

ENVIRONMENTAL ASSESSMENT



For The Construction of a Social Services Building

Prepared for:

**Modoc Tribe of Oklahoma
418 G Street S.E.
Miami, Oklahoma 74354-8224
FEMA-DR-1712-OK: PW #1850**

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PREPARED FOR

THE MODOC TRIBE OF OKLAHOMA

418 G STREET S.E.

MIAMI, OKLAHOMA

PREPARED BY:



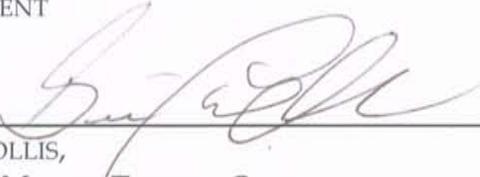
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LIST OF ACRONYMS

BMPs	Best Management Practices
CAA	Clean Air Act
CERCLA	Comprehensive Environmental Response, Compensation, and Liability Act
CO	Carbon Monoxide
CPS	Cycles per Second
CFR	Code of Federal Regulations
CWA	Clean Water Act
dB	Decibels
DNL	Day/Night Levels
EA	Environmental Assessment
ECCI	Engineering, Compliance & Construction, Inc
EIS	Environmental Impact Statement
EJGAT	Environmental Justice Geographic Tool
EO	Executive Order
EPA	Environmental Protection Agency
ESA	Endangered Species Act
FPPA	Farmland Protection Policy Act
FEMA	Federal Emergency Management Agency
FHBM	Flood Hazard Boundary Map
FHWA	Federal Highway Administration
FIRM	Flood Insurance Rate Map
FONSI	Finding of No Significant Impact
Hz	Hertz
HUC	Hydrologic Unit Code
mg/l	Milligrams per liter
msl	Mean Sea Level
NAA	No Action Alternative
NAAQS	National Ambient Air Quality Standards
NEPA	National Environmental Policy Act of 1969
NEHRP	National Earthquake Hazard Reduction Program
NFIP	National Flood Insurance Program
NGVD	National Geodetic Vertical Datum
NHPA	National Historic Preservation Act
NO ₂	Nitrogen dioxide
NPL	National Priority List
NRCS	Natural Resources Conservation Service
NRHP	National Register of Historic Places
NWI	National Wetland Inventory
O ₃	Ozone
OAS	Oklahoma Archeological Survey
OBS	Oklahoma Biological Survey
ODEQ	Oklahoma Department of Environmental Quality
OSHA	Occupational Safety and Health Administration
PA	Proposed Action

Pb	Lead
PM ₁₀	Particulate matter less than or equal to 10 microns
RCRA	Resource Conservation and Recovery Act
RCRIS	Resource Conservation and Recovery Information System
SO ₂	Sulfur dioxide
SHPO	State Historic Preservation Office
SIP	State Implementation Plan
SWA	Solid Waste Act
SWPPP	Stormwater Pollution Prevention Plan
TSCA	Toxic Substance Control Act
TMDL	Total Maximum Discharge Limitations
USACE	U.S. Army Corp of Engineers
USGS	U.S. Geological Survey
USFWS	U.S. Fish and Wildlife Service
USDA	U.S. Department of Agriculture
WSS	Web Soil Survey

1.0 Executive Summary

Engineering, Compliance, and Construction, Inc. (ECCI) has completed an Environmental Assessment (EA) for the Modoc Tribe of Oklahoma (Tribe). This EA has been performed in accordance with the guidelines established in Code of Federal Regulations (CFR) for the Federal Emergency Management Agency (FEMA), 44 CFR, Subpart B, Part 10.9; Section 102 of the National Environmental Policy Act (NEPA) of 1969, as amended; and Regulations promulgated by the President's Council on Environmental Quality (40 CFR §1500-1508). The EA identified the general types of impacts and effects on all relevant aspects of the human environment from the proposed project.

The Tribe is proposing to construct a social services building on Indian trust land. The building will serve to provide for the administration of social service programs for the Tribe members. The proposed project is to be funded through FEMA's Public Assistance Program.

The proposed action (PA) is the construction of an approximately 5,000-square foot building that will provide a centralized location for the Tribe's administration offices, a cultural gathering place, and other tribal services.

The alternative to the PA is the No Action Alternative (NAA). In that instance, the Tribe would not be able to consolidate their social service programs in one accessible location. The potential exists with the NAA that some of the programs could not be offered at all, forcing the Tribe members to access services from non-tribal entities.

A third alternative was evaluated that involved reconstruction or rebuilding the social services building at the previous location. The former location was in a flood plain area that was subject to reoccurring floods. Extensive flooding in 2007 resulted in damage so extensive that the building had to be vacated and demolished. Tribal leaders evaluated preliminary information regarding advanced construction techniques, specific to flood plain construction, which could possibly allow for use of the previous location. Tribal leaders recognized that even with the advanced construction techniques, flooding of the areas around the building would be common and the expense would be significant. As a result of these factors, this alternative was eliminated from further consideration due to the flood-related complications and costs.

Resource areas evaluated during preparation of this EA included land use, geology, water resources, historical and cultural resources, biological resources, air quality, noise,

economic development, the socioeconomic environment, safety and security of the area, public services and utilities, and traffic and transportation.

Analyses in the EA show that implementation of the proposed action would not result in significant long-term, adverse environmental effects. Short-term, adverse effects resulting from the construction activities will be mitigated by requirements within the Environmental Protection Agency (EPA) General Stormwater Permit for Construction Activities and implementation of Best Management Practices (BMPs) designed to minimize the potential for erosion of areas void of vegetation, and to reduce the potential for pollutants to enter the stormwater runoff from the areas of construction, and subsequently be discharged to surface waters.

Potential impacts to wetlands will be avoided by maintaining a 50-foot buffer strip of no activity, and placing silt fences along the perimeter of the buffer strip. This will prevent silt and sediment from the construction site stormwater runoff from entering the wetland.

Noise impacts will be short in duration, and will be mitigated by the fact that the construction activities will be conducted during normal business hours when noise impacts are least noticeable by offsite individuals.

Air impacts will be mitigated by the use of water spray as a dust suppressant, as needed, to control the dust on the areas being disturbed.

Issuance of a Finding of No Significant Impact is appropriate and an Environmental Impact Statement is not required prior to implementation of the proposed action.

2.0 Introduction

The Modoc Tribe of Oklahoma is a group of Native-American people who originally lived in the area which is now northeastern California and central southern Oregon. The Tribe was organized under the Oklahoma Indian Welfare Act of 1936. The Tribe was officially recognized by the United States government in 1978, and their constitution was approved in 1991.

The Tribe currently operates a tribal complex located at 418 G Street S.E. in Miami, Oklahoma. The tribal complex consists of the tribal headquarters and the tribal archives and library. The Tribe's former social service building was destroyed by a flood in the fall of 2007.

The proposed action involves the construction of a new Social Services Building to provide a centralized area for the tribal government offices, a reception area, a large community room, restrooms and other ancillary functional spaces.

Because the previous facility was destroyed by floodwaters, the Tribe is proposing to fund the construction through funding provided under FEMA's Public Assistance Program.

2.1 Project Authority

Authority for the project is provided by the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 USC 51521 *et seq.*) The document contained herein is prepared in compliance with the CFR for FEMA, 44 CFR, Subpart B, Part 10.0; Section 102 of NEPA as amended; and Regulations promulgated by the President's Council on Environmental Quality (40 CFR §1500-1508).

2.2 Purpose and Need of the PA

The purpose of the PA is to provide a centralized location for the Tribe's administrative offices, a reception area, a large community room, restrooms and other ancillary functional spaces. Since that time, the Tribe has only been able to offer limited services.

Severe storms, flooding and tornados in the summer and fall of 2007 caused extensive damage to the public infrastructure in Oklahoma triggering the need for a Presidential Disaster Declaration. As a result, FEMA's Public Assistance Program is available for funding to eligible work including the repair and restoration of damaged public infrastructure.

The Modoc Tribe of Oklahoma's social services building was destroyed by floods associated with this disaster declaration. The tribe has a need for a new social services building to provide a centralized area for the tribal government offices, a reception area, a large community room, restrooms and other ancillary functional spaces.

2.3 Project Location

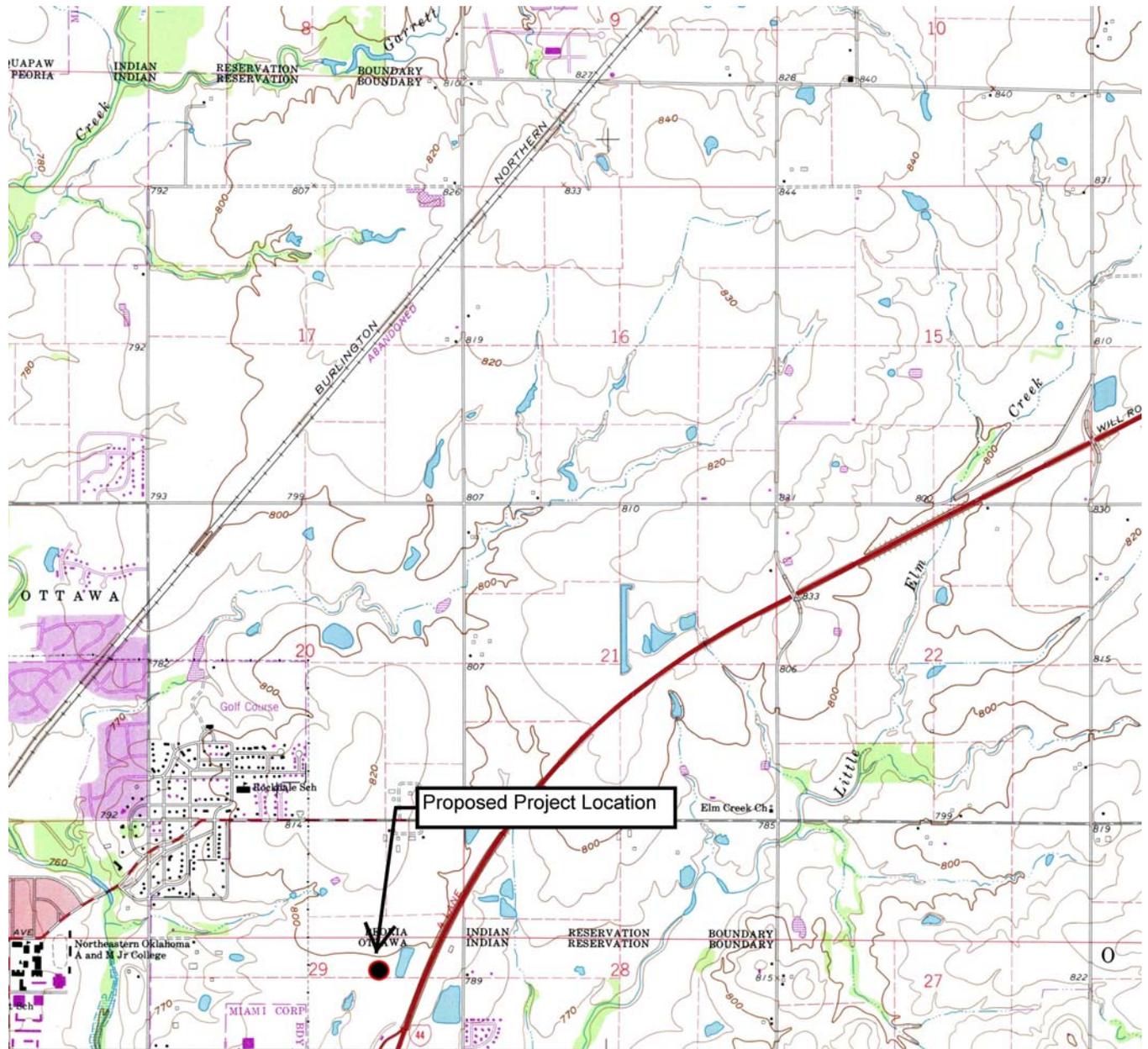
The Tribe is proposing to construct the building on a tract of land comprised of approximately 13 acres that is located within Lot 10, Section 29, Township 28N, Range 23E in Ottawa County, Miami, Oklahoma. The site coordinates are as follows:

Latitude: 36° 52' 38.130" N

Longitude: 94° 50' 48.536" W

The site location currently exists as undeveloped property with a small pond located on the eastern side. The property is bordered to the east by Interstate 44, to the south by an Oklahoma Visitor's Center/Truck Stop, to the north by undeveloped property, and to the west by Highway 69A and undeveloped property. Surrounding properties are primarily commercial properties owned by Native-American Tribes.

Figure 2.1 Site Location Map



USGS Topographic Map
Picher, Oklahoma Quadrangle



North

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3.0 Description of Proposed Action and Alternatives

3.1 Proposed Action

The Tribe is proposing to construct a social services building on an approximately 12.6-acre tract of Indian trust land located on the east side of south Highway 69A in Ottawa County, Miami, Oklahoma. The project is needed because the previous government building was destroyed by a flood in 2007.

The specific property selected for the social services building is on trust land that is under joint ownership of multiple local Native-American Tribes. The trust land selected was envisioned, when purchased by those Tribes to allow centralization of service -related buildings providing services to individual members of the Tribes. The use of the property by multiple Native-American Tribes would reduce construction costs for utilities and transportation improvements and reduce overall energy and fuel use by the individuals accessing the various tribal services. The building entrance would be from Industrial Parkway (Highway 69A). The size of the building will be 5,000 square feet (50' x 100') with a parking lot containing 30 spaces. A single combined entrance and exit is planned to minimize disruption of the surrounding environment.

The Tribe will take measures during construction to minimize the impact on the other areas of the property. The depth of ground disturbance is expected to be less than one-foot except for the building foundations and trenching for utilities. Existing utilities are located along Industrial Parkway (Highway 69A). It is expected that the total surface disturbance from the project, including the building, parking, entrance road and associated landscaping will be 1.0-1.5 acres. The proposed building floor plan is shown in Figure 3.1. The location of the building and parking lot overlaid on an aerial photograph of the subject property are shown in Figure 3.2.

3.2 Alternatives

The no action alternative (NAA) is included to compare the proposed project's impacts to the baseline conditions. Under the no action alternative the Tribe will not build a new social services building. The Tribal government would continue to operate out of the current office areas and there would be no "centralized" community area.

3.3 Other Alternatives Considered but Dismissed

The Tribe evaluated the possibility of rebuilding at the previous site which was flooded in 2007. The alternative was eliminated due to the location being in a flood prone area.

Figure 3.1 – Proposed Action Conceptual Drawing

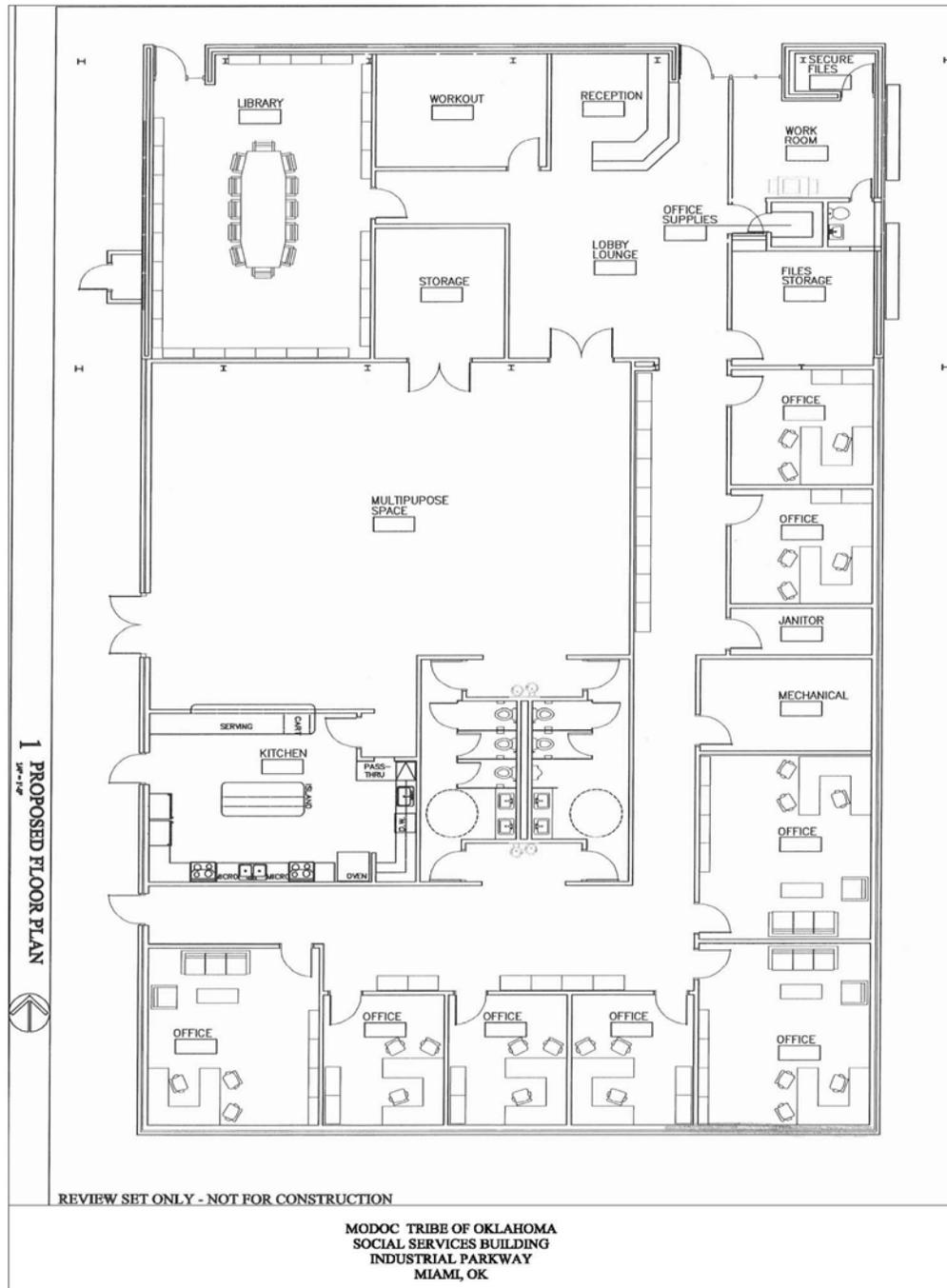
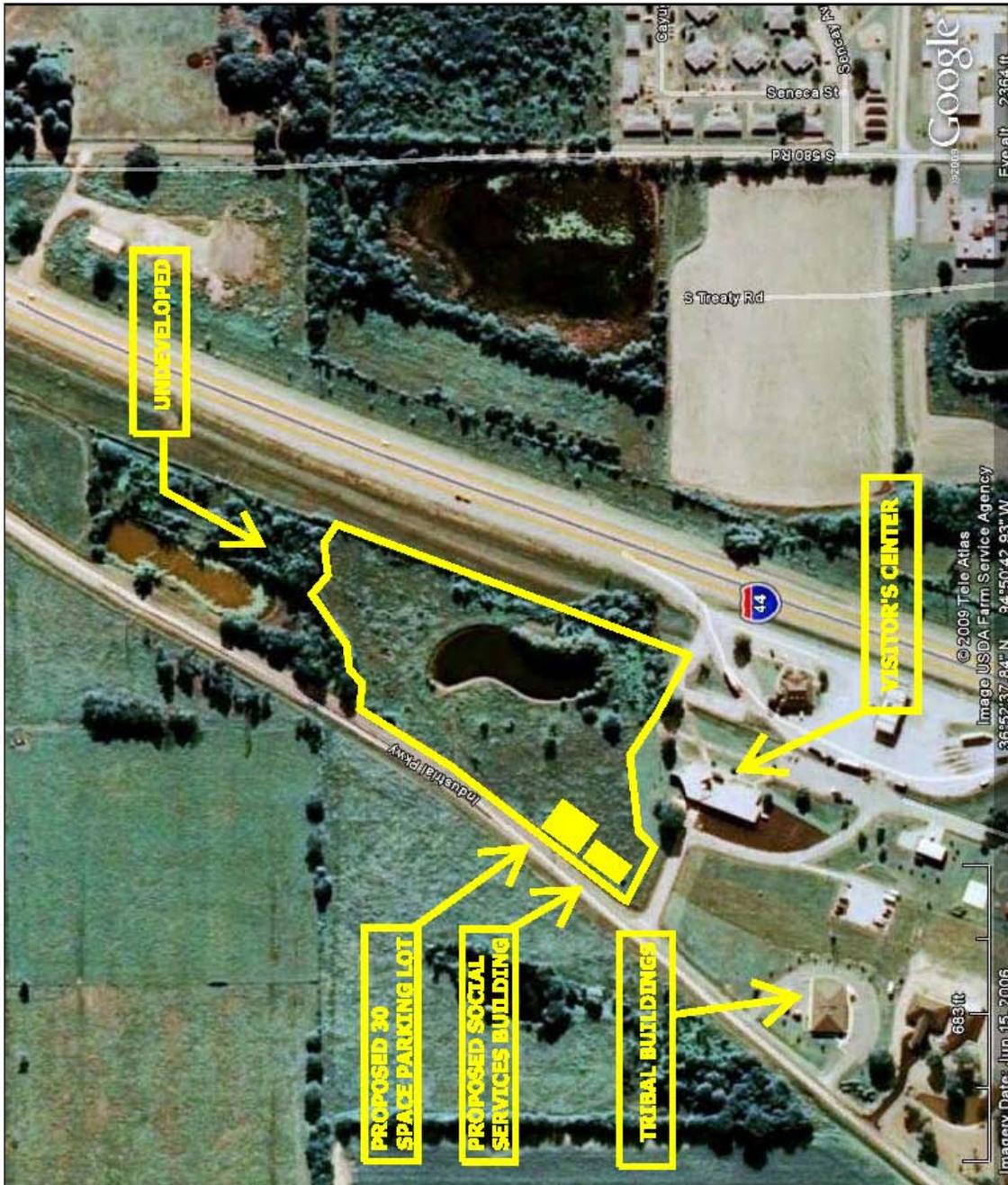


Figure 3.2 – Site Layout



4.0 Affected Environment and Impacts

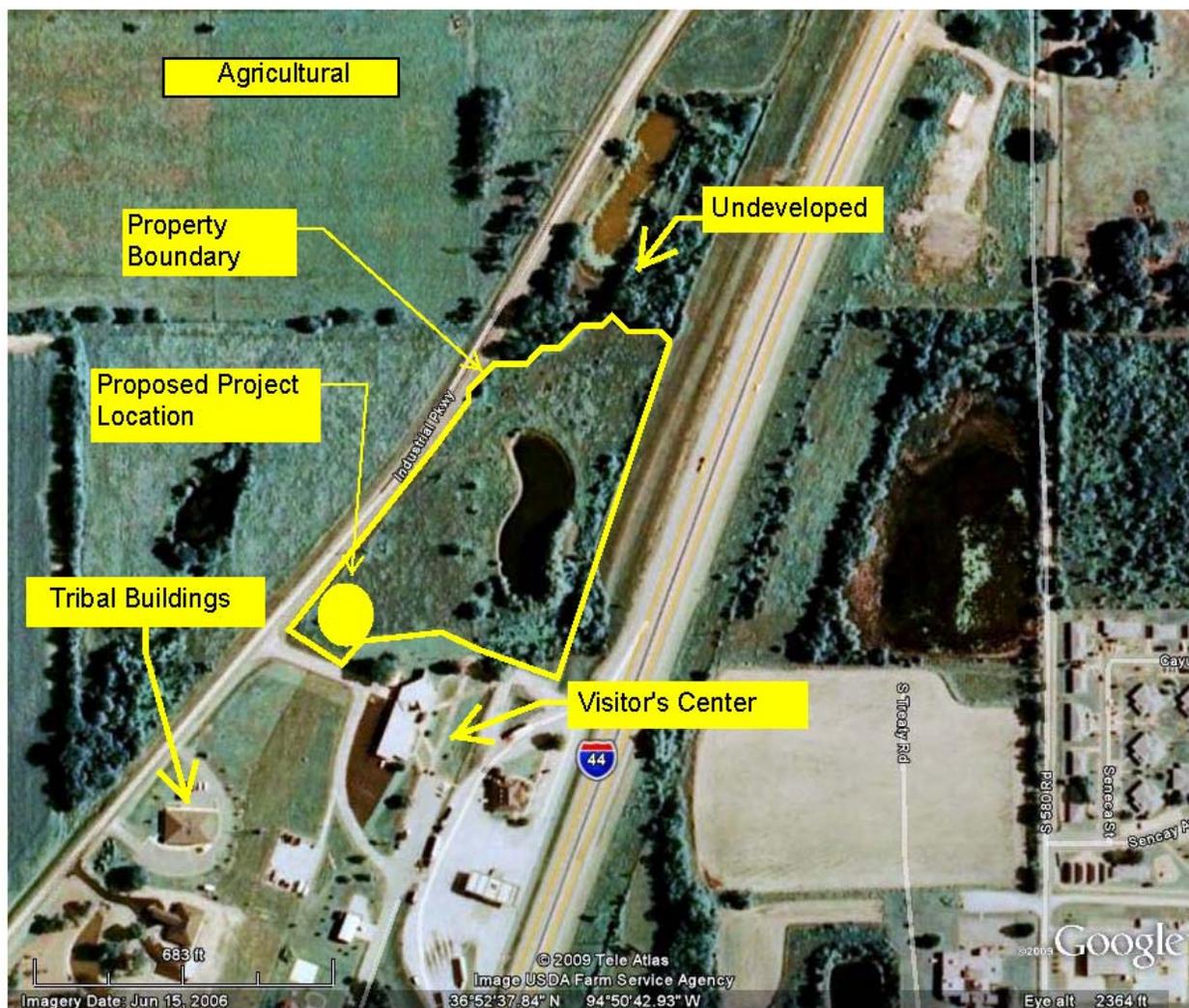
4.1 Zoning and Land Use

An inquiry regarding the property zoning classification was submitted to Ms. Lisa Jewett, Administrative Assistant, City of Miami Engineering Department. According to Ms. Jewett, the property is located within the county designation, outside the city limits. Ottawa County does not currently have any zoning regulations. Ms. Jewett further stated that the majority of properties within the subject property area are businesses owned by the various local Native-American Tribes.

An aerial photograph provided by Google Earth™ was used to assess the current land uses of the property and immediate surrounding properties. The proposed project location currently exists as undeveloped property. The surrounding land uses are primarily agricultural, undeveloped and/or commercial (tribal) in nature. The majority of the properties to the north and northwest are used for row-crop agriculture or pasture lands. Several tribal buildings are located to the southwest of the proposed site location. Miami High School, the Leonard Learning Center (tribally-owned day care), an Inter-Tribal Council building, the northeastern Indian Health Care Clinic, and the Ottawa Peoria Cultural Center are all located within a one-mile radius of the proposed project location.

The subject property is bordered to the east by Interstate 44, to the south by a large Visitor's Center/Truck Stop, to the north by undeveloped/agricultural property and to the west by Highway 69A. Figure 4.1 shows the subject property and the immediate surrounding properties.

Figure 4.1 Existing Land Use Map



4.1.2 Proposed Action

Implementation of the PA would result in a change to the land use of the actual subject property. However, the change in land use would be compatible with the south surrounding land use which is primarily tribal and/or commercial in nature. In addition, while the surrounding use to the north is agricultural in nature, the property is not currently used for agricultural purposes, and the tribal entities controlling the land have no future plans to use the property for agricultural purposes.

4.1.3 No Action Alternative

The land use of the proposed site location and the surrounding properties would not change with implementation of the NAA.

4.2 Geology, Seismicity and Soils

4.2.1 Existing Topography and Physiology

The U.S. Geological Survey (USGS) identified the subject property as lying within the Central Irregular Plains Ecoregion. More specifically, the subject site is located within the Cherokee Plains of the Central Irregular Plains Ecoregion. The Central Irregular Plains have a mix of land use and are topographically more irregular than the Western Corn Belt Plains to the north, where most of the land is in crops. The region, however, is less irregular and less forest-covered than the ecoregions to the south and east. The potential natural vegetation of this ecological region is a grassland/forest mosaic with wider forested strips along the streams, compared to the Western Corn Belt Plains to the north. The mix of land use activities in the Central Irregular Plains also includes mining operations of high-sulfur bituminous coal. The disturbance of these coal strata in southern Iowa and northern Missouri has degraded water quality and affected aquatic biota. The USGS Topographic map for the site is the Picher, Oklahoma Quadrangle as shown in Figure 2.1

The site is relatively flat with an elevation of 800 feet above mean sea level (MSL). The surrounding properties are also around 800 feet above MSL, with some drops in elevation to 770 feet above MSL to the south.

Ottawa County is located within the Ozark Uplift (Plateaus) geologic province. The surface geology in the area of the proposed action is composed of rocks of the Late Mississippian era overlain with the Batesville Sandstone formations. This formation is comprised of interbedded sandstone and mudstone, with minor limestone. The predominant outcropping lithology is a pale yellowish orange to a yellowish gray weathering to a very light gray. The formation generally has shale intervals at as much as five feet thick while the sandstone intervals are typically between one to three feet thick. The total thickness of the formation is generally zero to 30 feet thick, depending on erosional unconformities at the top and bottom of the formation.

4.2.2 Soils

The U.S. Department of Agriculture (USDA) Natural Resources Conservation Service (NRCS) Web Soil Survey (WSS) was used to determine the soil classifications on the proposed subject property. According to the WSS, the primary soil types on the property are Eram-Verdrigris complex soils, Parsons silt loam and Taloka silt loam. The proposed area of construction is in the area that is comprised primarily of Taloka silt loam and the Parsons silt loam. Taloka and Parsons soils are generally found on paleoterraces on uplands. The depth to the root-restrictive layer of both soil components is greater than 60 inches. The natural drainage class of both components is somewhat poorly drained, water movement in the most restrictive layer is low and available water to a depth of 60 inches is high. The soils are not flooded, nor are they ponded. However, Taloka soils have a seasonal saturation of about 15 inches during the spring months. The Taloka component is in the Loamy Prairie (northeast) ecological site. The Parsons component is in the Claypan Prairie Ecological site. Neither soil component meets the hydric soil criteria.

The Farmland Protection Policy Act (P.L. 97-98, §1539-1549; 7 U.S. Code 4201, *et seq.*) (FPPA) was enacted to minimize the unnecessary conversion of farmland to non-agricultural uses as a result of federal actions. The NRCS is responsible for protecting significant agricultural lands from irreversible conversions that result in the loss of an essential food or environmental resource. Prime farmland is characterized as land with the best physical and chemical characteristics for the production of food, feed, forage, fiber, and oilseed crops. This land is either used for food or fiber crops or is available for those crops, but is not urban, built-up land, or water areas. Unique farmland is land, other than prime farmland, that is used for production of specific high-value food and fiber crops. It has the special combination of soil quality, location, growing season, and moisture supply needed to economically produce sustained high quality or high yields of specific crops when treated and managed according to acceptable farming methods. Both the Taloka silt loam and Parsons silt loam components are defined as Prime Farmlands by the NRCS. However, neither the site nor immediate adjacent properties are currently used for agricultural operations. The NRCS Soil map is shown as Figure 4.2.

4.2.3 Seismicity

The USGS Earthquake Hazards Programs develops Seismic Hazard Maps for each state. A review of the map for Oklahoma (Figure 4.3) indicates that the proposed project area lies within an area with a relatively low probability for earthquakes. The most recent earthquake recorded in the State of Oklahoma occurred on July 17, 2009. A magnitude 2.2 earthquake was recorded approximately 35 miles SSE of Oklahoma City at a depth of 5.0 kilometers.

4.2.4 Potential Impacts to Geology, Seismicity and Soils

4.2.4.1 Proposed Action

Implementation of the PA will not adversely impact the geology, topography or seismicity of the subject site. The site is relatively flat and will not require extensive grading or changing of surface elevations. There is no indication that the proposed project will require excavations that could adversely impact the surface geology of the area.

Sinkholes have been discovered in several areas of Ottawa County, primarily in the areas around the Tar Creek Superfund site and other areas around the city of Picher that have been constructed over mining tunnels. The PA location is several miles south of Picher and the Tar Creek Superfund site. There have been no mining activities on the PA location or the surrounding properties which could destabilize the underlying geology. It is not expected that the construction will require blasting or other disturbance of the area subsurface geology. Consequently, it is believed that sinkhole potential for the site is minimal. However, if a sinkhole is encountered, construction will cease and the proper authorities (USFWS, OK Geologic Survey) will be notified. Construction will not commence until the agencies provide clearance.

Implementation of the PA will permanently convert land identified by the NRCS as Prime Farmland to other uses. As per the FPPA, a request for comments was submitted to the USDA Miami Oklahoma Service Center. According to Mr. Michael Ramming, District Conservationist, adverse impacts would be incurred with the

permanent conversion of the property from potential agricultural use. However, the Tribe intends to mitigate these impacts somewhat by preserving the portions of the property that will not be used for the building and parking lot in the natural state to the extent practicable. In addition, the Tribe has never intended to use the property for agricultural use and the property has not been included in the Farmland Protection Program.

A Farmland Conversion Impact Rating request was submitted to the NRCS, Miami Field Office. The impact rating was conducted using a conservative estimate that the majority of the property (9.0 acres), not covered by the pond and wetlands, would be directly impacted by the proposed project. Correspondence received indicated that the scope of the conversion was very small and the actual percentage is actually 0.0000726% (rounds to 0.0%) of all the prime farmland in Ottawa County. Consequently, implementation of the PA will not result in significant losses of prime farmland in the County. The NRCS Farmland Conversion Impact Rating Form and associated correspondence are contained within Appendix C.

4.2.4.2 No Action Alternative

Implementation of the NAA will have no impact on the geology, topography, seismicity or soils on the proposed property. Implementation of the NAA will have a positive impact on the land uses since prime farmland will not be permanently converted to other uses. Implementation of the NAA will not guarantee that the property remains available as farmland. Since the property is Indian trust land, the Tribe can choose to develop it without federal funding, which would also result in the loss of farmland.

Figure 4.2 NRCS Soil Map



Map Unit Legend

Ottawa County, Oklahoma (OK115)			
Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
Br	Eram-Verdigris complex, 0 to 20 percent slopes	0.5	3.9%
PaB	Parsons silt loam, 1 to 3 percent slopes	5.1	40.9%
TaA	Taloka silt loam, 0 to 1 percent slopes	7.0	55.2%
Totals for Area of Interest		12.6	100.0%

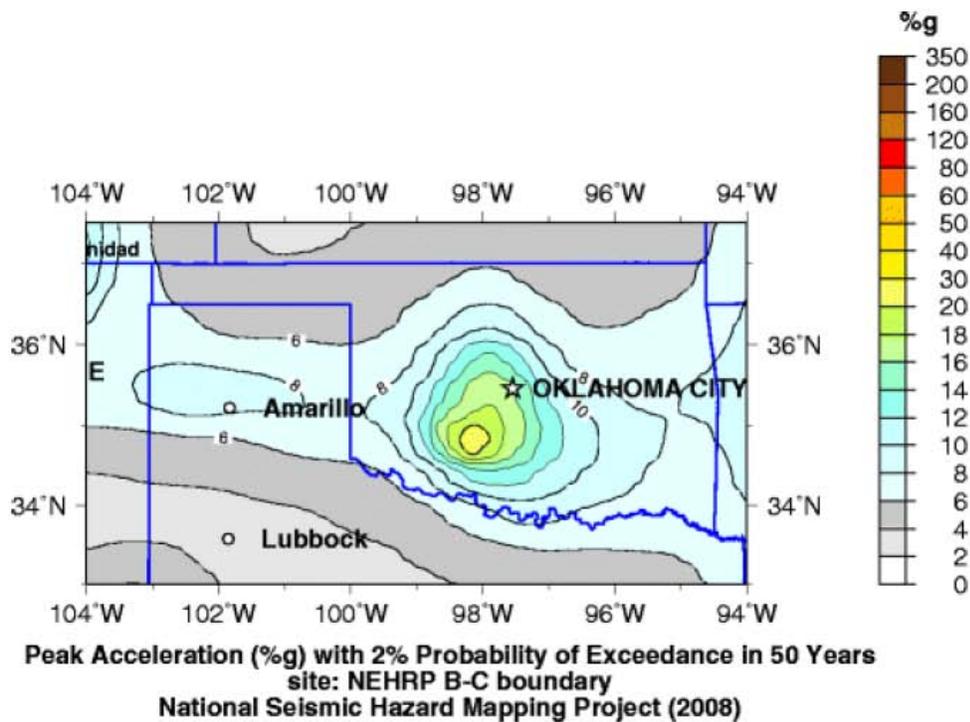
Figure 4.3 Oklahoma Seismic Hazards Map



Earthquake Hazards Program

Oklahoma

Seismic Hazard Map



[USGS National Seismic Hazard Maps](http://earthquake.usgs.gov/nshmp/)

[U.S. Department of the Interior](http://earthquake.usgs.gov/) | [U.S. Geological Survey](http://earthquake.usgs.gov/)

URL: <http://earthquake.usgs.gov/regional/states/oklahoma/hazards.php>

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4.3 Water Resources

4.3.1 Hydrology, Groundwater and Surface Water Quality

Ottawa County, Oklahoma is located within the Oklahoma Planning Basin 1 within the Lake O' the Cherokee Watershed. The Hydrologic Unit Code (HUC) for the location is 11070207. The surface water sources in the area include Tar Creek, Little Elm Creek and the Neosho River. Other surface waters in the area include several small livestock/farm ponds scattered throughout the area, including one that is located on the proposed site property.

The 2008 Oklahoma Integrated Water Quality Report (303d Report), prepared by the Oklahoma Department of Environmental Quality (ODEQ), was reviewed to determine the water quality of the surface water bodies in the area. According to the report, mining activities in the Picher and Quapaw areas north of Miami have significantly impacted Tar Creek. The mining sites are included within the ODEQ Superfund sites requiring remedial activities. The contaminants associated with the mining activities include acid water, cadmium, lead, iron, sulfates and zinc. This area is several miles north of the subject property location.

Segments (16.6 miles) of the Neosho River downstream of the mining sites, near Miami, have been identified as impaired for warm weather aquatic community uses and fish consumption. The primary contaminants are identified as lead, turbidity and zinc. The primary sources of the contaminants are highway and road runoff, municipal point sources, rangeland grazing and mine tailings.

There are also segments of Tar Creek (11.7 miles) near Miami that are identified as impaired for habitat-limited aquatic communities. The source of the impairment is lead associated with the Superfund site and other unknown sources.

Total maximum daily pollutant loads (TMDLs) have been established for discharges to these segments of the Neosho River and Tar Creek.

According to the ODEQ 2008 Water Quality Report, there are 21 major groundwater basins in Oklahoma, and 150 minor basins. The primary aquifers in Ottawa county are the shallower Boone aquifer, and the deeper Roubidoux aquifer. The Boone aquifer is part of a large groundwater system that includes portions of southeastern Kansas, southern Missouri, northeastern Oklahoma, and northern Arkansas. Water in the Boone aquifer is obtained from fractures in the chert and from cavities and solution channels in the limestone. In areas where

the Boone Formation crops out at the surface, the aquifer is unconfined. The Boone aquifer is considered a karst aquifer with features such as caves, sinkholes, disappearing streams, and springs, occurring where the Boone Formation crops out. Karst aquifers generally recharge rapidly resulting in increases in water levels in wells, and discharges from springs after a rainstorm.

ODEQ has identified several newly installed wells within the Roubidoux formation that show elevated iron, sulfate, and total dissolved solids levels in Ottawa County. These concentrations are attributed to mine water contamination from the mining activities associated with the Tar Creek superfund site. The intervening Boone Formation is heavily impacted by the mining and is the source for localized problems in the Roubidoux aquifer.

4.3.2 Potential Impacts to Hydrology, Surface and Groundwater Quality

4.3.2.1 Proposed Action

Implementation of the PA will not have significant, long-term, adverse impacts on the hydrology, surface water or groundwater quality in the area. The proposed building will obtain potable water for the municipal water sources. There will be no need to drill into ground water sources. Wastewater will be discharged into the municipal sewer system. Consequently, there will be no point source discharge of wastewater into Tar Creek from the proposed building.

The proposed action will not involve any dredging or stream crossing which could result in discharges of fill materials into "waters of the U.S." Consequently, a Section 404 Permit will not be required. The action will comply with all requirements of Section 404 of the Clean Water Act (CWA).

The property will be graded to direct stormwater away from the building and into proper stormwater conveyances. It is expected the surface disturbance will be greater than 1 acre but less than 5.0 acres. The depth of the grading will be dependent upon site-specific conditions but is not expected to be more than one-foot in depth except for areas where the foundation footings will be set. There will be short-term impacts to the stormwater runoff during the construction period. However, required stormwater permits will be obtained from the EPA, and all guidelines within the permit, designed to minimize stormwater pollutants from construction sites, will be followed.

The pond, currently located on the property will not be disturbed during the construction.

4.3.2.2 No Action Alternative

There will be no impacts to the area hydrology, groundwater or surface water from implementation of the NAA.

4.3.3 Flood Plains

According to the Flood Insurance Rate Map (FIRM) produced by the (FEMA, the subject property location is within FEMA Flood Zone X. Flood Zone X is used to identify areas that are:

- Outside the 1% annual chance floodplain;
- Have a 1% annual chance sheet flow flooding where average depths are less than one foot;
- Have 1% annual chance of stream flooding where the contributing drainage area is less than one square mile; or
- Areas protected from the 1% annual chance flood by levees.

No base flood elevations or depths are given for areas within this zone. Insurance purchase is not required for properties within Zone X (Figure 4.4).

4.3.3.1 Proposed Action

The PA location is not within a designated 100-year, 500-year or base floodplain (greater than 1% chance of flooding). Consequently, implementation of the PA is in compliance with FEMA Executive Order 11988: Floodplain Management. The PA will not have any impacts to a designated floodplain.

4.3.3.2 No Action Alternative

Implementation of the NAA will have no impact on floodplain management in the area.

The USFWS Wetland Map (Google Overlay) showed that one small freshwater forested/shrub wetland exists on the subject property. The USFWS Wetland Mapper does not show the wetland. The wetland is located on the south end of the small pond and is comprised of approximately 0.397 acres. The wetland area is identified as a palustrine-forested wetland that is temporarily flooded (brief periods during the growing season) and is an excavated area (lies within a basin or channel excavated by man). Activities within wetlands are regulated by Section 404 of the CWA as administered by the US Army Corps of Engineers (USACE). The Google overlay wetland map is shown in Figure 4.5. The USFWS Wetland Mapper is shown in Figure 4.6

Figure 4.5 - USFWS Wetland Map Overlay on Google Earth

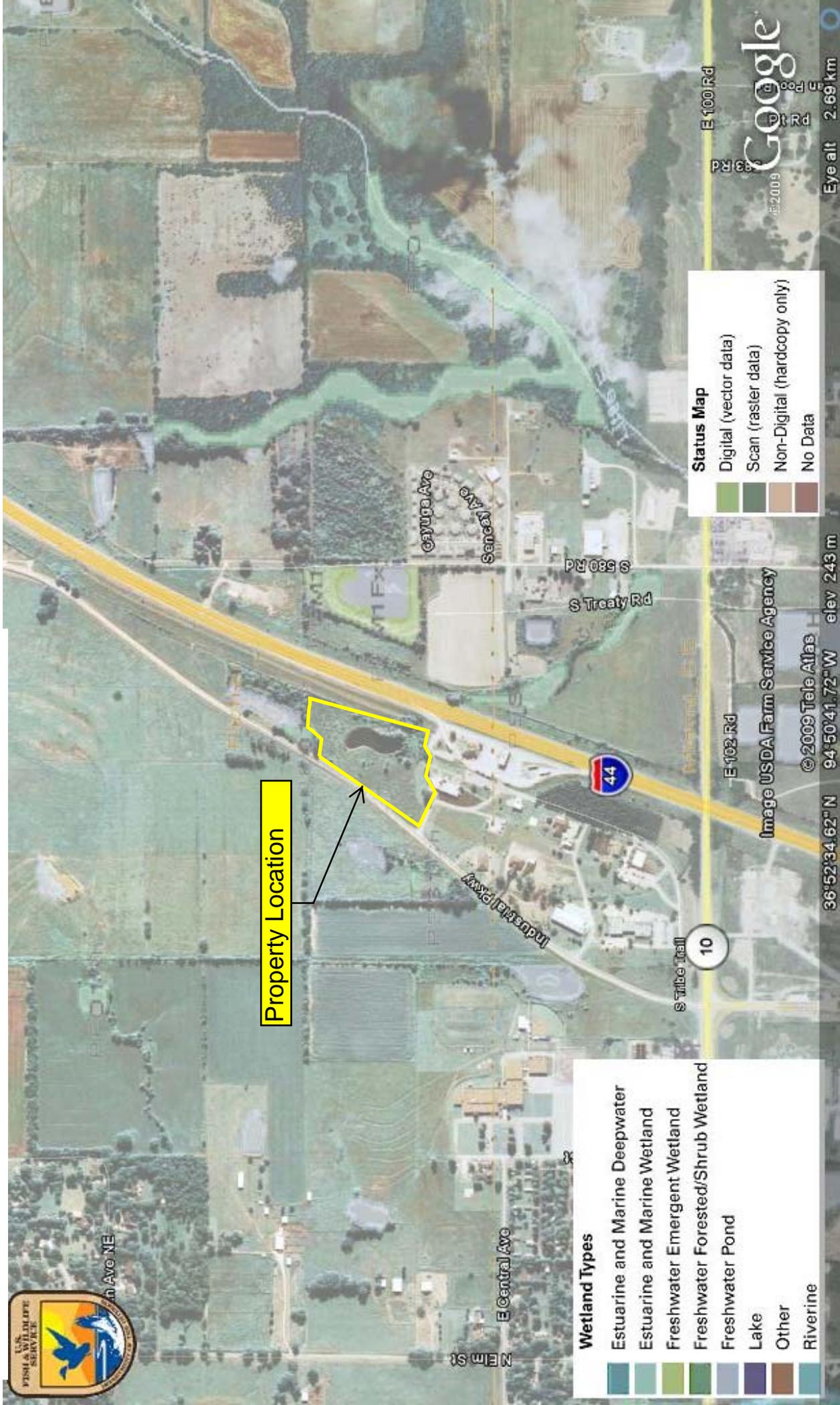
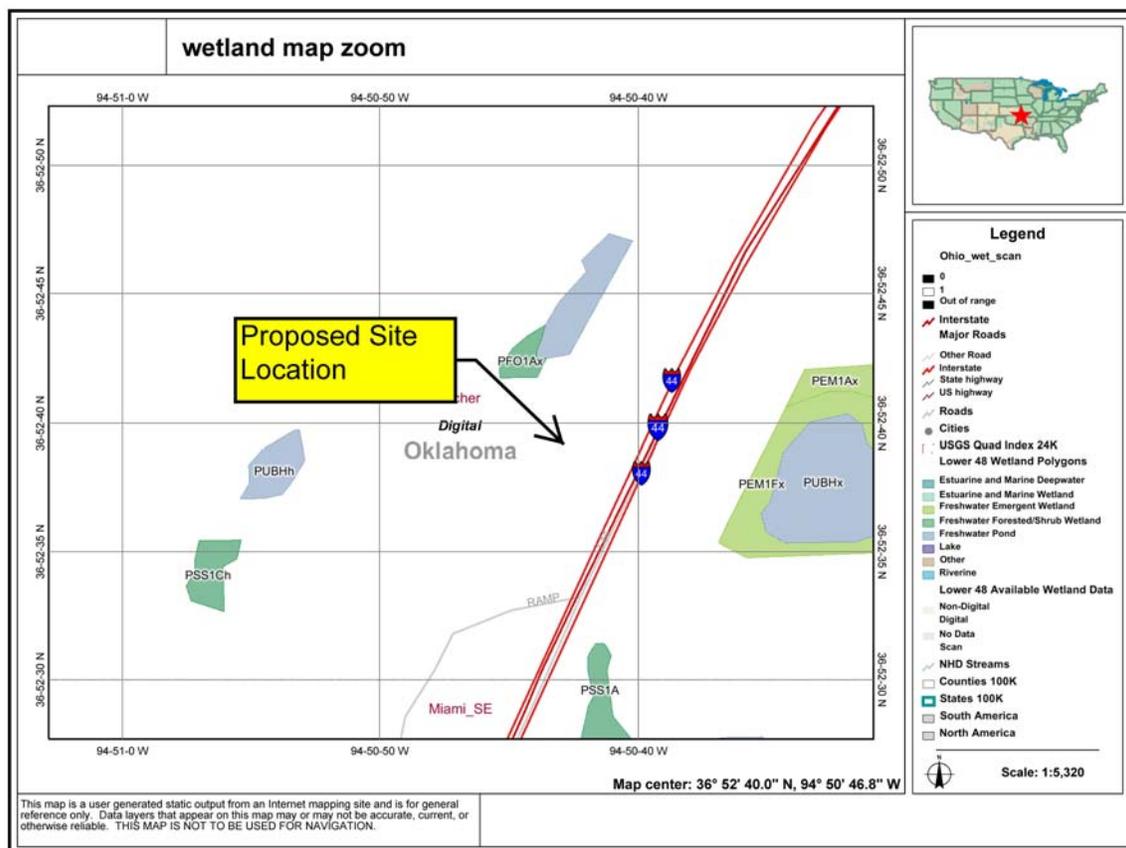


Figure 4.6 USFWS Wetland Mapper



4.3.4.1 Proposed Action

The construction of the building will take place within an area on the west side of the pond. The Tribe will work to preserve the pond and a buffer area around the pond as a natural area. In compliance with Executive Order 11990, Protection of Wetlands, the Tribe will work to minimize the destruction, loss or degradation of wetlands, and to preserve and enhance the natural and beneficial values of it. In an effort to meet this objective, the Tribe will avoid any construction within the wetland, and will establish a buffer zone outside the perimeter of the wetland where no activities will take place associated with the proposed action. Because there will be no disturbance of the wetland, a Section 404 Permit will not be required.

The Tribe will be required to comply with all necessary stormwater permits, and guidance from the EPA regarding implementation of controls from stormwater associated with

construction activities. BMPs will be developed and implemented at the site to ensure the wetland is protected.

4.3.4.2 No Action Alternative

The No Action alternative will have no impact on the wetland and will not result in loss, destruction or degradation of a wetland.

4.4 Biological Resources

4.4.1 Vegetation

The Oklahoma Biological Survey published a document titled "The Game Types of Oklahoma." According to this document, the subject property is in area along the borders of both the Oak-Hickory Forest Game Type to the west and the Tallgrass Prairie Game Type to the east. The characteristics of the site most closely match those of the Tallgrass Prairie Game Type. The Tallgrass Prairie occupies most of the best agricultural properties in the State of Oklahoma, and is characterized by clean cultivation and low game potentiality. Typically, vegetation includes the big bluestem subtype, little bluestem subtype and mixed grasses. Natural vegetation consists of a mixture of such species as big bluestem, little bluestem, Indian grass, switch grass and silver beard grass.

The NRCS WSS identified the dominant ecological site for the proposed site location as "Rangeland." An ecological site is a distinctive type of land with specific physical characteristics that differ from other kinds of land in its ability to produce a distinctive kind and amount of vegetation.

Rangeland is a kind of land where the vegetation was predominantly grasses, grass-like plants, forbs or shrubs.

The primary soil types on the property were identified as Taloka silt loam and Parsons silt loam. A very small area of Eran-verdigris soils exists on the northeast corner of the property. The WSS identifies the plant association/habitat site for the Parson soils as a Claypan Prairie. Characteristic vegetation for a Claypan Prairie are typically Big Bluestem, Indian Grass, Little Bluestem, perennial forbs and grasses, Switchgrass, shrubs and trees, Canada Wildrye and Dropseed.

The WSS identifies the plant association/habitat site for the Parson soils as a Loamy Prairie (Northeast). Characteristic vegetation for a Loamy Prairie also includes Big Bluestem, Indian Grass, Little Bluestem, perennial forbs and grasses, Switchgrass, Florida Paspalum, and Eastern Gammagrass. Much of the native prairie areas have been converted to crop production or to fescue for pasture.

The subject site generally resembles that of a grassland or prairie. The majority of the site exists as fescue, some tallgrasses, forbs and shrubs. Some large, woody trees are located on the northern portion of the site. A vegetation assessment has not been conducted on the site.

4.4.1.1 Proposed Action

Implementation of the proposed action will require the removal of the vegetation within the area of construction. The vegetation in this area is primarily fescue and other grasses and forbs with a few small shrubs. It is the Tribe's intention to disturb as little of the natural vegetation as possible. However, some removal of grasses and shrubs will occur. After the construction, the bare soils will be landscaped with natural vegetation to prevent erosion. The Tribe intends to preserve a buffer strip of native vegetation around the small pond to serve as a natural area. The Oklahoma Natural Heritage Inventory database for endangered/threatened species of plants was reviewed for Ottawa County. There were no plant species identified for the county. Consequently, it is assumed that implementation of the proposed project is in compliance with the Endangered Species Act (ESA) and will not result in any adverse impacts to threatened or endangered species of vegetation. A request for information regarding occurrences of rare and endangered/threatened species of plants was submitted to the Oklahoma Biological Survey (OBS) for confirmation purposes. Confirmation correspondence was received as shown in Appendix C. If, during construction, an endangered/threatened species is encountered, the construction will stop and the USFWS and OBS will be contacted.

4.4.1.2 No Action Alternative

Implementation of the NAA would have positive impacts with respect to no destruction of the native vegetation on the site. However, since there are no threatened or endangered species of plants in the county, there will be no impact from implementation of the NAA.

4.4.2 Wildlife/Birds and Fishes (Endangered Species)

The Oklahoma Department of Wildlife Conservation developed and published the document, *Oklahoma Comprehensive Wildlife Conservation Strategy* 2005. According to this document, the property location lies along the boundaries of the Tallgrass Prairie and Ozark Regions. The site generally has the characteristics of the Tallgrass Prairie Region. The Tallgrass Prairie Region encompasses two areas of the State that were historically dominated by tallgrass prairie landscapes. Ottawa County lies within the Osage Plain Section of the region.

Tallgrass Prairie is the most abundant and widespread habitat type in the Tallgrass Prairie Region. Most of the wildlife in this game type is confined to the border cover of streams which are primarily mapped as Bottomland Forest. However, the badger, striped skunk, greater prairie chicken and coyote are the principal species utilizing the tall grass uplands.

The *Oklahoma Comprehensive Wildlife Conservation Strategy* identifies several species of birds and few invertebrates as species (in the Tallgrass Prairie Region) with the greatest conservation needs. Ottawa County, Oklahoma lies just west of the North American Central migratory Bird Flyway. Consequently, it would not be unusual to see certain species of migratory birds on the subject property. However, it is expected that most of the birds would be more likely to remain in the areas around the Neosho River.

To ensure compliance with the ESA, a review of the USFWS Listing of Endangered and Threatened Species and/or critical habitats and the OBS listing of critical species was conducted. The following species of concern were identified for Ottawa County.

- Rabbitsfoot - A freshwater mussel (state listed only)
- Neosho Mucket - A freshwater mussel
- Neosho Madtom - Fish
- Ozark Cavefish - Fish
- Arkansas Darter - Fish (federal candidate species, state listed)
- Oklahoma Salamander - Amphibian (state candidate species)
- Barn Owl - Bird
- Gray Bat - Mammal

American Burying Beetle – Insect (status in Ottawa County is based on historic range, surveys within the last 15 years are insufficient to determine presence or absence)

Interior Least Tern (stopover habitat during migration) - Bird

Ozark Big-Eared Bat – Mammal

Winged Mapleleaf Mussel – Freshwater Mussel

Piping Plover - (stopover habitat during migration) Bird

The USFWS critical habitat mapper indicated that there are no designated critical habitats within Ottawa County, Oklahoma. However, critical habitat for the American Burying Beetle is known to occur in Ottawa County.

4.4.2.1 Proposed Action

Implementation of the PA may cause some short-term adverse impacts due to the temporary displacement of small terrestrial wildlife species and birds during the construction. However, the adverse impacts will be temporary (short-term) as the animals will easily find suitable habitat in the adjacent areas or will adapt to the new conditions. The Tribe intends to disturb only the amount of property needed for the building and parking area. It is expected that the areas immediately surrounding the pond will be undisturbed to the extent practicable.

Section 7(a)(2) of the ESA requires federal agencies to ensure that any action they authorize, fund, or carry out is not likely to jeopardize the continued existence of any federally-listed threatened or endangered species or result in the destruction or adverse modification of designated critical habitat. Under the ESA, it is the responsibility of the federal action agency to determine the effects of their action on federally-listed species or designated critical habitat. Correspondence was submitted to the OBS and the USFWS, Tulsa Ecological Services Field Office requesting comments regarding potential impacts to endangered, threatened and/or candidate species from the proposed action. The OBS responded that they had no documentation of species of concern in the proposed project area.

The majority of the endangered/threatened species listed for Ottawa County are aquatic species. Even though the facility has a small farm pond, it is unlikely that it would represent suitable habitat for any of these species which are typically found in flowing rivers or streams

or larger lakes. The Barn Owl may at times cross the property during transient periods but would not find suitable long-term habitat on the portion of the property that is to be developed. Consequently, no long-term adverse impacts to endangered species are expected from the proposed project.

Critical habitat for the American burying beetle is known to occur in the county. FEMA initiated consultation with the USFWS for this project in September 2009. USFWS reviewed the information provided by FEMA, and determined that the habitat located within and surrounding the project area, does not appear suitable for the American Burying Beetle. A copy of the e-mail correspondence is included in Appendix C.

4.4.2.2 No Action Alternative

Implementation of NAA will have no impact on the wildlife and bird species that currently inhabit the undeveloped property. Without the proposed action, the conditions will remain the same, and the animal species will not be displaced from their environment.

4.5 Cultural Resources

In compliance with the provisions within Section 106 of the National Historic Preservation Act (NHPA), the National Register of Historic Places (NRHP) was reviewed to determine if historical or archeological resources had been identified on the property, or within the immediate vicinity of the property. The NRHP did not identify the subject property or immediately adjacent properties as listed properties or properties, eligible for listing on the NRHP. Correspondence was sent to the State Historic Preservation Office (SHPO) requesting any information on potential impacts from the PA to eligible properties or known historic and/or cultural resources. According to Mr. Charles Walls, Oklahoma SHPO Section 106 Coordinator, there are no eligible or identified historic or cultural resources on the proposed project location.

Correspondence was sent to the Oklahoma Archeological Survey (OAS) requesting any information on known historic or archeological resources on the proposed subject property, or the immediate vicinity of the proposed property. Correspondence received from the OAS

indicated that there were no known historic or archeological resources on the proposed subject property, or immediate adjacent properties. Correspondence associated with the historical/cultural information is contained within Appendix C.

4.5.1 Proposed Action

The review of the NRHP did not find the subject property, or immediately adjacent properties, as listed on the NRHP. In addition, information received from the Oklahoma SHPO and the OAS, did not identify the subject property or adjacent properties as having known historic, cultural or archeological significance; nor were any eligible properties identified in the immediate area. Consequently there will be no impacts to known cultural, historical or archeological resources from implementation of the proposed project.

Presentations about the project have been made to the other area Native-American Tribes who share ownership of the trust land, and to the Inter-tribal Council which serves to help coordinate planning for the eight tribes in Ottawa County. Additionally, the Modoc Tribe's cultural resource/NAGPRA representative was consulted concerning this project to assure no cultural resources would be at risk from the project construction.

In the event that archeological deposits, including any Native-American pottery, stone tools, bones, or human remains, are uncovered, the project shall be halted, and the applicant will stop all work immediately in the vicinity of the discovery and take reasonable measures to avoid or minimize harm to the finds. All archeological findings will be secured and access to the sensitive area restricted. The applicant will inform FEMA immediately, and FEMA will consult with the SHPO or THPO, and the Tribe. Work in the sensitive areas cannot resume until consultation is completed, and appropriate measures have been taken to ensure that the project is in compliance with the NHPA.

4.5.2 No Action Alternative

Implementation of the NAA will also have no impacts on cultural, historical or archeological resources.

4.6 Socioeconomics

4.6.1 Population and Economic Setting

The U.S. Census Bureau estimated the 2008 population of Ottawa County, Oklahoma as 31,849 individuals. This is less than 1% of the population of the entire State of Oklahoma. Ottawa County recorded a 4% drop in population from the year 2000 to 2008. Approximately, 6.1% of the county population is comprised of children under the age of five, which is similar to the rest of the State of Oklahoma. Approximately, 23.6% of the population is comprised of persons under the age of 18. Again, this number is similar to the statewide statistics. Approximately, 16.8% of the county population is comprised of individuals 65 years old or older. This number is slightly higher than the statewide statistics.

The racial demographics of Ottawa County are 75.3% white persons, 1.0% black persons, 16.4% American Indian or Alaskan Natives, 0.6% Asians, 0.2% Native Hawaiian or other Pacific Islander, 4.1% Hispanic or Latino origin, and 6.5% mixed race. Females make up approximately 51% of the population in the county.

The most significant difference in relation to the statewide statistics is in the percent of the population comprised of Native-Americans. The Native-American population in Ottawa County is 16.4% of the total, whereas the Native-American population within the entire State makes up approximately 8.0% of the total population.

The median household income as reported by U.S. Census Bureau (2007 estimates) for Ottawa County was \$33,841. The median household income for the State of Oklahoma was \$41,551. The average household in Ottawa County is comprised of 2.48 individuals. The unemployment rate for Ottawa County was 8.7% (2005-2007 data set). Private employment in Ottawa County was up 10.1% during the ten-year period between the 1990 census and the 2006 estimates. American Indian and Alaska Native-owned firms account for 14.1% of the businesses in the Ottawa County.

4.6.2 Proposed Action

Implementation of the PA will provide a central gathering place for tribal activities and services need to facilitate tribal activities. The building construction will provide short-term economic gains to the population in terms of employment for both skilled and unskilled

laborers and professionals involved in the design and permitting. The proposed project will be completed, to the extent practicable, with Native-American labor and by Tribal approved firms, which will contribute to the economic status of the tribal members and the surrounding population as a whole. In addition, building materials will be purchased from locally-owned retailers, which puts money into the local economy in terms of sales figures and sales taxes.

Having a centralized location for tribal activities and services may serve to persuade other tribal members to move into the area. In addition, social functions sponsored by the Tribe will result in economic gains to the areas, as these events typically draw visitors and tribal members from other areas of the state and the country.

Overall, implementation of the proposed activities will have both short-term and long-term positive impacts on the socioeconomics of the area.

4.6.3 No Action Alternative

Implementation of the NAA will have negative long-term impacts on the area and Tribe specifically. The Tribe's governmental offices will not be centralized and the tribal members will not have easy access to tribal services. In addition, social events will have to be conducted at other areas, potentially resulting in costs to the Tribe to rent such areas.

4.7 Environmental Justice

Executive Order 12898 - "Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations," applies in low-income or minority neighborhoods where the grantee proposes the acquisition of housing, the acquisition of land for development, and new construction. Environmental justice issues may include, but are not limited to, new, continued or historically disproportionate potential for high and adverse human health and environmental effects on minority or low-income populations.

The EPA Environmental Justice Geographic Assessment Tool (EJGAT) was used to assess the social, economic, health and environmental conditions of a 0.5 and 1.0 square mile areas surrounding the subject site. The EJGAT identifies the population within a 0.5 mile radius of the subject property as 141 individuals, 12 of those individuals live below the poverty line. The population within 1.0 square mile increases significantly to 892 individuals with the

inclusion of a portion of the Miami, Oklahoma city limits. Approximately 14.2% of the population within a 1.0 square mile radius of the proposed project lives below the poverty level. The proposed project is in an area where the population is predominantly white, although the racial group with the highest representation after white is that of Native Americans. The immediately surrounding properties and most of the properties within a one-mile radius of the proposed project are primarily used for Native American tribal uses.

The EPA Enviromapper was used to determine if there were any facilities that could represent adverse environmental impacts to the property, and subsequent project action. There are no Superfund sites, National Priority List (NPL) sites or Brownfield sites, within a one square mile radius of the site. Two hazardous waste sites (generators), one facility is permitted to discharge air emissions are shown southeast of the site. However, these facilities do not have any direct impact on the project site.

4.7.1 Proposed Action

The proposed project site is suitable for its proposed use due to the nature of the surrounding land uses which are primarily associated with tribal entities. There are no significant adverse environmental issues identified within a one square mile radius of the subject site. Consequently, the site will not be impacted by adverse environmental conditions in the area. No activities will take place on the site that will have the potential to add or continue adverse human health or environmental effects, on minority or low-income populations.

4.7.2 No Action Alternative

Implementation of the proposed project will have no impacts on environmental justice.

4.8 Air Quality

The Clean Air Act (CAA) of 1997, as amended requires federal facilities to comply with all federal, state, and local requirements regarding the control and abatement of air pollution in the same manner as any non-governmental entity, including any requirement for permits. National Ambient Air Quality Standards (NAAQS) have been established for six “criteria” pollutants (sulfur dioxide, carbon monoxide, ozone, nitrogen oxides, lead and inhalable

particulate matter). Areas failing to meet the NAAQS are designated as “nonattainment areas” and are potentially subject to regulatory enforcement actions. The “Conformity Rule” of the CAA, as amended, states that all federal actions must conform to appropriate State Implementation Plans (SIP). This rule took effect in January 1994, and currently only applies to federal actions in non-attainment areas.

Ottawa County, Oklahoma is not located within a “Non-Attainment” or maintenance area with regards to air quality as per the EPA Greenbook of Non-Attainment Areas.

4.8.1 Proposed Action

Implementation of the proposed action may result in some short-term adverse impacts to the air quality on the immediate surrounding properties from dust generated during the land clearing activities and emissions associated with the heavy equipment. However, the impacts will be temporary. Care will be taken to minimize the generation of dust by construction and stabilized construction entrance with gravel, and by using water for dust suppression, as needed.

Due to the size of the property and its location adjacent to a major interstate, it is not expected that the heavy equipment use would significantly impact the levels of air pollutants in the area.

4.8.2 No Action Alternative

There will be no impacts to air quality from implementation of the NAA.

4.9 Hazardous Materials

Hazardous wastes, as defined by the Resource Conservation and Recovery Act (RCRA), are defined as "a solid waste, or combination of solid wastes, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may: (1) cause, or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating reversible illness; or (2) pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported or disposed of, or otherwise managed."

Hazardous materials and wastes are regulated in Oklahoma by a combination of federal laws and state laws. Federal regulations governing the assessment and disposal of hazardous wastes include RCRA, the RCRA Hazardous and Solid Waste Amendments, Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), Solid Waste Act (SWA), and Toxic Substances Control Act (TSCA).

Visual observation of the project area did not reveal obvious existing or potential hazardous materials, substances, or conditions. No drums or other sources of potential hazardous materials were observed in the project area. No indications of pipelines crossing the project area were noted in the field, or on the USGS topographic map reviewed for this project. The proposed project location does have overhead electrical transmission lines on it. One pole-mounted transformer was observed east of the pond. The transformer is labeled "non-Polychlorinated Biphenyls (PCBs)."

A review of regulatory environmental databases was conducted via the internet from federal and state agencies. The following is a list of the federal and state databases reviewed for this project: EPA, National Priorities List (NPL), EPA Comprehensive Environmental Response, Compensation and Liability Information System (CERCLIS) List, EPA Resource Conservation and Recovery Information System (RCRIS) List, ODEQ, Superfund and Brownfield Registry. The Oklahoma Corporation Commission regulates petroleum storage tanks and leaking underground storage tanks in Oklahoma. These databases are not available online. However, the EPA Envirofacts multi-system query did not indicate that the proposed project site, or any adjacent site, was targeted as leaking underground tank sites. The EPA and ODEQ databases were searched by address and/or zip code to the extent practicable. The subject property was not listed on any of the databases reviewed.

4.9.1 Proposed Action

Construction of the new social services building would not disturb any hazardous materials or create any potential hazard to human health. If hazardous constituents are unexpectedly encountered in the project area during the proposed construction operations, appropriate measures for the proper assessment, remediation and management of the contamination would be initiated in accordance with applicable federal, state, and local

regulations. Liquid materials and chemicals, such as fuels, lubricants and paints will be stored on site during construction, in accordance with all applicable regulations and requirements. The site contractor will be required to take appropriate measures to prevent, minimize, and control the spill of hazardous materials in the construction staging area.

4.9.2 No Action Alternative

The NAA would not disturb any hazardous materials or create any potential hazard to human health.

4.10 Noise

Congress enacted the Noise Control Act of 1972. It directed the Administrator of the EPA to publish information on the levels of environmental noise, the attainment and maintenance in defined areas under various conditions, are requisite to protect the public health and welfare, with an adequate margin of safety.

Noise is defined as unwanted sound. Sound is all around us and becomes noise when it interferes with normal activities, such as sleep or conversation. The measurement and human perception of sound involves three basic physical characteristics: intensity, frequency, and duration.

Sound frequency is measured in terms of cycles per second (cps), or hertz (Hz), which is the standard unit for cps. The normal ear can detect sounds that range in frequency from about 20 Hz to about 15,000 Hz. All sites, whose environmental or community noise exposure exceeds the day night average sound level (DNL) of 65 decibels (dB) are considered high noise areas.

The closest noise receptor is a residential area approximately 0.25 miles east of the project site. However, the residential area is separated from the subject site by Interstate 44. The properties adjacent to the subject site are primarily agricultural or commercial properties associated with tribal uses. It is expected that noise levels within and adjacent to the project area would increase during the proposed construction activities, as a result of construction equipment and vehicular traffic. The noise levels generated would be limited to workday, daylight hours for the duration of the construction work. Because the project site is outside the

city limits of Miami, there are no local noise ordinances that would apply to the proposed project.

4.10.1 Proposed Action

Construction of the social services building would result in a slight increase in noise during the construction of the facility. The increase in noise levels in the area would be short-term and temporary in nature and would not impact any sensitive receptors. No long-term permanent impacts from the proposed action are expected.

4.10.2 No Action Alternative

The NAA would not result in any impacts to area noise levels.

4.11 Safety and Security

Safety and security issues that were considered in this EA include the health and safety of area residents and businesses, the public at-large, and the protection of personnel involved in activities related to the implementation of the proposed project. The property currently exists as Indian trust land. Public safety and police services are provided by the Bureau of Indian Affairs (Tribal) Police Department. Fire response is provided by the City of Miami Fire Department. Emergency medical response is provided by the Indian Health Service, or Baptist Regional Health Center, in Miami.

The FEMA Disaster Assistance Policy 9527.1 provides guidance for determining the seismic requirements established in the Earthquake Hazards Reduction Act of 1977, the Stafford Act and Executive Order 12699, as amended.

The Earthquake Hazards Reduction Act of 1977 and the National Earthquake Hazards Reduction Program (NEHRP) recognize that earthquakes pose a serious risk throughout much of the U.S. Executive Order 12699 provides that a federal agency responsible for the design and construction of a new federal (or federally-funded) building shall ensure that the building is designed and constructed in accordance with appropriate seismic design and construction standards.

4.11.1 Proposed Action

Implementation of the proposed project could have a positive impact on public safety or security. Specifically, tribal members will be able to access many tribal services in one location, reducing risks associated with traffic accidents that could occur from additional commutes to other locations. In addition, tribal public safety officers would have a central location to access tribal resources.

Construction activities will be conducted using all proper safety mechanisms and devices. The project is located in an area with a low seismic potential, as shown in Figure 4.3. The PA will be constructed following applicable State and local buildings codes and any other building guidelines specifically imposed by FEMA as a condition of funding, including but not limited to, NEHRP Guidelines.

4.11.2 No Action Alternative

The NAA will have no impacts on public health, safety or security.

4.12 Public Services and Utilities

Currently, the property exists as undeveloped property. However, electrical service is available. The City of Miami provides water and sewer service in the area and to adjacent commercial properties, along with solid waste collection. Health services are available at the Indian Health Services Center.

4.12.1 Proposed Action

Implementation of the PA would require access to city services and utilities in the form of water and sewer service and solid waste disposal. Existing utilities are located adjacent to Industrial Parkway (Highway 69A). The social services building will not discharge any regulated wastewaters that would add significant pollutants to the wastewater treatment system, nor would it be expected that large amounts of potable water would be consumed. A slight disruption in service to adjacent properties could occur when the building connects; however, these impacts would be temporary and minimally adverse. Positive impacts would be that the City would derive additional income from the delivery of these services.

however, these impacts would be temporary and minimally adverse. Positive impacts would be that the City would derive additional income from the delivery of these services.

4.12.2 No Action Alternative

There are no impacts expected from implementation of the NAA.

4.13 Traffic and Transportation

The project site is located on the east side of South Highway 69A, and on the west side of US Interstate 44 (I-44). I-44 is the second longest Interstate in Oklahoma. I-44 in Oklahoma is a toll road most of the way, paralleled by former U.S. Route 66 from Oklahoma City to the Missouri state line. In southwestern Oklahoma, I-44 is the H.E. Bailey Turnpike and follows a north-south direction. In the Oklahoma City metro section it ranges from 6-8 lanes. I-44 overlaps I-35 for a short time in Oklahoma City, from Oklahoma City I-44 shifts its direction to east-west and follows the Turner Turnpike to Tulsa. As I-44 leaves Tulsa, it becomes the Will Rogers Turnpike to the Missouri border. Significant amounts of traffic traverse this interstate daily.

U.S. 69 runs from Port Arthur, Texas to Albert Lea, Minnesota, near the northern terminus of U.S. 65. It runs through Texas, Oklahoma, Kansas, Missouri, Iowa, and Minnesota. From Port Arthur, U.S. 69 is duplexed with U.S. 96 and U.S. 287 until they split in Beaumont, Texas. In Oklahoma, U.S. 69 is four-lane divided expressway for almost its entire length. U.S. 69 starts out duplexed with U.S. 75 just north of the Sherman and Denison, Texas area. The northern portion of Oklahoma Highway 69A originally went along part of what was once Alternate U.S. 69. The highway even shared about 1/2 mile with its parent, U.S. 69. Oklahoma Highway 69A extends for approximately 5.0 miles through Ottawa County and is also referred to as Industrial Parkway.

4.13.1 Proposed Action

Construction of the social services building at the proposed location may have a slight effect on transportation by increasing the number of vehicles Highway 69A. This is a fairly busy road. Consequently, the increase would be expected to be minor, and would be due to construction vehicles accessing the site during the construction phase, and then it would be due to employees and tribal members accessing the building.

4.13.2 No Action Alternative

There would be no impacts to traffic and transportation from implementation of the NAA.

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5.0 Summary of Mitigation Measures And Permits

Summaries are provided in the following sections of the potential effects on the human and natural environment resulting from the implementation of each action, the PA and the NAA.

5.1 Mitigation and Permits

Table 5.1 shows the findings of the potential impacts to the affected environment for the PA and the NAA. In general, most adverse impacts are short-term. However, the potential exists for some long-term adverse impacts from the loss of prime farmlands through the permanent conversion to the tribal uses. However, even though the property meets the criteria of "prime farmland," the property is Indian trust land and is not currently used for farming, nor does the Tribe intend to use it for farming in the future.

The potential for adverse impacts to surface water (stormwater) from the construction activities can be mitigated by compliance with the requirements of the EPA General Stormwater Permit for Construction Activities. The permit requires that a Stormwater Pollution Prevention Plan (SWPPP) be developed for the site that includes BMPs designed to minimize the potential for pollutants to enter the storm water from the construction site, and be discharged into surface waters. Implementation of BMPs will also serve to prevent excess erosion in the areas stripped of vegetation. Native vegetation will be re-planted on the bare areas as soon as practicable to prevent excess erosion and promote revegetation and also to provide habitats for displaced terrestrial animals and birds.

Impacts to the wetland will not occur as long as a 50-foot buffer strip of no activity is maintained and silt fences are placed along the perimeter of the buffer strip to prevent silt and sediment from the construction site runoff from entering the wetland.

Noise impacts will be short in duration, and will be mitigated by the fact that the construction activities will be conducted during normal business hours, when noise impacts are least noticeable by off-site individuals.

Air impacts will be mitigated by the use of water spray as a dust suppressant, as needed, to control the dust on the areas being disturbed.

Construction will cease and the USFWS and Oklahoma Geological Survey will be notified if a sinkhole is encountered. Construction will not resume until the respective agencies determine whether mitigation activities are required and issue clearance.

Table 5.1 - Impact Matrix (Environmental Assessment)

Resource Categories	Proposed Action		No Action Alternative
	Impacts	Permits/Mitigation Required	No Action Alternative
Zoning and Land Use	O	Local Building Codes	O
Geology			
<i>Topography and Physiology</i>	O	NA	O
<i>Soils</i>	XL	Contact local NRCS office	O
Water Resources	O	X S	O
<i>Hydrology</i>	O	NA	O
<i>Groundwater</i>	O	NA	O
<i>Surface Water</i>	XS	Stormwater Permit for Construction Activities (EPA)	O
<i>Floodplains</i>	O	No	O
<i>Wetlands</i>	O	No	O
Biological Resources			
<i>Vegetation</i>	XS	No	+L
<i>Wildlife</i>	X S	No	+ L
<i>T & E Species</i>	O	No	O
Cultural Resources	O	No	O
Socioeconomic Resources			
<i>Economic Setting</i>	+ L	NA	XL
<i>Population</i>	+ L	NA	XL
<i>Environmental Justice</i>	O	NO	O
Air Quality	XS	Dust suppression measures/local building codes	O
Noise	XS	Construction during daytime hours only, adhere to local noise ordinance if applicable	O
Hazardous Materials/Waste	O	No	O
Safety and Security	+L	No	O
Public Services and Utilities	+L	No	O
Traffic and Transportation	O	No	O
TOTAL IMPACTS			
Adverse, Long-Term	1		2
Adverse, Short-Term	5		0
Positive, Long-Term	4		2
Positive, Short-Term	0		0
NO IMPACT	12		15
Key: O = No Impact L = Long-Term impact + = Positive Impact X = Adverse Impact S = Short-Term impact NA = Not Applicable			

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6.0 Conclusions

Analyses in the EA show that implementation of the PA would not result in significant long-term, adverse environmental effects. Issuance of a Finding of No Significant Impact would be appropriate and an Environmental Impact Statement is not required prior to implementation of the PA.

Long-term adverse impacts from the loss of prime farmlands through the permanent conversion of the land to the tribal uses may occur. However, even though the property meets the criteria of "prime farmland," the property is Indian trust land and is not used for farming, nor does the Tribe intend to use it for farming in the future. A Farmland Conversion Impact Rating request was submitted to the NRCS, Miami Field Office. Correspondence received indicated that the scope of the conversion was very small and the actual percentage is actually 0.0000726% (rounds to 0.0%) of all the prime farmland in Ottawa County. Consequently, implementation of the PA will not result in significant long-term losses of prime farmland in the County.

The PA will have short-term adverse impacts on the site vegetation; however, the majority of the site currently exists as fescue and other grasses. The Tribe intends to leave as much natural vegetation as possible, particularly in the areas around the pond. When construction is complete, bare areas will be replanted with natural vegetation.

Long-term positive benefits will be created in terms of providing the tribal members with a local area for services and social functions which will provide both social and economic benefits to the local area. In addition, the construction will provide positive economic impacts in terms of employment and the purchase of building materials.

Very few impacts are anticipated from implementation of the NAA, since no activity is currently taking place in the area of the PA. The site would continue to exist as vacant land.

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7.0 Public Participation

The Public Notice announcement (Appendix D) was published in the local newspaper on October 15, 2009. The announcement was also published on the FEMA website. The draft EA was made available for review at the Modoc Tribe of Oklahoma Government Office. Comments associated with the proposed action were accepted for 30 days from the date of publication. The comment period closed on November 15, 2009. No comments were received.

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8.0 Qualifications Of Preparers

PENNYE L. DERRYBERRY BRAY
SENIOR ENVIRONMENTAL SCIENTIST

EDUCATION AND TRAINING

University of Arkansas at Little Rock
Bachelor of Science in Biology - 1987

Duke University
Nicholas School of Environment and Earth Sciences
Durham, North Carolina
Duke environmental Leadership Program
Short Course: "Preparing and Documenting Environmental Impact Analysis"

PROFESSIONAL REGISTRATION

Registered Environmental Manager - REM #7776
Registered Environmental Property Assessor - REPA #5913

PROFESSIONAL HISTORY

ECCI, Senior Environmental Scientist, 2004 to Present
Environmental Consulting Operations, Inc., Senior Environmental Scientist, 1995-2004
Entek Laboratory, Biomonitoring Manager, 1989-1995
Sorrells Research Associates, Inc., 1987-1989

EXPERIENCE

ECCI, Little Rock, Arkansas. Ms. Bray has a broad background in environmental compliance issues. She is responsible for providing environmental consulting services to a broad range of clients, including, but not limited to, the following:

Provide consulting regarding compliance with the EPA/Arkansas Department of Environmental Quality (ADEQ) storm water regulations including the submission of the Notice of Intent (NOI) for coverage under the general storm water permits (industrial and construction) record keeping requirements, training, and development and implementation of Stormwater Pollution Prevention Plans; development of Spill Prevention Control and Countermeasures Plans (SPCCP) and implementation assistance; completion and submission of NPDES permit applications, including review and interpretation of applicable effluent guidelines, state regulations, review of analytical requirements and available data, sample collection (if required), and conferral with the appropriate ADEQ Permit Engineer; provide guidance to several industries regulated under the effluent pretreatment guidelines including the completion of Baseline Monitoring Reports and Semi-Annual Report Form (SARs); completion and submission of annual Toxic Release Inventory Form (Form R) and Tier I/II Reports; assists clients in maintaining compliance with environmental permits; Environmental Baseline Studies and Environmental Assessments.

Environmental Consulting Operations, Inc., Benton, Arkansas. As the Senior Environmental Scientist, Ms. Bray was responsible for providing environmental consulting services to variety of clients. Ms. Bray's primary responsibilities included completion of NPDES Permit applications, air permit applications, semi-annual pretreatment reports, annual hazardous waste reports, Toxic Release Inventory (TRI) Reports, Tier II/III, SWPPP development, development of SPCCPs, Environmental Information Documents, wetland delineations and Section 404 permit notification, and Phase I Environmental Site Assessments. Project management duties included the development of proposals, budget maintenance, client communication, and strict adherence to deadlines.

Entek Laboratory, Inc., Little Rock, Arkansas. Ms. Bray was responsible for the overall management duties associated with the daily operation of an aquatic bioassay laboratory section for a full-service, analytical laboratory. Within this context, she was responsible for the daily oversight of the maintenance of aquatic organism cultures resulting in quality organisms for accurate test results; development and implementation of written standard operating procedures (SOPs) for the bioassay laboratory; hiring, training, and daily management of a staff of biologists; statistical analysis determinations of LC-50s, and No Observable Effects Concentrations (NOECs); design of the standard report format for the bioassay laboratory and all associated technical writing; coordination of test scheduling, staff schedules, and development of the client base; and conducting Toxicity Identification Evaluations (TIEs) and Toxicity Reduction Evaluations (TREs) and associated data interpretation and technical report writing.

Sorrells Research Associates, Inc., Little Rock, Arkansas. Analytical Biologist responsible for conducting chemical analysis of water and wastewater samples using EPA Methodology for compliance with NPDES Permit requirements.

AFFILIATIONS

Arkansas Environmental Federation
National Registry of Environmental Professionals

R. STAN JORGENSEN

Principal

EDUCATION

University of Oklahoma, College of Engineering, BS Environmental Science, 1973

REGISTRATION

Registered Environmental Property Assessor #5865

Registered Environmental Manager # 8785

PROFESSIONAL HISTORY

ECCL, President, 1993 to Present

ENSCO, Director of Regulatory Affairs, 1987 - 1993

Missouri Department of Natural Resources, Director of Waste Management Programs, 1983 - 1987

U.S. Environmental Protection Agency, Chief of Hazardous Materials and Environmental Engineer, 1973 - 1983

EXPERIENCE

Mr. Jorgensen has over 35 years of environmental and engineering experience. He has participated in hundreds of public hearings, many significantly controversial, as a hearing officer while with EPA and the State of Missouri, as the applicant while with ENSCO, and as an expert witness since forming ECCL. He has helped author state and federal rules and currently assists clients obtain workable permit requirements. He helps facility managers plan ahead for new environmental requirements by providing alternatives where facility managers can make advance choices and then fit the most cost effective choices into budget planning cycles. He has helped both multiple facility organizations and single facilities develop workable in-house environmental compliance programs and procedures. He has managed large engineering and acquisition projects.

While with EPA, Mr. Jorgensen studied European hazardous waste treatment technologies and became the senior EPA official in deciding to authorize the first PCB incinerators in the world. He helped develop the first state hazardous waste program to be approved by EPA. He was awarded two U.S. Bronze Medals for exceptional service to government and the environment.

As director of Missouri's waste management programs, Mr. Jorgensen eliminated a multi-year backlog in processing solid waste permit applications, negotiated approximately 20 Superfund cleanups, collected a \$1.2 million hazardous waste penalty, and helped manage the buy-out of Times Beach, Missouri. He served as a board member for the Association of State Waste Management Directors.

As environmental director of an international hazardous waste treatment company, Mr. Jorgensen managed several controversial media sensitive permitting and compliance processes. He served as a member of the Board of Directors of the industry national trade association serving as president for two years, and was named to multiple EPA regulatory advisory committees and roundtables.

Since starting ECCL, he has focused on regional and national Clean Air Act implementation issues (ozone, interstate NO_x transport, Title V permitting, MACT rules development and implementation, and state air toxics programs). He has helped multiple national companies establish efficient systems to manage Clean Air Act compliance and he provides valuable assistance in acquisition projects by helping define anticipated costs and liabilities under the Clean Air Act and hazardous waste laws.

State Air Rule Development. Assists industries with negotiation of flexible state air rules and state implementation plans submitted to EPA. Chairman of the Arkansas Environmental Federation's Air Committee. Technical expert for the Central Arkansas Ozone Task Force.

Winthrop Rockefeller Foundation, assistance to industries in Clean Air Act compliance. Provided classroom and on-site facility specific guidance in cost-effective approaches to new Clean Air Act requirements to over 200 industries. Serve as technical environmental engineering expert for multiple Winrock projects.

ECCL Compliance Assistance Programs. Developed sophisticated computer tracking program to allow ECCL to track client's reporting and compliance deadlines to provide early reminders to clients to assure reports and compliance deadlines are successfully achieved.

Environmental Due Diligence, USA and International. Assisted domestic and international corporations in assessment of liabilities and opportunities associated with facilities and corporation purchases. Areas range from specialty chemical manufacturers, to hazardous waste treatment companies, to large urban developments.

EPA Rulemaking, Washington, D.C. Represented multiple industries to assist EPA regulation authors in evaluation of complex and potentially costly alternatives to achieve stricter environmental goals. Appointed to EPA's Hazardous Waste Combustion Roundtable and EPA Region VI's Policy Advisory Committee.

Hazardous Waste Incineration Facilities, Technical Assistance, Worldwide. Three European trips, Mexico, and throughout the U.S. Provide assistance on facility materials management, cost control, process systems, etc.

AFFILIATIONS

Environmental Technology Council, *President* 1994 - 1996

Arkansas Environmental Federation,

Air Committee Chairman, 2004 - 2008, 1995 - 2001

Board of Directors, 1987 - Present

Government Affairs Chairman, 2001 - 2003

President 1994

Numerous Environmental, Wildlife and Civic Organizations

Member EPA Hazardous Waste Combustion Roundtable

Registered Environmental Manager, #8785

Registered Environmental Property Assessor, #5865

Assoc. of State Waste Mgmt Directors, Board of Directors. 1981 - 1983

Central Arkansas Ozone Policy Advisory Committee, 2002 - 2003

Awarded two U.S. Bronze Medals for exceptional environmental service

APPENDIX A

References

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www.usda.gov/farmland and www.nrcs.usda.gov/programs/farmland/2002.

United States Department of Transportation, Federal Highway Administration, Roadside Use of Native Plants, State Plant Listings. www.fhwa.dot.gov.

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APPENDIX B
Persons and Agencies Contacted

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Correspondence List

Ms. Lisa Jewett, Administrative Assistant, City of Miami, Oklahoma, Office of City Engineer,
(918) 541-2329 telephone, email: ljewett@miamiokla.net

Mr. Michael Ramming, District Conservationist, NRCS Miami, Oklahoma Field Office
(918) 542-4771, ext. 3, email: Michael.Ramming@ok.usda.gov

Mr. Ken Collins, U.S. Fish and Wildlife Service, Oklahoma Fields Services Office
Email: ken_collins@fws.gov

Mr. Ian Butler, Information Technology Analyst I, Oklahoma Biological Survey
(405) 325-1985, email: ian_b@ou.edu

Mr. Charles Wallis, Section 106 Coordinator, State Historic Preservation Office, Oklahoma
Historical Society, email: cwallis@okhistory.org.

Dr. Robert Brooks, State Archaeologist, Oklahoma Archeological Survey, University of
Oklahoma. (405) 325-7211

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APPENDIX C
Agency Correspondence

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Engineering, Compliance & Construction, Inc.

415 North McKinley Street, Suite 1180 • Little Rock, Arkansas 72205 • Phone 501.663.8247 • Fax 501.664.5005 • www.ecci.com

July 7, 2009

Mr. Charles Wallis, Section 106 Coordinator
Historical Archeologist
State Historic Preservation Office
Oklahoma Historical Society
Oklahoma History Center
2401 North Laird Avenue
Oklahoma City, OK 73105

RE: Section 106 Review

Dear Mr. Wallis;

The Modoc Tribe of Oklahoma is proposing to construct a Social Services Building. The proposed construction project is applying for funding through the Federal emergency Management Agency (FEMA). As per the requirements of the National Environmental Policy Act (NEPA) and 44 CFR 10, an Environmental Assessment (EA) is being prepared for the proposed project.

The proposed property location is located in Section 29, Lot 10, Township 28N, Range 23 East in Ottawa County, Miami, Oklahoma. The street address is identified as South Highway 69A, Miami, Oklahoma 74354. The proposed project location site coordinates are as follows: Latitude: 36° 52' 38.130" North, Longitude: 94° 50' 48.536" West. I have attached an aerial photograph showing the proposed project location. The property is tribally leased trust land. There are several other tribal buildings/offices located within a one-mile radius of the proposed project location. Properties in the immediate area include; Miami High School, The Leonard Learning Center (a tribal owned daycare center), the Inter-tribal Council Building, the Northeastern Indian Health Care Clinic, and the Ottawa Peoria Cultural Center.

A review of the National Register of Historic Properties and the Oklahoma Landmarks Inventory Database did not find the proposed project property as a registered historic resource.

However, as a component of the Environmental Assessment we request that the SHPO review the proposed project action and provide comments regarding potential impacts to historic or cultural resources from the proposed project. I have attached a topographic map and aerial photograph showing the site location. I have also attached color photographs of the site. I hope that this information will be sufficient for your review. Thank you for your assistance in this matter.

Sincerely

A handwritten signature in blue ink, appearing to read "P. L. Derryberry Bray". The signature is fluid and cursive, written on a light-colored background.

Pennye L. Derryberry Bray
ECCI Senior Environmental Scientist

Proposed Project Location Facing Northeast



Proposed Project Location Facing Northeast (Hwy 69A on left)



Subject Property Facing East (Looking at I-44)



Property facing North from Oklahoma Visitor's Center (adjacent)





Property Boundaries

Proposed Building Location

Industrial Pkwy

S Treaty Rd

S 580 Rd

Seneca St

Seneca Av

44

683 ft

© 2009 Tele Atlas
Image USDA Farm Service Agency

Google

Imagery Date: Jun 15, 2006

36°52'37.84" N 94°50'42.93" W

Eye alt 2364 ft

Telephone Record

Date: July 10, 2009

RE: Modoc Tribe of Oklahoma Environmental Assessment, Historical/Cultural Impacts

From: Mr. Charles Walls, Section 106 Coordinator, SHPO Office, Oklahoma Historical Society

Mr. Walls called in regard to my correspondence requesting a NEPA Section 106 determination on the proposed Modoc Social Services Building property. According to Mr. Walls, a Section 106 determination must be requested by the Federal Agency administering the funding. He was able to provide a review of potential historical/cultural resources in the project area. He found no record of potential historic or cultural resources associated with the proposed property. In addition, a review of the National Register of Historic Places (NRHP) indicated that the property was not on the list or proposed eligible for the list. Mr. Walls recommended contacting the Oklahoma Archeological Survey for further information.



Engineering, Compliance & Construction, Inc.

415 North McKinley Street, Suite 1180 • Little Rock, Arkansas 72205 • Phone 501.663.8247 • Fax 501.664.5005 • www.ecci.com

July 15, 2009

Dr. Robert L. Brooks
Oklahoma Archeological Survey
University of Oklahoma
111 East Chesapeake, Bldg. #134
Norman, OK 73019-0575

RE: Potential Impacts to Cultural/Historical Resources

Dear Dr. Brooks;

The Modoc Tribe of Oklahoma is proposing to construct a Social Services Building. The proposed construction project is applying for funding through the Federal emergency Management Agency (FEMA). As per the requirements of the National Environmental Policy Act (NEPA) and 44 CFR 10, an Environmental Assessment (EA) is being prepared for the proposed project.

The proposed property location is located in Section 29, Lot 10, Township 28N, Range 23 East in Ottawa County, Miami, Oklahoma. The street address is identified as South Highway 69A, Miami, Oklahoma 74354. The proposed project location site coordinates are as follows: Latitude: 36° 52' 38.130" North, Longitude: 94° 50' 48.536" West. I have attached an aerial photograph showing the proposed project location. The property is tribally leased trust land. There are several other tribal buildings/offices located within a one-mile radius of the proposed project location. Properties in the immediate area include; Miami High School, The Leonard Learning Center (a tribal owned daycare center), the Inter-tribal Council Building, the Northeastern Indian Health Care Clinic, and the Ottawa Peoria Cultural Center.

A review of the National Register of Historic Properties and the Oklahoma Landmarks Inventory Database did not find the proposed project property as a registered historic resource. Information obtained from Mr. Charles Walls with the Oklahoma Historical Preservation Program did not identify any historic buildings or structures associated with the proposed site. However, Mr. Walls suggested that I contact you regarding potential impacts to cultural and/or archeological resources in the immediately surrounding area.

Therefore, as a component of the Environmental Assessment we request that you provide any comments you may have regarding potential impacts to historic, cultural or archeological resources from the proposed project. I have attached a topographic map and aerial photograph showing the site location. I have also attached color photographs of the site. I hope that this information will be sufficient for your review. Thank you for your assistance in this matter.

Sincerely

A handwritten signature in blue ink, appearing to read "P. L. Derryberry Bray". The signature is fluid and cursive, written on a light-colored background.

Pennye L. Derryberry Bray
ECCI Senior Environmental Scientist

Proposed Project Location Facing Northeast



Proposed Project Location Facing Northeast (Hwy 69A on left)



Subject Property Facing East (Looking at I-44)



Property facing North from Oklahoma Visitor's Center (adjacent)





Oklahoma Archeological Survey

THE UNIVERSITY OF OKLAHOMA

July 20, 2009

Pennye L. Derryberry Bray
ECCI
415 N. McKinley St., Ste. 1180
Little Rock Arkansas 72205

Re: Modoc Tribe of Oklahoma proposed construction of a Social Services Building. Legal Description: SE ¼ SW ¼ NE ¼ Section 29 T29N R23E, Ottawa County, Oklahoma.

Dear Ms. Bray:

The Community Assistance Program staff of the Oklahoma Archeological Survey has reviewed the above referenced project in order to identify potential areas that may contain prehistoric or historic archaeological materials (historic properties). The location of your project has been crosschecked with the state site files containing approximately 18,000 archaeological sites that are currently recorded for the state of Oklahoma. No sites are listed as occurring within your project area, and based on the topographic and hydrologic setting; no archaeological materials are likely to be encountered. Thus an archaeological field inspection is not considered necessary. However, should construction activities expose buried archaeological materials such as chipped stone tools, pottery, bone, historic crockery, glass, metal items or building materials, this agency should be contacted immediately at (405) 325-7211. A member of our staff will be sent to evaluate the significance of these remains.

This environmental review and evaluation is performed in order to locate, record, and preserve Oklahoma's prehistoric and historic cultural heritage in cooperation with the State Historic Preservation Office, Oklahoma Historical Society. In addition to our review comments, under 36CFR Part 800.3 you are reminded of your responsibility to consult with the appropriate Native American tribe/groups to identify any concerns they may have pertaining to this undertaking and potential impacts to properties of traditional and/or ceremonial value. Thank you.

Sincerely,


Robert L. Brooks
State Archaeologist

:ls

Cc: SHPO

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415 North McKinley Street, Suite 1180 • Little Rock, Arkansas 72205 • Phone 501.663.8247 • Fax 501.664.5005 • www.ecci.com

July 28, 2009

Oklahoma Natural Heritage Inventory
Oklahoma Biological Survey
111 East Chesapeake Street
Norman, OK 73019-0575

RE: Information Request

To Whom it May Concern

The Modoc Tribe of Oklahoma is proposing to construct a Social Services Building. The proposed construction project is applying for funding through the Federal emergency Management Agency (FEMA). As per the requirements of the National Environmental Policy Act (NEPA) and 44 CFR 10, an Environmental Assessment (EA) is being prepared for the proposed project.

The proposed property location is located in Section 29, Lot 10, Township 28N, Range 23 East in Ottawa County, Miami, Oklahoma. The street address is identified as South Highway 69A, Miami, Oklahoma 74354. The proposed project location site coordinates are as follows: Latitude: 36° 52' 38.130" North, Longitude: 94° 50' 48.536" West. The property is located on the Picher, Oklahoma Quadrangle, USGS Topographic Map. I have attached an aerial photograph showing the proposed project location. The property is tribally leased trust land. There are several other tribal buildings/offices located within a one-mile radius of the proposed project location. Properties in the immediate area include; Miami High School, The Leonard Learning Center (a tribal owned daycare center), the Inter-tribal Council Building, the Northeastern Indian Health Care Clinic, and the Ottawa Peoria Cultural Center.

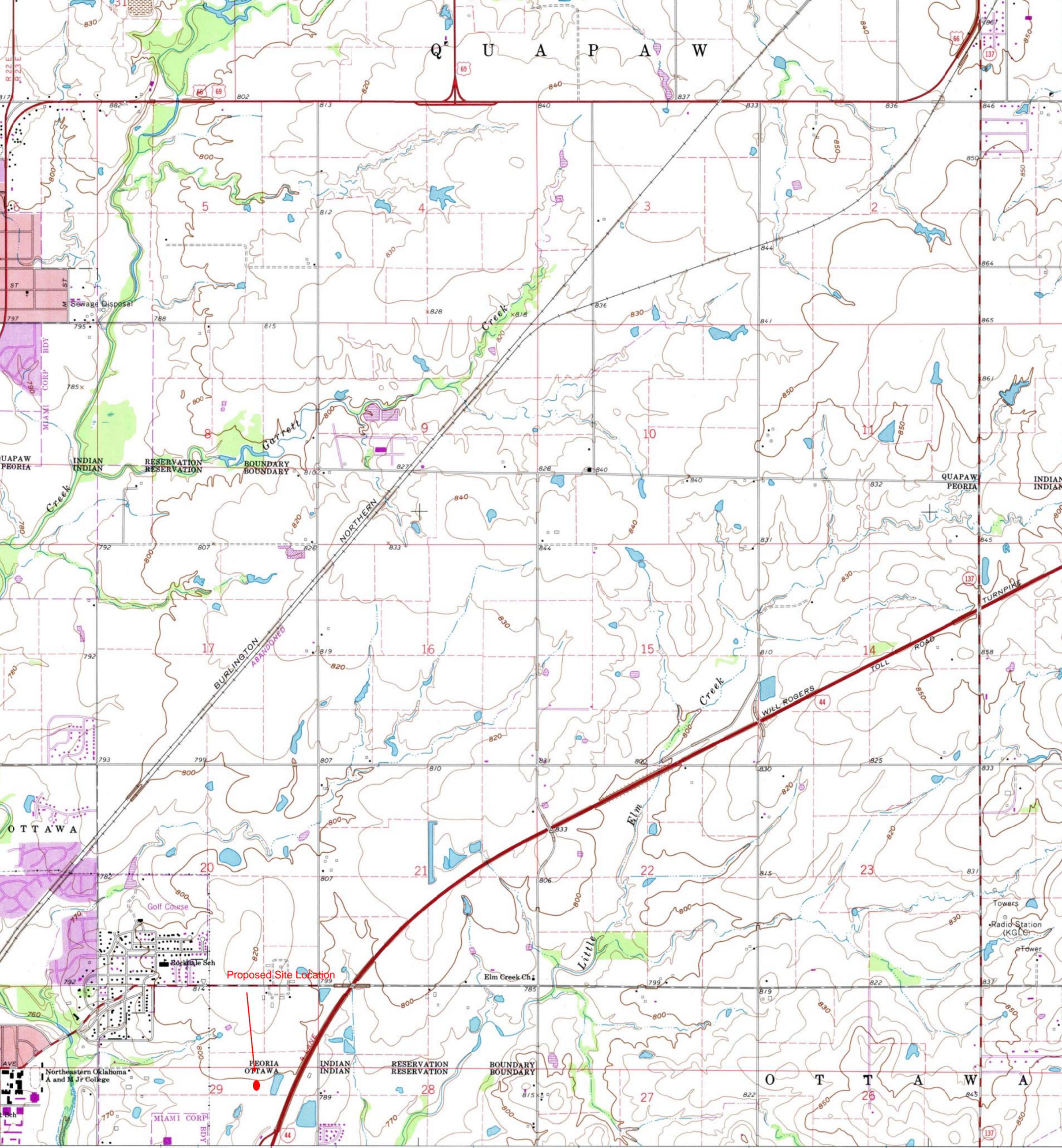
Therefore, as a component of the Environmental Assessment we request that you provide any information you may having regarding occurrence of rare and/or endangered species of plants and /or animals within a 5-mile radius of the subject property. I have attached a topographic map and aerial photograph showing the site location. I hope that this information will be sufficient for your review. Thank you for your assistance in this matter.

Sincerely

A handwritten signature in blue ink, appearing to read "Penny L. Derryberry Bray".

Penny L. Derryberry Bray
ECCI Senior Environmental Scientist

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Proposed Site Location

PEORIA
OTTAWA

Q U A P A W

O T T A W A

Sewage Disposal

RESERVATION
BOUNDARY

NORTHERN

WILL ROGERS

TURNPIKE

QUAPAW
PEORIA

QUAPAW
PEORIA

INDIAN
INDIAN

OTTAWA

Golf Course

Rockdale Sch

Elm Creek Ch

Towers

Radio Station (KGLC)

Tower

Northeastern Oklahoma
A and M Jr College

MIAMI CORP
BDY

RESERVATION
BOUNDARY

BOUNDARY

INDIAN
INDIAN



From: Ian Butler [ian_b@ou.edu]
Sent: Wednesday, July 29, 2009 3:33 PM
To: Pennye Derryberry
Subject: Re: Information Request

Dear Ms. Derryberry Bray,

No database records found of either federal or state threatened or endangered species for the project location you describe.

Sincerely,

Ian Butler
Information Technology Analyst I
Oklahoma Biological Survey
111 East Chesapeake St.
Norman, OK 73019
405.325.1985

On Jul 28, 2009, at 2:28 PM, Pennye Derryberry wrote:

To Whom It May Concern,

I am a consultant working with the Modoc Tribe of Oklahoma on a project to construct a new social service building. The tribe is applying for funding through a grant from FEMA. Attached you will find a request for information regarding rare and endangered species of plant and animals within the vicinity of the proposed project. Thank you for your assistance.

Sincerely,

Pennye L. Derryberry Bray
Senior Environmental Scientist
ECCI
415 North McKinley Street STE. 1180
Little Rock, AR 72205
Telephone:(501) 663-8247
Fax: (501) 664-5005

<OK biological survey.pdf>

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Engineering, Compliance & Construction, Inc.

415 North McKinley Street, Suite 1180 • Little Rock, Arkansas 72205 • Phone 501.663.8247 • Fax 501.664.5005 • www.ecci.com

August 2, 2009

Mr. Ken Collins
US Fish and Wildlife Service
9014 East 21st. Street
Tulsa, Oklahoma 74129

RE: Information Request

Dear Mr. Collins,

The Modoc Tribe of Oklahoma is proposing to construct a Social Services Building. The proposed construction project is applying for funding through the Federal emergency Management Agency (FEMA). As per the requirements of the National Environmental Policy Act (NEPA) and 44 CFR 10, an Environmental Assessment (EA) is being prepared for the proposed project.

The proposed property location is located in Section 29, Lot 10, Township 28N, Range 23 East in Ottawa County, Miami, Oklahoma. The street address is identified as South Highway 69A, Miami, Oklahoma 74354. The proposed project location site coordinates are as follows: Latitude: 36° 52' 38.130" North, Longitude: 94° 50' 48.536" West. The property is located on the Picher, Oklahoma Quadrangle, USGS Topographic Map. I have attached an aerial photograph showing the proposed project location. The property is tribally leased trust land. There are several other tribal buildings/offices located within a one-mile radius of the proposed project location. Properties in the immediate area include; Miami High School, The Leonard Learning Center (a tribal owned daycare center), the Inter-tribal Council Building, the Northeastern Indian Health Care Clinic, and the Ottawa Peoria Cultural Center.

Therefore, as a component of the Environmental Assessment we request that you provide any information you may have regarding occurrence of rare and/or endangered species of plants and /or animals within a 5-mile radius of the subject property. I have attached a topographic map and aerial photograph showing the site location. I hope that this information will be sufficient for your review. Thank you for your assistance in this matter.

Sincerely

A handwritten signature in blue ink, appearing to read "Penny L. Derryberry Bray".

Penny L. Derryberry Bray
ECCI Senior Environmental Scientist

From: Ken_Collins@fws.gov
Sent: Monday, August 10, 2009 9:38 AM
To: Penney Derryberry
Subject: Re: Modoc Social Services Building

Dear Penney,

Thank you for your August 2, 2009, request regarding scoping under the National Environmental Policy Act (NEPA) for a proposed project in Ottawa County, Oklahoma. Your proposed project would be funded by the Federal Emergency Management Agency (FEMA) and would involve construction of a Social Services building for the Modoc Tribe of Oklahoma. You specifically requested information on the occurrence of federally-listed threatened and endangered species within a 5-mile radius of your proposed project.

General information on the occurrence of federally-listed species may be obtained from our web site: <<http://www.fws.gov/southwest/es/oklahoma>>. There you will find, by county, a list of species currently protected under the Endangered Species Act of 1973, as amended (ESA). Specific information on the occurrence of federally-listed species is available through a number of sources and usually depends on the types of habitat present in the proposed project area. We suggest you use the species list from our website and your knowledge of the habitat types within your project area to determine which species are likely to occur within your project area. If suitable habitat for a federally-listed species is not found in your project area or your proposed action would not impact, directly or indirectly, suitable habitat for a particular federally-listed species, you can assume that the species in question is not likely to be impacted by your proposed project.

Under NEPA, the Service can provide scoping comments or review detailed environmental documents such as an environmental assessment (EA) or an environmental impact statement (EIS). Due to the volume of requests we receive for scoping information, we rarely provide detailed comments as a part of the NEPA scoping process. Information necessary to complete NEPA scoping is available from many sources, most accessible over the Internet/World Wide Web. Additionally, we often are asked to review projects for which the Federal action agency, in this case FEMA, has determined are categorically excluded under NEPA. If a proposed project meets the requirements for a categorical exclusion (CE) under NEPA, as determined by the Federal action agency, comments from the U.S. Fish and Wildlife Service (Service) are not required. By definition, a CE does not rise to the level of significant effects on the environment. However, if FEMA determines a CE is not appropriate, the Service will review and comment on any EA or EIS associated with the proposed project.

Please understand that consultation under section 7 of the ESA is a separate responsibility and typically that responsibility is not met merely by complying with the NEPA. Under ESA consultation, FEMA as the Federal action agency, must evaluate the effects of their proposed project on Federally-listed threatened and endangered species. Once that evaluation is complete, FEMA must submit a letter to the Service stating the outcome of that evaluation, complete with adequate documentation and sufficient justification for that determination. Once we receive FEMA's determination, the Service's responsibility is to review that determination, and the associated documentation provided with that request. If a proposed action is determined to have no effect on federally-listed species, the Service does not need to review and comment on the proposed action. More information on the section 7 consultation process may be found on our website, as provided above.

We appreciate the opportunity to review your project. Please feel free to contact me if you have any questions regarding our response. My contact information is provided below.

Thank you.

Ken Collins
Fish and Wildlife Biologist
Oklahoma Ecological Services Field Office
9014 East 21st Street
Tulsa, OK 74129

(918) 581-7458 (Ext 230)
(918) 581-7467 (Office fax)

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"Pennye Derryberry" <PDerryberry@eccci.com>

To <ken_collins@fws.gov>

cc

Subject T

08/05/2009 11:13 AM

Good Morning Mr. Collins,

I am working with the MODOC Tribe of Oklahoma on the preparation of an Environmental Assessment for the construction of building that will be funded through a grant from FEMA. I have attached a letter requested information on Endangered and Threatened Species in the area and potential impacts from the proposed project. Please feel free to telephone me if you have any questions.

Sincerely,

Pennye L. Derryberry Bray

Senior Environmental Scientist

Engineering Compliance and Construction, Inc.

415 North McKinley Street STE. 1180

Little Rock, AR 72205

Telephone:(501) 663-8247

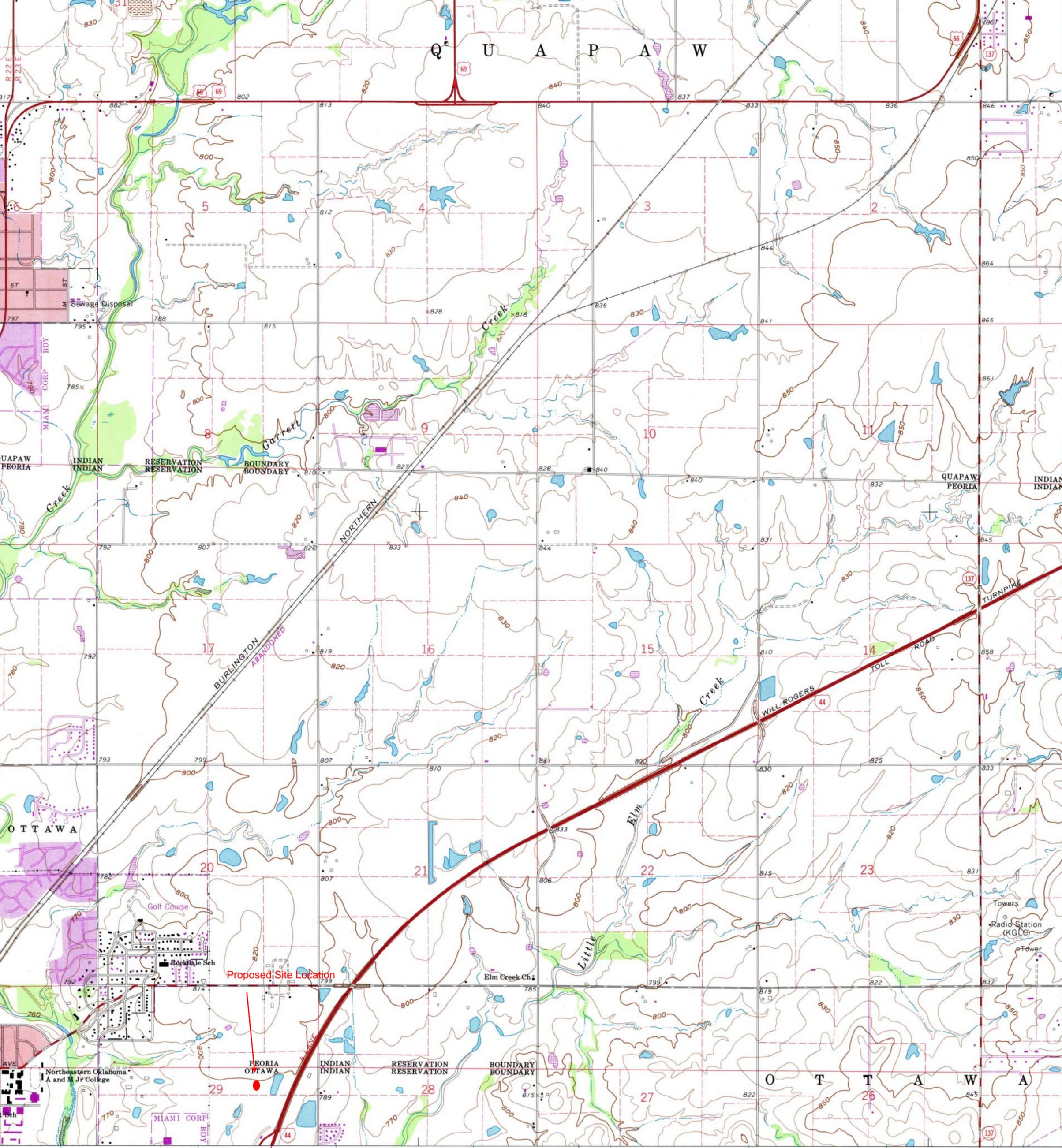
Fax: (501) 664-5005

[attachment "USFWS.pdf" deleted by Ken Collins/R2/FWS/DOI]

American Burying Beetles Project Evaluation Form

1. County Ottawa 2. State OK 3. Legal Description: Lot 10, S 29, T28N, R23E
4. City in or near: Miami 5. Type of project Construction of Social Services building and parking
6. Project starting date to be determined ending date unknown at this time
7. Existing or previous land use: undeveloped tribal trust land
8. General habitat: Tall grass prairie with fescue
(pasture, forest, woodland, native prairie, etc)
9. Soil type from County Soil Survey Parsons silt loam, Taloka silt loam, Eram-Verdigris complex
10. Type of project: Linear project _____ (proceed to 11) Non-linear project X (proceed to 15)
11. Right-of-way: new _____ (proceed to 12) existing _____ (proceed to 13) n/a _____ (proceed to 13)
12. If new right-of-way: Temporary width _____ Permanent width _____ Width of Actual disturbance _____
(area cleared, graded, vehicle use, etc)
13. Length of project _____ 14. Trench excavation: depth _____ width _____
(Feet or miles)
15. Project size 10-12 acres 16. Actual area of disturbance approx. 1.0 -1.5 acres
(area cleared, graded, vehicle use, etc)
17. Method and equipment used to clear project area unknown at this time
(trencher, backhoe, bulldozer, etc)
18. Type of long-term maintenance of project area lawn areas will be mowed as needed
19. Type of equipment used to implement project: Lawn areas will be maintained with a lawn mower, herbicides and pesticides may be used as needed following all applicable directions and regulations.
20. Staging area: new _____ (go to 21) existing _____ (go to 22) n/a X (go to 22)
21. Size of staging area _____ 22. Access road: new X (go to 23) existing _____ (go to 25) n/a _____ (go to 25)
23. Access road: length ~100 ft. width ~24 ft. 24. Access road: permanent X temporary _____
25. Excavated soil is stockpiled where during construction onsite, near construction location
26. Method and equipment of soil replacement Soils will be replaced with native soils to the extent practicable, top soil will be brought in as needed. It is expected that a front-end loader or other heavy equipment will be used as needed.
27. Revegetation process and equipment: _____
~~Once final stabilization of the soils is complete the site contractor will either seed or sod the disturbed areas using grasses appropriate for the site conditions.~~
28. Erosion control measures used: Silt fences will be used as necessary, bare areas will be stabilized and temporarily seeded as needed to control erosion.
29. List type of chemicals or petroleum products used at site and how stored This information is not currently known. However, it is expected that there may be small volumes of hydraulic and lubricating oils as well as diesel fuel. The materials will be stored onsite following applicable regulations and best management practices.
30. Enclose a map depicting the general location of project.
31. Enclose a map depicting detailed diagram of project activities.
A conceptual drawing of the building is all that is currently available.

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Proposed Site Location

PEORIA
OKLAHOMA

Q U A P A W

O T T A W A

Sewage Disposal

INDIAN INDIAN RESERVATION BOUNDARY

INDIAN INDIAN RESERVATION BOUNDARY

QUAPAW PEORIA INDIAN

OTTAWA

Northeastern Oklahoma A and M Jr College

Golf Course

Rock Hill Sch

Elm Creek Ch

Towers

Radio Station (KGLC)

Tower

ST

797

MIAMI CORP BDY

QUAPAW PEORIA

792

792

793

782

792

760

770

788

785x

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BCS Design, Inc.
A Professional Architectural Firm

WWW.BCSARCHITECTURE.COM
17250 West 161st Street
Overland Park, KS 66207
Phone: (913) 795-0080
Fax: (913) 795-0088

Former McKinley School Building
MODC OFFICE BUILDING REMODEL
418 G Street SE
Miami, Oklahoma



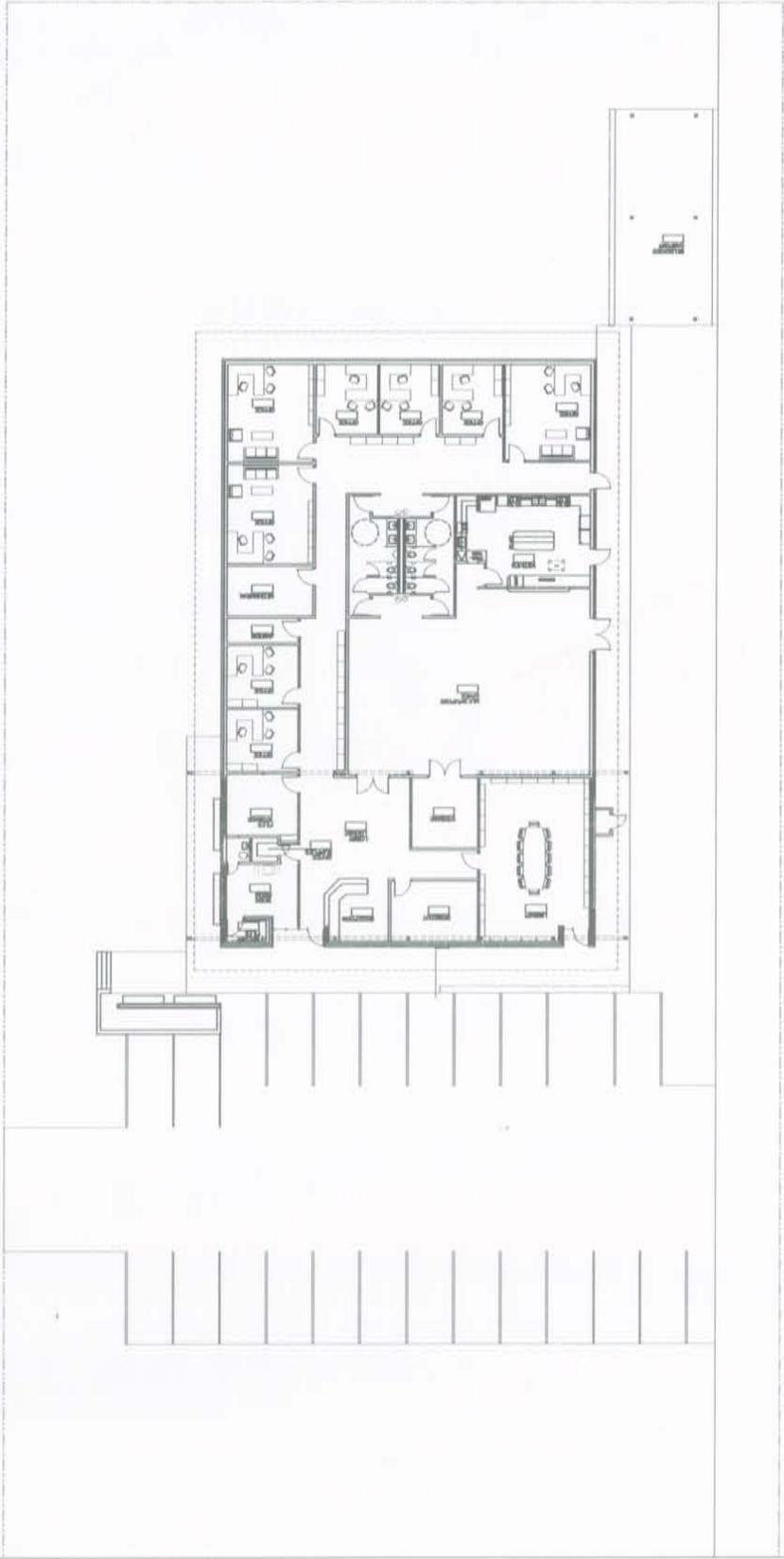
BCS PROJECT NO. 2006-08
DATE: 07/20/06
DRAWN BY: JCS/STP
REVIEWED BY: JTC

REVISED:
NO CONSTRUCTION
DOCUMENTS

DATE: 07/20/06
SCALE: AS SHOWN

A1-SITE

REVIEW SET ONLY - NOT FOR CONSTRUCTION



1 PROPOSED SITE PLAN
1" = 30'-0"

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From: Daniel_Fenner@fws.gov [mailto:Daniel_Fenner@fws.gov]
Sent: Tuesday, September 15, 2009 08:01
To: Starnes, Lynn B
Subject: Re: Modoc Office Building

I ran the project by Hayley Dikeman, our American burying beetle (ABB) lead, and she didn't have any concerns. Habitat within and surrounding the project does not appear to be suitable for ABBs.

Thanks,

Daniel

Daniel Fenner
Fish and Wildlife Biologist
U.S. Fish and Wildlife Service
Oklahoma Ecological Services
9014 East 21st Street
Tulsa, Oklahoma 74129
(918) 581-7458 ext. 244 (voice)
(918) 581-7467 (fax)

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-----Original Message-----

From: Starnes, Lynn B
Sent: Monday, September 14, 2009 12:52
To: 'Daniel_Fennerr@fws.gov'
Cc: 'Ken_Collins@fws.gov'
Subject: Modoc Office Building

Daniel,

I got started on something else today and forgot to send you the coordinates for this site. The site visit is tentatively scheduled for tomorrow. If you'd like to meet them and tomorrow does not work, the other option is Thursday. They plan to leave here early and get there about noon. Let us know if you'd like to catch up with Don Fairley and Bridget Zachary. Call Don at (940)367-3237 cell to coordinate.

The coordinates are 36.87653, -94.84634. The Modoc Office building is to go on the property off the county road driveway (already constructed) and will be between that driveway, the county road and the s-shaped pond. According to our initial look, this site is out of the

floodplain. BIA bought this land with the purpose of allowing a tribal complex to be built. (No, BIA did not do any environmental consultations rather each tribe must do so separately.)

Let me know your druthers. LYNN

Lynn Starnes, Environmental Advisor
FEMA/State Joint Field Office
2637 Lakewood Village Drive
North Little Rock, AR 72116
337-591-5334 FEMA cell
501-918-3137 Desk



Natural Resources Conservation Service
Miami Field Office
630 E. Steve Owens Blvd.
Miami, OK 74354
Phone (918)542-4771
Fax (918)542-3653

August 21, 2009

Pennye L Derryberry Bray
ECCI Senior Environmental Scientist
415 North McKinley Street, Suite 1180
Little Rock, Arkansas 72205

Pennye:

Enclosed is the Farmland Conversion Impact Rating you requested for the Modoc Tribe construction project. I used your soils map and map unit legend which changed the total acres from 12.0 to 12.6 and added the .6 acres to the Converted Indirectly line, making it 3.6. The scope of this conversion is very small and the actual percentage converted in Part IV, letter C is actually .0000726% of all prime farmland in Ottawa County and the form rounds it to 0.0%. If you need any more information or have any questions, please call.

Sincerely

A handwritten signature in blue ink that reads "Michael Ramming". The signature is written in a cursive, flowing style.

Michael Ramming
District Conservationist
Miami Field Office

Encl.

U.S. Department of Agriculture

FARMLAND CONVERSION IMPACT RATING

PART I (To be completed by Federal Agency)		Date Of Land Evaluation Request 8/1/09	
Name Of Project	Modoc Tribe of Oklahoma Social Services Building	Federal Agency Involved	FEMA
Proposed Land Use	Building, Parking, and Natural Areas	County And State	Ottawa County, Oklahoma
PART II (To be completed by NRCS)		Date Request Received By NRCS 8/5/09	
Does the site contain prime, unique, statewide or local important farmland? (If no, the FPPA does not apply -- do not complete additional parts of this form).		Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Major Crop(s)		Acres Irrigated	Average Farm Size
Winter Wheat		2,362	199
Farmable Land In Govt. Jurisdiction		Amount Of Farmland As Defined In FPPA	
Acres: 225,858 % 73		Acres: 166,445 % 53	
Name Of Land Evaluation System Used	Name Of Local Site Assessment System	Date Land Evaluation Returned By NRCS	
CALES	None	8/21/09	

PART III (To be completed by Federal Agency)		Alternative Site Rating			
		Site A	Site B	Site C	Site D
A. Total Acres To Be Converted Directly		9.0			
B. Total Acres To Be Converted Indirectly		3.6			
C. Total Acres In Site		12.6	0.0	0.0	0.0

PART IV (To be completed by NRCS) Land Evaluation Information					
A. Total Acres Prime And Unique Farmland		12.1			
B. Total Acres Statewide And Local Important Farmland		0.0			
C. Percentage Of Farmland In County Or Local Govt. Unit To Be Converted		0.0			
D. Percentage Of Farmland In Govt. Jurisdiction With Same Or Higher Relative Value		43.8			

PART V (To be completed by NRCS) Land Evaluation Criterion					
Relative Value Of Farmland To Be Converted (Scale of 0 to 100 Points)		82	0	0	0

PART VI (To be completed by Federal Agency)	Maximum Points				
Site Assessment Criteria (These criteria are explained in 7 CFR 658.5(b))					
1. Area In Nonurban Use					
2. Perimeter In Nonurban Use					
3. Percent Of Site Being Farmed					
4. Protection Provided By State And Local Government					
5. Distance From Urban Builtup Area					
6. Distance To Urban Support Services					
7. Size Of Present Farm Unit Compared To Average					
8. Creation Of Nonfarmable Farmland					
9. Availability Of Farm Support Services					
10. On-Farm Investments					
11. Effects Of Conversion On Farm Support Services					
12. Compatibility With Existing Agricultural Use					
TOTAL SITE ASSESSMENT POINTS	160	0	0	0	0

PART VII (To be completed by Federal Agency)					
Relative Value Of Farmland (From Part V)	100	82	0	0	0
Total Site Assessment (From Part VI above or a local site assessment)	160	0	0	0	0
TOTAL POINTS (Total of above 2 lines)	260	82	0	0	0

Site Selected:	Date Of Selection	Was A Local Site Assessment Used?
		Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>

Reason For Selection:

(Faint, illegible text follows)

APPENDIX D
Draft Public Notice

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Federal Emergency Management Agency

PUBLIC NOTICE

Notice of Availability of the Draft Environmental Assessment
For Construction of a Social Service building for the Modoc Tribe of Oklahoma

Ottawa County, Oklahoma

FEMA-DR1712-OK; PW#1850.

The Modoc tribe of Oklahoma has applied to the Federal Emergency Management Agency (FEMA) for assistance with the construction of a new building to replace a former social service building which was destroyed by a flood in 2007. The new structure would be located within Lot 10, Section 29, Township 28H, Ranges 23E in Ottawa County, Oklahoma, on the east side of Highway 69A.

In accordance with the National Environmental Policy Act of 1969, the Council for Environmental Quality (CEQ) regulations implementing NEPA (40 CFR Parts 1500-1508), the National Historic Preservation Act, and the implementing regulations of FEMA (44 CFR Part 9 and 10), an Environmental Assessment (EA) is being prepared to assess the potential impacts of the proposed action on the human and natural environment.

The EA evaluates alternatives for compliance with applicable environmental laws. The alternatives to be evaluated include (1) No Action, (2) The Proposed Action, the construction of a new building on trust land under joint ownership of multiple tribes. Consideration was given to rebuilding on the previous site (Alternative 3). This option was eliminated due to the property's location in a floodplain area which would present additional complications and costs.

The draft Environmental Assessment is available for review between the hours of 9:00 am and 4:00 pm, at the Modoc Tribe of Oklahoma office complex located at 418 G Street Southeast, Miami, Oklahoma.

The comment period will end 30 days from the initial notice publication date of this notice. Written comments regarding this proposed project can be mailed to the contact below. If no substantive comments are received the Draft EA will become final and a finding of No Significant Impact (FONSI) will be issued for the project. Substantive comments will be addressed as appropriate in the final documents.

John Ballard, Director
Modoc Tribe of Oklahoma Economic Development
418 G Street Southeast, Miami, Oklahoma.
Telephone: (918) 542-1190
FAX #: (918) 542-5415

APPENDIX E

Comments

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There were no comments received during the public comment period.