

Draft Compatibility Determination

Title

Draft Compatibility Determination for Rights-of-way (Utility) for Public Service Company of Oklahoma (PSO) extension of existing overhead and underground electric line infrastructure on Little River National Wildlife Refuge (refuge/NWR).

Refuge Use Category

Rights-of-way and Rights to Access

Refuge Use Type(s)

Rights-of-way (Utility)

Refuge

Little River National Wildlife Refuge

Refuge Purpose(s) and Establishing and Acquisition Authority(ies)

Refuge Purpose(s)

“...an inviolate sanctuary, or any other management purpose, for migratory birds” (16 USC 715d)

“...the conservation of...wetlands...and to help fulfill international obligations contained in various migratory bird treaties and conventions.” (16 USC 3901 (b))

“...for the development, advancement, management, conservation, and protection of fish and wildlife resources...” (16 USC 742 (b)(1))

Oklahoma House Joint Resolution #1046, which approved the establishment of the refuge, further indicated that the purpose of the refuge was for:

“...preservation of bottomland hardwood habitat for migratory waterfowl, particularly mallards and wood ducks.” (House Joint Resolution #1046, signed by Oklahoma’s Governor George Nigh, March 31, 1986)

Establishing and Acquisition Authority(ies)

The Little River NWR was established on February 10, 1987, primarily to preserve wetlands, as a sanctuary for migratory birds, for the development, advancement, management, conservation and protection of fish and wildlife resources.

16 U.S.C. 715d, (Migratory Bird Conservation Act)

16 U.S.C. 3901 (b), 100 Stat. 3583 (Emergency Wetlands Resources Act of 1986)

16 U.S.C. 742 (b)(1) (Fish and Wildlife Act of 1956)

National Wildlife Refuge System Mission

The mission of the National Wildlife Refuge System, otherwise known as Refuge System, is to administer a national network of lands and waters for the conservation, management, and where appropriate, restoration of the fish, wildlife, and plant resources and their habitats within the United States for the benefit of present and future generations of Americans (Pub. L. 105-57; 111 Stat. 1252).

Description of Use

Is this an existing use?

No

What is the use?

Public Service Company of Oklahoma (PSO) is requesting a 10-foot' right-of-way (ROW) from the U.S. Fish and Wildlife Service (Service) to maintain newly constructed and installed underground and overhead electric line infrastructure within the existing State Highway 259/70 ROW corridor within Little River NWR. State of Oklahoma Department of Transportation (ODOT) issued PSO a permit to erect and construct the electric line infrastructure along the existing State Highway 259/70 ROW. The PSO will install the overhead electric line on wooden poles and the underground line will be installed in conduit. Steel poles will be utilized to cross over the Little River. The new construction of the electric line infrastructure will be constructed within the State Highway 259/70 ROW, approximately 5-feet' outside of the existing refuge boundary. The PSO requires a 15-foot' ROW on either side of the centerline of the electric line infrastructure.

Is the use a priority public use?

No

Where would the use be conducted?

The proposed project occurs along the east boundary of Unit 1 of the refuge, and on the west side of State Highway 259/70 where it passes through the refuge in Section 14, Township 7 South, Range 24 East (Figure 1). The approximately 4,687.4-foot' (.88 mile) route is within the disturbed State Highway 259/70 ROW running through the refuge. PSO is requesting a 10-foot' ROW along the 4,687.4-foot' route, which will impact 1.08 acres of refuge property.

The existing State Highway 259/70 ROW is a four-lane highway passing through the refuge. The shoulders of the ROW are a combination of native grasses and forbs, and the ODOT keeps the ROW maintained by mowing. PSO is proposing to remove woody vegetation (trees and shrubs) from the refuge, within the 10-foot' wide path along 4,687.4-feet' of the refuge, to allow for maintenance of the electric line infrastructure.

When would the use be conducted?

The electric line infrastructure would be permanently constructed within the State Highway 259/70 ROW. The work and installation of the electric line infrastructure would begin after issuance of the

ROW permit. Installation and regular maintenance will be conducted during daylight hours throughout the week. The electric line infrastructure would be operational 24 hours a day and 365 days a year after installation. The infrastructure is fully within the State Highway 259/70 ROW and an additional 10-foot' ROW is being requested for construction and maintenance. Post-construction, the ROW is necessary to safely maintain the electric line. Maintenance would occur periodically as needed.

How would the use be conducted?

The Service would issue a ROW permit to PSO to maintain the electric line infrastructure that will impact approximately a 10-foot' wide path along 4,687.4-feet' of the refuge. The activity will impact 1.08 acres of refuge property. The PSO or their authorized agents would conduct all construction and maintenance activities along the ROW. Bucket trucks, boom lifts, and specialty equipment for pole installation would be used during construction. Tree and brush removal will occur on refuge property within the 10-foot' wide path along the 4,687.4-foot' length of the ROW to safely maintain the electrical line infrastructure.

Why is this use being proposed or reevaluated?

The ODOT has an existing ROW and the electric line infrastructure would be permanently constructed within the State Highway 259/70 ROW; however, to safely maintain the line, PSO has requested an additional 10-foot' width on the refuge. The purpose of the electric line infrastructure is to enhance electric power services in the local community. The electric line infrastructure will support economic growth in the local community, reduce customer outage times, and allows capacity to tie two feeders together to allow for more load to be added to the feeder.

Availability of Resources

Other than minimal administrative oversight, no additional resources are needed in order for the refuge to accommodate or manage the request. If the ROW request is granted to PSO, an appraisal of the value of the ROW will be done by the Service. Division of Realty and the appropriate schedule of fees will be utilized and applied. The PSO will remove and dispose of all trees and brush cut within the ROW from the refuge. The PSO will remove and dispose of the existing refuge boundary fence (4-strand barbed, metal "T" post, wooden H-braces) located along the refuge boundary and construct a new boundary fence along the ROW/refuge boundary.

Anticipated Impacts of the Use

Short-term impacts

Impacts from the installation and construction of the electric line infrastructure will be minimal. All construction will be completed within the existing State Highway 259/70 ROW. Disturbance impacts during installation (e.g., noise from construction equipment, power tools, etc.) will be short in duration and will occur during daylight hours. Because the area is highly disturbed, not only by existing mowing and maintenance, but also by traffic on the four-lane highway, migratory birds and other wildlife already avoid the area. Refuge infrastructure impacts from the proposed use will include the removal of refuge boundary fence (4-strand barbed, metal "T" post, wooden H-braces), boundary post and signs, and 1.08 acres of refuge habitat. This infrastructure will be replaced after construction along proposed ROW/refuge boundary.

Long-term impacts

The electric line infrastructure will be permanently installed within the existing State Highway 259/70 ROW; however, to safely maintain the line, PSO has requested an additional 10-foot' width on the refuge. The minor post-construction impacts will be the removal of trees and brush cleared along 4,687.4-feet' of refuge boundary to maintain the electric line infrastructure. Overall, no long-term impacts to the refuge are anticipated with the proposed use. The proposed use will expand the existing ROW by 10-feet'. The existing State Highway 259/70 ROW has been in effect since the establishment of the refuge.

Public Review and Comment

The draft compatibility determination will be available for public review and comment for 14 calendar days. The public will be made aware of this comment opportunity through the local newspaper and postings at the Broken Bow and Idabel public libraries. A hard copy of this document will be posted at the Refuge Headquarters located at 635 South Park Drive in Broken Bow. It will be made available electronically on the refuge website (https://www.fws.gov/refuge/little_river). Please let us know if you need the documents in an alternative format. Concerns expressed during the public comment period will be addressed in the final.

Determination

Is the use compatible?

Yes

Stipulations Necessary to Ensure Compatibility

To ensure compatibility with the National Wildlife Refuge System and the refuge goals and objectives, the activity can only occur under the following conditions:

1. The proposed use and associated ROW request must be reviewed by the Regional Director to ensure compliance with Service regulations and policy concerning rights-of-way on national wildlife refuges.
2. Public Service Company of Oklahoma will comply with Endangered Species Act, Migratory Bird Treaty Act, and all other applicable federal resource mandates.
3. Public Service Company of Oklahoma or their agents will coordinate with the Refuge Manager during all phases of the project to ensure no unanticipated impacts occur and that the project is being carried out as proposed.

Justification

The stipulations outlined above will help ensure that the use is compatible with the purposes for which Little River NWR was established. The ROW, as outlined in this compatibility determination, would not conflict with the national policy to maintain the biological diversity, integrity, and environmental health of the refuge. Based on available science and best professional judgement, the Service has determined that the right-of-way at Little River NWR, in accordance with the stipulations provided here, would not materially interfere with or detract from the fulfillment of the National Wildlife Refuge System mission or the purpose of the Little River NWR.

Signature of Determination

Refuge Manager Signature and Date

Signature of Concurrence

Regional Chief, NWRS, Signature and Date

Mandatory Reevaluation Date

2037

Literature Cited/References

U.S. Fish and Wildlife Service. 1998. Little River National Wildlife Refuge Comprehensive Conservation Plan and Environmental Assessment. Albuquerque, NM.

Figure (1)

