

The City of Durant encourages participation from all its citizens. If participation at any public meeting is not possible due to a disability, notification to the City Clerk at least 48 hours prior to the scheduled meeting is encouraged in order to make the necessary accommodations. The City of Durant may waive the 48-hour rule if interpreters for the deaf (signing) or translation services for limited English proficient (LEP) individuals are not the necessary accommodation.

DURANT INDUSTRIAL AUTHORITY

Special Called Meeting

10:30 AM

May 16, 2022

**Roscoe J. Hatfield
Council Chambers,
300 West Evergreen,
Durant, Oklahoma**

AGENDA

CALL TO ORDER

INVOCATION/FLAG SALUTE

ROLL CALL

ORDER OF BUSINESS

1. Administration

- a. Discussion, Consideration and Possible Action on Entering into a Contract for Services to Assist with the 404 Permit Process in an Amount not to Exceed \$80,000
- b. Discussion, Consideration and Possible Action on Approval of Expenditure of Economic Development Sales Tax Funds to Pay a Consultant to Assist with the 404 Permit Process.

ADJOURNMENT

CERTIFICATE

This is to certify that in conformity with the Oklahoma Open Meeting Act, public notice of the date, time and place of this meeting was filed with the City Clerk of Durant on the 11th day of May, 2022 and that an agenda of said meeting was posted at the place of such meeting at 5:00 p.m. on the 11th day of May, 2022.

Tamme Collins

Tamme Collins, City of Durant



The City of Durant

Memorandum

Date: 5/16/2022
To: Mayor and City Council
From: Lisa Taylor, Director
Re: Discussion, Consideration and Possible Action on Entering into a Contract for Services to Assist with the 404 Permit Process in an Amount not to Exceed \$80,000

Hire a Consultant to Assist with the 404 Permit Process for Land Owned by the Durant Industrial Authority

Council Information / Action Requested

City Staff Information / Action Follow-up, if Council authorizes this action:

ATTACHMENTS:

1. 404_reg_authority_fact_sheet
2. USGS Quad Map (1)



Wetland Regulatory Authority

Regulatory Requirements

Section 404 of the Clean Water Act (CWA) establishes a program to regulate the discharge of dredged or fill material into waters of the United States, including wetlands. Activities in waters of the United States regulated under this program include fill for development, water resource projects (such as dams and levees), infrastructure development (such as highways and airports) and mining projects. Section 404 requires a permit before dredged or fill material may be discharged into waters of the United States, unless the activity is exempt from Section 404 regulation (e.g. certain farming and forestry activities).

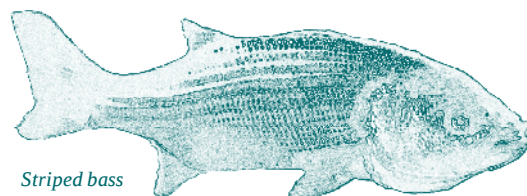


Wetlands subject to Clean Water Act Section 404 are defined as “areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas.”

The basic premise of the program is that no discharge of dredged or fill material may be permitted if: (1) a practicable alternative exists that is less damaging to the aquatic environment or (2) the nation’s waters would be significantly degraded. In other words, when you apply for a permit, you must show that you have, to the extent practicable:

- Taken steps to avoid wetland impacts;
- Minimized potential impacts on wetlands; and
- Provided compensation for any remaining unavoidable impacts.

Proposed activities are regulated through a permit review process. An *individual permit* is required for potentially significant impacts. Individual permits are reviewed by the U.S. Army Corps of Engineers, which evaluates applications under a public interest review, as well as the environmental criteria set forth in the CWA Section 404(b)(1) Guidelines. However, for most discharges that will have only minimal adverse effects, a *general permit* may be suitable. General permits are issued on a nationwide, regional, or State basis for particular categories of activities. The general permit process eliminates individual review and allows certain activities to proceed with little or no delay, provided that the general or specific conditions for the general permit are met. For example,



Striped bass

minor road activities, utility line backfill, and bedding are activities that can be considered for a general permit. States also have a role in Section 404 decisions, through State program general permits, water quality certification, or program assumption.

Agency Roles and Responsibilities

The roles and responsibilities of the Federal resource agencies differ in scope.

U.S. Army Corps of Engineers:

- Administers day-to-day program, including individual and general permit decisions;
- Conducts or verifies jurisdictional determinations;
- Develops policy and guidance; and
- Enforces Section 404 provisions.

U.S. Environmental Protection Agency:

- Develops and interprets policy, guidance and environmental criteria used in evaluating permit applications;
- Determines scope of geographic jurisdiction and applicability of exemptions;
- Approves and oversees State and Tribal assumption;
- Reviews and comments on individual permit applications;
- Has authority to prohibit, deny, or restrict the use of any defined area as a disposal site (Section 404(c));
- Can elevate specific cases (Section 404(q));
- Enforces Section 404 provisions.

U.S. Fish and Wildlife Service and National Marine Fisheries Service:

- Evaluates impacts on fish and wildlife of all new Federal projects and Federally permitted projects, including projects subject to the requirements of Section 404 (pursuant to the Fish and Wildlife Coordination Act); and
- Elevates specific cases or policy issues pursuant to Section 404(q).

Manual for Identifying Wetlands

The U.S. EPA and U.S. Army Corps of Engineers use the 1987 *Corps of Engineers Wetlands Delineation Manual* to identify wetlands for the CWA Section 404 permit program. The 1987 manual organizes the environmental characteristics of a potential wetland into three categories: soils, vegetation, and hydrology. The manual contains criteria for each category. Using

this approach, an area that meets all three criteria is considered a wetland.

Wetlands on Agricultural Lands

Farmers who own or manage wetlands are directly affected by two important Federal programs—Section 404 of the CWA and the Swampbuster provision of the Food Security Act. The Swampbuster provision withholds certain Federal farm program benefits from farmers who convert or modify wetlands. The U.S. EPA, U.S. Army Corps of Engineers, U.S. Department of Agriculture, and U.S. Fish and Wildlife Service have established procedures to ensure consistency between the programs. Many normal farming practices are exempt from Section 404.



Water lilies

The Wetland Fact Sheet Series

EPA843-F-04-001
Office of Water

Wetlands Overview
Types of Wetlands
Threats to Wetlands
Wetland Restoration
Funding Wetland Projects

Functions and Values of Wetlands
Teaching About Wetlands
Wetland Regulatory Authority
Wetlands Compensatory Mitigation
Benefits of Wetland Monitoring

For more information, call EPA's Wetlands Helpline at 1-800-832-7828

Wetland Resources

On the Internet

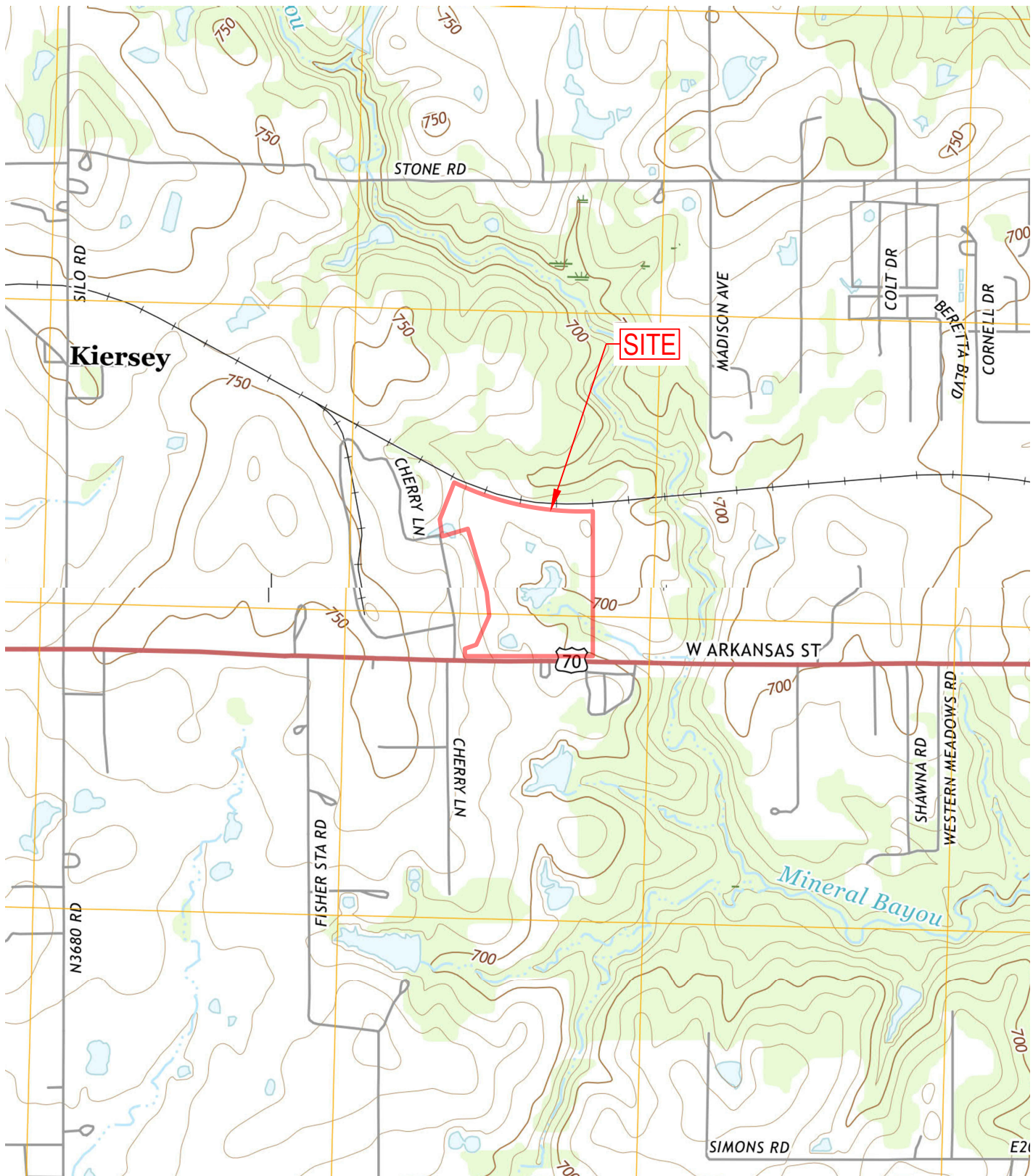
EPA's Wetlands Website www.epa.gov/owow/wetlands/regs/
Section 404 of the Clean Water Act www.epa.gov/owow/wetlands/laws/
Wetland Delineation Manual www.wes.army.mil/el/wetlands/wlpubs.html
U.S. Army Corps of Engineers Regulatory Program..... www.usace.army.mil/inet/functions/cw/cecwo/reg/
U.S. Army Corps of Engineers' Waterways
Experiment Station Environmental Laboratory www.wes.army.mil/el/wetlands/wetlands.html
Environmental Law Institute www.eli.org

In Print

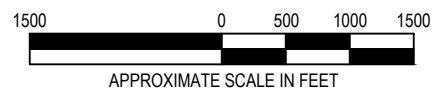
America's Wetlands: Our Vital Link Between Land and Water. For a copy, order from EPA's publications web site at <http://yosemite.epa.gov/water/owrcatalog.nsf> or call the EPA Wetlands Helpline at 1-800-832-7828.

Wetlands Deskbook, 2nd Edition, Margaret N. Strand. Available from the Environmental Law Institute. Call 1-800-433-5120; fax your request to (202) 939-3868; or e-mail to orders@eli.org.

Our National Wetland Heritage: A Protection Guide, 2nd Edition, Jon A. Kusler, Ph.D., Executive Director, Association of State Wetland Managers. Available from the Environmental Law Institute. Call 1-800-433-5120; fax your request to (202) 939-3868; or e-mail to orders@eli.org.



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Project Mng'r:	KRW	Project No.	03207098
Drawn By:	MM	Scale:	SEE BAR SCALE
Checked By:	KRW	File No.	03207098
Approved By:	PDW	Date:	JULY 2020

Terracon
 Consulting Engineers and Scientists
 4701 N. STILES AVE. OKLAHOMA CITY, OKLAHOMA 73105
 PH. (405) 525-0453 FAX. (405) 557-0549

LOCATION / TOPOGRAPHIC MAP
 PHASE I ENVIRONMENTAL SITE ASSESSMENT
 APPROXIMATE 47 ACRE TRACT
 EAST ADJACENT TO 515 CARDINAL PARKWAY
 DURANT, BRYAN COUNTY, OKLAHOMA

EXHIBIT

1



The City of Durant

Memorandum

Date: 5/16/2022
To: Mayor and City Council
From: Lisa Taylor, Director
Re: Discussion, Consideration and Possible Action on Approval of Expenditure of Economic Development Sales Tax Funds to Pay a Consultant to Assist with the 404 Permit Process.

Consider Approval of Expending Economic Development Sales Tax Funds to Pay a Consultant to Assist with the 404 Permit Process

Council Information / Action Requested

City Staff Information / Action Follow-up, if Council authorizes this action:

ATTACHMENTS: