Part I.E Protected Species and ARC Throughout OKR04

GCSA Employee Training

Tulsa Mohawk Education Auditorium

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Part I.E Eligibility Criteria Overview

- "Meeting Eligibility Criteria for Endangered Species".
- Item 7 of NOI Form requires each applicant to chose one of five "Criteria" on how they will protect endangered species and critical habitat.
- Must select Criterion before completing the NOI.
- OKR04 uses interchangeable terms: endangered, listed and threatened. All treated the same in OKR04.
- The "determination" must be documented in the SWMP.
- OKR04 uses "Aquatic Resources of Concern" (ARC).

ARC in OKR04

- Exhibit 1 – map and description of all Aquatic Resources of Concern (ARC) areas in Oklahoma.
- Subpart A: ARC for Federally listed species by the US Fish and Wildlife Service (FWS).
- Subpart B: ARC for State listed species by the Oklahoma Department of Wildlife Conservation (ODWC).
- Both subparts describe corridors (2 or 10 mile wide) or watersheds around ARC.
- Concern if ARC is in MS4 or in proximity to a construction site.

Eligibility Criteria – I.E.2.d

- **Criterion A**: Review Exhibit 1 map for ARC in your MS4. If no ARC, then select Criterion A on the NOI.
- **Criterion B**: FWS Section 7 Consultation. Only applies if the MS4 has been included in a separate federal action.
- **Criterion C**: FWS Section 10 Authorization. Only applies if the impacts from MS4 discharges are included.
- **Criterion D**: MS4 evaluation. Must use "*available scientific and commercial data*" to assess MS4 impacts and document decision. Extra BMPs may be needed. Most MS4s will use.
- **Criterion E**: MS4 is included in "*another operator's certification of eligibility under Part I.E.*"

ARC in IDDE MCM – IV.C.3.b(3)

- Acronyms aside: "Aquatic Resources of Concern" in the "Illicit Discharge Detection and Elimination" "Minimum Control Measure" – found in Part IV.C.3.b(3) of OKR04.
- Recommendation to "identify priority areas" that have a greater potential to have "illicit discharge" sources or ARC.
- Goal is to do enhanced BMPs and other SWMP activities in the high priority areas.
- Evaluate and update priority area list annually.

Part VIII ARC Requirements

- Part VIII applies only to the optional 7th MCM for municipal construction activities.
- These same ARC requirements are in the state OKR10 construction general permit.
- **Part VIII.B.3.b(1)** – Site stabilization requirements including special provisions to protect ARC if present.
- **Part VIII.B.4.b** – How to control construction pollution from discharges to ORW and ARC, including the use of buffers and other BMPs.

Part VIII ARC Requirements

- **Part VIII.B.5** – How to protect endangered species in ARC (several pages of requirements), including use of buffers and other BMPs.
- **Part VIII.B.6.c** – place in your SWP3 your approach to protecting species and habitat within the ARC to which you discharge.
- **Part VIII.B.7.d(2)** – your SWP3 map must indicate the locations of all ARC w/in 1 mile of your construction site.
- **Part VIII.B.7.g** – Your SWP3 must describe the measures to be taken to protect species and habitat within any ARC.

Exhibit 4: Buffer Guidance

Two buffer requirements:

1. Discharging into any receiving water located on or immediately adjacent to your site:
   - Provide 50 feet of natural buffer as measured from the top of the bank to disturbed portions of the site.
2. Discharging to the watershed of ARC and/or ORW:
   - Provide **100 feet** of vegetated buffer between area disturbed and all perennial or intermittent streams; or **50 feet** of vegetated buffer between area disturbed and all ephemeral streams or drainages.

Buffers: Types of Streams

Perennial

- *Flows year-round.*

Intermittent

- *Flows periodically/seasonally when there is enough water from various sources.*

Ephemeral

- *Exist for short periods of time, usually during a rainy period.*
- *No refuge pools to sustain aquatic community.*
- *May not have defined channels when they are dry.*

Buffers: 3 Alternative Situations

Alternative 1: Full buffer is possible.

- Provide and maintain a 50/100-foot natural buffer.

Alternative 2: Partial buffer is possible.

- Provide and maintain < 50/100-foot buffer, and install additional erosion and sediment controls per Exhibit 4.

Alternative 3: No buffer is possible.

- Implement equivalent erosion and sediment controls to achieve the same sediment load reduction as provided by a 50/100 foot natural buffer if natural buffer of any size is infeasible per Exhibit 4.

Thank you.

Any Questions ?

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