# RESTORATION PLAN AND ENVIRONMENTAL ASSESSMENT For ADDRESSING INJURIES TO MIGRATORY BIRDS AND THREATENED AND ENDANGERED SPECIES AT THE DOUBLE EAGLE SUPERFUND SITE OKLAHOMA COUNTY, OKLAHOMA

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July 1, 2005

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Prepared by: The U.S. Fish and Wildlife Service Date: 7/1/2005

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#### 1.0 Introduction

#### 1.1 Trustee Responsibilities under CERCLA and NEPA

The Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) of 1980, through its Natural Resource Damage Assessment and Restoration (NRDAR) provisions, allows natural resource trustees to seek compensation for "damages for injury to, destruction of, or loss of natural resources, including the reasonable costs of assessing such injury, destruction, or loss" caused by releases of hazardous substances into the environment. Section 107(f)(1) of CERCLA, 42 U.S.C. § 9607(f), requires that monies recovered as natural resources damages by natural resource trustees may only be used to restore, replace, or acquire the equivalent of the injured natural resources.

This Restoration Plan and Environmental Assessment (RP/EA) is in partial fulfillment of the responsibilities of the federal trustee for natural resources. These responsibilities include restoration, rehabilitation, and/or replacement of injured trust resources, including but not limited to migratory birds and threatened and endangered species. The latter include interior least tern, bald eagle, whooping crane, piping plover, Arkansas River shiner and their habitats. This document also serves as an Environmental Assessment as required under the National Environmental Policy Act (NEPA).

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<sup>&</sup>lt;sup>1</sup>CERCLA 1980

#### 1.2 Summary of Injuries/lost Services

The CERCLA as amended, 42 U.S.C. §§ 9601 et seq., the Federal Water Pollution Control Act (FWPCA), as amended, 33 U.S.C. §§ 1251 et seq., and 40 C.F.R. § 300.600(2) state that the Secretary of the Interior shall act as trustee for natural resources managed or controlled by the U.S. Department of the Interior (DOI) and those resources for which an Indian tribe would otherwise act as trustee in those cases where the United States acts on behalf of the Indian Tribe. The DOI, acting through the U.S. Fish and Wildlife Service (Service) as a Federal Natural Resource Trustee, has worked in conjunction with the State of Oklahoma which is represented by the Oklahoma Department of Wildlife Conservation (ODWC) as co-trustee to compensate the natural resources injured at the Site (individually and collectively referred to in this RP/EA as "Trustees"). The ODWC has reviewed and commented on this document.

This RP/EA addresses compensation for injuries to natural resources caused by releases of hazardous materials at the Double Eagle Superfund Site (Site), Oklahoma County, Oklahoma (figure 1). The funding source for the alternatives specified in this document is the result of past and/or possible future settlements with companies that operated or provided hazardous materials for operations at the Site. The Service used the Habitat Evaluation Procedures (HEP) to quantify partial losses to trust resources at the site in 1995, based on information available at that time for a settlement position for a NRDAR claim. The claim related to multiple parties which the Environmental Protection Agency (EPA) identified as having a small cumulative percentage of the total liability for releases from the site (also known as the *de minimus* parties). The 1995 evaluation determined that approximately12 acres of wetland habitat had been impacted on the site. Using the HEP, 27 acres of equal quality wetlands were required for compensation. The Trustees settled their claim to the *de minimus* parties in August 2000.

#### 1.3 Restoration Goals/Purpose of Restoration (EA)

The following factors were considered in evaluating the proposed alternatives. On-site restoration is not an option due to contaminants left on site and current land uses around the site. (See section 5.0 for discussion). In addition, the *de minimus* parties only settled for their allocated percentage, as determined by the Environmental Protection Agency (EPA), of the total NRDAR claim. Currently, negotiations are underway with other Responsible Parties for their percentage of allocation. As such the Trustees choose projects that could be completed with current funds or increased in size and scope if, additional funds becomes available. This RP/EA outlines plans to provide for holistic restoration addressing impacts to trust resources at the Site; however, should further funding not become available, the Trustees will not be able to implement all of the restoration actions identified as appropriate in this plan.

#### 2.0 Purpose and Need

#### 2.1 Federal Action

The Service's Oklahoma Field Office proposes to implement the NRDAR action for Double Eagle Superfund site that will compensate the public for injuries to resources under the trusteeship of the DOI from the release of hazardous substances.

#### 2.2 Purpose and Need for the Action

The ultimate purpose of implementing the NRDAR plan is to restore trust resources to the condition in which they would have been, had unpermitted releases not occurred, and to compensate the public for loss of trust resource services caused by the release of hazardous materials. "Services" in this case would be the functions provided by natural resources at the Site to fish and wildlife resources that were impaired due to contamination (e.g., habitat, food). This restoration plan outlines the projects that will compensate the public for injuries to natural resources (i.e., migratory birds and threatened and endangered species) in a cost-effective and beneficial manner.

#### 2.3 Site Description and History

The Site is located on approximately 12 acres in Oklahoma City, Oklahoma County, Oklahoma. From 1929 until the early 1980's, the facility refined used motor oils by a process of acidulation and filtration. The EPA, in accordance with the CERCLA, included the Site on its National Priorities List in 1989. The Site consists of mixed wetland and upland habitats and the riparian zone of the North Canadian River, which is located approximately one-half mile south of the Site.

There were six storm water and sludge/sediment impoundments located on the Site which were contaminated with polycyclic aromatic hydrocarbons (PAH's), chlorinated hydrocarbons (1,2 – dichloroethane, tetrachlorethane, trichloroethene), polychlorinated biphenyls (PCB's), benzenes, ketones (2-butone), lead, arsenic, antimony and other metals, and chemicals associated with refinery processes<sup>2</sup>. These six stormwater impoundments were drained, treated and filled during remediation of the site. Contaminants are located in the groundwater and beneath the site; however, extent of contamination outside the boundaries of the site is not well defined<sup>3</sup>.

Two surface runoff ponds containing native wetland vegetation were also contaminated, and over time multiple examples of injuries to natural resources were recorded<sup>4, 5</sup>. In addition, studies suggest the water samples from areas within the Site were toxic to aquatic organisms<sup>6</sup>. Field

<sup>&</sup>lt;sup>2</sup> EPA 1992

<sup>&</sup>lt;sup>3</sup> EPA 2000

<sup>&</sup>lt;sup>4</sup> Swain 1994

<sup>&</sup>lt;sup>5</sup> FWS 1993

<sup>&</sup>lt;sup>6</sup> Smith 1990 a,b

cleanup activities, including on-site stabilization and disposal of contaminated soils in an off-site landfill, and groundwater monitoring for natural abatement after source removal, were completed in June 1999<sup>7</sup>.

#### 3.0 Injury Assessments and Description of Affected Area

This section of the RP/EA reviews the injury assessment process at the Site. It should be noted that this assessment is preliminary and was done for the purposes of settlement under strict time constraints. While it is not the complete and final injury assessment envisioned by the NRDAR regulations, evaluation of data regarding release from the Site and impacted habitat has provided Trustees with adequate information to estimate injuries and appropriate restoration in compensation for losses. This section also serves as a description of the affected area as set out in the NEPA regulations.

#### 3.1 Description of the Releases of Hazardous Materials

Hazardous materials released from the Site during and after operations between 1929 and the early 1980's include PAH's, chlorinated hydrocarbons (1,2 – dichloroethane, tetrachlorethane, trichloroethene), xylene, ethylbenzene, PCB's, benzenes, ketones (2-butone), lead, arsenic, antimony and other hazardous materials associated with refinery processes<sup>8</sup>. These materials were present in the surface water, soil, and groundwater around and beneath the Site before it was remediated.

#### 3.2 Pathways

Organisms may take up contaminants via direct ingestion or absorption through skin. Pathways for direct ingestion include eating, drinking, or inhaling contaminated materials. Absorption through skin can be caused by exposure during immersion in contaminated water (for example, a fish swimming in water and respiring via gills) or direct contact with soil (invertebrate larvae living in soil). The level of exposure is a function of quantity, bioavailabity, and duration an organism is in contact with a contaminant <sup>9</sup>. Transportation of a contaminant is controlled by the form of the contaminant (i.e. ionized vs. unionized) and the media in which that contaminant moves.

#### 3.3 Water Resources

The upper aquifer affected by the Double Eagle site had high levels of sodium, total dissolved solids and chlorides (saltwater or brine), making this a Class III or nonpotable aquifer. Brine contamination from historic activities associated with oil and gas production in this portion of Oklahoma has degraded the aquifer quality to such an extent that it will likely never meet criteria

<sup>&</sup>lt;sup>7</sup> EPA 2000

<sup>&</sup>lt;sup>8</sup> EPA 1992

<sup>&</sup>lt;sup>9</sup> Long and Morgan 1990

for potable water<sup>10</sup>. Because of these issues, the EPA elected to allow the groundwater beneath the site to remediate through natural attenuation. This natural attenuation is being monitored to verify it is taking place.

Topographic and National Wetland Inventory (NWI) maps, aerial photographs and information on the Site between the 1933 and 1986 time period indicate an open watershed draining to a small surface pond were located on the Site. In 1959, the construction of Interstate 35 modified the watershed, causing the pond to enlarge. Two additional ponds existed on site. The primary contaminant of concern is lead, which existed in high concentrations (up to 19,000 parts per million) in the ponds<sup>11</sup>.

#### 3.4 Effects on Trust Natural Resources

Trust natural resources potentially affected by contaminants generated at the Site include migratory birds and potentially federally-listed threatened and endangered species <sup>12</sup>. In 1995, Trustees identified multiple species of migratory birds, in addition to several species of reptiles, amphibians, and invertebrates (such as crayfish, dragonfly larvae and adults) as occurring on the Site<sup>13</sup>.

The federally-listed interior least tern, bald eagle, whooping crane, piping plover, and Arkansas River shiner may have been directly affected by releases from the Site that degraded water quality in the North Canadian River. In addition, the loss of insects (a food source) is considered a potential threat to migratory birds and the federally-listed species listed above. The reduction in biomass and diversity of aquatic biota in streams and wetlands at the Site also has potentially affected other state species of concern. The potential loss of these species indicates a possible interference with ecological service flows.

#### 4.0 The Process of Developing the Proposed Action and Alternatives

The current funds available, approximately \$70,000, for restoration come from a single settlement with over 30 *de minimus* parties liable for injuries to natural resources from releases of hazardous materials at the site. Other settlements from additional responsible parties may be significantly more than the current settlement because the current funds are only a portion of those necessary to fully compensate the public. The restoration alternatives currently proposed may or may not be fully accomplished, depending on the level of funding received from potential future settlements.

The Service used the following guidelines to formulate alternatives: (1) the restoration site(s) preferably should be within the North Canadian River watershed; (2) specific resources from the claim (i.e. injuries to migratory birds, threatened and endangered species and their supporting

<sup>&</sup>lt;sup>10</sup> EPA 1994

<sup>&</sup>lt;sup>11</sup> EPA 1992

<sup>&</sup>lt;sup>12</sup> FWS 2004

<sup>&</sup>lt;sup>13</sup> FWS 1993

habitats) benefit from the proposed restoration; (3) the restoration provide at least partial compensation for loss of habitat and services incurred at the Site; and (4) the restoration site is not contaminated thus creating an attractive nuisance. Restoration alternatives consist of Alternative A, no action, and Alternatives B, C and D in which habitat for specific trust species would be acquired, enhanced, and/or protected in perpetuity, or species conservation would be enhanced through public education. Alternatives B, C, and D involve identifying areas that are similar to or used by trust natural resources lost due to contamination and whose wildlife habitat values are threatened by potential commercial or residential development. These areas would then be protected and managed in perpetuity for the benefit of natural resources and the public. Alternatives under consideration are discussed below.

The descriptions below provide a general synopsis of types of activities appropriate for fund expenditure, followed by general descriptions of potential impacts from those activities. Should actual projects identified have impacts greater than those identified within this document, additional documentation of those actions and impacts will be provided for public review.

#### **5.0 Restoration Alternatives**

Consistent with NRDAR regulations (43 CFR Part 11) and NEPA regulations (40 CFR Parts 1500-1508), the Service evaluated several alternatives for restoration before choosing a preferred alternative. The term "restoration" is defined in the NRDAR Regulations as "...actions undertaken to return an injured resource to its baseline condition, as measured in terms of the injured resource's physical, chemical, or biological properties or the services it previously provided...". Because activities associated with restoration may include "restoration, rehabilitation, replacement, and/or acquisition of equivalent resources," the term restoration will be used in this document to include any of these activities.

The remedial actions undertaken by EPA have rendered the site unsuitable for restoration; any proposed actions must be undertaken off-site. Thus in this document only off-site restoration alternatives are explored.

5.1 Alternative A: Allow Natural Resources at the Site to Naturally Restore through Time (No Action Alternative)

No restoration actions would be undertaken in Alternative A. Natural resources and services to the public would be left to return to baseline condition through natural recovery. If this alternative were selected, no active restoration would be conducted on site or off site.

5.2 Alternative B: Acquisition, Enhancement, and Protection of Upland Migratory Bird Habitat

A portion of the impacted site consists of upland habitat for migratory birds. The Trustees have therefore concluded that protecting and enhancing existing important areas of upland habitat is a form of restoration appropriate to compensate for injuries at the Site. Upland areas that are

currently in need of protection from development could be purchased from willing sellers or become part of an easement agreement and managed for wildlife use. Forms of enhancement for upland habitat may include fencing to protect from grazing; removal of exotic or invasive species though chemical or mechanical means; tilling and replanting with herbaceous or woody species; and/or prescribed burning to assist in species control, add nutrient content to soil, and encourage native grasses. Possible land managers for land acquisitions include the ODWC, the Service, the University of Oklahoma, or organizations.

5.3 Alternative C: Acquisition, Enhancement, Protection and Creation of Migratory Bird Riparian or Wetland Habitat within the North Canadian River Watershed near the Double Eagle Site

Riparian and wetland habitats are important for fish and wildlife, particularly for birds. At the Double Eagle site, a portion of the impacted site consists of a combination of riparian and wetland habitats used by migratory birds. The Trustees have therefore concluded that protecting and enhancing existing areas and/or creation of wetland habitat are forms of restoration appropriate to compensate for injuries at the Double Eagle site. Examples of riparian and wetland habitat projects include establishing protective easements along streams in the watershed that currently have an intact riparian zone and creation of wetlands in the watershed for use by birds during migration and nesting. Projects considered under this alternative may also include: fencing to protect from grazing; removal of exotic or invasive species though chemical or mechanical means; tilling and replanting with herbaceous or woody species. Possible land managers for land acquisitions include the ODWC, the Service, the University of Oklahoma or organizations.

5.4 Alternative D: Activities to Enhance the Public's Understanding of Migratory Birds, Their Behavior and Needs

Public awareness is an integral part of successful restoration projects. Creating interpretive trails and wildlife viewing/access points bring the public attention to the resources that were injured from site contamination and promote future understanding of habitat conservation. The Trustees have therefore determined that creating educational areas for public use is a form of restoration appropriate for injuries at the Site. Examples of educational opportunities may involve construction of bird blinds to enhance viewing opportunities, boardwalks over wetlands to allow better access, interpretive trails with information signs posted detailing life histories of the migratory birds that use a particular area, or purchase of a traveling classroom that could teach young children about migratory birds and their habitats through interactive lessons and/or hands on activities.

#### 5.5 Alternative Eliminated from Further Analysis:

The restoration projects must compensate for resources that were injured from the release of hazardous substances. While on-site restoration is a first choice for any restoration project, off-

site projects must be considered to enhance impacted resources and result in above baseline levels to compensate for interim losses. However, if there are many off-site projects to consider, projects occurring in close proximity to the site should have a higher priority. For this reason the Trustees do not believe that projects outside the watershed should be considered.

#### 6.0 Analysis of Environmental Consequences:

Each alternative has been examined for probable impacts on biological resources, such as water quality and fish and wildlife resources and their habitat (including threatened and endangered species and their habitat and migratory birds). Evaluation of socioeconomic impacts focuses on effects related to whether the site would become accessible by the public, and location of proposed restoration (e.g., whether the site is within traveling distance from the affected public), and impacts to surrounding infrastructure from restoration activities (e.g., disruption of traffic). A discussion of possible impacts to the tax base from changing from private to public ownership is also included.

#### 6.1 Consequences not Further Discussed

This document assumes all the alternatives, except the no action alternative, would involve protection of land with minimal changes in existing uses. Because there will be minimal ground disturbance, and effects to historic, cultural, and aesthetic resources would either not exist, or would be minimal and not significant; no further discussion of these impacts is contained in this document. However, should final projects have potential for adverse impacts, future documentation as required by NEPA will be prepared.

#### 6.2 No Action Alternative

The no action alternative relies on natural recovery alone to restore water quality and other injured natural resources to the condition in which they would have been, but for the release of hazardous substances. The effect of this alternative would be no replacement of natural resources or services on or off-site. There would be no improvements to compensate for losses to the natural resources caused by the releases at the site resulting in a deficit to the public. This alternative does not fulfill the purpose and need of the NRDAR process. Implementation of this alternative would present no additional significant impacts to the environment.

## 6.3 Alternative B: Acquisition, Enhancement, and Protection of Upland Migratory Bird Habitat

This alternative would protect migratory birds and their upland habitat similar to that injured from the release of hazardous substances. In addition, acquisition or enhancement of the upland areas would conserve habitat for all wildlife resources that use or need upland habitat, and may act as a buffer strip for streams and rivers. The implementation of this alternative presents no significant impacts to the environment because the types of enhancement activities envisioned for this alternative will not likely cause major ground disturbance. The minimal impacts that

exist for the proposed restoration include a potential for increased erosion between the time of removal of the invasive species and re-colonization of native species, and a potential hazard from prescribed burning and herbicide use if not administered properly.

The proposed alternative was evaluated regarding impacts to biological resources, specifically fish and wildlife species, particularly those fish and wildlife species listed under the Endangered Species Act (ESA) and Migratory Bird Treaty Act (MBTA). Because the proposed alternative provides for protection of land from the existing threat of development through acquisition, some socioeconomic impacts could occur due to changes in tax revenues through transfer of land ownership from private to public and/or to restrictions on public access. Lands purchased in fee may result in a loss of tax base and revenues for the affected counties.

6.4 Alternative C: Acquisition, Enhancement, Protection and Creation of Migratory Bird Riparian or Wetland Habitat within the North Canadian River Watershed near the Site

This alternative would provide habitat for migratory birds during migration and nesting as well as improve the water quality associated with the created/restored wetland areas. It would provide habitat for a number of wetland dependent fish and wildlife species. The travel time for the affected public would be minimal because the potential projects are within the affected watershed. Implementation of this alternative would present no significant impacts to the environment. Minor impacts from the proposed action include potential increases in erosion during the construction phase of wetland creation/restoration.

The proposed alternative was evaluated regarding impacts to biological resources, specifically fish and wildlife species, particularly those fish and wildlife species listed under the ESA or potentially the MBTA. Because surface water is a pathway for contamination from the site, impacts of the alternative to surface water resources were evaluated.

Because the proposed alternative provides for protection of land from the existing threat of development through acquisition, some socioeconomic impacts could occur due to changes in tax revenues through transfer of land ownership from private to public and/or to restrictions on public access. While none of the proposed projects are envisioned to include land acquisition at this time, if additional funds become available the purchase of lands may occur. Lands purchased in fee and placed in public ownership could result in a loss of tax base and revenues for the affected counties.

6.5 Alternative D: Activities to Enhance the Public's Understanding of Migratory Birds, Their Behavior and Needs

This alternative compensates for lost use by the public through creation of educational interpretive trails and wildlife viewing/access points in the North Canadian River watershed. In addition, this alternative may increase conservation of migratory birds and/or threatened and endangered species by promoting conservation activities. This alternative will allow the public to learn about the resources that were affected by the release and promote future understanding of habitat conservation. Implementation of this alternative would present no significant impacts to

the environment. Minor impacts from the proposed projects could include potential erosion during construction of the trails and viewing/access points.

6.6 Potential for Cumulative Impacts from the Proposed Alternatives

With the exception of the No Action Alternative, each of the proposed alternatives focuses on protection of natural resources associated with differing habitat types. Projects proposed in this restoration plan will not only benefit fish and wildlife resources, but the public as well. Implementation of each of the proposed alternatives would result in beneficial cumulative impacts to the human environment.

#### 7.0 Conclusions and Selection of Preferred Alternatives

The no-action alternative is not preferred because it accepts that there will be no compensation for the lost use of the site and provides no alternative benefits to trust natural resources. This alternative also fails to use the settlement recovery for restoration, as directed by CERCLA.

Alternatives B, C, and D all provide some mix of protection, restoration and enhancement of trust natural resources, while offering compensation for resources lost during operations of the Double Eagle site. The Service's preferred alternative is Alternative C, with implementation of alternatives B and D following as funding allows. Thus, depending on available funding, the alternatives would be implemented in the following priority order:

- 1. Alternative C, wetland enhancement, protection and creation, is the preferred alternative because the proposed projects offer available long-term management, through the Oklahoma Department of Wildlife Conservation, and will provide the greatest direct benefit to the injured resources.
- 2. Alternative B, Acquisition, enhancement, or protection of upland habitat, is the second choice for potential projects due to the unknown availability of easement potential in the area.
- 3. Alternative D, is the last choice for a restoration project. This project has the least direct benefit to the injured trust resources.

All of these alternatives (B, C, and D) satisfy the requirement that the settlement funds be used for injured trust resources similar to those at the Site. These alternatives provide the greatest benefit to Service trust resources (migratory birds and endangered species) for the benefit of future human generations.

The preferred alternative, Alternative C, consists of acquisition of land in easement and/or developing management agreements, as appropriate. The cost will depend on the amount of land available, contemporary land prices, availability of willing sellers or management options, and whether the land is protected in easement or management agreement. If, after implementation of the selected alternative, funding remains that would allow the implementation of alternatives B and D, the Service will make every effort to proceed in the priority order stated above.

#### **8.0 Summary of Analysis of Effects**

Table 1. Summary Analysis of Effects

Resource	Alternative A	Alternative B	Alternative C	Alternative D
Water Quality	Natural recovery over time. No benefit in the near term to water quality.	May protect water quality by acting as a buffer strip for streams depending on proximity to streams.	Improve water quality in associated with wetland and streams by acting as buffer strips.	No benefit to water quality
Socioeconomic	Not applicable.	Beneficial: in same watershed Adverse: may remove option of land development	Beneficial: near original site and in same watershed Adverse: may remove option of land development	Beneficial: increase public awareness about damages from hazardous releases and about natural resources Adverse: minimal
Migratory Birds	Continued injury migratory birds and their habitats with no alternate compensation.	Protection and/or enhancement for migratory birds	Protection and/or enhancement for migratory birds	Protection and/or enhancement for migratory birds and to the public for lost use

#### 9.0 List of Preparers

Suzanne Dudding - U.S. Fish and Wildlife Service, Oklahoma Field Office Karen Cathey - U.S. Fish and Wildlife Service, Regional Office, Region 2 Ron Suttles – Oklahoma Department of Wildlife Conservation

#### 10.0 Public Notification and Plan Availability

The Service will provide the public with a notice of availability of the Plan, and will invite comments. The Service will place notices in the Tulsa World, a newspaper of general circulation in the state, the Daily Oklahoman, a newspaper circulated in the State Capitol and central and

western Oklahoma, and will make copies available at the Oklahoma City, OK Public Library. Copies can also be obtained from the Internet at http:\\ifw2es.fws.gov\\library, or requested from the Service at:

U.S. Fish and Wildlife Service 222 South Houston, Suite A Tulsa, Oklahoma 74127 918/581-7458

#### 11.0 Comments on the Restoration Plan/Environmental Assessment

This RP/EA was available for public review and comment for 30 days. The availability of comments was advertised in the local news media and on the internet. The public was invited to submit comments in writing, or via the website, through the closing of the review period on July 1, 2005.

The Service revised this Plan after considering public comments. Comment were incorporated in the document or included in the next section (Section 12). The final document is posted on the U.S. Fish and Wildlife Service Internet site at <a href="http://ifw2es.fws.gov/Qklahoma/envqual.htm">http://ifw2es.fws.gov/Qklahoma/envqual.htm</a>.

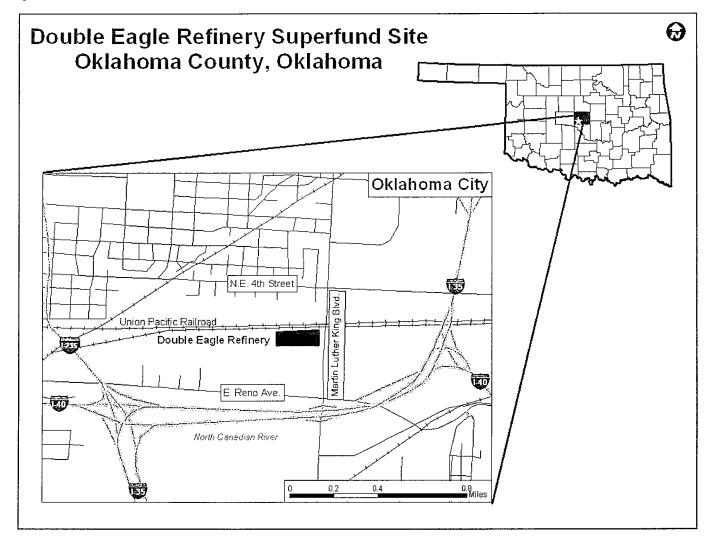
#### 12.0 Responses to Comments Received

We received comments from one individual during the 30-day comment period via e-mail. That commentor inquired about the location of the proposed replacement habitat. The restoration plan was written in conjunction with the Oklahoma Department of Wildlife Conservation (ODWC). Together, we developed conceptual projects that would compensate the public for lost resources. While we cannot decide on a specific project until the restoration plan is complete, we have discussed and visited possible sites.

The commentor asked if there are funds available for projects. Currently, we have a settlement for \$72,365.00 from approximately 30 de minimus responsible parties. We have to follow certain requirements when using funds from a NRDAR. For example, the chosen project must compensate the lost resources in perpetuity and have a land manager. For any project chosen we, as trustees, require an agreement that will ensure the project will be maintained and benefit the resources that were injured from the release of hazardous substances.

The commentor also expressed concerns about the plans for re-use of the Double Eagle Superfund site. The EPA has started a program called the One-Cleanup Program. The goal of the One-Cleanup Program is to find new uses for sites that have been cleaned up under the Superfund, RCRA and Brownfields programs. The EPA decided to use Oklahoma City as a pilot because of the Superfund sites in the area including, Double Eagle, 10th Street Refinery and the 4th Street Refinery. The EPA is working in coordination with the State of Oklahoma, the City of Oklahoma City and local citizens to develop plans for the three sites.

Figure 1. Map



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