

U.S. Army Corps of Engineers Tulsa District

Public Notice

Reply To:

U.S. Army Corps of Engineers ATTN: Regulatory Office 2488 East 81St Street Tulsa, Oklahoma 74137-4290 <u>SWT-2015-133</u> Public Notice No.

September 21, 2020 Public Notice Date

October 20, 2020 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 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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Application No. SWT-2015-00133

JOINT PUBLIC NOTICE U.S. ARMY CORPS OF ENGINEERS AND OKLAHOMA DEPARTMENT OF ENVIRONMENTAL QUALITY (ODEQ) AND TEXAS COMMISSION ENVIRONMENTAL QUALITY (TCEQ) (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 certifications pursuant to Section 10 of the Rivers and Harbor Act (RHA) of 1899 including Sections 404 and 401 of the Clean Water Act (CWA). The ODEQ and TCEQ hereby incorporates this public notice and procedure as its own public notice and procedure by reference thereto.

- <u>Applicant:</u> Ms. Stephanie Manry Wichita Falls District Texas Department of Transportation (TXDOT) 1601 Southwest Parkway Wichita Falls, TX 76302
- <u>Agent:</u> Mr. Steven Cramer Jacobs Engineering 911 Central Parkway North, Suite 425 San Antonio, TX 78232

<u>Location:</u> The proposed project is for 22 miles in length from Interstate Highway (IH 35): Near FM 3002, Cooke County, Texas to Mile Marker 1 Merle Wolfe Road in Love County, Oklahoma.

Project Start: North Latitude 33.436601 and West Longitude 97.166171 (Farm-to-Market Road (FM) 3002)

Red River Bridge Crossing: North Latitude 33.727543 and West Longitude 97.159097 Red River Bridge Replacement Project

Project End: North Latitude 33.738548 and West Longitude 97.145911 (Mile Marker 1 (Merle Wolfe Road in Oklahoma))

<u>Project Description:</u> The TXDOT application is for the placement of dredged or fill material in various waterways (Section 404 CWA). This proposal would also involve the placement dredged or fill material into navigable waters of the United States associated with Red River Crossing (Section 10 RHA). This activity would facilitate the

reconstruction and widening of the existing IH 35 corridor from FM 3002 to the Texas/Oklahoma Stateline. Additionally, new North bound lanes would be constructed adjacent (East) of existing corridor near the Red River bridge. For the remaining sections, two additional travel lanes would be added to the existing IH35 infrastructure in each direction. The existing frontage roads would be converted to one-way traffic to increase safety and capacity on IH 35.

<u>Purpose:</u> The purpose of the proposed project is to widening the IH35 from two lanes to four lanes. These are not water dependent activities.

<u>Information:</u> The applicant proposes the rehabilitation of IH 35 to correct design deficiencies and provide frontage roads throughout the project limits. This is expected to improve public safety, transportation mobility, add capacity, and enhance economic development opportunities for existing and future travelers in the region.

<u>Corps Area of Responsibility:</u> The project area is located within two U.S. Army Corps of Engineer (USACE) Districts, Tulsa and Fort Worth. The Tulsa District is requiring an Individual Permit, due to construction within the Red River. Since an Individual Permit is required, the Tulsa District will be the lead Corps District to review the entire project. The proposed project is planned to be built in three phases that beginning in Phase 1, February 2021; Phase 2, Fiscal Year (FY) 2023; and Phase 3, FY-2026.

Original Proposal					
Number (and Project Phase) / Location	Impact Activity	Type of Water	Type of Fill Material	Qty of Material cys below OHWM	Footprint (ac and/or lf)
1 Construction Phase 3 (Texas)	Extending Culvert	Riverine	Concrete and Steel	54.9	0.017 ac 50 lf
2 Construction Phase 3 (Texas)	New Bridge Construction "drill piers outside of the OHWM"	Riverine	Concrete and Steel	29.0	0.018 ac 88 lf
3 Construction Phase 3 (Texas)	Extending Culvert	Riverine	Concrete and Steel	16.1	0.010 ac 75 lf
4 Construction Phase 3 (Texas)	No Impact to WOTUS	Riverine	None	0	0.00 ac 0 lf

Summary Table of Impacts:

	New Bridge				
5	No Bents				
Construction	"outside of the		Concrete		0.467 ac
Phase 3 (Texas)	OHWM"	Riverine	and Steel	0	581 lf
6	Existing				
Construction	Culvert		Concrete		0 002 ac
Phase 3 (Texas)	Extended	Riverine	and Steel	32	40 lf
7	Existing			0.2	
Construction	Culvert		Concrete		0 008 ac
Phase 3 (Texas)	Extended	Riverine	and Steel	12.0	1/1 If
	Existing	Triverine		12.0	
Construction			Conorata		0.004.00
	Cuivent	Divorino		6 F	0.004 ac
		Rivenne	and Steel	0.0	
9 Oceanting the second	Existing		0		0.045
Construction	Culvert	D	Concrete		0.015 ac
Phase 1 (Texas)	Extended	Riverine	and Steel	96.8	72 lf
10					
Construction	No Impact to			_	0.0 ac
Phase 1 (Texas)	WOTUS	Riverine	None	0	0 lf
11					
Construction			Earthen		0.017 ac
Phase 1 (Texas)	Road Widening	Riverine	Material-	54.9	42 lf
12	Existing				
Construction	Culvert		Concrete		0.008 ac
Phase 1 (Texas)	Extended	Riverine	and Steel	51.6	58 lf
13	Existing				
Construction	Culvert		Concrete		0.006 ac
Phase 1 Texas)	Extended	Riverine	and Steel	38.7	45 lf
14	Existing				
Construction	Culvert		Concrete		0.002 ac
Phase 1 (Texas)	Extended	Riverine	and Steel	3.2	29 lf
15	Existing				
Construction	Culvert		Concrete		0.001 ac
Phase 1 (Texas)	Extended	Riverine	and Steel	16	20 lf
16					20
Construction	No Impact to				0.0ac
Phase 1 (Texas)	WOTUS	Riverine	None	0	0 lf
	Bridge	Tavenne	TIONE	0	
	Evtended				
17	Grading "piors				
Construction	Grading piers		Conorata		0.001.00
		Diverine		1.6	0.001 ac
		Riverine	and Steel	0.1	34 II
0 Ogenetimenting	Existing		0		0.007 -
		D	Concrete		0.007 ac
Phase 1 (Texas)	Extended	Riverine	and Steel	22.6	24 lf

Construction Culvert Concrete C	0.005 ac
Phase 1 (Texas) Extended Riverine and Steel 32.3	26 lf
New Bridge	
20 Footprint is located	
Construction "outside the	0.0 ac
Phase 1 (Texas) OHWM" Riverine None 0	0 lf
21 Existing	0
Construction Culvert Concrete	0 069 ac
Phase 2 (Texas) Extended Riverine and Steel 222.6	200 lf
	200 11
Construction Culvert portion of	0.0.20
Phase 2 (Texas) enhemeral stream Piverine None 0	0.0 ac 0 lf
	0 11
Construction Road Widening/ Forthon	0.002.00
Construction Road Widening/ Earthen C	0.003 ac
Priase 2 (Texas) Cuivert Riverine Material- 4.0	143
24 Existing	0.001.55
Construction Cuivert Concrete	0.001 ac
Phase 2 (Texas) Extended Riverine and Steel 1.6	50 17
25 Existing	0.004
Construction Culvert Concrete	0.001 ac
Phase 2 (Texas) Extended Riverine and Steel 1.6	56 lt
26 Existing	
Construction Culvert Concrete (0.005 ac
Phase 2 (Texas) Extended Riverine and Steel 8.1	56 lf
27 Existing	
Construction Culvert Concrete	0.005 ac
Phase 2 (Texas) Extended Riverine and Steel 8.1	44 lf
28	
Construction No Impacts to	0.0 ac
Phase 2 (Texas) WOTUS Riverine None 0	0 If
29 Existing	
Construction Culvert Concrete (0.006 ac
Phase 2 (Texas) Extended Riverine and Steel 9.7	260 lf
30 (Red River) Two New Span	
Construction Bridges 140' wide	
Phase 2 (Oklahoma) (2-70 ft wide) with	
Replace one existing 163 Piers	
bridge/ build new 54 Piers in water Concrete	0.002 ac
bridge (54 inch diameter) Riverine and Steel 3.2	252 lf
31 , , , , , , , , , , , , , , , , , , ,	
Construction No Impact to	0.0 ac
Phase 2 (Oklahoma) WOTUS Riverine None 0	0 If
32 Existing	
Construction Culvert Concrete	0.001 ac
Phase 2 (Oklahoma) Extended Riverine and Steel 1.6	34 lf

33 Construction	No Imposto to				0.0.00
Construction		Diverine	Nana	0	0.0 ac
Phase 2 (Oklanoma)	WOTUS	Riverine	None	0	U IT
34	Existing				
Construction	Culvert		Concrete		0.005 ac
Phase 2 (Oklahoma)	Extended	Riverine	and Steel	8.1	20 lf
35					
Construction	No Impacts to				0.0 ac
Phase 2 (Oklahoma)	WOTUS	Riverine	None	0	0 lf
36	Existing				
Construction	Culvert		Concrete		0.005 ac
Phase 2 (Oklahoma)	Extended	Riverine	and Steel	8.1	20 lf
37	Existing				
Construction	Culvert		Concrete		0.001 ac
Phase 2 (Oklahoma)	Extended	Riverine	and Steel	1.6	20 lf
				703.4	0.233 ac
IH 35 Total (Impacts)	Delineation 6,675 If			CYS	1,752 lf
cubic yards (cys), ordinary high water mark (OHWM), acre (ac), linear feet (If), inch (in),					
feet (ft)					

<u>Description of Work</u>: The applicant proposes the placement of dredged or fill materials using eathern materials consisting of clay, sand, concrete and 12-inch riprap. The applicant also proposes to construct a new bridge (#30) over the Red River that would require (72) 42 to 54-inch diameter piers that are cylindrical concrete shaft filled with concrete and steel. After construction, all temporary fill would be removed and the Red River contours restored to its pre-construction contours.

This proposal also includes the placement of fill material for Type 1 Class A 12-inch riprap (with filter blanket) for bank stabilization to protect the abutments.

The applicant also proposes to extend 25 concrete culverts and two bridge widening's at (#17) for 34 If and (#23) for 145 If. The total project length is 22 miles. The combine total impacts to WOTUS is 1,752 If (0.233 ac). The work would be performed using conventional earth moving equipment, drills, and work barge. The existing structurally deficient bridge and the temporary work road would be removed when the new bridge has been completed.

The applicant also proposes to construct four new bridges (#2), (#5), (#17), and (#20). All piers associated with these bridges would be placed outside of the OHWM. Sites (#4), (#10), (#16), (#28), (#31), (#33), and (#35) would not involve impacts to WOTUS.

<u>Avoidance and Minimization Information</u>: 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 applicant is proposing avoidance and minimization by reconstructing and widening the existing IH 35 corridor which avoids the need to construct a road in a new location. In addition, appropriate BMPs will be used to avoid and minimize both permanent and temporary impacts during construction.

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

The applicant did not provide a proposed mitigation plan or a statement explaining why mitigation is not necessary for their project because the impacts to the crossings are under mitigation triggers.

This 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 Compensatory Mitigation for unavoidable impacts may be required to ensure that this activity requiring a Section 404 permit, if issued, complies with the Section 404 (b)(1) Guidelines. The Corps bears the final decision on the need for and extent of mitigation required if the project proposed herein is authorized.

<u>Government Authorizations obtained or received:</u> The Corps has received correspondence concerning Section 9 RHA (Administered by the U.S. Coast Guard) that determined the waterway crossing over the Red River will not require U.S. Coast Guard approval.

<u>Project Setting</u>: This project is located within the Texas and Oklahoma Ecoregion of Cross Timbers Transition, which is part of the Central Great Plains geomorphic province. The Cross Timbers Transition is characterized by a series of grasslands and prairies. The project is in the floodplain of the Red River.

<u>Existing Condition</u>: The project is currently an Interstate Highway with associated county access roads. The land is comprised mostly of grasslands and land managed by agricultural activities in the uplands. The intermittent and perennial stream channels identified along the IH35 corridor are jurisdictional waters of the United States.

<u>Cultural Resources:</u> The DE is responsible to ensure compliance with the National Historic Preservation Act of 1966 (NHPA) (Public Law 89-665), as amended, and other cultural resources laws and Executive Orders. A preliminary review has been completed of the state's records for the presence of sites included in, or eligible for, inclusion in the National Register of Historic Places, as well as the Oklahoma Landmark Inventory Database. Based on the preliminary information, there may be historic properties, as defined by the NHPA, in or within the vicinity of the proposed permit area. The Corps will comply with the NHPA to resolve any potential effects.

<u>Threatened and Endangered Species</u>: 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: least tern (*Sterna antillarum*), piping plover (*Charadrius melodus*), red knot (*Calidris canutus rufa*), and whooping crane (*Grus americana*). A copy of this notice is being furnished to the U.S. Fish and Wildlife Service and appropriate state agencies. A copy of this notice is being furnished to the U.S. Fish and Wildlife Service and wildlife Service and appropriate state agencies.

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 effect of our decision on this permit application.

Evaluation Factors: 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.

<u>Plans and Data:</u> 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 Mr. Marcus Ware, Tulsa District Corps of Engineers, ATTN: Regulatory Office, 2488 East 81st Street, Tulsa, OK 74137; or telephone 918-669-7400.

<u>Comments:</u> 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, floodplain administrators, state historic preservation officers, Indian tribes, and other interested parties. Comments concerning the issuance of this permit should be received by the DE no later than the expiration date of this public notice. You may submit comments to mailing address Tulsa District Corps of Engineers, ATTN: Regulatory Office, 2488 East 81st Street, Tulsa, OK 74137; or email CESWT-RO@usace.army.mil, please include the public notice number SWT-2015-00133 in the subject line of the message.

Comments concerning water quality impacts will be forwarded to ODEQ and TECQ 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









TXDOT Red River, including multiple stream channels IH 35, Cooke County Texas and Love County Oklahoma Enclosure 3 of 18



Red River, including multiple stream channels IH 35, Cooke County Texas and Love County Oklahoma Enclosure 4 of 18











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TXDOT

Red River, including multiple stream channels

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