



**Documented Categorical Exclusion (DCE) for  
*GRADE, DRAIN, BRIDGE & SURFACE I-35: FROM THE SH-74  
INTERCHANGE, EXTEND NORTH 2.75 MILES TO THE  
CLEVELAND COUNTY LINE & FROM 1 MILE SOUTH OF  
LADD ROAD, EXTEND NORTH 4.15 MILES TO THE SH-74  
INTERCHANGE*  
McClain County  
PROJECT NO J3-5588(004)PM & J3-5589(004)PM,  
JOB PIECE NUMBER 35588(04) & 35589(04)**

**Existing Conditions and Purpose and Need for the Action**

The existing I-35 roadway has four 12ft. wide asphalt driving lanes and 10 ft. wide outside and 4 ft. wide inside asphalt shoulders, and a 35 ft. wide sod median. The current 4-lane roadway requires improvements to accommodate the existing traffic volume. The existing I-35 Reinforced Concrete Box (RCB) bridge (NBI 14352) has a clear roadway width of 38 ft. and an approach roadway consisting of four 12 ft. wide driving lanes and 10 ft. wide outside and 4 ft. wide inside asphalt shoulders, and a 35 ft. wide sod median. The bridge has a sufficiency rating of 66 and is functionally obsolete. The existing SH-9W span bridge over I-35 (NBI 29473) has a clear roadway width of 80 ft. and an approach roadway consisting of four 12 ft. wide driving lanes and 10 ft. wide paved inside and outside shoulders and a 16 ft. sod median. The bridge has a sufficiency rating of 85 and is not at risk of becoming structurally deficient or functionally obsolete. The existing I-35 span bridges (NBI 22008 and 22007) have a clear roadway width of 52 ft. and 64 ft., respectively, and an approach roadway each consisting of four 12 ft. wide driving lanes and 10 ft. wide outside and 4 ft. wide inside asphalt shoulders. The bridges have a sufficiency rating of 98 and are not at risk of becoming structurally deficient or functionally obsolete. The existing Ladd Road span bridge over I-35 bridge (NBI 30965/old NBI 14475) has a clear roadway width of 40 ft. and an approach roadway consisting of two 12 ft. wide driving lanes and 8 ft. wide paved shoulders. The bridge has a sufficiency rating of 98 and is not at risk of becoming structurally deficient or functionally obsolete. The existing I-35 Frontage Road RCB Bridge (NBI 14261) has a clear roadway width of 20 ft. and an approach roadway consisting of two 10 ft. driving lanes and no shoulders. The bridge has a sufficiency rating of 78 and is functionally obsolete. The existing I-35 RCB bridges (NBI 14298 and NBI 14335) each have a clear roadway width of 38 ft. and an approach roadway consisting of four 12 ft. wide driving lanes and 10 ft. wide outside and 4 ft. wide inside asphalt shoulders, and a 35 ft. wide sod median. The bridges each have a sufficiency rating of 66 and are functionally obsolete. The existing I-35 RCB bridge (NBI 14258) has a clear roadway width of 38 ft. and an approach roadway consisting of four 12 ft. wide driving lanes and 10 ft. wide outside and 4 ft. wide inside asphalt shoulders, and a 35 ft. wide sod median. The bridge has a sufficiency rating of 65 and is functionally obsolete. The current Annual Average Daily Traffic (AADT) is 51,000 vehicles per day (vpd) with a future 20-year AADT of 71,400 vpd. I-35 is an arterial corridor

connecting multiple states and carrying large volumes of commercial traffic. Due to the growth of the Oklahoma City metropolitan area, this corridor no longer meets the current traffic demand.

The purpose and need of the project are to improve the operational capacity of I-35 to accommodate existing and future traffic volumes, improve safety, and enhance local and regional connectivity.

The projects are in the Oklahoma Department of Transportation's (ODOT) Current 8 Year Construction Program. JP 35588(04) is in the STIP for 2023.

One study area incorporates both projects and extends from 1 mile south of Ladd Road to the Cleveland County Line. The project area for JP 35588(04) extends from the 950 ft north of the northbound on-ramp at SH-74 in Goldsby to the Cleveland County line, and the project area for JP 35589(04) extends from 1 mile south of Ladd Road to 950 ft north of the SH-74 northbound on-ramp.

### **Prior Planning & Alternatives Considered**

There was no alternatives analysis done in planning or pursuant to NEPA, or for other reasons.

### **Description of Proposed Action**

The proposed improvement consists of widening I-35 mainly to the inside by adding one 12 ft. asphalt lane of traffic in each direction and maintaining a minimum inside asphalt shoulder width of 10 ft. with a median barrier wall in the center median along the length of the projects. The interchange ramps at Ladd Road, SH-74, and SH-9W will be modified as necessary to connect to the widened roadway. Bridge-sized RCBs shall be extended to clear zone. Span bridges will be left as is with design exceptions as required. Metal cross drains will be upgraded to concrete. Improvements will occur along the existing alignment, with no new rights-of-way being acquired. The road will remain open, and construction phased to maintain two lanes of traffic in each direction. Construction will be completed in two packages. The north package, from 950 ft north of the northbound on-ramp at SH-74 in Goldsby to the Cleveland County Line, is scheduled to begin construction in 2023. The south package, extending to approximately one mile south of Ladd Road, is scheduled to begin construction in 2025.

### **Public Involvement & Agency Solicitations**

There was a Virtual Public Open House held on January 11, through January 25, 2023. The purpose of the virtual open house was to present information about the project and provide an opportunity for the public to submit comments. Notification letters were mailed to 54 public officials and 27 agencies. Four Tribal Nations were notified by letter including the Chickasaw Nation, Quapaw Nation, Osage Nation, and Wichita and Affiliated Tribes. The Oklahoma Aeronautics Commission (OAC) indicated that the proposed light poles will pose a hazard to the safe and efficient use of navigable airspace and require a Tall Structure Permit under the Oklahoma Aircraft and Pilot Protection Act (APPA), and that the Administrator of the FAA must be notified via Notice of Proposed Construction (Form 7460-1) as per CFR Title 14 Part 77.13. The Oklahoma Department of Environmental Quality (ODEQ) determined that no adverse environmental impacts under ODEQ jurisdiction are anticipated. All projects exceeding 1 acre of disturbance must obtain authorization under OKR10. Projects involving water and wastewater utility relocations must obtain a permit from the ODEQ Water Quality Division.

Brochures were mailed specifically addressed to 69 property owners immediately adjacent to the project footprint and 9 utility owners within the project footprint. Postcards were sent using the United States Postal Service (USPS) Every Door Direct Mail (EDDM) tool reaching 4,263 residents. Thirty-one comments (31) were received from the public regarding safety, traffic congestion, increase in traffic volume, want for more widening, and requesting additional signage during construction. Seven (7) comments were focused on public transportation alternatives. Three (3) comments were focused on access

during construction and three (3) comments were focused on detour routes during construction. One (1) petition was received from 28 residents of Martingale Estates, located on the east side of I-35 and Ladd Road, between mile markers 102 and 101, for reasonable accommodations for privacy and sound reduction due to the addition of added lanes. Noise Study FAQs were included in the virtual open house website. An additional forty-four (44) comments were collected on other projects.

The project does not have any substantial or public controversy on environmental grounds. The project has no additional right-of-way. The project does not have potential for disproportionately high and adverse impact on minority or low-income populations, based on known demographics in the project vicinity, no new right-of-way being acquired, and no relocations being required.

## **Social, Economic and Environmental Impacts & Agency Coordination**

### Right of Way and Relocations

The project has no additional right-of-way.

### Environmental Justice

The project does not have potential for disproportionately high and adverse impact on minority or low-income populations, based on known demographics in the project vicinity, no new right-of-way being acquired, and no relocations being required.

### Cultural Resources

The ODOT Cultural Resources Program completed a review of the proposed project area and examined the State Historic Preservation Office's (SHPO) online Determination of Eligibility (DOE) and National Register of Historic Places (NRHP) files as well as the archaeological site files at the Oklahoma Archeological Survey (OAS). The new project boundaries based on 65% plans were georeferenced and compared to the original 2022 cultural resources assessment. The scope of the project has not changed, and the original screened exemption review is still applicable. The proposed project was reviewed by an archaeologist who meets the Secretary of Interior Qualifications. The proposed undertaking is, by nature, a project that has no potential to cause effects to historic properties as defined in 36 CFR 800.3(a)(1). No further work regarding cultural resources was recommended.

### Section 4(f) and Section 6(f) Involvement

The action does not involve the use of public recreational or historic properties protected by Section 4(f) of the U.S. Department of Transportation Act of 1966 (U.S. DOT Act) (49 U.S.C. 303) nor properties that have been developed using Land and Water Conservation Funds Act (LWCFA) of 1965 (16 USC 4601-4 et seq) protected under Section 6(f) of the Act.

### Waters and Wetlands

The action may involve work in eight unnamed tributaries to the Canadian River, exhibiting the characteristics of a jurisdictional waterway and potentially jurisdictional wetlands. The proposed construction activities have been evaluated and the appropriate Clean Water Act Section 404 permit application has been made.

### Threatened & Endangered Species, Bald Eagles, and Migratory Birds

A biological field review was performed for the referenced project. ODOT on behalf of the Federal Highway Administration (FHWA) has determined that the project, as proposed, will have no effect on the federally-listed peppered chub, Piping Plover, and Red Knot. The project, as proposed, is unlikely to adversely affect the Whooping Crane, Arkansas River shiner, peppered chub Critical Habitat and Arkansas River shiner Critical Habitat. The project, as proposed, is unlikely to jeopardize the continued existence

of the tri-colored bat and monarch butterfly. The U.S. Fish and Wildlife Service (USFWS) has concurred with the Department's findings. Prior to Right-of-Way submittal, plan notes for mitigation and/or avoidance of Whooping Crane, Arkansas River shiner Critical Habitat and peppered chub Critical Habitat will be added to the project plans under "Environmental Mitigation Notes" per policy Directive C-201-2D(2).

The project, as proposed, may affect the Bald Eagle. There will be a plan note for the bald eagle added to the plans and a bald eagle survey will be conducted during the winter prior to the start of construction.

The project as proposed could adversely affect nesting habitat for migratory birds, species protected by the Migratory Bird Treaty Act (MBTA), if construction activities occur during the nesting season of these species. A Migratory Bird Plan note requiring avoidance of demolition or construction of any existing structures with migratory birds use during the nesting season will be added to the construction plans.

#### Floodplains

The project is located within a regulatory floodway. However, the proposed project will not require a flood map revision as determined by the appropriate state or local authority.

#### Farmlands

The action occurs within existing right-of-way. Hence the project will not affect any farmlands.

#### Hazardous Materials

There are no known hazardous material sites or previous land uses with potential for hazardous materials remaining within the proposed action area.

#### Temporary Construction Impacts

The road will remain open to through traffic. The Contractor will provide access to local property owners at all times.

#### Noise

Under current conditions, eight (8) residential receptors are impacted with noise levels that approach, meet, or exceed the 67 decibel units [dB(A)] hourly value of the steady-state sound level [LEQ (h)] for Activity Category B (residential). Based on the proposed project and future traffic volumes, sixteen (16) residential receptors would be impacted by noise levels meeting or exceeding the 67 dB(A) LEQ (h) for Noise Abatement Criteria (NAC)-B. An interior analysis was conducted for the veterinary clinics, and the place of worship and evaluated as NAC-D (institutional structures), in which no future noise impacts occur. Further, no receivers will experience a substantial increase (15 dB) in future levels over the existing levels, with the highest increase being 3.8 dB exterior and 3.4 dB interior.

Noise abatement in the form of free-standing noise walls was considered for impacted receptors. Seven (7) noise walls were evaluated at various lengths and heights placed within the highway right-of-way. The barrier analyses indicated that walls ranging in various heights up to the maximum allowed 22 feet resulted in a high cost per benefitted receptor or did not achieve the acceptable reduction of future noise levels. In summary, installing noise walls would be ineffective primarily due to long distances between the receptors and the noise wall location or insufficient benefitted receptors. Therefore, noise abatement measures are determined not feasible or reasonable.

#### Other Permits & Coordination

The action will require notifying the Federal Aviation Administration (FAA) of proposed construction via FAA Form 7460-1 prior to construction, in accordance with 14 CFR 77.13 – 77.17, and may require a Tall Structure permit under the Oklahoma Aircraft Pilot and Passenger Protection Act, due to the location of David Jay Perry Airport adjacent to the project location and University of Oklahoma Max Westheimer Airports within 4 miles of the project location.

#### Summary of Commitments

##### *Pre-Construction Commitments:*

The following Airport/Airfield located within 4 miles of this project. This action will require notifying the FAA of proposed construction via FAA Form 7460-1 and may require a Tall Structure permit under the Oklahoma Aircraft Pilot and Passenger Protection Act, prior to construction. The David Jay Perry Airport and The University of Oklahoma's Max Westheimer Airport

##### *Conservation Commitments*

**Tree Removal Minimization Commitment:** In order to avoid and minimize adverse impacts to listed bat species and Birds of Conservation Concern, the removal of trees and shrubs shall be restricted to areas within the actual limits of construction, and all aspects of the project (e.g temporary work areas, alignments) will be modified to avoid tree removal, if possible, during the design of the project. Tree removal will be limited to that specified in the project plans provided to contractors.

**Monarch Commitment:** ODOT, as a Certificate of Inclusion partner in the Nationwide Monarch Butterfly CCAA for Energy and Transportation lands, will adhere to the conservation measures, as well as minimize threats to the monarch butterfly as stipulated in this CCAA.

##### *Right-of-Way and Utility Commitments*

The following Construction Commitments requiring avoidance, restrictions or minimization of natural and human resources during Right-of-Way clearance and Utility relocation activities will be discussed with the Right-of-Way and Utility Owners at the start of Right-of-Way and Utility Process.

##### *Construction Commitments*

**ODOT Commitment:** All operators, employees, and contractors will be made aware of all environmental commitments, including the following Plan Notes.

The following plan notes requiring avoidance, restrictions or minimization of natural and human resources in the project and off-site project areas will be added to the final project plans under "Environmental Mitigation Notes" per policy Directive C-201-2.

##### **Species Plan Notes**

**Non-Compliance:** Failure to implement the commitments specified in the Plan Notes can result in non-compliance issues on the project. Work activities may be suspended on the project, for an undetermined duration, while working with regulators to bring the project back into compliance. The contractor will not be compensated for time lost.

**Water Quality Conservation:** Appropriate Best Management Practices to minimize impacts from storm water discharges and sedimentation in streams, as established by the Oklahoma Department

of Environmental Quality, shall be conscientiously implemented throughout the proposed construction periods, in order to minimize any potential impacts to any listed species. The effectiveness of erosion controls shall be maintained for the duration of construction activities. Hazardous materials, chemicals, fuels, lubricating oils, and other such substances shall be stored at least 100 feet outside of the ordinary high water mark (OHWM). Refueling of construction equipment shall also be conducted at least 100 feet from the OHWMs. Sediment and erosion controls shall be installed around staging areas to prohibit discharge of materials from these sites. Construction waste materials and debris shall be stockpiled at least 25 feet outside of the OHWMs, and these materials shall be removed and disposed of properly following completion of the project. Preventative measures must be taken to prohibit the discharge of contaminants into any surface waters.

**Whooping Crane Plan Note:** If Whooping Cranes are seen at or within one mile of the proposed work site, the Resident Engineer shall immediately contact the ODOT Biologist. If there is a confirmed sighting and/or Whooping Cranes are observed within one mile of the proposed work site, all construction activities shall cease until it is determined that Whooping Cranes have left the project vicinity without being harassed.

**Special Water Quality Conservation Plan Note:** The project occurs adjacent to critical habitat Arkansas River Shiner and Peppered Chub. Appropriate Best Management Practices to minimize impacts from storm water discharges and sedimentation in streams, as established by the Oklahoma Department of Environmental Quality, shall be conscientiously implemented throughout the proposed construction periods, in order to minimize any potential impacts to any listed species. The effectiveness of erosion controls shall be maintained for the duration of construction activities. Hazardous materials, chemicals, fuels, lubricating oils, and other such substances shall be stored at least 300 feet outside of the ordinary high water mark (OHWM). Refueling of construction equipment shall also be conducted at least 300 feet from the OHWMs. Sediment and erosion controls shall be installed around staging areas to prohibit discharge of materials from these sites. Construction waste materials and debris shall be stockpiled at least 50 feet outside of the OHWMs, and these materials shall be removed and disposed of properly following completion of the project. Preventative measure must be taken to prohibit the discharge of contaminants into any surface waters.

**Bald Eagle Note:** Suitable nesting, roosting or foraging habitat for the Bald Eagle occurs within the project's action area. The Bald Eagle nesting season in Oklahoma extends from September 16, through May 31. The Resident Engineer shall contact the ODOT Biologist to schedule a nest survey. Nest search surveys can only be conducted when leaves are not on the trees typically between December 1st and February 28th. No work may occur within suitable Bald Eagle habitat, located throughout the entire extents of the project during the nesting season (September 16, through May 31) until the completion of the survey by the ODOT Biologist. If nests are observed, a no-work buffer up to a distance of 660 feet shall be placed around the nest. The exact distance of the buffer zone shall be established by the ODOT Biologist in consultation with US Fish and Wildlife Services. If the buffer cannot be maintained, all clearing, external construction and landscaping activities, within the buffer, shall be conducted between June 1 and September 15 (outside the nesting season)

**Migratory Bird Note:** Migratory birds are protected by the federal Migratory Bird Treaty Act. Many birds commonly use bridges and culverts for nesting. The nesting season for most migratory bird species extends from March 1 to August 31. Migratory bird nesting use of the C22 –I-35 over unnamed tributary of the Canadian River (NBI 14258), C18 –over unnamed tributary of the Canadian River. (NBI 14298), C17 –over unnamed tributary of the Canadian River (NBI 14335),

C12 Station 909+25 I-35 over unnamed tributary to the Canadian River, C1- over unnamed tributary to the Canadian River (NBI 14352), C8- Highway 9 over I-35 (NBI 29473), C5 97.4961794W 35.1819256 Highway 9 over drainage, 400' east of S. Harvey Ave, C2- I-35 NB over unnamed tributary of the Canadian River (NBI 22007), C3- SB over unnamed tributary of the Canadian River (NBI 22008), and C4- I-35 over unnamed tributary of the Canadian River (NBI 27477) was observed. Painting, repair, retrofit, rehabilitation or demolition of the existing bridges and culverts shall be conducted between September 1, and February 28, when migratory bird nests are not occupied. If painting, repair, retrofit, rehabilitation, or demolition cannot be completed between September 1 and February 28, the bridges and culverts shall be protected from new nest establishment prior to March 1, by means that do not result in bird death or injury. Options include the exclusion of adult birds from suitable nest sites on or within a structure by the placement of weather-resistant polypropylene netting with 0.25-inch or smaller openings, prior to March 1. Methods other than netting must be pre-approved by the ODOT Biologist.

Although no nests were observed on all other structures, the birds may occupy the structures in the future. The Resident Engineer shall contact the ODOT Biologist if any bird use of these structures is observed. If birds are observed then painting, repair, retrofit, rehabilitation or demolition of the existing bridges and culverts shall be conducted between September 1, and February 28 (when migratory bird nests are not occupied).




<b>Species (choose those that apply)</b>	<b>Seasonal Restriction Period</b>
<b>Bald Eagle</b>	<b>September 16 – May 31</b>
<b>Migratory Birds: Swallows and Phoebes</b>	<b>March 1 – August 31</b>

**Conclusions**

ODOT has completed the environmental analysis and review of the referenced project. ODOT has determined that this project does not individually or cumulatively have a significant impact on the environment as defined by NEPA, or involve unusual circumstances as defined in 23 CFR 771.117(b), and is therefore excluded from the requirements to prepare an Environmental Assessment or Environmental Impact Statement. As provided by the 2019 FHWA/ODOT Programmatic Agreement Processing of Categorical Exclusions, FHWA has previously determined that processing this action as a Documented Categorical Exclusion (DCE) is appropriate. Based on consideration of prior planning studies, appropriate agency solicitation, thorough environmental review, and public coordination, ODOT has determined that this action results in no significant impacts to the human and natural environment, involves no public controversy on environmental grounds, and no inconsistency with any federal, state or local laws, regulations, and administrative determinations relating to the environment. FHWA concurrence with this finding is requested.

All documentation, analyses, and agency coordination regarding this Categorical Exclusion are contained in a supporting appendix maintained in the project file at the Oklahoma Department of Transportation, Environmental Programs Division.

**Preparer/Reviewer Signatures**

	4/18/2023
Environmental Consultant Project Manager (If Applicable)	Date
Olsson	
Environmental Consultant Firm Name (If Applicable)	
County Commissioner or City Manager (For County Local Government or City Projects)	Date
<i>Amanda Alexander</i>	4-18-2023
ODOT NEPA Project Manager	Date
	4/19/2023
ODOT Environmental Programs Assistant Division Manager	Date
	4/19/2023
ODOT Environmental Programs Division Manager	Date

Concurrence that this project qualifies for a Documented Categorical Exclusion:

KAREN D ORTON	<small>Digitally signed by KAREN D ORTON Date: 2023.05.08 14:57:07 -05'00'</small>	
Environmental Programs Manager, FHWA		Date

**Attachments:**

- Location Map
- Current Plans and Study Footprint
- Early Coordination
- Public Involvement
- Studies and Coordination
- DCE Justification Document

**Distribution List (Check Applicable Ones)**

<input checked="" type="checkbox"/>	Project Management Division (All State Projects)
<input checked="" type="checkbox"/>	Roadway Design Division (All State projects with the exception of projects from Traffic Division and Special Projects)
<input type="checkbox"/>	Bridge Division (All State Bridge Projects)
<input type="checkbox"/>	Traffic Division (For projects from Traffic Division)
<input type="checkbox"/>	Local Government Division (County, City, TAP or Special Projects)
<input checked="" type="checkbox"/>	Field District Engineer (All Projects)
<input checked="" type="checkbox"/>	Right-of-Way Division (All Projects)
<input checked="" type="checkbox"/>	Noise Specialist (For projects with noise studies)



