Environmental Scan

Inola River Rail
Rogers County, Oklahoma

Prepared for:

Public Service Company of Oklahoma

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Environmental Scan Report Outline

The following environmental scan was performed for the Public Service Company of Oklahoma Inola River Rail Project study area. The purpose of this environmental scan is to identify required environmental permitting, potential items which may require avoidance, minimization, or mitigation measures associated with the proposed project activities, and challenges which may require the continued development of project alternatives. Environmental considerations reviewed during the environmental scan include the following:

- public lands
- historic and cultural resources
- waters of the U.S.
- floodways/floodplains
- farmland
- water quality, soils and sedimentation
- threatened and endangered species
- hazardous materials
- potential local environmental permits

Executive Summary

The environmental scan utilized information from publically available databases, GIS mapping data, and agency websites. The accuracy of this environmental scan is limited to an in-house review and depends entirely upon information source quality.

As determined during the course of this environmental scan, the following items should be performed prior to project construction:

- Perform a wetland delineation to identify any waters of the U.S. (WOTUS) on the property. If WOTUS are impacted, coordinate with the U.S. Army Corps of Engineers (USACE) Tulsa District to receive project authorization under Section 404 of the Clean Water Act (CWA). There is a potential for wetland and other waters impacts in the project area.
- If necessitated by a federal nexus (likely through the 404 permitting process), coordinate with the Oklahoma Historical Society State Historic Preservation Office and the Oklahoma Archeological Survey for determination of impacts to cultural and historic resources.
- If necessitated by a federal nexus (likely through the 404 permitting process), coordinate with the U.S. Fish and Wildlife Service for determination of impacts to threatened and endangered species, as needed.
- Obtain necessary permits for construction in a floodplain through the Rogers County Planning Commission.
- Develop a Stormwater Pollution Prevention Plan (SWPPP) and Notice of Intent (NOI), and seek coverage through the Oklahoma Department of Environmental Quality.

Site Description

The Inola River Rail Project study area is located in Rogers County Oklahoma, from a point located inside the southern limits of the City of Inola, extending southeast on the west side of the existing rail to the rail junction approximately ½ mile northwest of the rail intersection with E 620 Road. The study area then extends westward from the rail junction, terminating at approximately S 4220 Road, to be resumed from approximately S 4210 Road to just east of the rail intersection with S 4200 Road. The study area generally encompasses the area of right of way (ROW) anticipated for construction as well as additional area that may be impacted by construction activities. A location map is available as Figure 1, found in Appendix A. A topographic map of the area is provided as Figure 2 (Appendix A). The study area is centered roughly on Latitude 36.125933 and Latitude -95.489840.

Environmental Considerations

Public Lands

Public lands include properties used or reserved for use as park, recreation, wildlife or waterfowl areas, and historic sites. Public park lands may be reserved for public recreational usage under a Section 4(f) or Section 6(f) designation. Section 4(f) is part of the United States Department of Transportation (USDOT) Act of 1966 that was designed to preserve the natural beauty of the countryside. Section 6(f) is part of the Land and Water Conservation Fund (LWCF) Act, which was designed to provide restrictions for public recreation facilities funded with LWCF funds. The LWCF Act provides funds for the acquisition and development of public outdoor recreation facilities that could include community, county, and state parks, trails, fairgrounds, conservation areas, boat ramps, shooting ranges, etc.

No public lands are located within, or adjacent to, the study area. No further coordination regarding public lands would be necessary.

Historic and Cultural Resources

Searches of the National Park Service National Register of Historic Places (NRHP) online database was performed on January 31, 2019, to obtain the street addresses of listed properties located within the study area for the project. No NRHP architectural sites were identified within or adjacent to the study area. Locations of below ground cultural resources are generally not available publically to protect and preserve known archeological resources.

No Historic or Cultural Resources are expected to be found in the study area. However, if federal or state funds or authorization are incorporated into the project, consultation with the SHPO would be required. Depending on the location and extent of impacts, it may be arguable that ground has been disturbed by previous railroad activity within the ROW, and so there would be no need to perform below ground cultural resources investigations. Historic and Cultural Resource coordination is handled through Oklahoma Historical Society (OHS) State Historic Preservation Office (SHPO) and the Oklahoma Archeological Survey (OAS).

Waters of the U.S.

The U.S. Army Corps of Engineers (USACE) has jurisdiction over all waters of the U.S. (WOTUS). Discharges of dredged or fill material in WOTUS, including wetlands, require prior authorization from the USACE under Section 404 of the Clean Water Act (33 USC 1344). Waters of the U.S. include ponds, lakes, creeks, rivers, wetlands, etc.

Impacts to wetlands are regulated in Oklahoma by the USACE under the Clean Water Act (CWA) provided they are adjacent to or exhibit a hydrologic connection to "navigable waters" of the United States. Wetlands are a distinct subset of all jurisdictional waters and are legally defined as:

> "those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and under normal circumstances do support a prevalence of vegetation typically adapted for life in saturated soil conditions" (EPA, 40 CFR 230.3 and CE, 33 CFR 328.3).

This definition emphasizes that under normal circumstances wetlands must possess three characteristics in order to meet USACE wetland criteria: a prevalence of hydrophytic vegetation, hydric soils, and wetland hydrology. Without the presence of these criteria, an area cannot be considered a jurisdictional wetland under the USACE's regulatory control.

The USACE generally regulates WOTUS impacts via a two tiered permit system. Each type of permit requires that the applicant delineate and document the extent of project impacts to waters of the U.S. prior to permit application submittal. Linear transportation projects with loss of no more than a total of 0.50 acres of WOTUS impacts (including wetlands), may be permitted by a nationwide permit program. Nationwide permit applications are generally processed in 30 to 45 days. If greater than 0.1 acre of wetlands/waters of the U.S. are impacted, mitigation may be required. A nationwide permit can be granted without an approved mitigation plan; however, if mitigation is necessary, an approved mitigation plan will be required prior to the start of construction. Mitigation may include wetland creation, wetland modification, and/or wetland bank credit purchases.

Individual permits are required for linear transportation projects exceeding the impact limits stated above. Individual permit applications require longer processing and comment periods, resulting in a minimum review time of 60-90 days, or longer. A mitigation plan for anticipated project impacts would be required prior to the authorization of an individual permit.

The U.S. Fish and Wildlife Service (USFWS) National Wetlands Inventory (NWI), U.S. Geological Survey (USGS) National Hydrography Dataset (NHD), Natural Resources Conservation Service (NRCS) hydric soil data, and USGS topographic maps were reviewed to identify any potential waters of the U.S. in the study area. NWI data identifies two open water areas and six riverine water areas in the study area. The NHD identifies five channel locations corresponding to the NWI "riverine" locations. It should be noted that small undocumented wetlands are frequently present in the vicinity of small channels. The NWI and NHD data are shown in Figure 3. The study area does not contain hydric soils but does contain soils with hydric inclusions, as identified by the NRCS. Soils with hydric inclusions may or may not have hydric soils present. NRCS soil data is show in Figure 4.

Due to NWI presence in the study area, a wetland delineation conducted in accordance with methods set forth in the 1987 *Corps of Engineers Wetlands Delineation Manual* and the *Midwest Regional Supplement* is advised to determine impacts to WOTUS. If WOTUS are found to be impacted by planned project construction, the USACE permit application process can begin once the project construction limits are well defined (60% or better plans) and have a low likelihood of significantly changing. Based on this preliminary review, it is likely that impacts can be minimized to fall below the 0.5 acre threshold for a nationwide permit. If impacts avoid wetlands or other special aquatic sites and are less than 0.1 acre, the project would qualify for a non-notifying permit. The Tulsa USACE District holds jurisdiction over the project area.

Floodway/Floodplain

Rogers County, OK, participates in the National Flood Insurance Program (NFIP), administered by the Rogers County Planning Commission in coordination with the Oklahoma Water Resources Board. The NFIP mandates that any development requiring placement of a regulated floodplain fill material within the floodplain of a designated stream or Federal Emergency Management Agency (FEMA) designated floodplains to apply for a floodplain permit.

According to the FEMA Flood Insurance Rate Maps, Community-Panel Numbers 40131C0395H and 40131C0415H, several Zone A and Zone AE floodplains are in the project study area. According to FEMA an A or AE designated area is defined as having "1-percent annual chance of flooding." A Regulatory Floodway is defined by FEMA as including the channel of a watercourse and adjacent land areas reserved to discharge the base flood without raising the cumulative water surface elevation more than a designated height. No Regulatory Floodway is present. The floodplain is located in such a way that it will be impacted by project construction. Floodplain impacts should be coordinated through the Rogers County Planning Commission floodplain administrator. The National Flood Hazard Layer (NFHL) data is provided in Figure 5.

Farmlands

The Farmland Protection Policy Act (FPPA) requires that a farmland conversion impact rating score be generated in cooperation with the local NRCS office prior to development of such land to non-agricultural uses. Projects receiving federal funding or assistance, whole or in part, are subject to FPPA requirements.

NRCS data was referenced through the United Sates Department of Agriculture (USDA) NRCS Web Soil Survey (WSS) on January 31st, 2019. According to the shapefile, prime farmland and farmland of statewide importance soils are located within the study area. Should any farmland area be converted to non-agricultural uses, the project may be subject to the FPPA if federal funding is utilized. The local NRCS office should be coordinated with for potential farmland impacts in this case. This would include completing a Farmland Conversion Impact Rating form. The NRCS farmland data is shown in Figure 4.

Water Quality, Soils, and Sedimentation

To protect water quality, the U.S. Environmental Protection Agency (EPA) and Oklahoma Legislature have the ability to designate certain waters as Outstanding National Resource Waters (ONRW) or Scenic River Areas (SRA) as per the CWA or as designated by the State of Oklahoma. No such waters were determined to be within the project study area.

Section 303(d) of the CWA requires states to monitor their waters for impairments and develop total daily maximum loads for these waters. The Oklahoma Department of Environmental Quality website was referenced for the location of Section 303(d) list of impaired water bodies on January 30st, 2019. No Section 303(d) listed waters are listed within the study area.

If more than one acre of ground will be disturbed, the project would require compliance with the provisions of ODEQ storm water regulations required in Oklahoma Administrative Code (O.A.C.) 252:606-1-3(b)(3)(L). The regulations and permit procedures require utilization of erosion controls that limit the amount of pollutants that are allowed to leave a job site. Implementation of temporary erosion controls, best management practices, and compliance with permit limits will help prevent adverse impacts to water quality and decrease the amount of sediment leaving the project site. As this project would disturb more than an acre of ground, a Notice of Intent (NOI) for coverage under the OKR10 General Permit would be necessary to be submitted to ODEQ. A stormwater pollution prevention plan (SWPPP) is required to be developed prior to NOI submittal. The fee is anticipated to be $447.71.

Threatened and Endangered Species

If the project requires a Section 404 permit from the USACE, the project will be subject to coordination regarding Section 7 of the Endangered Species Act, which requires coordination with state and federal agencies to help preserve endangered species and their critical habitat. Table 1 lists the threatened and endangered species and the presence of their critical habitat potentially occurring within or near the project study area. The information regarding the species listed below was obtained from the USFWS Information, Planning, and Conservation System (IPaC) on January 31st, 2019. The table contained in this report refers to species potentially found in the project vicinity. Species may or may not be present.

Table 1: Threatened and Endangered Species Listed by IPAC as being of potential concern

Common Name	Scientific Name	Federal Status	Critical Habitat
Mammals			
Northern Long-eared Bat	*Myotis septentrionalis*	Threatened	Not designated
Insects			
American Burying Beetle	*Nicrophorus americanus*	Endangered	Not Designated
Birds			
Red Knot	*Calidris canutus rufa*	Threatened	Not Designated
Whooping Crane	*Grus Americana*	Endangered	Not Present
Least Tern	*Sterna antillarum*	Endangered	Not Designated
Piping Plover	*Charadrius melodus*	Threatened	Not present
Clams			
Neosho Mucket	*Lampsilis rafinequeana*	Endangered	Not Present
Rabbitsfoot	*Quadrula cylindrica cylindrica*	Threatened	Not Designated

In addition to the Federally listed species, the Oklahoma Department of Wildlife Conservation also tracks three State listed species, none of which are known to be located in Rogers County.

If a USACE Section 404 permit is required, this would be a federal nexus necessitating coordination with the USFWS to determine if the project will have impacts to threatened and endangered species. Coordination with the USFWS should occur after 60 percent or better plans have been developed. Should the project involve a minimal impact qualifying for a USACE Nationwide permit, the USACE may conduct an internal review for the Section 7 consultation process. Based on this preliminary review, there may be habitat present for several listed species.

Hazardous Materials

The potential for encountering hazardous materials was researched by querying databases maintained by the EPA and ODEQ.

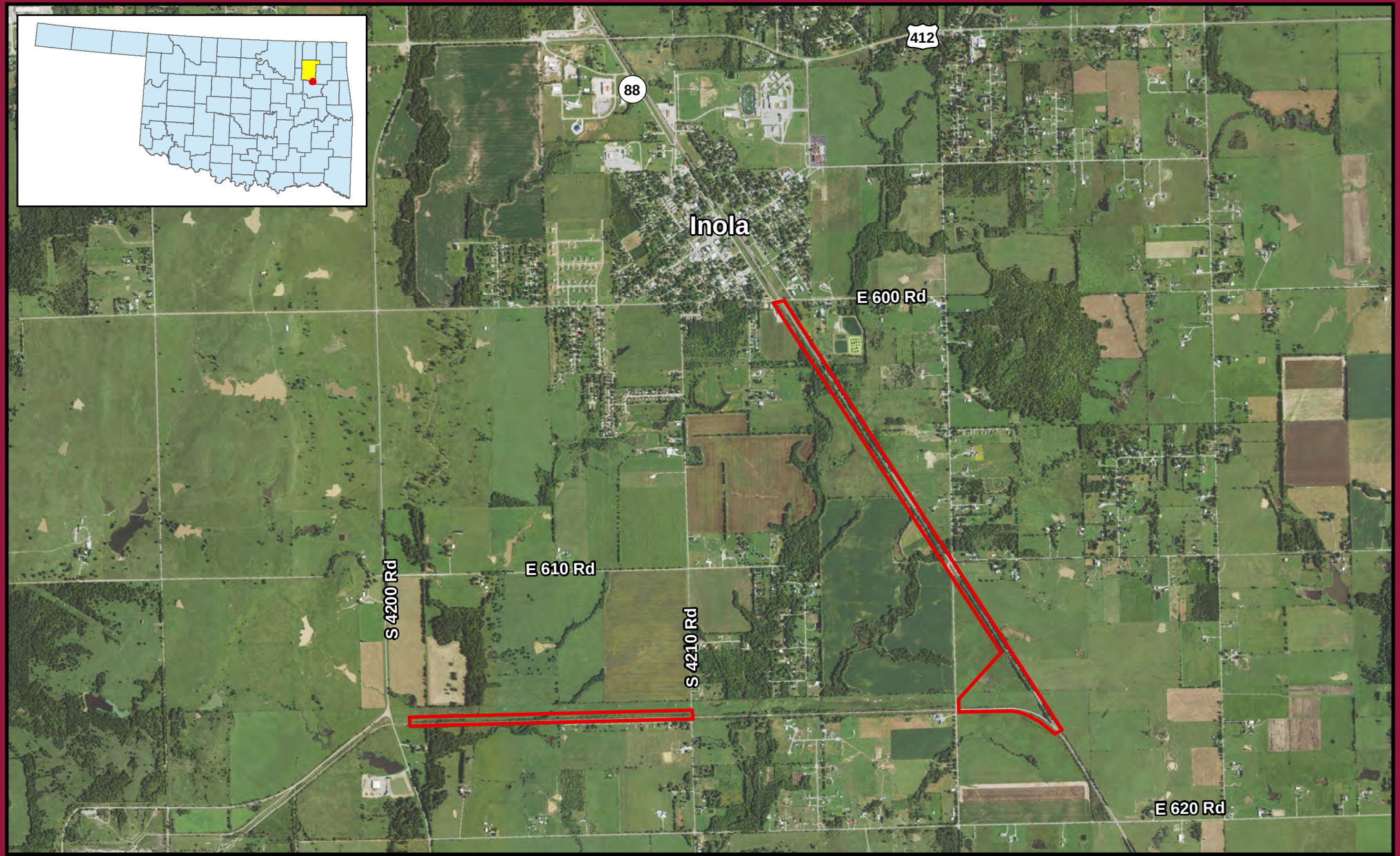
A search of the following sources returned no results within the study area:

- Multisystem query of the online EPA Envirofacts Data Warehouse
- ODEQ list of Current Oklahoma Notified Facilities

The EPA Envirofacts Data Warehouse and the ODEQ list did not identify any facilities involving spills or contaminated groundwater/soil within the study area. This databases were accessed on January 31st, 2019.

Appendix A

Figures



Study Area

Figure 1:
Project Location Map

N
W E
S

0 0.5 1 Miles

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Date: January, 2019

Inola River Rail

Rogers County, Oklahoma

Section: 9, 15, 16, 17

Township: 19 North, Range: 17 East

Aerial Source:
NAIP 2017 Imagery: Rogers County

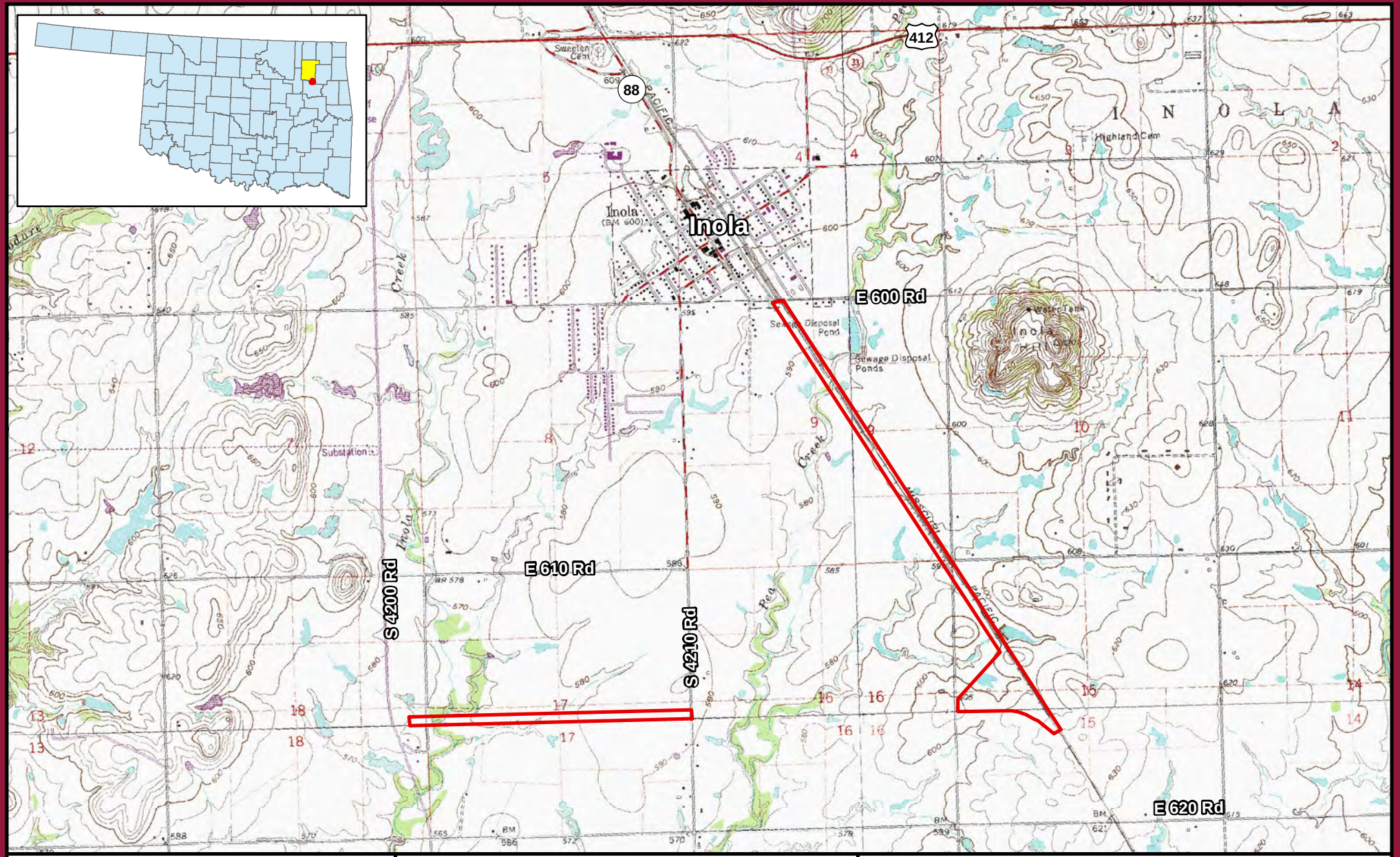

Figure 2:
Topographic Map

N
W E
S

0 0.5 1 Miles

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Date: January, 2019

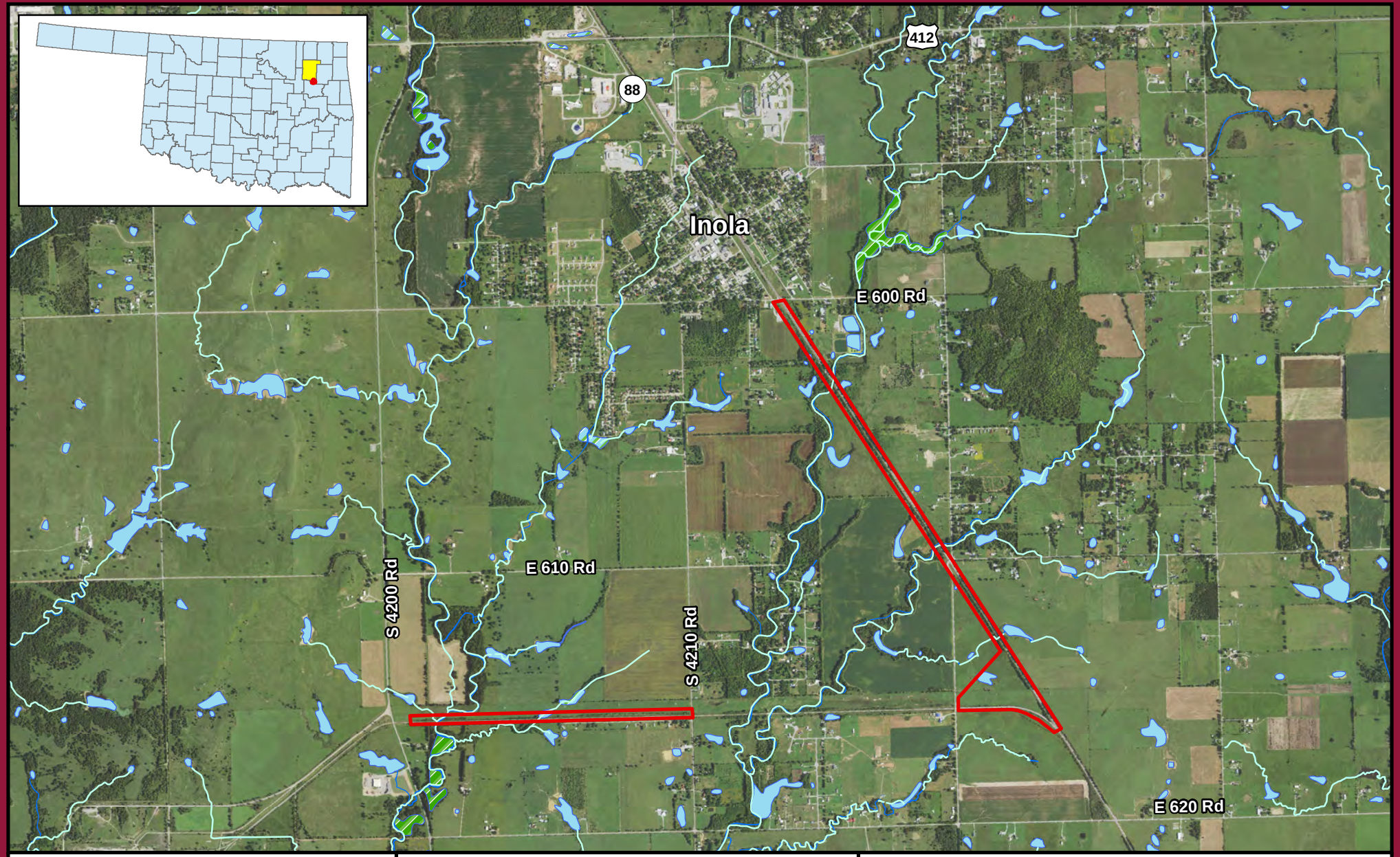
Inola River Rail

Rogers County, Oklahoma

Section: 9, 15, 16, 17

Township: 19 North, Range: 17 East

USGS 1:24,000 7.5 Minute Series Topographic Quadrangle:
Inola, Chouteau NW, Catoosa SE, Neodesha



Study Area
NHD Stream/River
Freshwater Emergent Wetland
Freshwater Forested/Shrub Wetland
Open Water
Riverine

Figure 3:
NWI Map

N
W E
S

0 0.5 1 Miles

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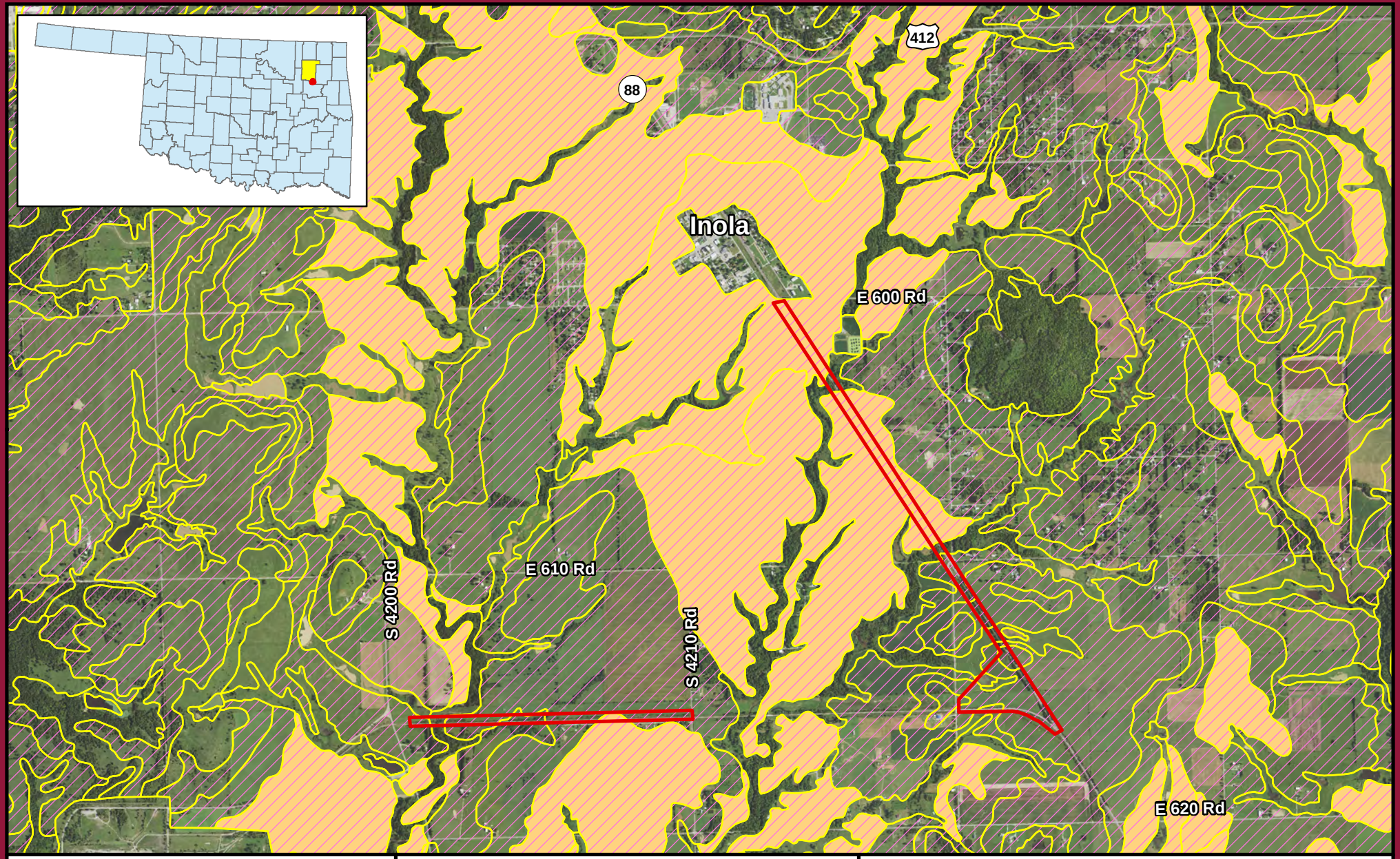
Date: January, 2019

Inola River Rail
Rogers County, Oklahoma
Section: 9, 15, 16, 17
Township: 19 North, Range: 17 East
Aerial Source:
NAIP 2017 Imagery: Rogers County



Study Area
Soil Map Unit Boundary
Prime and Other Important Farmland Soil
Soil with Hydric Inclusions
Hydric Soil

Figure 4:
Soils Map

N
W E
S

0 0.5 1 Miles

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Township: 19 North, Range: 17 East
Aerial Source:
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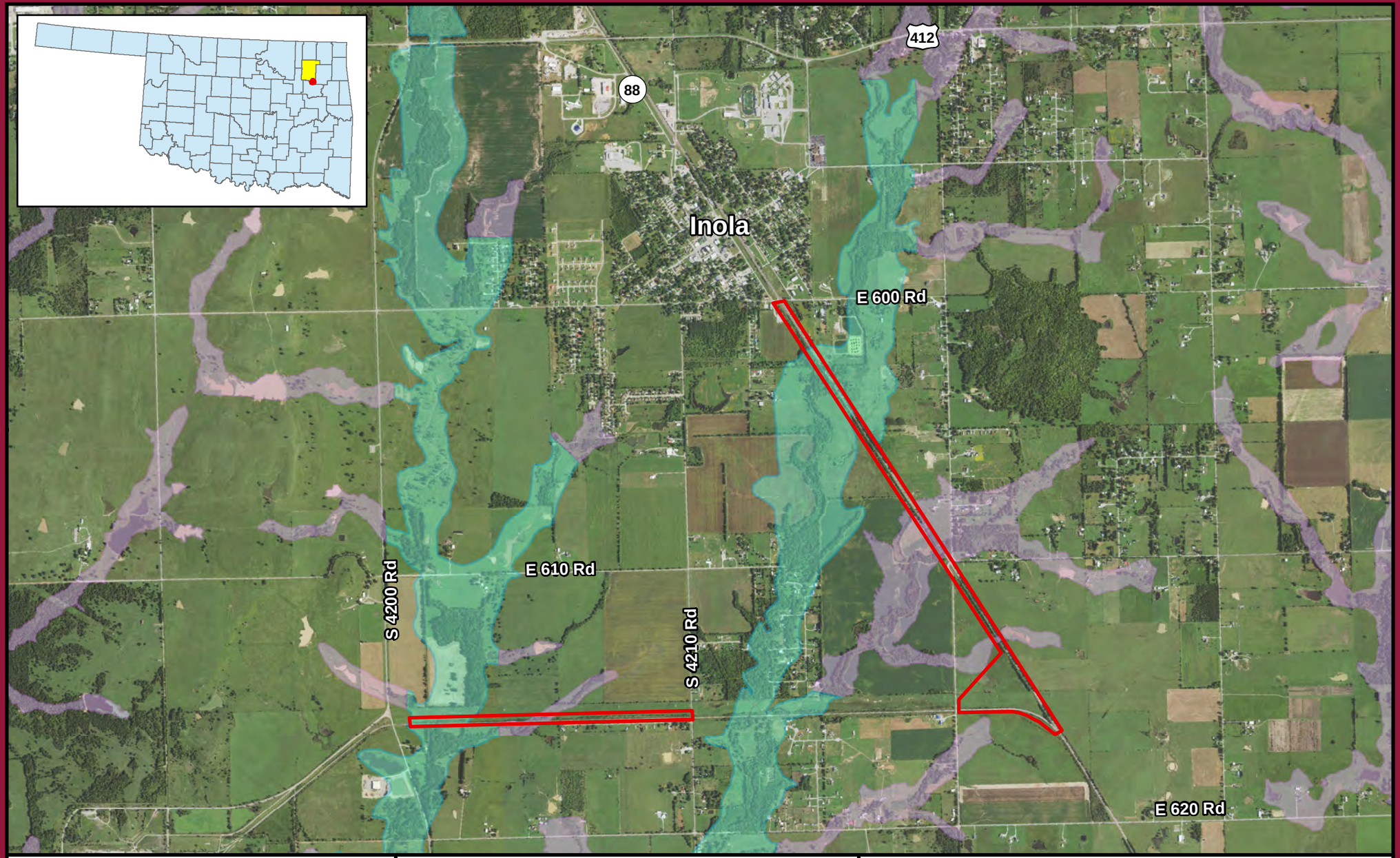

Study Area
Zone A Floodplain
Zone AE Floodplain

Figure 5:
FEMA Floodplain Map

N
W E
S

0 0.5 1 Miles

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Rogers County, Oklahoma
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