



# 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  
2488 East 81st Street  
Tulsa, Oklahoma 74137-4290

SWT-2018-112  
Public Notice No.

January 31, 2019  
Public Notice Date

March 2, 2019  
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  
2488 EAST 81ST STREET  
TULSA, OKLAHOMA 74137-4290

Application No. SWT-2018-112

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 (CWA). The ODEQ hereby incorporates this public notice and procedure as its own public notice and procedure by reference thereto.

Applicant: Joe Echelle  
Oklahoma Turnpike Authority  
3500 Martin Luther King Avenue  
Oklahoma City, OK 73111

Agent: David Streb  
Poe and Associates, Inc.

Location: The proposed project is in Township 19 North, Range 12 East, Sections 5, 8, 17, 20, 28 and 29, and Township 20 North, Range 12 East, Section 31, City of Tulsa, Tulsa County, Oklahoma. The project site can be found on the Sapulpa Oklahoma 7.5 Minute USGS Quadrangle map.

South end of project is at 36.089025°N, -96.047477°W  
North end of project is at 36.161087°N, -96.056678°W

Project Description: The application is to construct several bridges, culverts, reinforced concrete boxes (RCB), and stream realignment to facilitate the new Gilcrease Expressway. This includes constructing a span bridge over the Arkansas River, a span bridge over Berryhill Creek, and impacts to several other waterways.

Purpose: The overall purpose of this work is to construct a new 5 mile expressway within the established corridor of the Gilcrease Expressway from West 51<sup>st</sup> Street north to West Edison Street in west Tulsa. This proposal is expected to efficiently accommodate the future traffic demand of west Tulsa. The project is not a water dependent activity.

Summary of Impacts: The proposed project would result in a combined total of 8,188 linear feet (13,193 CYS and 3.239 acres) of perennial, intermittent, and ephemeral

stream impacts and 0.583 acre (939 CY) of jurisdictional palustrine emergent wetland impacts. The fill material would be placed in the Arkansas River, Berryhill Creek, and other streams and wetlands. For a detailed table of impacts see enclosure 7.

Description of Work: The proposed project would result in a total of 14,132 cubic yards of fill material consisting of concrete fill, clean native earthen material or clay, in addition to 12- to 18-inch riprap. The placement of fill material would be placed utilizing large earth moving equipment, such as bulldozers, dump trucks, and other heavy operations equipment.

The following impacts were determined to exceed the scope of Nationwide Permit 14 (NWP) for Linear Transportation Projects: tributaries OW 5, OW 7, OW 9, and OW 10.

OW 5 (stream realignment), a tributary to Berryhill Creek, flows parallel to the proposed Gilcrease Expressway on the west side. Impacts to OW 5 are discussed in two segments: Segment 1 from south of W. 41st Street to the confluence of OW 7, and Segment 2 from OW 7 north (Enclosure 2). Within Segment 1, the existing concrete RCB under W. 41st Street would be extended, and the OW 5 channel would be shifted slightly east and widened for a distance of approximately 537 LF. Within Segment 2, the stream would remain in its existing location and no fill would be placed in the channel; however, some minor grading would occur on the east side of the channel for a distance of approximately 856 LF. Approximately 1,393 LF of impact to OW 5 is anticipated and 2,742 CY of fill material would be placed in the channel as a result of the proposed structure extension and channel grading.

OW 7 (stream realignment via RCB), a secondary tributary to Berryhill Creek, crosses W. 41st Street in a concrete RCB just east of the existing Gilcrease Expressway roadway (Enclosure 2). Since Bridges B and C would be located over the existing RCB, OW 7 would be realigned so that it flows under W. 41st Street. The existing RCB would be removed and replaced with a new RCB (Bridge Y) that would carry the stream north under W. 41st Street and then extend northwesterly towards 57th W. Avenue. Approximately 1,777 LF of impact to OW 7 is anticipated and 514 CY of fill material would be placed in the original channel as a result of the construction of Bridges B and C and the channel realignment.

OW 9 (stream realignment), Berryhill Creek, would be crossed by Bridges F and G. The bridges are proposed to have two lanes, be 47 feet wide and 1,757 feet in length (Enclosure 3). The proposed design would include realignment of approximately 1,064 LF of existing OW 9 under the proposed bridges. OW 9 would also be realigned near the proposed W. 21st Street interchange and would be conveyed through Bridges Z and CC. The existing channel of OW 9 at these realignment areas (i.e., under Bridges F and G and at W. 21st Street) would be filled. Approximately 3,733 LF of total impact to OW 9 is anticipated. A total of 9,186.5 CY of fill material would be placed in the existing channel of OW 9 as a result of the proposed improvements and channel realignments.

OW 10 (permanent piers and temporary construction road), Bridges M and N would cross the Arkansas River. The northbound bridge is proposed to have two lanes, be 47 feet wide, and 1,670 feet in length, and the southbound bridge is proposed to have two to three lanes and the multiuse trail, vary between 62 and 74 feet wide, and 1,665 feet in length (Enclosure 5). Each bridge would consist of thirteen spans and twelve piers. The northbound bridge would be constructed with two columns/drilled shafts at each pier resulting in a total of 24 columns/drilled shafts along the northbound bridge. The southbound bridge would be constructed with three columns/drilled shafts at each pier resulting in a total of 36 columns/drilled shafts along the southbound bridge. On each bridge, eight of the twelve piers are located below the ordinary high water mark (OHWM) of the Arkansas River resulting in a total of 40 columns/drilled shafts. Drilled shafts would be cased, filled with concrete using conventional methods. Permanent casing would be used for the construction of all drilled shafts below the OHWM. The proposed drilled shafts are estimated to be 6.0 feet in diameter. Therefore, the total fill for the new concrete bridge piers over the Arkansas River is 440 CY. Sediment from the excavation process shall be removed and disposed of outside of the riparian zone. The maximum work road length of 565 feet into the Arkansas River was determined by hydraulic analysis and by USFWS requirements to not impede more than 50% of the channel at one time. For the construction of the work roads, fill material would be placed in the river channel; however, the fill material would be removed after construction is complete. The natural contours of the river channel would be restored to the maximum extent practicable.

The following impacts are expected to be authorized by NWP 14: tributaries OW 3, OW 4, OW 8, OW 12, and then wetlands W 8, W 9, W 25, W 26, W 27, and W 28. Refer to enclosure 7 for details.

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:

(General avoidance measures included using bridges to span waters where practicable and locating the proposed grading limits as near the alignment as practicable while accounting for safety and design requirements. The project avoided 688 linear feet (0.32 acre) of stream, 1.02 acres of jurisdictional pond, and 0.12 acre of wetland within the proposed project area. Ponds 11, 12, 13, and 14, Wetlands 11, 12, 22, and 23, and Harlow Creek (OW 11) are completely avoided.

Avoidance: The selected alternative, specific design, and purpose and need for the proposed project does not allow for complete avoidance of impacts to waters of the United States. The corridor planning process for the Gilcrease Expressway has been comprehensive and has spanned several decades. Many of the unavoidable impacts shown in this application were a direct result of meeting the requirements of the Federal Emergency Management Agency (FEMA) and the City of Tulsa (COT) to adequately accommodate drainage and reduce flooding risk to adjacent properties. However, to the maximum extent practicable, impacts to waters were avoided

through design measures while accounting for roadway standards and safety, local drainage, and other adjacent constraints.

**Minimization:** In addition to the avoidance measures described above, the design of the proposed project has minimized impacts to waters to the extent practicable, by only impacting waters within the construction footprint and not within the entire right-of-way of the project. Furthermore, the alignment and design minimized impacts to streams by crossing as near as perpendicular as practicable. Where stream crossings cannot be avoided and/or are not perpendicular, the design includes relocation of streams into open channels with vegetated beds and banks for flow conveyance, as opposed to complete enclosure in concrete culverts. Some of the proposed impacts involve grading of existing stream channels to improve drainage and minimize scour to the proposed infrastructure. While considered an impact, grading would improve flow and minimize the functional impacts to the aquatic ecosystem.

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

(A Conceptual Mitigation Plan was developed to provide information on the avoidance, minimization, and compensatory mitigation measures for impacts to jurisdictional features. A total of 4,221 linear feet (LF) of perennial streams, 3,699 LF of intermittent streams and 0.44 acre of forested wetland impacts would occur as a result of the project, which would be mitigated for by purchasing credits from the Deep Fork Mitigation Bank and the Terra Foundation In-Lieu Fee Program.)

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. 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.

**Government Authorizations obtained or received:** OKR10 Construction Stormwater permit (ODEQ), and Floodplain Development Permit (OWRB).

**Project Setting:** The study area is located within the Cross Timbers ecoregion of Oklahoma. A total of two U.S. Geological Survey (USGS)-mapped intermittent streams and five perennial streams (Harlow Creek, Arkansas River, Berryhill Creek, one tributary to Berryhill Creek, and one tributary to Harlow Creek) occur within the study footprint. In addition, five unmapped stream features were identified during the field visit (three tributaries to Berryhill Creek, one unnamed stream and one agricultural ditch). The majority of the study area has been impacted by transportation use (roadway and associated right-of-way) as well as industrial facilities and residential developments.

Predominant tree and shrub species in the study area include black willow (*Salix nigra*), eastern cottonwood (*Populus deltoids*), green ash (*Fraxinus pennsylvanica*), American elm (*Ulmus americana*), sugarberry (*Celtis laevigata*), slippery elm (*Ulmus rubra*), ash-leaf maple (*Acer negundo*), roughleaf dogwood (*Cornus drummondii*), deciduous holly (*Ilex decidua*), eastern redbud (*Cercis canadensis*), and coral-berry (*Symphoricarpos orbiculatus*).

Existing Condition: The area surrounding the project primarily contains residential housing, commercial and industrial properties, and undeveloped woodland. The remainder of the study area is occupied by roadway, maintained right-of-way, undeveloped/agricultural land, and several watercourses.

Cultural Resources: The Federal Highway Administration is the lead federal agency for this project and is represented by Oklahoma Department of Transportation in conjunction with Oklahoma Turnpike Authority. Their investigation identified one mid-20th century archaeological site (34TU207), and 76 buildings and seven building complexes were documented. The report recommends that these resources are not eligible for inclusion in the National Register of Historic Places, thus the project was determined to have no effect on historic properties. This determination was coordinated with both the Oklahoma Historical Society (OHS) and the Oklahoma Archeological Survey (OAS), the OHS provided a concurrence letter dated October 9, 2018, and the OAS provided a concurrence letter dated August 30, 2018.

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 of the draft effects finding from ODOT appears to be consistent with the findings within the cultural report.

Threatened and Endangered Species: The Federal Highway Administration is the lead federal agency for this project and is represented by Oklahoma Department of Transportation in conjunction with Oklahoma Turnpike Authority. 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: Northern long-eared bat (*Myotis septentrionalis*), least tern (*Sterna antillarum*), piping plover (*Charadrius melodus*), red knot (*Calidris canutus rufa*), whooping crane (*Grus americana*), Neosho mucket (*Lampsilis rafinesqueana*), American burying beetle (*Nicrophorus americanus*), rattlesnake-master borer moth (*Papipema eryngii*). The IPAC consultation number is 02EKOK00-2017-SLI-2101. The findings within the ODOT report was coordinated with the service. The service concurred with the recommendations within the report via an email dated June 27, 2018.

The DE is responsible to ensure compliance with the Endangered Species Act with regard to ODOTS findings. A preliminary review of the documentation from ODOT appears to be sufficient to comply with the law.

Evaluation Factors: The decision whether to issue a permit would 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 would 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 would 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 would 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 would be granted unless the DE determines that it would be contrary to the public interest.

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 Mr. Bryan Noblitt, Tulsa District Corps of Engineers, ATTN: Regulatory Office, 2488 East 81st Street, Tulsa, OK 74137; or telephone 918-669-7400.

Comments: The Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received would be considered by the Corps of Engineers 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. 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-2018-112 in the subject line of the message.

Comments concerning water quality impacts would 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



R 11 E

R 12 E

R 13 E

R 14 E

T 20 N

T 19 N

T 18 N

EW 059

EW 060

EW 061

EW 062

EW 063

EW 064

EW 065

EW 066

OSAGE COUNTY

TULSA COUNTY

TULSA COUNTY

CREEK COUNTY

PROJECT LOCATION

S. 81st W. Ave.

S. 65th W. Ave.

S. 49th W. Ave.

S. 33rd W. Ave.

S. Union Ave.

W. Edison St.

W. 11th St.

W. 21st St.

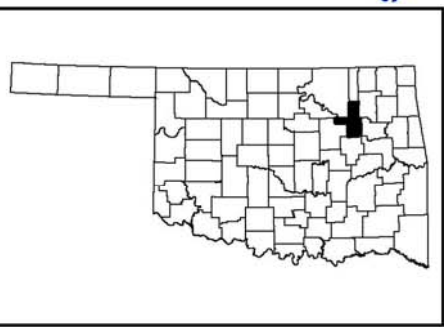
W. 31st St.

W. 41st St.

W. 51st St.

W. 61st St.

W. 71st St.



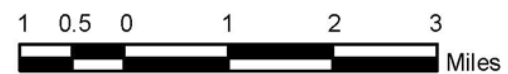
NS 389

NS 390

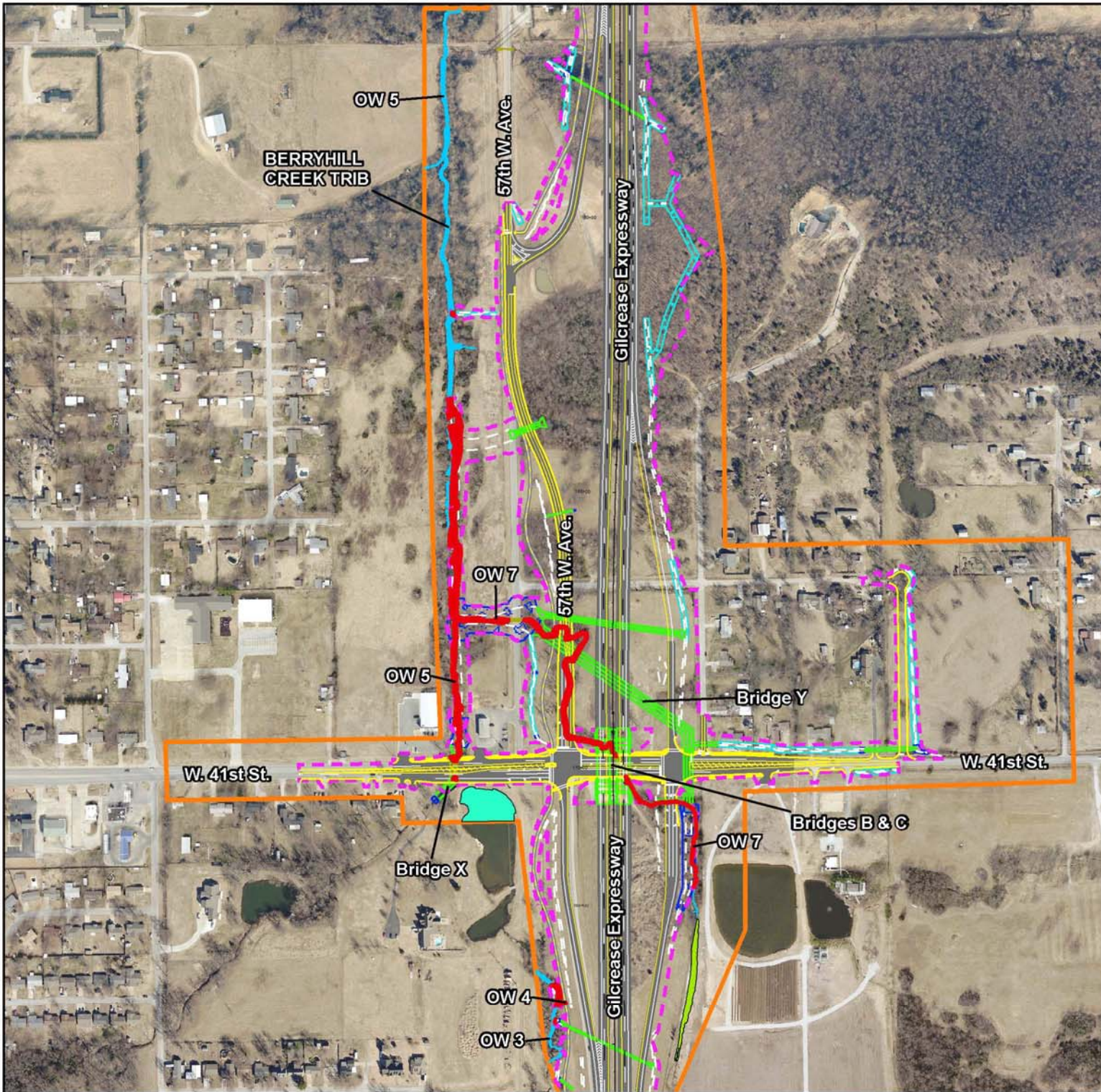
NS 391

NS 392

NS 393



SWT-2018-112  
OTA Gilcrease Expressway  
Tulsa County, Oklahoma  
Arkansas River  
Enclosure 1 of 7



**Legend**

- NEPA Footprint
- Permanent Impact

**Waters of the U.S.**

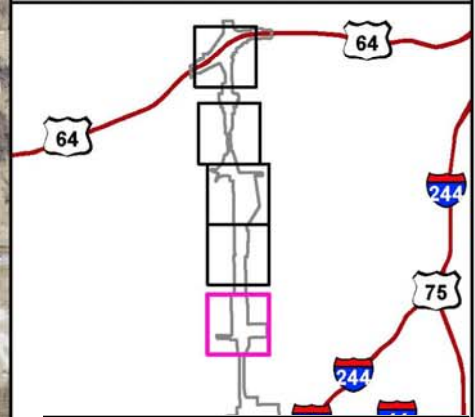
- Ephemeral Stream
- Intermittent Stream
- Perennial Stream
- PEM Wetland
- PFO Wetland
- Pond

**Existing Design Features**

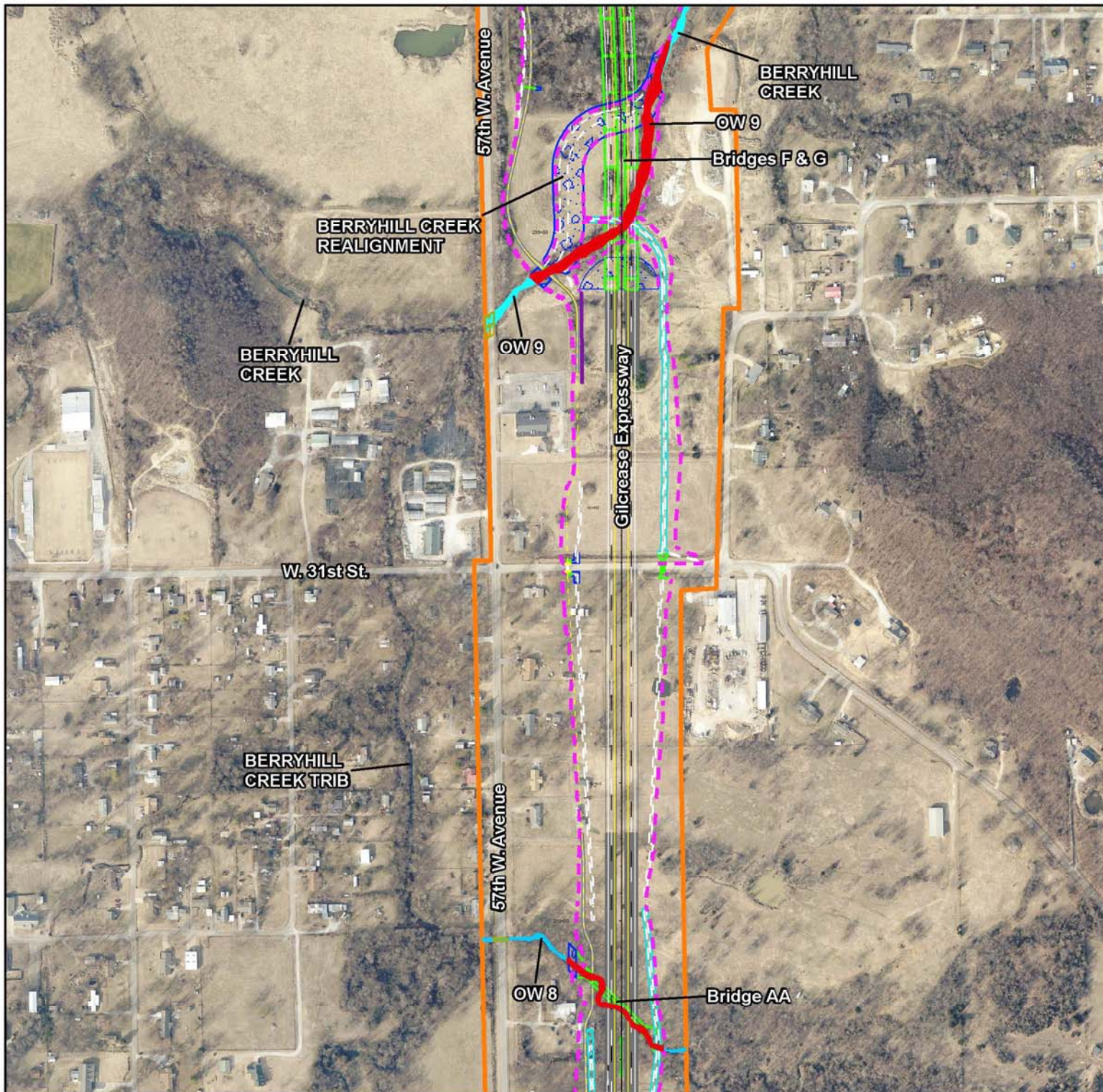
- Bridge/Drainage Structure

**Proposed Design Features**

- Construction Perimeter
- Curb & Gutter
- Ditch
- Retaining Wall
- Bridge/Drainage Structure
- HPTM
- Rip Rap
- Sidewalk
- Trail
- Pavement



SWT-2018-112  
 OTA Gilcrease Expressway  
 Tulsa County, Oklahoma  
 Arkansas River  
 Enclosure 2 of 7



**Legend**

- NEPA Footprint
- Permanent Impact

**Waters of the U.S.**

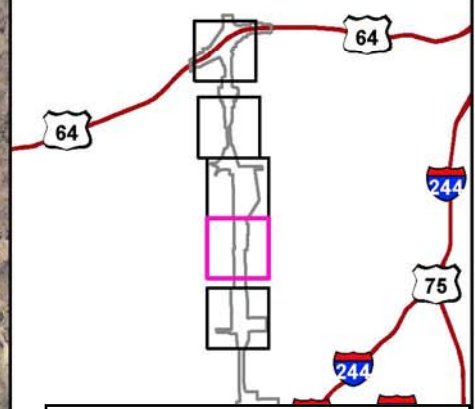
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**Existing Design Features**

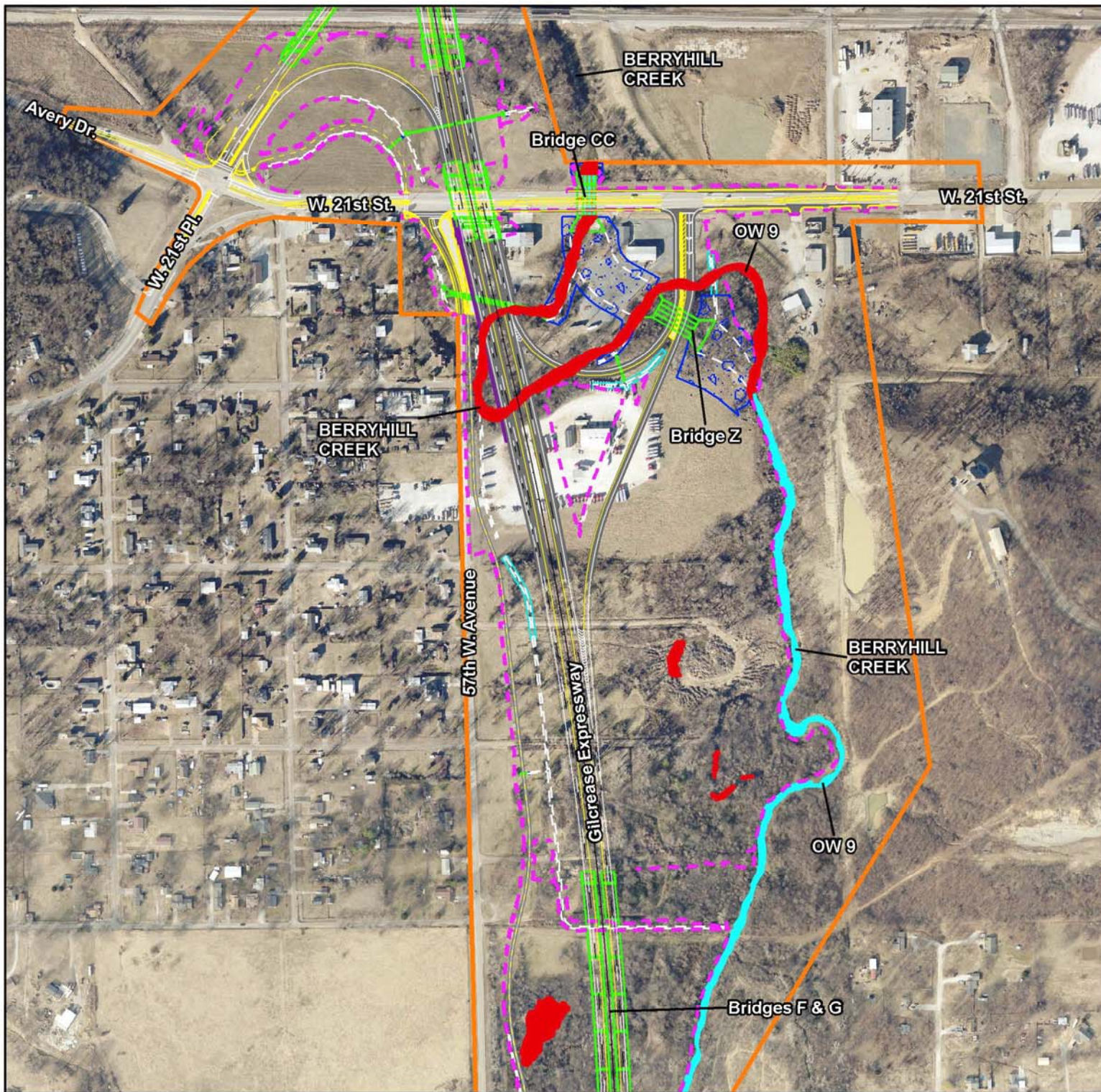
- Bridge/Drainage Structure

**Proposed Design Features**

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SWT-2018-112  
 OTA Gilcrease Expressway  
 Tulsa County, Oklahoma  
 Arkansas River  
 Enclosure 3 of 7



**Legend**

- NEPA Footprint
- Permanent Impact

**Waters of the U.S.**

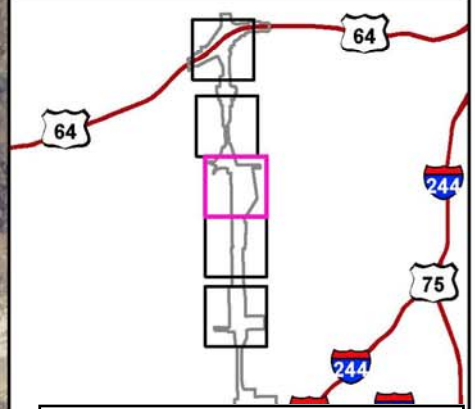
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**Existing Design Features**

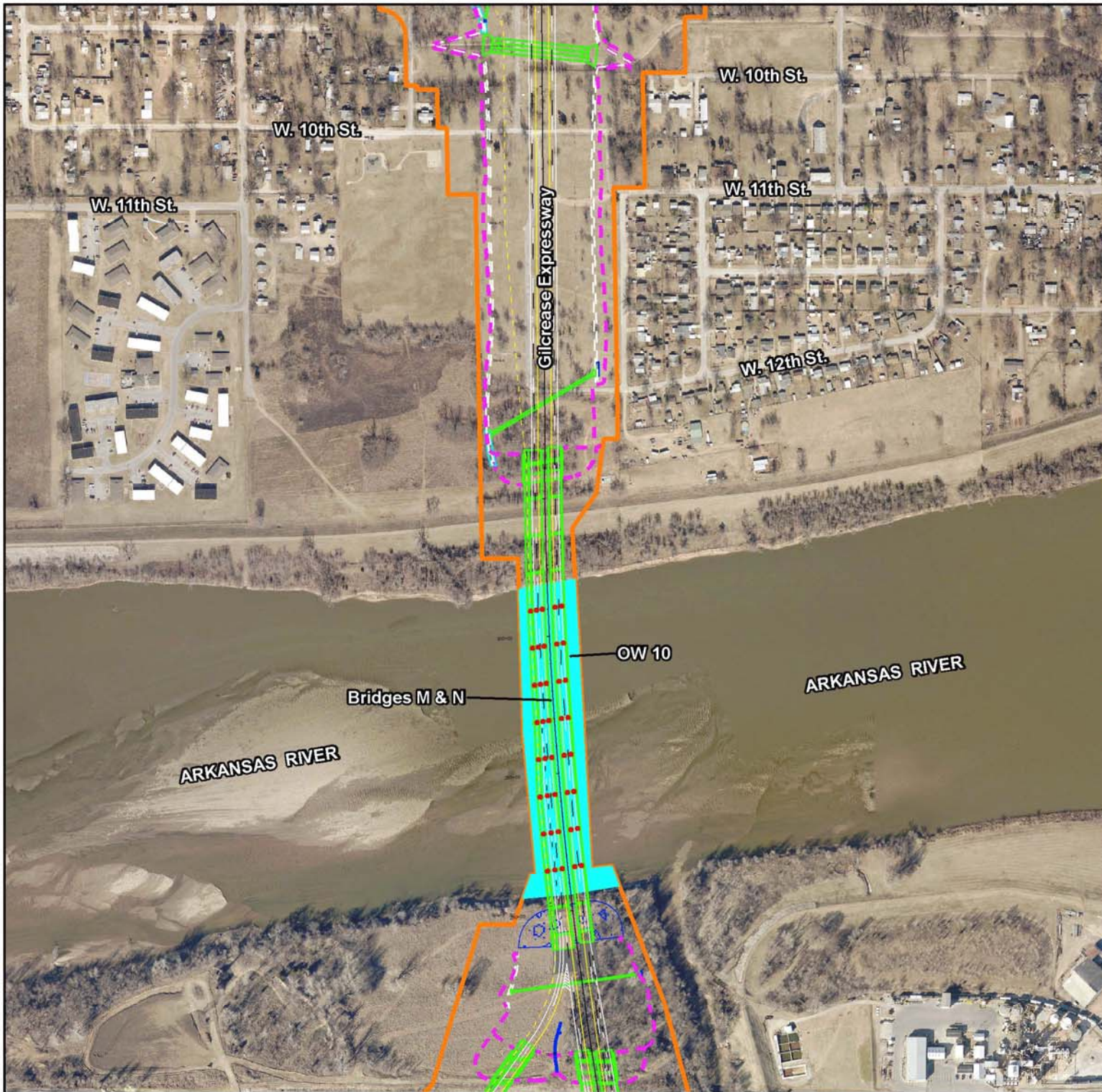
- Bridge/Drainage Structure

**Proposed Design Features**

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SWT-2018-112  
 OTA Gilcrease Expressway  
 Tulsa County, Oklahoma  
 Arkansas River  
 Enclosure 4 of 7



**Legend**

- NEPA Footprint
- Permanent Impact

**Waters of the U.S.**

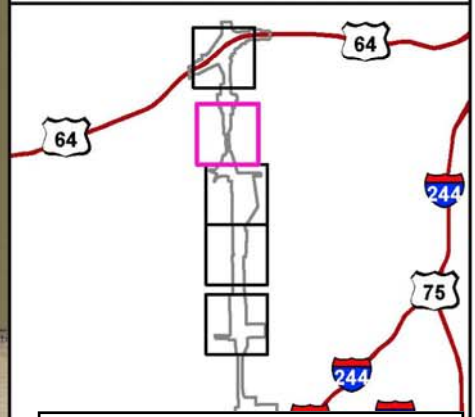
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- Intermittent Stream
- Perennial Stream
- PEM Wetland
- PFO Wetland
- Pond

**Existing Design Features**

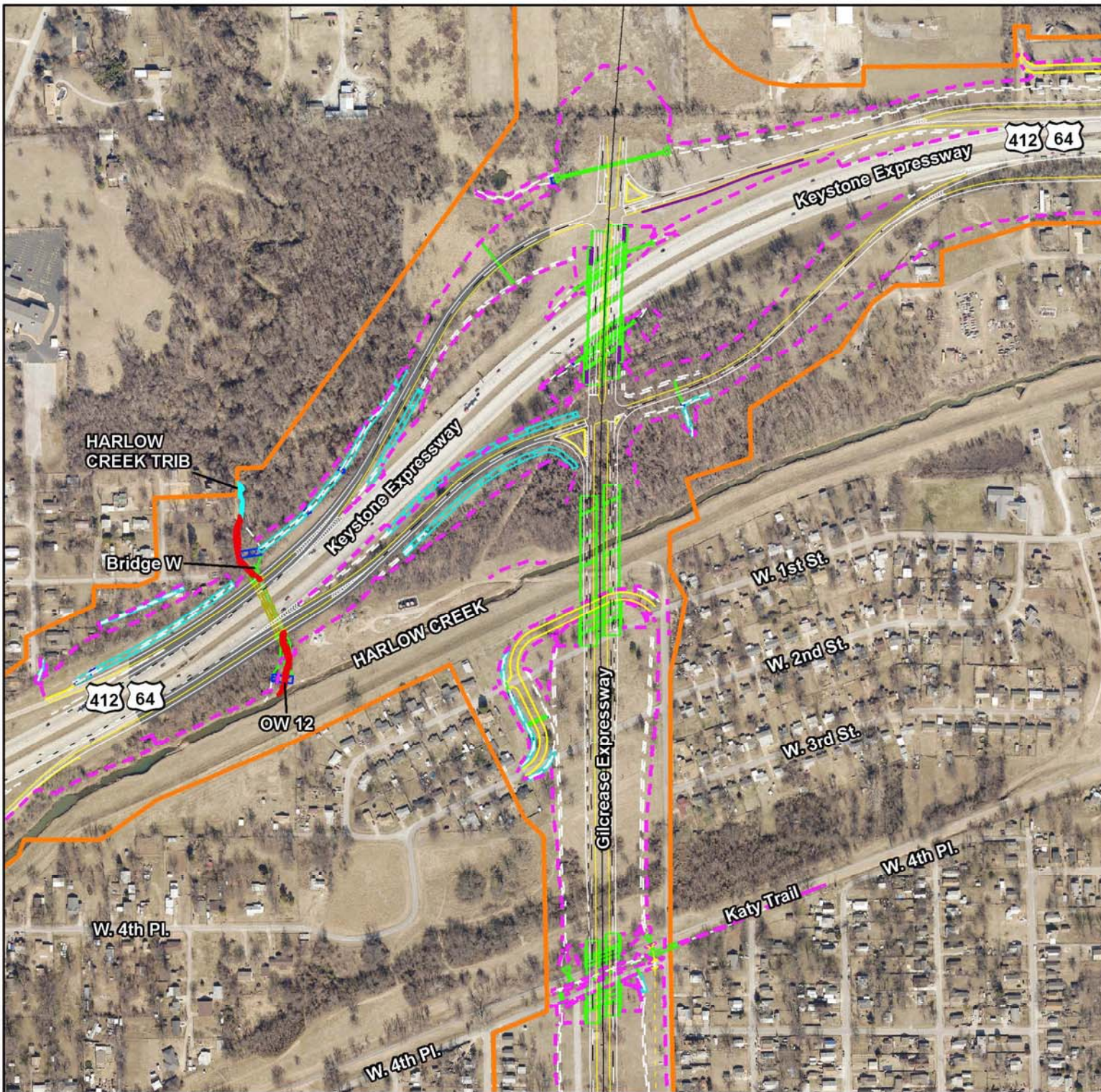
- Bridge/Drainage Structure

**Proposed Design Features**

- Construction Perimeter
- Curb & Gutter
- Ditch
- Retaining Wall
- Bridge/Drainage Structure
- HPTRM
- Rip Rap
- Sidewalk
- Trail
- Pavement



SWT-2018-112  
 OTA Gilcrease Expressway  
 Tulsa County, Oklahoma  
 Arkansas River  
 Enclosure 5 of 7



**Legend**

- NEPA Footprint
- Permanent Impact

**Waters of the U.S.**

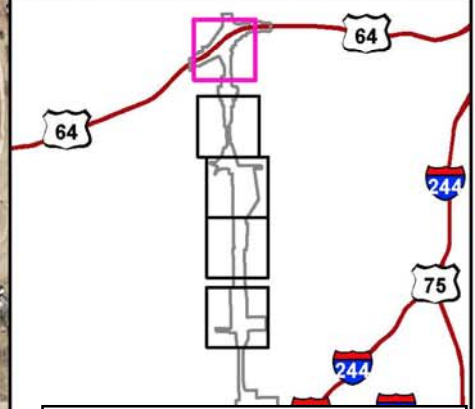
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**Existing Design Features**

- Bridge/Drainage Structure

**Proposed Design Features**

<span style="border-bottom: 1px dashed magenta; display: inline-block; width: 20px; margin-right: 5px;"></span> Construction Perimeter	<span style="border: 1px dashed magenta; display: inline-block; width: 15px; height: 10px; margin-right: 5px;"></span> HPTRM
<span style="border-bottom: 1px solid yellow; display: inline-block; width: 20px; margin-right: 5px;"></span> Curb & Gutter	<span style="border: 1px solid blue; display: inline-block; width: 15px; height: 10px; margin-right: 5px;"></span> Rip Rap
<span style="border-bottom: 1px solid cyan; display: inline-block; width: 20px; margin-right: 5px;"></span> Ditch	<span style="border: 1px solid yellow; display: inline-block; width: 15px; height: 10px; margin-right: 5px;"></span> Sidewalk
<span style="border-bottom: 1px solid purple; display: inline-block; width: 20px; margin-right: 5px;"></span> Retaining Wall	<span style="background-color: gray; border: 1px solid gray; display: inline-block; width: 15px; height: 10px; margin-right: 5px;"></span> Trail
<span style="border-bottom: 1px solid green; display: inline-block; width: 20px; margin-right: 5px;"></span> Bridge/Drainage Structure	<span style="background-color: gray; border: 1px solid gray; display: inline-block; width: 15px; height: 10px; margin-right: 5px;"></span> Pavement



SWT-2018-112  
 OTA Gilcrease Expressway  
 Tulsa County, Oklahoma  
 Arkansas River  
 Enclosure 6 of 7

Feature Name <sup>1</sup>	Location		Feature Type <sup>2</sup>	Existing Structure	New Structure <sup>3</sup>	Impact Type <sup>4</sup>	Impacts		Cubic Yards of Fill <sup>5</sup>	Description of Impacts <sup>6</sup>
	Latitude	Longitude					Linear Feet	Acres		
<b>Crossings</b>										
OW 3	36.102118	-96.055923	Intermittent	None	Culvert	D/P	104	0.026	20.570	EX
OW 4	36.102173	-96.055837	Ephemeral	None	Trail	D/P	28	0.003	2.178	EX
OW 7	36.104824	-96.055594	Intermittent	BBC	BBC / RDWY	D/P	1,777	0.319	514.008	FP
W 8	36.106023	-96.056849	PEM	None	None	D/P	-	0.013	20.651	FP
OW 5	36.108368	-96.057057	Intermittent	BBC	BBC / RDWY	D/P	1,393	0.567	2,742.344	FP / EX
OW 8	36.114814	-96.055061	Perennial	None	BBC / RDWY	D/P	530	0.092	123.824	FP
OW 9	36.128256	-96.052225	Perennial	BBC	BBC / Culvert / LWC / RDWY / SB	D/P	3,733	2.071	9,186.562	FP
W 25	36.125279	-96.055508	PFO	None	None	D/P	-	0.443	714.707	FP
W 26	36.127747	-96.052920	PEM	None	None	D/P	-	0.003	5.324	FP
W 27	36.127574	-96.053213	PEM	None	None	D/P	-	0.023	36.300	FP
W 28	36.127891	-96.053313	PEM	None	None	D/P	-	0.015	23.716	FP
W 9	36.128951	-96.053793	PEM	None	None	D/P	-	0.086	138.586	FP
OW 10	36.139137	-96.057028	Perennial	None	SB / RDWY	D/P	135	0.026	440.44	FP
OW 12	36.154320	-96.061060	Perennial	BBC	BBC / RDWY	D/P	488	0.135	163.35	FP
<i>Stream Total</i>						<i>D/P</i>	<i>8,188</i>	<i>3.239</i>	<i>13,193.276</i>	<i>-</i>
<i>Wetland Total</i>						<i>D/P</i>	<i>-</i>	<i>0.583</i>	<i>939.284</i>	<i>-</i>
<b>Total</b>						<b>D/P</b>	<b>8,188</b>	<b>3.82</b>	<b>14,132.56</b>	<b>-</b>

<sup>1</sup> Feature Name corresponds to the assigned labels in the Waters & Wetlands Delineation Report (**Appendix C**).

<sup>2</sup> Feature Types: PEM – Palustrine Emergent Wetland, PFO – Palustrine Forested Wetland

<sup>3</sup> Structure Types: SB – Span Bridge, BBC – Bridge Box Culvert, LWC – Low Water Crossing, RDWY – Roadway

<sup>4</sup> Impact Type: D/P – Direct\* and Permanent

\* Direct impacts are here defined as those adverse effects caused by the proposed activity, such as discharge or excavation.

<sup>5</sup> An assumed depth of 1 foot was used to calculate wetland volumes. The Ordinary High Water Mark (OHWM) depth listed in the Waters & Wetlands Delineation Report was used to calculate volumes for streams. If a variable depth was listed for streams in the Waters & Wetlands Delineation Report, the average depth was used for calculations.

<sup>6</sup> Activity Types: FP – Fill Placement, EX – Excavation/Grading

SWT-2018-112  
 OTA Gilcrease Expressway  
 Tulsa County, Oklahoma  
 Arkansas River  
 Enclosure 7 of 7