



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, Oklahoma 74128-4609

SWT-2012-93
Public Notice No.

December 17, 2015
Public Notice Date

January 16, 2016
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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DEPARTMENT OF THE ARMY
CORPS OF ENGINEERS, TULSA DISTRICT
1645 SOUTH 101ST EAST AVENUE
TULSA, OKLAHOMA 74128-4609

Application No. SWT-2012-93

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 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 placement of fill material to raise the county road in order to provide protection up to the 25-year flood event. The project also involves the construction of a new bridge and two reinforced concrete boxes. The road realignment project would eliminate a dangerous curve, improve traffic flow, and increase safety for motorists.

Name of Applicant: Mr. Ronnie Thompson
Choctaw County Commissioner
300 East Duke Street
Hugo, OK 74743

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

Location: The proposed project is located on County Road E 1210 over Muddy Boggy Creek. The proposed project is in Section 22 and 23, Township 5 South, Range 14 East, near Boswell, Choctaw County, Oklahoma. The project site can be found on the Boswell, Oklahoma 7.5 Minute USGS Quadrangle map at North Latitude 34.1041 and West Longitude 95.8184.

Purpose: The basic purpose of this work is to provide infrastructure improvement by constructing a new bridge and to elevate the roadway to prevent road closure from flooding.

A water dependency will be made upon consideration of the basic purpose. There are a total of 1.78 acres of wetlands that would be impacted by the proposed project.

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

Table of Impact:

Original Proposal					
Number or Location	Type of Activity	Type of Water	Type of Fill Material	Qty of Material cys below OHWM	Footprint (ac and/or lf)
Left descending bank	Bank stabilization	Muddy Boggy River	12- to 18-in riprap	677 cys	64 lf 0.3005 ac
Right descending bank	Bank stabilization	Muddy Boggy River	12- to 18-in riprap	677 cys	64 lf 0.3005 ac
New road alignment	Road Construction	Jurisdictional Wetlands	Earthen Material – Clay	5,744 cys	1.78 ac
Station 175+00	three 10- by 10-foot RCB	Unnamed tributary of Muddy Boggy Creek	Concrete	392 cys	136 lf 0.1866 ac
Station 139+50	24-in RCP	Unnamed tributary of Muddy Boggy Creek	Concrete	64 cys	72 lf 0.0033 ac
New Bridge	Bridge Piers	Muddy Boggy Creek	Concrete /Steel	42 cys	0.0017 ac
cubic yards (cys), ordinary high water mark (OHWM), acre (ac), linear feet (lf), reinforced concrete box (RCB), reinforced concrete pipe (RCP), and inch (in)					

Description of Work: The applicant proposes the placement of fill material into jurisdictional waters and would permanently eliminate 1.78 ac of wetlands (1.75 ac of forested wetlands and 0.03 ac of emergent wetlands) located within the floodplain of Muddy Boggy Creek. Fill material would consist of approximately 1,354 cys of riprap for bank stabilization, 5,744 cys of clay for road construction, 392 cys of concrete for a RCB, 64 cys of concrete for a RCP, and 42 cys for construction of seven concrete piers. The total project length is 6,466 lf for approximately 1.2 miles. The work performed in the wetlands and uplands would be completed using conventional earthmoving equipment. The fill material may consist of concrete, gravel, sand, and earthen material.

The existing structurally deficient bridge would remain open during construction provided that the bridge inspections continue to allow the bridge to remain open (the construction detour would be over 30 miles).

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:

Choctaw County has minimized impacts to jurisdictional waters by spanning Muddy Boggy Creek and associated tributaries. The wetland impacts have been reduced from 17 acres to 1.78 acres by reducing the size of the construction footprint and utilizing alternative designs. The total impacts are to approximately 1.75 acres of forested wetlands and 0.03 acres of emergent wetlands.

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

Choctaw County has proposed Preliminary Compensatory Mitigation Plan (PCMP) for the proposed County Road Project 1210 Bridge Replacement Project. For wetland impacts, the county is proposing a total of 7.7 acres for mitigation (5.7 acres of wetland restoration and 2 acres of wetland enhancement) within a 15-acre tract within a wetland-bottomland hardwood complex. The estimation of the ratio calculation for the wetland complex was developed using the current Tulsa District Corps Mitigation Guidelines (USACE 2004). The proposed mitigation ratio is approximately 4.3:1 to adequately compensate for the loss of aquatic resources. The goal of the hydrology efforts is to restore a more natural hydrologic regime, not create wetland hydrology as it is already present at the site. The wetland area would require a grading and excavation of the restoration area to the depth of 1 to 2 feet below current grade. This will include excavation to create basins, construction of connecting ditches, installation of water control structures, and removal of woody debris from the small intermittent stream channel located between the wetland units. The riparian area would preserve mature trees as possible, planting seedlings, and controlling brush vegetation. The applicant has proposed to plant 300 hardwood seedlings per acre using staggered spacing of approximately 10-foot centers with native wetland plant mix. The wetland areas expect recruitment from seed banks and nearby emergent wetlands to help establish wetland vegetation.

The trees to be planted include water oak (*Quercus nigra*), willow oak (*Quercus phellos*), pin oak (*Quercus palustris*), overcup oak (*Quercus lyrata*), swamp chestnut oak (*Quercus michauxii*), pecan (*Carya illinoensis*), and cottonwood (*Populus deltoides*). The mitigation site would be protected by a deed restriction. The mitigation plan also includes a maintenance plan to reduce or eliminate non-native species; performance standards for 80% total species cover; and herbaceous wetland cover with 3 years, and monitoring requirement for 5 years. The PCMP also included a plan for annual reporting, long-term management plan, and adaptive management plan. Choctaw County provided a financial assurances statement advising that the county is financial responsible for the success of the PCMP proposal.

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.

Project Setting: This project is located within the limits of the State of Oklahoma, in the South Central Plains which is part of the Red River bottomlands geomorphic province. The transition is nearly level and is susceptible to flooding. This area includes natural levees, swales, terraces, and slowly moving meandering streams in low gradient channels. The project is located near critical habitat for waterfowl and has distinct flora and fauna in the perennial stream channel.

Existing Condition: The site is primarily located within the floodplain of the Muddy Boggy Creek. The riparian area is dense with bottomland hardwood forest and open pasture land. The stream channel has steep slopes with a dense riparian area. The substrate is made up of sandy soils with riffle and pool complexes near the project area.

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. Marcus Ware, 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: The DE has consulted the National Register of Historic Places, and it has been determined that there are properties currently listed in the National Register which would be directly affected by the proposed work. The DE has also consulted the listing of Eligibility Determinations for Oklahoma and determined that the proposed project is in the vicinity of properties eligible for listing.

The DE has consulted the National Register of Historic Places regarding the potential effects from the proposed action. The DE will comply with the requirements of the National Historic Preservation Act of 1966 for any known or presently unknown historic or archeological resources that may exist in the project vicinity and which could be directly affected by the proposed work. This public notice is being sent State Historic Preservation Officer and to Native American Tribal governments to reveal if other known historic or archeological resources may be eligible for listing in the National Register exist in the project area and which could be directly affected by the proposed work. This coordination is being done to fulfill our requirements under the National Historic Preservation Act of 1966 (Public Law 89-665) and associated historic preservation laws. If we are made aware, as a result of comments received in response to this notice, or by other means, of specific archeological or other historic properties which may be affected by the proposed work, the DE will immediately take the appropriate action necessary

pursuant to the National Historic Preservation Act of 1966, as amended, and 36 CFR Part 800, in accordance with implementing regulations 33 CFR 325, Appendix C.

The Choctaw County has not proposed demolition of the existing historic bridge. The historic bridge would remain in place after the bridge construction project has been completed.

Threatened and Endangered Species: The U.S. Fish and Wildlife Service IPAC Consultation Number is 02EKOK00-2016-SLI-0374. The following federally listed species are known to occur in the vicinity or are listed for the county in which the proposed action is located: The interior least tern (*Sterna antillarum*), piping plover (*Charadrius melodus*), red knot (*Calidris canutus rufa*), scaleshell mussel (*Leptodea leptodon*), winged mapleleaf (*Quadrula fragosa*), American burying beetle (*Nicrophorus americanus*), and Northern long-eared bat (*Myotis septentrionalis*). A copy of this notice is being furnished to the 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, 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 floodplain 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

SURVEY DATUM
THE SECTION LINE NUMERICAL DESIGNATION USED ON THIS SURVEY IS AS SET OUT IN SECTION 1 OF THE SENATE BILL NO. 667 OF THE STATE OF OKLA. THIRTY FIRST LEGISLATURE.

STATE OF OKLAHOMA
DEPARTMENT OF TRANSPORTATION

PLAN OF PROPOSED
COUNTY BRIDGE
FEDERAL AID PROJECT NO. STP-112D(078)CI
BRIDGE & APPROACH PLANS
CHOCTAW COUNTY

STATE JOB NO. 24821(04)
BRIDGE "A" LOCATION 12N4049E2000007
LATITUDE N34°06'06" LONGITUDE W95°49'08"
EXISTING NBI NO. 00716; NEW NBI NO. 29631
BRIDGE "B" LOCATION 12N4050E2000003
LATITUDE N34°06'52" LONGITUDE W95°49'01"
NEW NBI NO. XXXXX

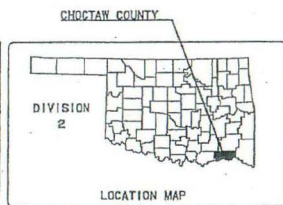
OKLAHOMA DEPARTMENT OF TRANSPORTATION
PROPOSED
R/W
January 15

INDEX OF SHEETS
SEE SHEET 2

INDEX OF STANDARDS
SEE SHEET 2

DESIGN DATA

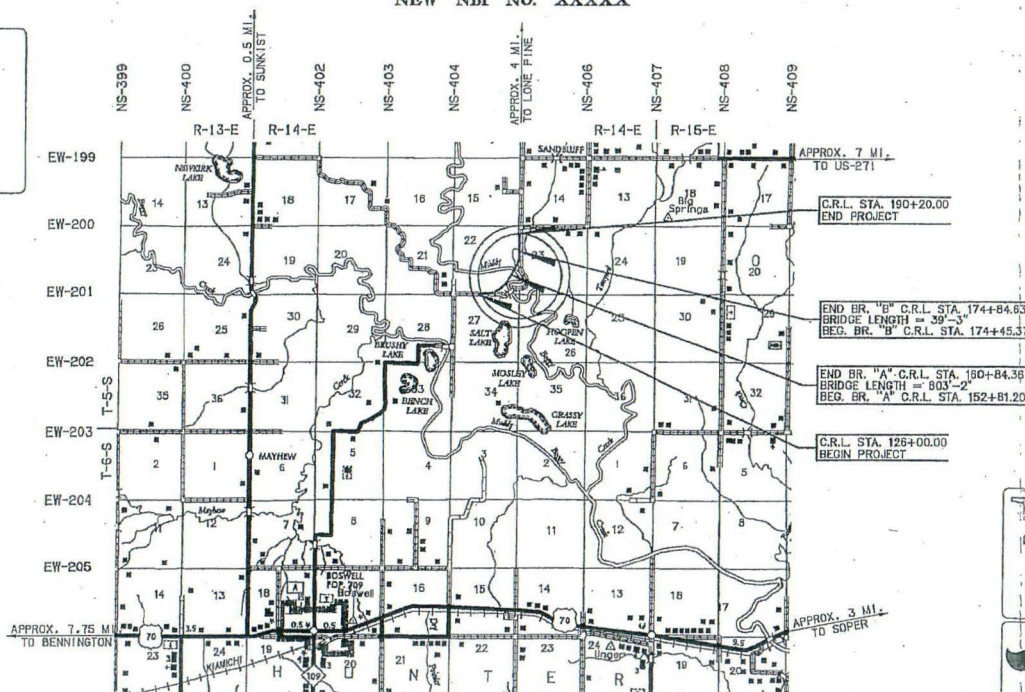
ADT (2014)	= 70
ADT (2034)	= 105
DHV	= 9
D	= 55%
T	= 5%
T ₃	= 5%
V	= 40 MPH



SCALES

PLAN 1"= 20'
PROFILE HOR. 1"= 20'
VER. 1"= 5'
LAYOUT MAP 1"= 5,280'

- CONVENTIONAL SYMBOLS**
- PROPOSED ROAD
 - RAILROADS
 - RANGE & TOWNSHIP
 - SECTION LINES
 - QUARTER SECTION LINES
 - FENCES
 - GROUND LINE
 - EXISTING ROADS
 - BASE LINE
 - GRADE LINES
 - TELEPHONE & TELEGRAPH
 - POWER LINES
 - BUILDINGS
 - OILWELL
 - DRAINAGE STRUCTURES - IN PLACE
 - DRAINAGE STRUCTURES - NEW
 - RIGHT-OF-WAY LINES - EXISTING
 - RIGHT-OF-WAY LINES - NEW
 - CONTROLLED ACCESS
 - RAILROAD
 - EXISTING CENTERLINE
 - EXISTING RAILROAD SIGNERS
 - EXISTING GAS LINE
 - EXISTING WATER LINES
 - EXISTING TELEPHONE CABLES UNDERGROUND



PROJECT LENGTH BASED ON C.R.L.

ROADWAY LENGTH 5,616.84 FT. 1.063 MI.
BRIDGE LENGTH 803.16 FT. 0.152 MI.
PROJECT LENGTH 6,420.00 FT. 1.215 MI.

EXCEPTIONS NONE
EQUATION NONE

APPROVED
THIS _____ DAY OF _____ 2015
BOARD OF COUNTY COMMISSIONERS
CHOCTAW COUNTY, OKLAHOMA

CHAIRMAN

MEMBER

MEMBER

ATTEST: _____
COUNTY CLERK

NICHOLLS CONSULTING, PLLC
BRIDGES & STRUCTURES
Certificate of Authorization No. 6721
Renewal Date: June 30, 2015
STEVE NICHOLLS, P.E. S.E. NO. 22327
(THIS SEAL COVERS SHEETS XX-XX)

THIS DOCUMENT IS PRELIMINARY IN NATURE AND IS NOT A FINAL, SIGNED AND SEALED DOCUMENT

GUY ENGINEERING SERVICES, INC.
Certificate of Authorization No. 1427
Renewal Date: June 30, 2016
REBECCA A. ALVAREZ, P.E. NO. 24016

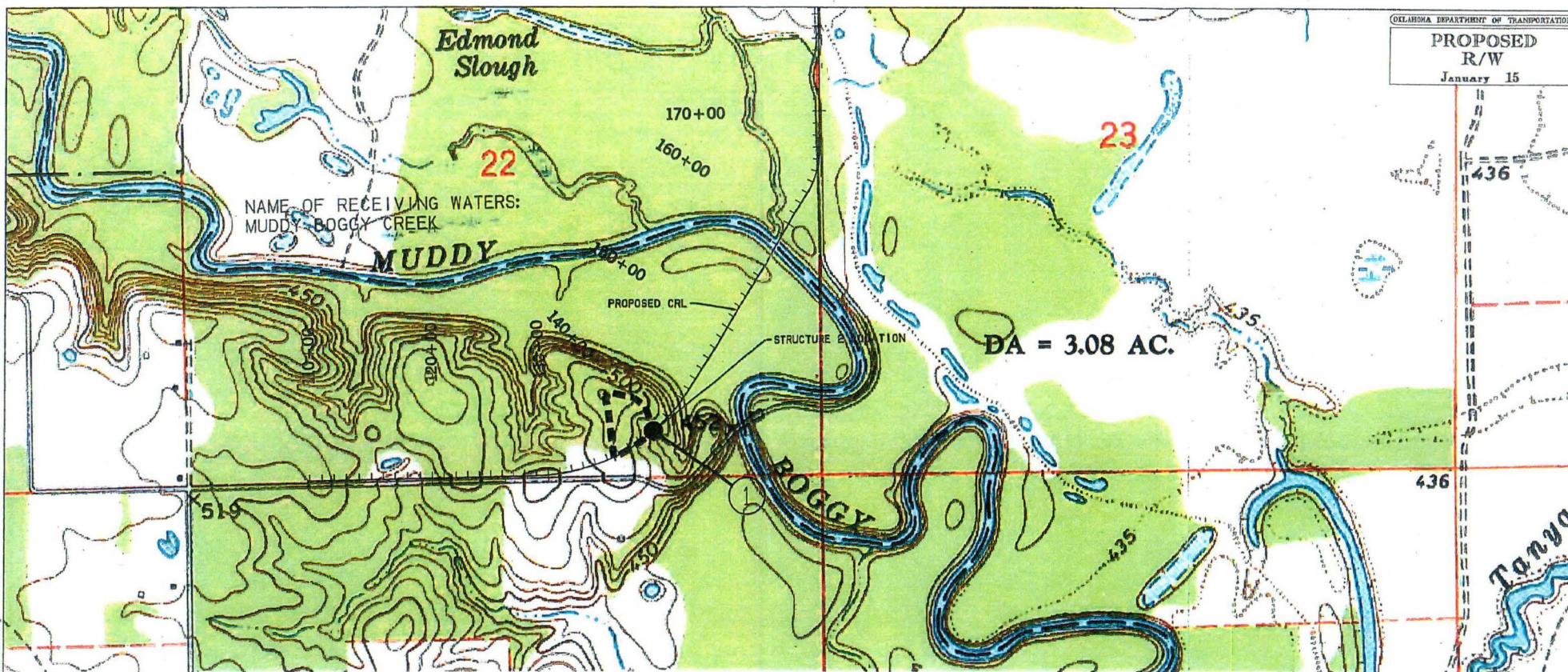
THIS DOCUMENT IS PRELIMINARY IN NATURE AND IS NOT A FINAL, SIGNED AND SEALED DOCUMENT

OKLAHOMA DEPARTMENT OF TRANSPORTATION
DATE APPROVED _____
BY _____
CHIEF ENGINEER
PROJECT NO. STP-112D(078)CI

DEPARTMENT OF TRANSPORTATION
FEDERAL HIGHWAY ADMINISTRATION
DATE APPROVED _____
BY _____
DIVISION ADMINISTRATOR
SHEET NO. 1

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

SWT-2012-93
JP 24821 (04) Bridge Replacement Project
Muddy Boggy Creek
Boswell, Choctaw County, Oklahoma
Enclosure 1 of 6



OKLAHOMA DEPARTMENT OF TRANSPORTATION
PROPOSED
R/W
 January 15

NAME OF RECEIVING WATERS:
 MUDDY BOGGY CREEK

MUDDY

PROPOSED CRL

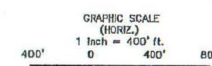
STRUCTURE 2 LOCATION

DA = 3.08 AC.

BOGGY

Tanya

CROSS DRAIN DRAINAGE SUMMARY TABLE											
AREA LABEL	AREA (ACRES)	C	OVERLAND TRAVEL				CHANNELIZED TRAVEL				DESIGN
			LENGTH (FT)	SLOPE (%)	VEL. (FPS)	T _c (MIN)	LENGTH (FT)	SLOPE (%)	VEL. (FPS)	T _c (MIN)	
1	3.08	0.23	325	0.08	0.41	13	150	0.09	1.04	2	24" RCP



SWT-2012-93
 JP 24821 (04) Bridge Replacement Project
 Muddy Boggy Creek
 Boswell, Choctaw County, Oklahoma
 Enclosure 2 of 6

DESIGN	RAA	8/14	OKLAHOMA DEPARTMENT OF TRANSPORTATION	
DRAWN	ALM	8/14	GUY ENGINEERING SERVICES, INC.	
CHECKED	RAP	8/14	DRAINAGE AREA MAP	
APPROVED	JEB	8/14	STATE JOB NO. 24821(04) SHEET NO. 8	
SOUD			CHOCTAW COUNTY MUDDY BOGGY CREEK	

SEC. 22, T5S, R14E

LARRY J. HUGHES &
JERRY N. HUGHES BK
V264 PG 850-853WARRENTY EASEMENT DEED
UNITED STATES OF AMERICA
BOOK 289, PG 15-26CONARD FAMILY TRUST
GREG & JERRY CONARD
BOOK 295 PAGE 617LARRY J. HUGHES &
JERRY N. HUGHES BK
V264 PG 850-853WARRENTY EASEMENT DEED
UNITED STATES OF AMERICA
BOOK 289, PG 15-26CONARD FAMILY TRUST
GREG & JERRY CONARD
BOOK 295 PAGE 617BC Wetlands
Book: V332, Page: 183-182

SEC. 22, T5S, R14E

SEC. 23, T5S, R14E

BC Wetlands
Book: V227, Page: 478

Benchmark - 14
 Sta. 165+00.00, 6307 PL
 1" 100' PVI 1/4" CONTROL CAP
 (ELEVATION)
 (ELEVATION)
 (ELEVATION)

GRAPHIC SCALE
 (HORIZ.)
 1 inch = 100' ft.
 0 100' 200'

DESIGN	RAA	1/15
DRAWN	ALM	1/15
CHECKED	RAP	1/15
APPROVED	JEB	1/15
SUBAD		

OKLAHOMA DEPARTMENT OF TRANSPORTATION
GUY ENGINEERING SERVICES, INC.

ALIGNMENT DATA (2)

STATE JOB NO. 24821(04) SHEET NO. 11
CHOCTAW COUNTY MUDDY BOGGY CREEK

SWT-2012-93
 JP 24821 (04) Bridge Replacement Project
 Muddy Boggy Creek
 Boswell, Choctaw County, Oklahoma
 Enclosure 4 of 6

PROPOSED

R/W

January 15

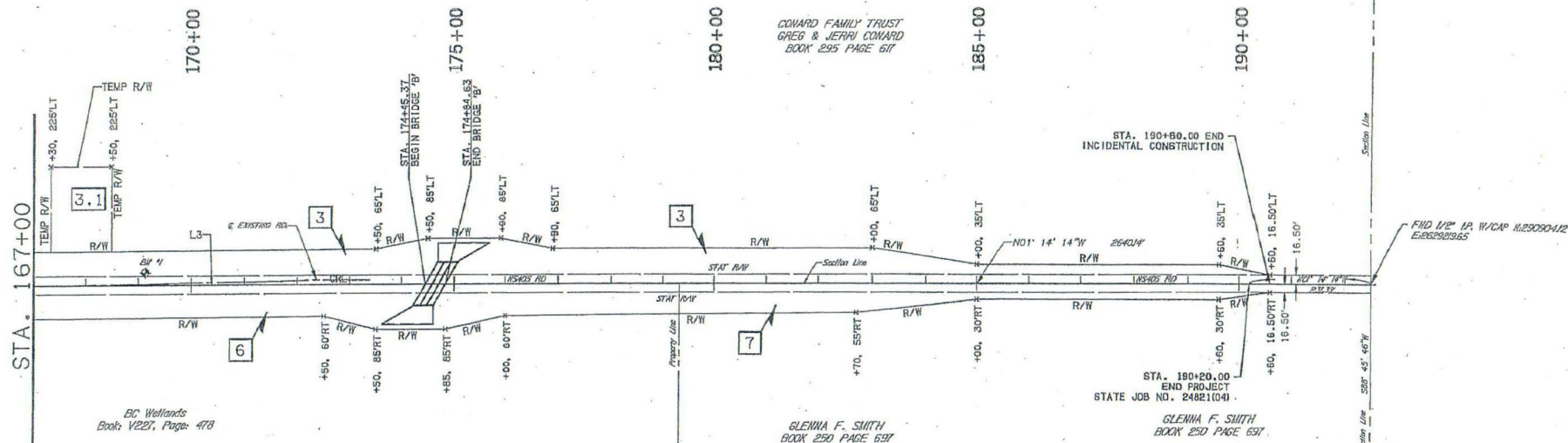
SEC. 22, T5S, R14E

CONARD FAMILY TRUST
GREG & JERRI CONARD
BOOK 295 PAGE 617

SEC. 22, T5S, R14E

CONARD FAMILY TRUST
GREG & JERRI CONARD
BOOK 295 PAGE 617

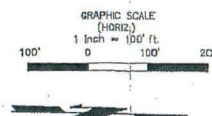
SEC. 15, T5S, R14E



SEC. 23, T5S, R14E

GLENN F. SMITH
BOOK 250 PAGE 637

SEC. 14, T5S, R14E



DESIGN	RAA	1/15
DRAWN	ALM	1/15
CHECKED	RAP	1/15
APPROVED	JEB	1/15
SOLID		

OKLAHOMA DEPARTMENT OF TRANSPORTATION
GUY ENGINEERING SERVICES, INC.

ALIGNMENT DATA (3)

STATE JOB NO. 2482(04) SHEET NO. 12

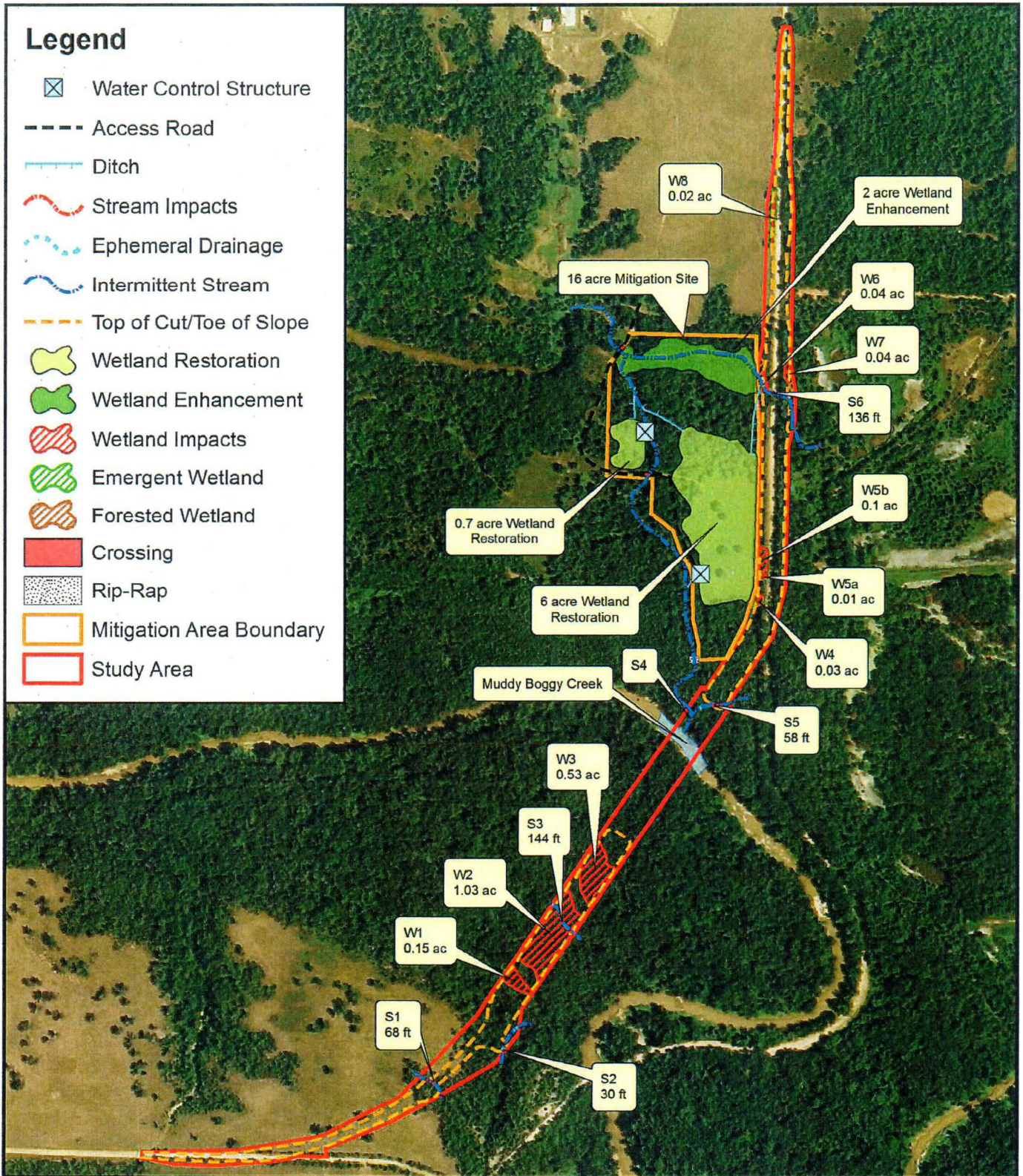
CHOCTAW COUNTY

MUDDY BOGGY CREEK

SWT-2012-93
JP 24821 (04) Bridge Replacement Project
Muddy Boggy Creek
Boswell, Choctaw County, Oklahoma
Enclosure 5 of 6

Legend

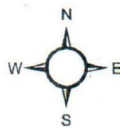
-  Water Control Structure
-  Access Road
-  Ditch
-  Stream Impacts
-  Ephemeral Drainage
-  Intermittent Stream
-  Top of Cut/Toe of Slope
-  Wetland Restoration
-  Wetland Enhancement
-  Wetland Impacts
-  Emergent Wetland
-  Forested Wetland
-  Crossing
-  Rip-Rap
-  Mitigation Area Boundary
-  Study Area



Prepared for:
Choctaw County

Subject Property:
Muddy Boggy Creek Bridge Project

SWT-2012-93
JP 24821 (04) Bridge Replacement Project
Muddy Boggy Creek
Boswell, Choctaw County, Oklahoma
Enclosure 6 of 6



1:7,200

ENERCON

Figure 3: Impact Site Map

Source: 2013 USDA NAIP
Choctaw County, Oklahoma

Prepared by: F. Woolridge, A. Couch & D. Williams; November 5, 2015

0 300 600 1,200 Feet