



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-2013-396
Public Notice No.

August 9, 2013
Public Notice Date

September 8, 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.



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

Application No. SWT-2013-396

JOINT PUBLIC NOTICE
U.S. ARMY CORPS OF ENGINEERS
AND
OKLAHOMA DEPARTMENT OF ENVIRONMENTAL QUALITY (ODEQ)
(30-DAY COMMENT PERIOD)

Interested parties are hereby notified that the District Engineer (DE) has received an application for a Department of the Army (DA) permit and water quality certification pursuant to Sections 404 and 401 of the Clean Water Act. The ODEQ hereby incorporates this public notice and procedure as its own public notice and procedure by reference thereto.

The application is to replace the State Highway 15 Bridge and associated approaches at Turkey (Bull) Creek in Woodward County, Oklahoma.

Name of Applicant:

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

Name of Agent:

HDR Engineering, Inc.
1020 NE Loop 410, Suite 400
San Antonio, Texas 78230

Location: The proposed project is located in the East ½ of Section 8, Township 22 North, Range 22 West, about 10 miles west of Woodard, Woodward County, Oklahoma. The project site can be found on the Fargo, Oklahoma 7.5 Minute USGS Quadrangle map. Turkey Creek flows into Wolf Creek which is the main tributary for Fort Supply Lake which feeds the Beaver River which becomes the North Canadian River.

North Latitude: 36.39935 West Longitude: 99.57360 Decimal Degrees (NAD 83)

Purpose: The basic purpose is the replacement of a structurally deficient bridge and associated approaches on SH 15.

A water dependency determination will be made upon consideration of the basic purpose of the project to replace a structurally deficient bridge. Approximately 0.99 acre of jurisdictional wetlands and 105 linear feet (lf) (0.03 acre) of Turkey Creek would be filled as a result of 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. The project would result in improved traffic flow and increased safety for all motorists.

Description of Work: The applicant proposes the construction of a new 40-foot wide bridge on four concrete piers and embankments constructed of 2,300 cubic yards of earthen fill with two 12-foot wide driving lanes and 8-foot wide paved shoulders. An offset alignment to the south of

the existing alignment was selected to avoid the railroad to the north and to keep SH 15 open to traffic during construction.

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 bridge replacement and associated roadway approaches/improvements would maintain Oklahoma's SH 15 as a reliable transportation route between the cities of Shattuck and Woodward in northwest Oklahoma. A "no action" alternative would not meet the project purpose. An alternative to offset the bridge replacement and roadway to the north would not be feasible due to the adjacent BNSF railroad tracks. An alternative to modify or replace the current bridge and road infrastructure is not feasible because it does not allow the roadway to remain open during construction. A south offset was selected considering the railroad to the north of the existing bridge and the need to keep the roadway open to traffic during construction of the bridge replacement. The proposed project represents the least environmentally damaging practicable alternative which meets the purpose and need for the project.

Impacts to waters of the U.S. were avoided to the maximum extent practicable while keeping a south offset to avoid the railroad to the north, and to keep the roadway open to traffic during construction. Avoidance measures for the project include locating the offset alignment as near the existing alignment as practicable. The proposed project would entirely avoid impacts to wetland W-3, a 0.11 acre scrub-shrub wetland within the existing Right of Way (ROW); additionally, 0.16 acre of emergent wetland W-1, 0.14 acre of scrub-shrub wetland W-2 and 0.06 acre of scrub-shrub wetland W-4 would be avoided in terms of permanent impacts within the proposed ROW.

Impacts to waters of the U.S. were avoided and minimized to the extent practicable by locating the offset alignment as near the existing alignment as practicable, using a bridge to span portions, using primarily 3:1 side slopes, and including water quality Best Management Practices (BMP). Impacts which cannot be avoided or minimized would be compensated through creation, enhancement, and restoration mitigation activities to improve and replace aquatic resource functions.

In addition to the avoidance measures described above, the proposed project would minimize impacts to waters of the U.S. to the extent practicable. The proposed project includes a bridge to span portions of stream S-1 and wetlands W-2 and W-4, thereby minimizing permanent impacts. Additionally, the proposed roadway utilizes primarily 3:1 side slopes to minimize impacts to wetlands W-1, W-2, and W-4. To minimize the potential short-term impacts (such as turbidity and suspended solids) associated with the increased sediment generated by construction activities, BMP would be implemented in order to control soil erosion and sedimentation; furthermore, during construction activities excavated soil would not be placed in waters of the U.S. or flood plain areas unless required for construction of the project.

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

Based on the proposed mitigation ratios and mitigation activities described above, the impacts to 0.99 acre of wetland and 105 lf (0.03 acre) of stream will be offset by creation, enhancement, and/or restoration of 1.90 acres of wetland and 120 lf (0.05 acre) of stream. The proposed on-site mitigation plan includes the following objectives:

1. The creation of 0.55 acre of scrub-shrub wetland.
2. The enhancement of 0.49 acre of emergent wetland and 0.86 acre of scrub-shrub wetland.
3. The restoration of approximately 40 lf of perennial stream and enhancement of approximately 80 lf of perennial stream.
4. Development of mitigation that returns pre-construction ecological function, achieves sustainability, and limits the amount of required maintenance.

Wetland creation efforts would be conducted directly following the proposed road and bridge construction, and include removal of the existing road pavement and embankment which is located between the proposed roadway and the railroad. Wetland creation would involve excavation to the sand layer which would form the subsurface of the wetland and allow the water table to form the hydrology which mimics existing wetland hydrology. Within the designated wetland creation areas the surface would be contoured by spreading topsoil stockpiled from the impacted wetlands to promote the revegetation of created wetlands using the native seed bank and natural succession. Existing wetlands and streams would be enhanced through mowing restrictions, livestock exclusion, fencing, and small berms; as well as control of non-native/invasive species in order to promote ecological functions of the riparian buffer and in-stream habitat. The need to plant trees is not anticipated because of the nearby reliable seed source and natural succession. A segment of Turkey Creek beneath the existing road bridge is currently degraded by the presence of asphalt on the banks and a small metal pipe culvert which restricts flow. Following construction of the proposed roadway and bridge, and subsequent removal of the existing bridge and road embankment, this stream segment would be restored. In the degraded stream beneath the existing bridge, a natural channel will be restored by removing the asphalt and culvert, and re-grading the channel to replicate natural contours similar to upstream and downstream segments. The stream restoration area would be revegetated by the native seed bank and natural succession from the surrounding seed source.

This mitigation plan is the applicant's proposal. The Corps has made no determination at this time with regard to the adequacy of the proposed mitigation relative to the federal mitigation rules and guidance, including Tulsa District's Mitigation and Monitoring Guidelines. The Corps is accepting comments on the need for and nature of the proposed mitigation, in addition to comments on the applicant's primary proposal. The Corps bears the final decision on the need for and extent of mitigation required if the project proposed herein is authorized.

Other: ODOT procured a site survey titled " CULTURAL RESOURCES SURVEY SH 15 BEGINNING 1.8 MILES EAST OF THE ELLIS COUNTY LINE, EXTENDING EAST APPROXIMATELY 9.4 MILES ELLIS AND WOODWARD COUNTIES, OKLAHOMA "

dated June 12, 2008, prepared by Clour Engineering/PBS&J. Based upon findings of the report, there would be no historic properties affected by the referenced project. ODOT coordinated this report with the Oklahoma State Historic Preservation Officer (SHPO) and in a letter dated July 6, 2011, and with the Oklahoma Archeological Survey (OAS) in a letter dated April 27, 2009. The SHPO concurred with the opinion that there are no historic properties that would be affected by the referenced project and the OAS deferred to SHPO on the historic structure findings in a letter dated April 27, 2009. Additionally, ODOT coordinated with the Cheyenne and Arapaho Tribes of Oklahoma, the Osage Nation, and the Wichita and Affiliated Tribes. None of the Tribal Nations objected to the proposed project.

Project Setting: ODOT's agent prepared the site survey. The survey reported the project area is located within the Rolling Red Hills ecoregion of western Oklahoma which is dominated by hilly terrain. Vegetation of the upland sites within the impact/mitigation area is dominated by agricultural grasses and crops with scattered trees. The project area contains woody vegetation primarily in the bottom lands near Turkey (Bull) Creek and the surrounding upland areas are mostly used for pasture or cropland and consist principally of bermudagrass. It is evident that historic and current land uses have significantly effected native vegetation and diminished the ecologic condition and species diversity at the project area (including impact site and adjacent on-site mitigation area).

The project area lies within the Middle North Canadian watershed (8-digit HUC) on the eastern most extent of the High Plains Aquifer in Oklahoma, which underlies about 174,000 square miles of the central United States. Site specific hydrology is dominated by a northeast flowing perennial stream (Turkey Creek), with an average ordinary high water mark of 36 feet wide, which drains approximately 13,000 acres upstream of the project area. Additional site specific hydrology includes roadside drainage channels which drain approximately 17.8 acres northeast of the crossing and 12.4 acres northwest of the crossing, and seeps which form at a restrictive zone in the natural slope to the stream allowing for the intersection of a shallow perched water table. These hydrologic features exhibited stable hydrologic conditions at the time of on-site delineation in October 2012 despite the region being in a long-term severe drought condition, according to the Palmers Drought Index provided by the National Oceanic and Atmospheric Administration. Additional observations during a site visit on June 12, 2013, indicate that Turkey Creek was still flowing despite drought conditions. Additionally, the wetlands in the project area have soils with a sand layer starting about 6 inches below the surface. This sand layer is saturated within 12 inches of the soil surface, and indicates a subsurface water table that maintains the wetland hydrology. Perennial flow in the stream and the subsurface hydrology of the wetland during the drought provides evidence of reliable groundwater contribution to hydrology and the sustainability and suitability of the hydrology at the mitigation site. The project area falls within the Ogallala Formation. These Tertiary deposits are dominated by mostly unconsolidated to well-cemented, light gray to light brown stream laid deposits of sand, silt, clay, and gravel.

Existing Condition: The survey reported: Vegetation of the upland sites within the study area is dominated by agricultural grasses and crops with scattered trees. The study area contains woody vegetation primarily near Turkey Creek. The predominant tree species in the study area are American elm (*Ulmus americana*) and black willow (*Salix nigra*). Understory shrubs and vines consist primarily of common buttonbush (*Cephalanthus occidentalis*), false indigo-bush

(*Amorpha fruticosa*), and grape (*Vitis spp.*). Herbaceous vegetation includes split-beard bluestem (*Andropogon ternarius*), white heath American-aster (*Symphyotrichum ericoides*), Atlantic goldenrod (*Solidago arguta*), common spike-rush (*Eleocharis palustris*), three-square (*Schoenoplectus pungens*), late goldenrod (*Solidago gigantea*), large barnyard grass (*Echinochloa crus-galli*), and bermudagrass (*Cynodon dactylon*). The majority of the study area has been previously impacted by transportation use (railroad and roadway) and agricultural use by grazing and farming in the recent past. The hydric habitat in the study area is dominated by sapling, shrub, and herbaceous vegetation consisting largely of black willow, common buttonbush, common spike-rush, and three-square. The surrounding upland areas are mostly used for pasture or cropland and consist principally of bermudagrass.

Plans and Data: Plans showing the location of the proposed activity and other data are enclosed with this notice (Enclosures 1 through 7). 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: The ODOT survey determined no historic properties would be affected by the referenced project. Concurrence with the findings was received from SHPO and OAS. The survey was coordinated with the Cheyenne and Arapaho Tribes of Oklahoma, the Osage Nation, and the Wichita and Affiliated Tribes. No objections were received. This public notice is being sent to the SHPO, 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 of Historic Places 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: Arkansas River shiner (*Notropis girardi*), Endangered; Eskimo curlew (*Numenius borealis*), Endangered; interior least tern (*Sterna antillarum*), Endangered; lesser prairie chicken (*Tympanuchus pallidicinctus*), Candidate; piping plover (*Charadrius melodus*), Threatened; whooping crane (*Grus americana*), Endangered. 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. Our preliminary determination is that the proposed activity will not affect listed threatened or endangered species or their critical habitat.

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.

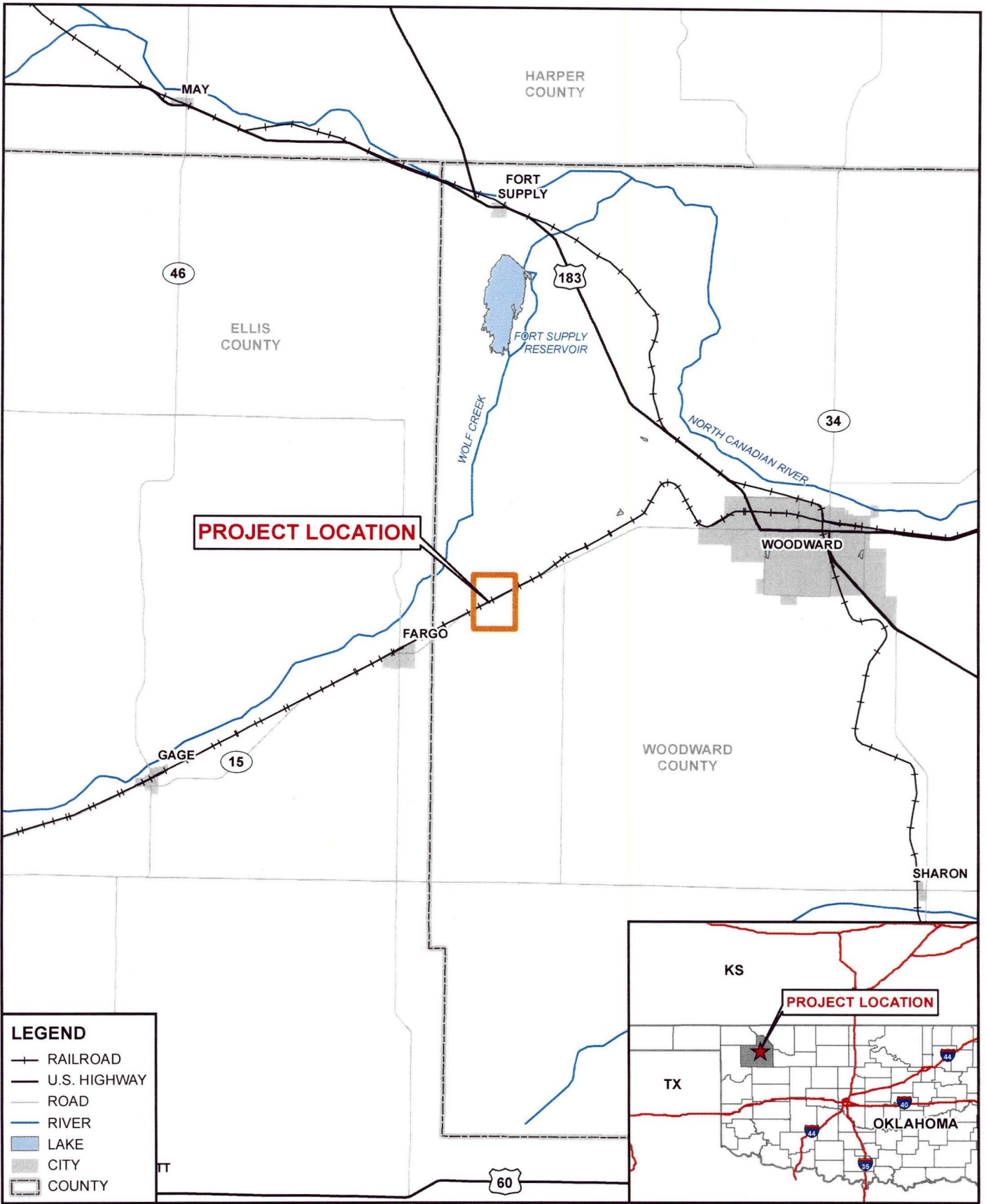
At the request of the Oklahoma Water Resources Board's National Flood Insurance Program State Coordinator, we are sending a copy of this notice to the local floodplain administrator to apprise the administrator of proposed development within their jurisdiction. In accordance with 44 CFR Part 60 (Flood 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 unless both Section 401 and 404 permits are issued.

Andrew R. Commer
Chief, Regulatory Office

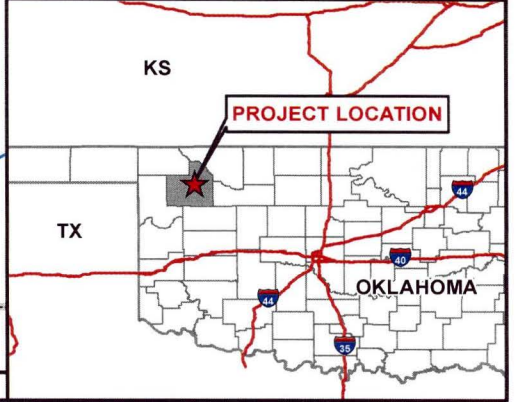
Enclosures

FILE: O:\DEPT037_DALLASENGINEERING\ENVSCIENCES\193861_ODOT_WOODWARD_CNTRY_SH15\MAPDOCS\ARC\MAP\IP\SH15_IP_FIG1_VICINITYMAP_BX11.MXD

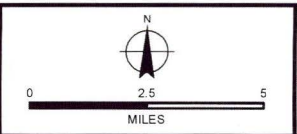


LEGEND

- +— RAILROAD
- U.S. HIGHWAY
- ROAD
- RIVER
- LAKE
- CITY
- COUNTY

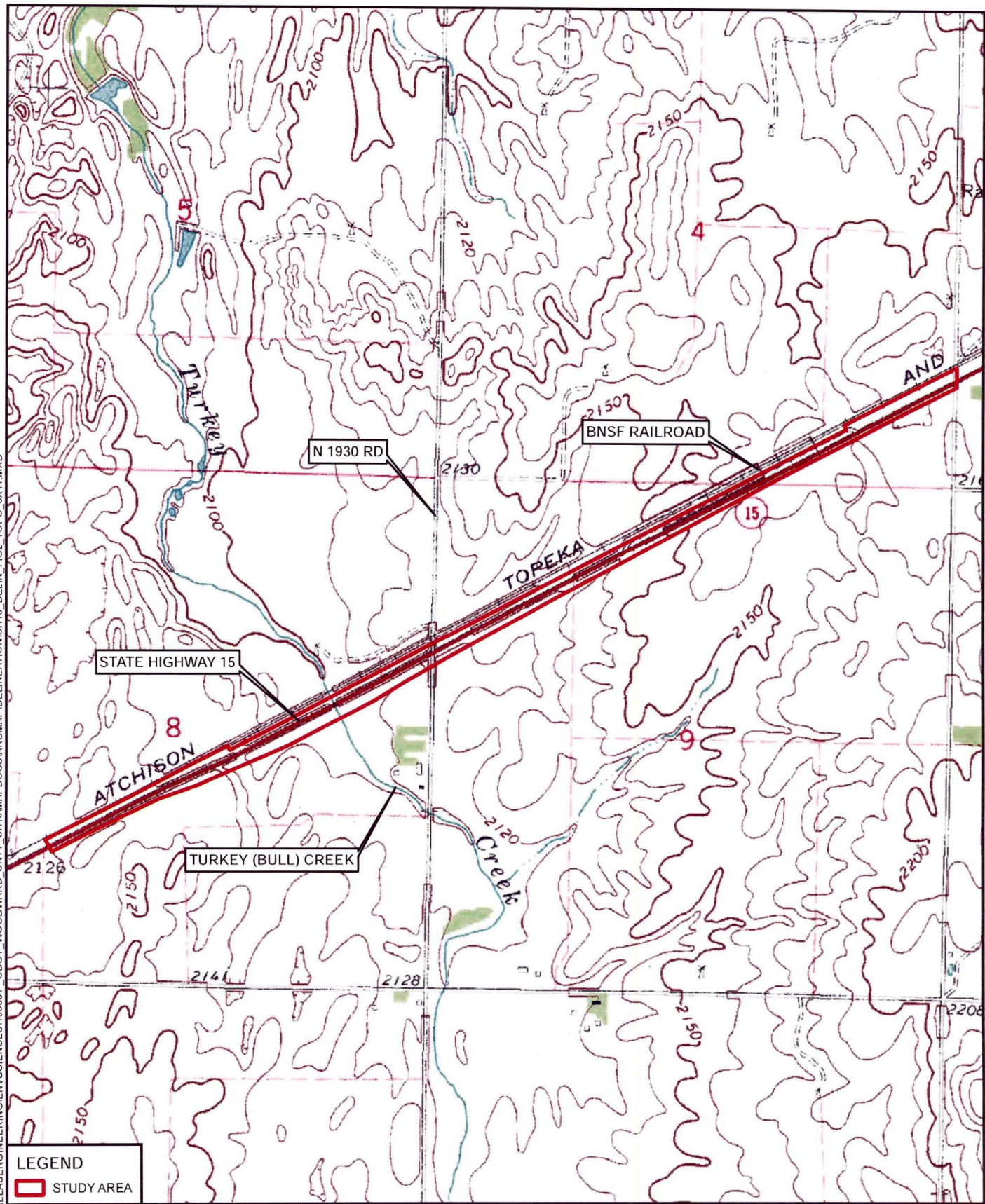


STATE HIGHWAY 15
WOODWARD COUNTY, OKLAHOMA
 J/P NO. 24368 (04)
 VICINITY MAP



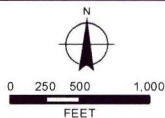
SWT-2013-396
 Oklahoma Dept. of Transportation
 Bridge Replacement SH 15 JP 24368-04
 Turkey Creek
 Enclosure 1 of 7

FILE: O:\DEPT037_DALLAS\ENGINEERING\SCIENCES\193861_ODOT_WOODWARD_CNTY_SH15\MAPDOCS\ARC\MAP\DELINEATION\SH15_DELIN_FIG2_TOPO_8X11.MXD

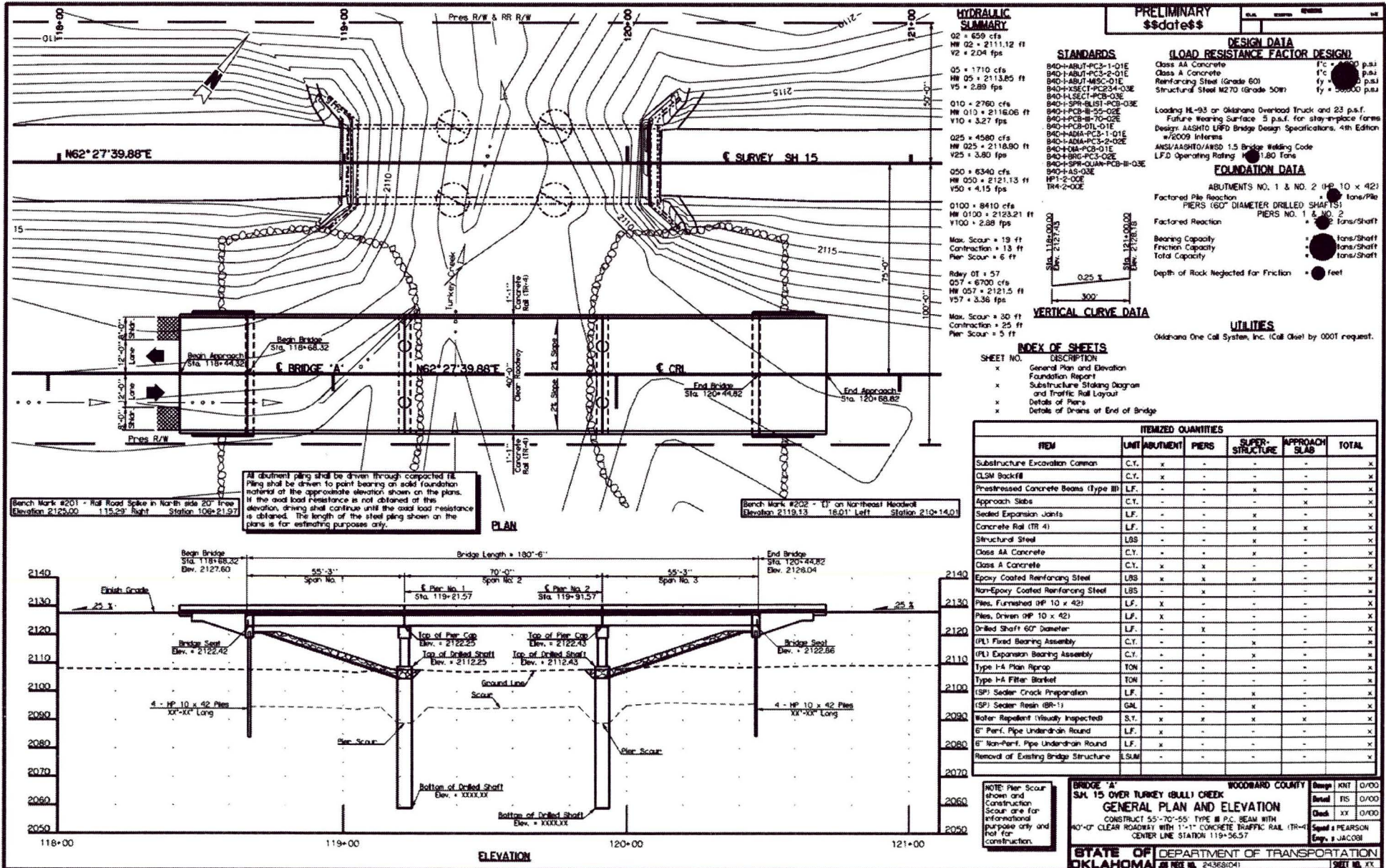


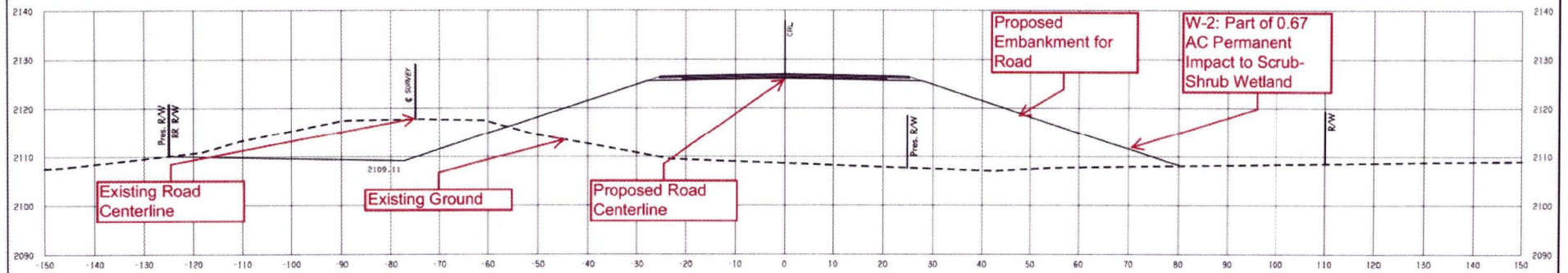
LEGEND
 STUDY AREA

STATE HIGHWAY 15
 WOODWARD COUNTY, OKLAHOMA
 J/P NO. 24368 (04)
 USGS TOPOGRAPHIC MAP

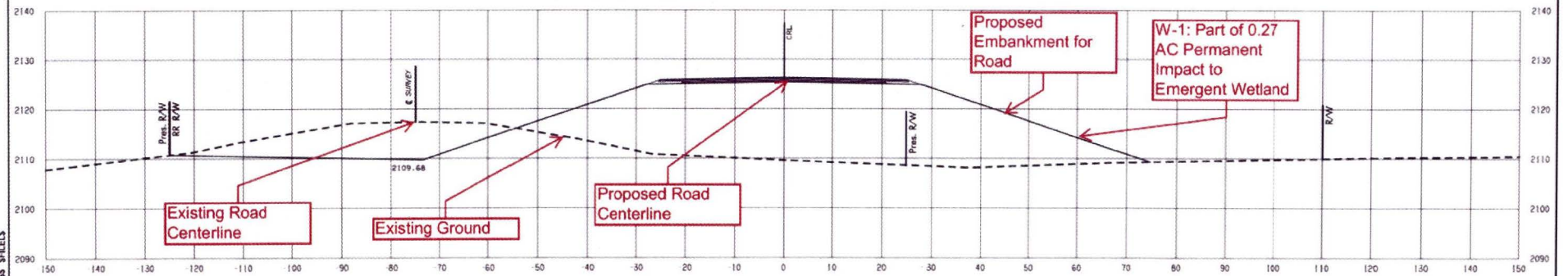


SWT-2013-396
 Oklahoma Dept. of Transportation
 Bridge Replacement SH 15 JP 24368-04
 Turkey Creek
 Enclosure 2 of 7





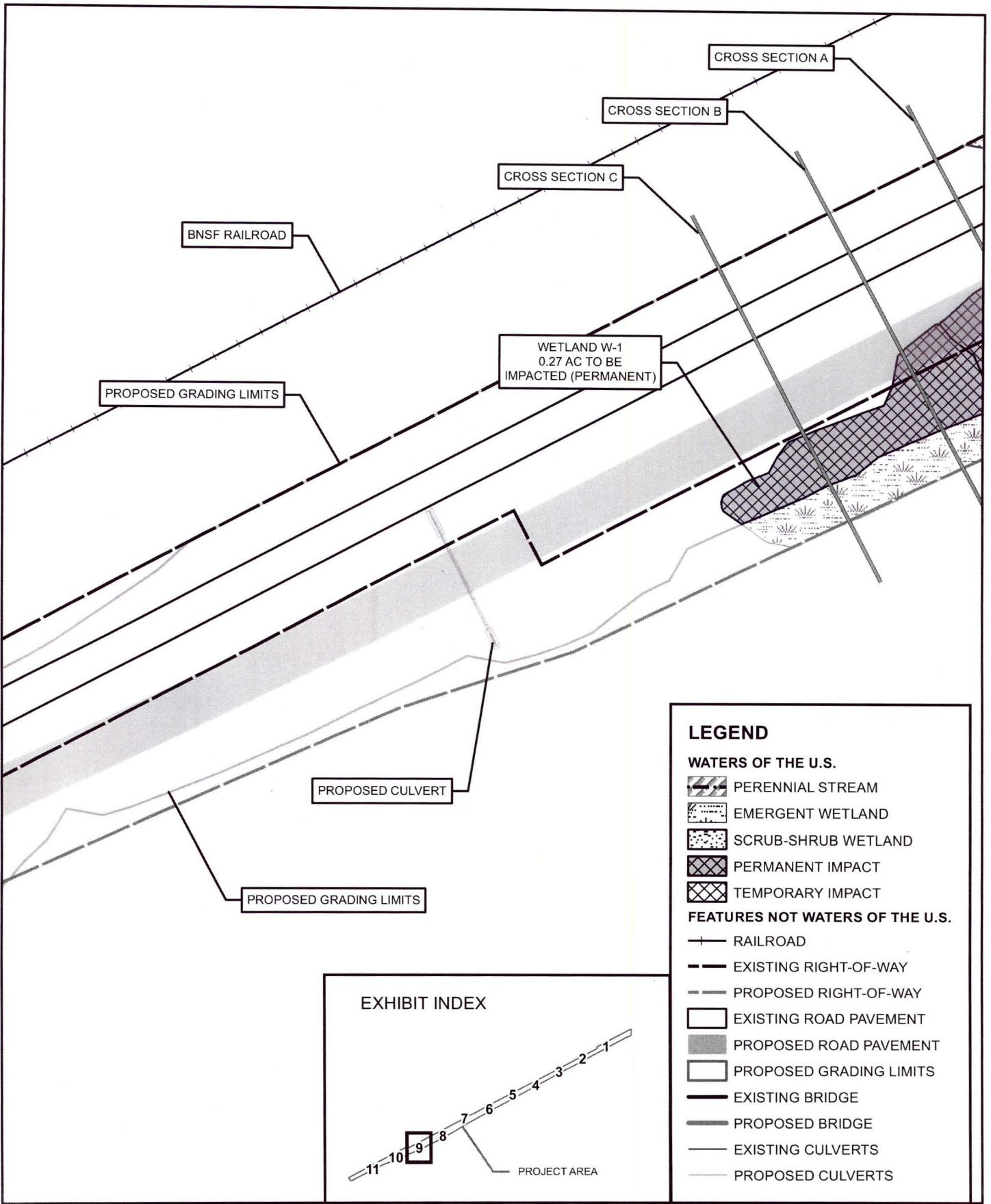
CROSS SECTION A 117 + 00.00



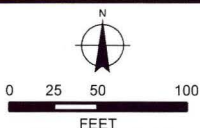
CROSS SECTION B 116 + 00.00

SCHEMATIC FILES

PATH: O:\DEPT037_DALLASENGINEERING\SCIENCE\193861_ODOT_WOODWARD_CNTY_SH15MAPDOCS\ARC\MAP\IPISH15_IP_FIG3_B&W_8X11.MXD

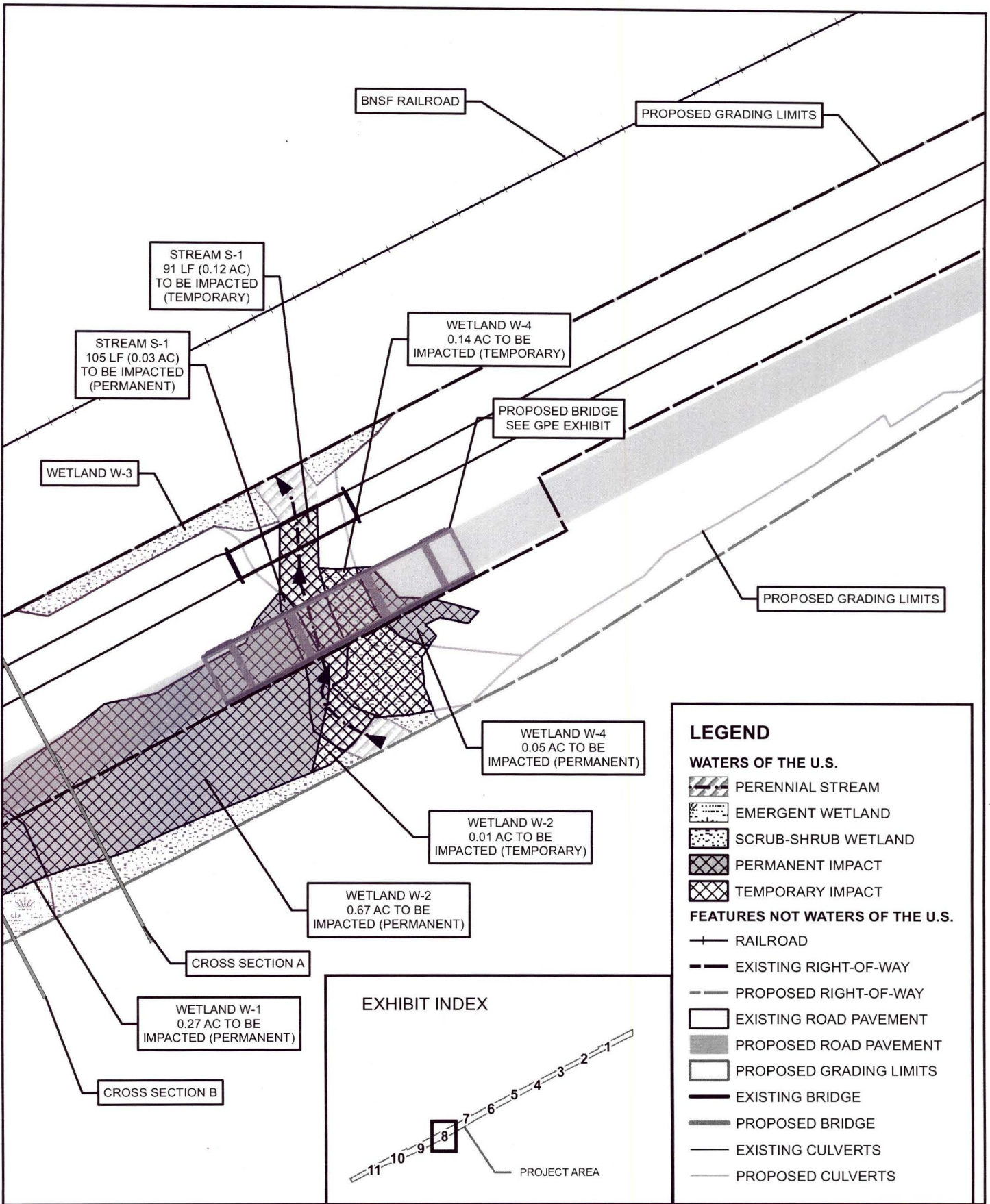


STATE HIGHWAY 15
WOODWARD COUNTY, OKLAHOMA
 J/P NO. 24368 (04)
DESIGN EXHIBITS



SWT-2013-396
 Oklahoma Dept. of Transportation
 Bridge Replacement SH 15 JP 24368-04
 Turkey Creek
 Enclosure 5 of 7

PATH: O:\DEPT037_DALLASENGINEERING\ENVSCIENCES\193861_ODOT_WOODWARD_CNTY_SH15MAPDOCS\ARCMAPI\SH15_IP_FIG3_B&W_8X11.MXD



STREAM S-1
91 LF (0.12 AC)
TO BE IMPACTED
(TEMPORARY)

STREAM S-1
105 LF (0.03 AC)
TO BE IMPACTED
(PERMANENT)

WETLAND W-4
0.14 AC TO BE
IMPACTED (TEMPORARY)

PROPOSED BRIDGE
SEE GPE EXHIBIT

WETLAND W-3

PROPOSED GRADING LIMITS

WETLAND W-4
0.05 AC TO BE
IMPACTED (PERMANENT)

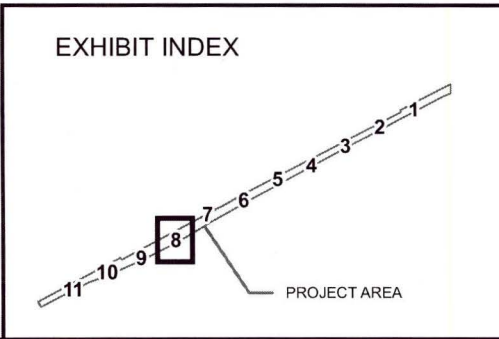
WETLAND W-2
0.01 AC TO BE
IMPACTED (TEMPORARY)

WETLAND W-2
0.67 AC TO BE
IMPACTED (PERMANENT)

WETLAND W-1
0.27 AC TO BE
IMPACTED (PERMANENT)

CROSS SECTION A

CROSS SECTION B



LEGEND

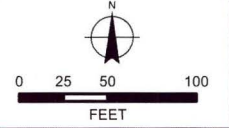
WATERS OF THE U.S.

- PERENNIAL STREAM
- EMERGENT WETLAND
- SCRUB-SHRUB WETLAND
- PERMANENT IMPACT
- TEMPORARY IMPACT

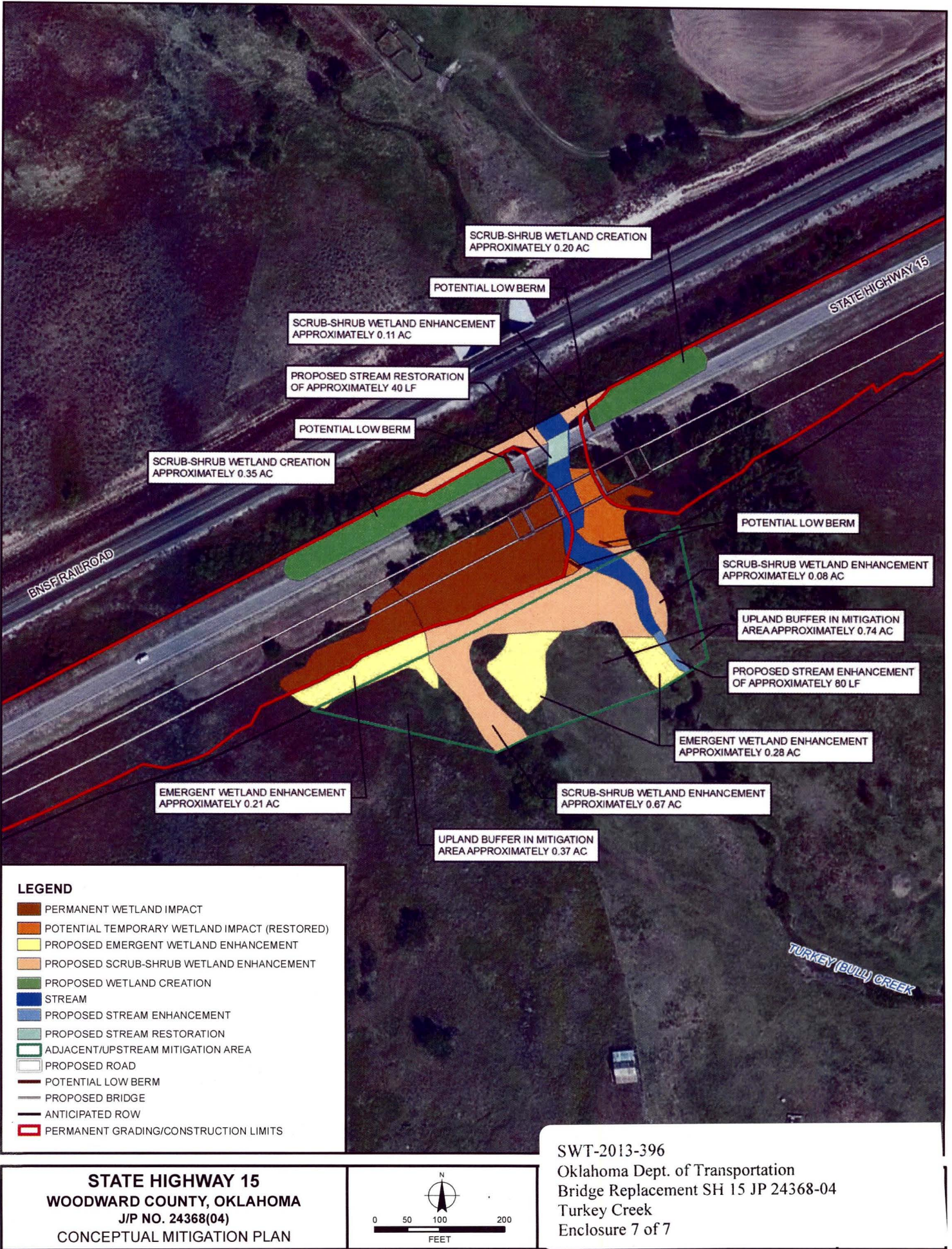
FEATURES NOT WATERS OF THE U.S.

- RAILROAD
- EXISTING RIGHT-OF-WAY
- PROPOSED RIGHT-OF-WAY
- EXISTING ROAD PAVEMENT
- PROPOSED ROAD PAVEMENT
- PROPOSED GRADING LIMITS
- EXISTING BRIDGE
- PROPOSED BRIDGE
- EXISTING CULVERTS
- PROPOSED CULVERTS

STATE HIGHWAY 15
WOODWARD COUNTY, OKLAHOMA
J/P NO. 24368 (04)
DESIGN EXHIBITS



SWT-2013-396
Oklahoma Dept. of Transportation
Bridge Replacement SH 15 JP 24368-04
Turkey Creek
Enclosure 6 of 7



SCRUB-SHRUB WETLAND CREATION
APPROXIMATELY 0.20 AC

POTENTIAL LOW BERM

SCRUB-SHRUB WETLAND ENHANCEMENT
APPROXIMATELY 0.11 AC

PROPOSED STREAM RESTORATION
OF APPROXIMATELY 40 LF

POTENTIAL LOW BERM

SCRUB-SHRUB WETLAND CREATION
APPROXIMATELY 0.35 AC

POTENTIAL LOW BERM

SCRUB-SHRUB WETLAND ENHANCEMENT
APPROXIMATELY 0.08 AC

UPLAND BUFFER IN MITIGATION
AREA APPROXIMATELY 0.74 AC

PROPOSED STREAM ENHANCEMENT
OF APPROXIMATELY 80 LF

EMERGENT WETLAND ENHANCEMENT
APPROXIMATELY 0.28 AC

EMERGENT WETLAND ENHANCEMENT
APPROXIMATELY 0.21 AC

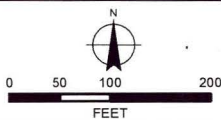
SCRUB-SHRUB WETLAND ENHANCEMENT
APPROXIMATELY 0.67 AC

UPLAND BUFFER IN MITIGATION
AREA APPROXIMATELY 0.37 AC

LEGEND

- PERMANENT WETLAND IMPACT
- POTENTIAL TEMPORARY WETLAND IMPACT (RESTORED)
- PROPOSED EMERGENT WETLAND ENHANCEMENT
- PROPOSED SCRUB-SHRUB WETLAND ENHANCEMENT
- PROPOSED WETLAND CREATION
- STREAM
- PROPOSED STREAM ENHANCEMENT
- PROPOSED STREAM RESTORATION
- ADJACENT/UPSTREAM MITIGATION AREA
- PROPOSED ROAD
- POTENTIAL LOW BERM
- PROPOSED BRIDGE
- ANTICIPATED ROW
- PERMANENT GRADING/CONSTRUCTION LIMITS

STATE HIGHWAY 15
WOODWARD COUNTY, OKLAHOMA
J/P NO. 24368(04)
CONCEPTUAL MITIGATION PLAN



SWT-2013-396
Oklahoma Dept. of Transportation
Bridge Replacement SH 15 JP 24368-04
Turkey Creek
Enclosure 7 of 7