



— BUREAU OF —
RECLAMATION

Finding of No Significant Impact (FONSI)

Stigler Lake Dam Rehabilitation Project, Oklahoma

Oklahoma-Texas Area Office

Interior Region 6: Arkansas-Rio Grande-Texas-Gulf

24-27-OK-DR



Mission Statements

The U.S. Department of the Interior protects and manages the Nation's natural resources and cultural heritage; provides scientific and other information about those resources; honors its trust responsibilities or special commitments to American Indians, Alaska Natives, and affiliated Island Communities.

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.

Introduction

The Bureau of Reclamation (Reclamation) has prepared this Finding of No Significant Impact (FONSI), supported by the attached Environmental Assessment (EA) 24-27-OK-DR, Stigler Lake Dam Rehabilitation Project. This EA evaluates the Proposed Action to authorize the use of Federal funds for the rehabilitation of Stigler Lake Dam and associated pipeline. Reclamation is providing the funding for the project and is the lead agency for the purpose of compliance with National Environmental Policy Act (NEPA) of 1969 and 43 CFR Part 46¹ for the Proposed Action. The EA has been developed in accordance with NEPA, as amended, and specifically addresses the potential impacts on the human environment resulting from the implementation of the Proposed Action.

Background

Stigler Lake, constructed in 1939 and owned and maintained by the City of Stigler, Oklahoma, serves as the main water source for Stigler and an emergency backup for Haskell County. However, it has been rated "unsatisfactory" by the Oklahoma Water Resources Board (OWRB) due to various deficiencies and is classified as having "high hazard potential" because of the risks posed by a potential dam breach. Inspections have identified significant issues, including surface erosion, seepage, and structural damage to the spillway, prompting recommendations for major repairs such as the installation of a seepage barrier and slope modifications. In 2023, the City of Stigler contracted Freese and Nichols, Inc. (FNI) to design improvements that will require temporarily draining the lake, as the existing water supply pipeline from Lake John Wells will not adequately support the Stigler Water Treatment Plant during construction. To maintain a reliable water supply, a new raw water pipeline is proposed. Additionally, the City of Stigler applied for and received federal grant funding through Reclamation's Drought Resiliency Program to implement the Proposed Action.

Alternatives Considered

The EA 24-27-OK-DR analyzed the No Action Alternative and the Proposed Action Alternative to authorize and fund the implementation of the Stigler Lake Dam Rehabilitation Project. The No

¹Executive Order 14154, *Unleashing American Energy* (Jan. 20, 2025), and a Presidential Memorandum, *Ending Illegal Discrimination and Restoring Merit-Based Opportunity* (Jan. 21, 2025), require the Department to strictly adhere to the National Environmental Policy Act (NEPA), 42 U.S.C. §§ 4321 et seq. Further, such Order and Memorandum repeal Executive Orders 12898 (Feb. 11, 1994) and 14096 (Apr. 21, 2023). Because Executive Orders 12898 and 14096 have been repealed, complying with such Orders is a legal impossibility. Reclamation verifies that it has complied with the requirements of NEPA, including the Department's regulations and procedures implementing NEPA at 43 C.F.R. Part 46 and Part 516 of the Departmental Manual, consistent with the President's January 2025 Order and Memorandum. Reclamation has also voluntarily considered the Council on Environmental Quality's rescinded regulations implementing NEPA, previously found at 40 C.F.R. 1500-1508, as guidance to the extent appropriate and consistent with the requirements of NEPA and Executive Order 14154.

Action Alternative reflects future conditions without the Proposed Action and serves as a basis of comparison for evaluating potential effects to the human environment.

No Action Alternative

Under the No Action Alternative, Reclamation would not provide federal funding to assist in the rehabilitation of the Stigler Lake Dam and construction of the raw water pipeline. As Stigler Lake Dam deteriorates, failure risks and public safety concerns would likely increase.

Proposed Action

The City of Stigler is proposing to rehabilitate Stigler Lake Dam and connect an existing waterline to the Stigler Water Treatment Plant to keep the plant operational during construction. The project area is located within Haskell County, Oklahoma at coordinates 35.241258°N, - 95.113529°W. The existing downstream slope of Stigler Lake Dam is being actively eroded through rill erosion and seepage. The existing downstream slope of Stigler Lake Dam is actively eroding due to rill erosion and seepage. This has resulted in the dam not meeting current OWRB dam safety standards. Seepage beneath the dam has accelerated this erosion and formed a linear wetland and pond at the downstream extents of the dam toe. The existing dam consists of an earthen embankment that is approximately 1,860 feet long, has a maximum height of 40 feet, and has an effective top of dam elevation of 628 feet above mean sea level (msl). The dam has a drainage area of approximately 0.55 square miles and a normal pool elevation of 625.9 feet msl.

Project activities include the construction of a soil-cement bentonite cutoff wall that extends through the existing embankment and is seated within the underlying sandstone to control seepage. Compacted earthen fill would be used to flatten the existing downstream slope to 3H:1V after placing a toe drain along the existing slope to direct seepage away from the dam and mitigate piping concerns. On the upstream slope of the dam, compacted earthen fill would be added to flatten the slope to 2H:1V, and rock riprap would be placed on the slope near the lake's normal water surface elevations to protect the dam from erosion caused by wave action. The existing spillway located at the south end of the dam consists of a 74-foot-long concrete-lined channel and 72-foot-wide concrete weir at elevation 625.9 feet msl. The concrete weir currently sets the normal pool elevation for Stigler Lake. Rehabilitation of the spillway, including the concrete weir, would occur within the existing spillway footprint. The rehabilitated concrete weir would remain at elevation 625.9 feet msl and control flow over the spillway. Below the concrete weir, the spillway channel would be improved with a finished concrete slab thickness of 12 inches, a bottom width of 64 feet, and 4H:1V side slopes.

During construction of the dam improvements, the Stigler Water Treatment plant would not be able to intake water from Stigler Lake. To maintain operation of the Stigler Water Treatment plant, a new 12-inch-diameter raw water pipeline would convey raw water approximately 5,135 feet from an existing raw water pipeline (that originates from Lake John Wells) directly to the Stigler Water Treatment plant.

Environmental Commitments

Environmental commitments are environmental protection measures to avoid and/or mitigate potentially adverse effects of the Proposed Action. The commitments shall be implemented as detailed specified in Chapter 4 of the EA, summarized in this FONSI, and are considered integral part of the Proposed Action. Chapter 4.1 of the EA is herein incorporated by reference in this FONSI document.

1. The proposed project shall comply with Section 404 of the CWA, including meeting the terms and conditions of Nationwide Permits 3 and 58.
2. Appropriate soil erosion and sediment controls shall be used and maintained in effective operating condition during construction, and exposed soil and other fills, as well as work below the ordinary high water mark, shall be permanently stabilized at the earliest practicable date.
3. The proposed project shall comply with the Section 401 Water Quality Certification conditions approved by the ODEQ for Nationwide Permits, including implementation of soil erosion BMPs.
4. The City of Stigler shall obtain an OKR10 Construction Stormwater Permit prior to beginning construction. A Stormwater Pollution Prevention Plan must be developed and implemented during construction to minimize pollutants and reduce stormwater runoff.
5. In the unlikely event that federally threatened or endangered species are encountered during construction or operation of the Project, the City of Stigler shall halt construction activities in the vicinity of the protected species and notify Reclamation.
6. In the unlikely event historic properties or resources are encountered during construction activities, the City of Stigler shall halt construction in the vicinity of the historic resources and notify Reclamation. Construction may resume once Reclamation's consultation with the State Historic Preservation Office is completed and any appropriate protective measures have been implemented.
7. Dust control BMPs are proposed to be implemented to reduce the temporary impacts to air quality.
8. Construction noise BMPs, such as limiting nighttime construction near sensitive noise receptors, are proposed to be implemented.
9. Substantial changes in the scope of the Project will require notification to Reclamation and potential additional NEPA compliance.
10. Temporary increases in construction noise is expected. BMPs would be utilized to minimize noise impacts.
11. Tree clearing is proposed to occur outside of pupping season for the tricolored bat (May 15 – July 31).
12. The proposed project shall comply with the Migratory Bird Treaty Act and the Bald and Golden Eagle Protection Act. There is potential for birds and bald eagles to utilize the project area. While no bald eagle individuals or eagle nests were observed, should an active eagle nest occur, project/construction/disturbance activities cannot occur within 660 feet of active eagle nests, until all fledglings have left the nest. In order to avoid

impacts to migratory bird species, tree clearing is scheduled to occur during the non-breeding season.

13. After the completion of construction activities, the disturbed areas would be revegetated using BMPs to restore plant communities.

Findings

In compliance with the NEPA, Reclamation assessed the potential short-term and long-term impacts of the Proposed Action, considering both positive and negative outcomes. Table 1.0 of the EA presents a summary of resources that were dismissed from further examination, such as Indian Trust Assets, Wild and Scenic Rivers, and Water Rights, along with the reasoning behind their exclusion from detailed analysis. A detailed summary of these environmental effects is found in Table 4.0 of the EA, which provides justification for why the impacts related to the Proposed Action are deemed not significant concerning the affected environment and the magnitude of effects associated with the action. With key findings summarized below.

Cultural Resources

Reclamation's proposed project qualifies as an undertaking as defined by 36 CFR § 800.16(y) and represents an activity that may impact historic properties, necessitating compliance with Title 54 USC § 306108, commonly referred to as Section 106 of the National Historic Preservation Act (NHPA), as amended. The area of potential effects (APE) encompasses all construction, access, and staging activities required for the proposed action. This APE is situated in Sections 19, 20, and 29 of T9N R21E and covers an approximate total area of 25 acres.

On January 8, 2025, the State Historic Preservation Officer (SHPO) of the Oklahoma Historical Society agreed with the assessment that there are no known historic properties affected within the APE for the referenced projects. Furthermore, archaeologists carried out a comprehensive cultural resource survey of the project site from October 28 to November 1, 2024. On February 10, 2025, the Oklahoma Archeological Survey (OAS) provided a response, confirming their agreement with the findings and recommendations regarding the absence of effects on prehistoric archaeological resources.

Threatened and Endangered Species

In accordance with the Endangered Species Act (ESA), on February 4, 2025, the USFWS concurred with the effect determination for the Proposed Action, stating "may affect, not likely to adversely affect" regarding the tricolored bat, contingent upon tree clearing occurring outside the pupping season (from May 15 to July 31), while also concurring that the Proposed Action is covered under the American Burying Beetle (ABB) 4(d) rule. Additionally, it was concluded that there would be no effect on any other listed species or Critical Habitat under the amended ESA of 1973 (16 U.S.C. §1531 et seq.), and there will be no take of birds protected under the Migratory Bird Treaty Act (16 U.S.C. §703 et seq.). The USFWS also concurred with the "may affect, not likely to adversely affect" determination for the alligator snapping turtle and monarch butterfly. No additional authorizations, permits, or consultation requirements are required by ESA.

Waters of the U.S.

A survey conducted on August 14, 2024, identified six streams, two wetlands, one pond, and Stigler Lake within the project area. The project has been designed to comply with the United States Army Corps of Engineers (USACE) Section 404 Nationwide Permit 3 for Maintenance, as well as Nationwide Permit 58 for Utility Line Activities associated with Water and Other Substances (WOTUS). The USACE granted authorization for the project on May 23, 2025, permitting the discharge of fill material into WOTUS. Given that the adverse environmental impacts of the proposed activity are limited to the minimum necessary for project construction and that no significant loss of aquatic function to rare aquatic resources is anticipated, compensatory mitigation for the project was deemed unnecessary.

Conclusion

Based on the EA, Reclamation finds that the Project is not a major Federal action that will significantly affect the quality of the human environment, and preparation of an Environmental Impact Statement is not required. The EA describes the existing environmental resources at the location of the Project and evaluates the effects of the No Action and Proposed Action alternatives. The EA was prepared in accordance with National Environmental Policy Act, and Department of the Interior Regulations (43 CFR Part 46)².

The following outlines the rationale for the assessment that the impacts of the Proposed Action are deemed not significant:

1. The Proposed Action will not significantly affect public health and safety (40 CFR 1501.3(d)(2)(i)).
2. The Proposed Action unique characteristics of the geographic area such as historic or cultural resources, parks, Tribal sacred sites, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas (40 CFR 1501.3(d)(2)(ii)).
3. The Proposed Action does not violate relevant Federal, State, Tribal, or local laws or other requirements or be inconsistent with Federal, State, Tribal, or local policies designed for the protection of the environment (40 CFR 1501.3(d)(2)(iii)).
4. The Proposed Action does not involve potential effects on the human environment that

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are highly uncertain (40 CFR 1501.3(d)(2)(iv)).

5. The degree to which the action may adversely affect resources listed or eligible for listing in the National Register of Historic Places (40 CFR 1501.3(d)(2)(v)).
6. The Proposed Action was evaluated and was determined it will not adversely affect an endangered or threatened species or its habitat, including habitat that has been determined to be critical under the Endangered Species Act of 1973 (40 CFR 1501.3(d)(2)(vi)).
7. The Proposed Action will have no affect rights of Tribal Nations that have been reserved through treaties, statutes, or Executive Orders (40 CFR 1501.3(d)(2)(vii)).

Approved by: _____

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