



U.S. Army Corps
of Engineers
Tulsa District

Public Notice

Reply To:

U.S. Army Corps of Engineers
ATTN: Regulatory Office
1645 South 101st East Avenue
Tulsa, OK 74128-4609

SWT-2012-121
Public Notice No.

April 1, 2013
Public Notice Date

April 30, 2013
Expiration Date

PURPOSE

The purpose of this public notice is to inform you of a proposal for work in which you might be interested and to solicit your comments and information to better enable us to make a reasonable decision on factors affecting the public interest.

SECTION 10

The U.S. Army Corps of Engineers is directed by Congress through Section 10 of the Rivers and Harbors Act of 1899 (33 USC 403) to regulate all work or structures in or affecting the course, condition, or capacity of navigable waters of the United States. The intent of this law is to protect the navigable capacity of waters important to interstate commerce.

SECTION 404

The U.S. Army Corps of Engineers is directed by Congress through Section 404 of the Clean Water Act (33 USC 1344) to regulate the discharges of dredged and fill material into all waters of the United States. These waters include lakes, rivers, streams, mudflats, sandflats, sloughs, wet meadows, natural ponds, and wetlands adjacent to other waters. The intent of the law is to protect these waters from the indiscriminate discharge of material capable of causing pollution and to restore and maintain their chemical, physical, and biological integrity.

NOTICE TO PUBLISHERS

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DEPARTMENT OF THE ARMY
CORPS OF ENGINEERS, TULSA DISTRICT
1645 SOUTH 101ST EAST AVENUE
TULSA, OKLAHOMA 74128-4609

Application No. SWT-2012-121

JOINT PUBLIC NOTICE
U.S. ARMY CORPS OF ENGINEERS
AND
OKLAHOMA DEPARTMENT OF ENVIRONMENTAL QUALITY (ODEQ)
(30-DAY COMMENT PERIOD)

Interested parties are hereby notified that the District Engineer (DE) has received an application for a Department of the Army (DA) permit and water quality certification pursuant to Sections 404 and 401 of the Clean Water Act. The ODEQ hereby incorporates this public notice and procedure as its own public notice and procedure by reference thereto.

The application is to replace the US 266 Coal Creek Bridge on a new alignment south of the existing bridge.

Name of Applicant:

Oklahoma Department of Transportation
200 Northeast 21st Street
Oklahoma City, Oklahoma 73105

Name of Agent:

Enercon Services, Inc.
6525 North Meridian Avenue
Oklahoma City, Oklahoma 73116

Location: The proposed project is in Section 35, Township 12 North, Range 13 East, near Dewar, Okmulgee County, Oklahoma. The project site can be found on the Henryetta, Oklahoma 7.5 Minute USGS Quadrangle map.

North Latitude: 35.4711

West Longitude: 95.9036 Decimal Degrees (NAD 83)

Purpose: The basic purpose of this work is to provide infrastructure improvement. The project will result in improved traffic flow and increased safety for motorists.

A water dependency determination will be made upon consideration of the basic purpose for the placement of fill material for construction of a new road alignment. There are a total of 2.34 acres of jurisdictional wetlands that would be filled as a result of the proposed project.

The overall purpose of this work is to provide a safe and efficient transportation facility to accommodate the present and future transportation needs of the area.

Description of Work: The applicant proposes the placement of fill material into adjacent jurisdictional wetlands. No fill material would be placed within Coal Creek. One adjacent forested wetland of 2.03 acres north of Coal Creek and four adjacent emergent wetlands totaling 0.31 acre south of Coal Creek would be filled with earthen material for the new road alignment. The total project length is 1.43 miles. The new bridge would be 239 feet long constructed of precast concrete on concrete piers.

The proposed project is to replace the Coal Creek Bridge on a new alignment south of the existing bridge. The Oklahoma Department of Transportation (ODOT) proposes to allow continuous operation of US 266, so that the highway will remain in service throughout construction as a detour. The construction sequence would begin with clearing and grubbing of the proposed offset alignment along with placement of earthen fill and cutting to meet final grades. The bridge abutments would be placed and then the bridge sections; followed by paving, striping, and signage. Construction phase stormwater controls would be used throughout the project duration to minimize soil erosion and sediment migration. The proposed project would result in 2.34 acres of jurisdictional wetland impacts.

Avoidance and Minimization Information: The applicant provided the following statement with regard to how avoidance and minimization of impacts to aquatic resources was incorporated into the project plan:

The goal of this project is to (1) replace the structurally deficient existing bridge over Coal Creek and (2) improve the approaches to the bridge on both sides of Coal Creek. Avoidance and minimization efforts were considered; however, a limited opportunity for reduction of impacts was possible because of the meander pattern of Coal Creek and the relatively high daily traffic on this portion of US 266. The existing bridge on US 266 over Coal Creek is narrow and is structurally deficient. Construction of the bridge on an offset alignment (south of the existing alignment) is proposed in order to keep the road open to traffic. The traffic count for this part of US 266 is 1,900 vehicles per day with 6% truck traffic. Due to the large drainage area of Coal Creek, it is not feasible to build a temporary shoofly detour. If the road were to close, the detour would be almost 30 miles long. Some of the roads required for a detour would be unpaved. Bridge construction typically takes 6 to 8 months to complete and such long-term closures would affect school bus and emergency vehicle routes. Location of the new bridge to the north of the existing alignment would have likely led to greater impacts to Coal Creek and adjacent wetlands. Additionally, a north offset would affect historical oilfield structures as well as additional wetlands. Construction of the new bridge, immediately parallel to and south of the existing bridge, would have required a much longer span because Coal Creek also parallels the existing highway in this area. The proposed alignment, which is offset further to the south, was selected because it provides a crossing point that minimizes bridge length, minimizes impacts to Coal Creek, and would result in safer curves on the approach roadway.

Mitigation: Furthermore, the applicant proposes the following as compensatory mitigation for the unavoidable impacts to aquatic resources expected from the proposed project:

The proposed mitigation will restore and enhance wetland resources necessary to facilitate "in-kind" mitigation to compensate for unavoidable project impacts. For the proposed impacts to 2.03 acres of jurisdictional forested wetland and 0.31 acre of jurisdictional emergent wetland (2.34 acres total), ODOT proposes to purchase credits from the Excel Mitigation Center. If approved, nine forested wetland restoration credits and one emergent wetland enhancement credit would be purchased by ODOT at the Excel Mitigation Center.

This mitigation plan is the applicant's proposal. The Corps has made no determination at this time with regard to the adequacy of the proposed mitigation relative to the federal mitigation rules and guidance, including Tulsa District's Mitigation and Monitoring Guidelines. The Corps is accepting comments on the need for and nature of the proposed mitigation, in addition to comments on the applicant's primary proposal. The Corps bears the final decision on the need for and extent of mitigation required if the project proposed herein is authorized.

Other: ODOT had the proposed site surveyed and the report was titled "OKLAHOMA DEPARTMENT OF TRANSPORTATION, CULTURAL RESOURCES SURVEY REPORT BY CARGILL ARCHAEOLOGICAL SERVICES, INC. FOR ABLE CONSULTING, OWASSO, OKLAHOMA" dated June 8, 2011. Based upon findings of the report, there would be no historic properties affected by the referenced project. ODOT coordinated this report with the Oklahoma State Historic Preservation Office (SHPO) and in a letter dated July 8, 2011, and with the Oklahoma Archeological Survey (OAS) in a letter dated June 20, 2011. Both SHPO and OAS concurred with the opinion that there are no historic properties that would be affected by the referenced project. Additionally, ODOT coordinated with the Alabama Quassarte Tribal Town, the Kialegee Tribal Town, the Muscogee (Creek) Nation, the Osage Nation, the Thlopthlocco Tribal Town, and the Wichita and Affiliated Tribes. None of the Tribal Nations objected to the proposed project.

Project Setting: The proposed project area is located within the Northern Cross Timbers subset of the Cross Timbers ecoregion of Oklahoma. The Northern Cross Timbers are naturally covered by oak savanna, scrubby oak forest, Eastern red cedar (*Juniperus virginiana*), and tallgrass prairie. Tallgrass prairie occurs on fine-textured soils derived from shale or limestone. Livestock farming is the main land use and soils are highly erodible when disturbed. Streams are typically shallow and have sandy substrates. Land use in the general area of the proposed project consists of pastureland and row crop agriculture.

Existing Condition: The project area is comprised primarily of mixed native/improved grass and overgrazed pastureland, riparian forest, and upland forest. One forested wetlands and four emergent wetlands are jurisdictional within the proposed project site. The site is located in the Deep Fork River Watershed (HUC #11100303).

Plans and Data: Plans showing the location of the proposed activity and other data are enclosed with this notice (Enclosures 1 - 7). If additional information is desired, it may be obtained from Mr. Shane Charlson, U.S. Army Corps of Engineers, Tulsa District, ATTN: Regulatory Office, 1645 South 101st East Avenue, Tulsa, OK 74128 4609, or telephone 918-669-7400.

Cultural Resources: Based upon the previous archeological survey and coordination by ODOT, it has been determined that there are no properties currently listed in the National Register, which would be directly affected by the proposed work. This public notice is being sent to the State Historic Preservation Officer and to Native American Tribal governments to reveal if other known historic or archeological resources may be eligible for listing in the National Register exist in the project area and which could be directly affected by the proposed work. This coordination is being done to fulfill our requirements under the National Historic Preservation Act of 1966 (Public Law 89-665) and associated historic preservation laws. If we are made

aware, as a result of comments received in response to this notice, or by other means, of specific archeological or other historic properties which may be affected by the proposed work, the DE will immediately take the appropriate action necessary pursuant to the National Historic Preservation Act of 1966, as amended, and 36 CFR Part 800, in accordance with implementing regulations 33 CFR 325, Appendix C.

Threatened and Endangered Species: The following federally-listed species are known to occur in the vicinity or are listed for the county in which the proposed action is located: the interior least tern (*Sterna antillarum*), the piping plover (*Charadrius melodus*), and the whooping crane (*Grus americana*). A copy of this notice is being furnished to the U.S. Fish and Wildlife Service and appropriate state agencies. This notice constitutes a request to those agencies for information on whether any other listed or proposed-to-be-listed endangered or threatened species may be present in the area which would be affected by the proposed activity. We are currently assessing the potential effects of the proposed action on these species and will comply with the Endangered Species Act with regard to any affect of our decision on this permit application.

The area immediately outside of the jurisdictional wetlands and Coal Creek is considered to provide foraging habitat and a limited amount of reproductive habitat for the American burying beetle (*Nicrophorus americanus*). ODOT intends to fully comply with the Service's programmatic biological opinion of July 16, 2008. In the biological opinion, the Service determined that these actions, as proposed, are not likely to jeopardize the continued existence of the American burying beetle. No critical habitat has been designated for this species; therefore, none will be affected.

Environmental Considerations: The decision whether to issue a permit will be based on an evaluation of the probable impacts including cumulative impacts of the proposed activity and its intended use on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered, including the cumulative effects thereof: conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, flood plain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownerships, and, in general, the needs and welfare of the people. A permit will be denied if the discharge does not comply with the Environmental Protection Agency's 404(b)(1) Guidelines. Subject to the 404(b)(1) Guidelines and any other applicable guidelines or criteria, a permit will be granted unless the DE determines that it would be contrary to the public interest.

Comments: In order to consider and evaluate the impacts of this proposed activity the Corps is soliciting comments from the public, federal, state, and local agencies and officials, Indian tribes, and other interested parties. Comments concerning the issuance of this permit should be received by the DE no later than 30 days from the date of this public notice. Any comments received will be considered by the Corps to determine whether to issue, modify, condition, or deny a permit for this proposal. To make this decision, comments are used to assess impacts on

endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity. Any person may request in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for public hearings shall state, with particularity, the reasons for holding a public hearing.

At the request of the Oklahoma Water Resources Board's National Flood Insurance Program State Coordinator, we are sending a copy of this notice to the local flood plain administrator to apprise the administrator of proposed development within their jurisdiction. In accordance with 44 CFR Part 60 (Flood Plain Management Regulations Criteria for Land Management and Use), participating communities are required to review all proposed development to determine if a flood plain development permit is required. The local flood plain administrator is required to perform this review for all proposed development and maintain records of such review.

Comments concerning water quality impacts will be forwarded to ODEQ for consideration in issuing a water quality Section 401 certification for the proposed project. Work may **not** commence until decisions have been made on both Sections 401 and 404.

Andrew R. Commer
Chief, Regulatory Office

Enclosures

TRAFFIC DESIGN

PROJECT ENGINEER: K. MCALIN, P.E.
SQUAD SUPERVISOR: S. GREENE

BRIDGE DESIGN

PROJECT ENGINEER: P. DEFRANCO, P.E.
SQUAD SUPERVISOR: W. LIVERY

ROADWAY DESIGN

ENGINEERING MANAGER: B. MAZLOOMPUR, P.E.
DESIGN MEMBERS: K. SHANKS, M. PEREZ, T. JANUARY, T. CROWDER, M. HANSEN, J. HANSEN, L. HANSEN, J. ADAMS

P.E. NO. 12725801

FOR SURVEY CONTROL DATA,
SEE SURVEY DATA SHEETS

STATE OF OKLAHOMA
DEPARTMENT OF TRANSPORTATION

PLAN OF PROPOSED
U.S. HIGHWAY
FEDERAL AID PROJECT NO. BRPY-156C(09)SS
GRADE, DRAINING, BRIDGE & SURFACE
U.S. HIGHWAY 266

OKMULGEE COUNTY

CONTROL SECTION NO. 266-56-12
STATE JOB NO. 21738(04)
BRIDGE "A" LOCATION NO. 5612-0354X
EXISTING NBIS NO. 02144 ; NEW NBI NO. XXXXX

OKLAHOMA DEPARTMENT OF TRANSPORTATION

PROPOSED
R/W
25 MAY 2011

INDEX OF SHEETS
1 TITLE
2-3 TYPICALS
4-16 SURVEY DATA SHEETS
P1-P6 PNPS
X1-X34 MAINLINE CROSS SECTIONS
X35-X38 NS 400 CROSS SECTIONS

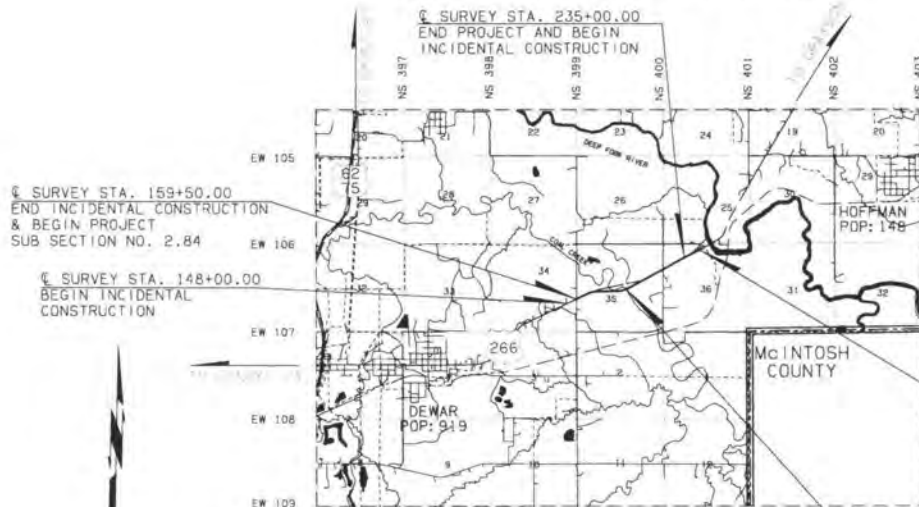
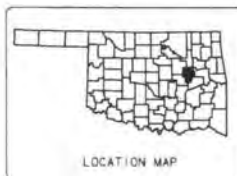
THE FOLLOWING STANDARD DRAWINGS WILL BE REQUIRED
ROADWAY TRAFFIC BRIDGE

DESIGN DATA	
ADT 2012	= 1,355
ADT 2032	= 1,900
DHV (2-WAY)	= 209
K (DHV/ADT)	= 11%
D	= 55%
T (K DHV)	= 6%
T (K ADT)	= 10%
T (K ADT)	= 5%
V	= 65MPH
20yr FLEX ESALS	= 0.76M

SCALES	
PLAN	1" = 50'
PROFILE HOR.	1" = 50'
VER.	1" = 5'
LAYOUT MAP	1" = 3,520'

CONVENTIONAL SYMBOLS

- PROPOSED ROAD
- RAILROAD
- RAILROAD & TOWNSHIP
- SECTION LINES
- QUARTER SECTION LINES
- FENCE
- GRAND LINE
- EXISTING ROAD
- RAIL LINE
- RAIL LINE
- TELEPHONE & TELEGRAPH
- POWER LINES
- OUTLINE
- WELL
- DRAINAGE STRUCTURES - IN PLACE
- DRAINAGE STRUCTURES - NEW
- RIGHT-OF-WAY LINES - EXISTING
- RIGHT-OF-WAY LINES - NEW
- CONTROLLED ACCESS
- RIGHT-OF-WAY FENCE



ROADWAY LENGTH 7,310.79 FT. 1.384 MI.
BRIDGE LENGTH 239.21 FT. 0.045 MI.
PROJECT LENGTH 1.429 MI.

EQUATIONS : None
EXCEPTIONS : None

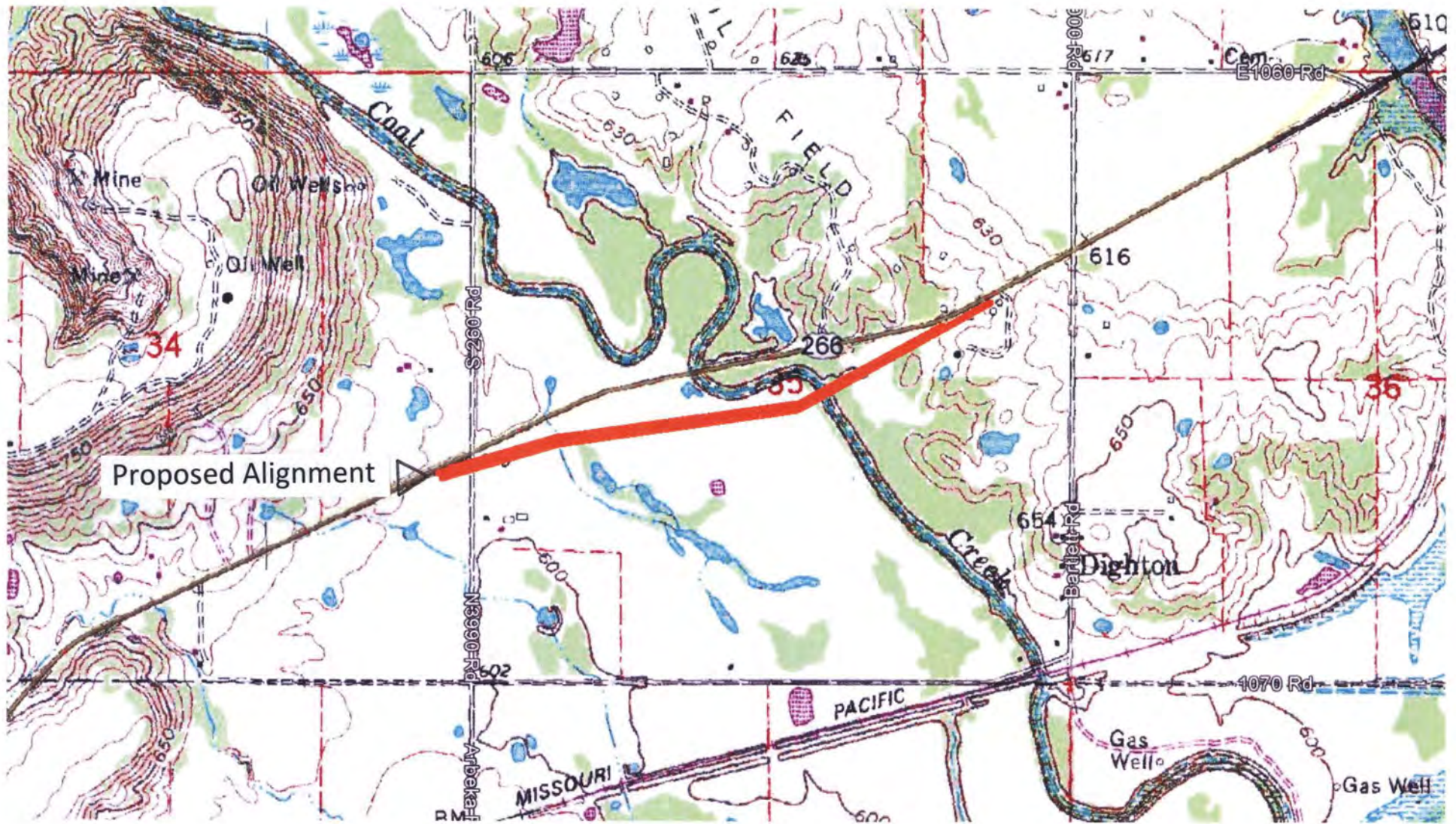
BRIDGE "A"
BEGIN BRIDGE & SURVEY STA 196+45.39
BRIDGE LENGTH = 239.21'
END BRIDGE & SURVEY STA 198+84.60

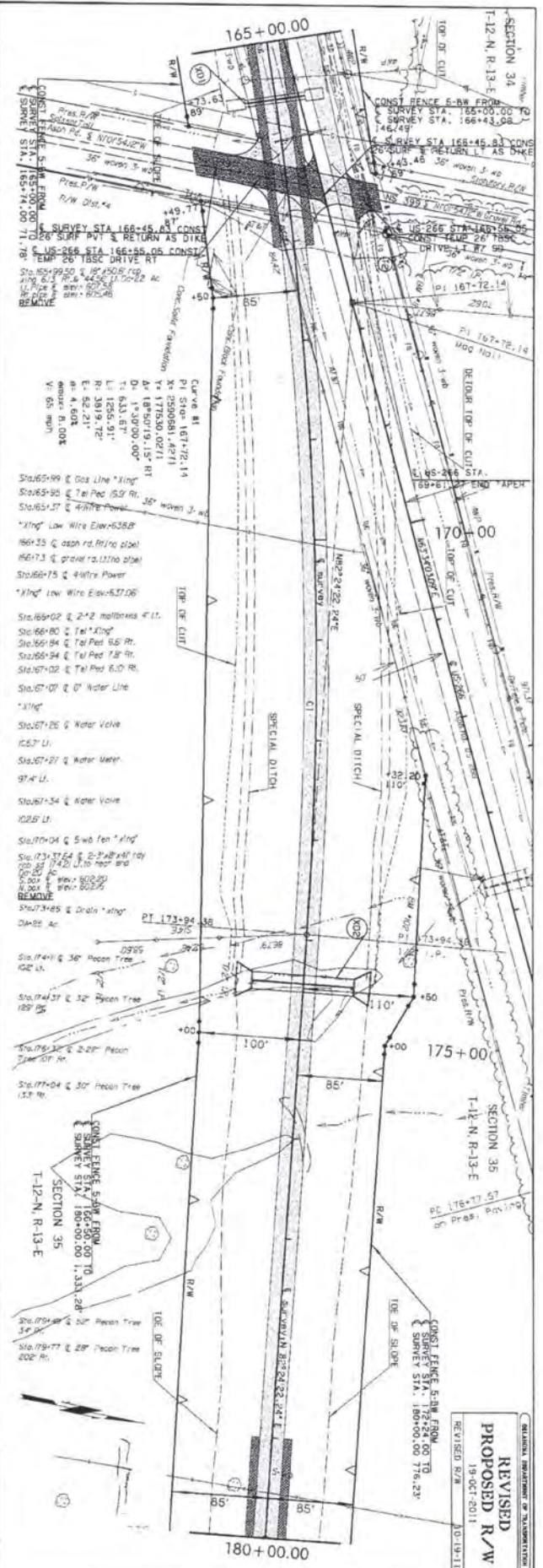
	PREPARED BY: OKLAHOMA DEPARTMENT OF TRANSPORTATION DESIGN DIVISION BEHNAM MAZLOOMPUR, P.E. OKLA. REG. NO. 20247	
	DATE:	
OKLAHOMA DEPARTMENT OF TRANSPORTATION DATE APPROVED:	DEPARTMENT OF TRANSPORTATION FEDERAL HIGHWAY ADMINISTRATION DATE APPROVED:	BY:
DATE:	DATE:	BY:
SHEET NO. 1	SHEET NO. 1	SHEET NO. 1

2009 OKLAHOMA STANDARD SPECIFICATIONS FOR HIGHWAY CONSTRUCTION-ENGLISH GOVERN, APPROVED BY THE U.S. DEPARTMENT OF TRANSPORTATION, FEDERAL HIGHWAY ADMINISTRATION, JANUARY 4, 2010.

OSUDPC10 S 21738(04) Draft Title.dgn 4/10/20 PM 5:25/2011

SWT-2012-121
Oklahoma Dept. of Transportation
Bridge Replacement Hwy 266 JP 21738-04
Coal Creek
Enclosure 1 of 7

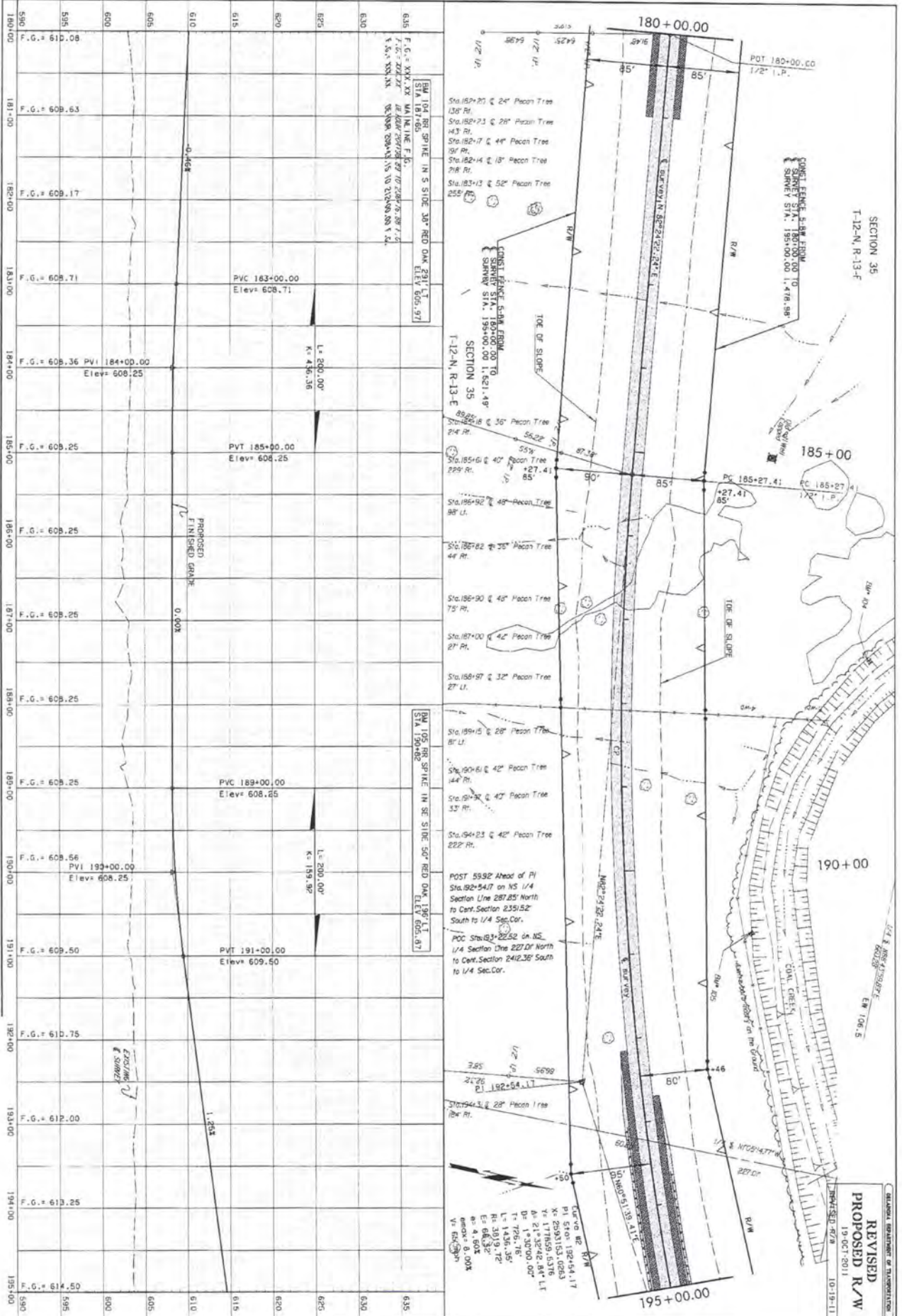




165+00	F.G. = 613.71	166+00	F.G. = 613.81	167+00	F.G. = 613.73	168+00	F.G. = 613.50	169+00	F.G. = 613.26	170+00	F.G. = 613.00	171+00	F.G. = 612.75	172+00	F.G. = 612.50	173+00	F.G. = 612.25	174+00	F.G. = 612.00	175+00	F.G. = 611.75	176+00	F.G. = 611.50	177+00	F.G. = 611.25	178+00	F.G. = 610.93	179+00	F.G. = 610.54	180+00	F.G. = 610.08
590		595		600		605		610		615		620		625		630		635		640		645		650		655		660		665	
<p>PROPOSED BRIDGE BRIDGE REPLACEMENT HWY 266 JP 21738-04</p> <p>PROPOSED R/W 10-19-11</p> <p>STATIONING 165+00.00, 166+00.00, 167+00.00, 168+00.00, 169+00.00, 170+00.00, 171+00.00, 172+00.00, 173+00.00, 174+00.00, 175+00.00, 176+00.00, 177+00.00, 178+00.00, 179+00.00, 180+00.00</p> <p>BRIDGE BRIDGE REPLACEMENT HWY 266 JP 21738-04</p> <p>PROPOSED R/W 10-19-11</p> <p>STATIONING 165+00.00, 166+00.00, 167+00.00, 168+00.00, 169+00.00, 170+00.00, 171+00.00, 172+00.00, 173+00.00, 174+00.00, 175+00.00, 176+00.00, 177+00.00, 178+00.00, 179+00.00, 180+00.00</p>																															

SWT-2012-121
Oklahoma Dept. of Transportation
Bridge Replacement Hwy 266 JP 21738-04
Coal Creek
Enclosure 1 of 7

SECTION 35
T-12-N, R-13-F



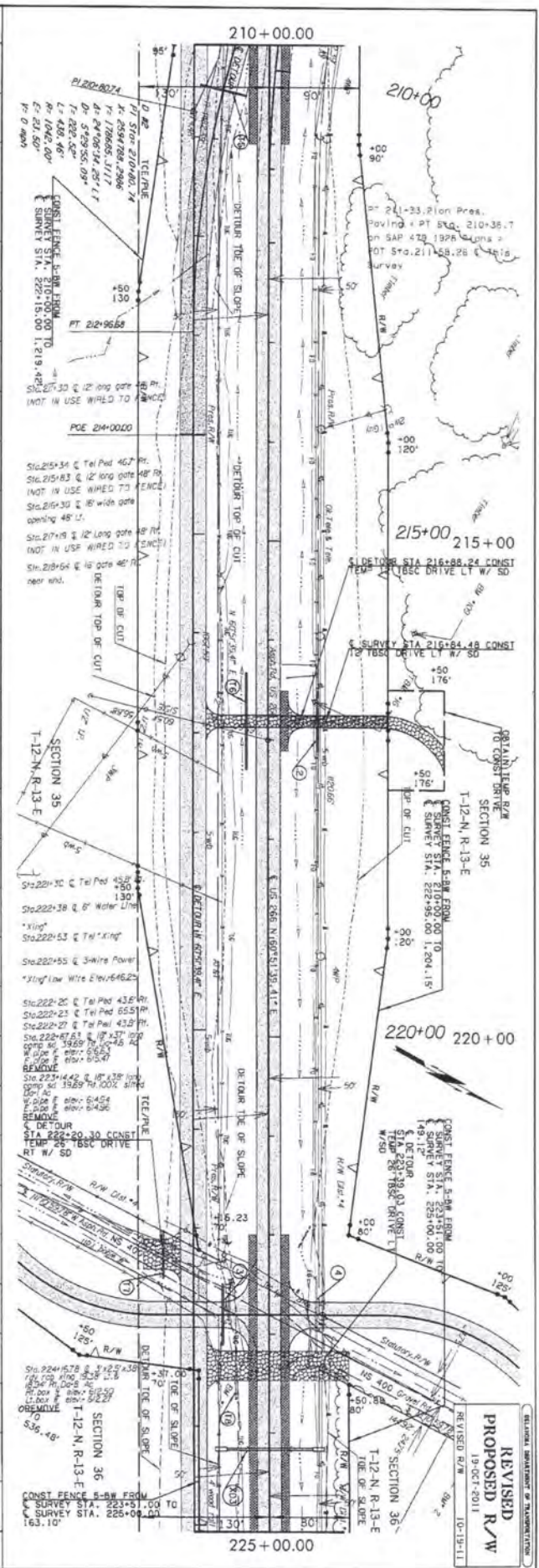
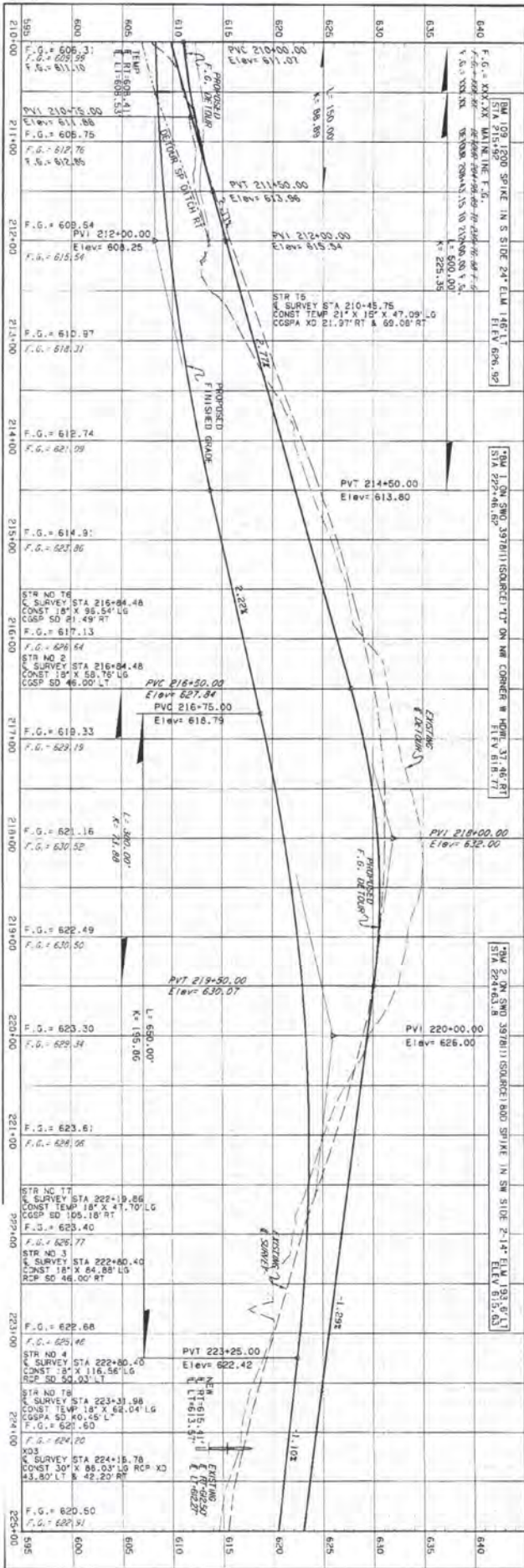
REVISED
PROPOSED R/W
19-OCT-2011

SWT-2012-121

Oklahoma Dept. of Transportation
Bridge Replacement Hwy 266 JP 21738-04

Coal Creek
Enclosure 5 of 7

10-19-11



SWT-2012-121
Oklahoma Dept. of Transportation
Bridge Replacement Hwy 266 JP 21738-04
Coal Creek
Enclosure 7 of 7