

BASELINE DOCUMENTATION REPORT

IN-LIEU FEE AQUATIC RESOURCE MITIGATION PROGRAM



CITY OF OXFORD PROPERTY OXFORD, KANSAS

**PREPARED BY:
WATERSHED LAND TRUST, INC
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THE
WATERSHED
INSTITUTE AND LAND TRUST

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INTRODUCTION

The purpose of this document is to describe the physical features and current land uses of the City of Oxford Property on which the development rights, perpetual conservation easement, and restrictions are being conveyed to the Watershed Land Trust, Inc. (WLT) and recorded in the Sumner County, Kansas, Land Records.

This report is based in part on a site evaluation by the Watershed Institute (TWI)—technical liaison for the WLT—on July 12, 2010. Chris Mammoliti (TWI Biologist) and Ryan McCurdy (Land Survey Technician) conducted the evaluation. TWI assembled the report, figures, and photographic log, while the WLT provided property description and other pertinent legal documentation.

BACKGROUND

TWI and the WLT are sister companies implementing a U.S. Army Corps of Engineers (USACE) approved in-lieu fee (ILF) aquatic resource mitigation program. The USACE administers a permit program for both the discharge of dredge and fill materials into waters and wetlands of the United States under Section 404 of the Clean Water Act (CWA) and for activities in navigable waters under Section 10 of the Rivers and Harbors Act. The Section 404 permit program relies on the use of compensatory mitigation to offset unavoidable aquatic resource impacts by replacing functions and values lost to authorized activities. The TWI/WLT ILF program establishes the mechanism to compensate for adverse impacts to wetlands, streams, and riparian areas (aquatic resources) throughout Kansas. Federal guidance (Federal Register, April 10, 2008: Compensatory Mitigation for Loss of Aquatic Resources – Final Rule) requires long-term legal protection of aquatic resource sites preserved or enhanced using ILF funds.

In 2007, TWI/WLT received ILF funds for aquatic resource impacts derived from construction of Horse Thief Reservoir, Hodgeman County, Kansas. Due to minimal opportunities to preserve or enhance aquatic resources in Hodgeman County, in early 2009, William Jeffries (USACE Kansas State Regulatory Program Manager) requested that TWI/WLT use Horse Thief Reservoir ILF funds to stabilize the right bank of the Arkansas River at Oxford, Kansas. However, recently generated ILF funds from the Lower Arkansas River Basin allow the WLT move forward without using Horse Thief ILF funds. Lateral migration of the river—accelerated by the collapse of a railroad bridge—threatens the City’s three-cell wastewater lagoon system. Subsequent meetings among the City of Oxford, USACE, TWI, and the WLT determined an appropriate stabilization strategy and extent of land to preserve through a conservation easement held by the WLT.

EASEMENT PURPOSE

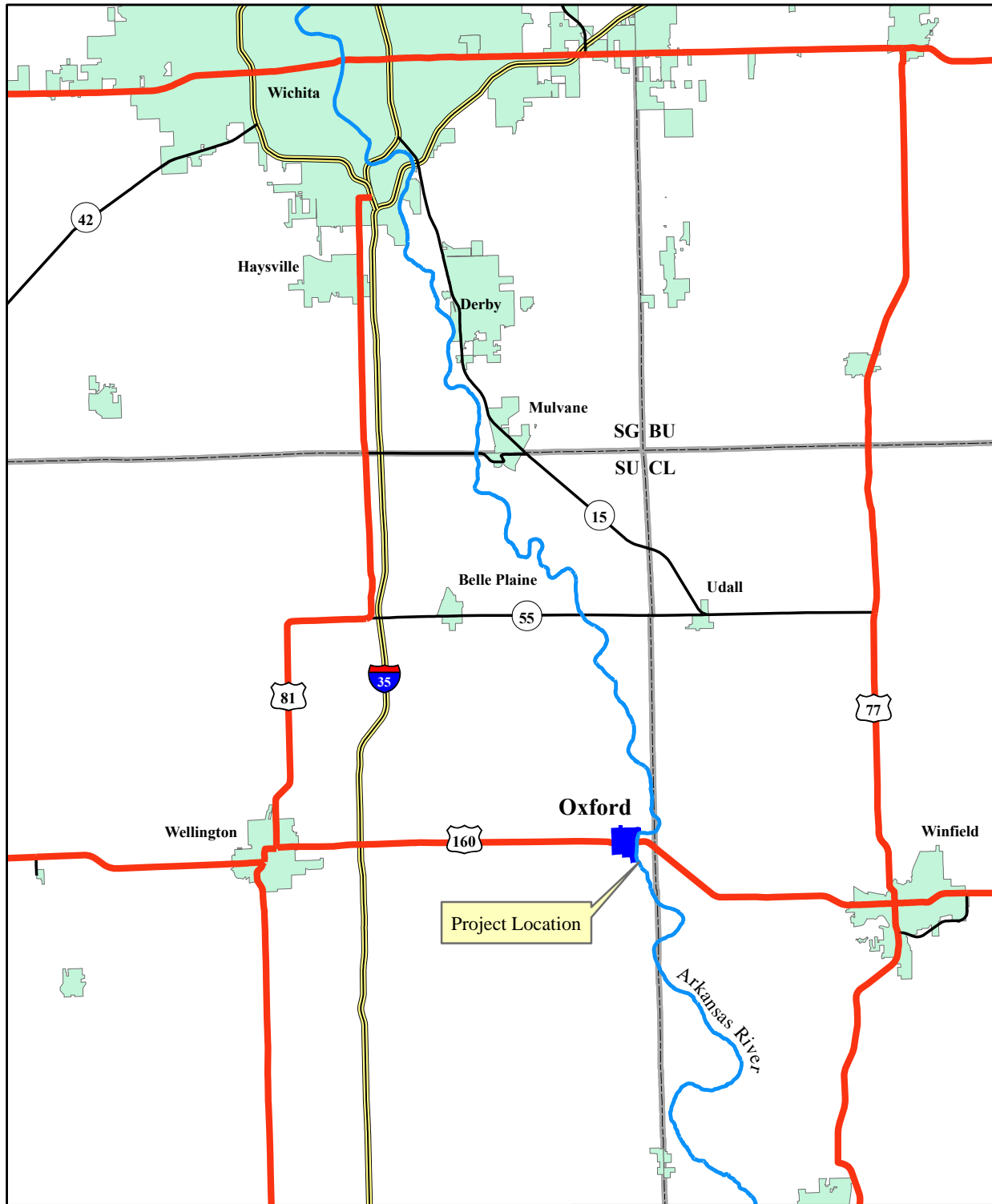
The WLT will hold an easement on the described City of Oxford property to protect streambank stabilization measures implemented with ILF funds and manage adjacent lands for aquatic and terrestrial habitat conservation purposes. It is the mission of the WLT to acquire land to preserve watersheds, waterways, streams, rivers, lakes, wetlands, adjacent (riparian) corridors, and green space primarily for the benefit of water quality, ecosystems, and open space. Similarly, the City of Oxford supports conserving natural areas and wildlife habitats with an emphasis on water quality protection.

PROPERTY DESCRIPTION

Located in Section 13, Township 32 South, Range 2 East, Sumner County, Kansas, the property under easement lies immediately south of the City’s residential district and wastewater lagoon system and adjacent the Arkansas River (Figure 1). The easement property includes two separate parcels of land generally bordered on the north by the Atchison & Santa Fe (AT&SF) Railroad right-of-way, the Arkansas River on the east, City of Oxford lands on the west, and private lands on west and south (see Figure 2). Land cover includes floodplain and riparian woodlands, cool and warm season grasslands, and agricultural crops (see Appendix A, Photographs 1 – 4). Lost Creek, an intermittent tributary to the Arkansas River, enters the property from the west and flows southeast to its confluence with the Arkansas River (see Appendix A, Photographs 5 and 6). Through the easement area, Lost Creek has been straightened and leveed to reduce flooding of adjacent lands. The center line of Lost Creek marks the southern boundary of the north parcel. The City’s tree and limb dump site lies immediately west of the south parcel.

OWNER CONTACT: Betty Oliver, City Clerk
115 South Sumner
Oxford, KS 67119
620-455-2223

LEGAL DESCRIPTION: A part of the Northwest, Southwest, and Southeast Quarters of Section 13, Township 32 South, Range 2 East of the 6th P.M., Sumner County, Kansas, beginning on the South line of the AT&SF Railroad right-of-way where it intersects the West bank of the Arkansas River, thence South 89 deg. 38 min. 51 sec. West (assumed) along the South line of said right-of-way, 87.09 feet, thence South 1 deg. 11 min. 59 sec. East, along the toe of an existing dike, 276.01 feet, thence south 0 deg. 06 min. 36 sec. along said existing dike, 287.90 feet, thence South 1 deg. 19 min. 26 sec. East, along said existing dike, 209.00 feet, thence South 0 deg. 14 min. 35 sec. West, along said existing dike 269.39 feet, thence South 24 deg. 56 min. 24 sec. West, along said existing dike 374.94 feet, thence South 24 deg. 26



Legend

- River
- Interstate Highway
- Kansas Highway
- United States Highway
- Incorporated Area
- County Boundary

0 5
Miles

N
W — O — E
S

City of Oxford Baseline Document
Oxford, Kansas

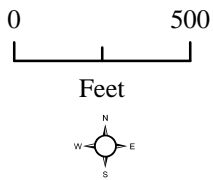
Figure 1
Project Location



Source: <http://www.kansasgis.org/>



Legend
 [White Outline] Approximate Easement Location



City of Oxford Baseline Document
 Oxford, Kansas

Figure 2
 Project Layout



Source: <http://www.kansasgis.org/>

min. 54 sec. West, along said existing dike, 340.52 feet, thence South 47 deg. 51 min. 34 sec. West along said existing dike 18.60 feet, thence South 65 deg. 28 min. 16 sec. West along said existing dike 17.88 feet, thence North 89 deg. 48 min. 37 sec. West along said existing dike 417.92 feet to the West line of tract conveyed to the city of Oxford in Book 332, Page 553 in the Office of the Register of Deeds, Sumner County, Kansas, thence South 0 deg. 21 min. 09 sec. East along the West line of said tract 542.06 feet more or less to the center of Lost Creek, thence Southeasterly along the center line of Lost Creek, 1243.67 feet to the West Bank of the Arkansas river, thence Northerly along the West Bank of the Arkansas River to the point of beginning, containing 22.06 acres more or less. This legal description—dated January 14, 2010—was provided by Charles B. Cullum (L.S. 599), Cullum Surveying, Arkansas City, Kansas, 620-442-7100.

And,

All that part of the City of Oxford Property lying East of a line; Beginning at a point 2,200.00 feet East and 475.00 feet North of the Southwest Corner of the Southwest Quarter 13, Township 32 South, Range 2 East of the 6th P.M., thence running South parallel with the West line of said property to a point on the South line of the Southwest Quarter. This legal description was derived from a 10/26/2010 property survey conducted by Cullum Surveying. Figure 2 displays the easement boundaries.

LAND USE: From the northern most boundary, a narrow band of riparian woodland extends south along the west bank of the Arkansas River for the length of the north parcel. Cool season grass between the toe of the lagoon dike and the riparian woodland is regularly mowed to inhibit brush/tree encroachment on the lagoon dike (see Appendix A, Photograph 7). Discharge from the lagoon system flows through a constructed swale to the Arkansas River (see Appendix A, Photograph 8). Currently, agricultural crops are grown in the north parcel, south of the existing wastewater lagoons (see Appendix A, Photograph 9). A low-lying area within the cropped field holds water during wet seasons precluding planting (see Appendix A, Photograph 10). A narrow band of riparian woodland borders the dike along Lost Creek (see Appendix A, Photograph 10). In the south parcel, a gravel entry road leads to an open and regularly mowed area used for the City tree and limb dump (see Appendix A, Photograph 11). Areas around the tree dump are unmowed native grasses, forbs, brush and trees. The south easement parcel lies east of the tree dump and consists of native riparian woodlands (see Appendix A, Photographs 12 and 13).

TOPOGRAPHY: Level to nearly level floodplain characterizes the property. In general, north and west boundaries are higher (approximately 1150 feet above sea level) sloping to the south and east toward Lost Creek and the Arkansas River. A depression in the northern parcel holds water during wet seasons

preventing crop production (see Figure 3). Other small depressions occur sporadically in the south parcel. Figure 3 displays the property topography

SOILS: The following soils occur on the Oxford Property (see Figure 4).

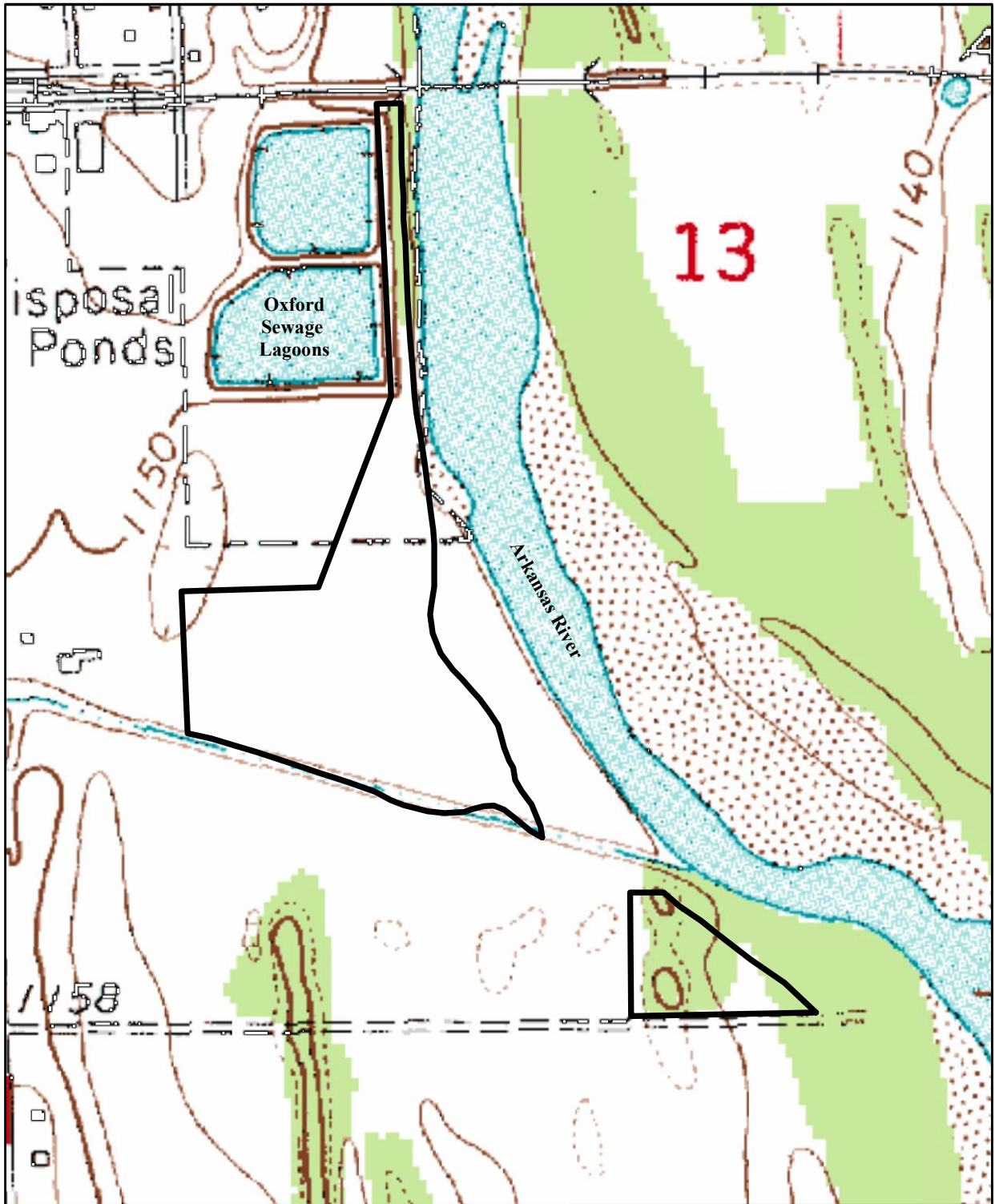
Map Unit Symbol	Map Unit Name
6224	Canadian fine sandy loam, 0 to 1% slopes
2152	Leosho clay loam, 0 to 2% slopes


Canadian soils make up the entire north parcel and Leosho soil the entire south parcel. The Canadian series is a nearly level and rarely flooded alluvial material located on low terraces and high flood plains. The Leosho series—making up the majority of the south parcel—are occasionally flooded and poorly drained soils located on low terraces and floodplains. Both soils are listed hydric.

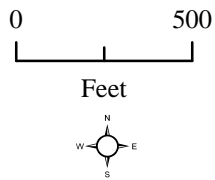
AGRICULTURAL RESOURCES: The majority of the north parcel is currently used for crop production, as it has been historically. Soybean production occurred through the summer of 2010 with winter wheat planted after harvest. No crops have been cultivated on other portions of the property in recent years. The property lies within a complex of other similar agricultural land use.

WATER RESOURCES: Both parcels of the property are bounded by the Arkansas River on the east. The Arkansas River is a perennial, free-flowing, navigable water of the United States. Lost Creek—an intermittent left-bank tributary of the Arkansas River—enters the north parcel from the west and flows southeast for approximately 1,240 feet to its mouth. The center line of Lost Creek comprises the south boundary of the north parcel. No other water resources occur in the south parcel.

WILDLIFE HABITAT/CONSERVATION RESOURCES: While the majority of the north parcel is crop land, a narrow but mature stand of riparian timber borders the Arkansas River. Conservation opportunities on the north parcel include: preserving the existing wooded riparian corridor along the Arkansas River and Lost Creek; widening the riparian corridor along Lost Creek; reestablishing native grasses and forbs on currently cropped land; and enhancing the low lying wet areas to increase and improve wetland habitats. The current vegetative community composition of the property, in addition to its position on the landscape, make it very likely that it is used by a wide variety of wildlife including a diverse bird community, mammals, reptiles, and amphibians. Habitat connectivity—through existing riparian corridors—with adjacent and similar undeveloped lands is high. Proposed conservation enhancements will increase wildlife use of the area. Currently, the mainstem of the Arkansas River in the easement area is designated critical habitat for the following species of concern:



Legend
 Approximate Easement Location

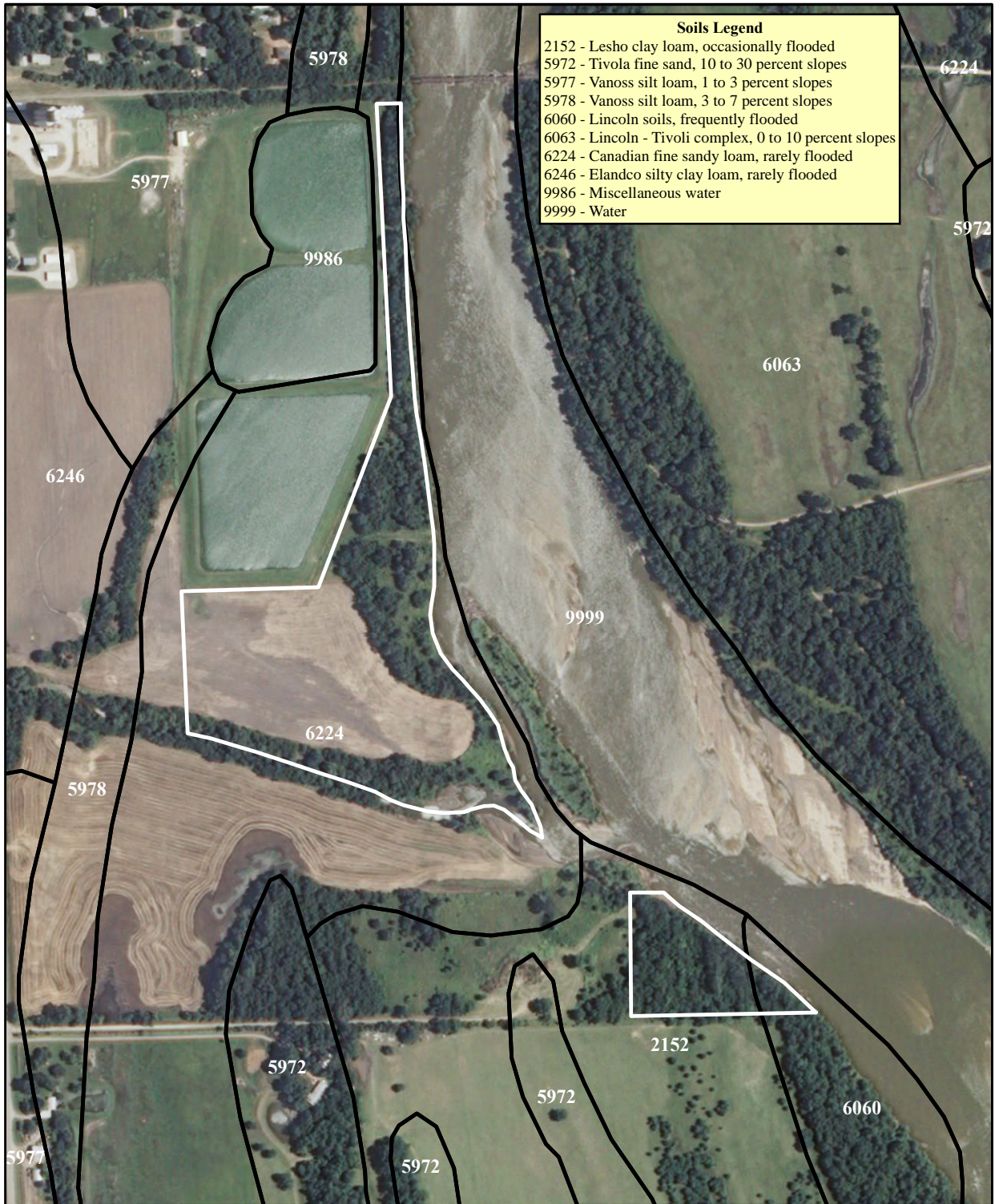


City of Oxford Baseline Document
 Oxford, Kansas

Figure 3
 Topography



Source: <http://www.kansasgis.org/>

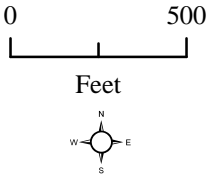


Soils Legend

- 2152 - Lesho clay loam, occasionally flooded
- 5972 - Tivola fine sand, 10 to 30 percent slopes
- 5977 - Vanoss silt loam, 1 to 3 percent slopes
- 5978 - Vanoss silt loam, 3 to 7 percent slopes
- 6060 - Lincoln soils, frequently flooded
- 6063 - Lincoln - Tivoli complex, 0 to 10 percent slopes
- 6224 - Canadian fine sandy loam, rarely flooded
- 6246 - Elandco silty clay loam, rarely flooded
- 9986 - Miscellaneous water
- 9999 - Water

Legend

- Approximate Easement Location
- SSURGO Soils Boundary



City of Oxford Baseline Document
Oxford, Kansas

Figure 4
Soils



Source: <http://www.kansasgis.org/>
<http://soildatamart.nrcs.usda.gov/County.aspx?State=KS>

Arkansas River Shiner	<i>Notropis girardi</i>	Federal – Threatened	Kansas – Endangered
Peppered Chub	<i>Macrhybopsis tetranema</i>	Federal – N/A	Kansas - Endangered
Silver Chub	<i>Macrhybopsis storeriana</i>	Federal – N/A	Kansas - Endangered

Additionally, the Bald Eagle (*Haliaeetus leucocephalus*)—recently removed from state and federal protected lists—is known to occur along the Arkansas River corridor in the easement area. Based on existing information, there is a limited likelihood that rare terrestrial species use the property.

SCENIC, RECREATIONAL, EDUCATIONAL, and HISTORIC RESOURCES: Due to current infrastructure and land use, this property has moderate scenic value and is characteristic of the local agricultural landscape. No public access to either parcel is available and none will be developed limiting recreational opportunities. Due to City ownership and parcel landscape position—proximity to residential areas—recreational activities are restricted to WLT-approved actions. Local educational opportunities may include demonstration projects for aquatic and terrestrial habitat restoration, and school district natural resource activities. The property contains no known important cultural resources.

HUMAN-MADE FEATURES: Human-made features on the parcels include the Lost Creek levee, miscellaneous fences, and rip rap/concrete slab protection of the Arkansas River streambank (North Parcel).

EXCLUDED PARCELS

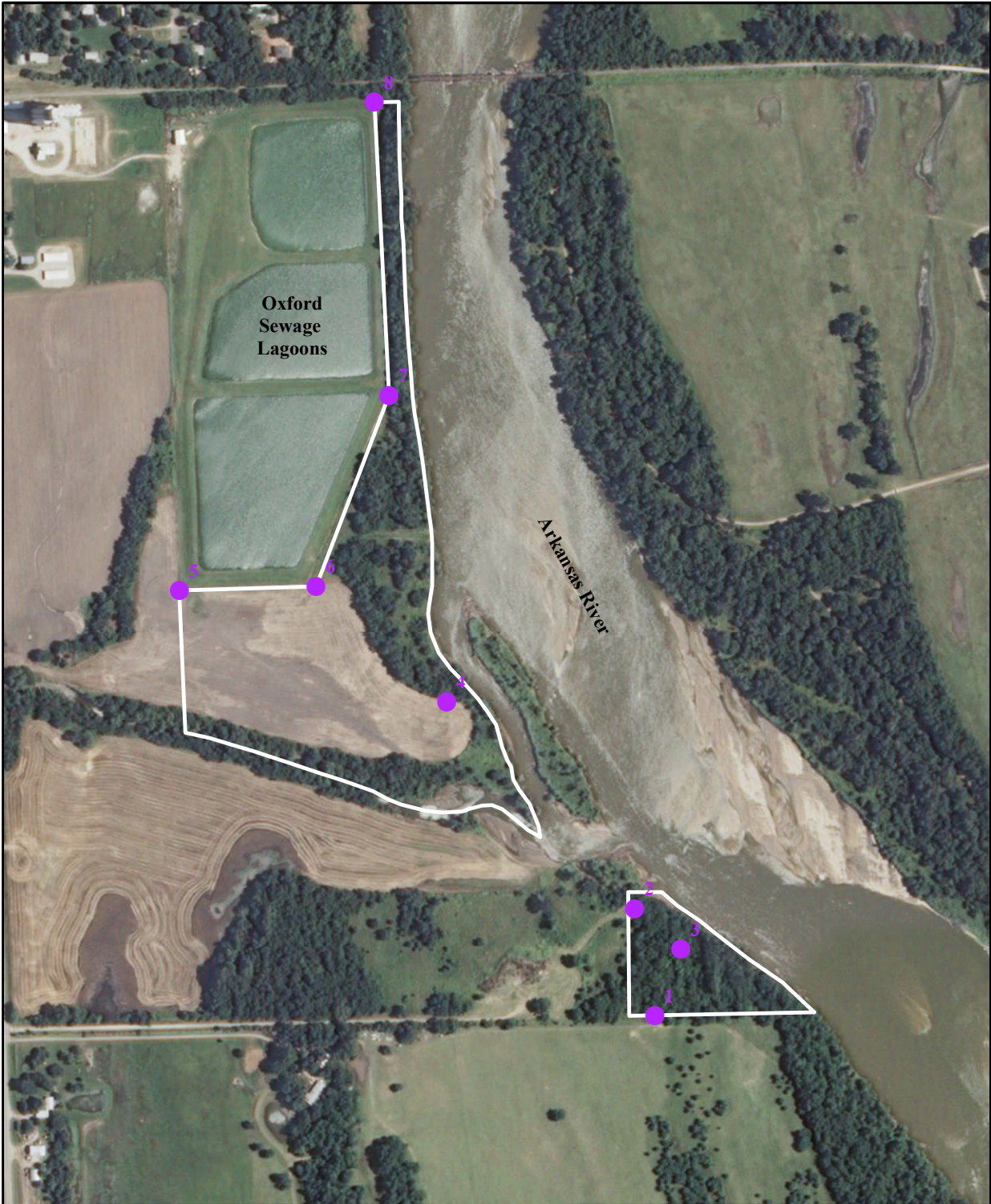
All areas within the described parcels are included in the easement. There are no excluded parcels.

MONITORING ACCESS

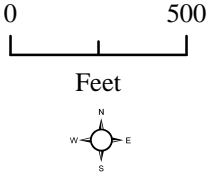
The landowner has given the WLT an easement for right-of-entrance to the parcels for purposes of habitat restoration, mitigation monitoring, and enforcement.

PHOTOGRAPHIC POINTS

During site reconnaissance, the WLT established eight photographic points (photopoints) to document current conditions. Several photopoints (1, 2, 3, 4, and 8) were monumented with ½" diameter × 18" long rebar capped by an aluminum disc and driven flush with the ground (see Appendix A, Photograph 14). Other photopoints (5, 6, and 7) are located at existing fence posts. Figure 5 provides location of each photopoint and Appendix B provides photographs taken at each of the eight locations.



Legend	
●	Photo Point
	Approximate Easement Location



City of Oxford Baseline Document
Oxford, Kansas

Figure 5
Photo Points



Source: <http://www.kansasgis.org/>

SUMMARY OF GRANTORS' RIGHTS AND RESTRICTIONS

Conservation rights and restrictions allow the protected property to be used for forestry, education, non-commercial recreation (with pre-approval from the WLT), natural habitats, and open space purposes.

**APPENDIX A
PROPERTY PHOTOGRAPHS**



City of Oxford Conservation Easement Direction: North	DESCRIPTION	Riparian woodlands	1
	LOCATION	North Parcel on the west bank of Arkansas River	Date
	PHOTOGRAPHER	Chris Mammoliti	July 12, 2010



City of Oxford Conservation Easement Direction: East	DESCRIPTION	Floodplain woodlands	2
	LOCATION	South Parcel, west bank of Arkansas River	Date
	PHOTOGRAPHER	Chris Mammoliti	July 12, 2010



City of Oxford Conservation Easement Direction: South	DESCRIPTION	Agricultural crop land	3
	LOCATION	North Parcel, Photo Point #6	Date
	PHOTOGRAPHER	Chris Mammoliti	July 12, 2010



City of Oxford Conservation Easement Direction: East	DESCRIPTION	Grasslands	4
	LOCATION	South Parcel	Date
	PHOTOGRAPHER	Chris Mammoliti	July 12, 2010



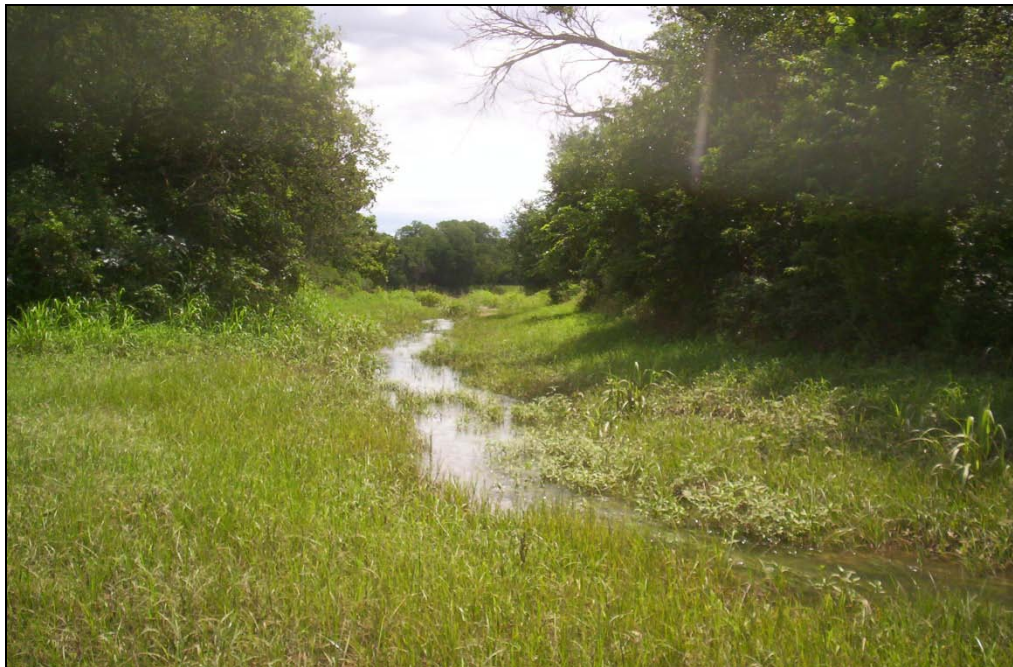
City of Oxford Conservation Easement Direction: East	DESCRIPTION	Lost Creek	5
	LOCATION	North Parcel	Date
	PHOTOGRAPHER	Chris Mammoliti	July 12, 2010



City of Oxford Conservation Easement Direction: West	DESCRIPTION	Riparian vegetation between levee and Lost Creek	6
	LOCATION	North Parcel	Date
	PHOTOGRAPHER	Chris Mammoliti	July 12, 2010



City of Oxford Conservation Easement Direction: North	DESCRIPTION	Cool season grass along toe of wastewater lagoon	7
	LOCATION	North Parcel	Date
	PHOTOGRAPHER	Chris Mammoliti	July 12, 2010



City of Oxford Conservation Easement Direction: East	DESCRIPTION	Wastewater lagoon discharge swale	8
	LOCATION	North Parcel	Date
	PHOTOGRAPHER	Chris Mammoliti	July 12, 2010



City of Oxford Conservation Easement Direction: Southeast	DESCRIPTION	Agricultural crops	9
	LOCATION	North Parcel, Photo Point #4	Date
	PHOTOGRAPHER	Chris Mammoliti	July 12, 2010



City of Oxford Conservation Easement Direction: Southeast	DESCRIPTION	Wet area and Lost Creek riparian corridor	10
	LOCATION	North Parcel	Date
	PHOTOGRAPHER	Chris Mammoliti	July 12, 2010



City of Oxford Conservation Easement Direction: North	DESCRIPTION	Tree dump	11
	LOCATION	South Parcel	Date
	PHOTOGRAPHER	Chris Mammoliti	July 12, 2010



City of Oxford Conservation Easement Direction: East	DESCRIPTION	Easement area lying east of the tree dump	12
	LOCATION	South Parcel	Date
	PHOTOGRAPHER	Chris Mammoliti	July 12, 2010



City of Oxford Conservation Easement Direction: East	DESCRIPTION	Riparian woodland and understory	13
	LOCATION	South Parcel	Date
	PHOTOGRAPHER	Chris Mammoliti	July 12, 2010



City of Oxford Conservation Easement Direction: East	DESCRIPTION	Photo Point marker	14
	LOCATION	South Parcel	Date
	PHOTOGRAPHER	Chris Mammoliti	July 12, 2010

**APPENDIX B
PHOTOPOINTS**



City of Oxford Conservation Easement Direction: East	DESCRIPTION	Photo Point #1	1
	LOCATION	South Parcel	Date
	PHOTOGRAPHER	Chris Mammoliti	Oct 25, 2010



City of Oxford Conservation Easement Direction: East	DESCRIPTION	Photo Point #1	2
	LOCATION	South Parcel	Date
	PHOTOGRAPHER	Chris Mammoliti	Oct 25, 2010



City of Oxford Conservation Easement Direction: South	DESCRIPTION	Photo Point #2	3
	LOCATION	South Parcel	Date
	PHOTOGRAPHER	Chris Mammoliti	Oct 25, 2010



City of Oxford Conservation Easement Direction: East	DESCRIPTION	Photo Point #2	4
	LOCATION	South Parcel	Date
	PHOTOGRAPHER	Chris Mammoliti	Oct 25, 2010



City of Oxford Conservation Easement Direction: East	DESCRIPTION	Photo Point #3	5
	LOCATION	South Parcel	Date
	PHOTOGRAPHER	Chris Mammoliti	July 12, 2010



City of Oxford Conservation Easement Direction: South	DESCRIPTION	Photo Point #3	6
	LOCATION	South Parcel	Date
	PHOTOGRAPHER	Chris Mammoliti	July 12, 2010



City of Oxford Conservation Easement Direction: Southeast	DESCRIPTION	Photo Point #4	7
	LOCATION	North Parcel	Date
	PHOTOGRAPHER	Chris Mammoliti	July 12, 2010



City of Oxford Conservation Easement Direction: Southwest	DESCRIPTION	Photo Point #4	8
	LOCATION	North Parcel	Date
	PHOTOGRAPHER	Chris Mammoliti	July 12, 2010



City of Oxford Conservation Easement Direction: East	DESCRIPTION	Photo Point #5	9
	LOCATION	North Parcel	Date
	PHOTOGRAPHER	Chris Mammoliti	July 12, 2010



City of Oxford Conservation Easement Direction: Southeast	DESCRIPTION	Photo Point #5	10
	LOCATION	North Parcel	Date
	PHOTOGRAPHER	Chris Mammoliti	July 12, 2010



City of Oxford Conservation Easement Direction: Southeast	DESCRIPTION	Photo Point #6	11
	LOCATION	North Parcel	Date
	PHOTOGRAPHER	Chris Mammoliti	July 12, 2010



City of Oxford Conservation Easement Direction: Southwest	DESCRIPTION	Photo Point #6	12
	LOCATION	North Parcel	Date
	PHOTOGRAPHER	Chris Mammoliti	July 12, 2010



City of Oxford Conservation Easement Direction: North	DESCRIPTION	Photo Point #7	13
	LOCATION	North Parcel	Date
	PHOTOGRAPHER	Chris Mammoliti	July 12, 2010



City of Oxford Conservation Easement Direction: Southeast	DESCRIPTION	Photo Point #7	14
	LOCATION	North Parcel	Date
	PHOTOGRAPHER	Chris Mammoliti	July 12, 2010



City of Oxford Conservation Easement Direction: South	DESCRIPTION	Photo Point #8	14
	LOCATION	North Parcel	Date
	PHOTOGRAPHER	Chris Mammoliti	July 12, 2010



City of Oxford Conservation Easement Direction: Southeast	DESCRIPTION	Photo Point #8	16
	LOCATION	North Parcel	Date
	PHOTOGRAPHER	Chris Mammoliti	July 12, 2010