



— BUREAU OF —
RECLAMATION

Use Authorization Compatibility Evaluation

Oklahoma Turnpike Authority East-West Connector and South Extension



Mission Statements

The Department of the Interior (DOI) conserves and manages the Nation's natural resources and cultural heritage for the benefit and enjoyment of the American people, provides scientific and other information about natural resources and natural hazards to address societal challenges and create opportunities for the American people, and honors the Nation's trust responsibilities or special commitments to American Indians, Alaska Natives, and affiliated island communities to help them prosper.

The mission of the Bureau of Reclamation is to manage, develop, and protect water and related resources in an environmentally and economically sound manner in the interest of the American public.

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List of Acronyms and Abbreviations

ACCESS	Advancing and Connecting Communities and Economies Safely Statewide
COMCD	Central Oklahoma Master Conservancy District
GIS	Geographic Information System
LWCF	Land and Water Conservation Fund
OTA	Oklahoma Turnpike Authority
OTRD	Oklahoma Tourism and Recreation Department
NEPA	National Environmental Policy Act
NPS	National Park Service
Reclamation	Bureau of Reclamation
SF 299	Standard Form 299, Application for Use of Federal Lands
USACE	United States Army Corp of Engineers
USFWS	United States Fish and Wildlife Service

1. Oklahoma Turnpike Authority (OTA) Proposed Project

On February 22, 2022, OTA released their ACCESS Oklahoma Program long-range plan to the public. The plan outlined several statewide turnpike improvement projects, including new turnpike routes around Oklahoma's two largest metropolitan areas. Upon learning of OTA's plans, the Bureau of Reclamation (Reclamation) notified OTA by letter dated March 17, 2022 that portions of the new turnpike alignments would cross Federal lands and easements associated with the Norman Project and Lake Thunderbird. Reclamation provided Geographic Information System (GIS) data for the Federal boundary, easement parcels, and flood and surcharge pool elevations for Lake Thunderbird.

Reclamation received correspondence from OTA dated April 14, 2022, soliciting input on OTA's proposal to construct turnpike alignments for the South Extension and a portion of the East-West-Outer Loop Connector, which in combination extend from I-35 north of Purcell to I-40 at the Kickapoo Turnpike interchange (hereinafter referred to as the Proposed Project), and would cross fee title lands and easements surrounding Lake Thunderbird that are owned by the United States and administered by Reclamation. These Federal fee title lands and easements were acquired by Reclamation for the Norman Project which was authorized by Congress under Public Law 86-529 for the purposes of storing water for municipal, domestic, and industrial use; controlling floods; enhancing recreational opportunities; and providing for the conservation and development of fish and wildlife.

Reclamation and OTA held a face-to-face meeting on May 3, 2022 to discuss OTA's Proposed Project and Reclamation's review and approval process. Reclamation sent a letter to OTA dated May 9, 2022 instructing OTA to submit an Office of Management and Budget Standard Form 299 (SF 299) for agency

review in accordance with criteria established in 43 CFR Part 429, “Use of Bureau of Reclamation Land, Facilities, and Waterbodies”.

Reclamation received the SF 299 from OTA on August 15, 2022. According to the SF 299, the East-West Connector would consist of about 28 miles of “multi-lane (4-lane divided highway with frontage roads) turnpike that connects I-44 in Newcastle, OK and extends easterly to a new interchange at I-35. From that interchange, the East-West Connector traverses east along Indian Hills Road corridor to approximately 84th Avenue NE in Norman where the alignment takes a more northeasterly track to the connection with the I-40 interchange and the existing southern terminus of the Kickapoo Turnpike.”

In addition, construction of the South Extension would consist of a “multi-lane (4-lane divided highway) turnpike that begins at a new interchange with the E-W Connector north of Franklin Road just east of 84th Avenue NE and extends south to a new interchange at I-35 north of Purcell, OK. From the E-W Connector interchange, the South Extension traverses south approximately ½ mile west of 84th Avenue from Franklin Road to Etowah Road in Noble, OK. From that point, the turnpike sweeps southwesterly crossing over US-77, the Canadian River, and terminating at I-35.” The SF 299 specified that the land would be used in perpetuity.

The proposed alignments of the East-West Connector and South Extension Turnpikes described in the SF 299 would cross Federal fee title lands and easements acquired by the United States and administered by Reclamation for the Norman Project. The total Reclamation acreage required for the Proposed Project would be approximately 140 acres of easements and 60 acres of fee title lands as shown in Figure 1; however, the impacts would extend beyond the footprint of the turnpikes.

2. Norman Project Background

2.1 Norman Project Authorization

Following decades of planning studies that began in the 1930s, the Norman Project Act of June 27, 1960 (Public Law 86-529, 74 Stat. 255) (Act) authorized the Norman Project for the purposes of providing municipal, domestic, and industrial water, as well as flood control, and recreation and fish and wildlife benefits. Specifically, P.L. 68-529 states that the Norman Project was authorized “for the principal purposes of storing, regulating, and furnishing water for municipal, domestic, and industrial use, and for controlling floods, and...for the additional purposes of regulating the flow of the Little River, providing for the conservation and development of fish and wildlife, and of enhancing recreational opportunities”.

Construction of the Norman Project began in 1962 and was completed 1965. The Norman Project is owned by the United States and is administered by Reclamation. Operation and maintenance (O&M) responsibility for the Norman Project dam, pipelines, and appurtenant infrastructure has been transferred to the Central Oklahoma Master Conservancy District (COMCD) through a contract with the United States. The Federally-owned land surrounding Lake Thunderbird, along with the recreation facilities located therein, are operated and maintained by the Oklahoma Tourism and Recreation Department (OTRD) through a contract with the United States and COMCD.

2.2 Norman Project Features

The Norman Project consists of three main features: Norman Dam, Lake Thunderbird, and a water conveyance system comprised of the Norman and Midwest City-Del City pipelines. Norman Dam impounds Lake Thunderbird at the confluence of Hog Creek and Little River approximately 13 miles east of the City of Norman. The Norman Pipeline is 8.4 miles long and conveys untreated

water from the Norman pumping plant at Lake Thunderbird to the City of Norman's water treatment plant. The Midwest City-Del City pipeline system is 18.3 miles long and conveys untreated water from the Norman pumping plant at Lake Thunderbird to a Relift pumping plant and then on to the Midwest City and Del City water treatment facilities.

Lake Thunderbird is divided into three operational pools, each having a specific purpose. These pools include the active conservation pool, flood control pool, and surcharge pool. The active conservation pool has a capacity of 85,000 acre-ft and is used to store water for municipal and industrial (M&I) purposes. The flood control pool has a capacity of 75,000 acre-ft and is used to temporarily store water from large rainfall events to reduce downstream impacts from flooding. The surcharge pool has a capacity of 168,000 acre-ft and provides additional storage capacity to protect the dam from overtopping during extreme flood events where inflow rates may substantially exceed the capacity of the reservoir outlet works and spillway. There is also a nonoperational "dead pool" below the conservation pool that has a capacity of 36,000 acre-ft that is used to store sediment.

2.3 Norman Project Land Acquisition and Ownership

Reclamation's land acquisition policies are codified in 43 CFR 8, "Joint Policies of the Departments of the Interior and of the Army Relative to Reservoir Project Lands". In accordance with 43 CFR 8, the United States acquired adequate interest in lands of the Norman Project necessary for the realization of optimum values for Project purposes, including lands to assure realization of optimum present and future outdoor recreational and fish and wildlife benefits. At the Norman Project, Reclamation holds fee title to lands necessary for permanent structures; lands which would become inundated when Lake Thunderbird is in the flood control pool; lands needed for public access or for operation and maintenance of the Norman Project; and additional lands for

present and future public requirements for outdoor recreation and fish and wildlife benefits.

In addition to fee title lands, Reclamation also acquired two types of easements for the Norman Project: flowage easements and pipeline easements. These easements allow private landowners to continue to use their property for purposes that would not interfere with Reclamation's easement rights. The United States acquired flowage easements on lands situated above the flood control pool but within the surcharge pool when a property interest was needed for Norman Project surcharge operations, but fee title ownership was determined to be of no substantial value for protection or enhancement of fish and wildlife resources or for public outdoor recreation. The flowage easements generally restrict landowners from changing the topography of the land encumbered by the easement or constructing buildings used for human occupancy and other features within the easements. Reclamation also acquired easements for the pipelines that convey water to the cities of Midwest City, Del City, and Norman. Generally, the pipeline easements allow landowners to utilize the surface of their lands in a manner which would not interfere with Reclamation's ability to operate and maintain the pipelines, would not change the depth of soil cover over the pipelines, and would not endanger the integrity of the pipelines.

2.4 Norman Project Benefits

Municipal and industrial benefits are provided through a water right that was granted to the COMCD by the State of Oklahoma in 1966 (Application No. 65-637) and amended in 1982. This appropriation allows the COMCD to divert up to 21,600 acre-ft/yr from the Little River for domestic, municipal, and industrial purposes. The full permit volume is allocated for use by COMCD's member cities of Norman, Midwest City, and Del City for M&I purposes. The total population served is over 200,000 people.

Recreation and fish and wildlife benefits are provided by Lake Thunderbird and approximately 8,000 acres of surrounding Federally-owned Project lands that

attract tourism and abundant wildlife. Most of the surrounding Federally-owned lands are located within the Lake Thunderbird State Park (originally named Little River State Park), which is managed by the OTRD under contract with the United States and COMCD. Lake Thunderbird offers various water-based recreational activities including boating, swimming, and fishing. The lake also hosts two marinas with 435 slips, a nature center, and a sailing association. In addition to water-based activities, Lake Thunderbird State Park provides opportunities for camping, hunting, hiking, picnicking, horseback riding, mountain biking, birding, etc. Many areas within Lake Thunderbird State Park offer direct access to Lake Thunderbird, while other areas are more remote and offer visitors a seclusive experience that is unique to the Oklahoma City Metropolitan Area. For these reasons, Lake Thunderbird State Park hosts over one million visitors each year and generates approximately \$1.0 million in direct revenue for the State of Oklahoma annually¹. According to the 2019 Resource Management Plan completed by OTRD², Lake Thunderbird State Park is one of the most visited parks in Oklahoma, hosting approximately 5.3 million visitors and generating approximately \$5.0 million in direct revenue between 2017 and 2021.

In addition to recreation opportunities, the Norman Project attracts a diverse array of fish and wildlife. The area supports many game and nongame fish; numerous waterfowl and upland bird species; mammals such as white-tailed deer, rabbit, bobcat, and coyote; and many more nongame species. Additionally, the Norman Project supports a number of species that are listed as Threatened or Endangered by the U.S. Fish and Wildlife Service (USFWS), including the piping plover (*Charadrius melodus*), red knot (*Calidris canutus rufa*), whooping crane (*Grus americana*), Arkansas river shiner (*Notropis girardi*), and peppered chub (*Macrhybopsis tetranema*)³.

¹ 2022 Recreation Use Data Report

² 2019 Lake Thunderbird State Park Resource Management Plan

³ U.S. Fish and Wildlife Service IPac 11-29-2022

3. Evaluation Process

Reclamation Policy LND P06, “Land Program Management” provides the general policy framework for managing Federal lands and interests in lands under the jurisdiction of or administered by Reclamation⁴. This Policy establishes the basic principles for implementing sound land management activities including, but not limited to, acquisitions, requests for use by third parties, and disposal activities. LND P06 states that Reclamation will, “when compatible with Reclamation project needs and purposes, give fair, due, and timely consideration to requests from outside entities for use authorizations related to ancillary uses of Reclamation lands, and providing public service and support to local communities and economies”. LND P06 also states that, “the preservation of current and future project needs is foremost, and that third party uses will not be granted by Reclamation to the detriment, added liability, or expense of Reclamation projects”.

In addition to complying with the policy framework provided by LND P06, Reclamation must meet specific requirements for reviewing and approving use authorizations that are defined by Reclamation’s Directives and Standards LND 08-01, “Use Authorizations”⁵. The purpose of LND 08-01 is to provide consistency, improvements in quality, and efficiency across Reclamation in the issuance of use authorizations. In doing so, LND 08-01 largely adopts requirements set forth by 43 CFR 429 in its evaluation of use authorizations⁶. According to LND 08-01 and 43 CFR 429.14, Reclamation must consider the following criteria when reviewing use applications:

- a) Compatibility with authorized project purposes, project operations, safety, and security;

⁴ LND P06

⁵ LND 08-01

⁶ 43 CFR 429

- b) Extent of environmental impacts (compliance);
- c) Compatibility with public interests;
- d) Conflicts with Federal policies and initiatives;
- e) Public health and safety;
- f) Availability of other reasonable alternatives; and
- g) Best interests of the United States.

The criteria above are applied to the use of fee title lands only. If a use authorization is requested in an area encumbered by a Reclamation easement, in lieu of applying the criteria set forth in 43 CFR 429.14, Reclamation will consider only whether the proposed use would unreasonably interfere with Reclamation's easement rights. Depending on the easement rights granted, Reclamation may issue a consent document in situations where no interference is expected, or Reclamation may issue a consent document and potentially list the conditions necessary to ensure that the proposed use will not unreasonably interfere and therefore protect Reclamation's use of its easement (43 CFR 429.7).

Finally, LND 08-01 recognizes that in some instances it may be appropriate to dispose of the United States' interest in lands in lieu of granting a use authorization; to this end, LND 08-01 also requires Reclamation to assess whether lands which would be burdened by a proposed use are still needed for authorized Reclamation project purposes.

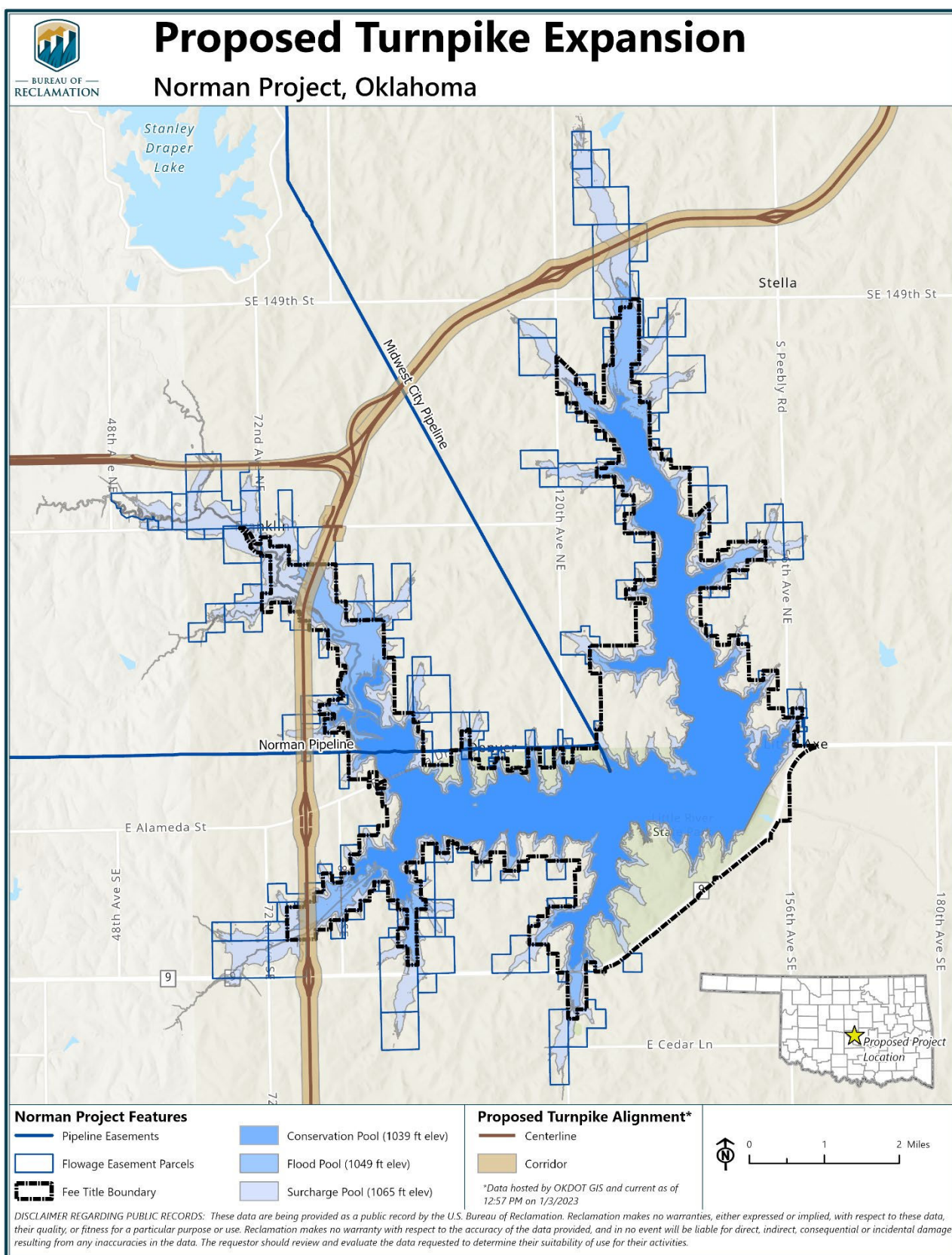


Figure 1. Proposed OTA Turnpike Alignment Across Reclamation's Norman Project, Oklahoma.

4. Easement Lands - Compatibility Evaluation and Findings

Based on the information included in OTA's proposal, it appears that it could be possible to design the Proposed Project such that it does not unreasonably interfere with the provisions of Reclamation's pipeline and flowage easements. The easement crossings will require further evaluation as the Proposed Project moves through the planning and design process to ensure that the actions are consistent with unique requirements included within each individual easement.

The most basic requirement for flowage easement compatibility will be to ensure that any proposed modifications to existing topography within a flowage easement preserve existing water storage capacity at all elevations within the flowage easement, and that water stored at all elevations within the flowage easement is connected to, or drains into, the reservoir (no ponding). In addition, any proposed modifications to existing topography within a flowage easement must not restrict the flow of water through the flowage easement.

The fundamental requirements for pipeline easement compatibility would be to protect the pipeline during construction, and to ensure the turnpike crossing is designed and constructed in such a manner that it does not inhibit Reclamation's and COMCD's ability to operate, maintain, or replace the pipeline.

Unique requirements specific to each of the easements may also have to be met before Reclamation can consent to the crossings. OTA and its contractors should engage Reclamation early in the planning and design process to ensure adequate protection of Reclamation's easement interests and infrastructure.

5. Fee Title Lands - Compatibility Evaluation and Findings

Reclamation's compatibility evaluation for fee title lands was conducted with two procedural points in mind. First, in accordance with LND 08-01, Reclamation determined that all fee title lands acquired for the Norman Project are still needed for the authorized purposes of the Norman Project; therefore, Reclamation determined that it would not be appropriate to dispose of an interest in these lands in lieu of reviewing OTA's application for a use authorization. Second, Reclamation's LND 08-01 states that "all use authorizations shall...ensure that the authorized uses are compatible with the Reclamation purposes for which the lands or land rights were withdrawn or acquired." In other words, if a proposed land use is found to be incompatible with the Congressionally authorized purposes for which the lands were acquired, then the proposed land use is not authorized.

Reclamation applied the criteria set forth in LND P06, 43 CFR 429.14, and LND 08-01 in its compatibility evaluation of OTA's use authorization. Reclamation's findings were based on the information provided in OTA's SF 299 and are organized based on the criteria cited in LND 08-01 and 43 CFR 429.14.

5.1 Compatibility with Authorized Project Purposes, Project Operations, Safety, and Security

5.1.1 Authorized Norman Project Purposes

5.1.1.1 Municipal, Domestic, and Industrial Water Supply

OTA Proposal

The OTA's SF 299 states that, "Bridges will be designed to be compatible with the water supply...." and "The OTA will coordinate with [Reclamation] to design the turnpike crossings to protect these pipes and avoid any disruption in service."

Compatibility Finding

Reclamation finds that OTA's Proposed Project may be compatible with authorized municipal, domestic, and industrial water supply purposes of the Norman Project. This finding is contingent upon OTA designing the Proposed Project to avoid impacts to water quality and quantity, and/or OTA implementing mitigating measures to ensure municipal, domestic, and industrial water supply benefits of the Norman Project are maintained.

5.1.1.2 Flood Control

OTA Proposal

The OTA's SF 299 states that bridges would be anticipated over fee title and flowage easements areas and that the proposed turnpikes would "Have minimal or no impact to the Lake Thunderbird flood storage capacity at or below the 1064.50 [foot] elevation listed in all flowage easements;" and "The exact

length of the bridges will be determined in the final design in coordination with [Reclamation] and the need to avoid or minimize placing fill in the flood and surcharge pools.” In addition, OTA’s SF 299 states that “Bridges will be designed to be compatible with the water supply, flood control, recreational, and habitat functions of Lake Thunderbird.”

Compatibility Finding

Reclamation finds that OTA’s Proposed Project may be compatible with authorized flood control purposes of the Norman Project. This finding is contingent upon OTA designing the Proposed Project to avoid impacts and/or OTA implementing mitigating measures to ensure flood control benefits and surcharge storage capacity of the Norman Project are maintained.

5.1.1.3 Recreation

OTA Proposal

The OTA’s SF 299 states that the Proposed Project “will introduce visual and noise impacts to an area where there are no existing highways”. It states that OTA “will perform a noise study to determine the anticipated noise impacts of the proposed turnpikes and the feasibility of providing screening walls to lessen the impacts”. The SF 299 also states that “it is anticipated that the proposed turnpikes will have a change to the visual landscape,” The SF 299 suggests that the Proposed Project will provide “improved access to not only Lake Thunderbird, but other local attractions such as the Lake Thunderbird State Park, the Discovery Cove Nature Center, and other recreational opportunities such as water sports, hiking, as well as public hunting and fishing on and around the lake...” and “provides the opportunity for the Bureau to work hand in hand with OTA to ensure the facility can provide increased visibility and enhanced access to the assets of Lake Thunderbird to be enjoyed by even more citizens.”

Compatibility Finding

Reclamation finds that OTA's Proposed Project is not compatible with authorized recreation purposes of the Norman Project. Of note is the Proposed Project's introduction of unavoidable impacts on aesthetics, along with the light and noise pollution introduced to relatively isolated recreation areas that are free from the sights and sounds of vehicular traffic. These impacts would be perpetual and forever diminish the recreation benefits that the Norman Project was authorized to provide. The perpetual diminishment of recreation benefits at the Norman Project is particularly significant given the scarcity of public lands in Oklahoma, and particularly within the Oklahoma City Metropolitan Area. These public lands are especially unique because they provide direct access to Lake Thunderbird while also offering visitors the opportunity to experience seclusion in a remote setting. A recent report published in 2020 by the Congressional Research Service determined that only 1.5 percent of the lands in Oklahoma are public lands under Federal ownership⁷. The scarcity of public lands is likely a contributing factor to the high level of recreation demands at the Norman Project.

Reclamation acknowledges that OTA could design or implement mitigating measures to reduce light and sound pollution introduced by the turnpikes. For example, OTA's SF 299 cited studying the feasibility of constructing a screen wall to reduce the level of noise caused by the Proposed Project. However, even if a screen wall were determined to be feasible, the light pollution and noise caused by vehicular traffic would persist, and the screen wall combined with the turnpike would cause cumulative adverse impacts on the viewscape and further diminish the recreational experience in perpetuity.

Notwithstanding the adverse impacts on aesthetics and the light and noise pollution caused by the Proposed Project, OTA's SF 299 claimed that the turnpike extensions would improve access to recreational opportunities in and around the

⁷ Congressional Research Service, Federal Land Ownership, February 21, 2020

lake. While this may be the case, improved access does not mitigate the adverse visual and noise impacts noted above. Furthermore, recreational demands at Lake Thunderbird are already very high which is a testament to the value the public places on the recreational benefits provided by Norman Project fee title lands. However, the high demand has resulted in threats to public safety and property during times of peak use, at which point the Norman Project may already be reaching and exceeding its carrying capacity⁸ even without the presence of the new access points the Proposed Project would provide. It is reasonable to conclude, therefore, that the Proposed Project may exacerbate threats to public safety and property at the Norman Project depending on the extent to which mitigation measures are taken to avoid and/or reduce those threats (see Section 5.6).

Another relevant issue to note is that the OTRD received Land and Water Conservation Fund (LWCF) assistance through the National Park Service (NPS) for use at the Norman Project, so the fee title lands must be administered in accordance with the LWCF Act⁹. In accordance with the LWCF Act, converting land use at the Norman Project from public outdoor recreation to any other land use must be approved by the Secretary of the Interior and would require compensation with other lands that have recreation properties of at least equal fair market value and of reasonably equivalent usefulness and location. This would result in OTA acquiring additional private lands to offset the loss of Project recreational lands if the proposed use authorization were approved.

⁸ 2019 Lake Thunderbird State Park Resource Management Plan

⁹ 54 U.S.C. § 200305 (f)(3))

5.1.1.4 Fish and Wildlife

OTA Proposal

The OTA's SF 299 states that the Proposed Project would result in "habitat removal for some plant and wildlife species" but that the Proposed Project "is not anticipated to have permanent effects to the prolonged existence of any species." The SF 299 notes the presence of protected species in Cleveland and McClain Counties including the whooping crane, yellow-billed cuckoo, and piping plover, and fish such as the Arkansas River shiner and the Arkansas River speckled chub. The application states that OTA will "perform studies...to identify the potential habitat for threatened and endangered species, bald eagle, and migratory birds" in consultation with various agencies. Finally, the SF 299 states that to offset unavoidable impacts from the Proposed Project, "the intent is to develop stream/wetland habitat that will have not only water quality and wildlife benefits, but a public benefit as well."

Compatibility Finding

Reclamation finds that OTA's proposal contains insufficient information to determine the compatibility of the Proposed Project with authorized fish and wildlife purposes of the Norman Project. In order for Reclamation to make a compatibility determination, a detailed study would be required that sufficiently demonstrates the avoidance of impacts (including impacts related to inadvertent introduction of invasive species) and/or the implementation of mitigating measures to ensure fish and wildlife benefits at the Norman Project are maintained.

The Proposed Project would introduce unavoidable and perpetual light and sound pollution to relatively isolated areas that provide habitat for fish and wildlife that occupy Norman Project fee title lands surrounding Lake Thunderbird; and as such, the Proposed Project would disrupt wildlife and trigger avoidance responses. Reclamation acknowledges that OTA could design or

implement mitigating measures to reduce or compensate for these impacts. While the use of screen walls (for example) may reduce sound pollution, the walls would fragment the habitat and act as a barrier to wildlife mobility, increase mortality, and adversely affect the viability of wildlife populations that occupy and depend on Norman Project lands. That said, the development of stream and wetland habitat at the Norman Project, as noted in the SF 299, may have the potential to replace or compensate for wildlife habitat that is impacted or lost by the Proposed Project. The Proposed Project and any proposed mitigating measures would need to be carefully reviewed to assess the extent to which impacts could be reduced or compensated or whether impacts would persist in perpetuity and forever diminish the fish and wildlife benefits that the Norman Project was authorized to provide.

5.2 Norman Project Operations, Safety, and Security

OTA Proposal

The OTA's SF 299 acknowledges the importance of ensuring that the Norman Project "continues to provide municipal water supply for the cities of Norman, Del City, and Midwest City, Oklahoma, flood protection to lands south and east of the project area, and significant recreation benefits."

Compatibility Finding

Reclamation finds that OTA's Proposed Project may be compatible with Norman Project operations, safety, and security. This finding is contingent upon OTA designing the Proposed Project to avoid impacts and/or OTA implementing mitigating measures to ensure that no feature of the Proposed Project would result in a detriment, added liability, or expense to Norman Project operations, safety, and security. This compatibility finding is made notwithstanding the potential

threats which may result from increased park visitation caused by the Proposed Project as discussed in Section 5.1.1.3.

5.3 Extent of Environmental Impacts (Compliance)

OTA Proposal

The OTA's SF 299 states that environmental studies on the Proposed Project have not yet been completed, but "based on reconnaissance level environmental research, it is anticipated that the proposed turnpikes will have a change to the visual landscape, will require fill in streams and wetlands, may affect habitat for protected wildlife species, will increase existing noise levels, and may have impacts to archaeological or historic sites". Furthermore, the SF 299 states that "all crossings of waters and wetlands under jurisdiction of the U.S. Army Corps of Engineers (USACE) will require Section 404 permits. It is anticipated that most crossings of these waters will be permitting under Nationwide Permit 14 for Linear Transportation Crossings. OTA will perform field delineation of all waters and wetlands in the proposed turnpike corridors and will seek an Approved Jurisdictional Determination from the USACE. OTA will also complete detailed studies of threatened and endangered species and their habitat and of cultural resources to support these permit applications." The SF 299 also states that steps will be taken to minimize impacts to streams and wetlands, "particularly the Lake Thunderbird watershed, which is designated as a sensitive water supply".

Compatibility Finding

If the Proposed Project is found to be compatible by Reclamation with the criteria outlined in 43 CFR 429.14 and LND 08-01, then Reclamation's future approval of OTA's use authorization for Norman Project fee title lands would

become a discretionary action and require the preparation of environmental compliance documentation in accordance with the National Environmental Policy Act (NEPA). NEPA requires Federal agencies to assess the environmental effects of proposed major Federal actions prior to making decisions. NEPA establishes procedural requirements, including but not limited to the need for Federal agencies to prepare a detailed statement on: (1) the environmental impacts of the proposed action; (2) any adverse effects that cannot be avoided; (3) alternatives to the proposed action; (4) the relationship between local short-term uses of the environment and the maintenance and enhancement of long-term productivity; and (5) any irreversible and irretrievable commitments of resources that would be involved in the proposed action.

If the Proposed Project is found to be compatible by Reclamation with the criteria outlined in 43 CFR 429.14 and LND 08-01, and if a discretionary approval by Reclamation of OTA's use authorization moves forward in the future, Reclamation's preliminary determination is that an Environmental Impact Statement and Record of Decision will likely be needed to comply with NEPA. This preliminary finding is based on the size and complexity of the Proposed Project, the context and magnitude of potential impacts, and the high level of stakeholder interest. Future NEPA compliance requirements also would be subject to review by other Federal agencies involved in and/or potentially leading the broader approval of the Proposed Project beyond the land use authorization considered here. In addition to NEPA, the proposed action would be subject to all Federal, State, and local laws and regulation, including but not limited to Fish and Wildlife Coordination Act, Section 106 of the National Historic Preservation Act, Tribal consultation, and Section 7 of the Endangered Species Act.

5.4 Compatibility with Public Interests

OTA Proposal

The OTA's SF 299 states that the Proposed Project is needed because it will "facilitate relief and redirection of traffic out of the congested I-35 corridor" and "increase safety and the flow of freight as part of the supply chain which our nation has come to recognize as so critically important."

Compatibility Finding

The authorization and construction of the Norman Project followed decades of rigorous planning studies by Reclamation that evaluated and monetized the benefits of the Norman Project. These studies determined that construction of the Norman Project would result in positive benefit-cost ratios, which served as the basis for Congressional authorization of the Norman Project. The subsequent Federal investment was made under a key assumption that authorized purposes would continue to be maintained throughout the life of the Norman Project; and as stated in Section 5.1.1 above, Reclamation has determined that the Proposed Project is not compatible with one or more of the authorized purposes of the Norman Project. Therefore, Reclamation finds that OTA's Proposed Project is not compatible with public interests in the Norman Project. Recognizing the benefits to transportation safety and to the flow of freight that OTA's Proposed Project would provide, Reclamation's finding pertains solely to the public's interests in the Norman Project and not to the public's interest in the proposed turnpike for the nation as a whole. Furthermore, there is no information in OTA's SF 299 supporting the need for OTA to use Norman Project fee title lands to achieve those benefits. In other words, the safety and freight-flow benefits claimed in OTA's SF 299 could be realized using alternative turnpike alignments that do not cross fee title lands associated with the Norman Project (see Section 5.7 for more details).

5.5 Conflicts with Federal Policies and Initiatives

OTA Proposal

The OTA's SF 299 acknowledges several applicable regulations and the need to consult or obtain permits from agencies including the U.S. Army Corps of Engineers, Oklahoma Department of Environmental Quality, State Historic Preservation Officer, U.S. Fish and Wildlife, and the Oklahoma Department of Wildlife Conservation.

Compatibility Finding

LND P06 states that, "the preservation of current and future project needs is foremost, and that third party uses will not be granted by Reclamation to the detriment, added liability, or expense of Reclamation projects". If a proposed land use authorization fails to be compatible with any of the criteria set forth under LND 08-01 and 43 CFR 429.14, then the land use authorization by default is considered by Reclamation to be a "detriment, added liability, or expense of Reclamation's project". Because Reclamation has determined that the Proposed Project is not compatible with one or more criteria set forth in LND 08-01 and 43 CFR 429.14, Reclamation finds that the Proposed Project is not compatible with Reclamation's LND P06.

Furthermore, in accordance with LND 08-01, Reclamation determined that all fee title lands associated with the Norman Project were acquired as originally authorized, continue to provide the public benefits envisioned by Congress, and are still needed for Norman Project purposes. Therefore, Reclamation determined that it would not be appropriate to dispose of an interest in these lands in lieu of reviewing OTA's application for a use authorization.

5.6 Public Health and Safety

OTA Proposal

The OTA's SF 299 states that, "use of the Federal assets will increase safety and the flow of freight as part of the supply chain which our nation has come to recognize as so critically important." The SF 299 also states that the Proposed Project will provide "improved access to not only Lake Thunderbird, but other local attractions such as the Little River State Park, the Discovery Cove Nature Center, and other recreational opportunities such as water sports, hiking, as well as public hunting and fishing on and around the lake..." and "provides the opportunity for the Bureau to work hand in hand with OTA to ensure the facility can provide increased visibility and enhanced access to the assets of Lake Thunderbird to be enjoyed by even more citizens."

Compatibility Finding

While OTA's Proposed Project may provide benefits to transportation safety and to the flow of freight, the issue Reclamation must consider here is the extent to which OTA's Proposed Project may impact public health and safety solely at the Norman Project.

As noted in Section 5.1.1.3, recreational demands at the Norman Project are very high, and in light of known threats to public safety and property caused by overcrowding, the lake may already be reaching and exceeding its carrying capacity during times of peak use even without the presence of new access points the Proposed Project would provide. Although the Proposed Project would likely exacerbate threats to public safety and property at the Norman Project, Reclamation finds that the Proposed Project may be compatible with public health and safety. This finding is contingent upon mitigating measures being put in place to reduce threats to public health and safety that could be caused by overcrowding.

5.7 Availability of other Reasonable Alternatives

OTA Proposal

The OTA's SF 299 states, "a number of alignments were developed, discussed and considered..." and that "prior studies dating as far back as 1987 were carefully reviewed". The SF 299 states, that alignments "were selected in an effort to best balance the impacts between residential properties and Bureau of Reclamation property..." and that "OTA elected to pursue the alignment which had what appears to be minimal impact to outlying areas under the control of the Bureau."

Compatibility Finding

Reclamation acknowledges OTA's consideration of other alignment alternatives that do not use Norman Project fee title lands. However, OTA's SF 299 does not contain sufficient evidence documenting the level of analysis used by OTA to identify and evaluate the range of alternatives (including the assumptions, methods, and criteria) and to ultimately select the alignment that uses Norman Project fee title lands as the preferred alignment of the Proposed Project over the other alignment alternatives that do not use Norman Project fee title lands. Without such evidence, Reclamation finds that the range of alternative alignments included in OTA's SF 299 may be too narrow, and that the methods and rationale used by OTA to select the preferred alignment may not be justified.

5.8 Best Interests of the United States

Reclamation has determined that the Proposed Project is not compatible with use of fee title lands acquired for the authorized purposes of the Norman

Project, and is therefore not compatible with the public and the United States' interests in the Norman Project.

6. Conclusions

Easement Lands

Based on the information contained within OTA's SF 299, Reclamation has determined that the Proposed Project could be designed such that it does not interfere with the provisions of Reclamation's Norman Project pipeline and flowage easements. The easement crossings would require further evaluation as the Proposed Project moves through the planning and design process to ensure the turnpike does not interfere with Reclamation's easement interests or impact operation, maintenance, or replacement of Norman Project infrastructure. Such easement crossings would require close coordination with Reclamation throughout the planning, design, and construction process.

Fee Title Lands

Based on the information contained within OTA's SF 299 and based on Reclamation's findings associated with each of the criteria set forth in 43 CFR 429.14 and LND 08-01, Reclamation *is denying* OTA's request for land use authorization for fee title lands at the Norman Project, for the following reasons:

1. Compatibility with authorized project purposes: Perpetual use of Norman Project fee title lands for the proposed turnpike would not be compatible with the authorized project purposes as there would be detrimental impacts to recreation, and may be impacts to other project purposes such as conservation and development of fish and wildlife based on the limited data currently available. See Sections 5.1.1.3 and 5.1.1.4 for additional information.
2. Compatibility with public interests and the best interests of the United States: The Proposed Project's perpetual use of Norman Project fee lands is not compatible with public and United States' interests in the Norman Project.

The Federal investment for the Norman Project was made under a key assumption that authorized purposes would continue to be maintained throughout the life of the Norman Project, and Reclamation has determined that the Proposed Project is not compatible with some of the authorized purposes of the Norman Project. See Section 5.4 for additional information.

3. Conflicts with Federal policies and initiatives: Because the Proposed Project's perpetual use of Norman Project fee title lands is not compatible with authorized recreation purposes and with the public and the United States' interests in the Norman Project, the Proposed Project is not consistent with Reclamation's LND P06. See Section 5.5 for additional information.

7. Appendix

7.1 OTA SF 299 (Dated August 15, 2022)

APPLICATION FOR TRANSPORTATION, UTILITY SYSTEMS, TELECOMMUNICATIONS AND FACILITIES
ON FEDERAL LANDS AND PROPERTYFORM APPROVED
OMB Control Number: 0596-0249
Expiration Date: 2/28/2023

FOR AGENCY USE ONLY

NOTE: Before completing and filing the application for an authorization (easement, right-of-way, lease, license or permit), the applicant should completely review this package, including instructions, and schedule a pre-application meeting with representatives of the agency responsible for processing the application. Each agency may have specific and unique requirements to be met in preparing and processing the application. Many times, with the help of the agency representative, the application can be completed at the pre-application meeting.

Application Number

Date Filed

1. Name and address of applicant

Oklahoma Turnpike Authority
3500 N. Martin Luther King Ave.
Oklahoma City, OK 73111

2. Name and address of authorized agent if different from item 1

David Streb
1601 NW Expressway, Suite 400
Oklahoma City, OK 73118

3. Applicant telephone number and email:

405-425-3600
tjdill@pikepass.com

Authorized agent telephone number and email:

405-949-1962, david.streb@
poeandassociates.com

4. As applicant are you? (check one)

- a. ☐ Individual
b. ☐ Corporation*
c. ☐ Partnership/Association*
d. ☒ State Government/State Agency
e. ☐ Local Government
f. ☐ Federal Agency

* If checked, complete supplemental page

5. Specify what application is for: (check one)

- a. ☒ New authorization
b. ☐ Renewing existing authorization number
c. ☐ Amend existing authorization number
d. ☐ Assign existing authorization number
e. ☐ Existing use for which no authorization has been received *
f. ☐ Other*

* If checked, provide details under item 7

6. If an individual, or partnership, are you a citizen(s) of the United States? ☐ Yes ☐ No

7. Project description (describe in detail): (a) Type of use or occupancy, (e.g., canal, pipeline, road, telecommunications); (b) related structures and facilities; (c) physical specifications (Length, width, grading, etc.); (d) term of days/years needed; (e) time of year of use or operation; (f) Volume or amount of product to be transported; (g) duration and timing of construction; and (h) temporary work areas needed for activity/construction (Attach additional sheets, if additional space is needed.)

See Attachment

8. Attach a map covering area and show location of project proposal.

9. State or Local government approval: ☐ Attached ☐ Applied for ☒ Not Required10. Nonrefundable application fee: ☐ Attached ☐ Not required ☐ To be determined by agency11. Does project cross international boundary or affect international waterways? ☐ Yes ☒ No (if "yes," indicate on map)

12. Give statement of your technical and financial capability to construct, operate, maintain, and terminate system for which authorization is being requested.

See attachment

13a. Describe other alternative locations considered.

See Attachment

b. Why were these alternatives not selected?

See Attachment

c. Give explanation as to why it is necessary to use or occupy Federal assets (lands or buildings).

See Attachment

14. List authorizations and pending applications filed for similar projects which may provide information to the authorizing agency. (*Specify number, date, code, or name*)

None

15. Provide statement of need for project, including the economic feasibility and items such as: (a) cost of proposal (construction, operation, and maintenance); (b) estimated cost of next best alternative; and (c) expected public benefits.

See Attachment

16. Describe probable effects on the population in the area, including the social and economic aspects, and the rural lifestyles.

See Attachment

17. Describe likely environmental effects that the proposed project will have on: (a) air quality; (b) visual impact; (c) surface and ground water quality and quantity; (d) the control or structural change on any stream or other body of water; (e) existing noise levels; and (f) the surface of the land, including vegetation, permafrost, soil, and soil stability; and, (g) historic or archaeological resources or properties.

See Attachment

18. Describe the probable effects that the proposed project will have on (a) populations of fish, plant life, wildlife, and marine life, including threatened and endangered species; and (b) marine mammals, including hunting, capturing, collecting, or killing these animals.

See Attachment

19. State whether any hazardous material, as defined in this paragraph, would be used, produced, transported or stored on or in a federal building or federal lands or would be used in connection with the proposed use or occupancy. "Hazardous material" shall mean (a) any hazardous substance under section 101(14) of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), 42 U.S.C. § 9601(14); (b) any pollutant or contaminant under section 101(33) of CERCLA, 42 U.S.C. § 9601(33); (c) any petroleum product or its derivative, including fuel oil, and waste oils; and (d) any hazardous substance, extremely hazardous substance, toxic substance, hazardous waste, ignitable, reactive or corrosive materials, pollutant, contaminant, element, compound, mixture, solution or substance that may pose a present or potential hazard to human health or the environment under any applicable environmental laws. The holder shall not store any hazardous materials at the site without prior written approval from the authorized officer. This approval shall not be unreasonably withheld. If the authorized officer provides approval, this permit shall include (or in the case of approval provided after this permit is issued, shall be amended to include) specific terms addressing the storage of hazardous materials, including the specific type of materials to be stored, the volume, the type of storage, and a spill plan. Such terms shall be proposed by the holder and are subject to approval by the authorized officer.

See Attachment

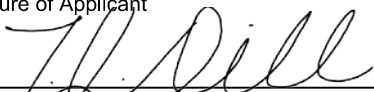
20. Name all the Federal Department(s)/Agency(ies) where this application is being filed.

U.S. Bureau of Reclamation

I HEREBY CERTIFY, That I am of legal age and authorized to do business in the State and that I have personally examined the information contained in the application and believe that the information submitted is correct to the best of my knowledge.

Signature of Applicant

Date



August 15, 2022

Title 18, U.S.C. Section 1001, makes it a crime for any person knowingly and willfully to make to any department or agency of the United States any false, fictitious, or fraudulent statements or representations as to any matter within its jurisdiction.

GENERAL INFORMATION
ALASKA NATIONAL INTEREST LANDS

This application will be used when applying for a right-of-way, permit, license, lease, or certificate for the use of Federal lands which lie within conservation system units and National Recreation or Conservation Areas as defined in the Alaska National Interest lands Conservation Act. Conservation system units include the National Park System, National Wildlife Refuge System, National Wild and Scenic Rivers System, National Trails System, National Wilderness Preservation System, and National Forest Monuments.

Transportation utility systems telecommunication installations facility uses for which the application may be used are:

1. Canals, ditches, flumes, laterals, pipes, pipelines, tunnels, and other systems for the transportation of water.
2. Pipelines and other systems for the transportation of liquids other than water, including oil, natural gas, synthetic liquid and gaseous fuels, and any refined product produced therefrom.
3. Pipelines, slurry and emulsion systems, and conveyor belts for transportation of solid materials.
4. Systems for the transmission and distribution of electric energy.
5. Wired and wireless systems for transmission or reception of radio, television, telephone, telegraph, and other electronic signals, and other means of communications.
6. Improved right-of-way for snow machines, air cushion vehicles, and all-terrain vehicles.
7. Roads, highways, railroads, tunnels, tramways, airports, landing strips, docks, and other systems of general transportation.

This application must be filed simultaneously with each Federal department or agency requiring authorization to establish and operate your proposal.

In Alaska, the following agencies will help the applicant file an application and identify the other agencies the applicant should contact and possibly file with:

Department of Agriculture
Regional Forester, Forest Service (USFS)
P.O. Box 21628
Juneau, Alaska 99802-1628
Telephone: (907) 586-7847
(or a local Forest Service Office)

Department of the Interior
Bureau of Indian Affairs (BIA)
Alaska Regional Office
709 West 9th Street
Juneau, Alaska 99802
Telephone: (907) 586-7177

Department of the Interior
Alaska State Office
Bureau of Land Management
222 West 7th Avenue #13
Anchorage, Alaska 99513
Public Room: 907-271-5960
FAX: 907-271-3684
(or a local BLM Office)

U.S. Fish & Wildlife Service (FWS)
Office of the Regional Director
1011 East Tudor Road
Anchorage, Alaska 99503
Telephone: (907) 786-3440

National Park Service (NPS)
Alaska Regional Office
240 West 5th Avenue
Anchorage, Alaska 99501
Telephone: (907) 644-3510

Department of Transportation
Federal Aviation Administration
Alaska Region AAL-4, 222 West 7th Ave., Box 14
Anchorage, Alaska 99513-7587
Telephone: (907) 271-5285

NOTE - The Department of Transportation has established the above central filing point for agencies within that Department. Affected agencies are: Federal Aviation Administration (FAA), Coast Guard (USCG), Federal Highway Administration (FHWA), Federal Railroad Administration (FRA).

OTHER THAN ALASKA NATIONAL INTEREST LANDS

Use of this form is not limited to National Interest Conservation Lands of Alaska.

Individual department/agencies may authorize the use of this form by applicants for transportation, utility systems, telecommunication installations and facilities on other Federal lands outside those areas described above.

For proposals located outside of Alaska, applications will be filed at the local agency office or at a location specified by the responsible Federal agency.

SPECIFIC INSTRUCTIONS
(Items not listed are self-explanatory)

- 7 Attach preliminary site and facility construction plans. The responsible agency will provide instructions whenever specific plans are required.
- 8 Generally, the map must show the section(s), township(s), and range(s) within which the project is to be located. Show the proposed location of the project on the map as accurately as possible. Some agencies require detailed survey maps. The responsible agency will provide additional instructions.
- 9, 10, and 12 The responsible agency will provide additional instructions.
- 13 Providing information on alternate locations in as much detail as possible, discussing why certain locations were rejected and why it is necessary to use Federal assets will assist the agency(ies) in processing your application and reaching a final decision. Include only reasonable alternate locations as related to current technology and economics.
- 14 The responsible agency will provide instructions.
- 15 Generally, a simple statement of the purpose of the proposal will be sufficient. However, major proposals located in critical or sensitive areas may require a full analysis with additional specific information. The responsible agency will provide additional instructions.
- 16 through 19 Providing this information with as much detail as possible will assist the Federal agency(ies) in processing the application and reaching a decision. When completing these items, you should use a sound judgment in furnishing relevant information. For example, if the project is not near a stream or other body of water, do not address this subject. The responsible agency will provide additional instructions.

Application must be signed by the applicant or applicant's authorized representative.

Note - Filings with any Interior agency may be filed with any office noted above or with the Office of the Secretary of the Interior, Regional Environmental Officer, P.O. Box 120, 1675 C Street, Anchorage, Alaska 99513.

EFFECT OF NOT PROVIDING INFORMATION

Disclosure of the information is voluntary. If all the information is not provided, the proposal or application may be rejected.

DATA COLLECTION STATEMENT

The Federal agencies collect this information from proponents and applicants requesting a right-of-way, permit, license, lease, or certification for use of Federal assets. The Federal agencies use this information to evaluate a proponent's or applicant's proposal to use Federal assets.

BURDEN STATEMENT

According to the Paperwork Reduction Act of 1995, an agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 0596-0249. The time required to complete this information collection is estimated to average 8 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. The authority to collect this information is derived from 47 U.S.C. 1455(c)(3) and 16 U.S.C. 3210.

USDA NONDISCRIMINATION STATEMENT

The U.S. Department of Agriculture (USDA) prohibits discrimination in all its programs and activities on the basis of race, color, national origin, age, disability, and where applicable, sex, marital status, familial status, parental status, religion, sexual orientation, genetic information, political beliefs, reprisal, or because all or part of an individual's income is derived from any public assistance. (Not all prohibited bases apply to all programs.) Persons with disabilities who require alternative means for communication of program information (Braille, large print, audiotape, etc.) should contact USDA's TARGET Center at 202-720-2600 (voice and TDD).

To file a complaint of discrimination, write USDA, Director, Office of Civil Rights, 1400 Independence Avenue, SW, Washington, DC 20250-9410 or call toll free (866) 632-9992 (voice). TDD users can contact USDA through local relay or the Federal relay at (800) 877-8339 (TDD) or (866) 377-8642 (relay voice). USDA is an equal opportunity provider and employer.

The Privacy Act of 1974 (5 U.S.C. 552a) and the Freedom of Information Act (5 U.S.C. 552) govern the confidentiality to be provided for information received by the Forest Service.

SUPPLEMENTAL

NOTE: The responsible agency(ies) will provide instructions	CHECK APPROPRIATE BLOCK	
I - PRIVATE CORPORATIONS	ATTACHED	FILED *
a. Articles of Incorporation	<input type="checkbox"/>	<input type="checkbox"/>
b. Corporation Bylaws	<input type="checkbox"/>	<input type="checkbox"/>
c. A certification from the State showing the corporation is in good standing and is entitled to operate within the State	<input type="checkbox"/>	<input type="checkbox"/>
d. Copy of resolution authorizing filing	<input type="checkbox"/>	<input type="checkbox"/>
e. The name and address of each shareholder owning 3 percent or more of the shares, together with the number and percentage of any class of voting shares of the entity which such shareholder is authorized to vote and the name and address of each affiliate of the entity together with, in the case of an affiliate controlled by the entity, the number of shares and the percentage of any class of voting stock of that affiliate owned, directly or indirectly, by that entity, and in the case of an affiliate which controls that entity, the number of shares and the percentage of any class of voting stock of that entity owned, directly or indirectly, by the affiliate.	<input type="checkbox"/>	<input type="checkbox"/>
f. If application is for an oil or gas pipeline, describe any related right-of-way or temporary use permit applications, and identify previous applications.	<input type="checkbox"/>	<input type="checkbox"/>
g. If application is for an oil and gas pipeline, identify all Federal lands by agency impacted by proposal.	<input type="checkbox"/>	<input type="checkbox"/>
II - PUBLIC CORPORATIONS		
a. Copy of law forming corporation	<input type="checkbox"/>	<input type="checkbox"/>
b. Proof of organization	<input type="checkbox"/>	<input type="checkbox"/>
c. Copy of Bylaws	<input type="checkbox"/>	<input type="checkbox"/>
d. Copy of resolution authorizing filing	<input type="checkbox"/>	<input type="checkbox"/>
e. If application is for an oil or gas pipeline, provide information required by item "I - f" and "I - g" above.	<input type="checkbox"/>	<input type="checkbox"/>
III - PARTNERSHIP OR OTHER UNINCORPORATED ENTITY		
a. Articles of association, if any	<input type="checkbox"/>	<input type="checkbox"/>
b. If one partner is authorized to sign, resolution authorizing action is	<input type="checkbox"/>	<input type="checkbox"/>
c. Name and address of each participant, partner, association, or other	<input type="checkbox"/>	<input type="checkbox"/>
d. If application is for an oil or gas pipeline, provide information required by item "I - f" and "I - g" above.	<input type="checkbox"/>	<input type="checkbox"/>

* If the required information is already filed with the agency processing this application and is current, check block entitled "Filed." Provide the file identification information (e.g., number, date, code, name). If not on file or current, attach the requested information.

ATTACHMENT

7. Project Description

a) Type of use or occupancy: Roadway

The Outer Loop: E-W Connector and Outer Loop: South Extension turnpikes are part of the Oklahoma Turnpike Authority's 15-year, \$5 billion long range plan ACCESS Oklahoma Program (Advancing and Connecting Communities and Economies Safely Statewide). The ACCESS program will address on-going highway infrastructure needs to improve access to communities and relieve current and future traffic congestion along major interstate routes in Oklahoma.

The approximate 28-mile Outer Loop: E-W Connector is a multi-lane (4-lane divided highway with frontage roads) turnpike that connects at I-44 in Newcastle, OK and extends easterly to a new interchange at I-35. From that interchange, the East-West Connector traverses east along the Indian Hills Road corridor to approximately 84th Avenue NE in Norman where the alignment takes a more northeasterly track to the connection with I-40 interchange and the existing southern terminus of the Kickapoo Turnpike. There are planned interchanges at I-44, 60th Avenue NW, 36th Avenue NW, I-35, South Broadway Avenue, SH-77, 48th Avenue NE, South Choctaw Road, South Peebly Road, and at I-40. These interchanges will have on and off ramps connecting to the proposed frontage roads between 60th Avenue NW (South Western Avenue) and 48th Avenue NE. In all cases the turnpike will travel over these local roads and interstate highways on bridges.

The approximate 18-mile Outer Loop: South Extension is a multi-lane (4-lane divided highway) turnpike that begins at a new interchange with the E-W Connector north of Franklin Road just east of 84th Avenue NE and extends south to a new interchange at I-35 north of Purcell, OK. From the E-W Connector interchange, the South Extension traverses south approximately ½ mile west of 84th Avenue from Franklin Road to Etowah Road in Noble, OK. From that point, the turnpike sweeps southwesterly crossing over US-77, the Canadian River, and terminating at I-35. There are planned interchanges connecting local roads and state highways at Franklin Road, Alameda Drive, SH-9, Etowah Road, US-77 and I-35. These interchanges will primarily be on and off ramps connecting to the turnpike as no frontage roads are currently planned in this section. In all cases the turnpike will travel over these local roads and state highways on bridges.

These roadway facilities will provide improved access to not only Lake Thunderbird, but other local attractions such as the Little River State Park, the Discovery Cove Nature Center, and other recreational opportunities such as water sports, hiking, as well as public hunting and fishing on and around the lake. Vehicular access to and from the E-W Connector will be limited to interchanges with local roads at 48th Avenue NE, 84th Avenue NE, Choctaw Road (120th Avenue NE) and South Peebly Road near Lake Thunderbird. Vehicular access to and from the South Extension near Lake Thunderbird will be limited to interchanges at Franklin Road, Alameda Drive and SH-9.

On the E-W Connector, it is anticipated that bridge structures will be constructed over Bureau of Reclamation (BOR) easements at Hog Creek and Elm Creek. On the South Extension, bridges are anticipated at the Little River and Dave Blue Creek. Other bridges may be constructed depending on the

hydraulic needs which are currently under investigation. The exact length of the bridges will be determined in the final design in coordination with the BOR and the need to avoid or minimize placing fill in the flood and surcharge pools. It is the intent to span the “flowage easement areas” with bridge structures, in order to:

- Not impede storm water runoff to the Lake Thunderbird
- Have minimal or no impact to the Lake Thunderbird flood storage capacity at or below the 1064.50 elevation listed in all flowage easements.
- Have no impact on the existing floodplain or rise in the base flood elevations of the Little River and other FEMA studied tributaries
- Generate opportunities for wetland mitigation and wetland creation to enhance water quality
- Create opportunities for safer wildlife crossings

Roadway cross drain structures to convey storm water for minor creeks and tributaries outside of the BOR easements and property will be designed to meet the local, state and federal (i.e. FEMA) guidelines as required. Additionally, these drainage structures will not impede or reduce historical storm water runoff to Lake Thunderbird. The proposed project will cross existing pipes conveying water from Lake Thunderbird to Norman and Midwest City. The OTA will coordinate with BOR to design the turnpike crossings to protect these pipes and avoid any disruption in service.

b) Related structures and facilities

Related structures and facilities will include storm water erosion control measures (Best Management Practices (BMP's), storm water sediment traps and sediment basins, small detention ponds and wetlands creation as needed to protect Lake Thunderbird water quality. These BMP's and other erosion control elements will be used to provide water quality protection for Lake Thunderbird during construction and post construction. OTA will maintain all temporary and permanent facilities constructed for the purposes of the turnpikes. A dedicated team of stormwater specialists will monitor construction and provide periodic reports on the status and functioning of all BMPs. This team will report directly to OTA and BOR if desire on the status of stormwater compliance on BOR property and/or within the Lake Thunderbird watershed, as needed.

c) Physical specifications (length, width, grading, etc.)

The proposed Outer Loop: E-W Connector will span approximately 28-miles from end to end. The proposed Outer Loop: South Extension will span approximately 18-miles from end to end. The anticipated alignment will cross roughly eleven (11) flowage easement parcels and will cross BOR-owned property in two locations. The approximate length of BOR property spanned is approximately 4,200 feet around Little River and approximately 2,650 feet around Dave Blue Creek.

The typical roadway section will have two twelve-foot (12') driving lanes with an eight-foot (8') inside shoulder and a ten-foot (10') outside shoulder for each driving direction. The two directions of travel will be separated by a grass median to increase safety. In areas where right-of-way is a constraint such as Lake Thunderbird, the open median will be minimized and include a safety barrier. In locations where one-way frontage roads are incorporated, those curbed roadways will include two 12-foot wide travel lanes in each direction.

The grading section will be dependent on upon the final roadway profile. On similar type projects, the overall roadway footprint has been less than six-hundred feet wide in areas where frontage roads are required. In locations without frontage roads those footprints typically are four-hundred feet wide.

d) Term of days/years needed

The East-West Connector and South Extension projects once constructed will remain in service until perpetuity.

e) Time of year of use or operation

Operations of the East-West Connector and South Extension projects will be year-round once constructed.

f) Volume or amount of product to be transported

Not applicable for a vehicular transportation type of facility.

g) Duration and timing of construction

A definitive project construction timeline has not been established yet as preliminary engineering and project permit processes are just beginning. It is anticipated the East-West Connector will begin construction in 2024 and be completed by 2029. The South Extension is anticipated to begin construction in 2027 and be completed by 2037.

h) Temporary work areas needed for activity/construction

Construction of the proposed roadway, bridges, storm water amenities and potential wetlands will be within right-of-way purchased by the Oklahoma Turnpike Authority (OTA). In areas where perpetual easements will be required (i.e. Bureau of Reclamation – BOR), the proposed improvements will remain within those easement limits. Temporary work areas will be located outside BOR property as feasible and practical.

12. Give statement of your technical and financial capability to construct, operate, maintain and terminate system for which authorization is being requested.

Beginning with its creation in 1947 and the initial efforts on the Turner Turnpike, the OTA has been consistently and successfully engaged in the technical and financial efforts to construct, operate, and maintain transportation infrastructure in Oklahoma. Regarding the technical capability aspect, the OTA, has engaged the services of a program manager, Poe & Associates, to supplement the expertise of our in-house staff. Poe & Associates assisted in the delivery of the successfully completed Driving Forward Program and will also to assist in the delivery of the ACCESS Oklahoma Program of which the Outer Loop: E-W Connector and Outer Loop: South Extension are key components. Additionally, OTA has engaged the services of 12 engineering firms to serve as designers for the ACCESS Oklahoma Program and overall, there are more than 60 firms engaged in the delivery of the entire program. Regarding the financial aspects of the program, the OTA has engaged in financing transportation assets through bond sales since inception. Most recently, the OTA successfully completed the Driving Forward Program which was very similar, albeit somewhat smaller, to the new ACCESS Oklahoma Program which includes the Outer Loop: E-W Connector and the Outer Loop South Extension which are component projects in this application. The OTA has taken steps to initiate the financing of the ACCESS Oklahoma Program which

most recently include the approved the following Authority Board agenda items at the Special Meeting held June 9, 2022:

Item 949, Approved resolution authorizing the issuance of Series 2022A Revenue Bonds in an amount not to exceed \$1,000,000,000 for funding of ACCESS Oklahoma projects.

Item 950, Approved resolution authorizing the Director to submit an application to the Council of Bond Oversight for financing ACCESS Oklahoma projects.

Item 951, Approved resolution directing the Director to submit an application to the Oklahoma Supreme Court for validation of the bonds to be issued.

Item 952, Approved the proposed design route alignments for the new alignment projects within the ACCESS Oklahoma Program.

Item 951 will bring certainty and finality to the issue of whether the considered turnpikes are valid under Oklahoma State Statutes and would be the final substantial legal challenge to progress for the Program, thus allowing the OTA to proceed with delivering this needed transportation program for Oklahomans.

On July 11, 2022, the Oklahoma Transportation Commission approved the proposed routes of the Outer Loop: East-West Connector and South Extension Turnpikes as described below:

Outer Loop: East-West Connector: The construction includes a new east-west turnpike from I-44 Tri-City area (Newcastle, Blanchard, Tuttle) at SH-37, crossing the South Canadian River, east to I-35, then continuing east along Indian Hills Road and then northeast to I-40, connecting to the new Kickapoo Turnpike. This project expands the mobility of the south Oklahoma City metro by providing greater access to Moore and Norman while continuing the Outer Loop.

South Extension Turnpike: the extension from the East-West Connector south to I-35 near Purcell expands the mobility of the southeast Oklahoma City metro by providing greater access to local communities. This will be a vital corridor for the transportation network of central Oklahoma by providing an alternate route to I-35 for traffic between southern, eastern, and northeastern Oklahoma.

In summary, these corridors address infrastructure needs to improve access to communities across the State and the Turnpike System. Funding of this ACCESS program will be generated through a variety of options available to the Authority, including the issuance of Revenue Bonds. These Turnpike Revenue Bonds may be issued for the purpose of paying the costs of turnpike projects. Turnpike Revenue Bonds are payable solely from the tolls and other OTA revenues and do not constitute indebtedness of the State. Because of the Authority's conservative approach to debt and spending, the Authority's bonds are rated annually by the three Rating Agencies. The OTA carries the highest rating of any Toll Authority from Moody's Investor Services –Aa3. This Aa3 rating (which is equivalent of AA- rating) is based on a stable, well-established turnpike system that serves as an essential inter and intrastate connector. The Authority is also rated AA- by both Fitch and Standard and Poor's. These ratings help the Authority continue to have access to capital in the bond markets at the best possible rates.

13a. Describe other alternative locations considered.

As the program was conceived, a number of alignments were developed, discussed and considered. These alignments were conceived in light of the overall transportation needs of the Oklahoma City metropolitan area with a focus on the heavily travelled and congested I-35 corridor which bisects the metropolitan area. Prior studies dating as far back as 1987 were carefully reviewed. These studies included alignments west of the proposed alignments and also alignments east of Lake Thunderbird. Knowing the need to alleviate traffic demands, transportation professionals looked at multiple alignments for achieving the goal of removing traffic along I-35, completing the Outer Loop along corridors identified in statute, most direct possible alignment, and increasing mobility for the citizens of Norman which is the 3rd largest City in Oklahoma.

13b. Why were these alternatives not selected?

The current alignments for the Outer Loop: E-W Connector and the Outer Loop South Extension were selected in an effort to best balance the impacts between residential properties and Bureau of Reclamation property. In order to reduce the number of acquisitions of occupied homes and reduce impacts to the community, the OTA elected to pursue the alignment which had what appears to be minimal impact to outlying areas under the control of the Bureau. Alignments to the east of Lake Thunderbird were eliminated due to the additional 12.5 miles of length, impact to more private homes and businesses, and they would not improve mobility for the citizens of Norman due to the additional distance to the east side of the lake to utilize the new alignment. Alignments that were in close proximity to the current alignment were eliminated from consideration due to significantly more potential impacts to the residential properties to the west or more potential impacts to the properties which are held by the Bureau to the east. Minimization of impacts to Bureau property was important to ensure that Norman Project continues to provide municipal water supply for the cities of Norman, Del City, and Midwest City, Oklahoma, flood protection to lands south and east of the project area, and significant recreation benefits. The current alignment was judged to be the optimal location for the action and selected to balance those concerns.

13c. Give explanation as to why it is necessary to use or occupy Federal assets (lands or buildings).

The Oklahoma City metropolitan area is located at the crossroads of several major interstates including I-35, I-40 and I-44. I-35 carries significant traffic, with over 140,000 vehicles per day passing through the corridor just south of I-40. Frequent delays occur due the inability of the facility to adequately serve demands at peak times. The attached Exhibit B, utilizing ODOT information for projected traffic growth, indicates the anticipated performance of the I-35 corridor if no reliever routes are constructed. As shown on the exhibit, nearly the entire corridor is anticipated to experience congestion and be locked into a stop-and-go condition with a lack of a reliable travel time. Construction of the Outer Loop: E-W Connector and the Outer Loop South Extension will facilitate relief and redirection of traffic out of the congested I-35 corridor and allow for the continued operation of the interstate at a reasonable level of service. Traffic delays on the I-35 corridor represent an impact not only to local traffic conditions and hazards for local commuters, but also impact travel time and delivery of materials and goods on a regional and national level due to the unique nature of Oklahoma's position at a juncture of three interstate facilities. I-35 carries over 10,000 trucks per day and is the most heavily traveled freight corridor in the state. Freight and goods flows within and through Oklahoma will be adversely impacted by the lack of the Outer Loop and Oklahomans will be exposed to an ever increasing number of trucks

during their daily commute from the southern portion of the metropolitan area. Use of the Federal assets will increase safety and the flow of freight as part of the supply chain which our nation has come to recognize as so critically important.

In addition, this new proposed outer loop route provides the opportunity for the Bureau to work hand in hand with OTA to ensure the facility can provide increased visibility and enhanced access to the assets of Lake Thunderbird to be enjoyed by even more citizens. This project development process will allow the OTA to best understand the needs of the Bureau property and how to highlight, enhance, and improve the asset of Lake Thunderbird.

15. Provide a statement of need for project, including the economic feasibility and items such as: (a) cost of proposal (construction, operation, and maintenance); (b) estimated cost of next best alternative; and (c) expected public benefits.

The need for the Outer Loop: E-W Connector and the Outer Loop: South Extension is related to safety and regional mobility of people and freight. Currently, I-35 provides the primary commuter route for the communities south of Oklahoma City to and from the metro area. I-35 is also the primary north-south freight route for trucks traveling to and from neighboring states. Existing traffic volumes on I-35 between Purcell and Oklahoma City are approaching 140,000 vehicles per day in some sections, with future traffic expected to grow by 22 to 66% by 2040. Between 2010-2019, collisions on I-35 increased by 25% between Purcell and I-40, and collisions on I-44 increased by almost 50% from I-40 to Newcastle. The Oklahoma Department of Transportation is planning projects to increase the safety and capacity of I-35 as much as possible, but adjacent development prohibits significant expansion. The two proposed turnpikes will serve as alternate routes for people and freight destined for southern, southeastern, and northeastern Oklahoma. The new routes will provide improved travel times and trip reliability, both for through trips and for residents of Newcastle, Moore, and Norman. The current estimated cost for construction of the two turnpikes is \$2.15 billion (\$1.5 billion for Outer Loop: E-W Connector and \$650 million for the Outer Loop: South Extension).

16. Describe the probable effects on the population in the area including the social and economic aspects, and the rural lifestyles.

While the E-W Connector and South Extension are anticipated to have widespread benefits to the regional population in terms of safety, mobility, and access, there will be impacts as a result of turnpike construction. While the exact alignment is still being finalized and numbers are not yet known, construction will require the acquisition of homes and businesses within the proposed right-of-way, similar to the Driving Forward Program on the Southwest John Kilpatrick and Kickapoo Turnpikes. Both projects will require the acquisition of commercial and residential properties. These home and business owners will be compensated with fair market value as determined through an established property acquisition process ([Property Acquisition Process | Access Oklahoma](#)). Owners may choose to relocate in the same area or may choose to go elsewhere. Economically, the property that the OTA acquires would no longer generate property or sales tax income for the city, county, or state. However, the benefits of the turnpike are anticipated to greatly strengthen the regional and statewide economy due to the anticipated traffic volumes and development potential of the routes. Depending on the decisions of the local jurisdictions, land adjacent to the turnpike would be available for future commercial development generating jobs and income. While these land uses would not be considered appropriate for the area

around Lake Thunderbird, these uses elsewhere along the corridor could increase overall revenues for nearby communities.

Growth projections for this part of Oklahoma indicate population is growing at a rapid pace. Cleveland and McClain Counties have been some of the fastest growing counties in the state, with growth over 2% since 1970. The Outer Loop: E-W Connector and the Outer Loop: South Extension turnpikes are being planned in response to this growth, which is evidenced by traffic on I-35 and expanding housing development in the vicinity of the proposed turnpike corridors. As described in Sections 12 and 13, the location of the Outer Loop: E-W Connector and the Outer Loop: South Extension corridors was selected to avoid as much existing development as possible while also minimizing impacts to the environment. As population grows and development moves east, the “rural lifestyle” changes and shifts also. It is understood that some people living in the more rural portions of Norman may see a turnpike as inconsistent with their rural lifestyle. The turnpike will introduce visual and noise impacts to an area where there are no existing highways. These impacts will be minimized as much as possible through the use of downward facing lighting and noise screening walls, where warranted.

17. Describe likely environmental effects that the proposed project will have on: (a) air quality; (b) visual impact; (c) surface and ground water quality and quantity; (d) the control or structural change on any stream or other body of water; (e) existing noise levels; (f) the surface of the land, including vegetation, permafrost, soil, and soil stability; and (g) historic or archeological resources or properties.

Environmental studies for the proposed Outer Loop: E-W Connector and the Outer Loop: South Extension have not yet been completed, and design of the facility is still underway; therefore, environmental impacts are not yet precisely known. However, based on reconnaissance level environmental research, it is anticipated that the proposed turnpikes will have a change to the visual landscape, will require fill in streams and wetlands, may affect habitat for protected wildlife species, will increase existing noise levels, and may have impacts to archaeological or historic sites. All crossings of waters and wetlands under jurisdiction of the US Army Corps of Engineers (USACE) will require Section 404 permits. It is anticipated that most crossings of these waters will be permitting under Nationwide Permit (NWP) 14 for Linear Transportation Crossings. The OTA will perform field delineation of all waters and wetlands in the proposed turnpike corridors and will seek an Approved Jurisdictional Determination (AJD) from the USACE. The OTA will also complete detailed studies of threatened and endangered species and their habitat and of cultural resources to support these permit applications.

In order to minimize impacts to streams and wetlands, OTA will employ bridges at major stream crossings, such as the Canadian River, Little River, North Fork, Elm Creek, Hog Creek, Dave Blue Creek, and Dripping Springs Creek. Particularly in the Lake Thunderbird watershed, which is designated as a sensitive water supply, avoiding impacts to water quality is of primary concern. Size and length of bridges will be designed to minimize the placement of fill in waterbodies as much as possible. Bridges will be designed to be compatible with the water supply, flood control, recreational, and habitat functions of Lake Thunderbird. Adverse impacts to water quality are not anticipated. Construction contractors will be subject to Oklahoma Department of Environmental Quality (DEQ) standards for the protection of water quality, including stormwater pollution prevention and erosion control measures. The OTA will provide a team of construction monitors to document contractor activities and report back to OTA and other interested agencies. Once the turnpikes are built, drainage systems will convey stormwater in a controlled manner to the appropriate outfalls, limiting erosion and sedimentation of

streams. Should they be required, oil/water separators or other water quality treatment devices could be included in the project. Soils will be stabilized after construction through the application of sod or other appropriate vegetation and maintained until it becomes established.

Impacts to waters and wetlands that cannot be avoided will be mitigated per the USACE guidelines. This could involve creation of stream and/or wetland habitat in the Lake Thunderbird watershed to offset impacts of the turnpike construction. Once the exact impacts are known the OTA will develop a mitigation plan in coordination with the USACE, USBR, Central Oklahoma Conservancy District (COMCD), and Lake Thunderbird State Park. The intent is to develop stream/wetland habitat that will have not only water quality and wildlife benefits, but a public benefit as well.

The OTA will perform a noise study to determine the anticipated noise impacts of the proposed turnpikes and the feasibility of providing screening walls to lessen the impacts to homes and other areas. The evaluation of screening wall feasibility will involve the number of impacted receivers, the anticipated noise reduction, engineering feasibility, and wall cost.

Impacts to archeological and historic sites will be determined after field studies are completed. If sites cannot be avoided, the OTA will consult with the State Historic Preservation Officer and State Archeologist, as needed, to develop a mitigation plan. Any mitigation such as data recovery excavations will take place prior to construction and will be informed by relevant regional research questions. OTA's standard specifications require that any discovery of cultural material during construction will require an immediate stoppage of work while the appropriate parties are notified and consulted on the find.

The Outer Loop is expected to improve air quality through the relief of congestion on I-35 and maintain the Oklahoma City metro area in attainment for all criteria air pollutants.

18. Describe the probable effects that the proposed project will have on (a) populations of fish, plant life, wildlife, and marine life, including threatened and endangered species; and (b) marine mammals, including hunting, capturing, collecting, or killing these animals.

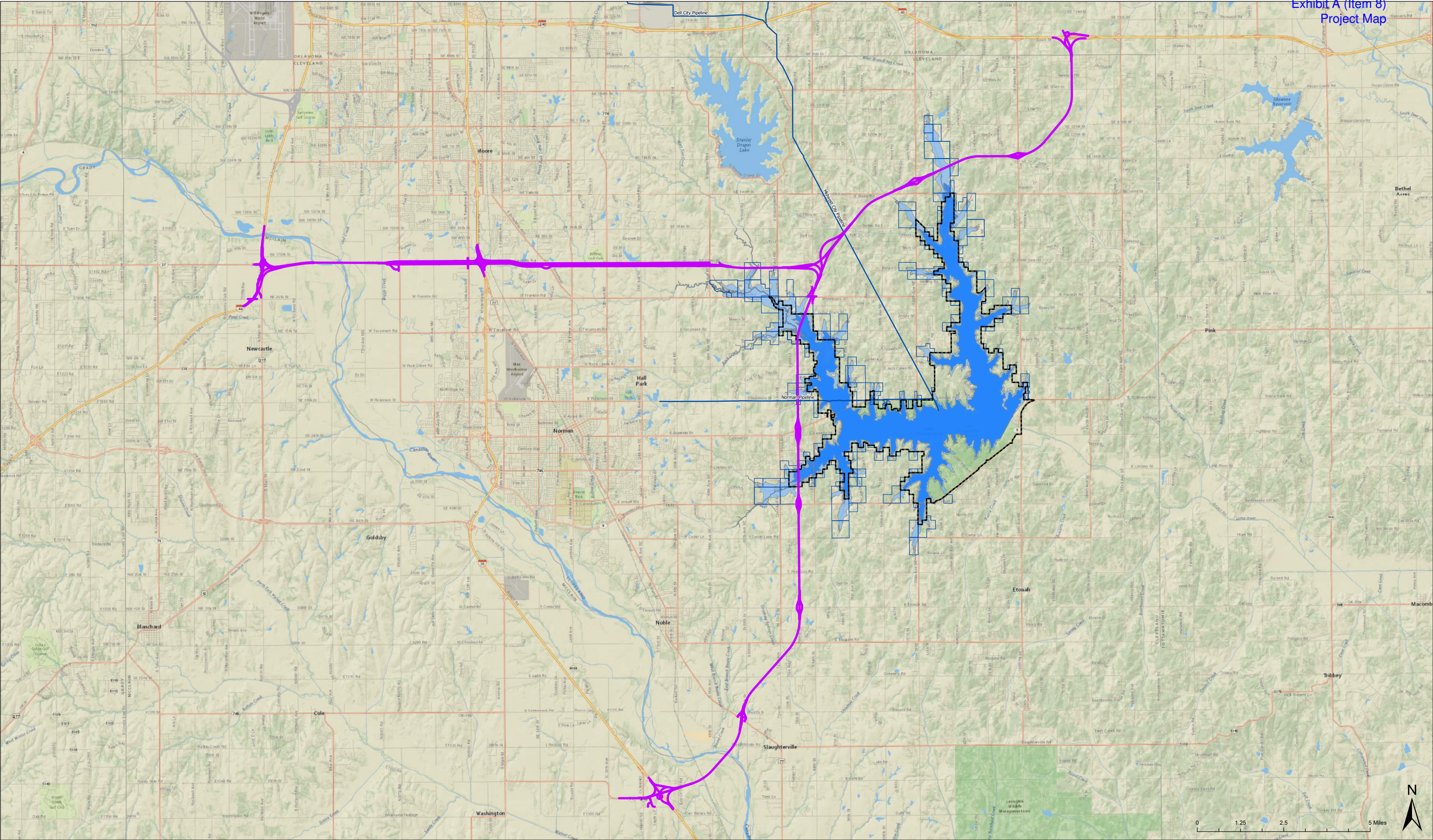
The OTA will perform studies of the entire Outer Loop: E-W Connector and the Outer Loop: South Extension corridors to identify potential habitat for threatened and endangered species, bald eagle, and migratory birds. Impacts to these species and habitat will be assessed and coordinated with the US Fish and Wildlife Service. Other species of fish, plants, wildlife, and marine life will be considered and addressed in consultation with interested parties such as the Oklahoma Department of Wildlife Conservation (ODWC) and the Wild Care Foundation. While habitat removal for some plant and wildlife species will occur, the project is not anticipated to have permanent effects to the prolonged existence of any species.

Protected species in Cleveland and McClain Counties include birds such as the whooping crane, yellow-billed cuckoo, and piping plover, and fish such as the Arkansas River shiner and the Arkansas River speckled chub. The proposed turnpikes may remove some nesting or stopover habitat. If this habitat is identified, nest surveys will occur prior to construction to ensure no nests will be disturbed. Aquatic habitat is not anticipated to be adversely affected. Bridge construction can be phased to ensure stream flow is maintained for fish and other species. Marine mammals are not anticipated to be present.

19 (excerpted). State whether any hazardous material would be used, produced, transported, or stored on or in a federal building or federal lands or would be used in connection with the proposed use or

occupancy. The holder shall not store any hazardous materials at the site without prior written approval from the authorized officer.

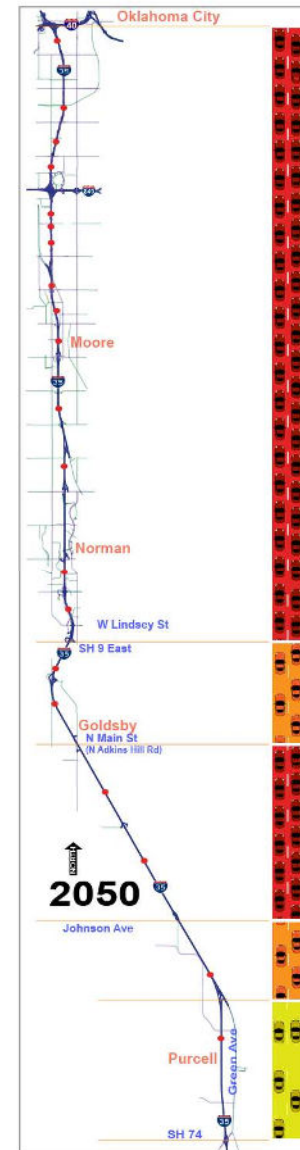
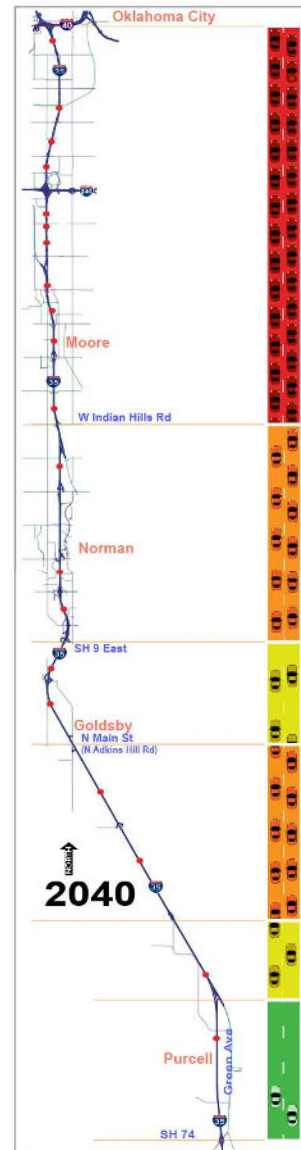
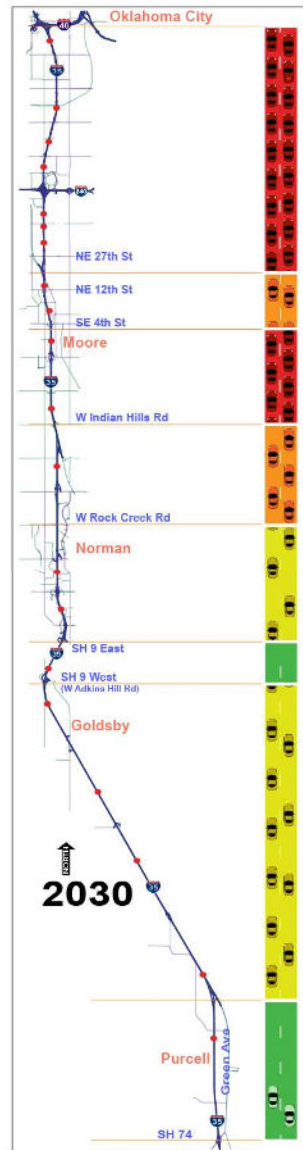
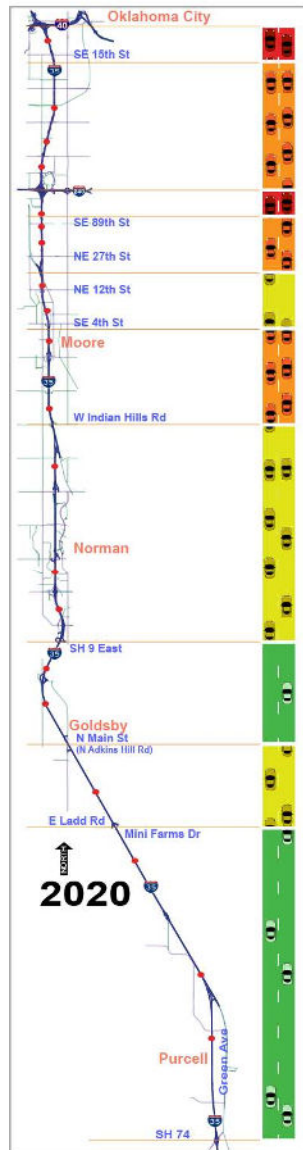
Hazardous materials in the form of gasoline and diesel fuels, motor oil, and other substances required to operate and maintain construction machinery will be present on site. These materials will be subject to the projects' Stormwater Pollution Prevention Plans (SWPPP), required as part of DEQ construction stormwater permitting, and Bureau approval. Plan notes and/or specifications will prohibit storage of these materials with or adjacent to streams.



ACCESS - Outer Loop: East-West Connector and South Extension Turnpike Bureau of Reclamation Areas

Legend

- Norman Project Water Pipelines
- Norman Project Flowage Easement Parcels
- Flood Pool (1049 ft elev)
- Surcharge Pool (1065 ft elev)
- Reclamation Boundary
- Proposed Preliminary Turnpike Expansion



Free Flow - Drivers can change lanes freely and drive at the speed of their own choice.



Restricted Flow - Changing lanes requires drivers attention and is noticeably limited.



Congested Flow - Speed decreases and freedom for changing lanes is extremely limited.



Stop-and-Go Flow - Speed is inconsistent and changing lanes causes a shockwave in traffic delays. Time for traveling is not predictable.

● Traffic Count Locations

