



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-2013-596
Public Notice No.

March 10, 2017
Public Notice Date

April 9, 2017
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-2013-596

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 and Section 10 of the Rivers and Harbors Act of 1899. 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 related to the proposed widening and replacement of the U.S. Highway (US) 62 bridges over Cane Creek and an unnamed tributary.

Name of Applicant: Ms. Siv Sundaram
Chief, Environmental Division
Oklahoma Department of Transportation (ODOT)
200 Northeast 21st Street
Oklahoma City, OK 73105

Name of Agent: Mr. Ricky Wilson, PWS
HDR Engineering
613 NW Loop 410, Ste 700
San Antonio, Texas 78216

Location: The project is located on US 62 between rural roads E0890 and E0900 in Muskogee County, Oklahoma. Legal description of the site is parts of Sections 5 and 6, Township 14 North, and Range 16 East. The project site can be found on the Boynton, OK 7.5-Minute USGS Quadrangle map at North Latitude 35.719759° and West Longitude 95.642242°. The project area is located in the Polecat-Snake watershed (HUC # 11110101).

Purpose: The basic purpose of the proposed work (State Job Piece # 26287(04)) is to replace and widen the existing structurally deficient span bridges for public safety. The project is not a water dependent activity. The overall purpose of this work is for public safety by replacing two structurally deficient bridges, provide infrastructure improvement, improve traffic flow, and increase safety for motorists in order to comply with Federal safety standards. The new bridges and associated roadway widening would provide safe and reliable transportation for the public on US 62.

Table of Impacts:

Original Proposal					
Number or Location	Impact Activity	Type of Water	Type of Fill Material	Qty of Material cys below OHWM	Footprint (ac and/or lf)
W-2	Placement of fill material	Adjacent Forested Wetland	Soil and Rock	137 cys	0.17 ac
Unnamed tributary S-1	Placement of fill material	Perennial Stream	Soil and Rock	2,420 cys	1.5 ac (916 lf)
W-1	Placement of fill material	Adjacent Forested Wetland	Soil and Rock	97 cys	0.12 ac
cubic yards (cys), ordinary high water mark (OHWM), acre (ac), linear feet (lf)					

Description of Work: ODOT proposes to replace two narrow and structurally deficient bridges and widen US 62. Bridge A is a 31-foot wide reinforced concrete box on the unnamed tributary (S-1) and Bridge B is a 26-foot wide span pier supported bridge over Cane Creek. The proposed replacement bridges would be two 40-foot wide span pier supported bridges on the existing alignment. The proposed roadway is wider due to the higher vertical profile to meet Federal highway design safety standards. During the final grading for the permanent road, approximately 916 linear feet of S-1 would be relocated 60 feet west from the current location to protect the highway and associated bridge from erosion and maintain safe side slopes on the road embankment. The new approach roadway would have two 12-foot wide paved driving lanes and 8-foot wide paved shoulders. US 62 would remain open to traffic during construction with the use of a "shoo-fly" detour to divert traffic. A 121-foot temporary culvert will be used under the detour and removed once construction is complete.

Avoidance and Minimization Information: ODOT provided the following statement with regard to how avoidance and minimization of impacts to aquatic resources was incorporated into the project plan:

Closing US 62 during construction is not practicable because it would require a 41-mile detour route west to State Highway 52 north of Morris. Such a detour would essentially close US 62 which would adversely affect emergency traffic, school buses, commerce, and everyday traffic. The temporary west shoofly was chosen to avoid impacts to approximately 2 acres of emergent wetlands and 0.2 acre of forested wetland on the east side of the highway.

Furthermore, the relocation of S-1 is needed to prevent erosion and protect the new road and bridge. This minimization measure will be placed as near the proposed highway improvements as possible to avoid approximately 2.3 acres (1,400 linear feet) of additional stream impacts that would have resulted from the original design. Riprap

will be used for stabilization on the proposed bridge side slopes. Best Management Practices will be used to control soil erosion and sedimentation.

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

For the permanent impacts to stream S-1 and wetlands W-1 and W-2, ODOT proposes to purchase 127 perennial stream credits and 0.6 forested wetland compensatory mitigation credits from the Terra Foundation ILF Program. Thus, based on this mitigation plan the proposed project will result in minimal adverse effects to the aquatic environment.

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: The project area is located within the Central Irregular Plains ecoregion of Oklahoma and separates the Cross Timbers from the forests of the Boston Mountains and Ozark Highlands. Historic vegetation primarily consisted of tall grass prairie and woodlands dominated by post oak and blackjack oak. Predominant land uses in the vicinity of the project area include rangeland management for livestock grazing and rural residences. The project area is crossed by two perennial streams, Cane Creek and an associated unnamed tributary. Cane Creek flows northeast into Cloud Creek, which flows into the Aransas River approximately 3.5 miles northeast of the project area. The majority of the project area has been impacted by transportation use (roadway and associated right-of-way) and agricultural use by grazing and farming, currently and in the past.

Cultural Resources: The DE is responsible to ensure compliance with the National Historic Preservation Act of 1966 (Public Law 89-665), as amended and other cultural resources laws and Executive Orders. ODOT has conducted a cultural resources survey. The survey was coordinated with the Alabama-Quassarte Tribal Town, Caddo Nation of Oklahoma, Cherokee Nation, Kialegee Tribal Town, Muscogee (Creek) Nation, The Osage Nation, Thlopthlocco Tribal Town, United Keetoowah Band of Cherokee Indians, Wichita and Affiliated Tribes (Wichita, Keechi, Waco, Tawakonie), Oklahoma Archeologic Survey (OAS), and the Oklahoma Historical Society (OHS) (File #0950-15). No objections were received and both state agencies concurred that there are no historic properties affected by the proposed project.

This notice has been provided to the OHS, OAS, Native American Tribal governments, and other interested parties. If you have information pertaining to cultural resources within the permit area, please notify the Corps project manager identified within this

notice to assist in a complete evaluation of potential effects. The DE will evaluate any input received and may require further investigations within the permit area, if warranted.

Threatened and Endangered Species: ODOT has conducted a biological assessment and consulted with and received concurrence dated January 13, 2015, with the United States Fish and Wildlife Service (USFWS), Oklahoma Ecological Services Field Office on the following federally listed species known to occur in the vicinity or are listed for the county in which the proposed action is located: gray bat (*Myotis grisescens*), interior least tern (*Sterna antillarum*), piping plover (*Charadrius melodus*), red knot (*Calidris canutus rufa*), and whooping crane (*Grus americana*) no effect was determined. For the American burying beetle (*Nicrophorus americanus*) may affect was determined. For the northern long-eared bat (*Myotis septentrionalis*) may affect, unlikely to adversely affect was determined.

A copy of this notice is being furnished to the USFWS 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 effect 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.

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 Shane Charlson, Tulsa District Corps of Engineers, ATTN: Regulatory Office, 1645 South 101st East Avenue, Tulsa, OK 74128-4609, or telephone 918-669-7400.

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. You may submit comments to mailing address Tulsa District Corps of Engineers, ATTN: Regulatory Office, 1645 South 101st East Avenue, Tulsa, OK 74128-4609; or email CESWT-RO@usace.army.mil, please include the public notice number SWT-2013-596 in the subject line of the message.

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.

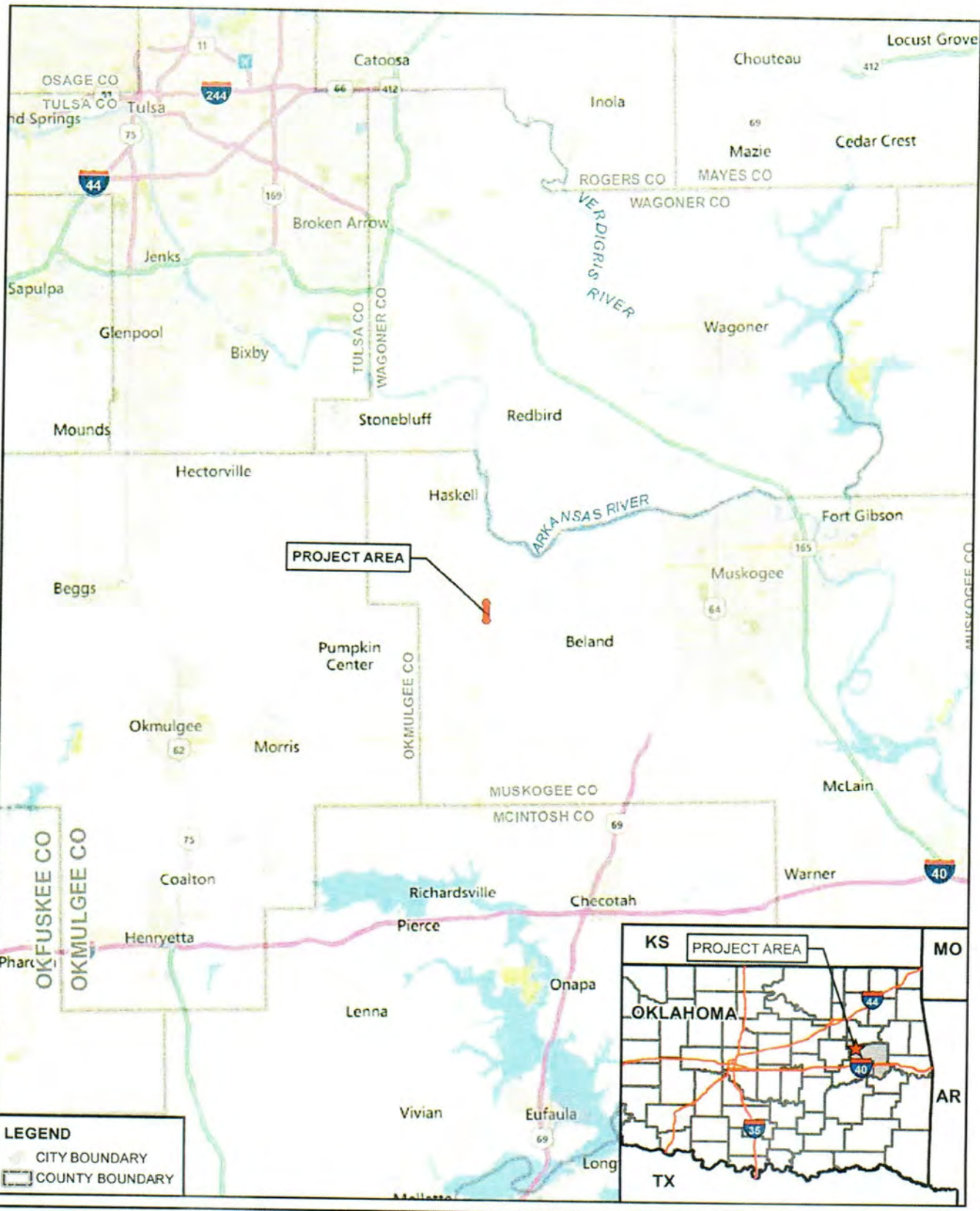
At the request of the Oklahoma Water Resources Board's National Flood Insurance Program State Coordinator, we are sending a copy of this notice to the local floodplain administrator to apprise the administrator of proposed development within their jurisdiction. In accordance with 44 CFR Part 60 (Criteria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

FILE: \\DALC\TXSRV01\TEXAS_GIS_PROJECTS\10027861_10189_US62_MUSKOGEE_CO_262\MAP_DOCS\FIGURES\PERMIT\MUSKOGEE_US62_FIG1_VICINITYMAP_8X11.MXD



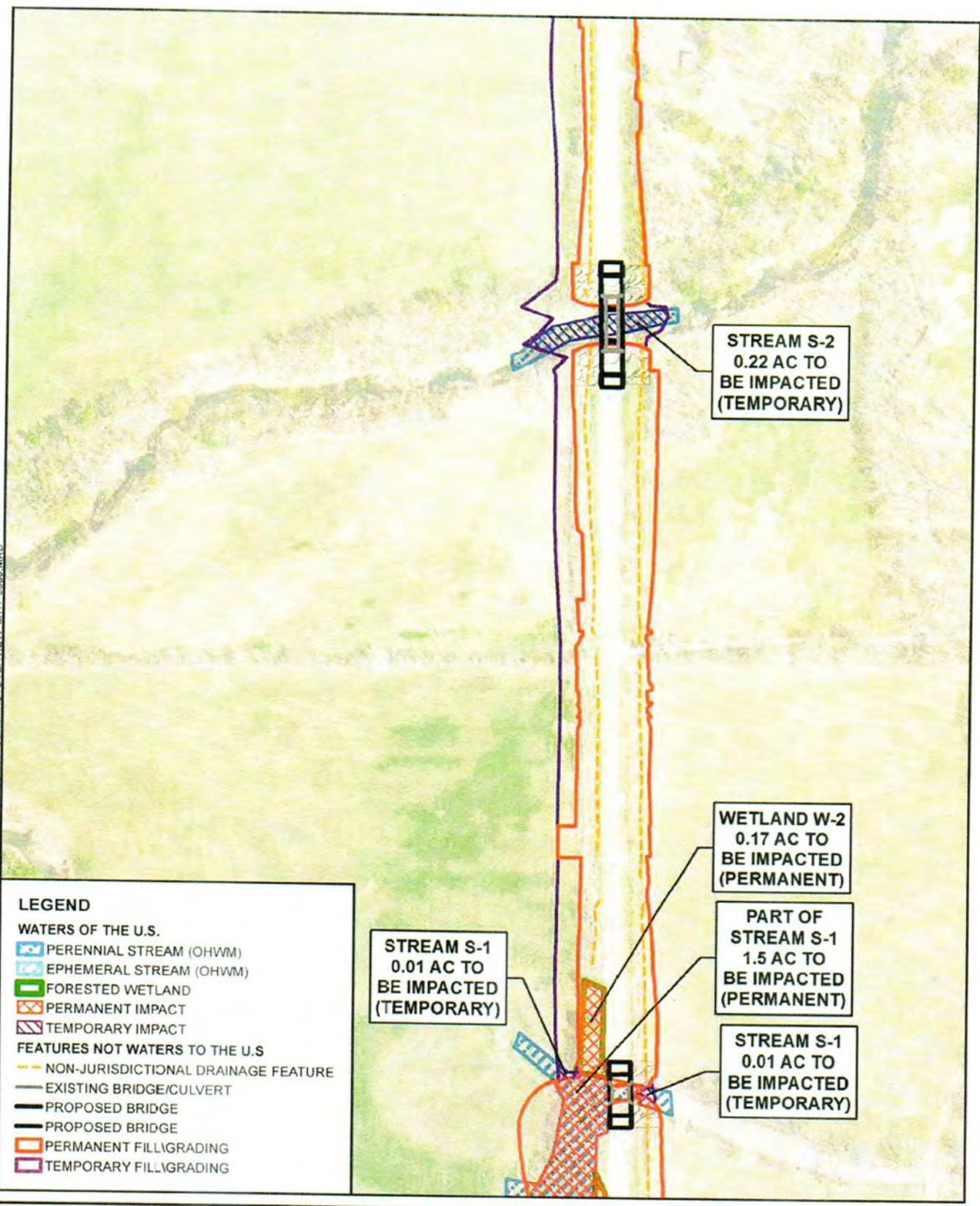
LEGEND
 CITY BOUNDARY
 COUNTY BOUNDARY

U.S. ROUTE 62
MUSKOGEE COUNTY, OKLAHOMA
 J/P NO. 26287(04)
 VICINITY MAP



SWT-2013-596
 Oklahoma Department of Transportation
 US 62 Bridge Replacements and Widening
 Cane Creek and unnamed tributary
 Enclosure 1 of 6

PATH: O:\11027861_10189_US62_MUSKOGEE_CO_262\MAP_DCS\FIGURES\PERMIT\MUSKOGEE_US62_FIG2_IMPACTOVERVIEW_BX11_3600.MXD



LEGEND

WATERS OF THE U.S.

- PERENNIAL STREAM (OHWM)
- EPHEMERAL STREAM (OHWM)
- FORESTED WETLAND
- PERMANENT IMPACT
- TEMPORARY IMPACT

FEATURES NOT WATERS TO THE U.S.

- NON-JURISDICTIONAL DRAINAGE FEATURE
- EXISTING BRIDGE/CULVERT
- PROPOSED BRIDGE
- PROPOSED BRIDGE
- PERMANENT FILL/GRADING
- TEMPORARY FILL/GRADING

STREAM S-1
0.01 AC TO
BE IMPACTED
(TEMPORARY)

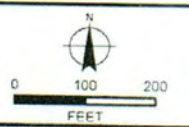
STREAM S-2
0.22 AC TO
BE IMPACTED
(TEMPORARY)

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

PART OF
STREAM S-1
1.5 AC TO
BE IMPACTED
(PERMANENT)

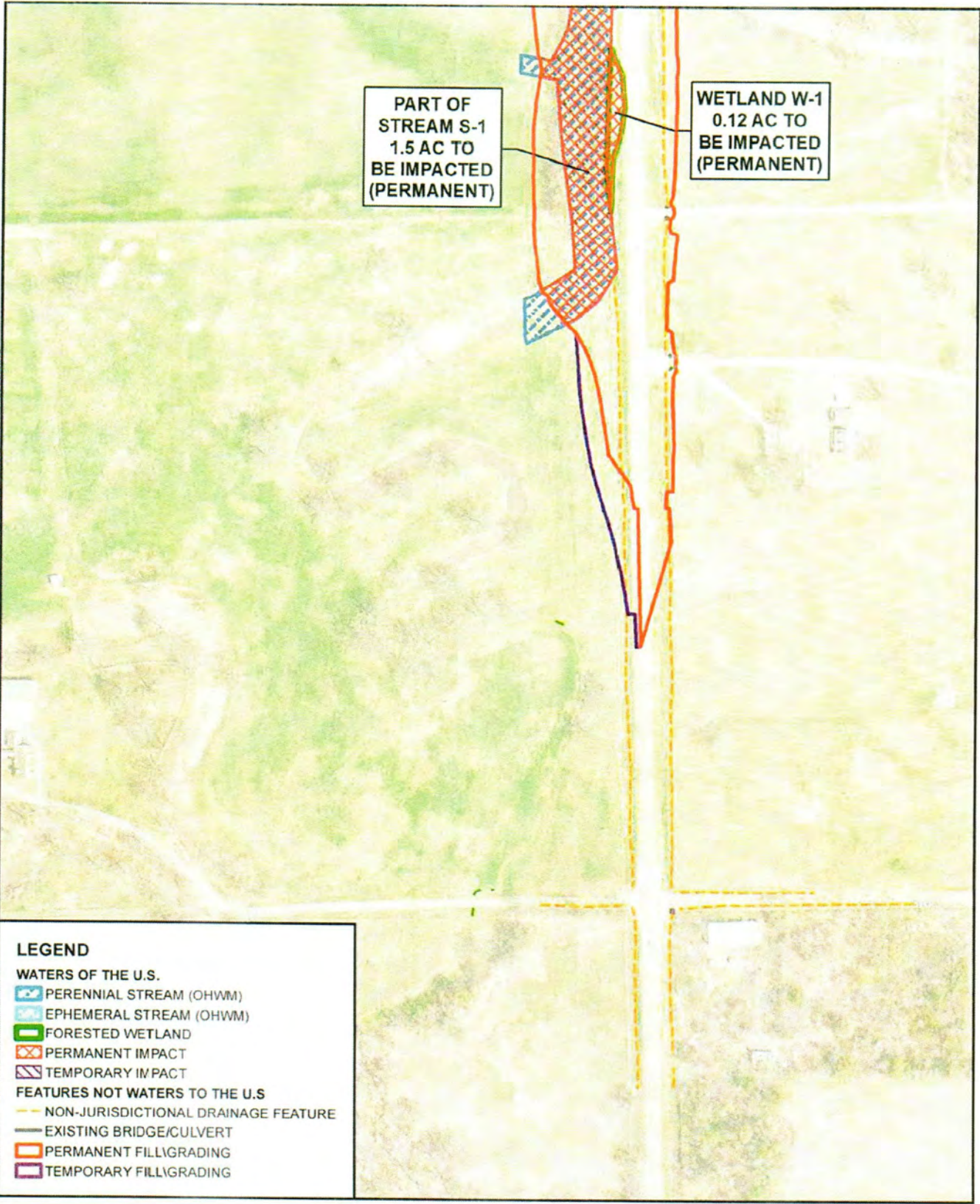
STREAM S-1
0.01 AC TO
BE IMPACTED
(TEMPORARY)

U.S. ROUTE 62
MUSKOGEE COUNTY, OKLAHOMA
J/P NO. 26287(04)
IMPACT OVERVIEW



SWT-2013-596
Oklahoma Department of Transportation
US 62 Bridge Replacements and Widening
Cane Creek and unnamed tributary
Enclosure 2 of 6

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LEGEND

WATERS OF THE U.S.

- PERENNIAL STREAM (OHWM)
- EPHEMERAL STREAM (OHWM)
- FORESTED WETLAND

- PERMANENT IMPACT
- TEMPORARY IMPACT

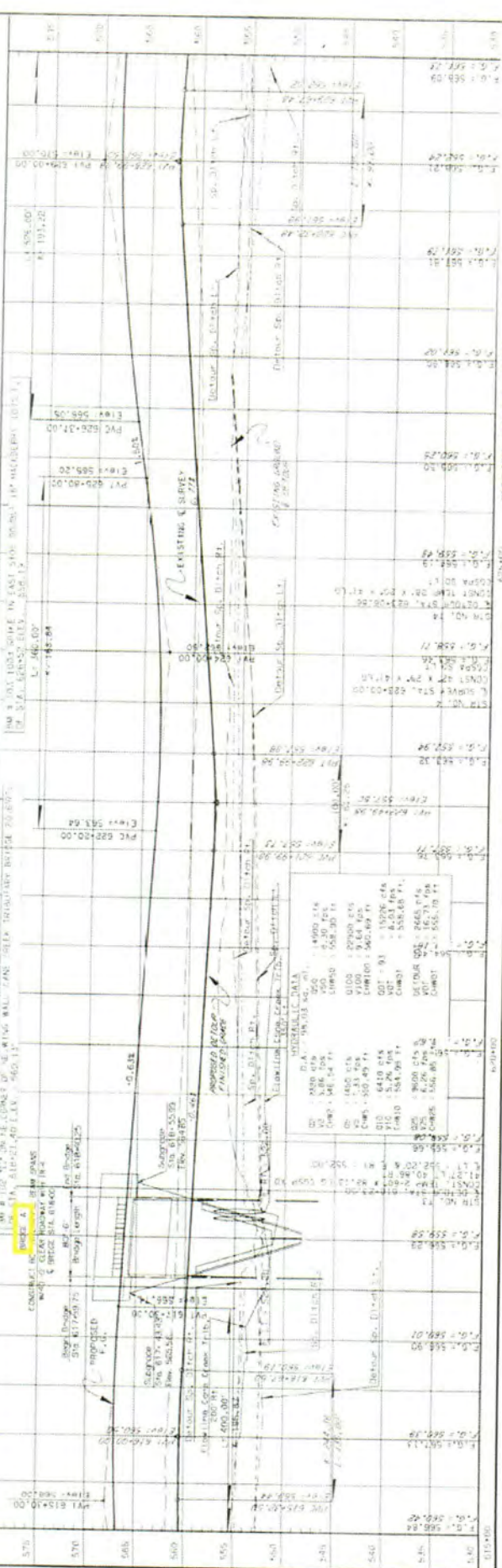
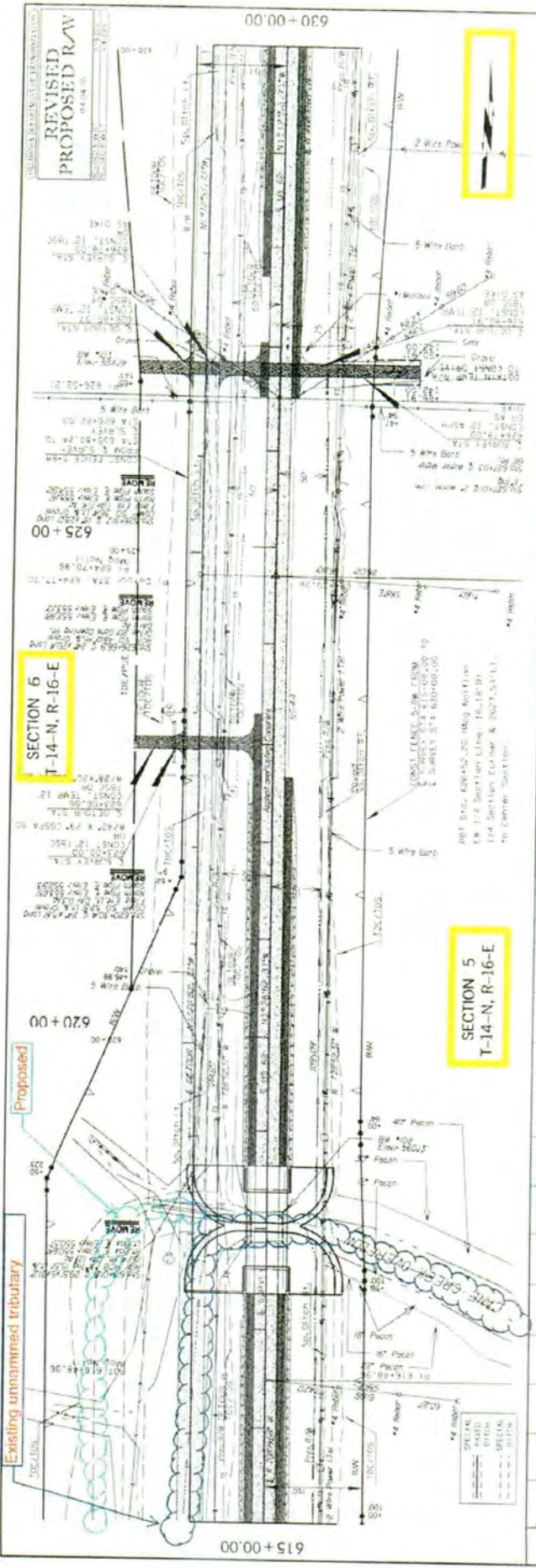
FEATURES NOT WATERS TO THE U.S

- NON-JURISDICTIONAL DRAINAGE FEATURE
- EXISTING BRIDGE/CULVERT
- PERMANENT FILL/GRADING
- TEMPORARY FILL/GRADING

U.S. ROUTE 62
MUSKOGEE COUNTY, OKLAHOMA
 JIP NO. 26287(04)
IMPACT OVERVIEW



SWT-2013-596
 Oklahoma Department of Transportation
 US 62 Bridge Replacements and Widening
 Cane Creek and unnamed tributary
 Enclosure 3 of 6



SWT-2013-596

Oklahoma Department of Transportation
 US 62 Bridge Replacements and Widening
 Cane Creek and unnamed tributary
 Enclosure 5 of 6

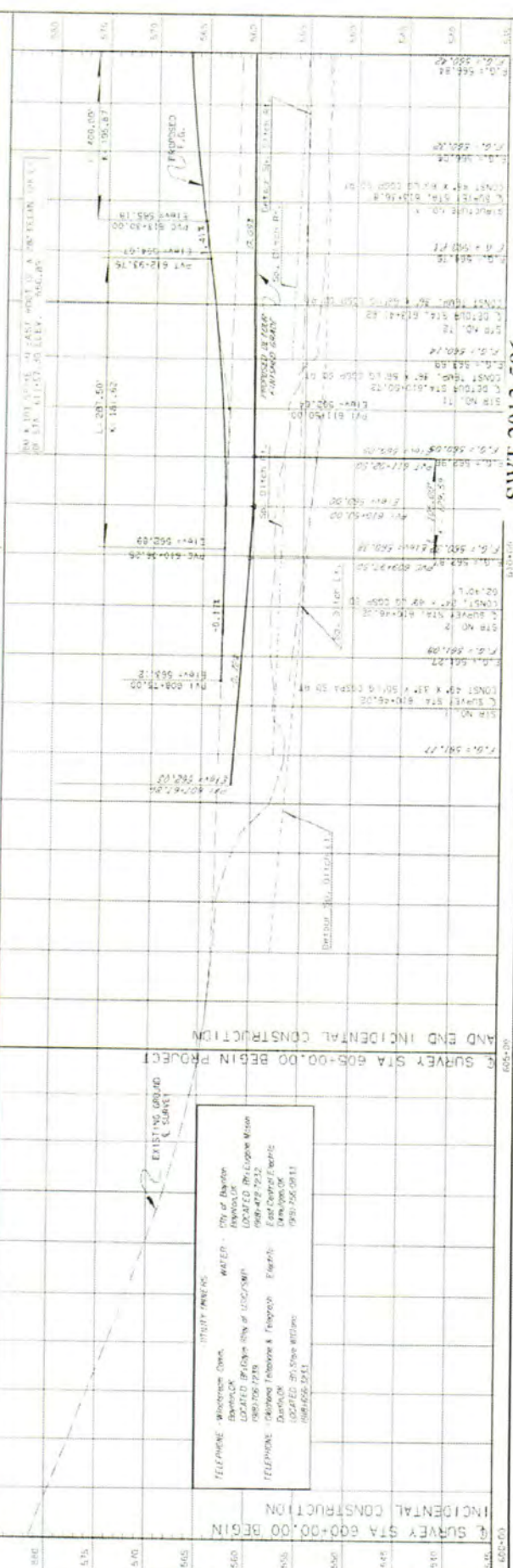
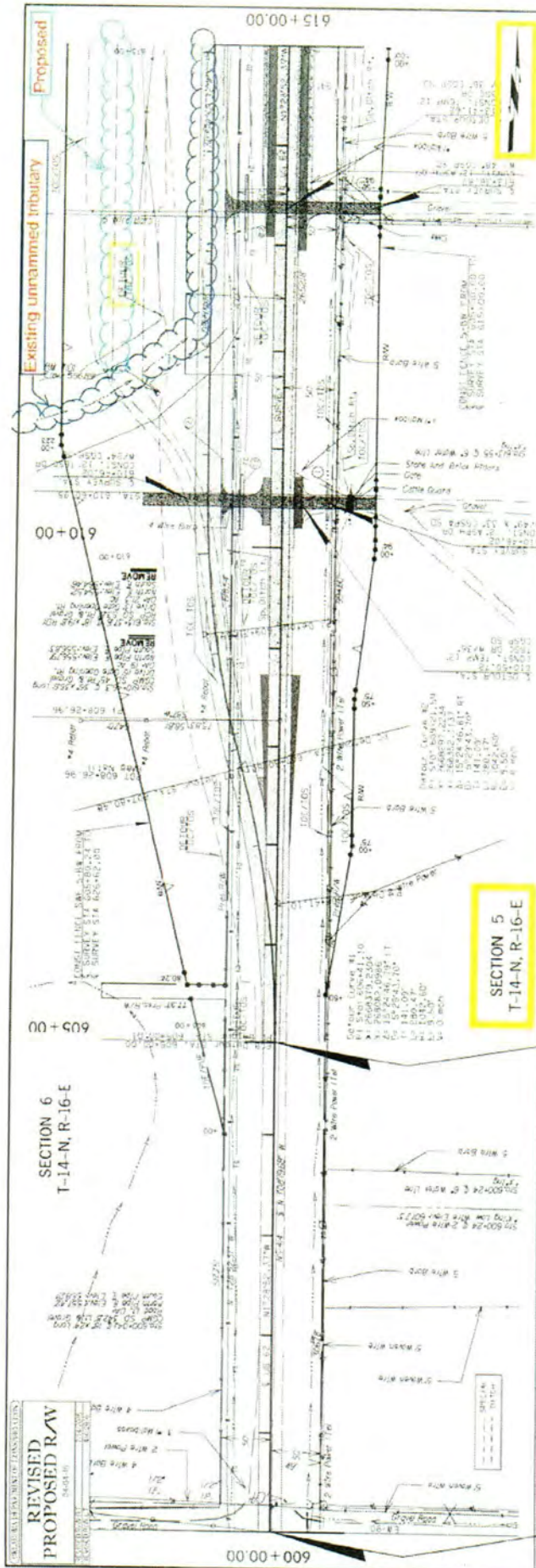
Existing unnamed tributary

Proposed

SECTION 6
 T-14-N-R-16-E

SECTION 5
 T-14-N-R-16-E

SECTION 6
 T-14-N-R-16-E



REVISIONS
 PROPOSED R/W
 SHEET

SECTION 6
 T-14-N, R-16-E

SECTION 5
 T-14-N, R-16-E

PROPERTY OWNERS:
 CITY OF BAYLOR
 BAYLOR
 LOCATED BY: City of US/CA/MP
 1980/106/7230
 TELEPHONE: (405) 842-7232
 FAX: (405) 842-7232
 PROJECT NO.: 1980/106/7230
 SHEET NO.: 1980/106/7230-011

SWT-2013-596
 Oklahoma Department of Transportation
 US 62 Bridge Replacements and Widening
 Cane Creek and unnamed tributary
 Enclosure 6 of 6