

Public Notice

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, OK 74128-4609

SWT-2012-259
Public Notice No.

July 22, 2013
Public Notice Date

August 21, 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

This public notice has been provided as a public service and may be reprinted at your discretion. However, any cost incurred as a result of reprinting or further distribution shall not be a basis for claim against the Government.

Application No. SWT-2012-259

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 for the construction of an interchange for access to east and west Interstate 40 from Radio Road.

Name of Applicant:

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

Name of Agent:

Triad Design Group
3020 Northwest 149th Street
Oklahoma City, OK 73134

Location: The project is located in Sections 23 and 24, Township 12 North, Range 7 West, in Canadian County, Oklahoma. The project is at the intersection of I-40 and Radio Road approximately 2.1 miles south and 3 miles east of El Reno. The project site can be found on the El Reno, Oklahoma 7.5 Minute USGS Quadrangle map.

North Latitude: 35.50114 West Longitude: 97.90083 Decimal Degrees (NAD 83)

Purpose: The basic purpose of this work is to add commercial access to I-40. The project will result in improved traffic flow and increased safety for all motorists.

A water dependency determination will be made upon consideration of the basic purpose for the construction of two new reinforced concrete box (RCB) structures in conjunction with the new interchange on I-40. There are a total of 2.18 acres of jurisdictional wetlands in four locations, 0.7 acre of open water pond, and 2,764 linear feet of intermittent stream that would be filled as a result of the proposed project. The jurisdictional stream and adjacent wetlands are unnamed tributaries to Sixmile Creek, a perennial waterway to the North Canadian River.

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 an on-stream pond (FS 14) of 0.7 acre; 2,764 linear feet of intermittent stream (FS 8) and four adjacent wetlands consisting of a forested/emergent wetland (FS 11) of 1.94 acres; a forested/scrub-shrub

wetland (FS 12) of 0.08 acre; a scrub-shrub/emergent wetland (FS 13) of 0.05 acre; and an emergent wetland (FS 15) of 0.11 acre (see Enclosures 2 and 3).

The scope of the project includes the proposed construction of a diamond interchange with its associated ramps and drainage features, and the proposed concurrent construction of mitigation features described below. The proposed construction will include two RCB structures to accommodate the conveyance of the unnamed creek through the project limits. The applicant has stated:

Due to an increase in development of industrial sites on Radio Road, the increase in truck traffic movement for heavy equipment and delivery trucks have placed stress on the local roads in the area. The local roads are typically not designed or constructed to accommodate such traffic patterns. The Oklahoma Department of transportation (ODOT) with the support from local communities, including the City of El Reno and Canadian County, has decided to initiate the construction of an interchange between Interstate 40 (I-40) and Radio Road to provide access to Radio Road for all traffic traveling east bound or west bound on I-40.

The proposed interchange will provide an additional access point from I-40 to El Reno and access to facilities in the area such as the Canadian Valley Technology Center which is located on State Highway 66 (SH-66) approximately 1 mile east of Radio Road and the OKC West Livestock Market which is located on SH-66 approximately 1.5 miles east of Radio Road. The operational analysis of the existing transportation network without the I-40 and Radio Road interchange shows that the I-40 and Banner Road interchange and the SH-66 and Banner Road intersection operate at poor levels-of-service.

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 avoidance for the project was considered in two ways. First, do nothing, if an interchange is not constructed, the additional traffic load due to expanding industrial sites on Radio Road would further degrade the level of service for the traffic through the local roads and create public health and safety hazard. Therefore, the do nothing option was not a viable option.

Second, the interchange could be constructed at other locations. The intersection 1 mile east and 1 mile west of the current location were evaluated for possible site locations. It was determined that in addition to not serving the purpose of providing relief for the local traffic the evaluated sites would have more impact on drainage ways and wetland areas for more significant features such as the main channel of Sixmile Creek. This option was deemed not feasible due to its higher environmental impact and lower benefit.

Several interchange geometry options such as folded diamond and common diamond interchanges were studied to minimize the footprint of the project while providing safe travel lanes for the truck traffic that is projected for this interchange. The interchange geometry design has been developed to minimize the project footprint as much as possible. Retaining

walls were considered to reduce the impact to some of the environmental features within the project limits however, due to the change in local drainage patterns, it was determined that it is better to mitigate for the lost feature downstream (where there is a good chance of survival) than to leave the feature in place with inadequate hydrology to support its survival.

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

Stream mitigation is provided in-kind and in watershed by construction of 2,900 linear feet of channel section in the immediate area of impacted channel section. The limits of impacted channel and proposed channel for mitigation are shown on the attached construction plans. The stream mitigation plan includes changing of a manmade channel section located immediately downstream of the wetland mitigation area into a natural stream section with appropriate floodplain areas (see Enclosures 4 and 5).

Wetland Mitigation:

FS 11 has a total area of 2.63 acres. It is proposed to preserve 0.69 acre of the wetland area by placement of temporary fence around the area for its protection during the construction activities. The total impacted wetland area will be 2.18 acres (1.94 in FS11, 0.08 for FS12, 0.05 for FS13 and 0.11 for FS15).

It is proposed to create 1.43 acres of wetland area immediately downstream of the protected wetland area. This wetland area will be created by removal of 3 feet of soil from 0.9 acre land and replacement of the soil with 2 feet of hydric soil removed from impacted wetland (FS11). This will create a 3-inch elevation difference that will cause adequate flow storage to promote the creation and preservation of the hydric soil and encourage wetland vegetation and habitat. The source of flow for the new wetland area is the same as impacted wetland area FS11. The 6-inch storage was calculated based on 0.9 year flood event and local soil infiltration rate to ensure the adequate soil saturation period to create a hydric soil environment.

The additional wetland area is created in 1.40 acres of land located between the wetland preservation area and wetland creation area by grading. This area will not be graded so that the native vegetation can be preserved. However a natural channel section was designed to carry flow into the area and provide the hydrological component for the wetland area. Similar to the graded area downstream, this area will be impacted by the backwater effects of the graded wetland area. It is anticipated for the upland vegetation to naturally be replaced with wetland type vegetation.

Another area of wetland creation is on the southwest quadrant of the project site and is associated with the new pond area. A new pond area (0.7 acre) is being created to compensate for filling the existing field pond created to accommodate the domestic livestock. The new pond will have fencing to protect its immediate vegetative buffer from grazing and other damage done by livestock. A wetland area (0.5 acre) will be created on the upstream side of the new pond by degradation of the floodplain area and connection of the floodplain

area to the shallow channel. The hydrology of the wetland area will be controlled by the pond outfall elevation (see Enclosure 3).

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.

ODOT had the proposed site surveyed and a report titled "OKLAHOMA DEPARTMENT OF TRANSPORTATION CULTURAL RESOURCES SURVEY REPORT" Prepared by Cojeen Archaeological Services, LLC, dated 5 April 2012, was submitted to the Oklahoma State Historic Preservation Office (SHPO) and the Oklahoma Archeological Survey (OAS). ODOT also coordinated with the Cheyenne and Arapaho Tribes, the Comanche Nation, the Delaware Nation, the Osage Nation, and the Wichita and Affiliated Tribes. The survey determined no historic properties would be affected by the referenced project. Concurrence with the finding was received from SHPO, OAS, Cheyenne and Arapaho Tribes, Delaware Nation, and the Osage Nation. The original survey area did not include the downstream area immediately to the north where stream mitigation is proposed (see Enclosure 6). The additional area has been reviewed by ODOT for historic properties and it has been determined to be heavily disturbed. Due to the heavily disturbed nature of the study area, ODOT determined no additional consultation is warranted.

Project Setting: ODOT had the site surveyed in April 2012. The survey reported project area is located within the Prairie Tableland Ecoregion. This Ecoregion is nearly level and dominated by cropland, primarily wheat. Natural vegetation is mixed grass prairie. Broad, shallow, low gradient stream channels with silt sediment are common. They often go dry in the late summer and autumn. According to Duck and Fletcher, the project area falls within the Tallgrass Prairie Game Type. Generally, the natural vegetation consists of a mixture of such species as big bluestem (*Andropogon gerardii*), little bluestem (*Schizachyrium scoparium*), Indian grass (*Sorghastrum nutans*), switch grass (*Panicum virgatum*), and silver beard grass (*Bothriochloa saccharoides*) in the eastern portions of the type; with a gradual increase of buffalo grass (*Buchloë dactyloides*), blue grama (*Bouteloua gracilis*) and side oats grama (*Bouteloua curtipendula*) in the western portions. Continued grazing has removed the tall grass species from the composition of the western portion of the type leaving only the short grasses.

Existing Condition: The survey found the current land use was generally characterized as commercially developed with pasture and riparian forest in the undeveloped areas. Tree and sapling species observed during the site visit include American elm (*Ulmus americana*), sugarberry (*Celtis laevigata*), cottonwood (*Populus deltoides*), salt cedar (*Tamarix spp.*), green ash (*Fraxinus pennsylvanica*), black willow (*Salix nigra*), honey locust (*Gleditsia triacanthos*), and Osage orange (*Maclura pomifera*). Woody shrubs and vines present included poison ivy (*Rhus radicans*), Virginia creeper (*Parthenocissus quinquefolia*), grapevine (*Vitis sp.*), and greenbrier (*Smilax rotundifolia*). The observed herbaceous species included Canada wild rye (*Elymus canadensis*), inland sea oats (*Chasmanthium latifolium*), cheatgrass (*Bromus tectorum*), bermudagrass (*Cynodon dactylon*), Johnson's grass (*Sorghum halapense*), great ragweed

(*Ambrosia trifida*), wingstem (*Verbesina alternifolia*), Carolina foxtail grass (*Alopecurus carolinianus*), cowbane (*Cicuta virosa*), catchweed bedstraw (*Galium aparine*), swamp buttercup (*Ranunculus septentrionalis*), curly dock (*Rumex crispus*), cattail (*Typha latifolia*), bulrush (*Scirpus sp.*), spikerush (*Eleocharis sp.*), and Caric sedge (*Carex spp.*). The site is located in the Middle North Canadian River Watershed (HUC #11100301).

Plans and Data: Plans showing the location of the proposed activity and other data are enclosed with this notice (Enclosures 1 through 6). 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 cultural resources survey and secondary ODOT review, no properties currently listed in the National Register of Historic Places, would be directly affected by the proposed work. This public notice is being sent to the State Historic Preservation Officer, the OAS, 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: black-capped vireo (*Vireo atricapilla*), Endangered; interior least tern (*Sterna antillarum*), Endangered; piping plover (*Charadrius melodus*), Threatened; whooping crane (*Grus americana*), Endangered; Sprague's pipit (*Anthus spragueii*), Candidate.

The Oklahoma Ecological Services Field Office and the U.S. Fish and Wildlife Service species list found at the Information, Planning, and Conservation System website <http://ecos.fws.gov/ipac/> was used to generate this list (tracking number 02EKOK00-2012-SLI-0675). 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.

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.

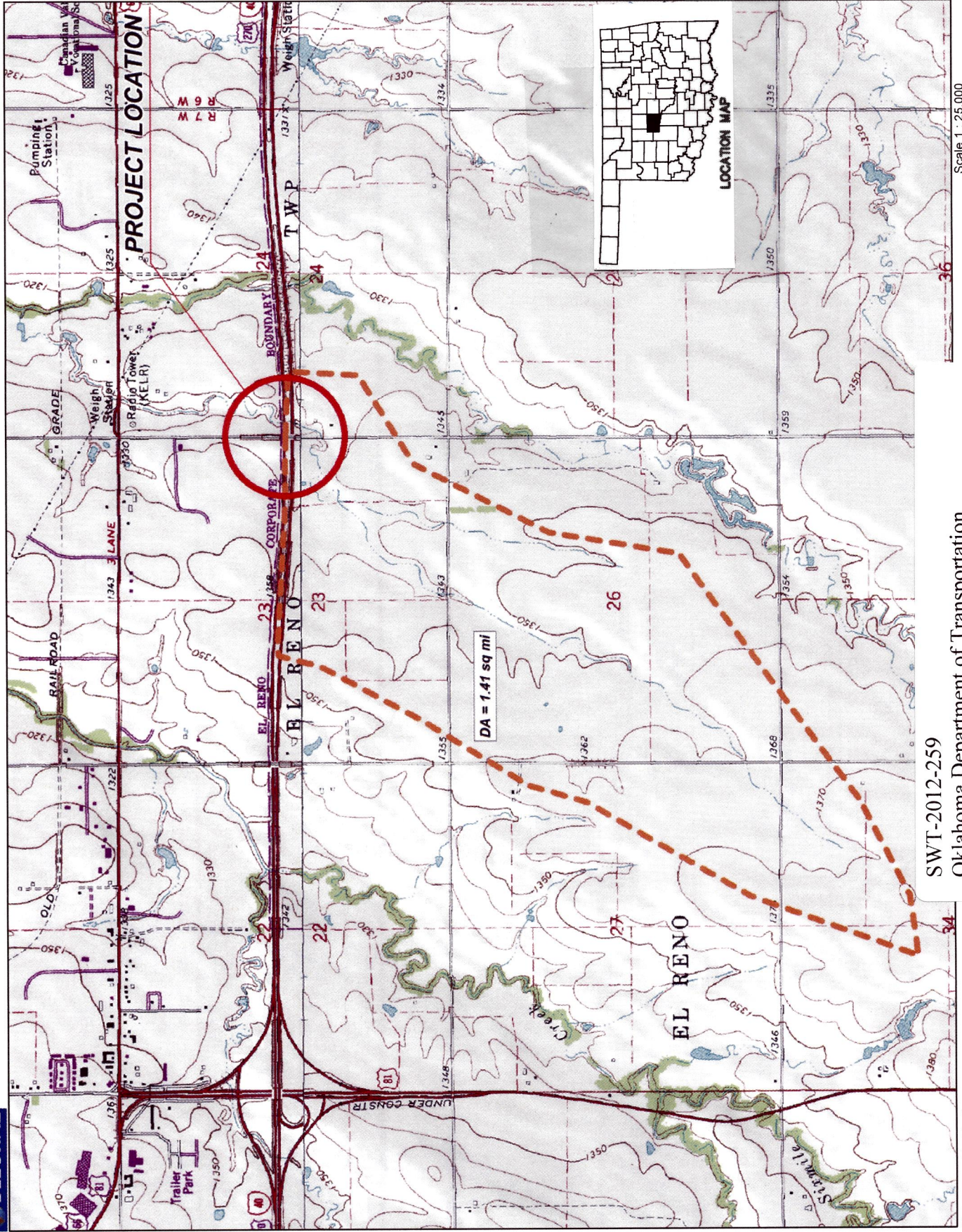
Comments: In order to consider and evaluate the impacts of this proposed activity the Corps is soliciting comments from the public; federal, state, and local agencies and officials; Indian tribes, and other interested parties. Comments concerning the issuance of this permit should be received by the 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 floodplain 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 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 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



SWT-2012-259
 Oklahoma Department of Transportation
 I-40 Interchange Construction JP 29257-04
 Unnamed tributary to Sixmile Creek
 Enclosure 1 of 6

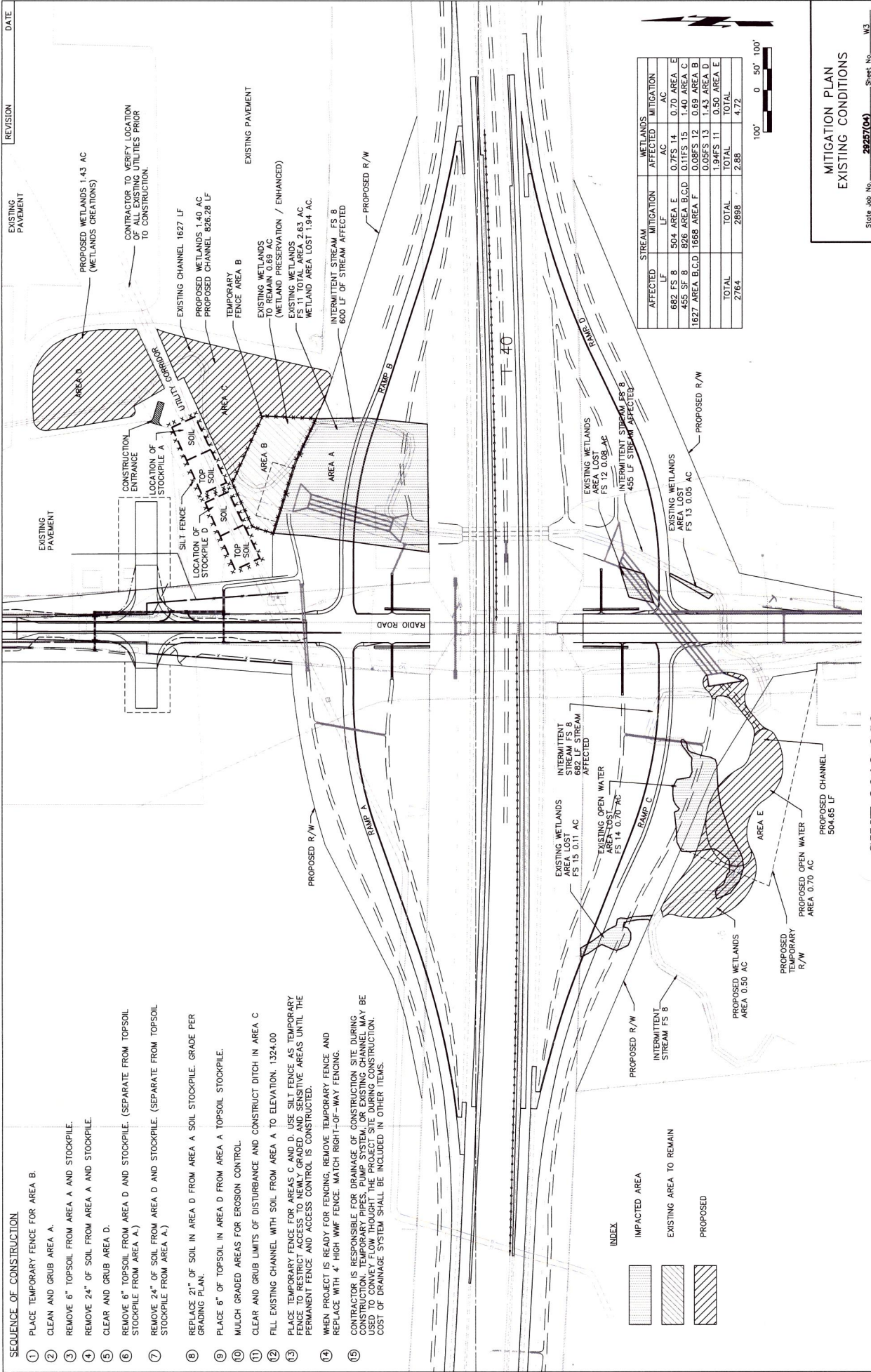
Figure Title	Site Map for J/P 29257(04)
Document Title	Waters & Wetlands Evaluation for I-40/Radio Road Interchange
Client	Oklahoma Department of Transportation
Location	Canadian County, Oklahoma

Date	5/23/2012
Scale	As Shown
Designed By	GW
Approved By	RE
Drawn By	RE

Project Number	2551103001
Figure Number	5-3



SWT-2012-259
 Oklahoma Department of Transportation
 I-40 Interchange Construction JP 29257-04
 Unnamed tributary to Sixmile Creek
 Enclosure 2 of 6



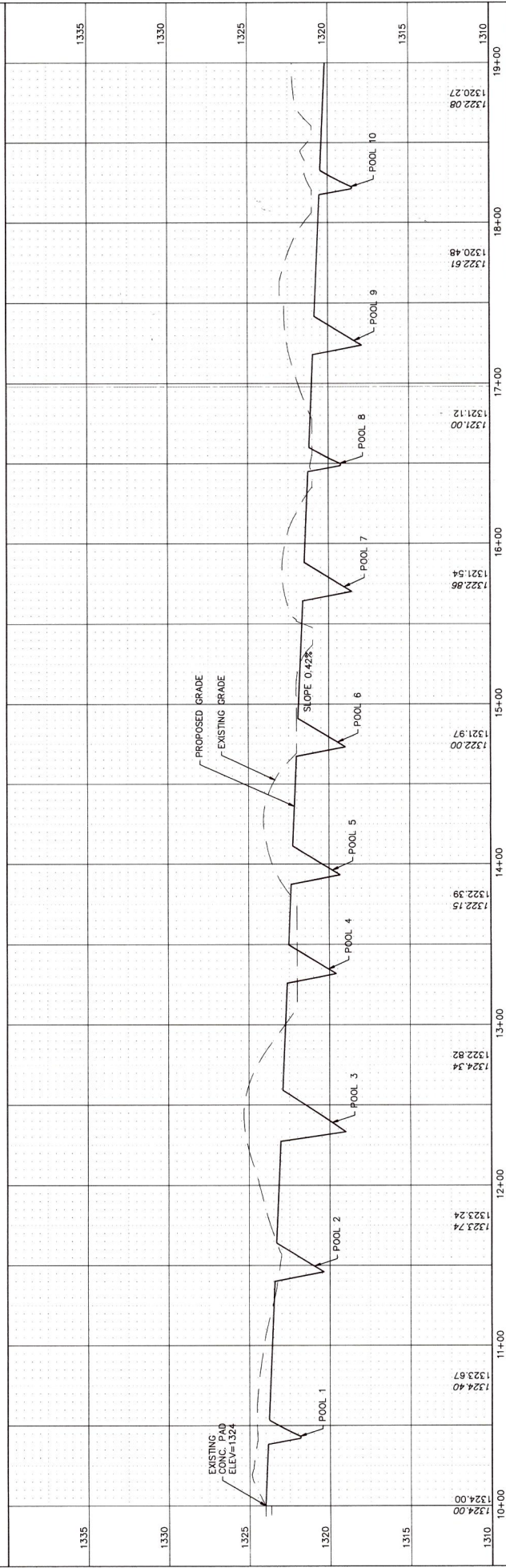
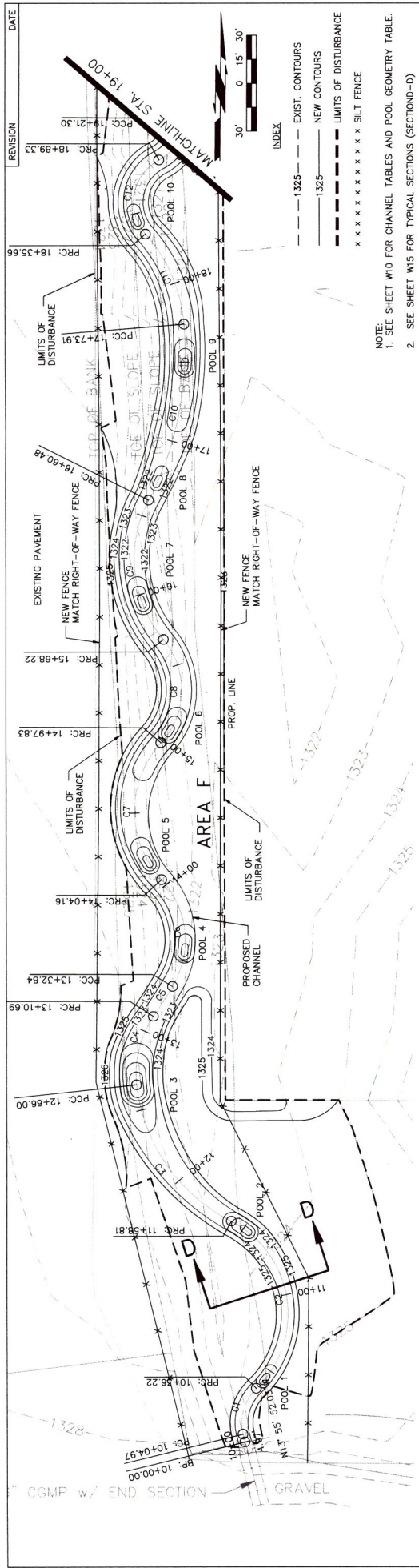
SEQUENCE OF CONSTRUCTION

- 1 PLACE TEMPORARY FENCE FOR AREA B.
- 2 CLEAN AND GRUB AREA A.
- 3 REMOVE 6" TOPSOIL FROM AREA A AND STOCKPILE.
- 4 REMOVE 24" OF SOIL FROM AREA A AND STOCKPILE.
- 5 CLEAN AND GRUB AREA D.
- 6 REMOVE 6" TOPSOIL FROM AREA D AND STOCKPILE. (SEPARATE FROM TOPSOIL STOCKPILE FROM AREA A.)
- 7 REMOVE 24" OF SOIL FROM AREA D AND STOCKPILE. (SEPARATE FROM TOPSOIL STOCKPILE FROM AREA A.)
- 8 REPLACE 21" OF SOIL IN AREA D FROM AREA A SOIL STOCKPILE. GRADE PER GRADING PLAN.
- 9 PLACE 6" OF TOPSOIL IN AREA D FROM AREA A TOPSOIL STOCKPILE.
- 10 MULCH GRADED AREAS FOR EROSION CONTROL.
- 11 CLEAR AND GRUB LIMITS OF DISTURBANCE AND CONSTRUCT DITCH IN AREA C.
- 12 FILL EXISTING CHANNEL WITH SOIL FROM AREA A TO ELEVATION. 1324.00
- 13 PLACE TEMPORARY FENCE FOR AREAS C AND D. USE SILT FENCE AS TEMPORARY FENCE TO RESTRICT ACCESS TO NEARLY GRADED AND SENSITIVE AREAS UNTIL THE PERMANENT FENCE AND ACCESS CONTROL IS CONSTRUCTED.
- 14 WHEN PROJECT IS READY FOR FENCING, REMOVE TEMPORARY FENCE AND REPLACE WITH 4" HIGH W/F FENCE. MATCH RIGHT-OF-WAY FENCING.
- 15 CONTRACTOR IS RESPONSIBLE FOR DRAINAGE OF CONSTRUCTION SITE DURING CONSTRUCTION. TEMPORARY PIPES, PUMP SYSTEM, OR EXISTING CHANNEL MAY BE USED TO CONVEY FLOW THROUGH THE PROJECT SITE DURING CONSTRUCTION. COST OF DRAINAGE SYSTEM SHALL BE INCLUDED IN OTHER ITEMS.

SWT-2012-259
 Oklahoma Department of Transportation
 I-40 Interchange Construction JP 29257-04
 Unnamed tributary to Sixmile Creek
 Enclosure 3 of 6

MITIGATION PLAN
 EXISTING CONDITIONS

State Job No. **29257(04)** Sheet No. **W3**



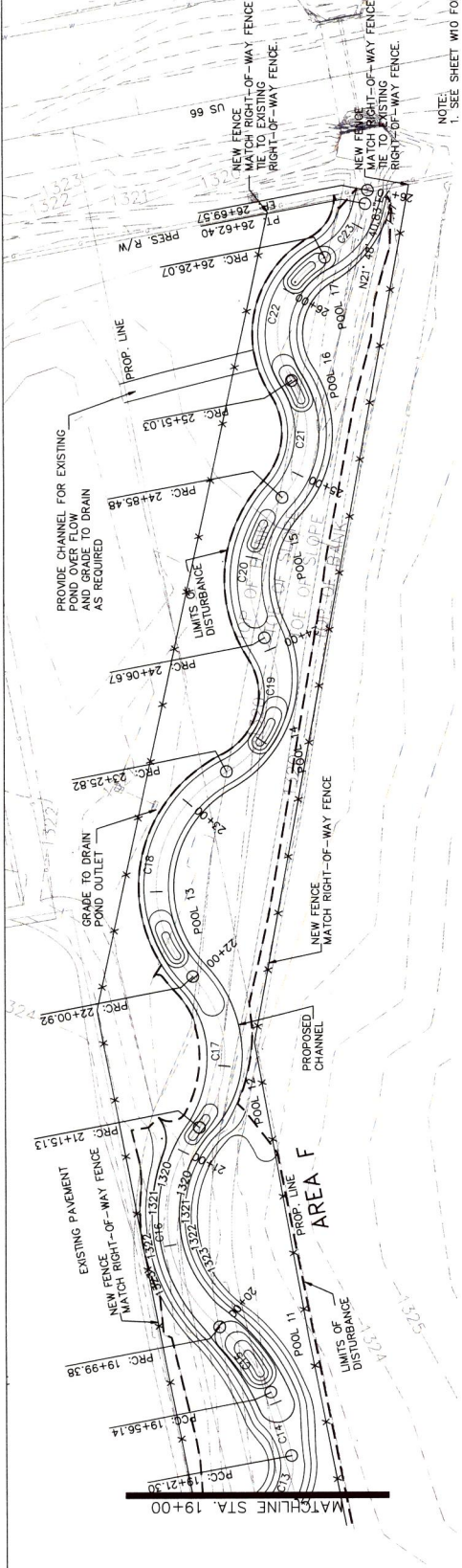
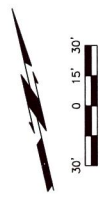
PROPOSED GRADING PLAN
AREA F

State Job No. 29257(04) Sheet No. WS

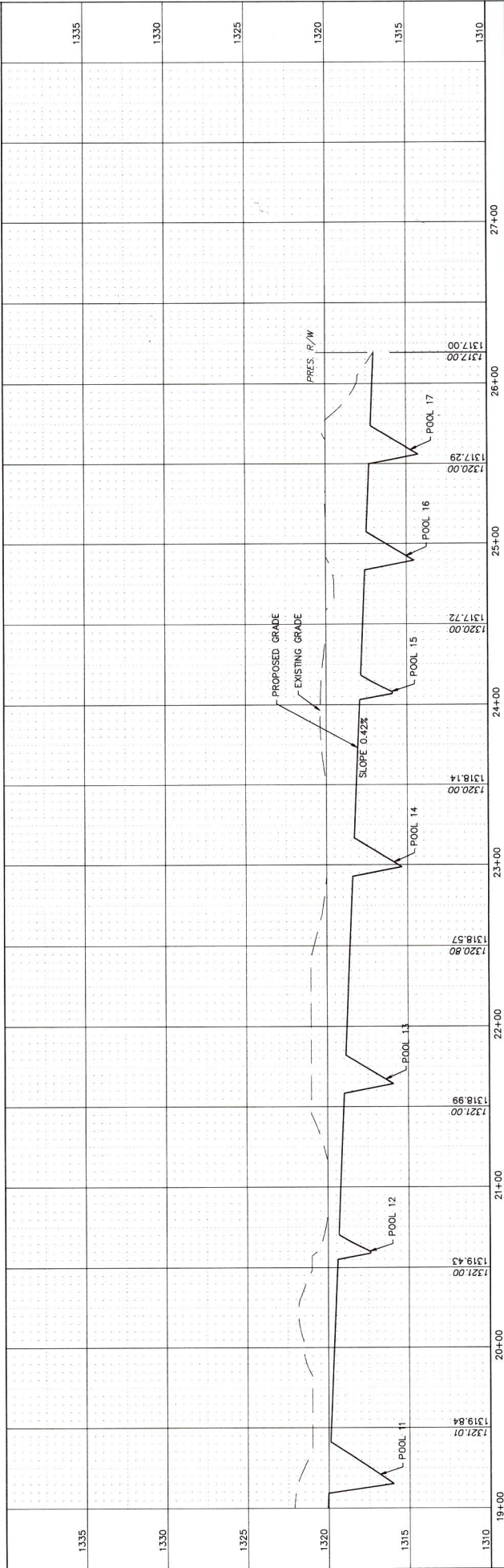
SWT-2012-259
Oklahoma Department of Transportation
I-40 Interchange Construction JP 29257-04
Unnamed tributary to Sixmile Creek
Enclosure 4 of 6

REVISION DATE

- INDEX
- 1325 --- EXIST. CONTOURS
 - 1325 --- NEW CONTOURS
 - --- LIMITS OF DISTURBANCE
 - xxxxxxx SILT FENCE

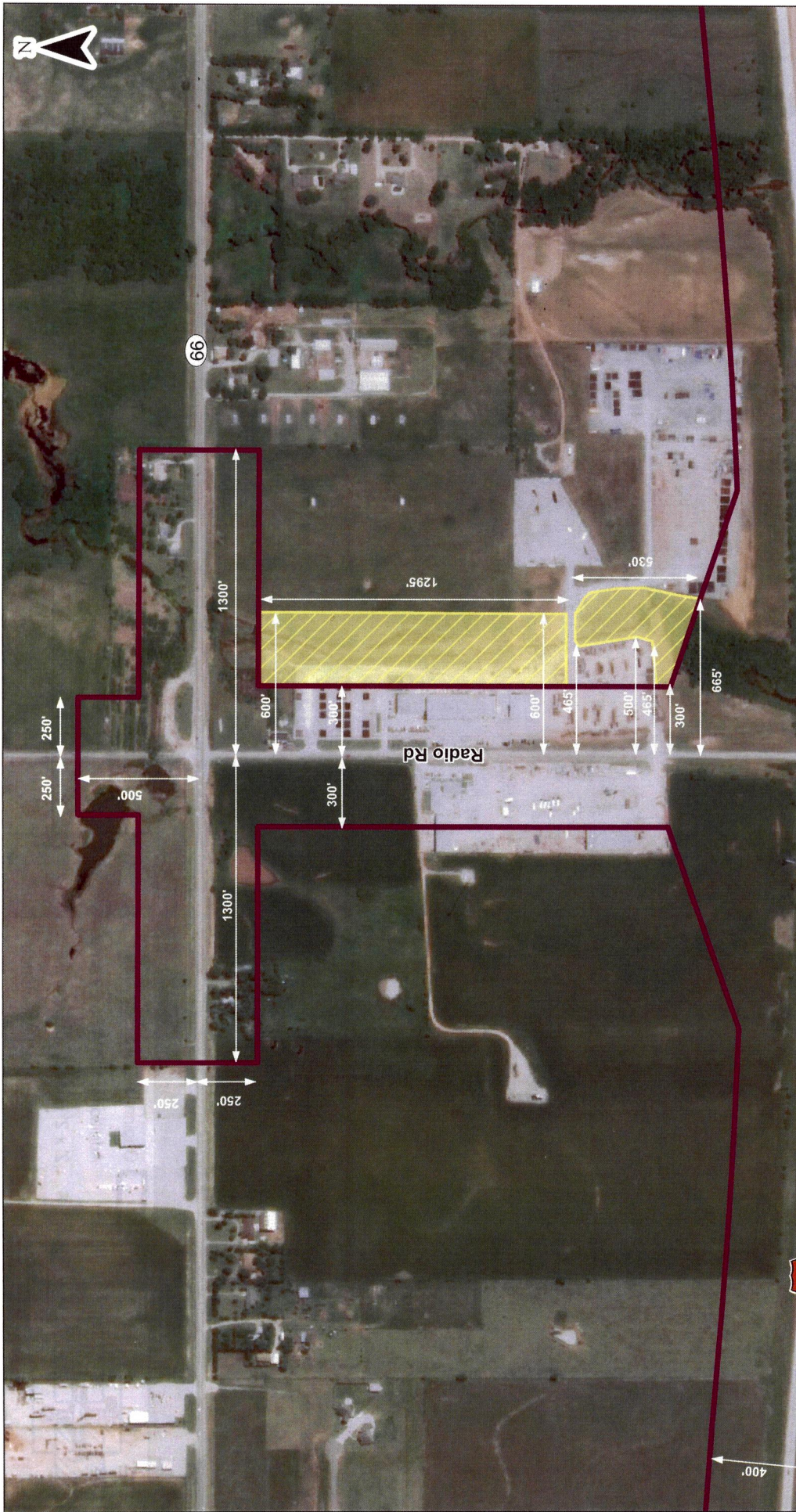


NOTE:
 1. SEE SHEET W10 FOR CHANNEL TABLES AND POOL GEOMETRY TABLE.
 2. SEE SHEET W15 FOR TYPICAL SECTIONS (SECTION-D)

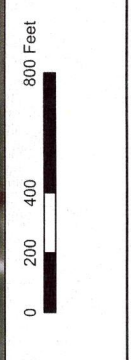


PROPOSED GRADING PLAN
 AREA F
 State Job No. 29257(04) Sheet No. W9

SWT-2012-259
 Oklahoma Department of Transportation
 I-40 Interchange Construction JP 29257-04
 Unnamed tributary to Sixmile Creek
 Enclosure 5 of 6







NEPA Study Footprint Map
 Canadian County - Proposed I-40 and Radio
 Road Interchange
 Job No. 29257(04)



Updated July 10, 2013

SWT-2012-259
 Oklahoma Department of Transportation
 I-40 Interchange Construction JP 29257-04
 Unnamed tributary to Sixmile Creek
 Enclosure 6 of 6

-  Original NEPA Study Area
-  Additional NEPA Study Areas
-  2' x 2' Footing for Sign
-  50' x 20' Impact Attenuators

