

DRAFT FINDING OF NO SIGNIFICANT IMPACT

ENVIRONMENTAL ASSESSMENT

For

**PROCESSING REQUESTS TO ALTER U.S. ARMY CORPS OF ENGINEERS
CIVIL WORKS PROJECTS PURSUANT TO 33 USC 408,
TWT Levee C Storm Sewer Construction and Levee Realignment (408-SWT-2023-0030)
Tulsa, Tulsa County, Oklahoma**

Proposed alterations of a U.S. Army Corps of Engineers (Corps) constructed project, the Tulsa-West Tulsa Levee - Levee C, by Mr. Joe Westervelt, must adhere to 33 U.S.C. 408 (Section 408) and comply with the National Environmental Policy Act (NEPA) and other environmental and cultural resources laws and regulations. Section 408 permission requires a determination that the proposed alteration does not impair the usefulness of the Corps project and is not injurious to the public interest. Mr. Westervelt is requesting Section 408 permission from the Corps to alter a portion of the Tulsa-West Tulsa Levee - Levee C. An Environmental Assessment (EA) for the 'GCC Ready Mix Facility, 431 West 23rd Street, Tulsa, Tulsa County, Oklahoma' project has been prepared in accordance with the National Environmental Policy Act of 1969, as amended, and is incorporated by reference.

The 26.72 acre GCC Ready Mix site is located along the right bank of the Arkansas River in Tulsa, Tulsa County, Oklahoma within the NE ¼ of Section 14, Township 19 North, Range 12 East of the Indian Meridian. The property is adjacent to the right bank of the Arkansas River and extends north from West 23rd Street to West 21st Street and is bounded west by a line of the Midland Valley Railroad. The GCC Ready Mix site is bisected north to south by the Tulsa-West Tulsa Levee - Levee C and is encumbered by two drainage easements on the eastern half.

The preferred alternative proposes eastward realignment of the Tulsa-West Tulsa Levee - Levee C through the GCC Ready Mix site, enabled by relief from the two drainage easements, allowing for a change of land use zone type at the site. Proposed construction activities include levee realignment within the GCC Ready Mix site with three storm drains. The proposed realigned levee crest height will exceed original design elevations and will have an easement width no less than 30 feet. Design and construction of the proposed realigned levee with storm drains will meet or exceed Corps specifications and requirements. An emergency action plan (EAP) was submitted to address any potential issues during construction, including high-water events. Weather and river gauges will be monitored during construction and the EAP will be implemented, as necessary. Additional proposed construction activities at the site include demolishing current buildings, excavation throughout the site to improve building and road foundations, removal of existing trees and shrubs, new landscape plantings, and construction of new buildings. Future management and ownership of the GCC Ready Mix site is undetermined.

The potential effects of no action and the preferred alternative were evaluated. The no action alternative would retain the existing condition and would not result in any project related environmental impacts or losses of fish and wildlife habitat. A summary assessment of the potential effects of the preferred alternative is listed in **Table 1**.

Table 1. Summary of Potential Effects of the Preferred Alternative

Resource	Insignificant effects	Insignificant effects as a result of mitigation	Resource unaffected by action
Federal Property	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Geology & Soils	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Prime Farmland	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Floodplains	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Environmental Justice	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Air Quality	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Recreation	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Climate Change	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Vegetation	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Fish and Wildlife Habitat	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Aquatic Resources/Wetlands	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Threatened/Endangered Species	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Cultural Resources	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Tribal Trust Resources	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Hazardous, Toxic & Radioactive Waste	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Aesthetics	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Invasive Species	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Noise Levels	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

All practicable and appropriate means to avoid or minimize adverse environmental effects were analyzed and incorporated into the preferred alternative. Best management practices (BMPs) will be implemented to minimize impacts.

Public Notice soliciting public review and input on the proposed project was published DD-MMM-YYYY and completed DD-MMM-YYYY. All comments submitted during the public review period were responded to in the Final EA and FONSI.

Pursuant to Section 7 of the Endangered Species Act of 1973, as amended, the U.S. Army Corps of Engineers determined that the preferred alternative will have no effect on the following federally listed species or their designated critical habitat: the proposed endangered Tricolored Bat (*Perimyotis subflavus*), the threatened Piping Plover (*Charadrius melodus*), the threatened Rufa Red Knot (*Calidris canutus rufa*), the proposed threatened Alligator Snapping Turtle (*Macrochelys temminckii*), the threatened American Burying Beetle (*Nicrophorus americanus*), and the candidate species Monarch Butterfly (*Danaus plexippus*). No critical habitats for federally listed threatened and endangered species exist within the project area. The U.S. Fish and Wildlife Service concurred with no effect determinations for the Tricolored Bat and the American Burying Beetle on 11-DEC-2024.

Pursuant to Section 106 of the National Historic Preservation Act of 1966, as amended, the U.S. Army Corps of Engineers determined that the recommended plan has no potential to effect historic properties. The Oklahoma State Historical Preservation Office (SHPO) concurred with the determination on 04-OCT-2024.

The proposed project was evaluated with respect to regulation pursuant to Section 404 of the Clean Water Act (CWA). A determination concluded the property contains no jurisdictional wetlands or other waters of the United States. Discharge of dredged or fill material related to proposed construction three storm drains is subject to regulation and a Department of the Army (DA) permit will be required upon the Section 408 permission decision. The requester will submit a pre-construction notification to the district engineer proposing use of Nationwide Permit (NWP) 39 - Commercial and Institutional Developments for the proposed project. Pursuant to the Clean Water Act of 1972, as amended, NWP 39 has been evaluated for compliance with the 404(b)(1) Guidelines. The Oklahoma Department of Environmental Quality, and the Environmental Protection Agency Region 6 on behalf of interested Tribes, have conditionally granted Clean Water Act Section 401 water quality certification for use of NWP 39. All conditions of the water quality certification will be implemented in order to minimize adverse impacts to water quality. Water quality impacts will be minimized through implementation of a Storm Water Pollution Prevention Plan (SWPPP) developed in accordance with the Nationwide Storm Water Permit for Construction Activities. During construction activities, the developer will comply with Best Management Practices (BMPs) and effluent limitations, as specified in the National Pollutant Discharge Elimination System (NPDES) - General Permit OKR10 for Construction Stormwater (Construction General Permit). The SWPPP will include best management practices (BMPs) to reduce runoff and erosion, as well as the potential for fuel and oil spills related to construction activities.

Proposed realignment of Tulsa-West Tulsa Levee - Levee C will not promote additional development in floodplain areas. Proposed project elements impacting the federally constructed project pose no risk to the safety of, nor impair the usefulness of the Tulsa-West Tulsa Levee - Levee C.

All applicable environmental laws have been considered and coordination with appropriate agencies and officials has been completed. The requester has the responsibility to acquire all other authorizations required by federal, state, and local laws or regulations.

Based on this EA, the reviews by other Federal, State and local agencies, Tribes, input of the public, and the review by my staff, it is my determination that Proposed Action is not a major federal action and would not cause significant adverse effects on the quality of the human environment; therefore, preparation of an Environmental Impact Statement is not required.

Date

Timothy P. Hudson
Colonel, U.S. Army
District Commander

Enclosure: Environmental Assessment