



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-2013-712
Public Notice No.

January 21, 2014
Public Notice Date

February 19, 2014
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

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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-2013-712

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

The application is for the replacement of approaches and the U.S. Highway 259 bridge over the Red River. The basic purpose of this work is to replace a structurally deficient bridge to maintain safe and reliable traffic along this segment of highway.

Name of Applicant:

Ms. Elizabeth D. Simmons
Texas Department of Transportation
701 E. Main Street
Atlanta, TX 75551

Location: The proposed bridge construction project begins in Bowie County, Texas, and ends in McCurtain County, Oklahoma. The project site can be found on the De Kalb NW, TX, OK, 7.5 Minute USGS Quadrangle map.

Latitude: 33.686616

Longitude: -94.694293 Decimal Degrees (NAD83)

Description of Work: The applicant proposes the placement of fill material into jurisdictional waters located within the Red River. Permanent impacts from fill material would consist of approximately 670 cubic yards (cys) of concrete that total 0.010 acre for construction of 66 drill shafts and 15 bridge bents. Temporary impacts from fill material would consist of approximately 13,550 cys of dirt and sand (clean fill) that total 2.50 acres for construction of a haul road, 3,400 cys of rock riprap would be used for bank stabilization of the temporary work road, and 25 linear feet of fill material would be used for construction of cofferdams that are necessary to cutoff the existing piers in the Red River.

During construction of the new bridge, the existing structurally deficient bridge would remain open to traffic. All dredged material would be hauled off-site to an upland disposal area. The work performed in the wetlands and uplands would be completed using conventional earthmoving equipment.

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:

Texas Department of Transportation (TxDot) minimized impacts by limiting the construction zone between Station 176+00 and 181+00 and between Stations 188+00 to 195+00 to 30 feet west of the proposed haul road and 25 feet east of the existing structure. Impacts to these areas are not associated with the haul road and would require the use of mats to avoid impacts.

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

For stream mitigation the applicant has proposed to remove 15 bents that total 0.018 acre to offset 0.010 acre of permanent impacts. For forested wetland mitigation (14.14 square feet) the applicant has proposed to remove the corresponding piling of the existing structure that total approximately 53.64 square feet.

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 Texas and 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.

Plans and Data: Plans showing the location of the proposed activity and other data are enclosed with this notice (Enclosures 1 through 5). 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 918-669-7403.

Cultural Resources: The DE has consulted the National Register of Historic Places, and it has been determined that there are no properties currently listed in the National Register nor any properties which have been determined eligible for listing in the National Register which would be directly affected by the proposed work. 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 might be affected by the proposed work, the DE will immediately take the appropriate action necessary pursuant to the National Historic Preservation Act of 1966 (Public Law 89-665), as amended, and 36 CFR 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: The interior least tern (*Sterna antillarum*), piping plover (*Charadrius melodus*), red-cockaded woodpecker (*Picoides borealis*), rabbitsfoot (*Quadrula cylindrica cylindrica*), scaleshell mussel (*Leptodea leptodon*), winged mapleleaf (*Quadrula fragosa*), harpella (*Ptilimnium nodosum*), American burying beetle (*Nicrophorus americanus*) and the American alligator (*Alligator mississippiensis*). Reasonable and prudent measures, and the terms and conditions for implementation would be incorporated into the Department of Army permit, if authorized to minimize impacts of incidental take of all of the threatened and endangered species.

Environmental Considerations: Our preliminary determination is that the proposed activity will not affect listed endangered species or their critical habitat. A copy of this notice is being furnished the U.S. Fish and Wildlife Service and appropriate State agencies and constitutes a request to those agencies for information on whether any listed or proposed-to-be-listed endangered or threatened species may be present in the area which would be affected by the proposed activity.

Authorization from other Agencies: This project incorporates the requirements necessary to comply with the Texas Commission of Environmental Quality's (TCEQ) Tier I project criteria. Tier I projects are those which result in a direct impact of 3 acres or less of waters of the state, or 1,500 linear feet of streams (or a combination of the two is below the threshold) for which the applicant has incorporated Best Management Practices (BMPs) and other provisions designed to safeguard water quality. The Corps has received a completed checklist and signed statement fulfilling Tier I criteria for the project. Accordingly, a request for CWA Section 401 Water Quality Certification is not necessary and there will be no additional TCEQ review.

The decision whether to issue a permit will be based on an evaluation of the probable impact, 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.

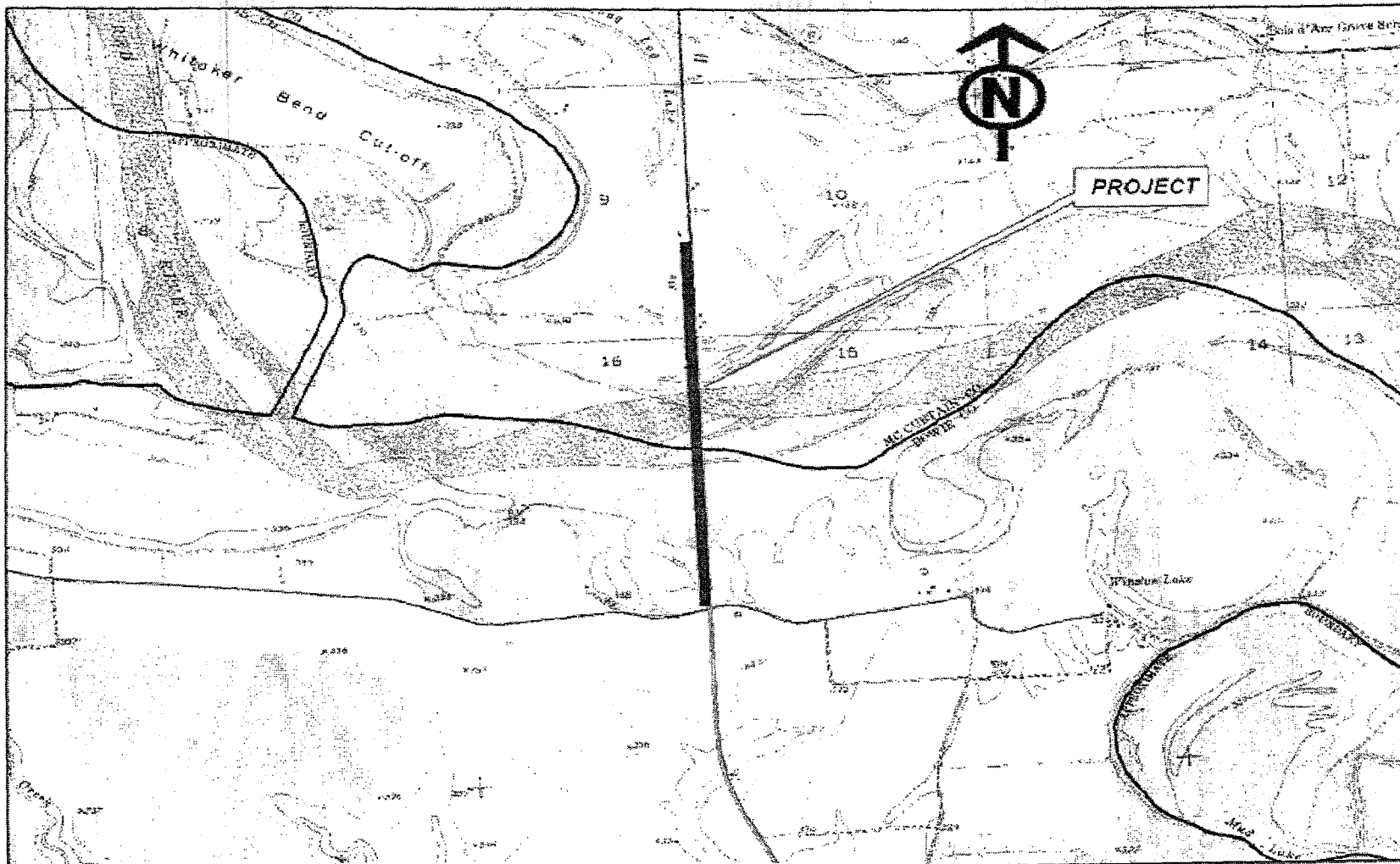
All factors which may be relevant to the proposal will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, flood plain values, land use, navigation, shore 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: The Corps is soliciting comments from the public; federal, state, and local agencies and officials; Indian tribes, and other interested parties in order to consider and evaluate the impacts of this proposed activity. 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.

Andrew R. Commer
Chief, Regulatory Office

Enclosures

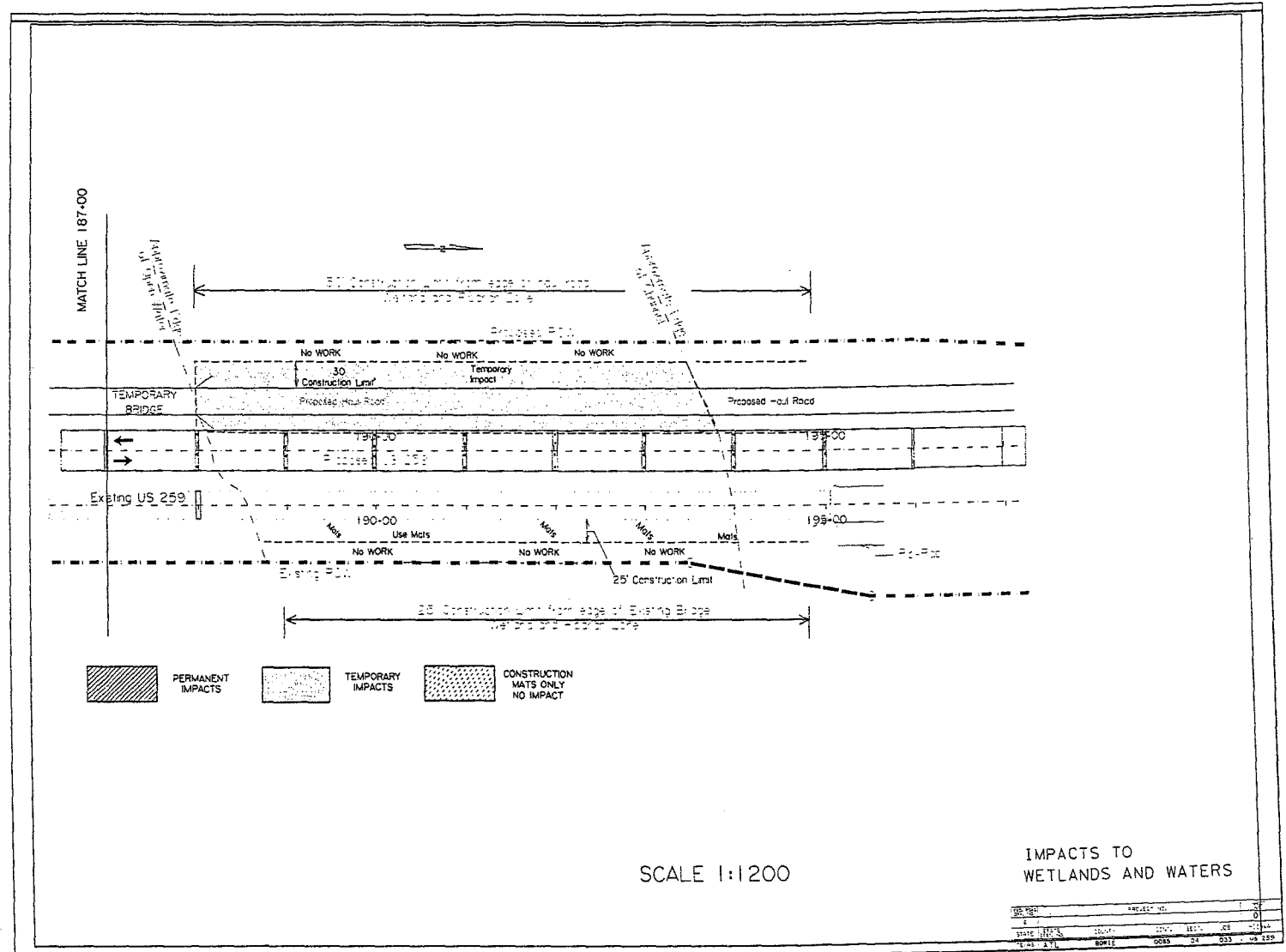


US 259 @ Red River BRIDGE REPLACEMENT
 CSJ 0085-04-033

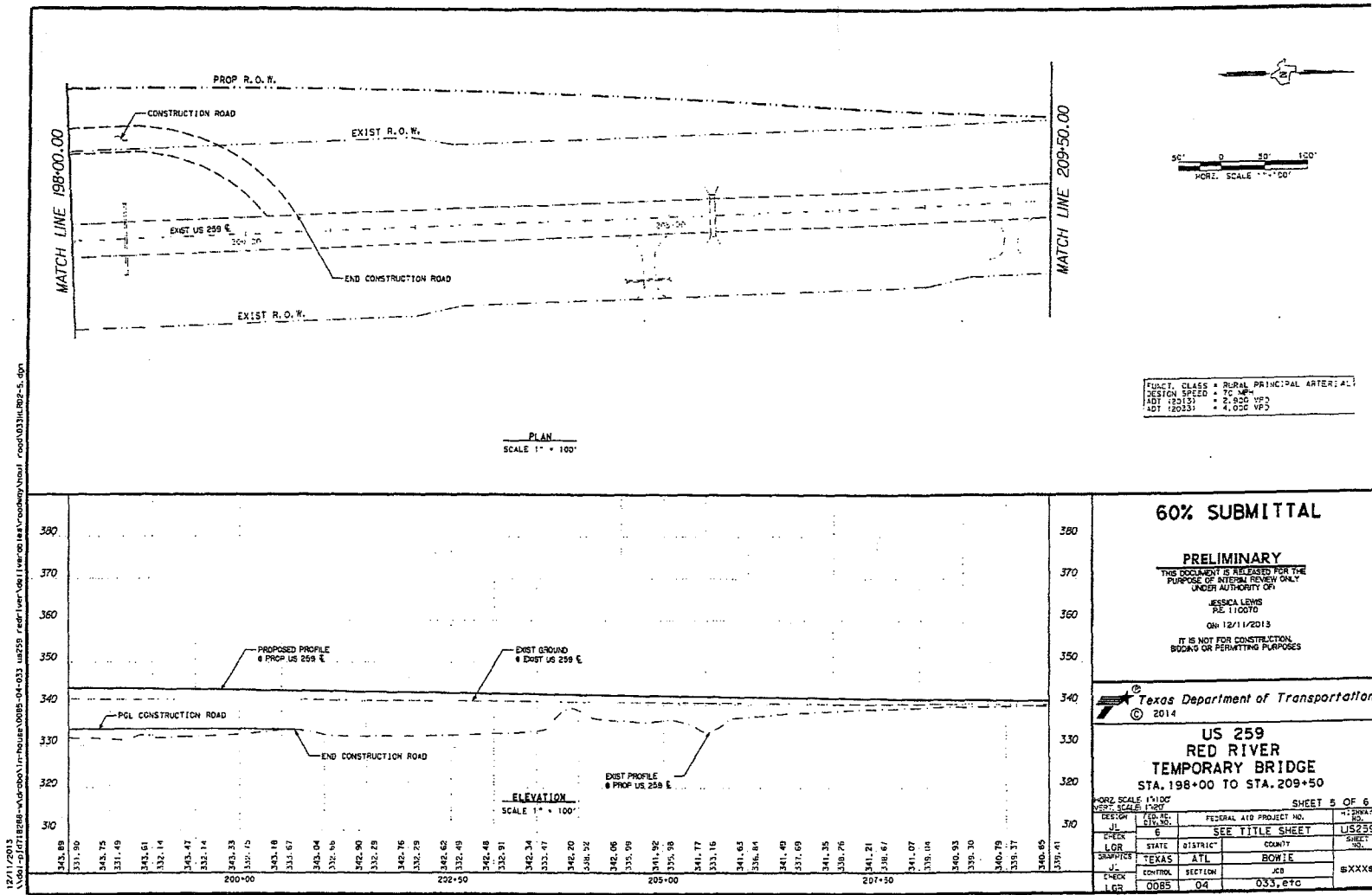


SWT-2013-712
 U.S. 259 Bridge Replacement Project, Red River
 Texas Department of Transportation
 Bowie County, TX and McCurtain County
 Enclosure 1 of 5

FIGURE 6b



SWT-2013-712
 U.S. 259 Bridge Replacement Project, Red River
 Texas Department of Transportation
 Bowie County, TX and McCurtain County
 Enclosure 2 of 5



FUNCT. CLASS * RURAL PRINCIPAL ARTERIAL
 DESIGN SPEED * 70 MPH
 ADT (2013) * 2,800 VPD
 ADT (2023) * 4,000 VPD

60% SUBMITTAL

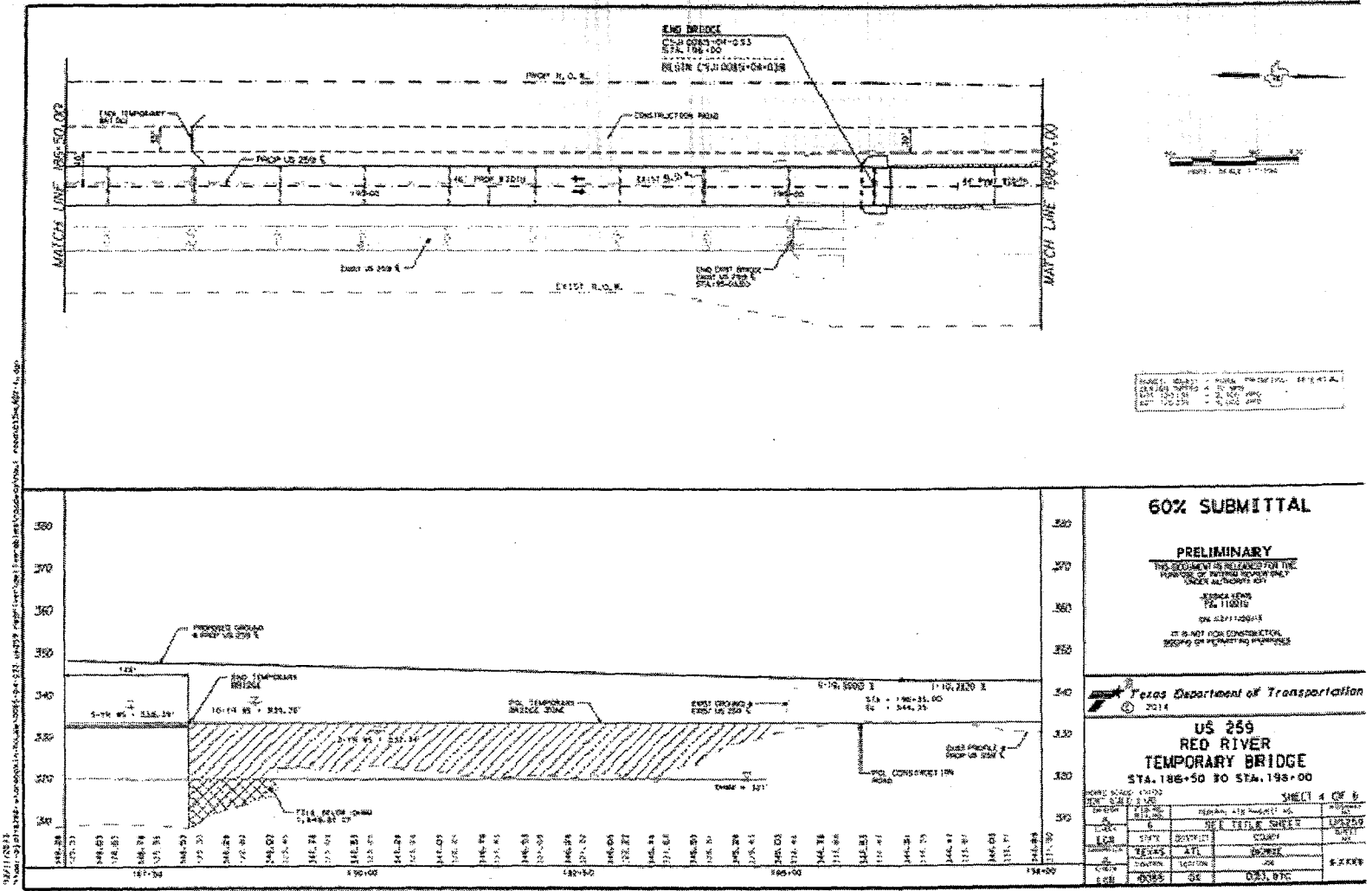
PRELIMINARY
 THIS DOCUMENT IS RELEASED FOR THE
 PURPOSE OF INTERNAL REVIEW ONLY
 UNDER AUTHORITY OF
 JESSICA LEWIS
 PE 110070
 ON 12/11/2013
 IT IS NOT FOR CONSTRUCTION,
 BIDDING OR PERMITTING PURPOSES

Texas Department of Transportation
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**US 259
 RED RIVER
 TEMPORARY BRIDGE
 STA. 198+00 TO STA. 209+50**

HORIZ SCALE 1"=100'	VERT SCALE 1"=50'	SHEET 5 OF 6
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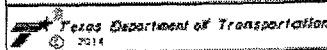
SWT-2013-712
 U.S. 259 Bridge Replacement Project, Red River
 Texas Department of Transportation
 Bowie County, TX and McCurtain County
 Enclosure 3 of 5



60% SUBMITTAL

PRELIMINARY

THIS DOCUMENT IS RELEASED FOR THE
 KNOWLEDGE OF THE PUBLIC ONLY
 UNDER AUTHORITY OF THE
 TEXAS DEPARTMENT OF TRANSPORTATION
 DATE 02/11/2014
 IT IS NOT FOR CONSTRUCTION
 BEYOND OR IN PLACE OF THE ORIGINAL



**U.S. 259
 RED RIVER
 TEMPORARY BRIDGE**

STA. 185+50 TO STA. 195+00

WORK NUMBER: 13020 SHEET 4 OF 6
 DATE: 12/11/13
 DRAWN BY: SHEPHERD
 CHECKED BY: SHEPHERD
 DESIGNED BY: SHEPHERD
 DATE: 12/11/13
 PROJECT: U.S. 259
 COUNTY: BOWIE
 STATE: TEXAS
 CONTRACT: 13020
 JOB: 004
 SCALE: AS SHOWN