

## 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,  
**EMBARK Boat Dock (408-SWT-2023-0025)**  
**Oklahoma City, Oklahoma County, Oklahoma**

Proposed alterations/modifications at a U.S. Army Corps of Engineers (Corps) constructed project, the Oklahoma City Local Protection Project, Oklahoma City, Oklahoma (OKC North Canadian, Channel), by a non-federal sponsor (The City of Oklahoma City, Oklahoma [OK]) 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. The City of Oklahoma City, Oklahoma County, OK is requesting Section 408 permission from the Corps to alter, or temporarily or permanently occupy, and use portions of the Oklahoma City Local Protection Project, Oklahoma City, Oklahoma (OKC North Canadian, Channel) to accomplish the proposed project. An Environmental Assessment (EA) for the 'Oklahoma River Improvements EMBARK Boat Dock and MAPS4 Pedestrian Bridge, City of Oklahoma City' project has been prepared in accordance with the National Environmental Policy Act of 1969, as amended, and is incorporated by reference.

The EMBARK First Americans Museum (FAM) boat dock project, funded by a grant from the Federal Transit Administration, would be the sixth dock on the North Canadian River serving the EMBARK ferry system. The proposed boat dock would be a fixed structure cut into the south bank of the North Canadian River (Oklahoma River), west of Eastern Avenue, altering a section of the OKC North Canadian, Channel. The OKC North Canadian, Channel, constructed by the Corps for the purpose of Flood Risk Reduction, has been operated and maintained by the City of Oklahoma City since March 1958. The boat dock area would be graded and dredged and constructed with cast-in-place cantilever retaining walls and sheet pile walls with concrete footings and steel piles driven to bedrock. The west and east ends of the boat dock retaining walls would be constructed of steel sheet piling. Proposed retaining walls transition from steel sheet piling to reinforced concrete turning into the boat dock cove. Above the boat dock are proposed transitions (both stairs and ADA compliant ramps) leading to a public gathering area and an amphitheater. The proposed project is located near the FAM within the NE ¼ of Section 2, Township 11N, Range 3W. Components of the proposed project affect approximately 399 linear feet of the Oklahoma River.

The boat dock would provide access to the existing FAM and the proposed OKANA resort and indoor waterpark. The sole use of the south riverbank area is recreational, including the FAM and proposed OKANA resort, and flatwater canoe/kayak and rowing activities sponsored by RIVERSPORT OKC, an official US Olympic & Paralympic training site. Planned terraced seating near the dock would allow observation of the starting line of RIVERSPORT boat races. The primary purpose and need of the boat dock is to improve neighborhoods and quality of life, and to transform public spaces. Both the north and south bank areas are owned by OKANA MDE, LLC, a wholly owned subsidiary of the Chickasaw Nation, who is in full cooperation with the City of Oklahoma City in development of these areas for recreational use. The City of Oklahoma City will obtain long-term leases from OKANA MDE, LLC to construct and maintain the proposed boat dock and pedestrian bridge. OKANA MDE, LLC has provided a statement of no-objection to the project. Proposed alterations and modifications are operation and maintenance responsibilities of the non-Federal sponsor, the City of Oklahoma City.

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. However, the no action alternative is not consistent with the 1993 River Corridor Plan, which identified the need for a boat dock at the FAM and a pedestrian bridge near Eastern Avenue. The location of the boat dock was chosen for its proximity to the FAM and OKANA sites, as well as the RIVERSPORT OKC races starting line. A summary assessment of the potential effects of the preferred alternative is listed in **Table 1**.

**Table 1**

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.

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 may affect but is not likely to adversely affect the following federally listed species or their designated critical habitat: Whooping Crane (*Grus americana*), Piping Plover (*Charadrius melodus*) and the proposed endangered Tricolored Bat (*Perimyotis subflavus*). The project would have no effect on the Rufa Red Knot (*Calidris canutus rufa*), nor on 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 (FWS) concurred with the determination on January 31, 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 effect on historic properties. The Oklahoma State Historical Preservation Office (SHPO) concurred with the determination on 11 December 2023.

The proposed project was evaluated with respect to regulation pursuant to Section 404 of the Clean Water Act (CWA). The proposed action is subject to regulation pursuant to Section 404 of the CWA, and a Department of the Army (DA) permit will be required upon the Section 408 permission decision. The requester has submitted a Nationwide Permit Pre-Construction Notification proposing use of Nationwide Permit (NWP) 13 - Bank Stabilization for the proposed project. Pursuant to the Clean Water Act of 1972, as amended, NWP 13 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 13 at the proposed location. 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. 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.

Because both riverbanks are completely planned out for recreational purposes by FAM, OKANA, and the City of Oklahoma City, no additional development is possible in these floodplain areas. A Floodplain Development Permit will be obtained from the City of Oklahoma City Local Floodplain Administrator. Proposed project elements impacting the federally constructed project pose no risk to the safety of, nor impair the usefulness of the OKC North Canadian, Channel.

All applicable environmental laws have been considered and coordination with appropriate agencies and officials has been completed. The City of Oklahoma City 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.

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Date

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

Enclosure: Environmental Assessment