

**SH-51 FROM SH-16 JUNCTION EAST APPROXIMATELY 5 MILES TO THE BRIDGE
OVER FT GIBSON LAKE
WAGONER COUNTY / JP 32819(04) & 29746(04)**

Environmental Summary

As the project is funded in part by federal funds through the Federal Highway Administration (FHWA), the project is required to comply with the National Environmental Policy Act (NEPA) and several other federal environmental laws and executive orders. Oklahoma Department of Transportation (ODOT) completed environmental studies of the project area. These studies included:

- Identification of archeological, historic resources and cemeteries (Cultural Resources)
- Tribal Consultation
- Evaluation of impacts to Section 4(f) properties – U.S. Army Corps of Engineer Land
- Delineation of streams and wetlands
- Assessment of threatened and endangered species and their habitat
- Assessment of potentially hazardous waste sites
- Noise
- Identification of floodplain impacts
- Environmental justice data collection

A summary of these findings is presented below. These studies will be documented in an NEPA environmental document, which will be finalized once public input is received from this virtual open house.

Cultural Resources:

A cultural resources study is underway. The project will be coordinated with the State Historic Preservation Office (SHPO) and Oklahoma Archeological Survey (OAS).

The Indian Lodge Motor-Court

The Indian Lodge Motor-Court is eligible National Register Historic Property (NRHP) and Section 4(f) protected property. Section 4(f) of the U.S. Department of Transportation Act of 1966 (49 U.S.C. 303) affords protection to publicly owned recreation areas (resources) including city, state and national parks, wildlife refuges, management areas and historic sites. This Section 4(f) resource is a historic property and analysis to determine whether there is a ‘feasible and prudent’ alternative to the historic property must be completed.

Pioneer Cemetery

The Pioneer Cemetery, owned by the City of Wagoner, is located on the south side of SH-51 approximately 670 feet west of County Road N-430 intersection. This cemetery will be avoided.

Tribal Consultation

The following tribes were consulted for input: Alabama Quassarte Tribal Town, Caddo Nation, Cherokee Nation, Kialegee Tribal Town, Muscogee (Creek) Nation, Osage Nation, Thlopthlocco Tribal Town, United Keetoowah Band of Cherokee Indians, and Wichita & Affiliated Tribes.

Section 4(f):

Section 4(f) of the U.S. Department of Transportation Act of 1966 (49 U.S.C. 303) affords protection to publicly owned recreation areas (resources) including city, state and national parks, wildlife refuges, management areas and historic sites. FHWA may not approve an action that uses public park and recreation land, or historic properties, when there is a feasible and prudent alternative. To reject an avoidance alternative, one must demonstrate that it cannot be constructed as a matter of sound engineering practice (not feasible) and that it does not cause other severe problems of a magnitude that substantially outweighs the importance of protecting the Section 4(f) property (not prudent).

Part of the SH -51 roadway project crosses land owned by the US Army of Corps of Engineers (USACE). Within Fort Gibson Lake is a 4,500-acre Waterfowl Refuge managed by the Oklahoma Department of Wildlife Conservation. Any new right of-way or easement needed from the USACE is Section 4(f) protected. Consultation has begun with the USACE to determine impacts, minimization, and mitigation. It is estimated that approximately 1.7 acres of new right-of-way or easement is needed for the roadway improvements. Temporary construction easement of 4.05 acres is needed to re-establish a fire break on the south side of the roadway that was requested by the Oklahoma Department of Wildlife Conservation. ODOT is requesting that the mitigation for the Section 4(f) impacts be the re-establishment of a fire break. ODOT is preparing a de minimis finding with the USACE for the transportation use of the Waterfowl Refuge on USACE lands. De minimis applies to actions that do not adversely affect the projected activities, features, or attributes of the Section 4(f) resource.

Streams and Wetlands:

The project will involve work in several unnamed tributaries and Fort Gibson Lake, which exhibit the characteristics of jurisdictional waterways and several potentially jurisdictional wetlands regulated by the US Army Corps of Engineers. The proposed construction activities will be evaluated to ensure that the appropriate Clean Water Act Section 404 permit application is made.

Threatened and Endangered Species:

Studies indicate potential habitat in the project area for the whooping crane, gray bat, Neosho mucket, Ozark big-eared bat, American burying beetle, piping plover, red knot, and northern long-eared bat, Ozark cavefish and rabbitsfoot mussel. Measures to minimize impacts on the gray bat, Ozark big-eared bat, northern long-eared bat, and American burying beetle will be added to the project plans.

Potential habitat for the bald eagle and other migratory birds was also identified. ODOT will perform additional surveys prior to construction to identify any active eagle or other bird nests.

Hazardous Waste Sites:

Several sites with Recognized Environmental Conditions (RECs), or known sources of contamination, were identified within ½ mile of the project area. These sites include locations of

existing or former underground storage tanks that have documented reports of releases. Based on the review of technical information obtained from the Oklahoma Conservation Commission, it was determined that final plans are needed to review the sites.

Noise:

ODOT reviewed its current noise policy, and the project is defined as a Type III Project; therefore, a traffic noise study is not required.

Floodplains:

Most of the project area is not located in a floodplain. The areas associated with USACE land have some areas that are located with a floodplain. ODOT will coordinate with the USACE regarding compensatory storage for floodplain impacts.

Missouri Pacific Railroad:

The active Missouri Pacific Railroad is adjacent to SH-51 near SH-16 south to the curve and will be avoided.

Environmental Justice:

Minority is defined as all but Non-Hispanic White alone. Percent minority is calculated as a fraction of the total population. The Oklahoma state average minority population is 33%. Minority population levels according to 2018 US Census American Community Survey (ACS) data are broken down by census block groups. The block groups within and surrounding the study area (401450301021, 401450301022, 401450302021) contain minority populations of 21.2%, 29.2%, and 21.72%, respectively.

FHWA guidelines define low-income areas as those areas in which the median household income is at or below the current Health and Human Services (HHS) Poverty Guideline for a household of four. The HHS Poverty Guideline for 2021 defines the poverty line for a household of four as \$26,500. According to 2018 US Census Bureau data, the block groups within and surrounding the study area (401450301021, 401450301022, 401450302021) have median household incomes of \$43,611, \$42,708, and \$65,375, respectively.

Limited English proficiency (LEP) refers to anyone above the age of 5 who reported speaking English less than “very well.” Percent LEP households is calculated as a fraction of the total households in the census block group. LEP data was derived from the 2017 ACS Language Spoken at Home. The block groups within and surrounding the study area (401450301021, 401450301022, 401450302021) contain 0%, 0%, and 0% LEP households, respectively. The Oklahoma state average is 2% LEP households.

Based on the analysis above, the proposed project will not cause disproportionately high and adverse effects on any minority or low-income populations in accordance with the provisions of E.O. 12898 and FHWA Order 6640.23. No further Environmental Justice analysis is required.

In summary, no major issues were identified in the environmental studies for streams and wetlands, floodplains, threatened and endangered species, cultural resources, hazardous waste sites, parks and trails, noise, or environmental justice. The project has no potentially significant social, economic, or environmental impacts identified by studies although plan notes will be required for threatened and endangered species.

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ODOT is preparing a de minimis finding with the USACE for the transportation use of the Waterfowl Refuge on USACE lands.