

Tulsa District

U.S. Army Corps
of Engineers

## **Public Notice**

Reply To:

U.S. Army Corps of Engineers ATTN: Regulatory Office 2488 East 81<sup>St</sup> Street Tulsa, Oklahoma 74137-4290 SWT-2016-125 Public Notice No.

August 3, 2018
Public Notice Date

September 3, 2018 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.

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### **DEPARTMENT OF THE ARMY** CORPS OF ENGINEERS, TULSA DISTRICT

2488 EAST 81ST STREET TULSA, OKLAHOMA 74137-4290

Application No. SWT-2016-125

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

Applicant: Mr. Lane Whitehouse

Creek County Commissioner

620 Industrial Road Bristow, OK 74010

Agent: Mr. Brent Neece

Kleinfelder

10835 E. Independence St., Suite 102

Tulsa, OK 74116

<u>Location:</u> The proposed project is in the South 1/2 of Section 13, Township 14 North, Range 8 East, Creek County, Oklahoma. The project site can be found on the Gypsy, Oklahoma 7.5 Minute USGS Quadrangle map at North Latitude 35.683835 and West Longitude -96.414763.

<u>Project Description:</u> The application is for the placement of fill material to construct a new road with bridge abutments, riprap, and concrete piers for a new bridge.

<u>Purpose:</u> The overall purpose of this work is to replace a structurally deficient bridge to maintain safe and reliable traffic along this segment of county road on NS 370 (South 369th West Avenue). The project is not a water dependent activity.

#### **Summary 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)
		Forested	Earthen	See Road	
Wetland 1	Roadway	Wetlands	Material	Quantities	0.17 acre
Left	Abutments/		18-inch		
descending	Bank		riprap and		
bank	Stabilization	Riverine	bedding	1,694 CY	100 If
Bridge "A"					
2-115 feet,					
4-100 feet, and	P.C. Beam		0		0.005
5-48 inch	Span	Diversions	Concrete	CO2 CV	0.005 acre
Diameter Piers	Bridge Abutments/	Riverine	and Steel	603 CY	635.22 If
Right	Bank		18-inch		
descending bank	stabilization	Riverine	riprap and	1 604 CV	100 If
Wetland 2	Stabilization	Riverine	bedding	1,694 CY	100 11
113+42 to		Forested	Earthen	See Road	
130+00	Roadway	Wetland	Material	Quantities	2.73 acres
Stream B	Reinforced	VVCttaria	Material	Quantities	2.70 40103
Stream "3"	Concrete	Intermittent	Concrete	See Road	0.13 acre
36"X101'	Pipe	Stream	and Steel	Quantities	143 If
Stream C	Reinforced			<b>4</b>	
Stream "6"	Concrete	Intermittent	Concrete	See Road	0.05 acre
36"X104'	Pipe	Stream	and Steel	Quantities	116 If
Unclassified		Forested			
Borrow - Road		Wetland/	Earthen		
Quantities	Roadway	Streams	Material	58,847 CY	2,365 lf
		Forested	6-inch		
Road		Wetlands/	Aggregate		
Quantities	Roadway	Streams	Type A	1,340 CY	2,365 If
cubic yards (cys), ordinary high water mark (OHWM), acre (ac), linear feet (lf)					

<u>Description of Work</u>: The applicant proposes the placement of fill material into jurisdictional waters and adjacent wetlands using earthen material for approximately 58,847 cubic yards (CY), 1,340 CY for 6-inch aggregate Type A, and 3,388 CY for 18-inch riprap for bank stabilization for abutments and the road base. The total project length is for approximately 2,365 linear feet. The new road would impact two wetland areas that total 2.90 acres and two stream channels with reinforced concrete pipes for 0.18 acre (259 linear feet). The applicant also proposes to construct a new P.C. Beam Span bridge that consist of two-115 feet and four- 100 feet and five- 48 inch diameter piers using for concrete and steel that total 0.005 acre.

<u>Avoidance and Minimization Information</u>: 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 applicant minimized impact by adding piers within the adjacent wetlands of the Deep Fork River and avoided additional fill material.

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

The applicant proposes to purchase wetland credits from the Deep Fork Mitigation Bank (DFMB). DFMB does not have intermittent stream credits for sale. The applicant proposes to substitute forested wetland credits for the intermittent stream acreage. 1.33 acres of forested wetland credits would be added to compensate for the 0.19-acre impact to intermittent stream using 7:1 ratio.

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 Compensatory Mitigation for unavoidable impacts may be required to ensure that this activity requiring a Section 404 permit, if issued complies with the Section 404 (b)(1) Guidelines. The Corps bears the final decision on the need for and extent of mitigation required if the project proposed herein is authorized.

Government Authorizations obtained or received: The Corps has not reviewed any copies of other required permits.

<u>Project Setting</u>: This project is located within the Oklahoma Ecoregion of Cross Timber Transition, which is part of the Central Great Plains geomorphic province. The Transition is characterized by a series of grasslands and prairies. The stream channel and forested wetlands are located in the floodplain of the Deep Fork River.

<u>Existing Condition</u>: The project is rural, undeveloped land and the existing county road is an unpaved road surface with gravel road. The land is comprised mostly of riparian forest in the uplands. The riverine stream channel is a jurisdictional water of the United States and flows adjacent the property.

<u>Cultural Resources:</u> The DE is responsible to ensure compliance with the National Historic Preservation Act of 1966 (NHPA) (Public Law 89-665), as amended, and other cultural resources laws and Executive Orders. Oklahoma Department of Transportation has completed a review of the state's records has been completed for the presence of sites included in, or eligible for, inclusion in the National Register of Historic Places, as well as the Oklahoma Landmark Inventory Database. There are no known historic properties, as defined by the NHPA, in or within the vicinity of the proposed permit area.

The State Historic Preservation Office File (#0964-14) provided on April 4, 2014, to the Oklahoma Department of Transportation that there are no historic properties affected by the project.

<u>Threatened and Endangered Species</u>: 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: Least Tern (*Sterna antillarum*), Piping Plover (*Charadrius melodus*), Red Knot (*Calidris canutus rufa*), and American Burying Beetle (*Nicrophorus americanus*). A copy of this notice is being furnished to the U.S. Fish and Wildlife Service and appropriate state agencies. A copy of this notice is being furnished to the U.S. Fish and Wildlife Service and appropriate state agencies.

Oklahoma Department of the Transportation coordinated with the U.S. Fish and Wildlife Service the IPAC consultation number is 02EKOK00-2014-SLI-1375. A preliminary determination is that the proposed activity will not affect listed threatened or endangered species or their critical habitat.

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.

Evaluation Factors: 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.

<u>Plans and Data:</u> 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 Mr. Marcus Ware, Tulsa District Corps of Engineers, ATTN: Regulatory Office, 2488 East 81st Street, Tulsa, OK 74137; or telephone 918-669-7400.

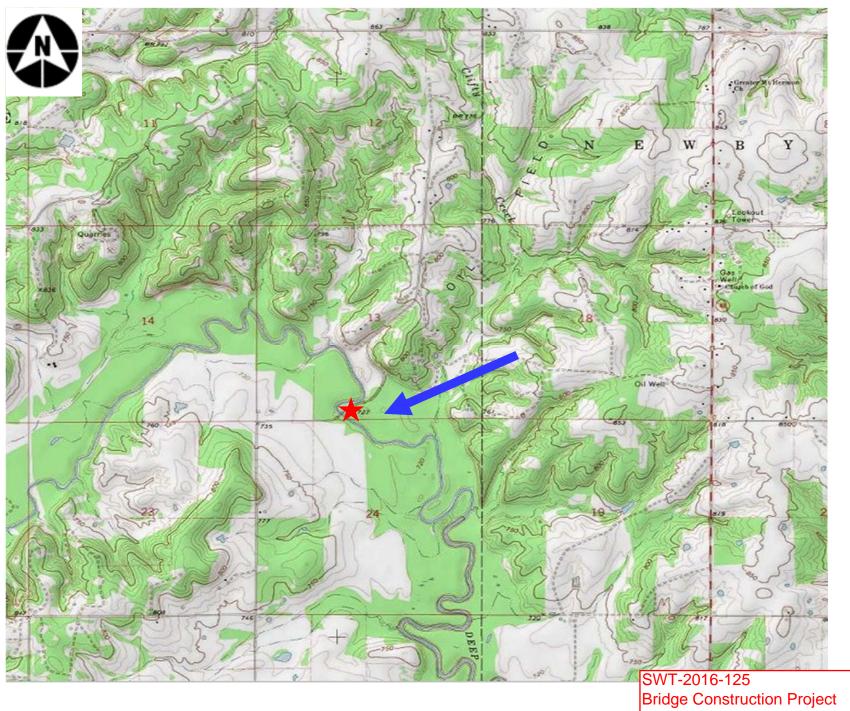
<u>Comments:</u> In order to consider and evaluate the impacts of this proposed activity the Corps is soliciting comments from the public, federal, state, and local agencies and officials, floodplain administrators, state historic preservation officers, Indian tribes, and

other interested parties. Comments concerning the issuance of this permit should be received by the DE no later than the expiration date of this public notice. You may submit comments to mailing address Tulsa District Corps of Engineers, ATTN: Regulatory Office, 2488 East 81st Street, Tulsa, OK 74137; or email CESWT-RO@usace.army.mil, please include the public notice number SWT-2016-125 in the subject line of the message.

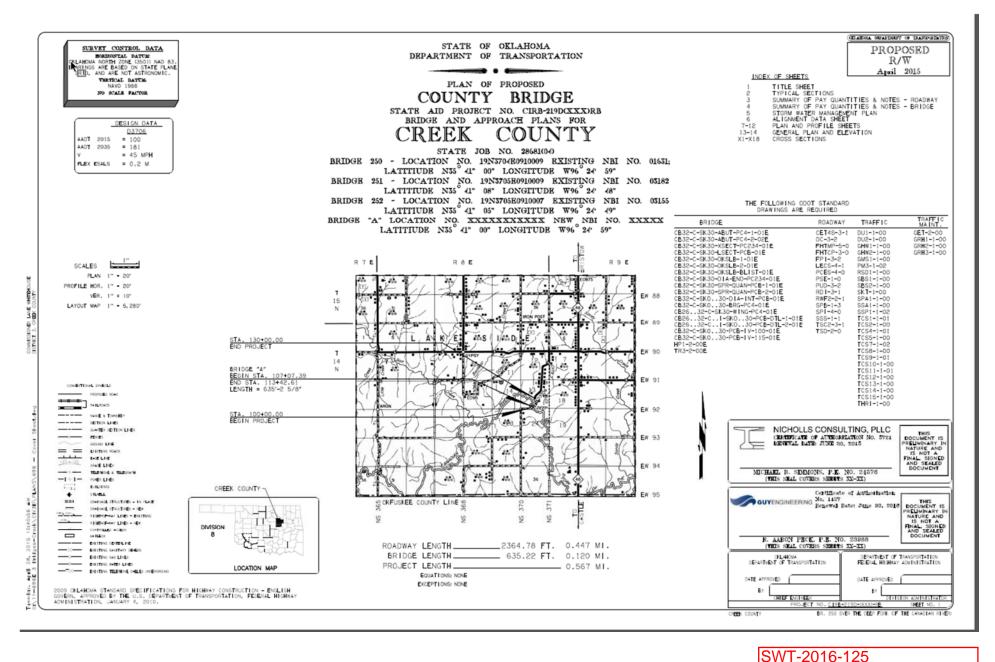
Comments concerning water quality impacts will be forwarded to ODEQ for consideration in issuing a Section 401 Water Quality Certification for the proposed project. Work may **not** commence until decisions have been made on both Sections 401 and 404.

Andrew R. Commer Chief, Regulatory Office

**Enclosures** 

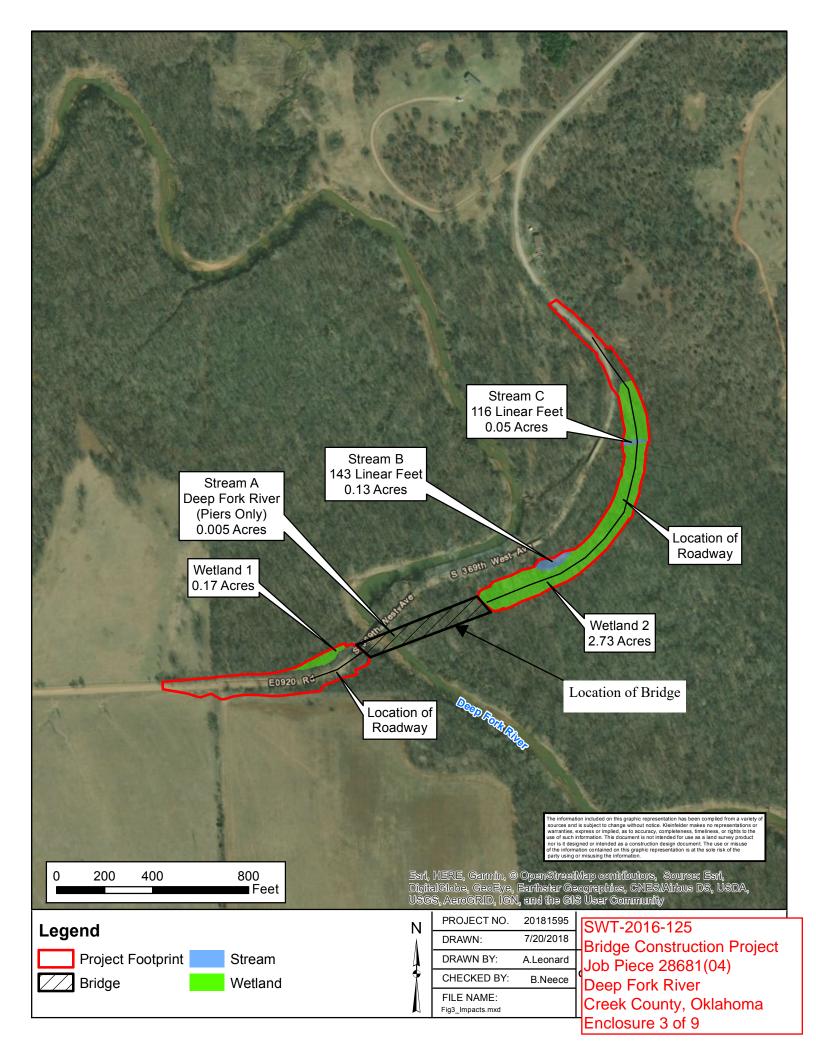


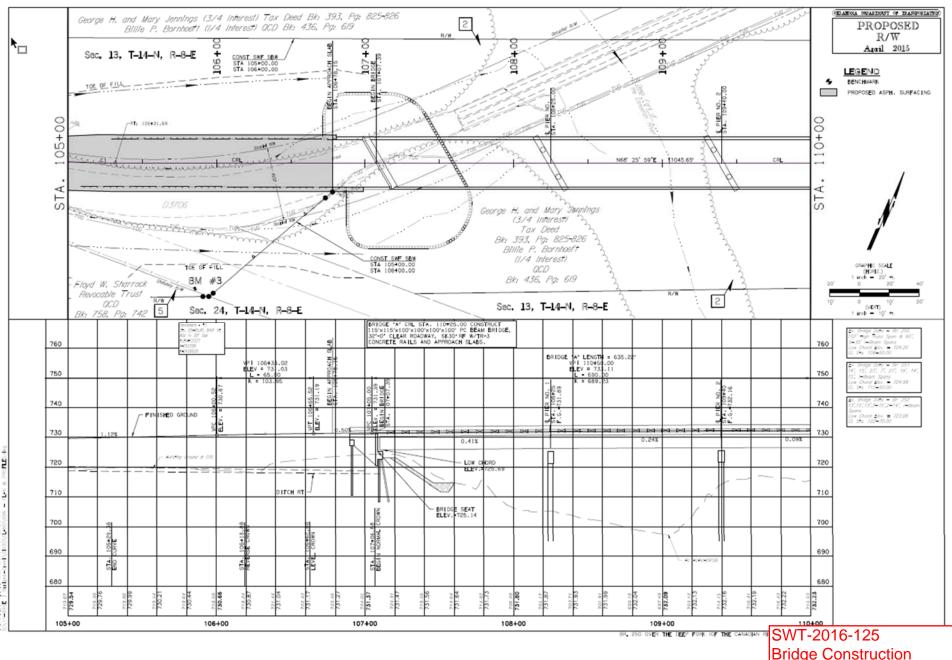
Bridge Construction Projec Job Piece 28681(04) Deep Fork River Creek County, Oklahoma Enclosure 1 of 9



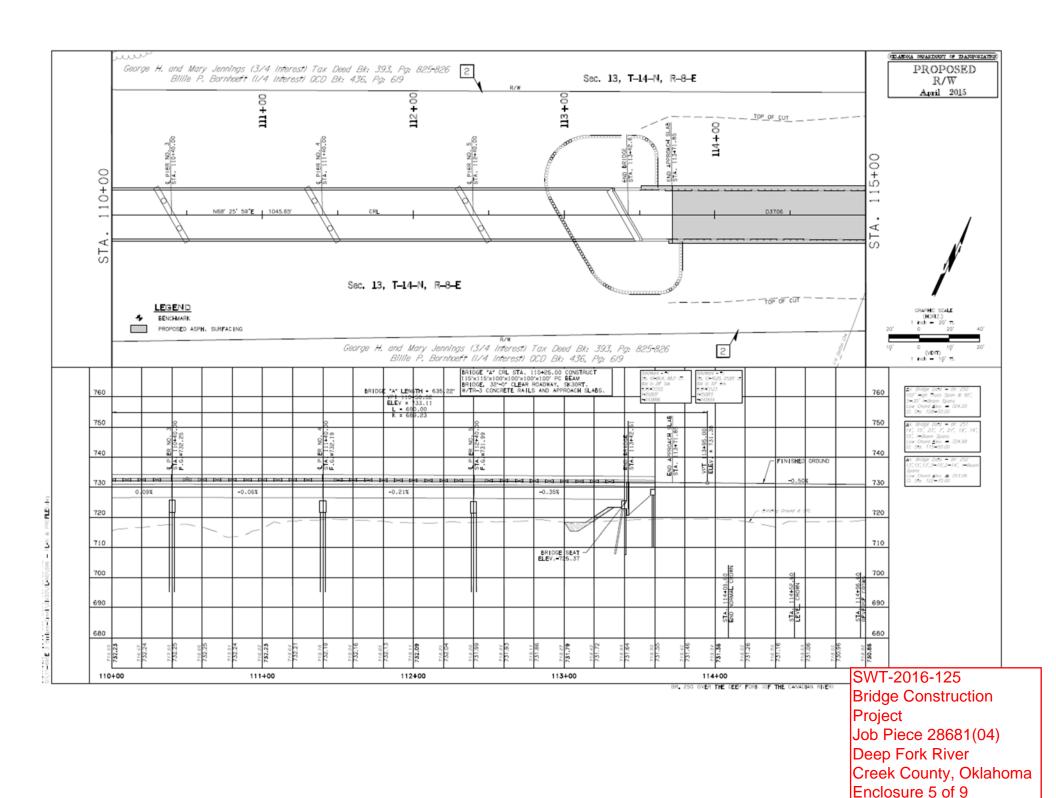
Bridge Construction Project Job Piece 28681(04) Deep Fork River Creek County, Oklahoma

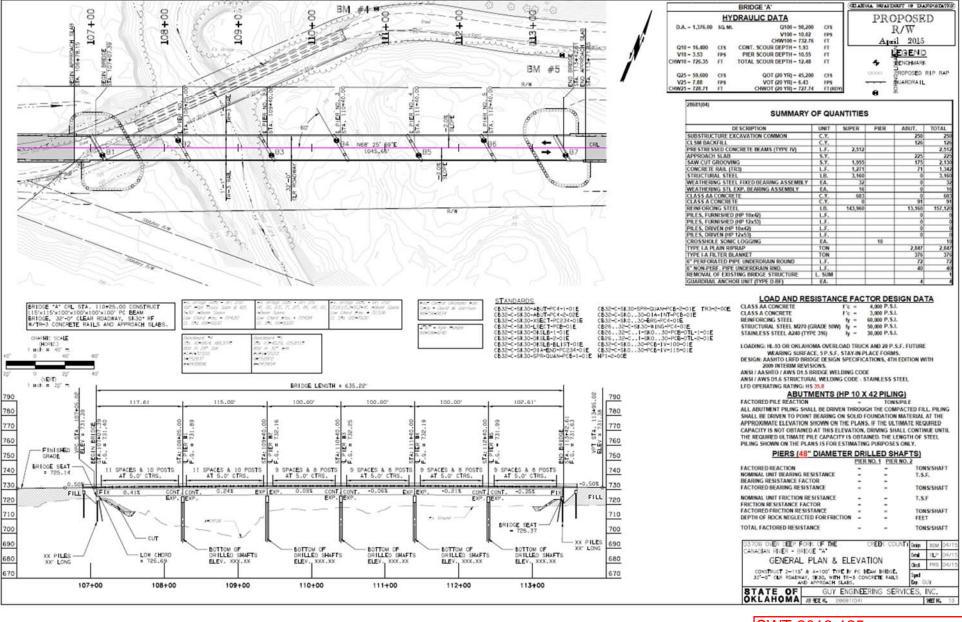
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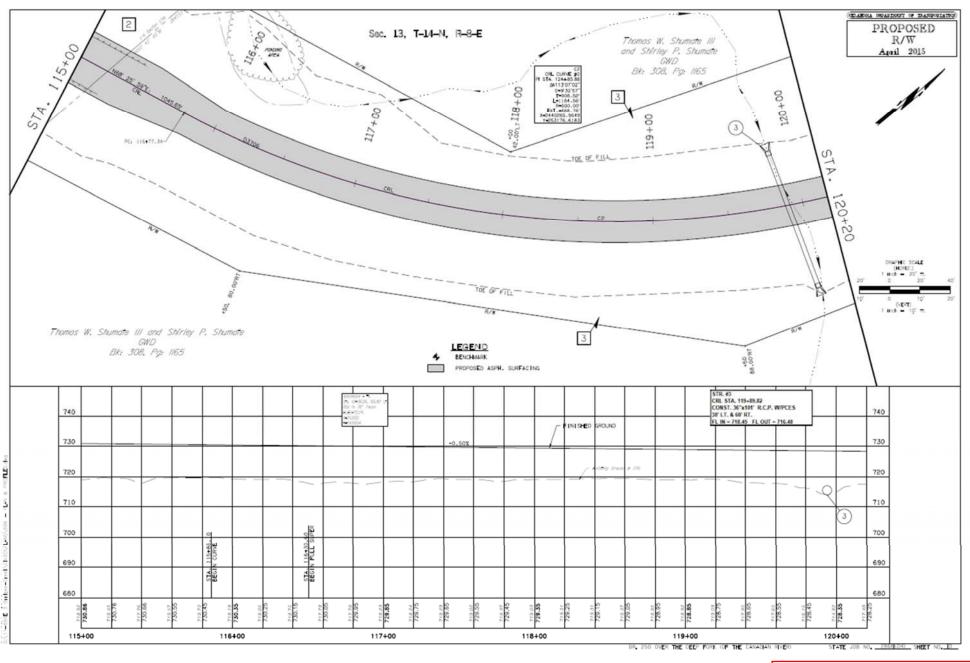


Bridge Construction
Project
Job Piece 28681(04)
Deep Fork River
Creek County, Oklahoma
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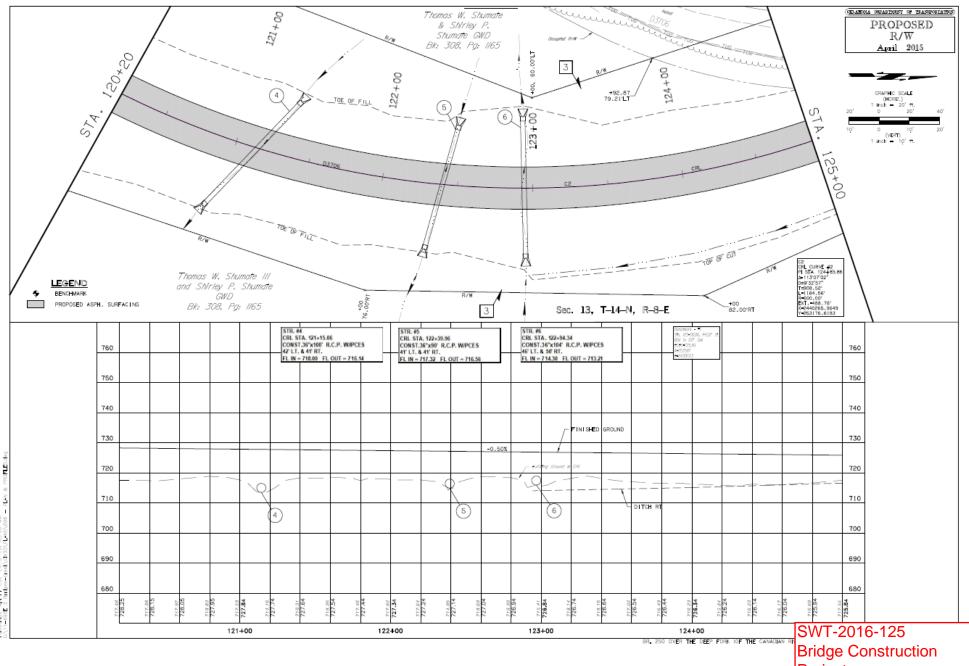




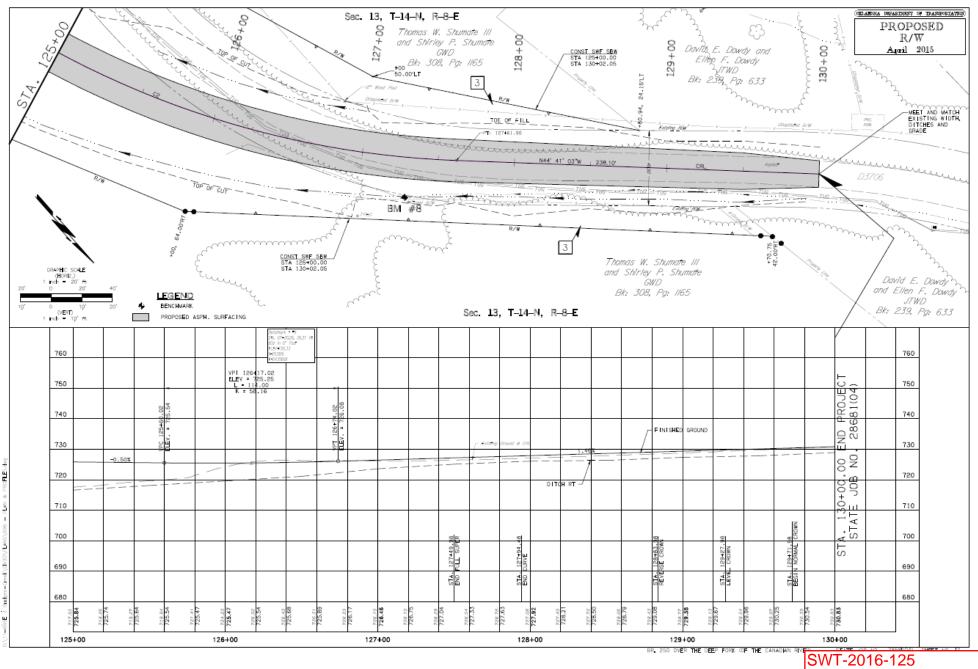
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