DRAFT ENVIRONMENTAL ASSESSMENT

FORT SCOTT NATIONAL CEMETERY

LAND ACQUISITION

FORT SCOTT, BOURBON COUNTY, KANSAS

U.S. DEPARTMENT OF VETERANS AFFAIRS

OFFICE OF CONSTRUCTION AND FACILITIES MANAGEMENT
425 I STREET, NW
WASHINGTON, DC 20001

February 21, 2025

EXECUTIVE SUMMARY

This Draft Environmental Assessment (EA) is prepared in accordance with the National Environmental Policy Act (NEPA) of 1969 (42 United States Code 4321 et seq.), VA's NEPA regulations (38 CFR 26), and the VA NEPA Interim Guidance for Projects (VA 2010).

Proposed Action

The U.S. Department of Veterans Affairs (VA) has prepared this Draft EA to analyze the potential environmental impacts associated with the Proposed Action: acquisition of approximately 10-acres of land adjacent to the Fort Scott National Cemetery (FSNC) located at 900 East National Avenue, Fort Scott, Bourbon County, Kansas. VA National Cemetery Administration (NCA) operates the existing FSNC. The FSNC was one of 14 national cemeteries designated and established in 1862, when congress approved the creation of national cemeteries.

Purpose and Need

The purpose of the Proposed Action is to acquire approximately 10-acres of land adjacent to the existing FSNC in order to provide additional interment capacity to serve the projected burial needs of Veterans in the region. The Proposed Action would allow VA to continue to provide interment options for eligible Veterans in the region.

The need for the Proposed Action is to acquire the necessary land to expand the cemetery to provide the additional interment capacity needed at FSNC in order to preserve continuous, uninterrupted interment options for the veterans in and around Fort Scott, Kansas. The Proposed Action would provide VA the land necessary for future additional capacity to meet its burial objectives for eligible Veterans in the region.

Alternatives

This EA examines two alternatives, the Proposed Action Alternative, and the No Action Alternative, defined as follows:

Proposed Action Alternative

The Proposed Action would acquire approximately 10-acres of land adjacent to the existing FSNC in order to provide additional interment capacity to serve the projected burial needs of Veterans in the region. The Proposed Action would allow VA to continue to provide interment options for eligible Veterans in the region.

No Action Alternative

Under the No Action Alternative, the Proposed Action would not be implemented. Veterans and their families in the region would continue to use the FSNC until internment options are no longer available. In the future, VA would likely seek other land to expand the FSNC but may not be able to acquire the land contiguous with or near the existing FSNC. The No Action Alternative would not enable VA to provide adequate, cemetery facilities in the region when FSNC reaches interment capacity. However, the No Action Alternative is assessed in this EA to provide comparative baseline analysis.

Table 1 summarizes the resource areas analyzed in this EA and the potential environmental effects of the Proposed Action Alternative and the No Action Alternative. A detailed analysis of the potential effects to these resource areas is provided in Section 3.0 Affected Environment and Environmental Consequences.

Table 1. Summary of Resource Area Impacts

Resource Area	Proposed Action Alternative	No Action Alternative
Aesthetics	• No impacts from acquisition. • Minor temporary adverse impacts during future cemetery expansion.	• No Impacts.
Air Quality	• No impacts from acquisition. • Less than significant, temporary adverse impacts during future cemetery expansion.	• No Impacts.
Cultural Resources	• No Impacts.	• No Impacts.
Geology, Topography, and Soils	• No impacts from acquisition. • Utilize recommendations from Geotechnical Report to avoid adverse impacts to soils. No adverse impacts anticipated if BMPs and recommendations are followed during future cemetery expansion.	• No Impacts.
Hydrology and Water Quality	• No impacts from acquisition. • Implement BMPs to limit adverse impacts during future cemetery expansion related to soil erosion and sedimentation. • Designed stormwater features and systems will be utilized to avoid impacts to downstream water resources.	• No Impacts.
Wildlife and Habitat	• No impacts from acquisition.	• No Impacts.
Noise	• No impacts from acquisition. • Minor temporary adverse impacts during future cemetery expansion. • Marginal adverse impacts from traffic, site maintenance, and burial gun salutes similar to existing conditions at existing FSNC.	• No Impacts.
Land Use	• No impacts.	• No Impacts.
Floodplains, Wetlands, Coastal Zone Management	• No impacts from acquisition.	• No Impacts.
Socioeconomics	• Positive beneficial impact to regional economy via design, construction, and maintenance jobs.	• No Impacts.
Community Services	• No impacts.	• No Impacts.
Solid Waste and Hazardous Materials	• No impacts from acquisition. • Less than significant adverse impacts related to lead and asbestos abatement, and disposal of solid and hazardous waste onsite during future demolition and construction activities related to cemetery expansion.	• No Impacts.
Transportation and Parking	• Temporary adverse impacts during future cemetery expansion as vehicles and equipment go to and from the site.	• No Impacts.
Utilities	• No impacts.	• No Impacts.

Environmental Justice	• No impacts.	• No Impacts.
Cumulative Impacts	• No impacts.	• No Impacts.

Agency and Public Involvement

VA consulted the federal, state, local, tribal, and elected officials listed in **Section 5.0 Public Involvement** as part of an initial scoping process. A scoping notice was posted to the VA website and published in the *Fort Scott Tribune* on October 26 and 30, 2024. This Draft EA and a Notice of Availability will be made available to the public for comment by posting on the VA website, and hard copies made available at the Fort Scott National Cemetery and Fort Scott Public Library. The legal notice will be posted in the Fort Scott Tribune. Additional details can be found in **Section 5.0 Public Involvement**.

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ACRONYMS AND ABBREVIATIONS

ACHP	Advisory Council on Historical Preservation
ACM	Asbestos Contaminated Materials
ADT	Average Daily Traffic
AIRFA	American Indian Religious Freedom Act
APE	Area of Potential Effect
AQCR	Air Quality Control Region
AQI	Air Quality Index
ARPA	Archeological Resource Protection Act
AST	Above Ground Storage Tank
ASTM	American Society for Testing and Materials
BCC	Birds of Conservation Concern
BMP	Best Management Practices
CFR	Code of Federal Regulations
CLA	Clean Air Act
CLAA	Clean Air Act Amendments
CO	Carbon Monoxide
CSR	Code of State Regulation
CWA	Clean Water Act
dBA	a-Weighted Decibel
DoAQ	Department of Air Quality
DOT	Department of Transportation
DOW	Division of Wildlife
DPM	Diesel Particulate Matters
EA	Environmental Assessment
EPA	Environmental Protection Agency
ESA	Environmental Site Assessment
FONSI	Finding of No Significant Impacts
FPPA	Farmland Protection Policy Act
FSNC	Fort Scott National Cemetery
GHG	Greenhouse Gas
GSV	Ground Surface Visibility
HAP	Hazardous Air Pollutant
HUC	Hydrological Unit Code
HUD	United States Department of Housing and Urban Development
IBC	International Business Code
IPaC	Information for Planning and Consultation
KDHE	Kansas Department of Health and Environment
KDHE-BER	Kansas Department of Health and Environment Bureau of Remediation
KDOT	Kansas Department of Transportation
LBP	Lead Based Paint
LDTL	Lowest Default Target Levels
MC	Moisture Content
MOA	Memorandum of Agreement
NAAQS	National Ambient Air Quality Standards

NAGPRA	Native American Grave Protection and Reparation Act
NEPA	National Environmental Policy Act
NHPA	National Historic Preservation Act
NLEB	Northern Long Eared Bat
NOAA	National Oceanic and Atmospheric Association
NOA	Notice of Availability
NOx	Nitrogen Oxides
NPDES	National Pollutant Discharge Elimination System
NPS	National Park Service
NRCA	Natural Resource Conservation Act
NRCS	Natural Resource Conservation Service
NRHP	National Registry of Historic Places
NWI	National Wetland Inventory
O & M	Natural Resource Conservation Service
O3	Ozone
OSHA	Occupational Safety and Health Administration
PA	Programmatic Agreement
Pb	Lead
PM	Particulate matter
RBTL	Risk Based Target Levels
RCRA	Resource Conservation and Recovery Act
REC	Recognized Environmental Conditions
ROI	Region of Influence
SHPO	State Historic Preservation Office
SMARS	Site Management Reporting System
SO2	Sulfur Dioxide
SPCC	Spill Prevention Control and Countermeasures
SPT	Standard Penetration Testing
SWPPP	Stormwater Pollution and Prevention Plan
TDAT	Tribal Directory Assessment Tool
TMDL	Total Maximum Daily Load
TRI	Toxic Release Inventory
USACE	United States Army Corp of Engineers
USC	United States Code
USDA	United States Department of Agriculture
USFWS	United States Fish and Wildlife Service
USGS	United States Geological Survey
UST	Underground Storage Tank
URA	Uniform Relocation Act
VA	Veterans Affairs
VISN	Veterans Integrated Service Network
XRF	SciAps X-Ray Fluorescence Portable Field Analyzer

1.0 INTRODUCTION

The U.S. Department of Veterans Affairs (VA) National Cemetery Administration (NCA) honors Veterans and their families with final resting places in national shrines and with lasting tributes that commemorate their service and sacrifice to the nation. VA operates 155 national cemeteries and 34 soldiers' lots and monument sites in 42 states and Puerto Rico. More than 4 million Americans are buried in VA's national cemeteries. VA's Office of Construction and Facility Management's mission is to advance VA's mission in support of the nation's Veterans by planning, designing, constructing, acquiring major facilities, and setting design and construction standards.

1.1 Background

The U.S. Department of Veterans Affairs (VA) has prepared this Draft EA to analyze the potential environmental impacts associated with the Proposed Action: acquisition of approximately 10-acres of land adjacent to the Fort Scott National Cemetery (FSNC) located at 900 East National Avenue, Fort Scott, Bourbon County, Kansas (See Figure 1. Site Vicinity Map on next page). VA National Cemetery Administration (NCA) operates the existing FSNC. The FSNC was one of 14 national cemeteries designated and established in 1862, when congress approved the creation of national cemeteries.

1.2 Purpose and Need

The purpose of the Proposed Action is to acquire approximately 10-acres of land adjacent to the existing FSNC in order to provide additional interment capacity to serve the projected burial needs of Veterans in the region. The Proposed Action would allow VA to continue to provide interment options for eligible Veterans in the region.

The need for the Proposed Action is to acquire the necessary land to expand the cemetery to provide the additional interment capacity needed at FSNC in order to preserve continuous, uninterrupted interment options for the veterans in and around Fort Scott, Kansas. The Proposed Action would provide VA the land necessary for future additional capacity to meet its burial objectives for eligible Veterans in the region.

1.3 Decision Making

As a federal agency, the VA is required to incorporate environmental considerations into their decision-making process for the actions they propose to undertake. This is done in accordance with the previously identified law, regulation, and guidance in Section 1.0.

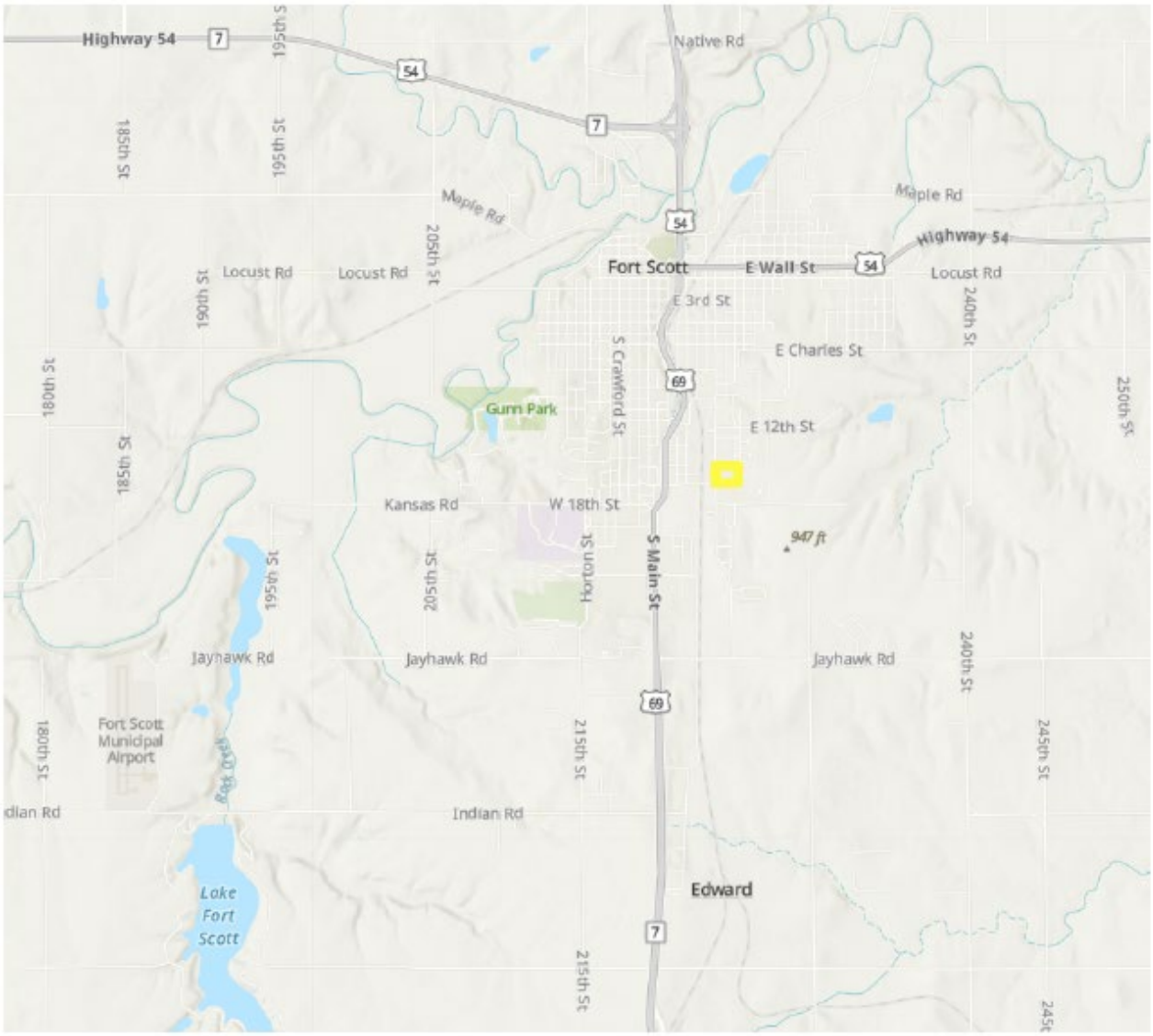
This EA has been developed to:

- Inform decision-makers and the public of the possible environmental effects of the Proposed Action and alternatives, as well as methods to reduce these effects.
- Document the NEPA process.
- Allow for public input into the decision-making process.
- Allow for informed decision-making by the Federal government.
- Evaluate the potential effects.

This NEPA process includes identifying the actions that the government would commit to undertake to minimize environmental effects, as required under NEPA, VA's NCA Facilities Design Guide, Title 38 CFR– §39.60 General Requirements for Site Selection and Construction of Veterans Cemeteries and VA's NEPA regulations. The intent of the document is to provide VA with appropriate information to make an informed decision on whether to implement the alternatives proposed in Section 2.0 Alternatives.

Fort Scott VA Acquisition
Fort Scott, Kansas

Figure A.
Site Vicinity Map



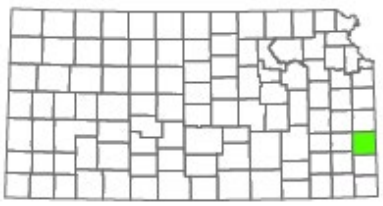
Legend
Project Extent

Address: 900 E National Ave
Fort Scott, KS 66701
Lat/Long: 37.822428,-94.696282
PID: : Multiple
Project No: 17885
Date: 5.19.2024

0 0.5 1 2 mi
0 0.75 1.5 3 km

ANDERSON
13605 1st Ave N #100, Plymouth, MN 55441
P 763.412.4000 F 763.412.4090 ae-mn.com

Project Location



City of Fort Scott
Bourbon County, KS

SOURCE: XX DNR, USDA, ESRI, TIGER, Bing, XXXXXX Co., Anderson Engineering

2.0 ALTERNATIVES

This section describes the Proposed Action and its alternatives, including those that VA initially considered, but eliminated, and the reasons for eliminating them. The screening criteria and process developed and applied by VA to hone the number of reasonable alternatives is described, providing VA's rationale in retaining for analysis one action alternative, the Proposed Action, which best meets VA's purpose of and need for the Proposed Action.

In accordance with the NEPA and 38 CFR Part 26; reasonable alternatives need to be evaluated. Alternatives that are eliminated from detailed study must be identified along with a brief discussion of the reasons for eliminating them. An alternative was considered reasonable only if it would accomplish the primary mission of providing an expanded cemetery and interment options that meet the purpose and need for the Proposed Action. Eliminated alternatives would not enable VA to meet the purpose of and need for the Proposed Action.

The fort was originally established in 1842 and named for Lieutenant General Winfield Scott, then General in chief of the U.S. Army. During the 1840s, the army established a cemetery on the west end of town for soldiers who died while stationed at the Fort Scott Garrison. In 1861, town officers and citizens of Fort Scott purchased four acres southeast of the old post for use as a community burial ground, known as the Presbyterian Graveyard. FSNC was one of 14 national cemeteries designated or established in 1862, when congress approved the creation of national cemeteries. On November 15, 1862, the Presbyterian Graveyard and an adjoining tract were designated as FSNC.

FSNC lies on the east end of the City of Fort Scott approximately 87 miles south of Kansas City. The current FSNC is approximately 30 acres in size. FSNC is located at 900 East National Avenue, Fort Scott, Bourbon County, Kansas. The cemetery is bound to the south by 18th Street, to the east by William Street, to the west by South Margrave Street, and private property to the north. Currently, 6.4% of the State of Kansas population (2,937,880) are veterans. Of the population of Fort Scott (7,552), 7.4% are veterans.

The NCA Final Land Acquisition Fact Sheet, dated April 2012, states adjacent/contiguous property is considered to be the first and best option for cemetery expansion. National Cemetery expansion onto adjacent land is the most cost effective and operationally efficient manner to expand an existing National Cemetery. Doing so promotes efficiencies and allows the new gravesite areas to be operated by the same staff that operate the existing grounds, with no need for remote staff, remote buildings, and remote equipment. It also eliminates visitors directional and wayfinding confusion that may occur with a remotely located property.

2.1 Proposed Action Alternative

The Proposed Action Alternative would include the acquisition of approximately 10-acres of land directly adjacent to the northwest of the existing FSNC (See Figure 2. Site Location Map). The proposed land to be acquired consists of five separate parcels; bound to the south by East National Avenue and FSNC, the west by South Margrave Street, the north by private property, and the east by FSNC. The land is currently of mixed use, primarily grassy pasture, with patches of forested areas and four structures. Two of the structures are residential buildings, and the remaining are a large shed and smaller caved in shed. Once the existing FSNC is nearing interment capacity, the acquired land would be utilized for expansion to meet interment needs for the region.

VA would follow the NCA Facilities Design Guide while preparing for the Proposed Action. Prior to future construction, VA would obtain all applicable Federal, State, and local permits for the Proposed cemetery development from appropriate government authorities. VA would avoid any significant onsite environmental resources through sensitive site design, including avoidance of significant natural resources.

Figure B. Site Location Map

2.2 No Action Alternative

Under the No Action Alternative, the Proposed Action Alternative would not be implemented. Veterans and their families in the region would continue to use the FSNC until internment options are no longer available. In the future, VA would likely seek other land to expand the FSNC but may not be able to acquire the land contiguous with or near the existing FSNC. With the No Action Alternative, the VA would not be able to continue offering interment options to the veterans and families within the service area after current burial options are full.

3.0 AFFECTED ENVIRONMENT AND ENVIRONMENTAL CONSEQUENCES

This section describes the existing physical, environmental, cultural, and socioeconomic conditions at the Cemetery and its general vicinity, with emphasis on those resources potentially affected by the Proposed Action. In this EA, effects are identified as either significant, minor (that is, common effects that would not be of the context or intensity to be considered significant under NEPA), less-than-significant, or no effect. Where appropriate and clearly discernible, each effect is identified as either adverse or beneficial.
The potential of the Proposed Action to significantly affect the human environment is based on considerations of both *context* and *intensity*, as specified below:

Context. The significance of an action must be analyzed in several contexts such as society (human, national), the affected region, the affected interests, and the locality. Both short- and long-term effects are relevant.

Intensity. This refers to the severity of impact and the following should be considered in evaluating intensity:

- If the impact is beneficial, adverse, or both (adverse effects may occur in the short term, but mitigation or replacement will benefit in the long term).
- The degree to which the proposed action affects public health or safety.
- Unique characteristics of the geographic area such as proximity to historic or cultural resources, park lands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas.
- The degree to which the effects on the quality of the human environment are likely to be highly controversial.
- The degree to which the action may establish a precedent for future actions with significant effects or represents a decision in principle about a future consideration.
- Whether the action is related to other actions with individually insignificant but cumulatively significant impact on the environment.
- The degree to which the action may adversely affect listed or eligible for listing in the National Register of Historic Places or may cause loss to destruction of significant scientific, cultural, or historical resources.
- The degree to which the action may adversely affect an endangered or threatened species or its habitat that has been determined to be critical under the Endangered Species Act.
- Whether the action threatens a violation of federal, state, or local law or requirements imposed for the protection of the environment.

Aesthetics

3.1.1 Background

The Proposed Action Alternative area (Site) consists of an approximately 10-acre plot of land made up of 5 separate parcels located to the northwest of the existing FSNC. The site is primarily grassland that was previously utilized as pasture and hayfield, with patches of forested acreage and fencerows and four structures. These structures consist of two residential houses on the southwest portion of the site, a large shed on the south end and a small caved in shed. To the east and south of the site are the existing FSNC, and to the north and west are single family residential properties. The Site has gradual topographic change that slopes generally towards the east, varying from 875 feet of elevation on the southeast side of the site to 863 feet of elevation on the northwest side of the site. Much of the surrounding area is of similar topography and elevation.

3.1.2 Effects of the Proposed Action Alternative

The Proposed Action would acquire the land for future cemetery expansion and not have an adverse impact on site aesthetics.

Once the Site was to be utilized for expansion, site construction and earthwork activities would begin. Upon completion of earthwork, managed turf, landscaped features, and other planned improvements would be established and installed. Construction activities temporarily affecting aesthetics may include parked construction equipment, excavation/grading, mud after rain events, heavy equipment and contractor vehicles using the adjoining roads, and perimeter control/silt fences surrounding the project area.

Following construction into the operation phase, the appearance of the Proposed Action Alternative area would improve dramatically and have long-term beneficial impacts to aesthetics. The area would take on the peaceful and park-like characteristics of a National Shrine. Construction equipment would be removed, construction contractor traffic would subside, and temporary effects would be minimized. Exposed soil would be graded to the design standard, and the area planted with native trees, shrubs, and grasses to prevent erosion and reduce water usage. Turf grass would be planted in the sections designated for casket plots, as well as the assembly areas. Silt fences would be removed after the final stabilization of vegetation. Manicured shrubs and hedgerows would be placed around certain features to instill a sense of privacy and seclusion. If needed, stormwater ponds would be located within the proposed action area and vegetated by native grasses, possibly attracting birds and wildlife. The Site would look similar to the existing FSNC located directly adjacent to the south and west and would not be anticipated to result in significant adverse impacts to aesthetics and viewscape of the area.

3.1.3 Effects of the No Action Alternative

Under the No Action Alternative, no aesthetic impacts would result from VA's actions.

Air Quality

3.2.1 Background

National Ambient Air Quality Standards are mandated by the Clean Air Act (CAA) and administered by the US Environmental Protection Agency (EPA), with monitoring and enforcement delegated to state authorities and state-level Air Quality Control Regions (AQCRs). Established standards identify health-based concentrations for ambient air. Regulated criteria pollutants include carbon monoxide, nitrogen dioxide, ozone, sulfur dioxide, particulate matter measuring less than 2.5 and 10 micrometers in diameter, and lead. Ozone is a colorless gas formed through photochemical reactions involving sunlight, heat, and precursor compounds such as reactive organic compounds and nitrogen oxides. Sources of local precursor emissions are likely derived from vehicle emissions and industrial processes within the AQCR. Local AQCRs that exceed the National Ambient Air Quality Standards are deemed in non-attainment of the standard. Areas that have been classified as non-attainment but are now in compliance can be re-designated maintenance status if the state completes an air quality planning process for the area.

An emitter is classified as a major source if actual or potential emission of a hazardous air pollutant (HAP) is greater than 10 tons per year or 25 tons per year of any combination of HAPs. Lower thresholds apply in non-attainment areas, but only for those HAP(s) in non-attainment. A Title V permit is required for major sources of HAP. Nonmajor sources, excluding certain industrial, manufacturing and mining sources, are not typically required to obtain permits. The FSNC and the Site are under the jurisdiction of the Kansas Department of Health and Environment (KDHE) and the US EPA.

According to the USEPA Green Book website (January 31, 2025), and an EJScreen conducted on February 5, 2025, Bourbon County, Kansas is in full attainment of the national air quality standards for the NAAQS pollutants.

3.2.2 Sensitive Receptors

Sensitive receptors for air quality impacts are the areas where persons that are the most sensitive to pollution effects, such as the very young, elderly, or people with respiratory and other related illnesses live, work or play. In accordance with EO 13045 on children's health, EPA recommends operators and workers using diesel- powered equipment pay particular attention to worksite proximity to where children may learn, play, or live and to impose diesel emission reduction measures near these locations.

Sensitive receptors near the Site (1 mile search radius) include:

- Fort Scott Middle School (0.36 miles NE)
- Fort Scott Christian Heights (0.31 miles N)
- Fort Scott High School (0.54 miles NW)
- Winfield Scott Elementary School (0.78 miles NW)
- Church of Christ (0.26 miles SW)
- Community Christian Church (0.86 miles SW)
- Community of Christ (0.65 miles W)
- Fort Scott Church of Christ (0.62 miles W)
- Parkway Church of God (0.46 miles NW)
- Apostolic Christian Church (0.82 miles W)
- Mary Queen of Angels Catholic (1 mile NW)
- Happy Kids Daycare & Preschool (0.40 miles W)
- Girard Medical Center of Fort Scott (0.52 miles W)
- Community Health Center of Southeast Kansas (0.82 miles SW)
- Medicalodges Fort Scott (0.93 miles NW)
- Hillside Guest Home (0.23 miles SE)
- Horton House Senior Living (0.93 miles NW)
- Ellis Park (0.25 miles NE)
- Judge Harry W. Fisher Park (0.95 miles NW)
- Single Family Residences to the north and west of the Site

3.2.3 Effects of the Proposed Action Alternative

The acquisition of the Site would not result in adverse impacts to air quality, as the Site would remain in its current use until future expansion space was needed at the existing FSNC.

When the Site was needed for expansion, construction and operation would have minor, less than significant adverse impacts on air quality. Short term less than significant adverse impacts to air quality are anticipated as part of construction activities. Temporary releases of fugitive dust (PM_{10}), gaseous emissions of CO, volatile organic compounds (VOC), NO_2, SO_2, and $PM_{2.5}$ from the combustion of fuel used by equipment and vehicles are anticipated during construction. These construction activities would be performed in accordance with Federal and

State air quality requirements. Construction-related emissions are generally short term, but may still have adverse impacts on air quality, primarily due to the production of dust and vehicle/equipment emissions. Dust from demolition and construction can lead to adverse health effects and nuisance concerns. Utilizing BMPs for dust control measures can help reduce adverse impacts to the surrounding area. VA will utilize the Construction Emission Control Checklist provided by the EPA, in addition to EPA BMPs to mitigate air impacts and minimize exposure to workers and sensitive receptors. Construction-related emissions also include exhaust from the operation of construction equipment, including diesel particulate matter (DPM). The use of newer construction equipment with emissions controls and minimizing the time that the equipment is idling reduce construction equipment exhaust emissions. When hauling materials, to the best extent possible, routes that avoid the sensitive receptors listed above should be utilized to avoid air quality impacts as well as reduce the possibility of vehicle-pedestrian accidents. When possible, the utilization of carbon-intensive Portland cement products should be replaced with recycled materials to limit the amount of CO2 emissions, as cement production emits 2.6 times more than the next largest subsector. Implementation of BMPs, discussed in **Section 4.0 Mitigation**, would minimize these anticipated less-than-significant adverse, short-term, construction-related, air quality impacts. In addition, construction activities would adhere to the air resource protection requirements included in the NCA Master Construction Specifications (VA, 2023).

During operation of the cemetery, similar conditions as the existing FSNC would be anticipated. All vehicles in the Cemetery's fleet were/would be purchased through General Services Administration (GSA) and vehicles must comply with air emissions standards, to include properly functioning exhaust systems. In addition, in accordance with VA Directive 0637, no unnecessary vehicle idling is permitted. As additional areas are utilized for interment, it is anticipated the number of visitors would increase over time. However, the increased number of vehicle trips (See **Section 3.13 Transportation and Parking**) is minor and not anticipated to result in significant adverse impacts on air quality. The operation of the expanded cemetery is not anticipated to generate air pollutants beyond temporary construction emissions identified above and slight increase in traffic overtime as the cemetery is built out and utilized. Greenhouse Gas (GHG) emissions from the temporary use of construction equipment would be negligible and cease after the cemetery expansion is completed. The indirect GHG emissions from traffic to and from the cemetery would also be negligible, with the potential GHG emissions from construction and operation of the expanded cemetery being well below the threshold of 25,000 metric tons of carbon dioxide annually as defined by the EPA.

3.2.4 Effects of the No Action Alternative

Under the No Action Alternative, no additional air quality impacts are anticipated.

Cultural Resources

3.3.1 Background

As part of the National Historic Preservation Act (NHPA) of 1966 Section 106 process, and to supply additional information for the NEPA cultural resources assessment, Row 10 Historic Preservation Solutions, LLC (Row 10) completed an Initial Cultural Resource Impact Prediction Study on October 22, 2024, and Environmental Research Group, LLC (ERG) completed a Phase I Archeological Survey in November 2024. Summaries of these reports are detailed below, in addition to a summary of SHPO, Tribal, and other consulting parties' coordination.

<u>Initial Cultural Resource Impact Prediction Study</u>

Row 10 methodology included identification efforts that included a pedestrian survey of the parcel; a windshield survey of the area within the APE; and review of sources at the Bourbon County Public Library; secondary sources; USGS topographic maps and aerial photographs of the Fort Scott area; historic Sanborn Fire Insurance Company maps; National Register of Historic Places (NRHP)-listed and evaluated properties from the Kansas State Historic Preservation Office (KS SHPO); and the NRHP database administered by the National Park Service (NPS). All surveys were undertaken by personnel meeting the Secretary of the Interior's Professional Qualifications Standards

established for Architectural History. Similarly, all research was undertaken by personnel meeting the Professional Qualifications Standards established for History.

The study found only one historic property within the proposed Area of Potential Effect (APE), the existing Fort Scott National Cemetery, which will not be adversely affected by the Proposed Action because per the Keeper of the NRHP's 2011 Policy, "it is anticipated that most cemeteries will represent multiple layers of expansion with new sections being acquired and developed for use periodically as available grave sites are depleted" and because national cemeteries are "properties considered ever-changing and recognized for their continuing exceptional importance." Therefore, a finding of "No Adverse Effects to Historic Properties" pursuant to 36 CFR 800.5(b) was recommended.

Phase I Archeological Survey

Between July 8 – 12, 2024, ERG of Baltimore, Maryland conducted a Phase I archeological investigation in support of a VA undertaking in the city of Fort Scott, Bourbon County, Kansas. Of the 198 total planned shovel tests, 174 were excavated and 24 were not excavated due to existing structures, sidewalks, driveways, and an intermittent drainage. None of the excavated shovel tests contained pre-contact and/or post-contact cultural material and no features were observed. One new archeological site (14BO15) was identified and recorded. Site 14BO15 was first observed as an abandoned outbuilding (Feature A) that subsequently pulled in other associated structures (Features B – E). 14BO15 is an early to mid-twentieth century agrarian/domestic habitation site typical for its time period throughout the area. It is unlikely that further work at this site would produce any information beyond that which has already been gathered, as such, site 14BO15 was considered not eligible for listing on the NRHP.

SHPO, Tribal, and Other Consulting Parties Coordination

Consultation documentation was sent to the KS SHPO and other identified tribes and consulting parties on December 13, 2024. On December 26, 2024, the KS SHPO responded to the consultation with a concurrence of the finding of "No Adverse Effects to Historic Properties". No other response was received during Section 106 consultation or NEPA scoping regarding cultural resources.

3.3.2 Effects of the Proposed Action Alternative

Based on the studies completed and recommendation from Row 10 and ERG; the VA NCA has made a determination of "No Adverse Effect to Historic Properties" from the undertaking pursuant to 36 CFR 800.5 (b). These reports and determination were sent to the SHPO, Tribes and other consulting parties as part of the consultation process for the NHPA Section 106. The SHPO responded on December 26, 2024, and concurred with the determination of No Adverse Effect to Historic Properties including the FSNC. In the case of inadvertent discovery of human remains and/or archaeological materials, future construction will be halted, and the consulting parties will be contacted to participate in consultation regarding treatment and recovery protocols, prior to removal, with appropriate state and federal agencies.

3.3.3 Effects of the No Action Alternative

Under the No Action Alternative, no impacts to cultural resources would occur.

Geology, Topography and Soils

3.4.1 Background

A Geotechnical Engineering Report was conducted by Terracon on October 3, 2024. The site surface elevations range from approximately 863 to 875 feet of elevation and consists of a gradual slope that generally slopes west to east. 10 borings were conducted onsite, as well as a Ground Penetrating Radar (GPR) scan of the site. The general site findings consisted of a residual clay layer, followed by weathered limestone, and then limestone. No groundwater was encountered during the borings.

Table 2. Subsurface Profile Summary

Model Layer	Layer Name	General Description
1	Residual Clay	Fat Clay (CH), medium stiff to stiff
2	Weathered Limestone	Completely Weathered
3	Limestone	Moderately Weathered

Figure C. Geotechnical Boring Locations

The seismic design requirements for buildings and other structures are based on Seismic Design Category. Site Classification is required to determine the Seismic Design Category for a structure. The Site Classification is based on the upper 100 feet of the site profile defined by a weighted average value of either shear wave velocity, standard penetration resistance, or undrained shear strength in accordance with Section 20.4 of ASCE 7 and the International Building Code (IBC). Based on the soil properties observed at the site and as described on the exploration logs and results, Terracon determined that a Seismic Site Classification of C be considered for the project. Subsurface explorations at this site were extended to a maximum depth of 10 feet. The site properties below the boring depth to 100 feet were estimated based on Terracon's experience and knowledge of geologic conditions of the general area.

3.4.2 Effects of the Proposed Action Alternative

The Proposed Action acquisition is anticipated to not result in adverse impacts to geology and soils. No changes to topography or drainage are expected as part of the Proposed Action acquisition.

Minor, less than significant impacts may occur during future construction of the cemetery expansion. Paved areas would be designed to drain to a suitable, on-site, properly engineered and designed, stormwater management

system. Construction activities would disturb some soil surfaces and compact the soil. The soil would then be susceptible to erosion by wind and surface runoff. Utilization of BMPs identified in **Section 4.0 Mitigation** and adherence to the terms of approved National Pollutant Discharge Elimination System (NPDES) and land disturbance permits, including the development and implementation of a site-specific Stormwater Pollution Prevention Plan (SWPPP) would help to limit/avoid significant adverse impacts to soils and water resources onsite and downstream during construction of the expansion.

Once construction activities are completed, the cemetery would not need short term construction erosion or sediment controls other than any necessary engineered stormwater features and infrastructure designed for the expansion. Recommendations detailed in the Preliminary Geotechnical Engineering Report would be incorporated into the cemetery design to ensure the stability of the development and appropriate stabilization of grave site areas.

3.4.3 Effects of the No Action Alternative

Under the No Action Alternative, no impacts to geology, topography, or soils would occur by VA actions.

Hydrology and Water Quality

3.5.1 Background

This section contains the affected environment, regulatory considerations, and potential impacts for the Proposed Action Alternatives for hydrology and water quality. See **Section 3.9 Floodplains, Wetlands, and Coastal Zone Management** for discussion on these topics.

The Federal Clean Water Act (CWA), governs the control of water pollution in the U.S. The CWA authorizes the US EPA to regulate point sources that discharge pollutants into waters of the United States (WOTUS). The Kansas Department of Health and Environment implements the NPDES construction stormwater program. The 1972 Clean Water Act (CWA) Section 303(d) requires states, territories, and authorized tribes to develop lists of impaired waters and developing Total Maximum Daily Loads (TMDLs) for these waterbodies. A TMDL establishes the maximum amount of a constituent of concern (pollutant).

The Site is located within the Marais Des Cygnes Basin, with the closest waterbodies being the Marmaton River and Lath Branch (closest point is approximately 1.25 miles from Site). The Marais Des Cygnes Basin has a drainage area of 421 square miles. The Marmaton River has two listed water quality impairments listed: dissolved oxygen and biological (nutrients and oxygen demand impact on aquatic life).

3.5.2 Effects of the Proposed Action Alternative

Acquisition of the Site would not result in impacts to hydrology and water quality at the Site.

Minor, less than significant impacts related to hydrology and water quality are anticipated during future construction and operation. During the construction of the future expansion, BMPs listed in **Section 4.0 Mitigation** would be implemented to limit construction related soil erosion and sedimentation. The expanded cemetery development would provide any necessary stormwater management to prevent sediment and pollutant runoff. All federal, state, and local regulations that apply to the Proposed Action would be followed, as well as the BMPs mentioned to limit adverse impacts to hydrology and water quality. Permits that may be applicable to the Proposed Action are listed in Appendix A. The use of permeable or porous pavers, limiting carbon-intensive Portland cement, and using green stormwater management practices will be evaluated and implemented to the best extent practicable to avoid adverse impacts to downstream water resources.

3.5.3 Effects of the No Action Alternative

Under the No Action Alternative, no impacts on hydrology or water quality would occur.

Wildlife and Habitat

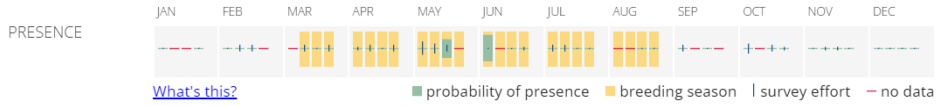
3.6.1 Background

An Endangered Species Act (ESA) Biological Survey was conducted by Anderson Engineering of MN on September 11, 2024. A review of the United States Fish and Wildlife Services online planning tool, Information for Planning and Consultation (IPaC) was conducted on February 5, 2025 (Project Code: 2024-0109450) to provide a list of threatened and endangered species that may occur in the Proposed Action Alternative area or may be affected by the project. IPaC does not identify any critical habitats, National Wildlife Refuge lands or fish hatcheries within the Proposed Action area. The IPaC review resulted in a species list that contains a total of three endangered, threatened or candidate species listed below.

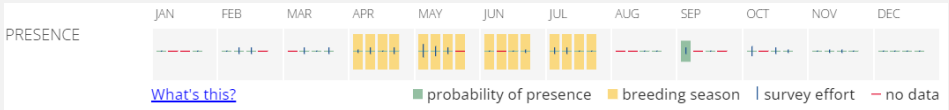
• **Northern Long-eared Bat** ○ *Myotis septentrionalis*	Endangered
• **Monarch Butterfly** ○ *Danaus plexippus*	Proposed Threatened
• **Mead's Milkweed** ○ *Asclepias meadii*	Threatened

In addition, as certain birds are protected under the Migratory Bird Treaty Act of 1918 and the Bald and Golden Eagle Act of 1940, the IPaC review identified three bird species that are of particular concern either because they occur on the USFWS Birds of Conservation Concern (BCC) list or warrant special attention in the project location.

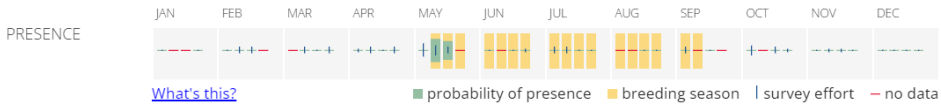
Chimney Swift
Chaetura pelagica



Prothonotary Warbler
Protonotaria citrea



Red-headed Woodpecker
Melanerpes erythrocephalus



Northern long-eared bats utilize caves and mines during the winter months for hibernation and in cavities and crevices of live and dead trees during the non-hibernating season. At times northern long-eared bats can be found utilizing structures such as barns and sheds for non-hibernating roosting habitat. Northern long-eared bats utilize forested areas for feeding as well as traveling between non-hibernating and winter roosting habitat.

Monarch butterflies are a proposed threatened species that utilize fields, roadside areas, open and wet areas, and urban gardens where milkweed and flowering plants are present. Approximately 5.5 acres of the site are mesic/wet prairie and grassy pasture/hayfield areas that contain common milkweed and flowering plants. These areas have historically been hayed/grazed, and portions are still currently mowed. It is expected that monarch butterflies would utilize the site for feeding and laying eggs.

Mead's milkweed is a perennial herb that are found in vegetative communities adapted to drought and fire such as upland tallgrass prairie and glad/barren habitats. Approximately 5.5 acres of the site is mesic/wet prairie and grassy pasture/hayfield areas that have been grazed/mowed previously. Portions of these grassy areas are mowed for trails, yard space, etc. Mead's milkweed was not observed during the site investigation on July 27, 2024.

Kansas Department of Wildlife and Parks

The Kansas Department of Wildlife and Parks lists 13 threatened and endangered species for Bourbon County, and 24 Species in Need of Conservation (SINC). The full list can be viewed in the ESA Biological Survey in Appendix B. No SINC species have critical habitat within Bourbon County. Five of the threatened and endangered species listed have critical habitat designated within Bourbon County.

3.6.2 Effects of the Proposed Action Alternative

Acquisition of the Site will not have an impact on the northern long-eared bat. A determination of "May Affect, Not Likely to Adversely Affect" for the northern long-eared bat is most suitable if future expansion occurs as the habitat offers potential non-hibernating roosting and feeding opportunities. Analysis of the Site shows potential roost trees and several open sheds/barns and feeding areas for the northern long-eared bat are present and may be removed in the future depending on Site expansion plans. In total, approximately 3.8 acres of trees would be removed if the Site was completely cleared. No overwintering or hibernation roost areas were observed onsite.

Habitat utilized by the monarch butterfly wouldn't be impacted by acquisition of the Site. A determination of "May Affect, Not Likely to Adversely Affect" for the monarch butterfly is most suitable if future expansion occurs as the Site contains habitat that may be utilized by the monarch. Mitigation measures described below can be utilized to avoid significant impacts to monarch butterflies if the site is utilized in the future for cemetery expansion, including the utilization of native seed and pollinator mixes for re-planted areas.

A determination of "No Effect" is most appropriate for Mead's milkweed at the Site, as the species wasn't observed onsite.

Acquisition of the Site would not have an adverse impact on species or habitat listed by the Kansas Department of Wildlife and Parks. The following best management practices and recommendations are to limit adverse impacts to listed species during any future expansion activities that may occur on the Site.

For new construction projects, impacts can be avoided by siting projects in locations that have already been disturbed or previously developed, where and when feasible, and by avoiding alteration of areas providing existing habitat, such as wetlands, streams, forest, native grassland, etc. The project should be managed to minimize erosion and sedimentation/runoff to nearby wetlands, streams, and lakes, including adherence to any Clean Water Act permit conditions. Project design should include stormwater management elements that assure storm discharge rates to streams for heavy rain events will not increase from present levels. Revegetate areas in which the natural cover is disturbed to minimize erosion using native plant species compatible with the local landscape and wildlife needs. Avoid aggressive exotic perennials. Pollutants, including sediment, can have significant impacts far downstream. Use silt fences and/or vegetative filter strips to buffer streams and drainages and monitor the site after rain events and until a well-rooted ground cover is reestablished.

3.6.3 Effects of the No Action Alternative

Under the No Action Alternative, no impacts to wildlife or habitat are anticipated.

Noise

3.7.1 Background

The Site is located to the northwest of the existing FSNC. The site is primarily grassland that was previously utilized as pasture and hayfield, with patches of forested acreage and fencerows and four structures. These structures consist of two residential houses on the southwest portion of the site, a large shed on the south end and a small caved in shed. To the east and south of the site are the existing FSNC, and to the north and west are single family residential properties.

Minor noise is associated with traffic on the roadways to the west and south of the Site. Traffic is primarily associated with local traffic to and from residential areas and uses of the cemetery. Ceremonial gun salutes associated with interments at the existing FSNC are audible at the site and surrounding area. The short bursts of noise from the salutes are intermittent and only occur during weekday business hours. No other notable noise-generating sources are present in the immediate vicinity of the site.

3.7.2 Sensitive Noise Receptors

Sensitive noise receptors near the Site (0.25-mile search radius) include:

- Church of Christ (0.26 miles SW)
- Hillside Guest Home (0.23 miles SE)
- Ellis Park (0.25 miles NE)
- Single Family Residences to the north and west of the Site

3.7.3 Effects to Proposed Action Alternative

Acquisition of the Site would not have an impact on noise.

Future expansion would have short-term noise impacts associated with construction activities. All noise generating sources would be associated with standard construction practices, equipment uses, and construction transportation to and from the site. The most prevalent noise source at typical construction sites comes from internal combustion engines. General construction equipment using engines includes but is not limited to heavy, medium, and light equipment such as excavators; roller compactors; front-end loaders; bulldozers; graders; backhoes; dump trucks; water trucks; concrete trucks; pump trucks; utility trucks; cranes; sheet pile drivers; man lifts; forklifts; and lube, oil, and fuel trucks.

Peak noise levels vary at a given location based online of sight, topography, vegetation, and atmospheric conditions. In addition, peak noise levels would be variable and intermittent because each piece of equipment would only be operated when needed. However, peak construction noise levels would be considerably higher than existing noise levels. Relatively high peak noise levels in the range of 93 to 108 dBA (decibels, A-weighted scale) would occur on the active construction site, decreasing with distance from the construction areas. At 0.25 miles, construction noise levels would generally be low enough to be considered insignificant, although transient noise levels may be noticeable at times. Table 5 presents peak noise levels that could be expected from a range of construction equipment during proposed construction activities.

Table 3. Peak Noise Levels Expected from Typical Construction Equipment

Source	Peak Noise Level (dBA, attenuated)							
	Distance from Source (feet)							
	0	50	100	200	400	1,000	1,700	2,500
Heavy Truck	95	84-89	78-93	72-77	66-71	58-63	54-59	50-55
Dump Truck	108	88	82	76	70	62	58	54
Concrete Mixer	108	85	79	73	67	59	55	51
Jackhammer	108	88	82	76	70	62	58	54
Scraper	93	80-89	74-82	68-77	60-71	54-63	50-59	46-55
Bulldozer	107	87-102	81-96	75-90	69-84	61-76	57-72	53-68
Generator	96	76	70	64	58	50	46	42
Crane	104	75-88	69-82	63-76	55-70	49-62	45-48	41-54

Loader	104	73-86	67-80	61-74	55-68	47-60	43-56	39-52
Grader	108	88-91	82-85	76-79	70-73	62-65	58-61	54-57
Pile driver	105	95	89	83	77	69	65	61
Forklift	100	95	89	83	77	69	65	61

Worst-Case Combined Peak Noise Level (Bulldozer, Jackhammer, Scraper)					
Combined Peak Noise Level	Distance from Source (feet)				
	50	100	200	¼ Mile	½ Mile
	103	97	91	74	68

Source: Tipler 1976

Proposed noise impacts post construction and during future operation of the expanded FSNC would include traffic to and from the site, equipment used for interment site preparation, maintenance, and upkeep, and periodic ceremonial rifle discharges. These activities would be similar to the existing cemetery operation. Thus, no significant adverse impact associated with noise levels during operation are anticipated as part of future expansion.

3.7.4 Effects to No Action Alternative

Under the No Action Alternative, no noise impact changes would occur.

Land Use

3.8.1 Background

The Site occurs north and west of the existing FSNC. Currently, the Site has several residential buildings and sheds onsite, with the remainder of the Site being grassy open space and some forested areas. To the west and north are single family residential buildings.

3.8.2 Effects of the Proposed Action Alternative

Acquisition of the Site would not change the current land use. Future cemetery expansion would convert the Site from open space and residential buildings to cemetery. The Site would match the current land use and viewscape of the existing FSNC and not result in adverse impacts to land use.

3.8.3 Effects of the No Action Alternative

Under the No Action Alternative, no land use impacts would occur.

Floodplains, Wetlands, and Coastal Zone Management

3.9.1 Background

A review of the FEMA National Flood Hazard Layer FIRMette does not show any floodplains or flood hazard areas on site. The USFWS National Wetland Inventory (NWI) mapper does not show any wetlands or waterways on site or near the site. During the Biological Survey conducted on July 27, 2024; an ephemeral drainage on the southeast side of the site was present, conveying water from the FSNC to the south through a culvert under East National Avenue. The drainage dissipated as it enters the site and appears to be manmade.

3.9.2 Effects of the Proposed Action Alternative

Acquisition of the Site would not result in impacts to floodplains or wetlands onsite.

VA will acquire all necessary permits from the USACE, KDHE, FEMA, and local floodplain administrator as required and implement compensatory mitigation measures, if required during future cemetery expansion. BMPs relating to erosion control and sediment runoff as described in **Section 3.5 Hydrology and Water Quality** will be utilized during any future construction and operation to avoid impacts to resources downstream.

3.9.3 Effects of the No Action Alternative

The No Action Alternative would have no impact on floodplain, wetlands, or coastal zone management.

Socioeconomics

3.10.1 Background

The following tables identify the socioeconomic environment of Bourbon County where the Site occurs and compares them to the entire state of Kansas. All data was collected from U.S. Census Bureau and U.S. Bureau of Labor statistics. Bourbon County has a population of 14,360 individuals with approximately 25.5% under the age of 18 and 19.8% over the age of 65. These percentages are similar to Kansas as a whole, where of the total population of 2,937,880 individuals, 24.1% are under the age of 18 and 16.7% are over the age of 65. The percentage of minority populations is higher in Kansas than that of Bourbon County (12.4% in Bourbon County compared to 24.4% in the State of Kansas). Bourbon County has a slightly lower percentage of high school graduates (91.0% compared to the state of Kansas, 91.7%). Approximately 6.4% of the population of Kansas are veterans, whereas 7.3% of the population of Fort Scott are veterans. The median household income for the state of Kansas is $70,333 with the median household income in Bourbon County being lower: $67,555. The population below the poverty level (annual income of $26,500 or less for a family of 4 according to the U.S. Department of Health and Human Services, 2021) is higher in Bourbon County, 11.8% compared to the states 11.2%. Unemployment rates are much higher in Bourbon County than the overall state (5.5% compared to 3.6%).

Table 4. Demographic Data for Bourbon County and Kansas

Area	Population Estimates	Population Under 18 Age Years	Population Over 65 Age Years	Minority Populations	High School Graduates	Veterans
State of Kansas	2,937,880	24.1%	16.7%	24.4%	91.7%	6.4%
Bourbon County, Kansas	14,360	25.5%	19.8%	12.4%	91.0%	7.3%

Source: United States Census Bureau, Profile of General Demographic Characteristics, Decennial Census 2023 American Community Survey 5-Year Estimates

Table 5. Regional Income for Bourbon County and Kansas

Area	Number of Households	Median Household Income	Population Below Poverty Level	Unemployment Rate
State of Kansas	1,188,340	$70,333	11.2%	3.6%
Bourbon County, Kansas	5,770	$67,555	11.8%	5.5%

Source: United States Census Bureau, 2023 American Community Survey 5-Year Estimates
Bureau of Labor Statistics (December 2024)

In order to prevent children from suffering disproportionately from environmental health risks and safety risks, EO 13045, Protection of Children from Environmental Health Risks and Safety Risks, was introduced in 1997 to prioritize the identification and assessment of environmental health risks and safety risks that may affect children and to ensure that Federal agencies' policies, programs, activities, and standards address environmental risks and safety risks to children. Parks, schools, and residential areas where children may reside, play, and learn are identified as sensitive receptors throughout the EA and detailed in **Section 3.11 Community Services**.

3.10.2 Effects of the Proposed Action Alternative

Acquisition of the Site would have no impact on socioeconomics for the area.

Short and long term positive socioeconomic impacts to the region would be expected with the future cemetery expansion. Construction of the cemetery expansion would provide temporary construction and planning jobs benefiting local and nationwide employment and income, in addition to the purchasing of construction materials from regional suppliers and transporters. Once completed the cemetery expansion would provide interment options for Veterans and their families in the region and potentially provide additional job opportunities related to cemetery maintenance and operation.

3.10.3 Effects of the No Action Alternative

Under the No Action Alternative, the VA would not acquire the land necessary to expand the existing FSNC. The VA would need to find additional land, potentially not contiguous to the existing FSNC, delaying future site design and planning and potentially limiting any future development if land cannot be found. VA may not be able to meet its long-term cemetery needs for the region, resulting in a significant long-term impact on US Veterans and their families.

Community Services

3.11.1 Background

Fort Scott is served by Unified School District 234, which includes five primary school locations. The Fort Scott Preschool Center (1.06 miles NW), Winfield Scott Elementary School (0.78 miles NW), Eugene Ware Elementary School (1.1 miles N), Fort Scott Middle School (0.36 miles NE), and the Fort Scott High School (0.54 miles NW). Several other schools are present in Fort Scott including the Fort Scott Christian Heights (0.31 miles N), St. Mary's Catholic School (1.02 miles NW), and the Sunbeam Christian Preschool (1.19 miles NW).

The Site is served by the Fort Scott Police Department and Fire Department. The Bourbon County Sheriff's Department provides police protection for the surrounding county.

The Kansas Department of Transportation (KDOT) and City of Fort Scott Public Works provide local road and bridge maintenance to the surrounding area.

The nearest medical facility to the Site is the Girard Medical Center (0.52 miles west) and Community Health Center of Southeast Kansas (0.82 miles SW).

The nearest parks are Ellis Park (0.25 miles NE) and Judge Harry W. Fisher Park (0.93 miles NW).

BB-GO Transportation and Old Fort Transportation are the public transportation options for Fort Scott and the surrounding Bourbon County. The nearest airport is the Fort Scott Municipal Airport located 4.20 miles SW of the Site.

3.11.2 Effects of the Proposed Action Alternative

Acquisition of the Site would not result in adverse impacts on community services.

Future cemetery construction and operation is not anticipated to provide any major additional load to the community services in the area. As the existing FSNC is already present, no significant changes to community services uses are anticipated. Minor, less than significant impacts to traffic and roadways is anticipated but would happen incrementally in the future when expansion was to occur. These impacts are further discussed in **Section 3.13 Transportation and Parking.**

3.11.3 Effects of the No Action Alternative

Under the No Action Alternative, no community service impacts from VA action would occur.

Solid Waste and Hazardous Waste

3.12.1 Background

Hazardous materials include, but are not limited to, hazardous and toxic substances and waste, and any materials that pose a potential hazard to human health and the environment due to their quantity, concentration, or physical and chemical properties. Hazardous materials and waste, if not controlled, may cause, or significantly contribute to an increase in mortality, serious irreversible illness, or incapacitating reversible illness; or pose a substantial threat to human health or the environment.

Landmark Environmental LLC completed a series of reports and site assessments for the Site to analyze the existing environmental conditions. A Phase I Environmental Site Assessment (September 2024), Limited Phase II Environmental Site Assessment (December 2024), Pre-Demolition Hazardous Materials Survey (September 2024), and Lead Based Paint/Lead Dust Survey (September 2024) were conducted for the VA and are described in further detail below.

Phase I Environmental Site Assessment

Landmark Environmental LLC was retained to complete a Phase I Environmental Site Assessment (ESA) on behalf of the VA of the Site located at 815 East National and 1523 South Margrave in Fort Scott, Bourbon County, Kansas. The Phase I ESA is being conducted for the purposes of satisfying the U.S. EPA All Appropriate Inquiries Final Rule, as amended on December 15, 2022, to qualify for the innocent landowner, contiguous property owner, or bona fide prospective purchaser limitations on Comprehensive Environmental Response, Compensation, and Liability Act liability. Additionally, this Phase I ESA was prepared in general conformance with the American Society for Testing and Materials (ASTM) Practice E 1527-21 and User-specific requirements. The Property is currently used for residential use. The general property vicinity has been developed since at least the 1930s for rural residential use, while the adjacent Fort Scott National Cemetery was first developed in 1862.

Current uses of the property are residential in the southwest portion, with the remainder of the Site vacant. The property supports two residential homes, one outbuilding, one pole barn, and one dilapidated outbuilding. Historically, the Site was used for residential use, raising chicken and cattle, keeping horses, and more recently as a base for a mobile vehicle maintenance business. A regulatory records review for the Site was obtained from Environmental Risk Information Services on June 14, 2024. In addition, Landmark reviewed other publicly accessible databases including the Kansas Department of Health and Environment Bureau of Remediation (KDHE-BER) Identified Sites List, the KDHE Environmental Interest Finder, and the KDHE Storage Tank Section and BerTanks Search. The Property was not identified in the regulatory lists searched by ERIS. Three listings were identified for the east/southeast adjacent Fort Scott National Cemetery.

Recognized environmental conditions (RECs) indicate the presence or likely presence of any hazardous substances or petroleum products on the Site under conditions that indicate an existing release, a past release, or a material threat of a release of any hazardous substance or petroleum products into structures on the property or into ground, groundwater, or surface water of the property. Based upon the records review, Property reconnaissance, previous investigations and interviews, the former Site was possibly used for vehicle maintenance, and observed oil staining and spilled or leaked unknown substances were observed in the pole barn.

The pole barn was used as a base for a mobile vehicle maintenance business and may have had auto repair work completed onsite. Additionally, evidence of oil staining and spills or leaks of an unknown substance was observed in the building. Since use of hazardous substances and/or petroleum products as part of the mobile vehicle maintenance business was likely and because impacts on the floor were observed, these findings are considered to be RECs.

Phase II Limited ESA

In order to fully investigate the above findings, Landmark was obtained by VA to conduct a Phase II Limited ESA on Site. The Phase II ESA assessed the potential for impacts to soil based on the findings identified in the Phase I ESA Report and taking into consideration the planned future use of the Site.

No field screening indications of contamination, including elevated photoionization detector readings (greater than 10 ppm), were observed in any of the soil samples collected from the Geoprobe hand tooling borings. Laboratory analysis found all detected Resource Conservation Recovery Act (RCRA) metals were reported at concentrations below the applicable Kansas Tier 2 regulatory criteria in all 5 samples submitted for analysis. All detected polycyclic aromatic hydrocarbons were reported at concentrations below the applicable Kansas Tier 2 regulatory criteria in all 5 samples submitted for analysis. No volatile organic compounds, gasoline range organics, or polychlorinated biphenyls were reported above laboratory MDLs in the 5 samples submitted for analysis. All reported diesel range organics concentrations above laboratory MDLs were well below the applicable Kansas Tier 2 regulatory criteria.

Based on the results from Phase II ESA and considering the planned future use of the Site, no response actions are necessary with respect to shallow soil beneath the pole barn. Landmark recommends that an Environmental Construction Contingency Plan be prepared with respect to the VA's planned redevelopment at the Property, to document planned responses to any undocumented environmental condition that may be encountered during future construction activities.

Pre-Demolition Hazardous Materials Survey

Landmark conducted the survey on July 17-18, 2024, and collected 58 bulk asbestos samples. These samples were analyzed, and the findings are detailed below:

815 East National Avenue

A house and shed located on the Property were included in the survey. No access was gained into two bedrooms, the kitchen, laundry, basement, and attic of the building. An asbestos-containing material (ACM) is defined as a material that is found to contain >1% asbestos. No suspect building materials analyzed were found to contain >1% asbestos. Suspect building materials assumed to contain asbestos include – hardwood floor vapor barrier, wainscoting adhesive, ceramic floor and wall tile, mortar, and grout. ACM should not be cut, drilled, sanded, or disturbed.

1523 South Margrave Street

A house located on the Property was included in the survey. No access was gained into the attic of the building. No suspect building materials analyzed were found to contain >1% asbestos. Suspect building materials assumed to contain asbestos include – electric panels, hardwood floor vapor barrier, and wall panel adhesive.

Pole Barn – East National Avenue

Suspect building materials found to contain >1% asbestos include – window glazing. Suspect building materials assumed to contain asbestos include – electric panels. Electrical wiring and panels were not sampled and were assumed to contain asbestos in all property buildings.

Lead Based Paint/Lead Dust Survey

On July 17-18, 2024, sampling for lead based paint and lead-in-dust was conducted on Site by Landmark.

The level of concern for lead is set by the U.S. Department of Housing and Urban Development (HUD) at 1.0 milligrams per square centimeter (mg/cm2). The regulations require each painted surface with a distinct painting history to be tested for the presence of lead. The SciAps X-Ray Fluorescence portable field analyzer (XRF) analysis was used to comply with this requirement.

Regulations require single surface dust sampling for lead from interior windowsills, wells and floors in all living areas representing distinct component systems and where one or more children are most likely to contact dust. Dust samples were collected in accordance with the protocol in Appendix 13.1 of the 2021 HUD Guidelines for wipe sampling of settled dust for lead determination. The wipe samples were collected with ASTM E1792 certified Lead WipeTM, from Lynx Products and shipped to Environmental Hazards Services, LLC in Richmond, Virginia (ELLAP 100420) for lead analysis.

815 E National Avenue

Table 6. 815 E National Avenue XRF Sample Findings

Sample Identification Number	XRF Sample Location(s)	Result-mg/cm2
139	Exterior Front Wood Siding	3.4
140	Exterior Wood Window Trim	4.3
141	Exterior Wood Column	3.0
142	Exterior Wood Ceiling	3.0
146	Exterior Concrete Column Base	5.3
148	Exterior Wood Door Trim	3.0
153	North Exterior Wood Siding	3.6
155	Exterior East Wood Siding	3.3
156	Exterior East Wood Siding	1.0
160	Exterior Wood Soffit	2.0
189	Dining Room, Lower Wall A Wood Wall Panel	7.0
190	Dining Room, Lower Wall B Wood Wall	5.8
192	Dining Room, Lower Wall C Wood Wall	5.6
194/195 (QC)	Dining Room, Lower Wall D Wood Wall	6.3/6.7

Table 7. 815 E National Avenue Dust Wipe Sample Findings

Sample Identification Number	Dust Wipe Sample Location(s)	Laboratory Results – ug/ft^2	Regulatory Limit - ug/ft^2
815-1	Living Room Floor	<5.00	10
815-2	**Living Room Window Sill**	**355**	**100**
815-3	Dining Room Floor	9.24	10
815-4	**Dining Room Window Sill**	**800**	**100**
815-5	SE Bedroom Floor	<5.00	10
815-6	SE Bedroom Window Sill	38.5	100
815-7	Bathroom Floor	7.28	10
815-8	Bathroom Window Sill	24.6	100
815-9	Entry Floor	<5.00	10
815-10	Rear Entry (Blank)	<5.00	-

1523 South Margrave Street

Table 8. 1523 South Margrave Street XRF Sample Findings

Sample Identification Number	XRF Sample Location(s)	Result-mg/cm^2
84	Exterior West Wood Siding	3.2
85	Exterior Wood Window Trim	2.9
86	Exterior Wood Window Sill	2.4
87/88 (QC)	Exterior Wood Porch Column	2.9/2.6
92	Exterior Wood Entry Door Trim	2.2
93	Exterior Wood Porch Ceiling	2.7
112	Exterior Wood Soffit	1.4
113/114 (QC)	Exterior Wood Facia	1.9/1.9

Table 9. 1523 South Margrave Street Dust Wipe Sample Findings

Sample Identification Number	Dust Wipe Sample Location(s)	Laboratory Results – ug/ft^2	Regulatory Limit - ug/ft^2
1523-1	Living Room Floor	6.24	10
1523-2	**Living Room Window Well**	**2,910**	**100**
1523-3	Kitchen Floor	5.62	10
1523-4	**Kitchen Window Sill**	**120**	**100**
1523-5	Bedroom 2 Floor	6.38	10
1523-6	**Bedroom 2 Window Well**	**1,470**	**100**
1523-7	**Bedroom 1 Floor**	**34.3**	**10**
1523-8	Bedroom 1 Window Sill	33.4	100
1523-9	Front Entry Floor	<5.00	10
1523-10	Rear Entry Floor	6.72	10
1523-11	Bathroom (Blank)	<5.00	-

Pole Barn – South Margrave Street

Table 10. Pole Barn - South Margrave Street XRF Sample Findings

Sample Identification Number	XRF Sample Location(s)	Result-mg/cm^2
124	South Central Exterior Sliding Wood Door	1.3
125	Central Exterior Wood Facia	1.9
126	Central Exterior Wood Soffit	1.7

Table 11. Pole Barn - South Margrave Street Dust Wipe Sample Findings

Sample Identification Number	Dust Wipe Sample Location(s)	Laboratory Results – ug/ft^2	Regulatory Limit - ug/ft^2

Pb-1	**West Area Floor**	**38.0**	**10**
Pb-2	West Area Window Sill	<20.0	100
Pb-3	**East Area Floor**	**32.9**	**10**
Pb-4	East Area Window Sill	<20.0	100
Pb-5	Middle Area (Blank)	<5.00	-

3.12.2 Effects of the Proposed Action Alternative

Acquisition of the site would not result in adverse impacts to solid or hazardous waste until future demolition and/or construction activities were to occur.

When construction was to begin in the future, temporary, less than-significant adverse impacts may occur due to the increased presence and use of petroleum and hazardous substances during construction. A temporary increase in construction vehicle traffic would increase the likelihood of the release of vehicle operating fluids (e.g., oil, diesel, gasoline, antifreeze, etc.) and maintenance materials. Implementation of standard construction BMPs identified in **Section 4.0 Mitigation** would serve to ensure these impacts are further minimized.

Per the findings above, lead based paint, lead-in-dust, and ACMs were identified during survey of the buildings onsite. An Asbestos and Lead management plan will be prepared by VA prior to demolition of the buildings onsite, and all materials will be handled and disposed of by a licensed abatement contractor in accordance with state and federal requirements and industry standards. Waste generated as part of construction activities during future expansion, including the demolition of the buildings onsite, would be properly managed and disposed of according to all applicable federal, state, and local regulations. Waste would be collected and properly disposed of by a waste disposal company at an approved disposal facility.

The Phase I and Phase II ESA identified RECs on the Site did not rise above the Kansas Tier 2 Regulatory Criteria. An Environmental Construction Contingency Plan will be developed by the VA prior to working on the Site to document planned responses to any undocumented environmental condition that may be encountered during future construction activities.

No significant adverse long-term impacts during operation of the expanded cemetery are anticipated. Long-term operational solid and hazardous materials would be managed in accordance with applicable Federal and State laws and VA standards. If the above BMPs and recommendations are followed, impacts to solid and hazardous waste would be less than significant.

3.12.3 Effects of the No Action Alternative

Under the No Action Alternative, no solid or hazardous material use or effects from VA's activities would occur.

Transportation and Parking

3.13.1 Background

The Site is bordered to the south by East National Avenue and to the west by South Margrave Street. These roadways are single lane and serve residential areas to the north and west of the site. The existing FSNC has four access points, on the east side off Williams Street, south side off of 18th Street, and from the west off East National Avenue at two points.

3.13.2 Effects of the Proposed Action Alternative

Acquisition of the Site would not result in any changes to transportation or parking at the Site or existing FSNC.

Future cemetery expansion would produce temporary adverse impacts to the surrounding area traffic during construction periods as equipment and materials are hauled on and off site and workers travel to and from the

construction site. The increased traffic associated with construction would be during daytime work hours and follow standard construction BMPs listed in **Section 4.0 Mitigation** to avoid additional adverse impacts to noise, air quality, etc.

The operation of the future expanded cemetery would create minor, less than significant adverse impacts to local traffic, as additional site visitors and staff travel into and out of the Site. Parking and roadways would be planned and designed prior to construction to provide all necessary infrastructure needed within the FSNC, preventing any adverse parking related impacts. As East National Avenue already serves the existing FSNC, the minor increase in traffic volume and use would result in less than significant impacts to traffic and parking on the Site or the existing FSNC.

3.13.3 Effects of the No Action Alternative

Under the No Action Alternative, the existing parking and traffic conditions would remain the same and result in no negligible traffic or parking impacts.

Utilities

3.14.1 Background

Anderson Engineering of Minnesota LLC prepared a Utilities Identification and Capacity Report for the VA on September 13, 2024, to identify and evaluate capacities of the existing utilities onsite.

Electric

Westar Energy provides electricity to Fort Scott National Cemetery and the surrounding communities. The National Cemetery has two main 12.47KV 3-Phase Main lines running North/South along S. Margrave Street, and the other runs East/West along E 18th Street, south of the existing cemetery. There is also a 1-Phase 7.2KV lateral line running along E National Avenue which taps off the main line from Margrave Street. Providing electrical needs for the cemetery expansion should not be an issue, Westar Energy reports.

Communications

The cemetery currently uses AT&T for internet and communications. AT&T has underground fiber optic, telephone, and television lines in the proposed project area. AT&T declined Anderson Engineering's request for providing a location map of underground fiber lines in the area. Telecommunications that serve the Fort Scott National Cemetery contain a bandwidth of 1000 Megabits per second (MBPS), also known as 1 Gigabits per second, this offers fast speeds and reliable connectivity. The proposed expansion areas are assumed to have adequate capacity to serve the proposed project area and any potential buildings with heavy digital demands that may be constructed.

Natural Gas

Kansas Gas Service has an underground gas service line that runs east to west along E National Avenue, an 8" north- south line parallel to the cemetery's perimeter stone fence coming off the east-west service line from E National Avenue, a 4" east-west line along the northern property line of the cemetery and enters the maintenance garage in the north-east corner of the cemetery. Kansas Gas Service responded to Anderson's request for capacity calculations. With the proposed land use of the Cemetery, it is anticipated that natural gas will be available for this project. It is recommended that the AE of Record works with Kansas Gas Service Engineers for load changes to the service line for the cemetery and confirm capacity during the design phase.

Storm Sewer

Drainage in the existing cemetery area naturally flows from east to west. A 12" concrete culvert exists under the south entrance of the cemetery also flowing east to west and a culvert exists in the north-west corner of the cemetery flowing into the expansion area, entering through the south-east portion of the expansion area.

Drainage in the Site naturally flows from the south-east to the northwest through a drainage inside the woods and off the property into an entry culvert that connects to the city-wide storm sewer system. The city-wide storm sewer system is under the east side of Margrave Street running North-South, making a connection to the City's storm line easier, as it does not require shutting down the street and the redirecting of traffic. Access to area storm sewers to serve the project area is evident by the existing utilities map provided by the City of Fort Scott. It is likely that a stormwater pond or detention basin will need to be constructed for water quality volume and rate control requirements. The proposed conditions for the cemetery expansion will closely resemble the existing land use for this property, and it is anticipated that there is available capacity to the site. The AE of Record should verify the stormwater capacity during the design phase.

Sanitary Sewer

City of Fort Scott has 10" clay sanitary sewer pipe running along the west side of the site underneath South Margrave Street, with an 8" clay line extending 160' onto the property from the west within an easement. Additionally, there is an 8" clay storm pipe running through the ditch on the north side of the expansion area property. The sanitary system that currently serves the existing administration and maintenance buildings at the cemetery currently has no issues. The available capacities of this system have not been determined. The expansion area contains one 8" service line that is anticipated to provide enough capacity for the cemetery expansion and potential buildings as it currently services two residential homes on the property. The AE of Record should verify sanitary capacity with the City of Fort Scott during the design phase.

Water Distribution

The City of Fort Scott provided a map of the site that revealed watermain pipes on the East and West end of the property. The west side of the property consists of 6" Ductile Iron Pipe running underneath the west side of South Margrave Street, with a 4" Ductile Iron Pipe extending east towards the property. The east side of the property consists of 12" Ductile Iron Pipe, with one lateral extending into the southeast corner of the property. Two residential homes within the expansion properties contain a water service line from the City of Fort Scott. The City of Fort Scott has watermains that serve the cemetery and surrounding areas and has been contacted regarding the existing lines. The proposed conditions will closely resemble the existing land use for this property, and it is anticipated that there is available capacity to the site. The AE of Record should verify water supply capacity during the design phase.

3.14.2 Effects of the Proposed Action Alternative

Acquisition of the Site would not result in changes to utilities detailed above.

Future construction and operation of the expanded cemetery utility impacts are anticipated to be minor, less than significant. Planning future cemetery expansion will need to consider utility capacities and adjustments as needed in design to make sure adequate capacity is available.

3.14.3 Effects of the No Action Alternative

The No Action Alternative would have no VA caused impacts to utilities.

Environmental Justice

3.15.1 Background

In addition to considering socioeconomic information for the area surrounding the Proposed Action, federal agencies are required through Executive Order 12898 and 14096 to focus attention on minority and low-income communities that may be disproportionately and adversely affected by environmental conditions and impacts to human health associated with the Proposed Action.

Minority Populations: Population of people who are not single-race white and not Hispanic. Populations of individuals who are members of the following population groups: American Indian or Alaskan Native; Asian or Pacific Islander; Black, not of Hispanic origin; or Hispanic. (US Census Bureau, 2020)

Low Income Populations: families living at or below the poverty line, based on an annual income of $26,500 or less for a family of 4. (US Department of Health and Human Services, 2021)

3.15.2 Effects of the Proposed Action Alternative

The Proposed Action Alternative is not anticipated to have adverse impacts to low-income and minority populations. The Proposed Action area is not located in an area with elevated low-income or minority populations (significantly lower population than the state of Kansas overall), and the Proposed Action would have minor, less than significant impacts on residents in the area.

Construction activities of future expansion would create temporary, less than significant adverse impacts related to noise, air quality, etc. BMP's limiting adverse impacts related to these construction activities would be followed to minimize impacts on the surrounding residents.

Operation of the expanded cemetery would be similar to the existing cemetery and not result in significant adverse impacts as discussed in this EA. Potential positive impacts related to increased design, construction, and maintenance jobs and incomes are possible with the Proposed Action. Planned stormwater management systems would benefit downstream resources and help benefit water quality.

3.15.3 Effects of the No Action Alternative

Under the No Action Alternative, no environmental justice effects would occur.

Cumulative Impacts

3.16.1 Background

Cumulative impacts are those which "result from the incremental impact of the Proposed Action when added to other past, present, and reasonably foreseeable future actions, without regard to the agency (Federal or non-Federal) or individual who undertakes such other actions." Cumulative impact analysis captures the effects that result from the Proposed Action in combination with the effects of other actions taken during the duration of the Proposed Action in the same geographic area. Because NEPA requires the analysis of cumulative environmental effects of a Proposed Action, or set of actions, on resources that may often be manifested only at the cumulative level, such as traffic congestion, air quality, noise, biological resources, cultural resources, socioeconomic conditions, utility system capacities, and others.

The FSNC is located in a low-density residential area on the eastern edge of the City of Fort Scott. The surrounding area is primarily made up of agricultural and low-density to mid-density single-family residences. The most recent changes to the surrounding area have been the construction of a few houses along existing roadways for the last 35 years and has remained very similar to the existing land uses for this time period. The Fort Scott National Cemetery developed an area directly south of the Site around 2014. As the surrounding area has already been developed into mainly single-family residential areas, no significant projects are anticipated for the area around the Site. No development plans for off-site properties in the immediate vicinity were identified during preparation of the reports and NEPA documents.

The Proposed Action Alternative could result in impacts identified in **Section 3.0 Affected Environment and Environmental Consequences of the Alternatives**. The studied areas include aesthetics, air quality, cultural resources, geology and soils, hydrology and water quality, wildlife and habitat, noise, land use, floodplains, wetlands, coastal zone management, community services, solid and hazardous materials, transportation and

parking, utilities, and environmental justice. All identified impacts are less-than-significant and would be further reduced through careful implementation of the general BMPs, management and minimization measures, and compliance with regulatory requirements as identified in **Section 4.0 Mitigation**. Given the nature of the Proposed Action and the limited expected future development in the immediate surrounding area, no significant cumulative adverse effects to any of these resource areas are anticipated.

3.16.2 Effects on Proposed Action Alternative

No significant adverse cumulative impacts are anticipated because of implementation of the Proposed Action Alternative. Coordination between VA, Federal, State, and local agencies, and community representatives would serve to manage and control cumulative effects within the region. Implementing effective resource management plans and programs, and continued coordination will help to minimize and eliminate potential cumulative impacts to the environment as FSNC continues to expand.

3.16.3 Effects on No Action Alternative

Under the No Action Alternative, no cumulative impacts would likely occur.

Potential for Generating Substantial Public Controversy

As identified in **Section 5.0 Public Involvement**, VA has solicited input from various Federal, State, and local government agencies regarding the Proposed Action. No responses from public scoping have been received, and all comments received from the listed stakeholders do not pose concern or issue with the Proposed Action Alternative. No substantial public controversy has been encountered or is anticipated as part of the Proposed Action.

4.0 MITIGATION MEASURES AND MONITORING

This section will summarize and compile the identified BMPs and minimization measures for each affected environment in **Section 3.0 Affected Environment and Environmental Consequences of the Alternatives.**

VA and its contractors would implement BMPs and satisfy all applicable regulatory requirements in association with the design, construction, and operation of the cemetery expansion and columbarium construction. These mitigation measures are described in this EA and are included as components of the Proposed Action Alternative. In general, implementation of such mitigation measures would maintain impacts at acceptable levels for all resource areas analyzed.

Table 12. Best Management Practices and Minimization Measures for the Proposed Action

Affected Environment Area	BMPs/Minimization Measures
Aesthetics	•Use vegetative buffers to enhance viewscape. • Utilize VA Design Guidelines and match to the best extent possible existing exterior facades onsite during future construction activities.
Air Quality	•Use appropriate dust suppression methods (such as the use of water, dust, palliative, covers, suspension of earth moving in high wind conditions) during onsite construction activities. •Stabilize the disturbed area through re-vegetation or mulching if the area would be inactive for several weeks or longer. •Implement measures to reduce DPM emissions from construction equipment, such as reducing idling time and using newer equipment with emissions controls. •Comply with any applicable ND DEQ and US EPA / KDHE regulations. Utilize the EPA Construction Emission Control Checklist. •Comply with NCA Construction Air Quality Requirements.
Cultural Resources	•If buried archaeological resources are discovered during construction, cease operation, and contact SHPO/Consulting Parties.
Geology and Soils	•Control soil erosion and sedimentation impacts during construction by implementing erosion prevention measures and complying with the National Pollution Discharge Elimination System (NPDES) permitting process. •Implement effective controls per a site-specific Stormwater Pollution Prevention Plan (SWPPP). •The NPDES permit would require stormwater runoff and erosion management using BMPs, such as earth berms, vegetative buffers and filter strips, and spill prevention and management techniques. •The construction contractor would implement the sedimentation and erosion control measures specified in the NPDES permit and the SWPPP to protect surface water quality.
Hydrology and Water Quality	•Control soil erosion and sedimentation impacts during construction by complying with the NPDES permit and the SWPPP. •Improvements would be designed in accordance with the requirements of EO 13514/EISA Section 438 with respect to stormwater runoff quantity and characteristics. •Ensure the design of the cemetery includes sufficient on-site stormwater management so as not to adversely affect the water quantity/quality in receiving waters and/or offsite areas. Obtain appropriate permits for off-site stormwater discharges.
Wildlife and Habitat	•Native species should be used to the extent practicable when revegetating land disturbed by construction to avoid the potential introduction of non-

	native or invasive species. •Proper cleaning of construction equipment should be done to the extent practicable, to prevent the spread of non-native/invasive species. •Avoid impacts to water resources to the best extent possible. Utilize BMPs to minimize erosion and sedimentation. •Tree clearing must occur between October 1 and March 31 to minimize impacts to listed bat species. •To the best extent possible, conserve trees with loose, shaggy bark and/or crevices, holes, or cavities, as well as trees with DBH ≥ 20. •If a potential or known hibernaculum is found, contact USFWS and the Kansas Department of Wildlife and Parks. •If trees are to be removed for future construction activities, further consultation with USFWS and the Kansas Department of Wildlife and Park will need to be done under Section 7 of the Endangered Species Act.
Noise	•Post signage at the entry points of the Site providing current construction information, including schedule and activity. Limit, to the extent possible, construction and associated heavy truck traffic to occur between 8:00 a.m. and 6:00 p.m. on Monday through Friday, or during normal, weekday, work hours. •Locate stationary operating equipment as far away from sensitive receptors as possible. •Select material transportation routes as far away from sensitive receptors as possible. •Shut down noise-generating heavy equipment when it is not needed and maintain equipment per manufacturer's recommendations to minimize noise generation. •Encourage construction personnel to operate equipment in the quietest manner practicable (e.g., speed restrictions, retarder brake restrictions, engine speed restrictions, etc.).
Land Use	•Land use is currently zoned as residential use. Contact City of Fort Scott for any necessary permitting or steps.
Floodplains, Wetlands, and Coastal Zone Management	•Permits will be required if impacts to waterways or wetlands are proposed from FEMA, USACE, OEPA, and ODNR. •Coordinate permitting activities with the local floodplain administrator. •Utilize proper erosion and sediment controls around water resources to avoid impacts to onsite resources and downstream resources.
Socioeconomics	•None Required.
Community Services	•None Required.
Solid and Hazardous Waste	•Comply with VA Standard Operating Procedures and applicable Federal and State laws governing the use, generation, storage, transportation, and disposal of solid and hazardous materials. •Create an Environmental Construction Contingency Plan and a Lead and Asbestos Abatement Plan prior to construction. •All hazardous waste removal should be handled by a licensed contractor and disposed of following all federal, state, and local regulations
Transportation and Parking	•Ensure demolition and construction activities do not adversely affect traffic flow on local roadways; construction would be timed to avoid peak travel hours. •Ensure debris and/or soil is not deposited on local roadways during the demolition and construction activities.
Utilities	•Contact applicable utility providers as needed if utility work or larger uses are proposed.
Environmental Justice	•None Required.

5.0 PUBLIC PARTICIPATION, COORDINATION, AND CONSULTATION

VA invites public participation in decision-making on new proposals through the NEPA process. Public participation with respect to decision making on the Proposed Action is guided by 38 CFR 26, VA's policy and regulations for implementing NEPA. Additional guidance is provided in the VA's NEPA Interim Guidance for Projects (VA 2010). Consideration of the views and information of all interested persons promotes open communication and enables better decision making. Agencies, organizations, and members of the public with a potential interest in the Proposed Action, such as area residents, interested organizations, and disadvantaged persons are urged to participate.

5.1 Public Involvement

VA published a project scoping notice in the *Fort Scott Tribune* on October 26 and 30, 2024. VA posted the scoping notice to the VA Office of Construction and Facilities Management Environmental Program website: website https://www.cfm.va.gov/environmental/ and emailed and/or hard copy mailed scoping notices and to the federal, state, tribal and local stakeholders identified in **Section 5.3 Agencies and Persons Consulted**.

VA will publish and distribute this Draft EA for a 30-day public comment period, as announced by a Notice of Availability (NOA) published in the *Fort Scott Tribune*. A copy of the Draft EA will be made available for public review on the VA Office of Construction and Facilities Management Environmental Program website: (https://www.cfm.va.gov/environmental/index.asp) and in hard copy at the FSNC and Fort Scott Public Library located at 201 S National Avenue, Fort Scott, Kansas. VA will send notification of the availability of the draft EA for review and comment via email or paper mailing to each of the stakeholders that were contacted during the NEPA scoping and Section 106 consultation. VA will respond to all agency and public comments within the Final EA.

5.2 Stakeholder Coordination

Interagency coordination of environmental planning regarding major federal proposed actions is a federally mandated requirement for informing and coordinating with other governmental agencies and stakeholders. As part of the NEPA process, public agencies shall be consulted to provide preliminary input on potential environmental effects on resources under their jurisdiction within the Proposed Action area. Below is a list of agencies contacted as part of this EA. In addition, a sample of the scoping letter and the scoping comments from the stakeholders are contained in Appendix A.

5.3 Agencies and Persons Consulted

Federal Agencies

- United States Fish and Wildlife Service – Kansas Ecological Services Field Office
- United States Environmental Protection Agency – Region 7
- United States Army Corps of Engineers – Kansas City Regulatory District
- Natural Resources Conservation Service – Fort Scott Service Center
- Bureau of Indian Affairs – Southern Plains Region
- Federal Emergency Management Agency – Region 7

State Agencies

- Kansas Department of Wildlife and Parks
- Kansas Department of Health and Environment
- Kansas Department of Transportation
- Kansas Historical Society
- Kansas Department of Agriculture – Department of Conservation
- Kansas Water Office

Tribes

- Cherokee Nation
- Cheyenne and Arapaho Tribes, Oklahoma
- Osage Nation
- Seneca Cayuga Nation
- United Keetoowah Band of Cherokee Indians in Oklahoma
- Wichita and Affiliated Tribes (Wichita, Keechi, Waco & Tawakonie), Oklahoma

Local Agencies

- Fort Scott Public library
- City of Fort Scott
- Fort Scott Public Works
- Fort Scott Water / Wastewater Department
- Fort Scott Planning, Housing, Community Development
- Bourbon County Public Works
- Bourbon County Historical Preservation Association
- Neighboring Landowners

Elected Officials

- US House of Representatives – Kansas 2nd Congressional District
  - Representative Derek Schmidt
- US Senate – Senior Senator for Kansas
  - Senator Jerry Moran
- US Senate – Junior Senator of Kansas
  - Senator Roger Marshall
- Kansas Senate – District 13
  - Senator Tim Shallenburger
- Kansas House of Representatives – District 4
  - Representative Ricky James

5.4 Responses to Comments

Copies of correspondence received during the initial scoping period are included in Appendix B.

6.0 LIST OF PREPARERS

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9.0 GLOSSARY

100-Year Flood – A flood event of such magnitude that it occurs, on average, every 100 years; this equates to a one percent chance of its occurring in a given year.

Aesthetics – Pertaining to the quality of human perception of natural beauty.

Ambient - The environment as it exists around people, plants, and structures.

Ambient Air Quality Standards - Those standards established according to the CAA to protect health and welfare (AR 200-1).

Aquifer - An underground geological formation containing usable amounts of groundwater which can supply wells and springs.

Asbestos - Incombustible, chemical-resistant, fibrous mineral forms of impure magnesium silicate used for fireproofing, electrical insulation, building materials, brake linings, and chemical filters. Asbestos is a carcinogenic substance.

Attainment Area - Region that meets the National Ambient Air Quality Standard (NAAQS) for a criteria pollutant under the CAA.

Bedrock - The solid rock that underlies all soil, sand, clay, gravel and loose material on the earth's surface.

Best Management Practices (BMPs) - Methods, measures, or practices to prevent or reduce the contributions of pollutants to U.S. waters. Best management practices may be imposed in addition to, or in the absence of, effluent limitations, standards, or prohibitions (AR 200-1).

Commercial land use – Land use that includes private and public businesses (retail, wholesale, etc.), institutions (schools, churches, etc.), health services (hospitals, clinics, etc.), and military buildings and installations.

Compaction - The packing of soil together into a firmer, denser mass, generally caused by the pressure of great weight.

Contaminants - Any physical, chemical, biological, or radiological substances that have an adverse effect on air, water, or soil.

Criteria Pollutants - The CAA of 1970 required the USEPA to set air quality standards for common and widespread pollutants in order to protect human health and welfare. There are six "criteria pollutants": ozone (O3), carbon monoxide (CO), sulfur dioxide (SO2), lead (Pb), nitrogen dioxide (NO2), and particulate matter.

Cultural Resources - The physical evidence of our Nation's heritage. Included are archaeological sites; historic buildings, structures, and districts; and localities with social significance to the human community.

Cumulative Impact - The impact on the environment that results from the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions regardless of what agency (Federal or non- Federal) or person undertakes such other actions. Cumulative impacts can result from individually minor but collectively significant actions taking place over a period of time (40 CFR 1508.7).

Decibel (dB) - A unit of measurement of sound pressure level.

Direct Impact - A direct impact is caused by a Proposed Action and occurs at the same time and place.

Emission - A release of a pollutant.

Endangered Species - Any species which is in danger of extinction throughout all or a significant portion of its range.

Environmental Assessment (EA) - An EA is a publication that provides sufficient evidence and analyses to show whether a proposed system will adversely affect the environment or be environmentally controversial.

Erosion - The wearing away of the land surface by detachment and movement of soil and rock fragments through the action of moving water and other geological agents.

Fauna - Animal life, especially the animal characteristics of a region, period, or special environment.

Flora - Vegetation; plant life characteristic of a region, period, or special environment.

Floodplain - The relatively flat area or lowlands adjoining a river, stream, ocean, lake, or other body of water that is susceptible to being inundated by floodwaters.

FONSI - Finding of No Significant Impact, a NEPA document.

Fugitive Dust - Particles light enough to be suspended in air, but not captured by a filtering system. For this document, this refers to particles put in the air by moving vehicles and air movement over disturbed soils at construction sites.

Geology - Science which deals with the physical history of the earth, the rocks of which it is composed, and physical changes in the earth.

Groundwater - Water found below the ground surface. Groundwater may be geologic in origin and as pristine as it was when it was entrapped by the surrounding rock, or it may be subject to daily or seasonal effects depending on the local hydrologic cycle. Groundwater may be pumped from wells and used for drinking water, irrigation, and other purposes. It is recharged by precipitation or irrigation water soaking into the ground. Thus, any contaminant in precipitation or irrigation water may be carried into groundwater.

Hazardous Substance - Hazardous materials are defined within several laws and regulations to have certain meanings. For this document, a hazardous material is any one of the following:

Any substance designated pursuant to section 311 (b)(2)(A) of the Clean Water Act.

Any element, compound, mixture, solution, or substance designated pursuant to Section 102 of Comprehensive Environmental Response, Compensation and Liability Act (CERCLA).

Any hazardous substance as defined under the Resource Conservation and Recovery Act (RCRA).

Any toxic pollutant listed under TSCA.

Any hazardous air pollutant listed under Section 112 of CAA. Any imminently hazardous chemical substance or mixture with respect to which the EPA Administrator has taken action pursuant to Subsection 7 of TSCA.

The term does not include: 1) Petroleum, including crude oil or any thereof, which is not otherwise specifically listed or designated as a hazardous substance in the above. 2) Natural gas, natural gas liquids, liquefied natural gas, or synthetic gas usable for fuel (or mixtures of natural gas and such synthetic gas). A list of hazardous substances is found in 40 CFR Part 302.4.

Hazardous Waste - A solid waste which, when improperly treated, stored, transported, or disposed of, poses a substantial hazard to human health or the environment. Hazardous wastes

are identified in 40 CFR Part 261.3 or applicable foreign law, rule, or regulation.

Hazardous Waste Storage - As defined in 40 CFR Part 260.10, "the holding of hazardous waste for a temporary period, at the end of which the hazardous waste is treated, disposed of, or stored elsewhere".

Indirect Impact - An indirect impact is caused by a Proposed Action that occurs later in time or farther removed in distance but is still reasonably foreseeable. Indirect impacts may include induced changes in the pattern of land use, population density or growth rate, and related effects on air, water, and other natural and social systems. For example, referring to the possible direct impacts described above, the clearing of trees for new development may have an indirect impact on area wildlife by decreasing available habitat.

Jurisdictional Wetland – Areas that meet the wetland hydrology, vegetation, and hydric soil characteristics, and have a direct connection to the Waters of the US. These wetlands are regulated by the USACE.

Listed Species - Any plant or animal designated as a State or Federal threatened, endangered, special concern, or candidate species.

Mitigation - Measures taken to reduce adverse impacts on the environment.

Mobile Sources - Vehicles, aircraft, watercraft, construction equipment, and other equipment that use internal combustion engines for energy sources.

Monitoring - A process of inspecting and recording the progress of mitigation measures implemented.

National Ambient Air Quality Standards (NAAQS) - Nationwide standards set up by the USEPA for widespread air pollutants, as required by Section 109 of the Clean Air Act (CAA). Currently, six pollutants are regulated by primary and secondary NAAQS: carbon monoxide (CO), lead (Pb), nitrogen dioxide (NO2), ozone (O3), particulate matter, and sulfur dioxide (SO2).

National Environmental Policy Act (NEPA) - U.S. statute that requires all Federal agencies to consider the potential effects of Proposed Actions on the human and natural environment.

Non-attainment Area - An area that has been designated by the EPA or the appropriate State air quality agency as exceeding one or more National or State ambient air quality standards.

Parcel - A plot of land, usually a division of a larger area.

Particulates or Particulate Matter - Fine liquid or solid particles such as dust, smoke, mist, fumes, or smog found in air.

Pollutant - A substance introduced into the environment that adversely affects the usefulness of a resource.

Potable Water - Water which is suitable for drinking.

Prime Farmland - A special category of highly productive cropland that is recognized and described by the US Department of Agriculture's Soil Conservation Service and receives special protection under the Surface Mining Law.

Remediation - A long-term action that reduces or eliminates a threat to the environment.

Riparian Areas - Areas adjacent to rivers and streams that have a high density, diversity, and productivity of plant and animal species relative to nearby uplands.

River Basin - The land area drained by a river and its tributaries.

Sensitive Receptors - Include, but are not limited to, asthmatics, children, and the elderly, as well as specific facilities, such as long-term health care facilities, rehabilitation centers, convalescent centers, retirement homes, residences, schools, playgrounds, and childcare centers.

Significant Impact - According to 40 CFR Part 1508.27, "significance" as used in NEPA requires consideration of both context and intensity.

Context. The significance of an action must be analyzed in several contexts such as society as a whole (human, national), the affected region, the affected interests, and the locality. Significance varies with the setting of the Proposed Action. For instance, in the case of a site-specific action, significance would usually depend upon the effects in the locale rather than in the world as a whole. Both short- and long-term effects are relevant.

Intensity. This refers to the severity of impact. Responsible officials must bear in mind that more than one agency may make decisions about partial aspects of a major action.

Soil - The mixture of altered mineral and organic material at the earth's surface that supports plant life.

Solid Waste - Any discarded material that is not excluded by section 261.4(a) or that is not excluded by variance granted under sections 260.30 and 260.31.

Threatened species - Any species that is likely to become an endangered species within the foreseeable future throughout all or a significant portion of its range.

Topography - The relief features or surface configuration of an area.

Toxic Substance - A harmful substance which includes elements, compounds, mixtures, and materials of complex composition.

Waters of the United States - Include the following: (1) All waters which are currently being used, were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide. (2) All interstate waters include interstate wetlands. (3) All other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds; the use, degradation or destruction of which could affect interstate or foreign commerce.

Watershed - The region draining into a particular stream, river, or entire river system.

Wetlands - Areas that are regularly saturated by surface or groundwater and, thus, are characterized by a prevalence of vegetation that is adapted for life in saturated soil conditions. Examples include swamps, bogs, fens, marshes, and estuaries.

Wildlife Habitat - Set of living communities in which a wildlife population lives.