



# Public Notice

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U.S. Army Corps  
of Engineers  
Tulsa District

Reply To:

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

SWT-2014-509  
Public Notice No.

March 9, 2015  
Public Notice Date

April 8, 2015  
Expiration Date

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## 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 U.S.C. 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 U.S.C. 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-2014-509

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 widen US Highway 70 and replace the US 70 bridge and two overflow bridges.

Name of Applicant: Ms. Dawn Sullivan  
Oklahoma Department of Transportation  
200 Northeast 21<sup>st</sup> Street  
Oklahoma City, OK 73105

Name of Agent: Dr. David X Williams  
Enercon Services, Inc.  
1601 Northwest Expressway, Suite 1000  
Oklahoma City, OK 73118

Location: The proposed project is in parts of Section 11, 12, 13, 14, and 23, Township 7 South, Range 24 East, between Broken Bow and Idabel in McCurtain County, Oklahoma. The project site can be found on the Idabel, Oklahoma 7.5 Minute USGS Quadrangle map at North Latitude 33.9413 and West Longitude 94.7592. Most of the project area is located within the Little River National Wildlife Refuge (NWR).

Purpose: In order to meet Federal Highway safety requirements, the Oklahoma Department of Transportation (ODOT) is proposing State Job Piece 27908(07) to correct the vertical and horizontal alignment of US 70 by widening the highway to the east and replacing the east Little River bridge and the two east overflow structures; along with grading, drainage, and resurfacing associated with the proposal. The widening proposed project would discharge 1.36 acres of soil and rock for roadbed construction into jurisdictional emergent wetlands for the road widening and 0.65 acre of riprap and concrete piers into the Little River and overflow waterways for the bridge replacements.

Table of Impact:

Original Proposal					
Number or Location	Impact Activity	Type of Impact	Type of Fill Material	Qty of Material cys below OHWM*	Footprint (ac and/or lf)*
Road widening north bound lane	Placement of fill material	Road fill	Soil and Rock	5,898 cys	1.36 ac
Bridge "A"	Placement of fill material	Bank stabilization/structure	riprap and concrete piers	625 cys	0.22 ac
Bridge "B"	Placement of fill material	Bank stabilization/structure	riprap and concrete piers	475 cys	0.17 ac
Bridge "C"	Placement of fill material	Bank stabilization/structure	riprap and concrete piers	793 cys	0.26 ac
Total				7,791 cys	2.01 ac
*Fill below Ordinary High Water Elevation of 340.49 msl					

Description of Work: The proposed Federal-aid action would consist of replacing the existing 1,012-foot thru-truss span bridge "A" with a new concrete span bridge structure. Additionally, two functionally obsolete steel stringer/girder bridges "B" and "C", located north of the Little River, would be replaced with new concrete structures. The approach roadways and the proposed bridge structures would be constructed on offset parallel alignment, within the center median between the existing eastbound lanes and the (newer) westbound lanes. The existing facility will remain open to through traffic during construction, with traffic carried on existing lanes. No new permanent rights-of-way will be required to construct the road widening and proposed bridges. The project would require placement of approximately 5,898 cubic yards (1.36 acres) of soil and rock for roadbed construction fill in jurisdictional wetlands for the road widening and 0.65 acre of riprap and concrete piers would be placed into the Little River and overflow waterways for the bridge replacements.

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 the project is to correct the vertical and horizontal alignment of the US 70 north bound lane by raising and widening the highway and replacing the structurally deficient Little River Bridge and the two functionally obsolete overflow structures located north of the Little River. These actions are necessary to meet Federal Highway safety requirements. Avoidance of impacts to the Little River was considered a primary goal because the river supports threatened and

endangered aquatic and aquatic-dependent species. Although avoidance of wetlands was also considered, it was not possible to avoid all wetland impacts. Wetland impacts in the vicinity of overflow bridge B could not be avoided in order to correct design geometry of the bridge. The current bridge is slightly out of alignment in relation to the existing highway. This portion of US 70 is a heavily travelled corridor that includes semi-truck traffic associated with the Tyson facility (located in the northwest part of the project area) and sawmills and other timber-related facilities in the general area. In order to facilitate improvements to public safety, a design option was chosen that resulted in loss of 1.36 acres of wetlands that can be best described as a linear strip of former roadside borrow area that became a wetland overtime. Because the Little River NWR is relatively large, the loss will not impair the overall function of the wetland. Additional attempts to minimize wetland impacts by constructing new overflow bridges within, or partially within, the current highway median were not possible because the small distance between the opposite bound lanes would have necessitated installation of median barriers. Because the project is within the Little River NWR, median barriers were eliminated from consideration because they would potentially prevent wildlife from crossing the highway.

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

The restoration of an impaired wetland is being proposed as compensatory mitigation. For the loss of 1.36 acres of a narrow strip of emergent wetlands (in two locations), dominated by American lotus, located adjacent to a narrow strip of bottomland hardwoods, the proposed mitigation site would consist of approximately 4.75 acres of emergent wetlands with mixed hydrophytic species (approximately 3.5:1 ratio) at a site owned by ODOT in McCurtain County. The mitigation site is located approximately 17 miles southeast of the impact site in an adjacent 8 digit HUC and located adjacent to Red Slough Wildlife Management Area (WMA). Proposed mitigation for this project will be a portion of a larger wetland complex which will be restored and used to mitigate for unavoidable impacts resulting from other ODOT projects in southeast Oklahoma. The mitigation site historically supported wetlands, but was converted to agricultural uses prior to ODOT's purchase of the site in 2006. The proposed mitigation site currently supports 8.2 acres of impaired emergent wetlands. The existing wetlands are dominated by common rush (*Juncus effusus*). Although this species is native to the area, it is considered to be invasive. It often (especially in previously disturbed wetlands) forms dense monocultures. In these situations, common rush excludes a wide variety of other native wetland species, leading to simplified plant community structure and species composition. One of the restoration goals of this project is to control this species and increase species diversity within the emergent wetlands. The planned wetland complex will be comprised of approximately 36.6 acres of restored forested wetlands and approximately 8.1 acres of restored emergent wetlands (4.75 acres of the

emergent wetlands will be used for this project). Soils at the site are mostly hydric and conducive to wetland development. Restored forested and emergent wetlands will feature planted native vegetation with selected species based on reference sites located nearby. An area deep enough to support American lotus will be located in the center of the enhanced site with wetland species that grow in shallower water surrounding it. Wetland hydrology at the site will be enhanced by construction of an earthen levee and water control structure. The restored wetlands will feature an upland buffer approximately 25.6 acres in size which will be planted in native hardwood trees and native grasses and forbs. The wetland complex and associated upland buffer will provide habitat for a wide range of wetland and wetland-dependent species as well as upland species. The restored wetland complex will also provide a variety of ecosystem services such as filtration of sediment, facilitation of biogeochemical cycling, and re-charge of groundwater aquifers. Downstream flow from the restored wetland crosses under State Highway 87 and eventually flows into the Red River via forested wetlands, an oxbow lake, and an intermittent stream. Further details of proposed mitigation are provided in the applicant's preliminary compensatory mitigation plan.

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 consulted with the U.S. Fish and Wildlife Service (USFWS) on the proposed project. The USFWS concurred with the biological assessment. USFWS recommends presence-absence surveys for Threatened and Endangered (T&E) species that may be present in the project area (*i.e.* suitable habitat for these species is present in or near the project area). ODOT has also agreed to implement the recommended Northern Long-Eared Bat Interim Guidance measures. Furthermore, ODOT will implement all applicable Best Management Practices (BMPs) for rivers, streams, and tributaries regardless of the findings of presence-absence surveys for aquatic or aquatic-dependent T&E species. For further details with regard to T&E species, please see the section entitled "Threatened and Endangered Species" below.

Project Setting: The proposed project is located in an area along the existing US 70 near the Little River. The impact area is within its floodplain; the floodplain supports large areas of wetlands and bottomland hardwood forests. The project area is located in the Floodplains and Low Terraces subset of the South Central Plains Ecoregion of Oklahoma. This ecoregion is nearly level, susceptible to flooding, and veneered by alluvium. Typical vegetative community types in this region include bottomland hardwood forests and extensive wetlands. Land use in the project location and surrounding areas include forestry, pasture land, commercial, industrial, and recreational uses.

Existing Condition: The project area is bisected by the Little River and comprised primarily of emergent and forested wetlands, bottomland hardwood forest, and upland forest. Five forested wetlands and three emergent wetlands are jurisdictional within the proposed project area. The site is located in the Upper Little River Watershed (HUC #11140107).

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

Cultural Resources: ODOT has conducted a cultural resources survey. The survey was coordinated with the Caddo Nation, Choctaw Nation, Osage Nation, Oklahoma Historical Society, and the Oklahoma Archeological Survey. No objections were received from the Caddo Nation, Choctaw Nation, or the Osage Nation. Both state agencies concurred that there are no historic properties affected by the proposed project.

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: American alligator (*Alligator mississippiensis*), American burying beetle (*Nicrophorus americanus*), interior least tern (*Sterna antillarum*), red knot (*Calidris canutus rufa*), Ouachita rock pocketbook mussel (*Arkansia wheeleri*), piping plover (*Charadrius melodus*), rabbitsfoot mussel (*Quadrula cylindrica* ssp. *cylindrica*), red-cockaded woodpecker (*Picoides borealis*), scaleshell mussel (*Leptodea leptodon*), winged mapleleaf (*Quadrula fragosa*), and northern long-eared bat (*Myotis septentrionalis*). A biological assessment for the proposed action was completed by the applicant and submitted to USFWS. Consultation with USFWS has been completed and numerous conservation measures relating to reduction or elimination of potential impacts to federally listed aquatic or aquatic-dependent species have been incorporated into construction plans.

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, floodplain 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.

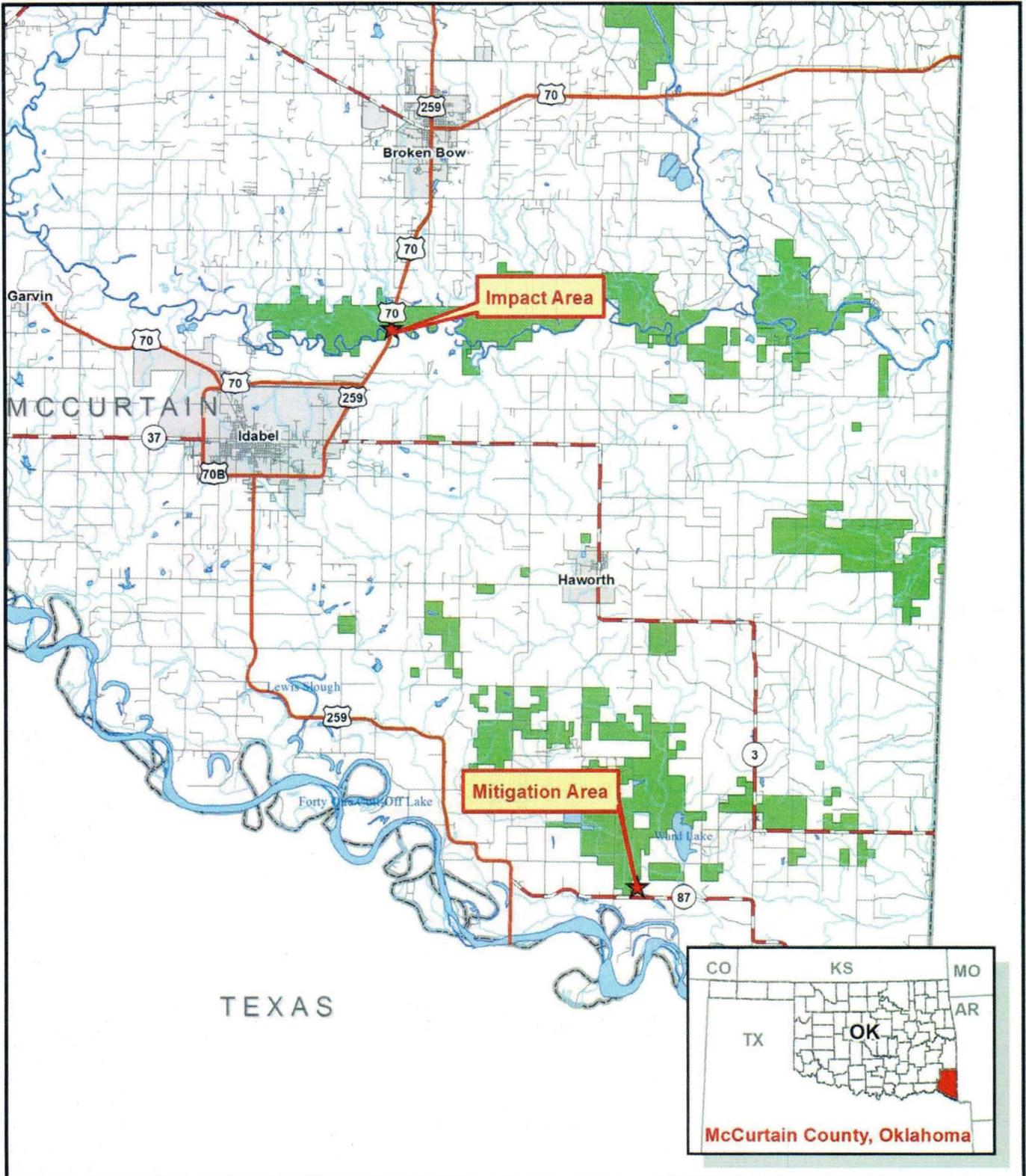
Comments: In order to consider and evaluate the impacts of this proposed activity the Corps is soliciting comments from the public, federal, state, and local agencies and officials, Indian tribes, and other interested parties. Comments concerning the issuance of this permit should be received by the 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 floodplain administrator to apprise the administrator of proposed development within their jurisdiction. In accordance with 44 CFR Part 60 (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 floodplain 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 Section 401 Water Quality 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



**Prepared for:**  
**Oklahoma Department of Transportation**

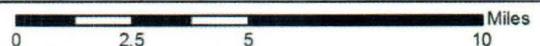
**Subject Property:**  
 US 70 over Little River - JP# 27908(07)  
 Sections 23, 14, 13, 11 & 12, T7S R24E;  
 Section 6, T10S R26E  
 McCurtain County, Oklahoma



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SWT-2014-509  
 Oklahoma Dept. of Transportation  
 Bridge Replacement Hwy 70 JP 27908(07)  
 Little River, McCurtain County  
 Enclosure 1 of 12



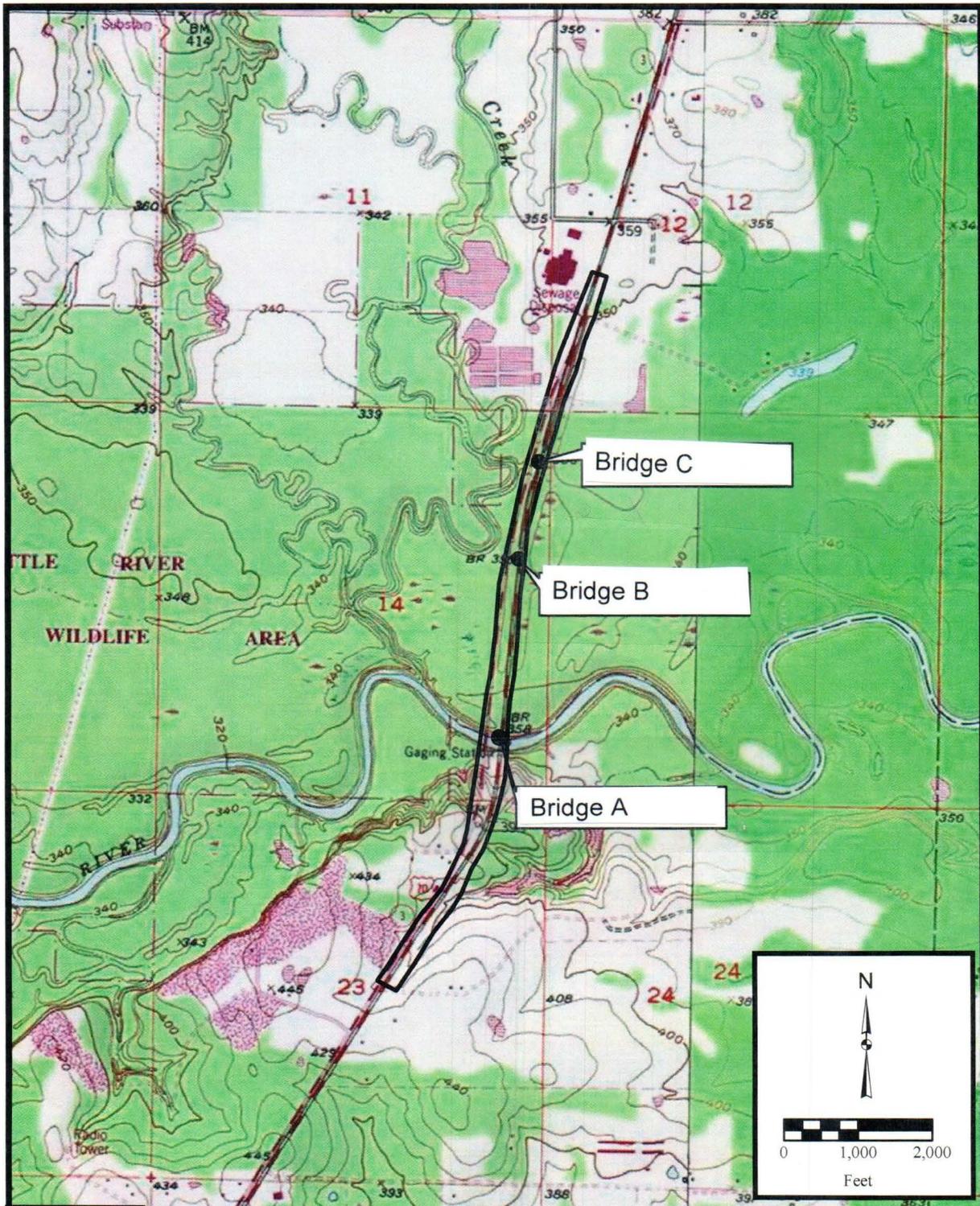
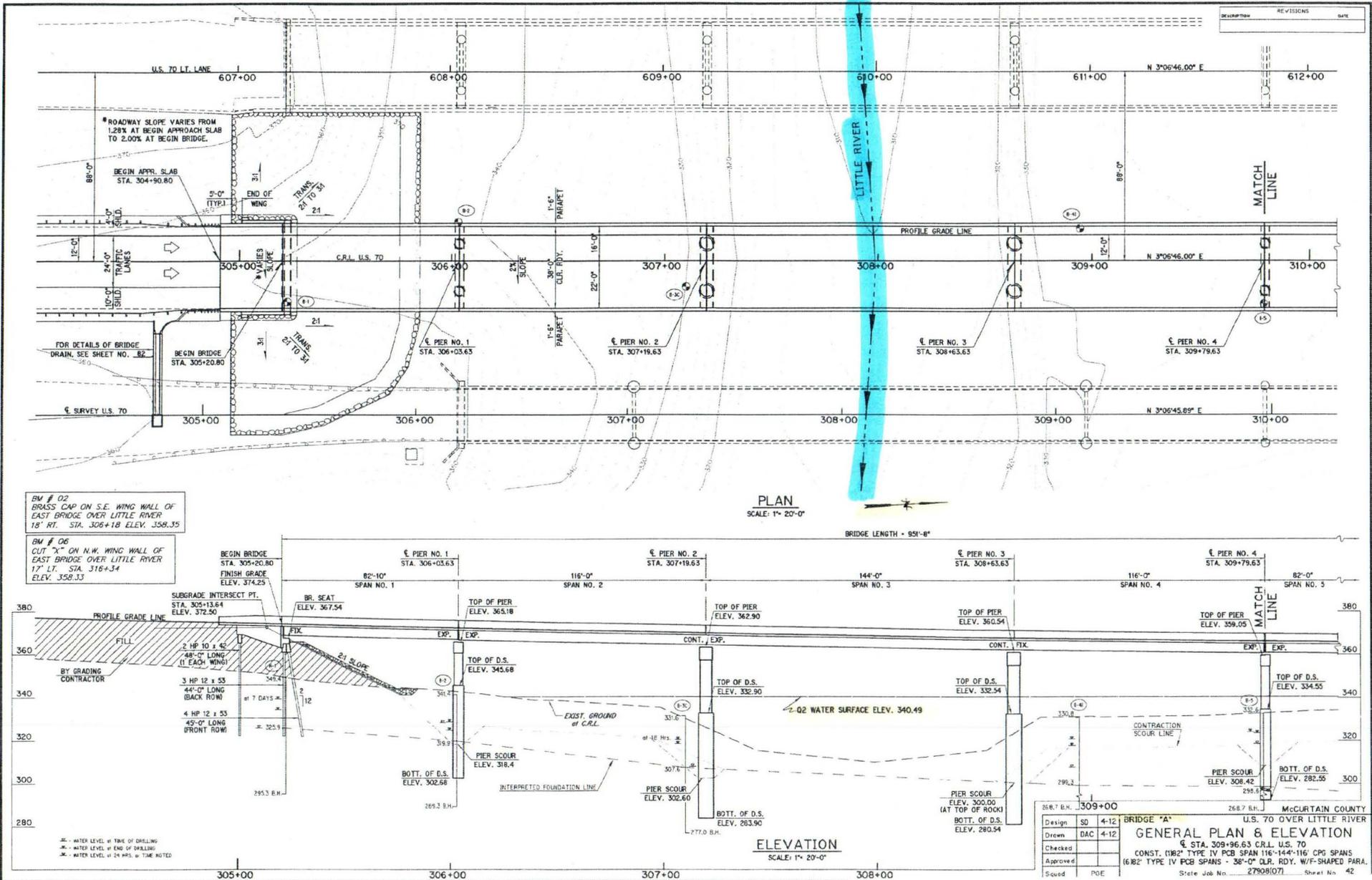


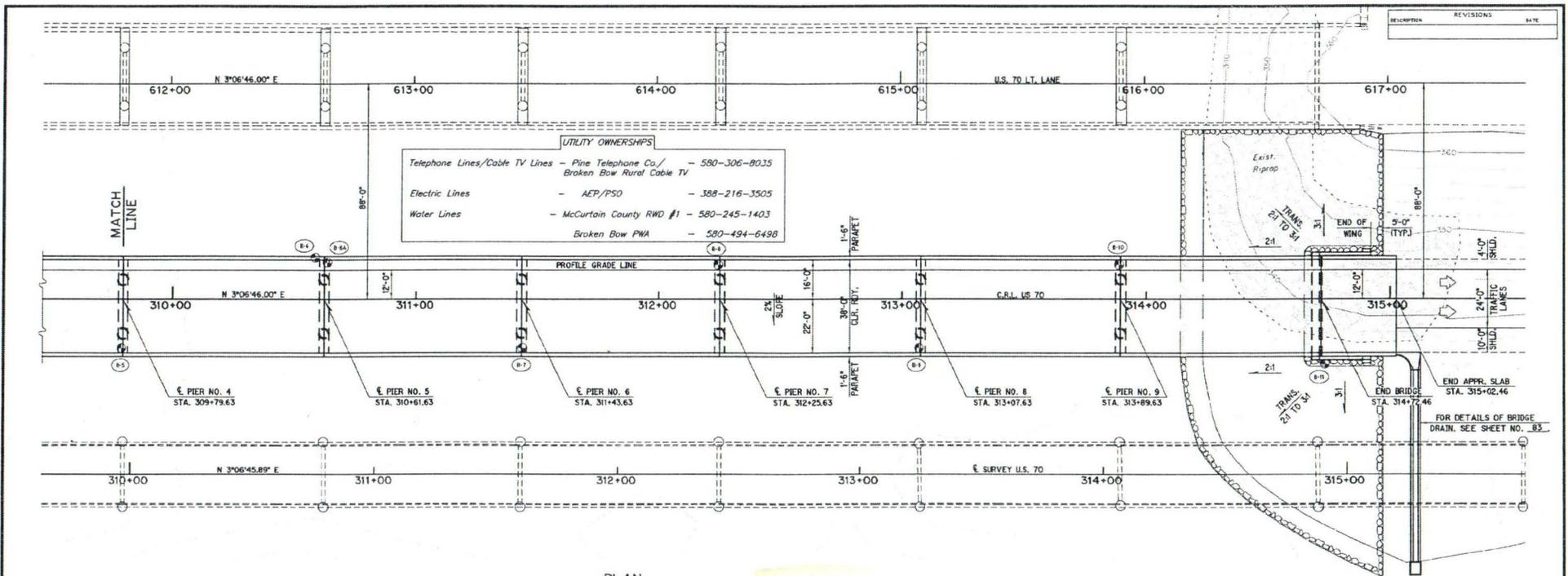
Figure 1. McCurtain Co. JP#27908(07): project area for bridges and approaches of US-70 over Little River and overflows.

Basemap: Idabel (1950) USGS Quadrangle T7S R24E Sections 12, 13, 14, and 23.

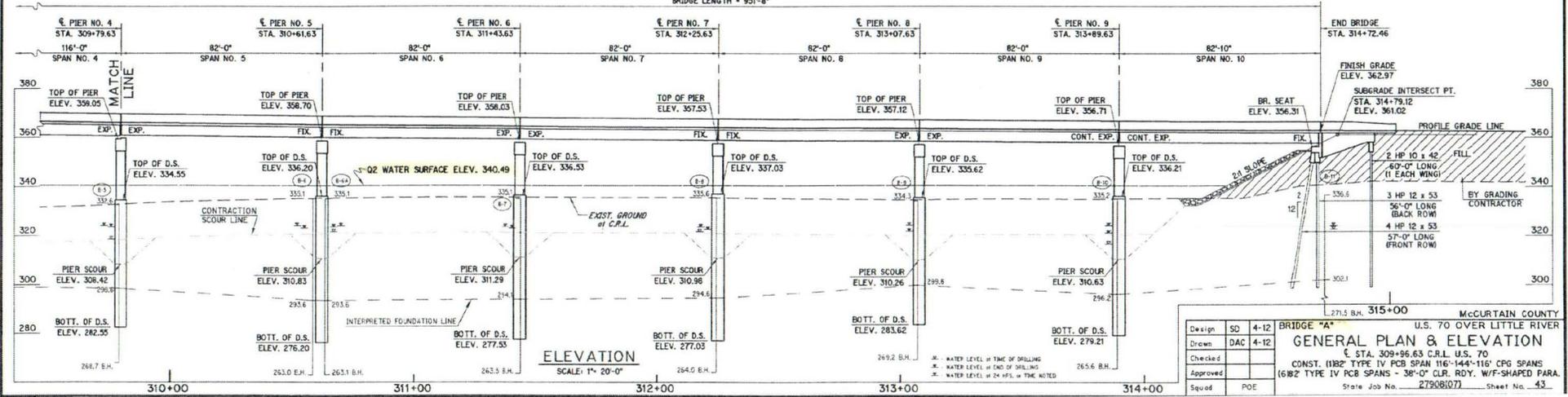


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Little River, McCurtain County  
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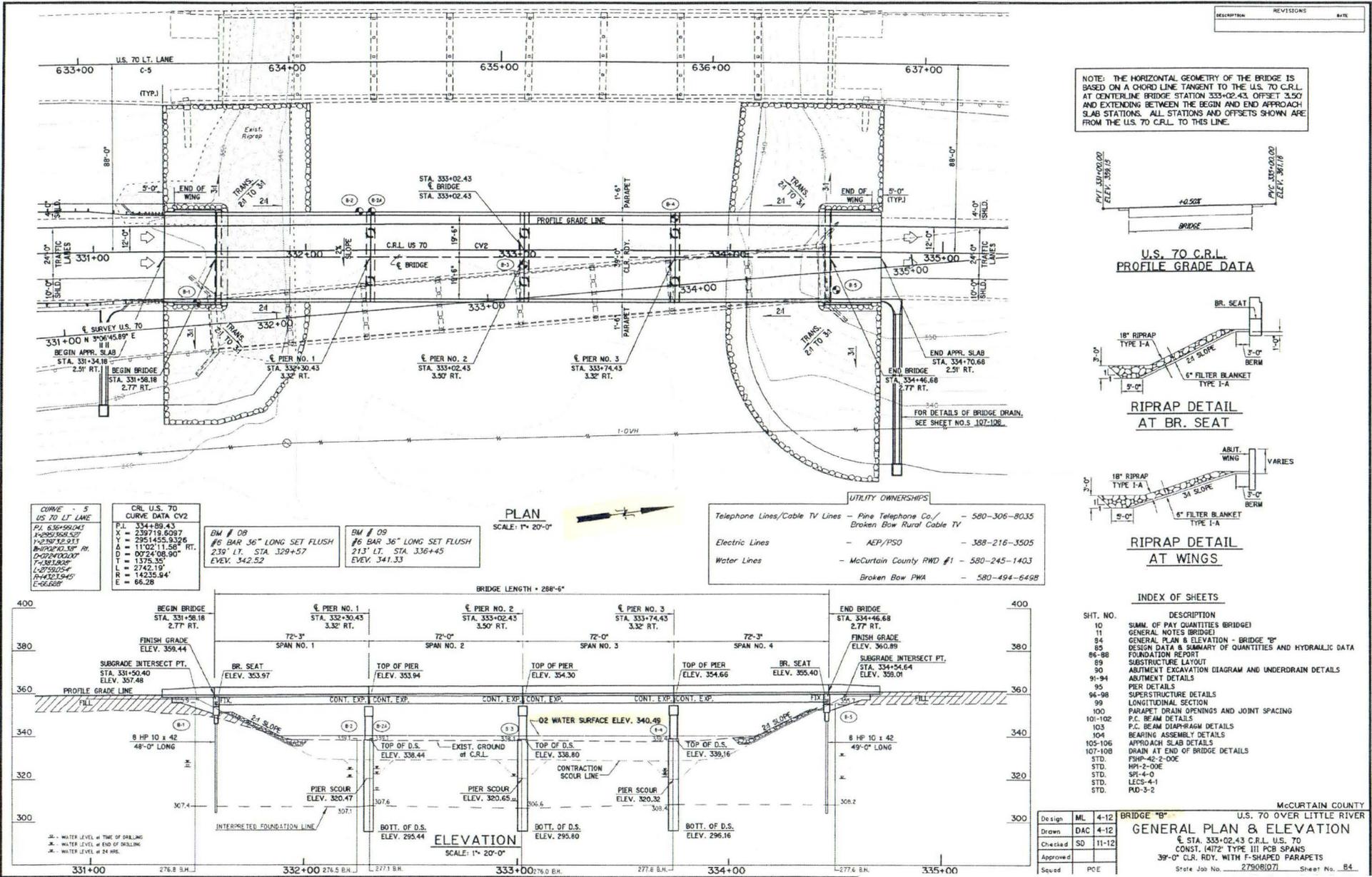


**PLAN**  
SCALE: 1" = 20'-0"



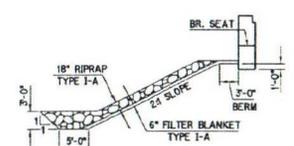
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Bridge Replacement Hwy 70 JP 27908(07)  
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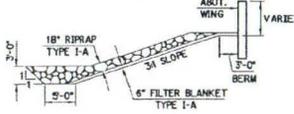


NOTE: THE HORIZONTAL GEOMETRY OF THE BRIDGE IS BASED ON A CHORD LINE TANGENT TO THE U.S. 70 C.R.L. AT CENTERLINE BRIDGE STATION 333+02.43, OFFSET 3.50' AND EXTENDING BETWEEN THE BEGIN AND END APPROACH SLAB STATIONS. ALL STATIONS AND OFFSETS SHOWN ARE FROM THE U.S. 70 C.R.L. TO THIS LINE.

**U.S. 70 C.R.L. PROFILE GRADE DATA**



**RIPRAP DETAIL AT BR. SEAT**



**RIPRAP DETAIL AT WINGS**

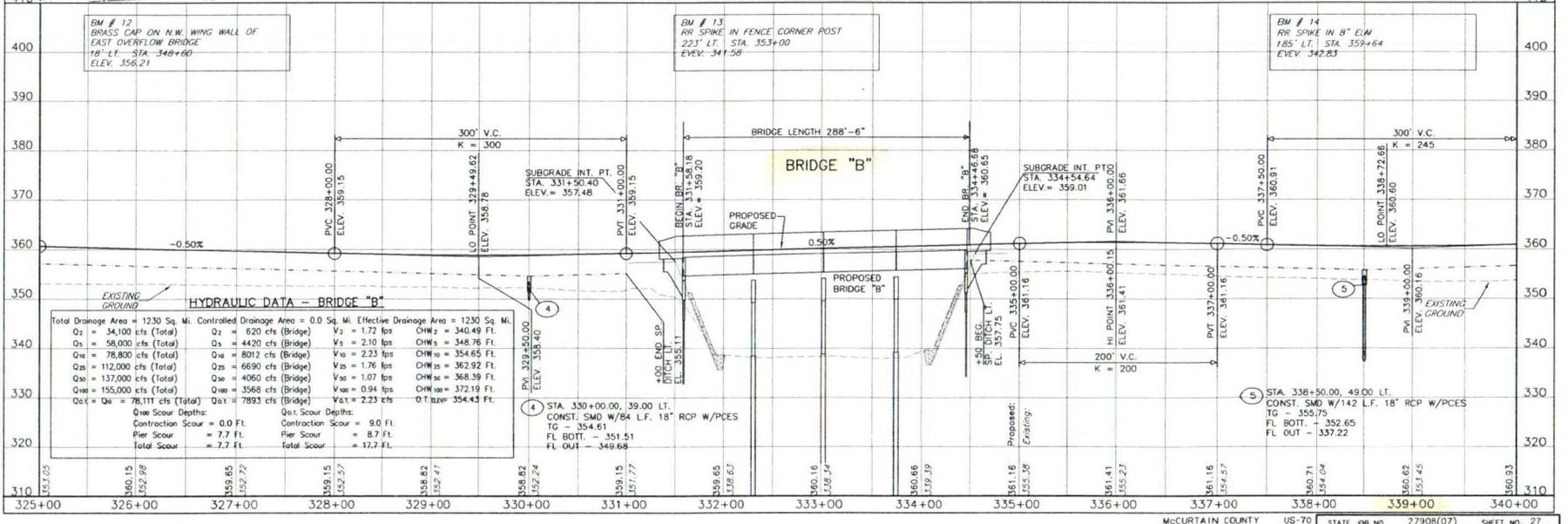
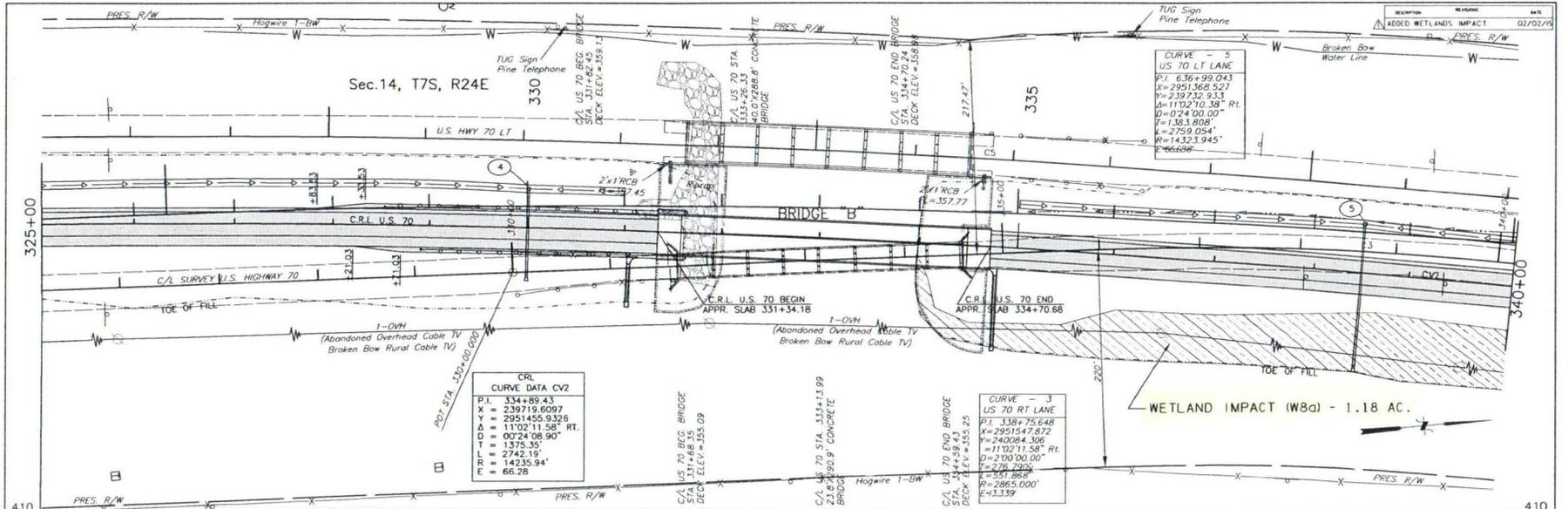
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STD.	LES-4-1
STD.	PD-3-2

Design	ML	4-12	BRIDGE "B"	U.S. 70 OVER LITTLE RIVER
Drawn	DAC	4-12	<b>GENERAL PLAN &amp; ELEVATION</b>	
Checked	SD	11-12	# STA. 333+02.43 C.R.L. U.S. 70	
Approved			CONST. (472) TYPE III PCB SPANS	
			39'-0" CLR. RDY. WITH F-SHAPED PARAPETS	
Squad	POE		State Job No.	27508(07) Sheet No. 84

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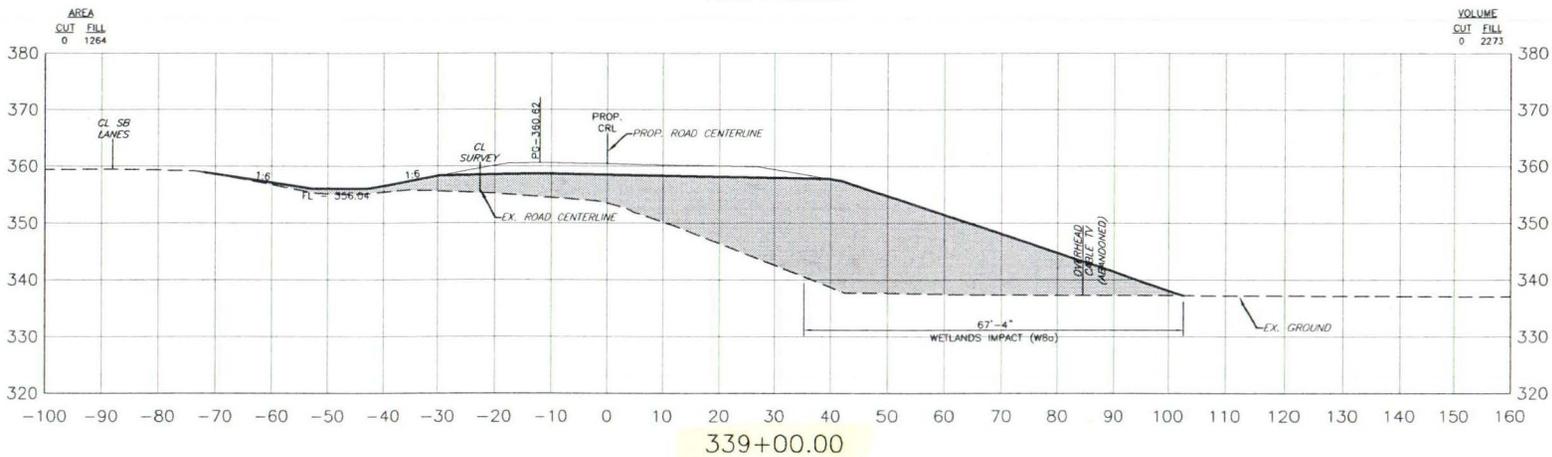
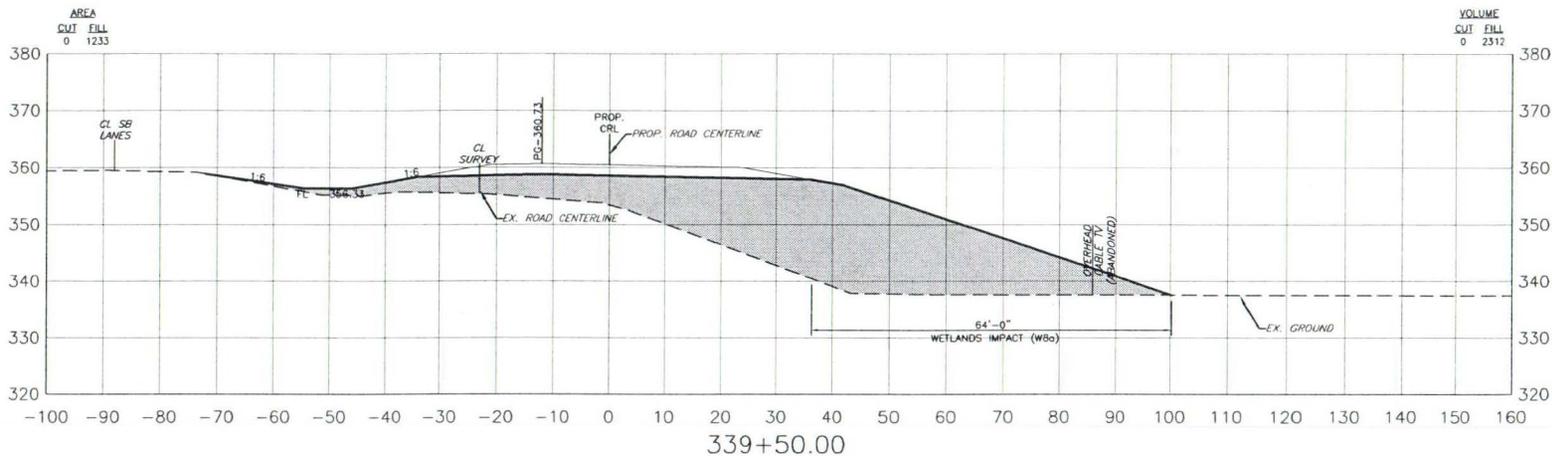
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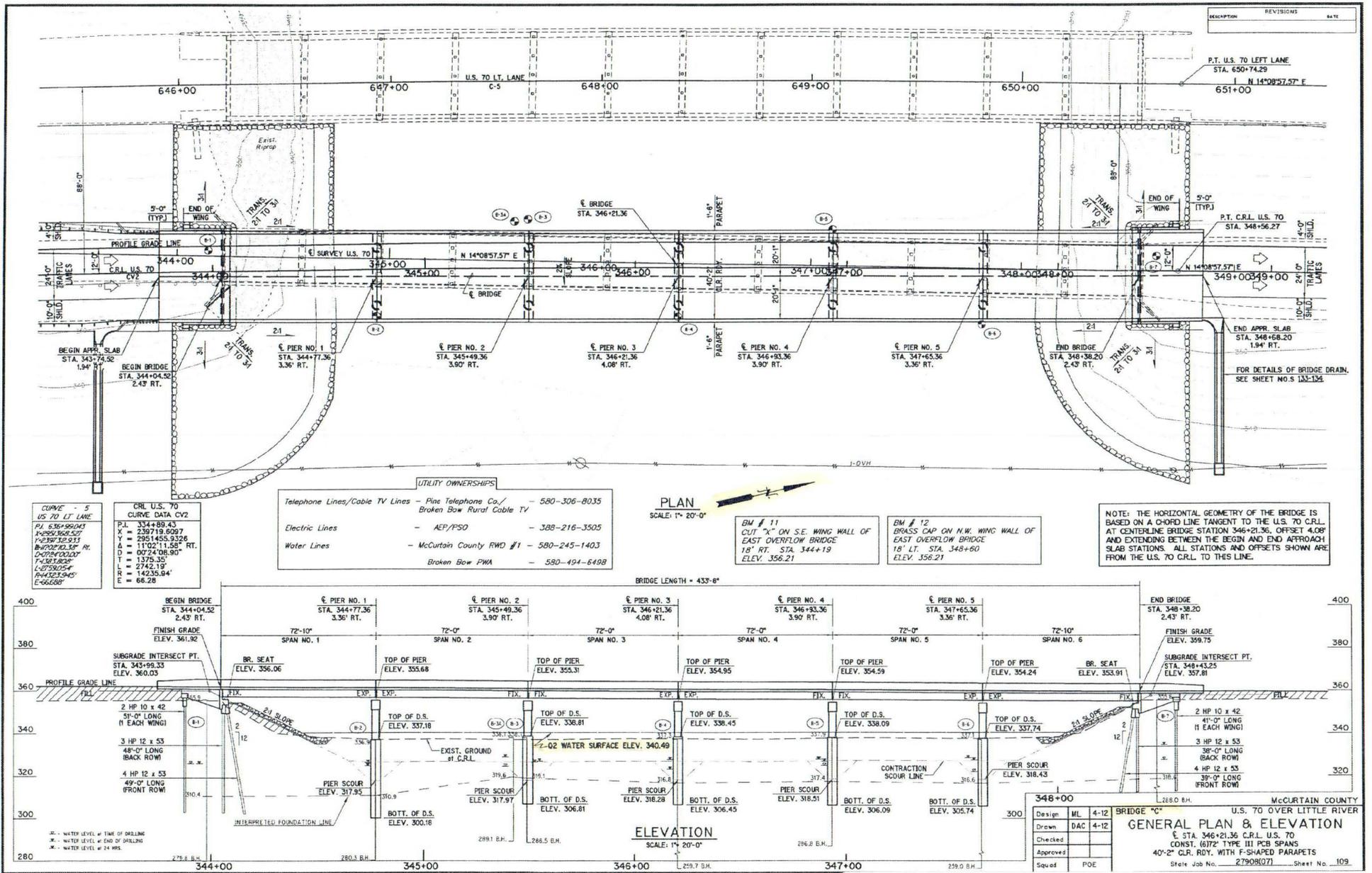
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 Oklahoma Dept. of Transportation  
 Bridge Replacement Hwy 70 JP 27908(07)  
 Little River, McCurtain County  
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DESCRIPTION	REVISION	DATE
ADDED WETLANDS IMPACT		02/02/15



DESIGN		OKLAHOMA DEPARTMENT OF TRANSPORTATION
DRAWN		DESIGN DIVISION
CHECKED		CROSS SECTIONS
APPROVED		STATE JOB NO. 27908(07) SHEET NO. X566
SQUAD	DE	U.S. 70 OVER LITTLE RIVER MCCURTAIN COUNTY

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 Oklahoma Dept. of Transportation  
 Bridge Replacement Hwy 70 JP 27908(07)  
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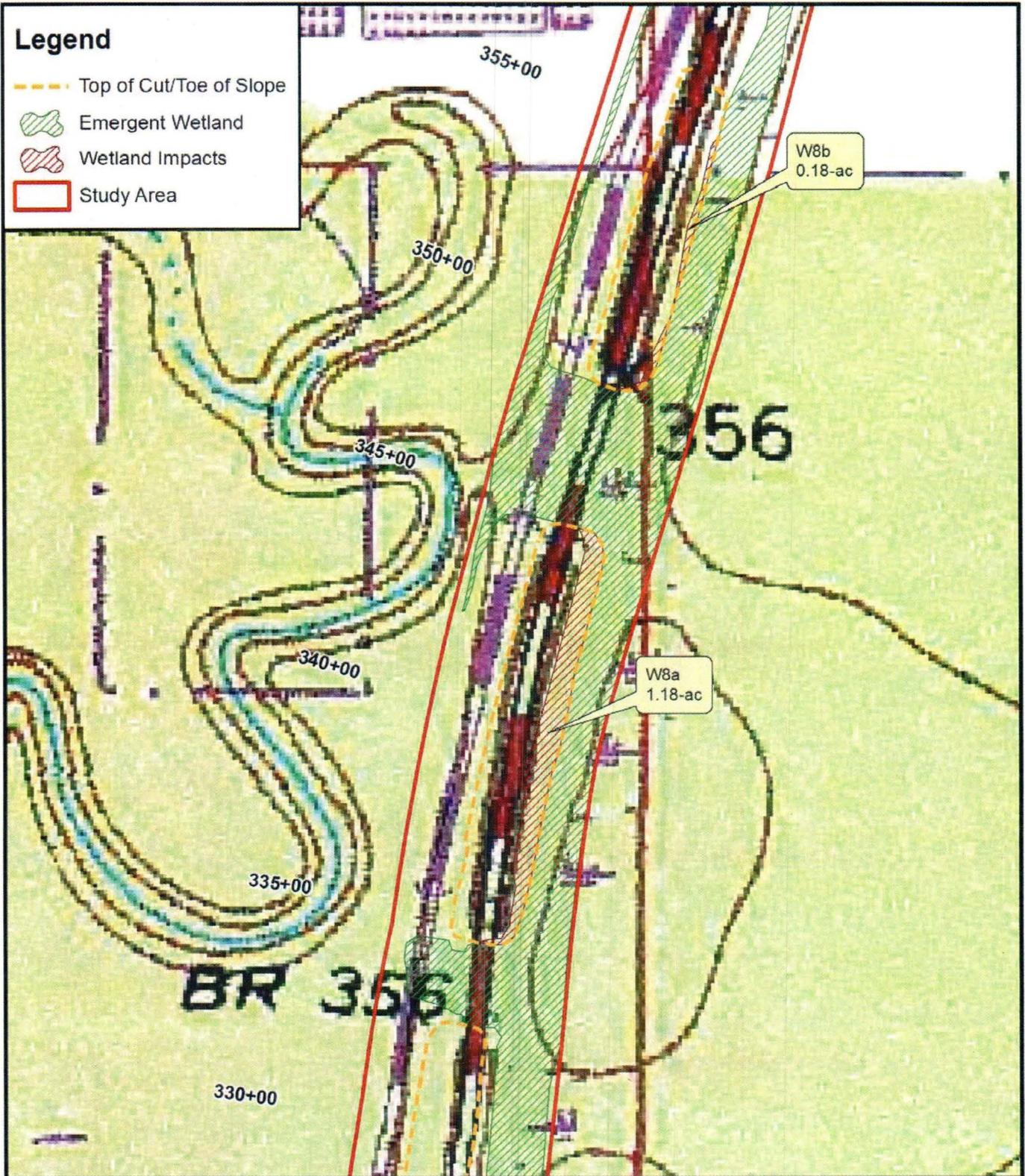
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 Oklahoma Dept. of Transportation  
 Bridge Replacement Hwy 70 JP 27908(07)  
 Little River, McCurtain County  
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### Legend

- Top of Cut/Toe of Slope
- Emergent Wetland
- Wetland Impacts
- Study Area



Prepared for:  
**Oklahoma Department of Transportation**

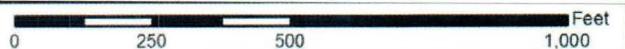
**Subject Property:**  
US 70 over Little River - JP# 27908(07)  
Sections 14, 13, 11 and 12, T7S R24E  
McCurtain County, Oklahoma

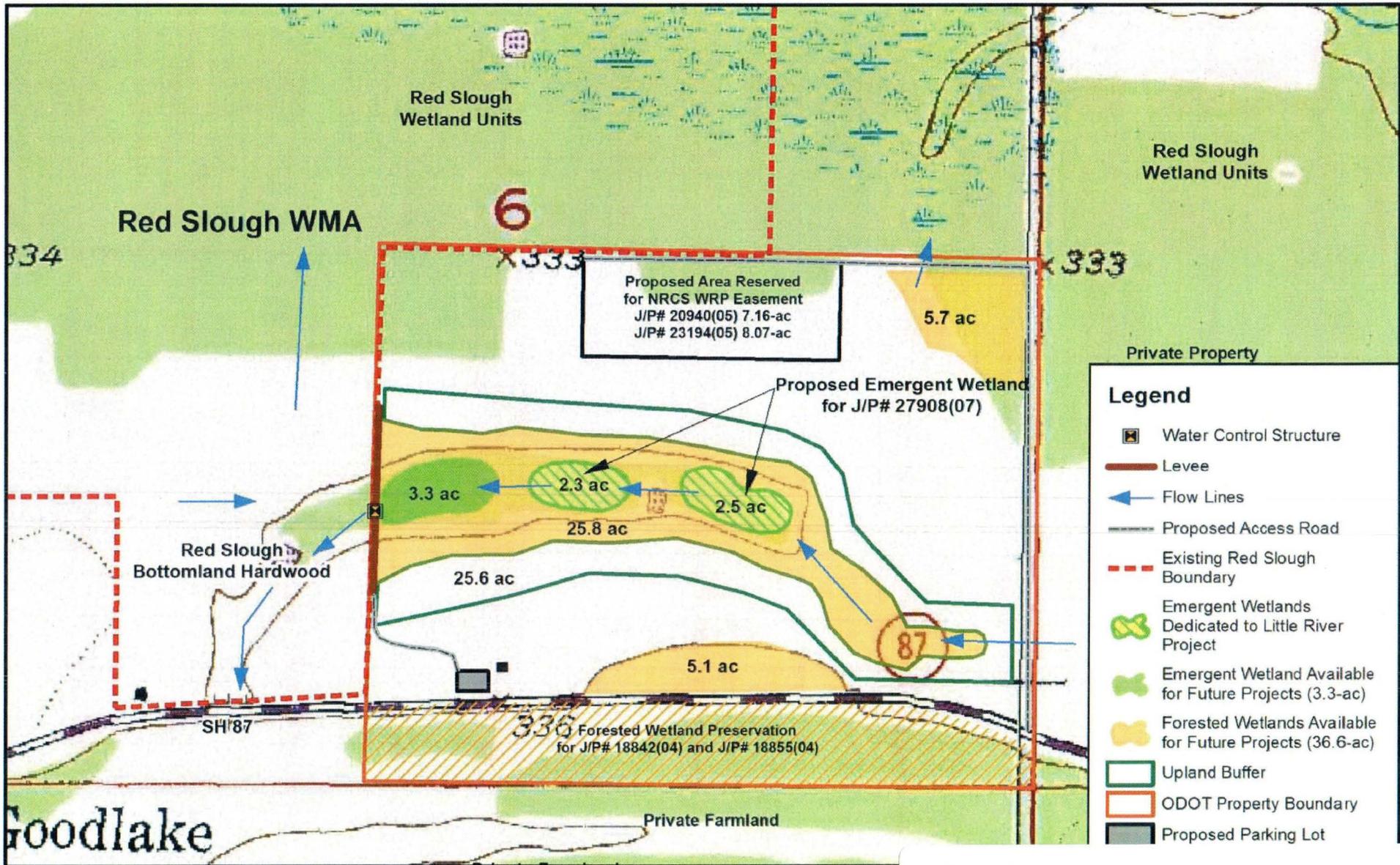


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SWT-2014-509  
Oklahoma Dept. of Transportation  
Bridge Replacement Hwy 70 JP 27908(07)  
Little River, McCurtain County  
Enclosure 10 of 12





**Legend**

- Water Control Structure
- Levee
- Flow Lines
- Proposed Access Road
- Existing Red Slough Boundary
- Emergent Wetlands Dedicated to Little River Project
- Emergent Wetland Available for Future Projects (3.3-ac)
- Forested Wetlands Available for Future Projects (36.6-ac)
- Upland Buffer
- ODOT Property Boundary
- Proposed Parking Lot

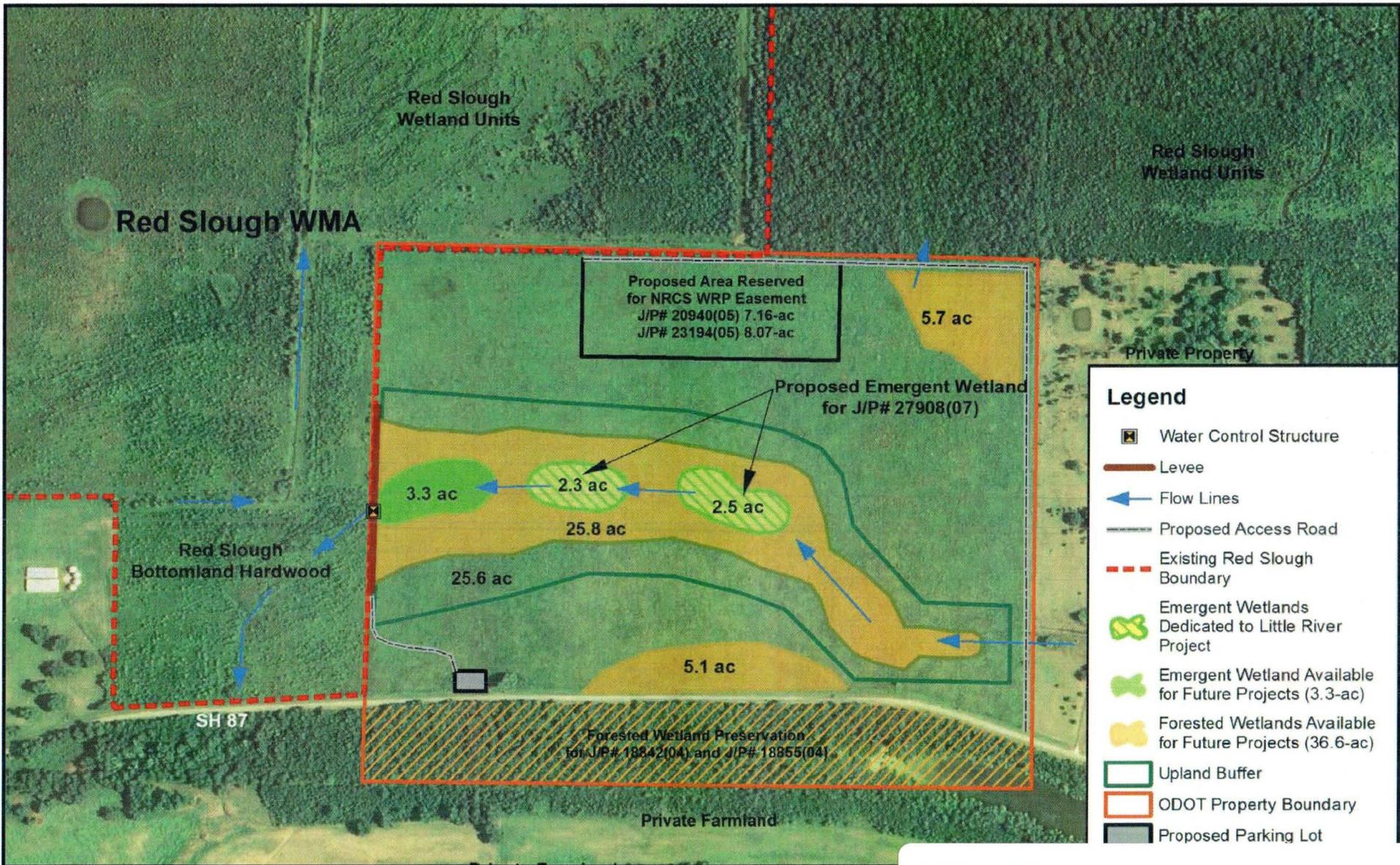
**Prepared for: Oklahoma Department of Transportation**

**Subject Property:**  
 US 70 over Little River - J/P# 27908(07)  
 Section 6, T10S R26E  
 McCurtain County, Oklahoma

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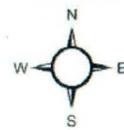
SWT-2014-509  
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 Little River, McCurtain County  
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0 400 800 1,200 1,600 Feet



Prepared for: Oklahoma Department of Transportation

**Subject Property:**  
 US 70 over Little River - J/P# 27908(07)  
 Section 6, T10S R26E  
 McCurtain County, Oklahoma



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SWT-2014-509  
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 Bridge Replacement Hwy 70 JP 27908(07)  
 Little River, McCurtain County  
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