kilowatt hours (kW-hr) to less than 5,000 kW-hr per pivot for the first two years on pivots enrolled in CREP. In subsequent years, energy consumption will be reduced to zero, as the pivots will be removed from the enrolled parcel. Total energy savings for the term of CREP contracts will approach 40 million kW-hr.

Preferred Alternative:
Under the Proposed Action, up to 85,000 acres of irrigated cropland and up to 15,000 acres of nonirrigated field corners would be removed from production for a period of 10 to 15 years. Water rights associated with this irrigated agriculture would be permanently retired. A conservation cover crop would be planted. Landowners would be provided with the necessary financial and technical assistance to make this transition to conservation cover. Limited amounts of irrigation could be used as necessary for the first few years to establish the conservation cover crop. The conservation cover is expected to conserve soil and water, filter nutrients and pesticides, and enhance and restore wildlife habitat. At the close of the contract period, the landowners could continue to keep their land in conservation cover or could choose to conduct dryland (nonirrigated) cropping of their land.

Reasons for Finding of No Significant Impact:
In consideration of the analysis documented in the PEA and the reasons outlined in this FONSI, the preferred alternative would not constitute a State or Federal action that would significantly affect the human environment. Therefore, an environmental impact statement will not be prepared. The determination is based on the following:

1. Both beneficial and adverse impacts of implementing the preferred alternative have been fully considered within the PEA. The beneficial impacts outweigh any adverse impacts. Adverse cumulative impacts are expected to be minor as implementation of the preferred alternative will cause very little if any adverse impact on the area of potential effect and the human environment.

2. The preferred alternative would benefit public health or safety. Implementing the preferred alternative would improve the quality of drinking water supplies by reducing the amounts of potentially harmful pollutants entering water supplies. Removing land from agricultural production would also reduce the amount of pesticide application, thereby potentially decreasing the risk of exposure to agricultural workers who apply pesticides or who are present during application.

3. The preferred alternative would not adversely affect any unique characteristics which include historic and cultural resources, parklands, wetlands, wild and scenic rivers, or ecologically critical areas.

4. The preferred alternative does not involve effects to the quality of the human environment that are likely to be highly controversial.

5. The preferred alternative would not impose highly uncertain or involve unique or unknown risks.

6. The preferred alternative would not establish a precedent for future actions with significant effects and does not represent a decision in principle about a future consideration. The intended outcome of the preferred alternative is improved water quality and quantity. Any similar future action would need to be evaluated on an individual basis to determine potential environmental consequences.

7. The preferred alternative is not related to other actions with individually insignificant or cumulatively significant impacts. The Cumulative Effects chapter of the PEA discusses potential cumulative impacts of implementing the preferred alternative, which were determined to not be significant.

8. The preferred alternative would not adversely affect districts, sites, highways, structures, or objects listed in or eligible for listing in the National Register of Historic Places or cause loss or destruction of significant scientific, cultural, or historical resources. Consultation with the Kansas State Historic Preservation Office was completed at a programmatic level. Further consultation will occur as necessary for individual CREP contracts.

9. The preferred alternative would not have adverse effects on threatened or endangered species or designated critical habitat. In accordance with section 7 of the Endangered Species Act, the effects of implementing the preferred alternative on threatened and endangered species and designated critical habitat were addressed in the PEA. Consultation with the U.S. Fish Wildlife Service was completed at a programmatic level. Further consultation will occur as necessary for individual CREP contracts.

10. The preferred alternative does not threaten a violation of Federal, State, or local law or requirements imposed for the protection of the environment.

Determination:
In accordance with the with the *National Environmental Policy Act* and its associated implementing and FSA compliance regulations (40 *Code of Federal Regulations* [CFR] parts 1500 et seq., 7 CFR parts 799 et seq.), I find that the preferred alternative is not a Federal action significantly affecting the quality of the human environment. Therefore, no environmental impact statement will be prepared.

APPROVED: On File — **Signature**

1-25-07 — **Date *(MM-DD-YYY)***

Bill R. Fuller — **Name *(Typed or Printed)***

State Executive Director — **Title**