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-2016-257
Public Notice No.

June 1, 2016
Public Notice Date

July 1, 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-2016-257

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 for the placement of fill material related to the proposed replacement of the Kiamichi River Bridge, overflow bridge, and widening of US 271 in Pushmataha County.

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

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

Location: The proposed project is in parts of Section 34 and 35, Township 3 South, Range 16 East, just north of Antlers in Pushmataha County, Oklahoma. The project site can be found on the Antlers East and Kosoma, Oklahoma 7.5 Minute USGS Quadrangle maps at 34.2491 North Latitude and 95.6054 West Longitude.

Purpose: The basic purpose of the proposed work is to replace the Kiamichi Bridge due to it being structurally deficient with deteriorating superstructure, and the overflow bridge that is in need of widening.

A water dependency determination will be made upon consideration of the basic purpose to discharge fill material (soil) into 3.52 acres of jurisdictional forested and emergent wetlands.

The overall purpose of this work is for public safety. ODOT is proposing State Job Piece 26346(04) for the bridge replacement and associated roadway widening to promote the safety of US 271 as a safe public transportation route.

Table of Impact:

Original Proposal					
Number or Location	Impact Activity	Type of Water	Type of Fill Material	Quantity of Material below Ordinary High Water Mark	Footprint (acre and/or linear feet)
New US 271 Bridge	Placement of concrete for piers	Kiamichi River	Concrete	2,279 cubic yards	0.005 acre
US 271 new highway construction	Placement of fill material	forested & emergent wetland	Soil	11,407 cubic yards	2.11 acres of forested wetland 1.41 acres of emergent wetland

Description of Work: US 271 is a two-lane highway running north from the town of Antlers in southeast Oklahoma. This section of highway was constructed in 1934 and does not meet the current highway standards for safety and design. Two bridges would be replaced. Bridge A over Kiamichi River is only 25 feet wide with no shoulders and is considered structurally deficient with deteriorating superstructure. This bridge is 519 feet long. The overflow bridge (Bridge B) is only 27 feet wide with no shoulders, 289 feet long and is also considered functionally obsolete due to the narrow width. The proposed federal-aid action will consist of the replacement of the bridges over the Kiamichi River and its overflow channel with at least 38 feet wide bridges as well as grading, drainage, and surfacing activities associated with the bridge replacement on an offset alignment to the east of the present facility. Concrete for piers would be placed below 0.005 acre of the Ordinary High Water Mark of the Kiamichi River. The new adjacent alignment of US 271 project would result in discharge of fill material (soil) into jurisdictional forested and emergent wetlands resulting in 3.52 acres (2.11 acres of forested wetland impacts and 1.41 acres of emergent wetland impacts) of permanent loss of waters of the United States. The existing highway will remain open to through traffic during construction, with both directions of traffic carried on existing westbound lanes. No new permanent rights-of-way would be required to construct the proposed bridges and approaches.

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 goal of the project is to replace a structurally deficient bridge over the Kiamichi River and one functionally obsolete overflow structure located north of the Kiamichi River. Avoidance of impacts to the Kiamichi River was considered a primary goal because the river supports threatened and endangered aquatic and aquatic-dependent species. This river is considered to be one of the most scenic in the state. Minimization and avoidance efforts resulted in avoidance of all impacts to the Kiamichi River by spanning the stream. Although minimization and avoidance of wetlands was also considered, it was not possible to avoid wetland impacts. ODOT decided to offset the new bridge and roadway to the east in order to keep the existing roadway and bridge open during the construction phase. The close proximity to the town of Antlers and the 115-mile detour route made closing the road and building on existing alignment impractical. Offsetting to the east also eliminated two potential residential relocations and avoided impacts to the Oklahoma Department of Wildlife Conservation (ODWC) owned Kiamichi Park and Wildlife Refuge which is protected under Section 4(f) of the Department of Transportation Act of 1966 (49 U.S.C. 303). The selected alignment also facilitates horizontal curve corrections north of the bridge.

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

The restoration of a large, impaired wetland complex at the Red Slough Mitigation Site is being proposed for compensatory mitigation. For the loss of 3.52 acres (2.11 acres of forested wetland impacts and 1.41 acres of emergent wetland impacts) located adjacent to US 271, the proposed mitigation site would consist of restoration of approximately 14.1 acres (10.8 acres of forested wetland restoration and 3.3 acres of emergent wetland restoration) with mixed hydrophytic species (approximately 4:1 ratio) at a site owned by ODOT in McCurtain County. The mitigation site is located approximately 67 miles southeast of the impact site in an adjacent HUC 8 and located adjacent to Red Slough Wildlife Management Area (WMA). Proposed mitigation for this project will be a portion of a larger wetland complex which will be restored and used to mitigate for unavoidable impacts resulting from other ODOT projects in southeast Oklahoma. The mitigation site historically supported wetlands, but was converted to agricultural uses prior to ODOT's purchase of the site in 2006. The proposed mitigation site currently supports 8.2 acres of emergent wetlands. The existing wetlands are dominated by common rush (*Juncus effusus*). Although this species is native to the area, it is considered to be invasive. It often (especially in previously disturbed wetlands) forms dense monocultures. In these situations, common rush excludes a wide variety of other native wetland species, leading to simplified plant community structure and species composition. One of the restoration goals of this project is to control this species and increase species diversity within the emergent wetlands. The planned wetland complex will be comprised of approximately 36.6 acres of restored forested wetlands and approximately 8.1 acres of restored emergent wetlands (14.1 acres of the forested and emergent wetlands will be used for this project). Soils at the site are mostly hydric and conducive to wetland development. Restored forested and emergent wetlands will feature planted native vegetation with selected species based on reference sites located

nearby. An area deep enough to support American lotus will be located in the center of the enhanced site with wetland species that grow in shallower water surrounding it. Wetland hydrology at the site will be enhanced by construction of an earthen levee and water control structure. The restored wetlands will feature an upland buffer approximately 25.6 acres in size which will be planted in native hardwood trees and native grasses and forbs. The wetland complex and associated upland buffer will provide habitat for a wide range of wetland and wetland-dependent species as well as upland species. The restored wetland complex will also provide a variety of ecosystem services such as filtration of sediment, facilitation of biogeochemical cycling, and re-charge of groundwater aquifers. Downstream flow from the restored wetland crosses under State Highway 87 and eventually flows into the Red River via forested wetlands, an oxbow lake, and an intermittent stream.

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 has consulted the U.S. fish and Wildlife Service on the proposed project. The Service concurred with the Biological Assessment on May 15, 2014. The Service recommended presence-absence surveys for Threatened and Endangered (T&E) species that may be present in the project area (*i.e.* suitable habitat for these species is present in or near the project area). ODOT has also agreed to implement the recommended Northern Long-Eared Bat Guidance measures. Furthermore, ODOT will implement all applicable Best Management Practices (BMPs) for rivers, streams, and tributaries regardless of the findings of presence-absence surveys for aquatic or aquatic-dependent T&E species.

Section 106 consultation was done October 29, 2012, with the State Historic Preservation Office, File #0120-13, concluded no historic properties affected. Consultation was done October 11, 2012, with the Oklahoma Archeological Survey (STPY-155F (886) EC; JP 26346(04)), found no sites eligible for the National Register of Historic Places.

Project Setting: The proposed project is located at the existing US 271 near the Kiamichi River. The impact area is within its floodplain; the floodplain supports large areas of wetlands and bottomland hardwood forests. The project area is located in the Western Ouachita Valleys of the Ouachita Mountains Ecoregion of Oklahoma. This ecoregion is underlain by folded, sedimentary rocks of Paleozoic age. The Western Ouachita Valleys are etched into Mississippian Stanley Shale and veneered with terrace, alluvial, and colluvial deposits. Natural vegetation is oak-hickory-pine forest on uplands and bottomland forest on floodplains and low terraces.

Existing Condition: The project area is bisected by the Kiamichi River and comprised primarily of emergent and forested wetlands, bottomland hardwood forest, and upland forest. Three forested wetlands and four emergent wetlands are jurisdictional within the proposed project area. The site is located in the Kiamichi River Watershed (HUC #11140105).

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 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: ODOT has conducted a cultural resources survey. The survey was coordinated with the Caddo Nation, Choctaw Nation, Osage Nation, Wichita and Affiliated Tribes, Oklahoma Historical Society, and the Oklahoma Archeological Survey. No objections were received from the Caddo Nation, Choctaw Nation, Osage Nation, or Wichita and Affiliated Tribes. Both state agencies concurred that there are no historic properties affected by the proposed project.

Threatened and Endangered Species:
On May 15, 2014, the Service concurred with the ODOT findings and concurrence requirements on the following species:

Species	Listing Status	Effect Determination & Concurrence	Service Concurrence Requirements
American burying beetle	Endangered	may affect, likely to adversely affect	new ABB BA & BO
Indiana bat	Endangered	may affect, unlikely to adversely affect	plan notes
interior least tern	Endangered	no effect	none
red-cockaded woodpecker	Endangered	no effect	none
Ouachita rock pocketbook	Endangered	may affect, unlikely to adversely affect	plan notes
scaleshell mussel	Endangered	may affect, unlikely to adversely affect	plan notes
winged mapleleaf mussel	Endangered	may affect, unlikely to adversely affect	plan notes
piping plover	Threatened	no effect	none

Since that initial consultation, the following species have been added to the Federal list: red knot (*Calidris canutus rufa*) threatened, and the Northern long-eared bat (*Myotis septentrionalis*) threatened. 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 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, 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 (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

STATE OF OKLAHOMA
DEPARTMENT OF TRANSPORTATION

PLAN OF PROPOSED

STATE HIGHWAY

STATE AID PROJECT NO. SSP-164B(153)SS
BRIDGE AND APPROACHES
U.S. HIGHWAY 271 OVER KIAMICHI RIVER

PUSHMATAHA COUNTY

CONTROL SECTION NO. 271-64-04
STATE JOB PIECE NO. 26346(04)
BRIDGE "A" LOCATION NO. 6404 0212 X
EXISTING NBI NO. 04239 NEW NBI NO. 30437
EXISTING BRIDGE NBI NO. 04232 DELETED

OKLAHOMA DEPARTMENT OF TRANSPORTATION					
FED. DIST. NO.	ROAD NO.	STATE	JOB PIECE NO.	FISCAL YEAR	SHEET NO.	TOTAL SHEETS
6		OKLA.				
DESCRIPTION	REVISIONS	DATE				

LOCATION MAP

FOR SURVEY CONTROL DATA, SEE SURVEY DATA SHEETS.

INDEX OF SHEETS

SHEET NO.	DESCRIPTION
1	TITLE
2	INDEX AND STANDARDS

C.R.L. STA. 107+41.00 BEGIN BRIDGE
BRIDGE LENGTH – 561.67 FT.
C.R.L. STA. 113+02.67 END BRIDGE

BRIDGE "A"

CONTROL SUB-SECTION NO. 2.03

BEGIN CONSTRUCTION STA. 96+47.91

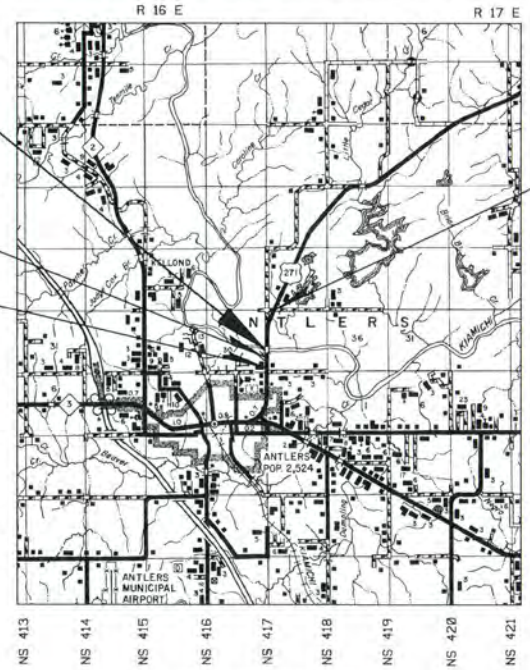
END CONSTRUCTION STA. 141+43.38

DESIGN DATA

AADT	2014	= 1,510
AADT	2044	= 2,410
T (% AADT)		= 10%
V		= 55 MPH
		= 45 MPH
20yr FLEX ESALs		= 1.81M

SCALES

PLAN	1"= 50'
PROFILE HOR.	1"= 50'
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
- CULVERT
- DRAINAGE STRUCTURES - IN PLACE
- DRAINAGE STRUCTURES - NEW
- RIGHT-OF-WAY LINES - EXISTING
- RIGHT-OF-WAY LINES - NEW
- CONTROLLED ACCESS
- RIGHT-OF-WAY FENCE

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

NOTE: PROJECT LENGTH BASED ON C.R.L.

ROADWAY LENGTH	3933.80 FT.	0.745 MI.
BRIDGE LENGTH	561.67 FT.	0.106 MI.
PROJECT LENGTH		0.851 MI.

EQUATIONS : NONE
EXCEPTIONS : NONE

OKLAHOMA DEPARTMENT OF TRANSPORTATION
FINAL PLAN FIELD REVIEW
NOV. 16, 2015

PREPARED AND SUBMITTED BY:
POE & ASSOCIATES INC.
Tulsa, Oklahoma
C.A. No. 541

DATE _____
OKLA. REG. NO. _____

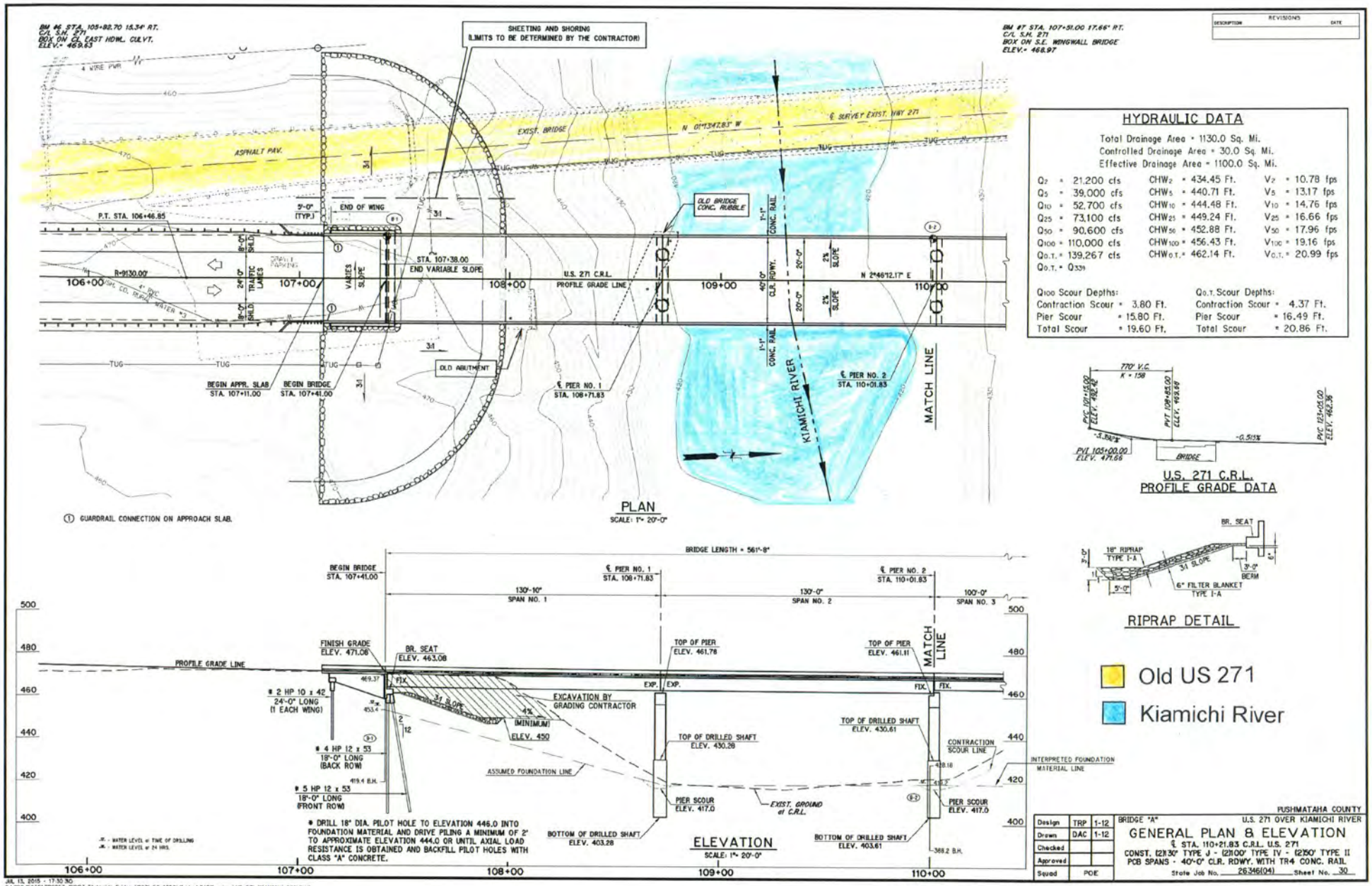
DATE _____
OKLA. REG. NO. _____

OKLAHOMA DEPARTMENT OF TRANSPORTATION	DEPARTMENT OF TRANSPORTATION FEDERAL HIGHWAY ADMINISTRATION
DATE APPROVED	DATE APPROVED
BY	BY
CHIEF ENGINEER	DIVISION ADMINISTRATOR

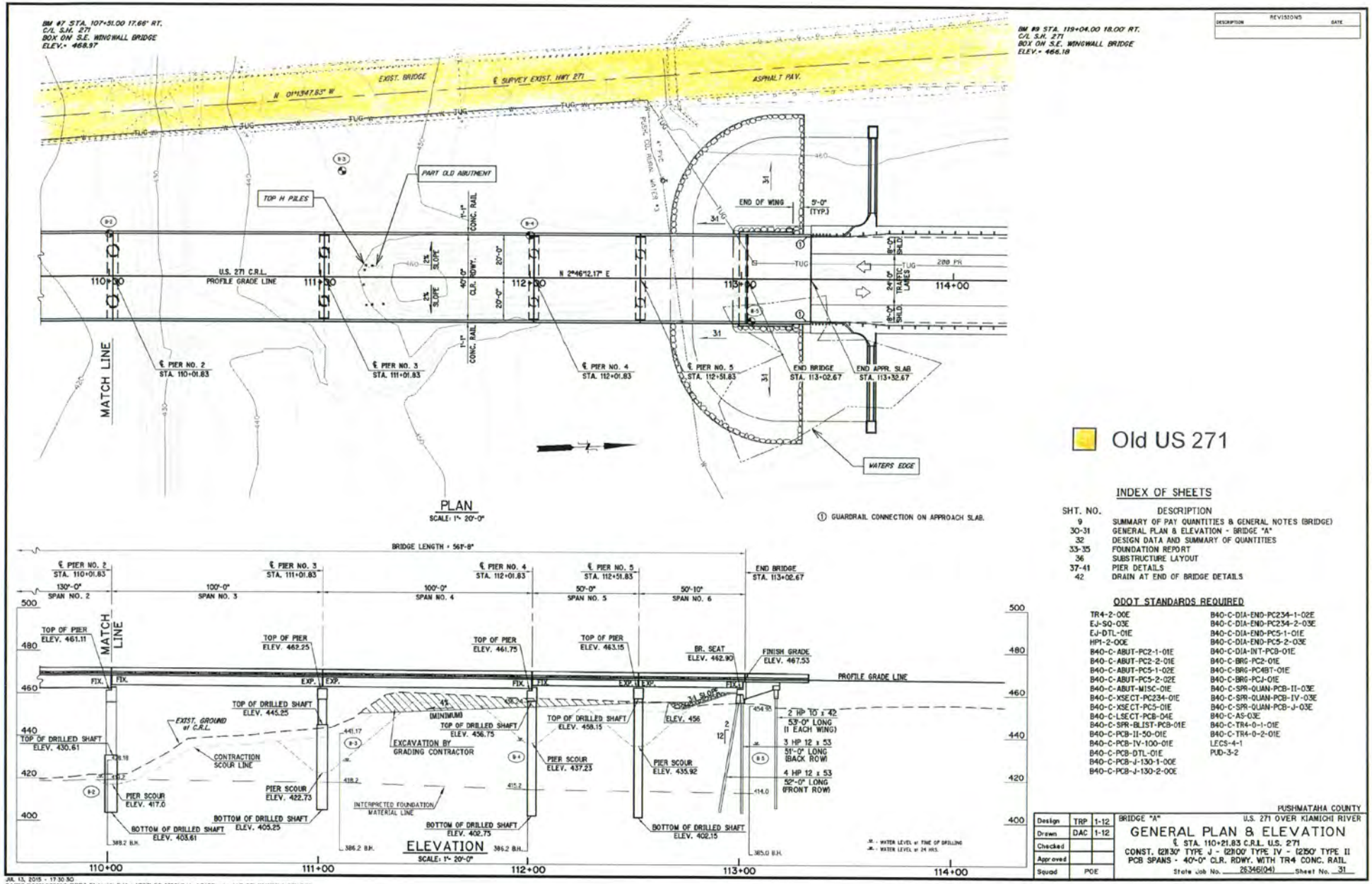
PROJECT NO. SSP-164B(153)SS SHEET NO. 1

PUSHMATAHA COUNTY U.S.-271

SWT-2016-257
Oklahoma Department of Transportation
US 271 Bridge Replacements
Kiamichi River and wetlands
Enclosure 1 of 9

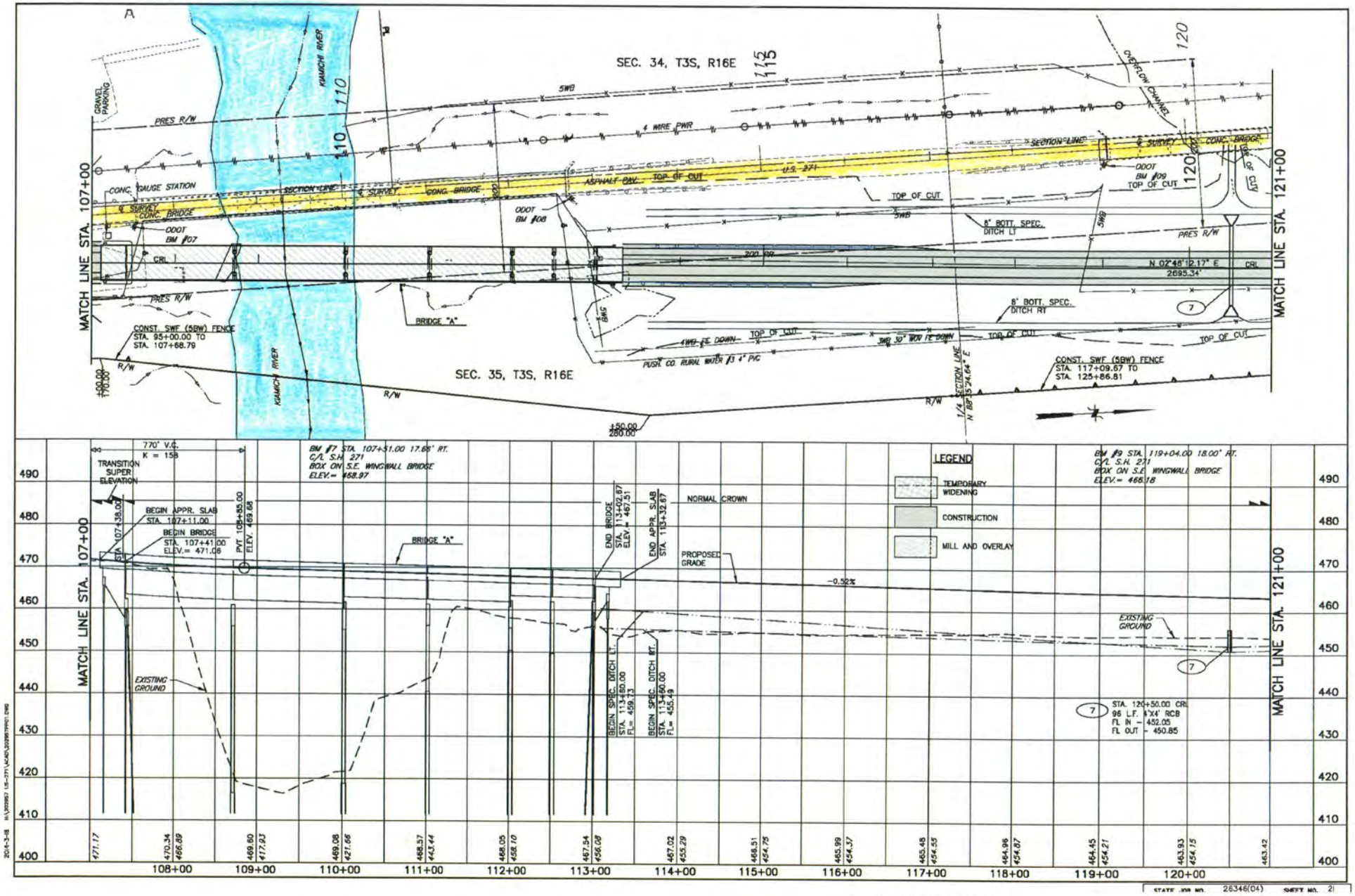


SWT-2016-257
Oklahoma Department of Transportation
US 271 Bridge Replacements
Kiamichi River and wetlands
Enclosure 2 of 9



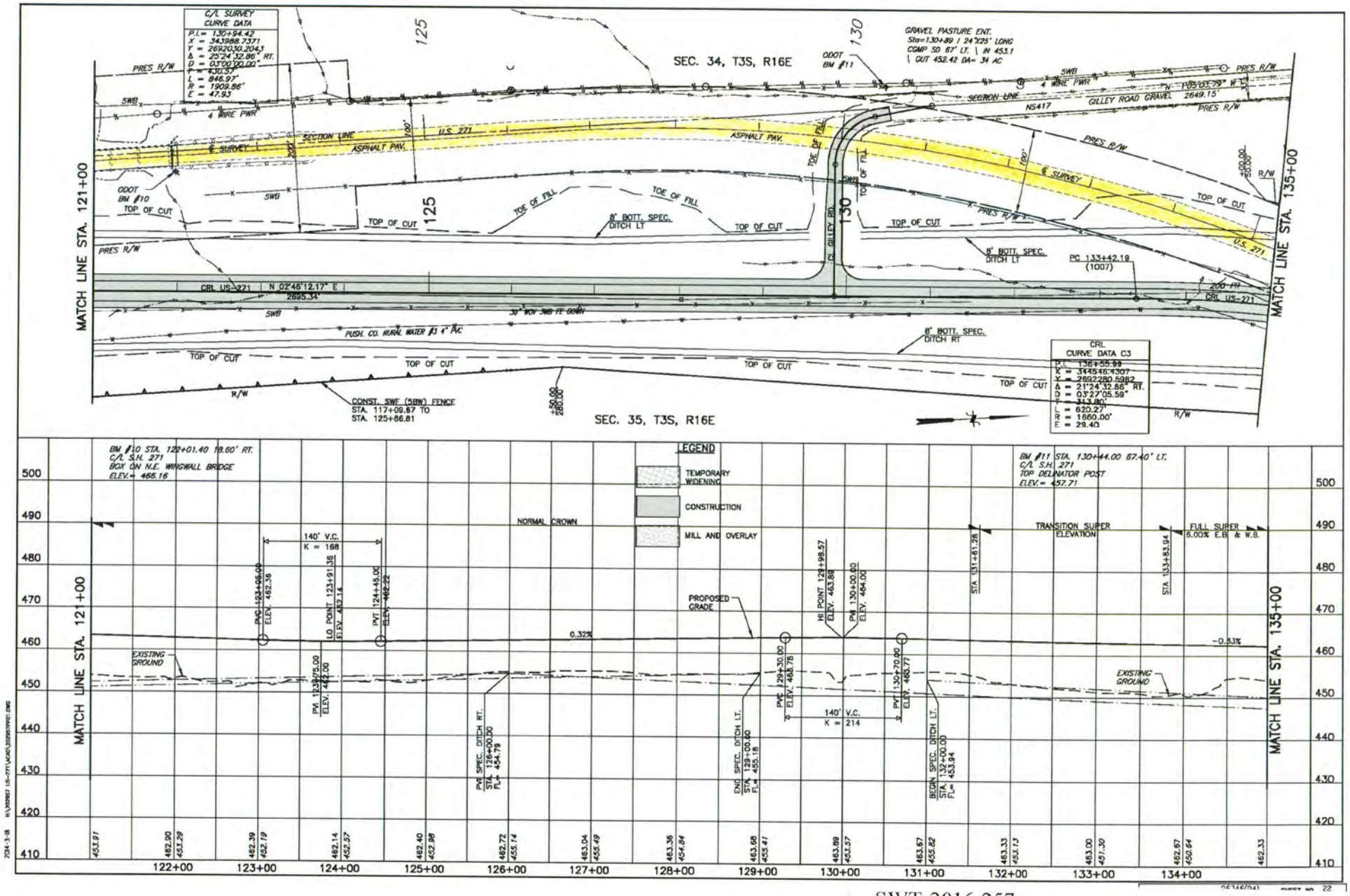
SWT-2016-257
Oklahoma Department of Transportation
US 271 Bridge Replacements
Kiamichi River and wetlands
Enclosure 3 of 9

Kiamichi River Old US 271



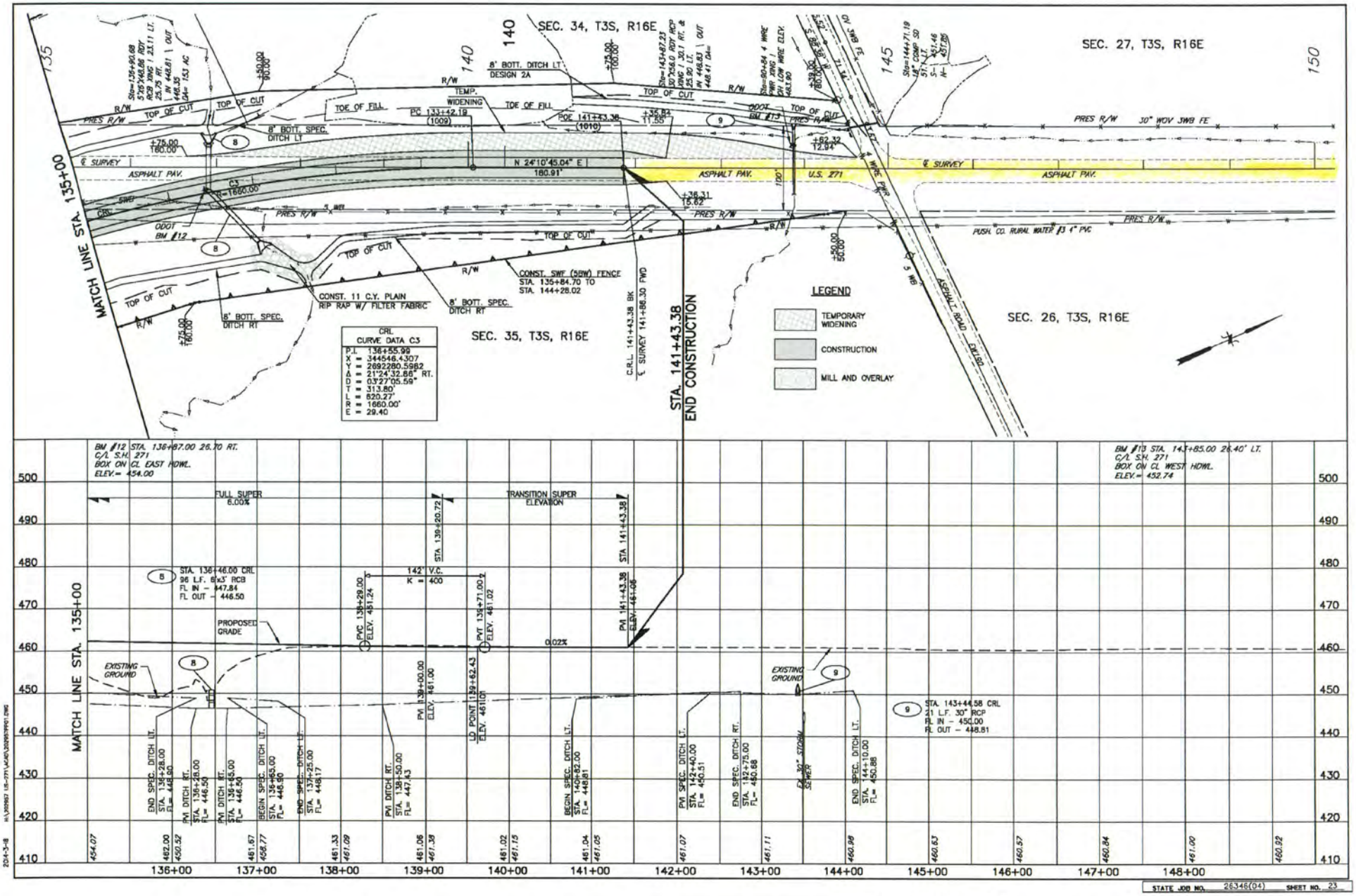
SWT-2016-257
Oklahoma Department of Transportation
US 271 Bridge Replacements
Kiamichi River and wetlands
Enclosure 4 of 9

Old US 271

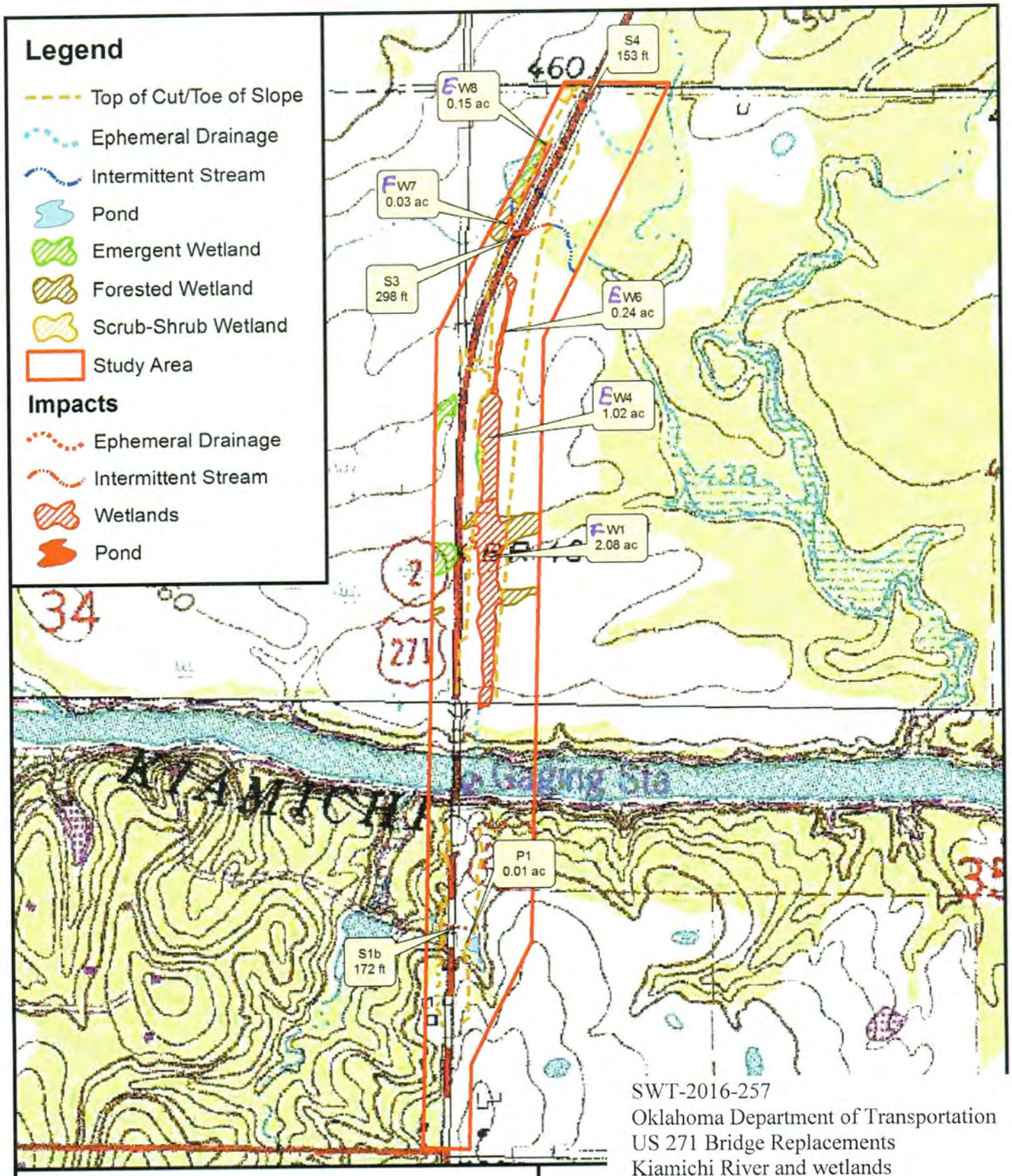


SWT-2016-257
Oklahoma Department of Transportation
US 271 Bridge Replacements
Kiamichi River and wetlands
Enclosure 5 of 9

Old US 271



SWT-2016-257
Oklahoma Department of Transportation
US 271 Bridge Replacements
Kiamichi River and wetlands
Enclosure 6 of 9



SWT-2016-257
Oklahoma Department of Transportation
US 271 Bridge Replacements
Kiamichi River and wetlands
Enclosure 7 of 9

Prepared for:
Oklahoma Department of Transportation

Subject Property:
US 271 over the Kiamichi River
J/P# 26346(04)
Sections 34 & 35, T3S R16E
Pushmataha County, Oklahoma

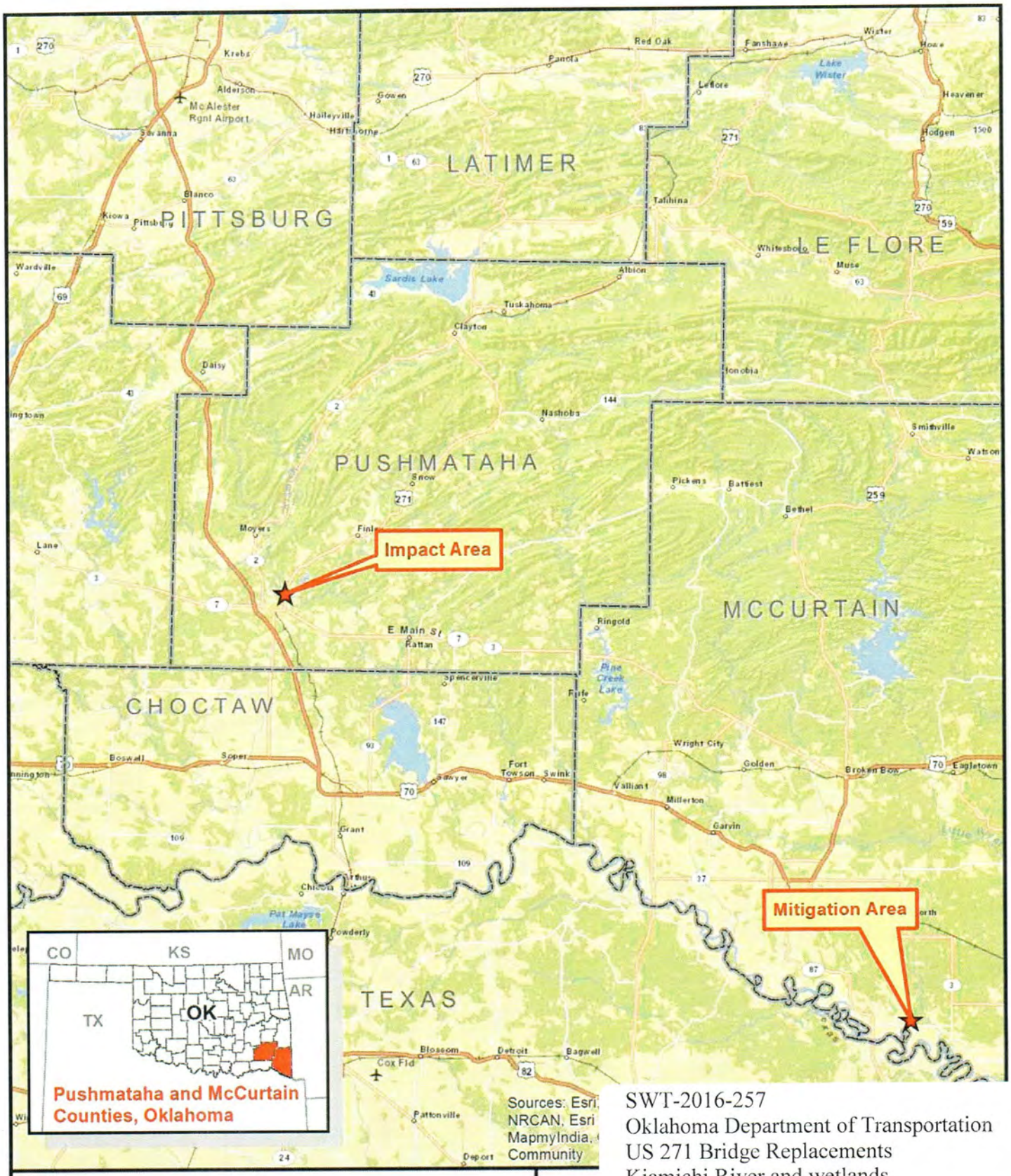
N
W E
S

1:8,000

Figure 2: Impact Site Map
Source: USGS 7.5 Minute Series
Antlers East and Kosoma, OK Quadrangles

Prepared by: F. Woolridge; February 4, 2016

0 500 1,000 2,000 Feet



SWT-2016-257
Oklahoma Department of Transportation
US 271 Bridge Replacements
Kiamichi River and wetlands
Enclosure 8 of 9

Prepared for:
Oklahoma Department of Transportation

Subject Property:
US 271 over the Kiamichi River
J/P# 26346(04)
Sections 34 & 35, T3S R16E
Section 6, T10S R26E
Pushmataha and McCurtain Counties, Oklahoma

N
W E
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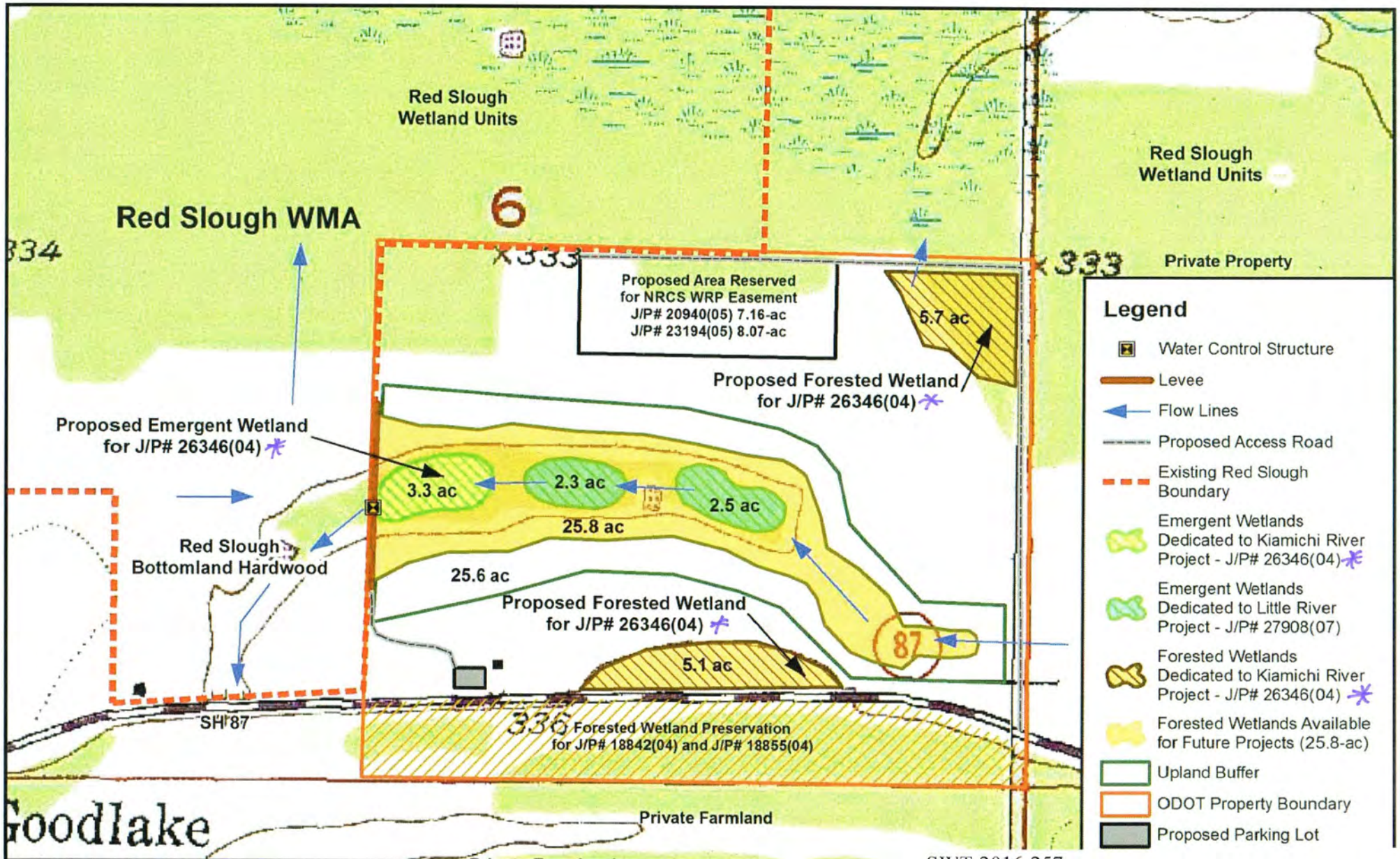
Figure 1: Vicinity Map

Source: ESRI Streets Basemap

Prepared by: A. Couch; February 4, 2016

Miles
0 5 10 20



Prepared for: Oklahoma Department of Transportation

Subject Property:
US 271 over Kiamichi River - J/P# 26346(04)
Section 6, T10S R26E
McCurtain County, Oklahoma

N W E S

1:8,000

SWT-2016-257
Oklahoma Department of Transportation
US 271 Bridge Replacements
Kiamichi River and wetlands
Enclosure 9 of 9

Feet 0 400 800 1,200 1,600