



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-2016-377
Public Notice No.

June 14, 2016
Public Notice Date

July 14, 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-2016-377

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. 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 two bridges on unnamed creeks, associated with the widening of State Highway (SH) 16 in Wagoner County.

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

Name of Agent: Mr. Richard Wilson
HDR Engineering, Inc.
613 NW Loop 410, Suite 700
San Antonio, TX 78216

Location: Crossing 2 is comprised of multiple emergent and forested wetlands and an unnamed tributary and is located in Sections 22 and 23, Township 17 North, Range 18 East. Crossing 6 is located in Section 12, Township 16 North, Range 18 East. Both projects are south of Wagoner in Wagoner County, Oklahoma. The project sites can be found on the Wagoner East, Oklahoma 7.5 Minute USGS Quadrangle map at North Latitude 35.930787 and West Longitude 95.368515 for Crossing 2 and North Latitude 35.877741 and West Longitude 95.357345 for Crossing 6.

Purpose: The basic purpose of the proposed work (State Job Piece 24366(04)) is to replace and widen two structurally deficient Reinforced Concrete Box (RCB) bridges for public safety.

A water dependency determination will be made upon consideration of the basic purpose to discharge fill material (soil) into 0.92 acre of jurisdictional forested and emergent wetlands.

The overall purpose of this work is for public safety. The bridge corrections and associated roadway widening would promote the safety of SH 16 as a reliable transportation route between Wagoner and Okay in east-central Oklahoma.

Table of Impacts:

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)
RCB Crossing 2	Placement of fill material	Road fill and RCB Bridge	Soil and Concrete	1,081 cubic yards	0.162 acre of forested wetland, 0.324 acre of emergent wetland 0.19 acre / 1,035 linear feet stream
RCB Crossing 6	Placement of fill material	Road fill and Culvert	Soil and Concrete	1,888 cubic yards	0.43 acre of scrub/shrub wetland, 0.73 acre pond, 0.01 acre / 14 linear feet stream

Description of Work: ODOT reports SH 16 is a two-lane highway without any paved shoulders and a substandard vertical alignment. The highway has an average daily traffic of 3,120 vehicles per day with a projected traffic of 4,320 vehicles per day. It has a history of accidents due to the poor sight distance from the vertical geometry and lack of clear zone where vehicles have no room to recover if they get off the pavement. Additional road projects associated with SH 16 are being evaluated under the Nationwide Permit for Linear Transportation Projects. The proposed roadway would be mostly on an offset alignment east of the existing alignment to correct inadequate horizontal and vertical curves. SH 16 would be reconstructed with two 12-foot wide traveling lanes and 10-foot wide paved shoulders with 6:1 (horizontal to vertical) side slopes and would be offset to the east to avoid the railroad right-of-way. The existing RCBs would be replaced with longer RCBs to create an 84-foot wide clear roadway to provide adequate area for recovery for vehicles going off the pavement. The vertical and horizontal alignments would be improved. Temporary detours would be placed in selected areas to keep the road open to traffic during construction.

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:

The road reconstruction and bridge replacements would maintain Oklahoma's SH 16 as a reliable transportation route between Wagoner and Okay in east-central Oklahoma. The no action alternative would not meet the purpose of this project. Because of the railroad paralleling the west side of the highway, widening the road symmetrically or offsetting the road to the west were not considered practicable alternatives for road improvements. Also, simply adding shoulders would not eliminate the problem with sight distance resulting from poor vertical geometry. Finally, there is a need to keep the road open to traffic during construction due to the high traffic volume. The proposed project represents the least environmentally damaging practicable alternative which meets the purpose and need for the project.

Impacts to waters of the United States were avoided to the maximum extent practicable while meeting design requirements for safety, 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 minimize impacts to waters of the United States to the extent practicable by not impacting waters within the entire right-of-way of the project. Temporary fill is used in place of permanent fill where possible (such as detours) to minimize impacts to wetlands and streams. To minimize the potential short-term impacts (such as turbidity and suspended solids) associated with the increased sediment generated by construction activities, Best Management Practices (BMPs) would be implemented in order to control soil erosion and sedimentation.

Additionally, the permanent stream impact at Crossing 6 does not exceed a loss of 0.1 acre and impacts have been minimized to the extent practicable; thus, no compensatory mitigation is proposed for this crossing. The stream is of low to medium quality due to degradation by past and current land uses. Furthermore, the stream impacts at Crossing 2 are between 0.1 and 0.2 acre, and the majority of these stream impacts (0.11 acre) are from a stream which was channelized in the past along the existing road, and would be replaced by excavating a new channel adjacent to the proposed project that would provide functional replacement. Thus, the proposed project at each crossing would have minimal adverse effects on the aquatic environment.

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

To compensate for the loss of 0.162 acre of forested wetland, 0.43 acre of scrub/shrub wetland, 0.324 acre of emergent wetland, and 0.73 acre of pond; ODOT proposes the purchase of 0.48 acre of forested wetland, 0.97 acre of scrub/shrub wetland, 0.72 acre of emergent wetland, and 1.47 acre of pond credits from the Terra Foundation In-Lieu Fee Program. The impacted wetlands are dominated by some native and some invasive species such as American elm (*Ulmus americana*), sugarberry (*Celtis laevigata*), Japanese honeysuckle (*Lonicera japonica*), Macartney rose (*Rosa bracteata*), smartweed (*Persicaria hydropiperoides*), cursed buttercup (*Ranunculus sceleratus*), sedge (*Carex* sp.), slimpod rush (*Juncus diffusissimus*), and marsh bristlegrass (*Setaria parvifolia*). Historic and current land uses have significantly

effected native vegetation and diminished the ecologic condition and species diversity of these wetlands in the Verdigris River watershed. The proposed mitigation plan demonstrates avoidance, minimization, and compensation for unavoidable, permanent adverse impacts to waters. ODOT would purchase credits from the Terra Foundation In-Lieu Fee Program as described above to compensate for adverse impacts that cannot be avoided or minimized. Thus, based on this mitigation plan the proposed project would 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 proposed project is located in an area along the existing SH 16 crossing unnamed tributaries to the Verdigris River. The impact area is outside the floodplain, in an area which supports some forested, scrub-shrub, and emergent wetland depressions, as well as open waters surrounded by upland pasture and woods. The project area is located in the Central Irregular Plains ecoregion of Oklahoma. This ecoregion is dominated by irregular plains, low hills, and east-facing cuestas with vegetation communities including oak woodland and grassland. Land use in the project area and surrounding area includes agricultural pasture land, rangeland management for livestock grazing and rural residences.

Existing Condition: The project area lies within the Verdigris River watershed (8-digit HUC 11070105) which is directly north of and drains to the Arkansas River. The project area crosses several unnamed ephemeral and intermittent streams, which drain west and south to the Verdigris River.

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 Cherokee Nation, Delaware Tribe of Indians, Kialegee Tribal Town, Muskogee (Creek) Nation, Osage Nation, Thlopthlocco Tribal Town, United Keetoowah Band of Cherokee Indians in Oklahoma, Oklahoma Archeologic Survey, and the Oklahoma Historical Society (#SSP-173C(123)). No objections were received and both state agencies concurred that there are no historic properties affected by the proposed project.

The DE will comply with the requirements of the National Historic Preservation Act of 1966 for any known or presently unknown historic or archeological resources that may

exist in the project vicinity and which could be directly affected by the proposed work. This public notice is being sent to the State Historic Preservation Officer 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: interior least tern (*Sterna antillarum*), whooping crane (*Grus americana*), piping plover (*Charadrius melodus*), red knot (*Calidris canutus rufa*), Neosho mucket (*Lampsilis rafinesqueana*), American burying beetle (*Nicrophorus americanus*), gray bat (*Myotis grisescens*), and northern long-eared bat (*Myotis septentrionalis*). A copy of this notice is being furnished to the United States 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. 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.

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.

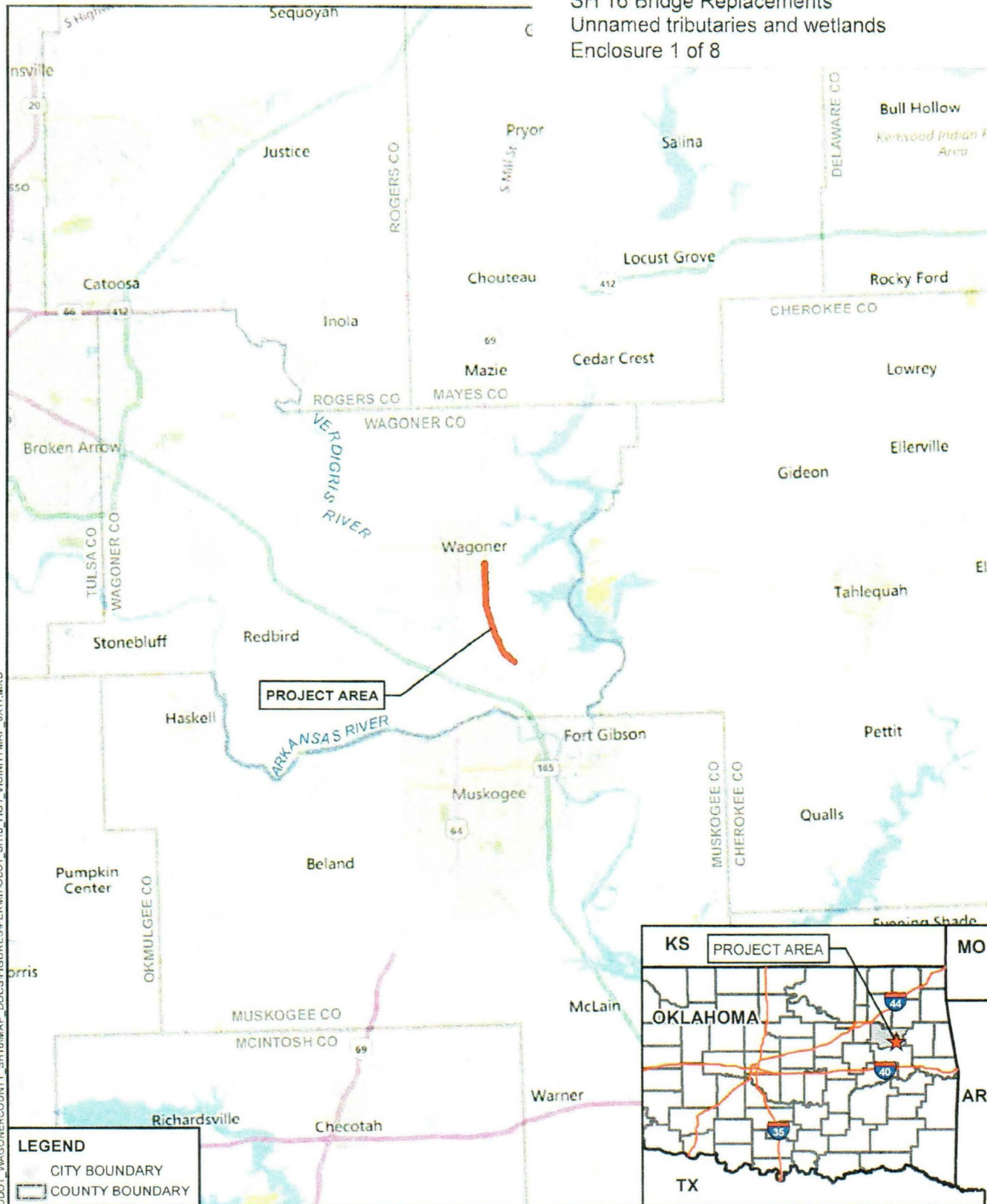
At the request of the Oklahoma Water Resources Board's National Flood Insurance Program State Coordinator, we are sending a copy of this notice to the local floodplain administrator to apprise the administrator of proposed development within their jurisdiction. In accordance with 44 CFR Part 60 (Criteria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

SWT-2016-377
 Oklahoma Department of Transportation
 SH 16 Bridge Replacements
 Unnamed tributaries and wetlands
 Enclosure 1 of 8



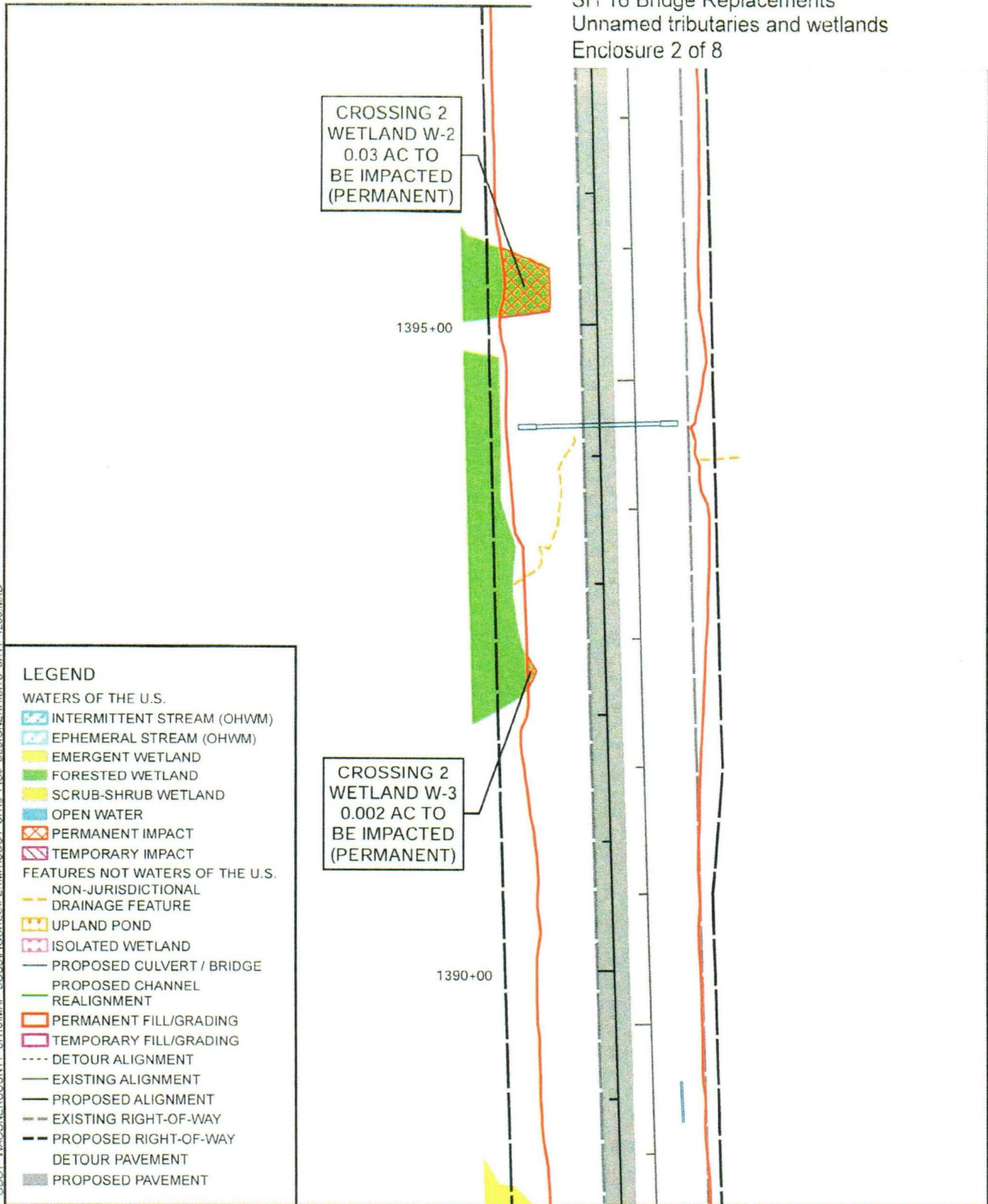
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LEGEND
 CITY BOUNDARY
 COUNTY BOUNDARY

STATE HIGHWAY 16
WAGONER COUNTY, OKLAHOMA
 JIP NO. 24366(04)
 VICINITY MAP



HDR
 APR 2016 FIGURE 1



LEGEND

WATERS OF THE U.S.

- INTERMITTENT STREAM (OHWM)
- EPHEMERAL STREAM (OHWM)
- EMERGENT WETLAND
- FORESTED WETLAND
- SCRUB-SHRUB WETLAND
- OPEN WATER
- PERMANENT IMPACT
- TEMPORARY IMPACT

FEATURES NOT WATERS OF THE U.S.

- NON-JURISDICTIONAL DRAINAGE FEATURE
- UPLAND POND
- ISOLATED WETLAND
- PROPOSED CULVERT / BRIDGE
- PROPOSED CHANNEL REALIGNMENT
- PERMANENT FILL/GRADING
- TEMPORARY FILL/GRADING
- DETOUR ALIGNMENT
- EXISTING ALIGNMENT
- PROPOSED ALIGNMENT
- EXISTING RIGHT-OF-WAY
- PROPOSED RIGHT-OF-WAY
- DETOUR PAVEMENT
- PROPOSED PAVEMENT

CROSSING 2
 WETLAND W-2
 0.03 AC TO
 BE IMPACTED
 (PERMANENT)

CROSSING 2
 WETLAND W-3
 0.002 AC TO
 BE IMPACTED
 (PERMANENT)

1395+00

1390+00

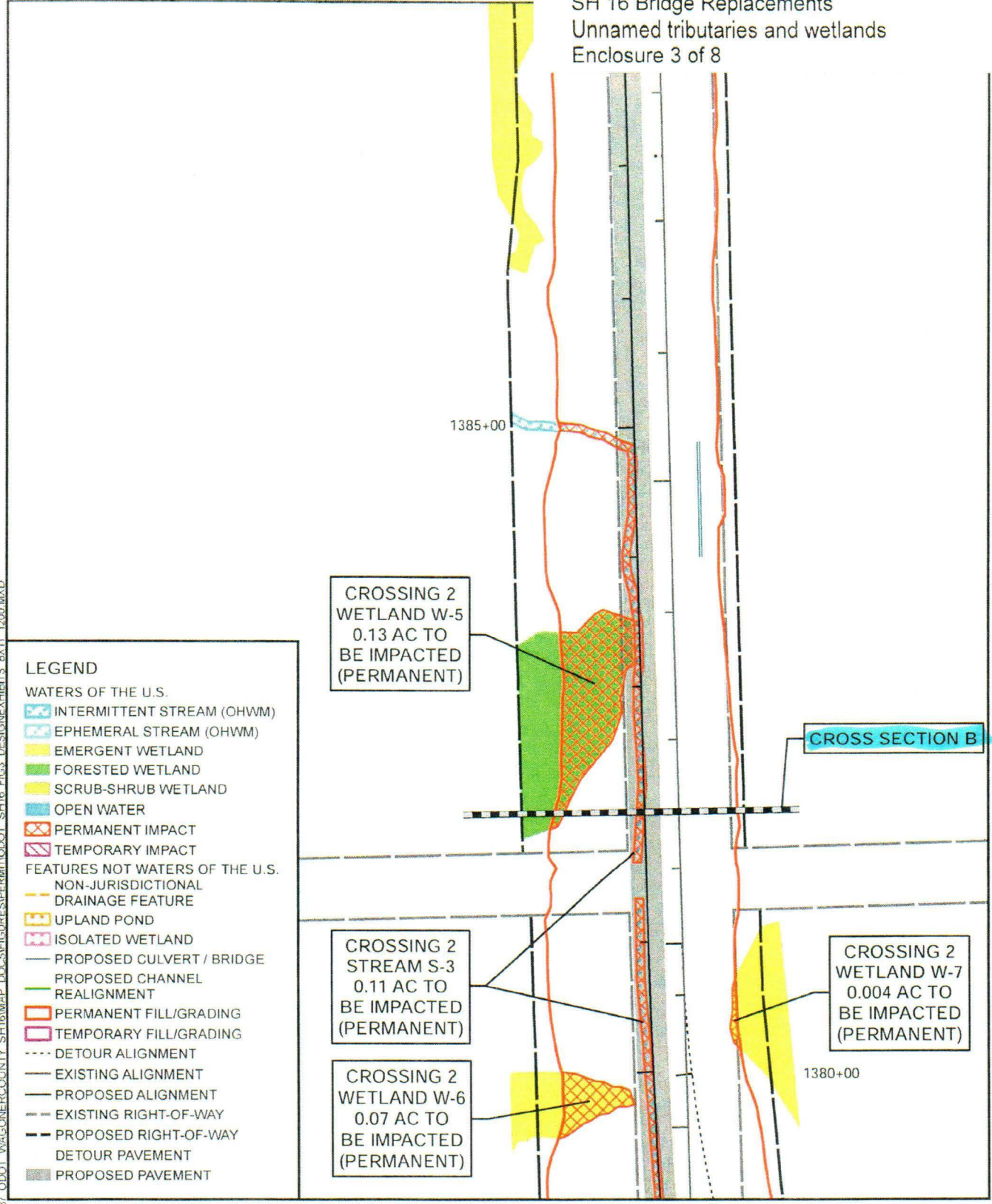
STATE HIGHWAY 16
 WAGONER COUNTY, OKLAHOMA
 J/P NO. 24366(04)
 DESIGN EXHIBITS



APR 2016

FIGURE 3-5

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- LEGEND**
- WATERS OF THE U.S.
- INTERMITTENT STREAM (OHWM)
 - EPHEMERAL STREAM (OHWM)
 - EMERGENT WETLAND
 - FORESTED WETLAND
 - SCRUB-SHRUB WETLAND
 - OPEN WATER
 - PERMANENT IMPACT
 - TEMPORARY IMPACT
- FEATURES NOT WATERS OF THE U.S.
- NON-JURISDICTIONAL DRAINAGE FEATURE
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 - PERMANENT FILL/GRADING
 - TEMPORARY FILL/GRADING
 - DETOUR ALIGNMENT
 - EXISTING ALIGNMENT
 - PROPOSED ALIGNMENT
 - EXISTING RIGHT-OF-WAY
 - PROPOSED RIGHT-OF-WAY
 - DETOUR PAVEMENT
 - PROPOSED PAVEMENT

CROSSING 2
 WETLAND W-5
 0.13 AC TO
 BE IMPACTED
 (PERMANENT)

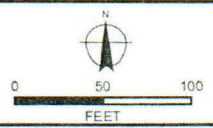
CROSSING 2
 STREAM S-3
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 BE IMPACTED
 (PERMANENT)

CROSSING 2
 WETLAND W-6
 0.07 AC TO
 BE IMPACTED
 (PERMANENT)

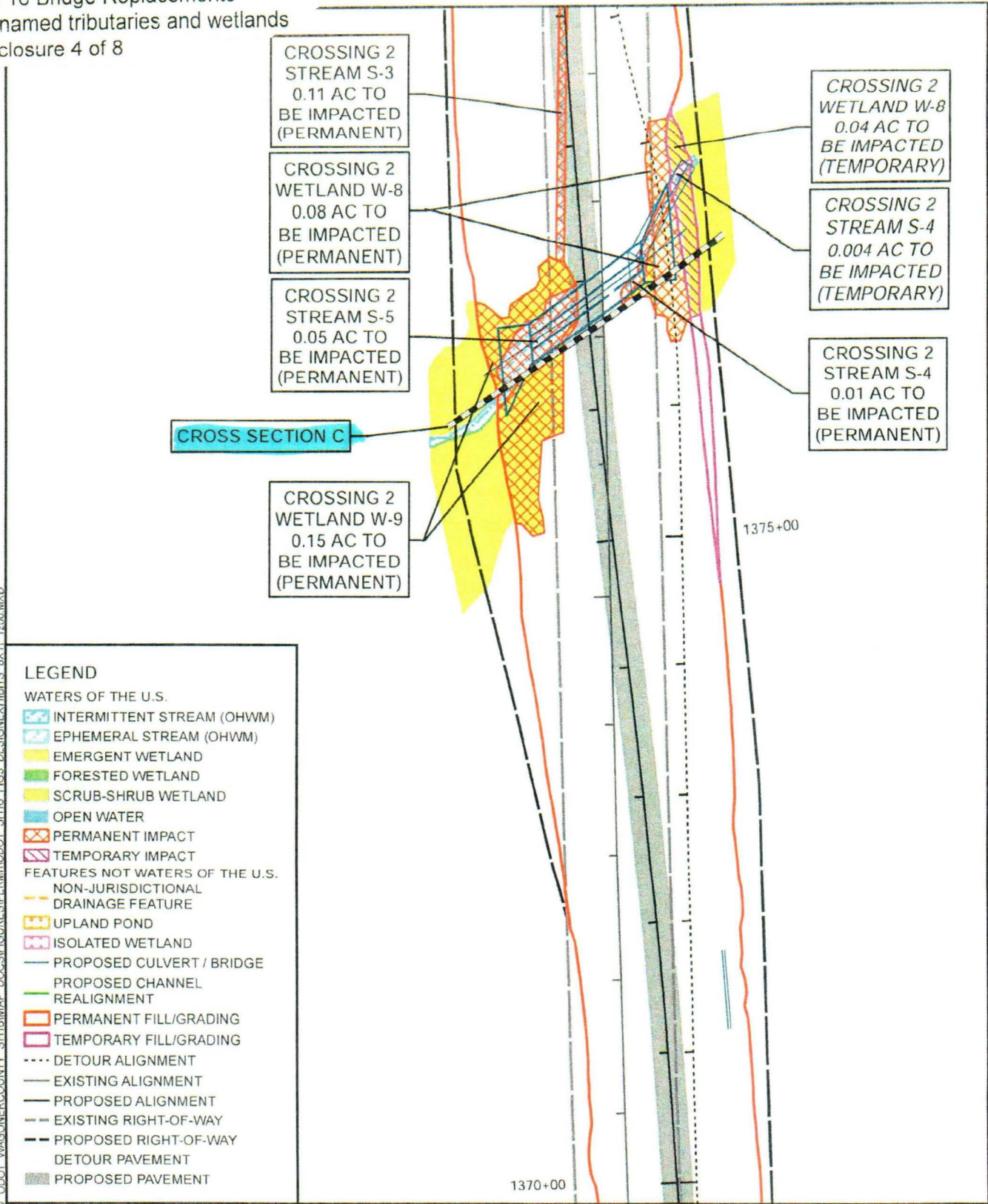
CROSS SECTION B

CROSSING 2
 WETLAND W-7
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 BE IMPACTED
 (PERMANENT)

STATE HIGHWAY 16
 WAGONER COUNTY, OKLAHOMA
 J/P NO. 24366(04)
 DESIGN EXHIBITS



APR 2016 FIGURE 3-6



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LEGEND	
WATERS OF THE U.S.	
	INTERMITTENT STREAM (OHWM)
	EPHEMERAL STREAM (OHWM)
	EMERGENT WETLAND
	FORESTED WETLAND
	SCRUB-SHRUB WETLAND
	OPEN WATER
	PERMANENT IMPACT
	TEMPORARY IMPACT
FEATURES NOT WATERS OF THE U.S.	
	NON-JURISDICTIONAL
	DRAINAGE FEATURE
	UPLAND POND
	ISOLATED WETLAND
	PROPOSED CULVERT / BRIDGE
	PROPOSED CHANNEL
	REALIGNMENT
	PERMANENT FILL/GRADING
	TEMPORARY FILL/GRADING
	DETOUR ALIGNMENT
	EXISTING ALIGNMENT
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	EXISTING RIGHT-OF-WAY
	PROPOSED RIGHT-OF-WAY
	DETOUR PAVEMENT
	PROPOSED PAVEMENT

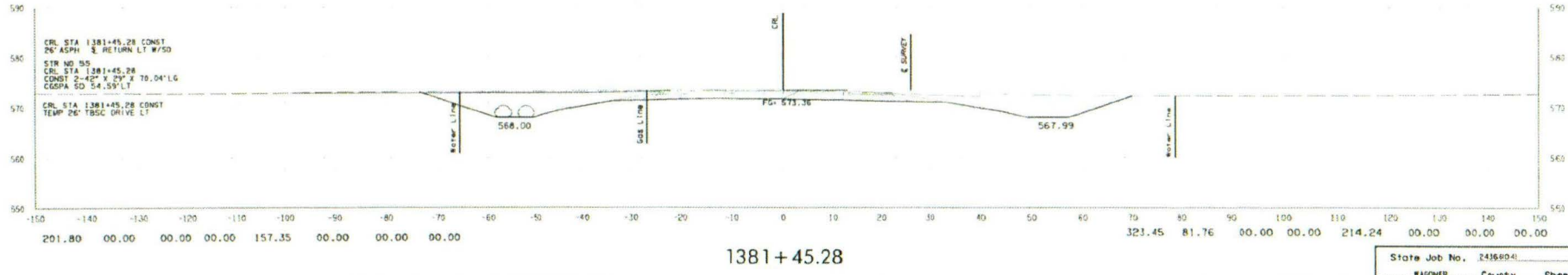
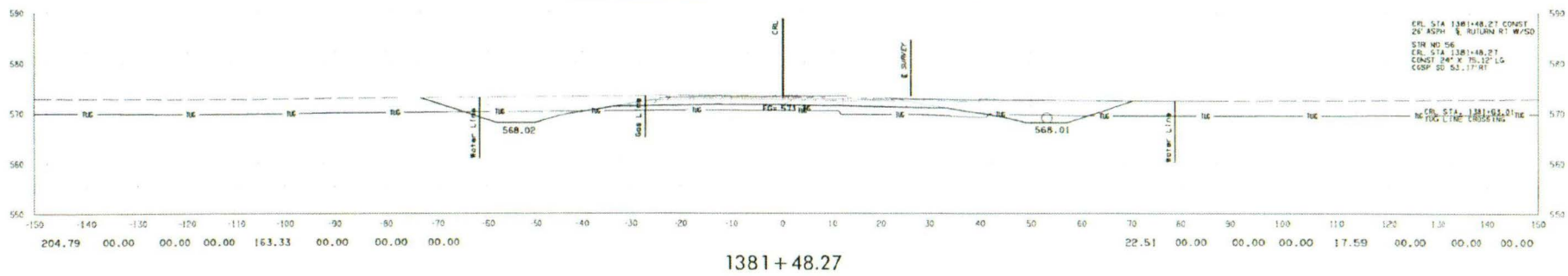
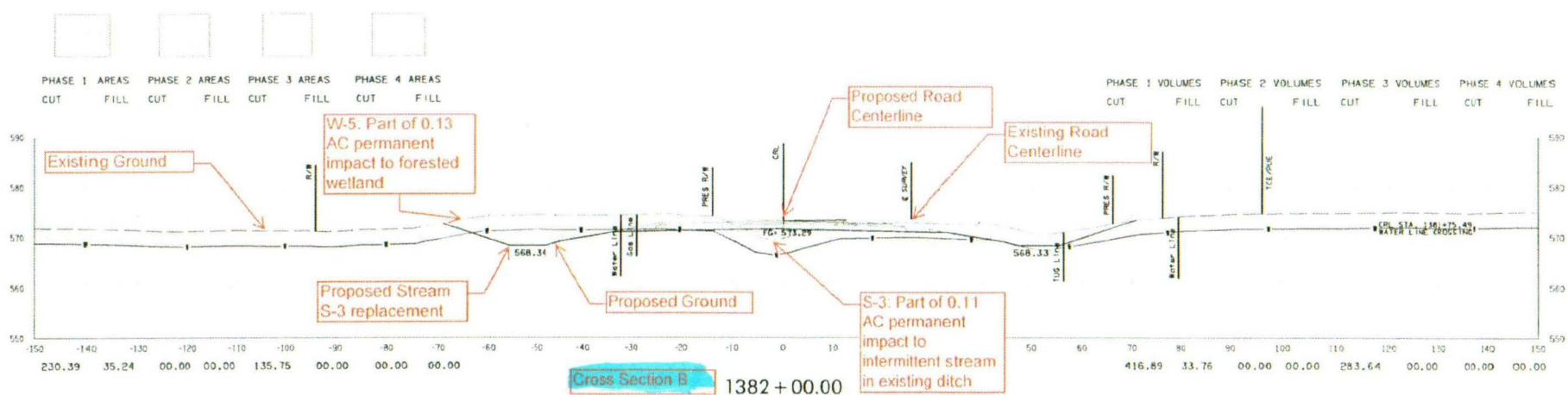
STATE HIGHWAY 16
 WAGONER COUNTY, OKLAHOMA
 J/P NO. 24366(04)
 DESIGN EXHIBITS



APR 2016 FIGURE 3-7

SWT-2016-377
 Oklahoma Department of Transportation
 SH 16 Bridge Replacements
 Unnamed tributaries and wetlands
 Enclosure 5 of 8

OKLAHOMA DEPARTMENT OF TRANSPORTATION
FINAL FIELD MEETING
 02-02-16

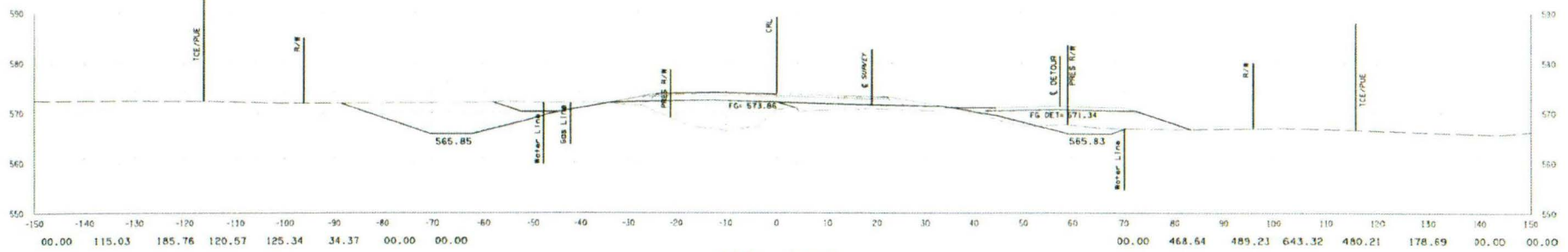


SWT-2016-377
 Oklahoma Department of Transportation
 SH 16 Bridge Replacements
 Unnamed tributaries and wetlands
 Enclosure 6 of 8

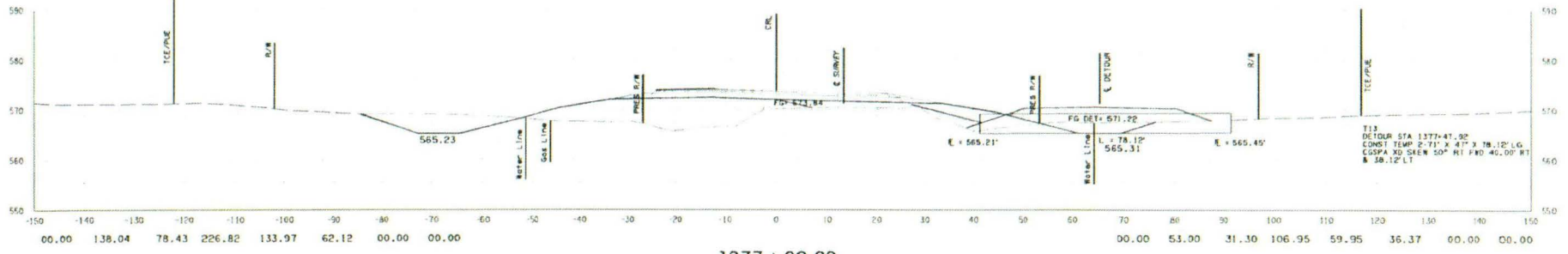
OKLAHOMA DEPARTMENT OF TRANSPORTATION
FINAL FIELD MEETING
 02-02-16

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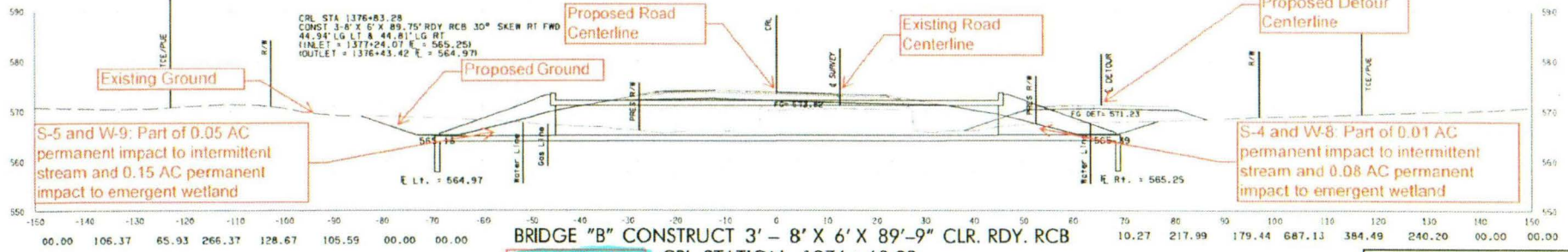
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CUT	FILL	CUT	FILL	CUT	FILL	CUT	FILL



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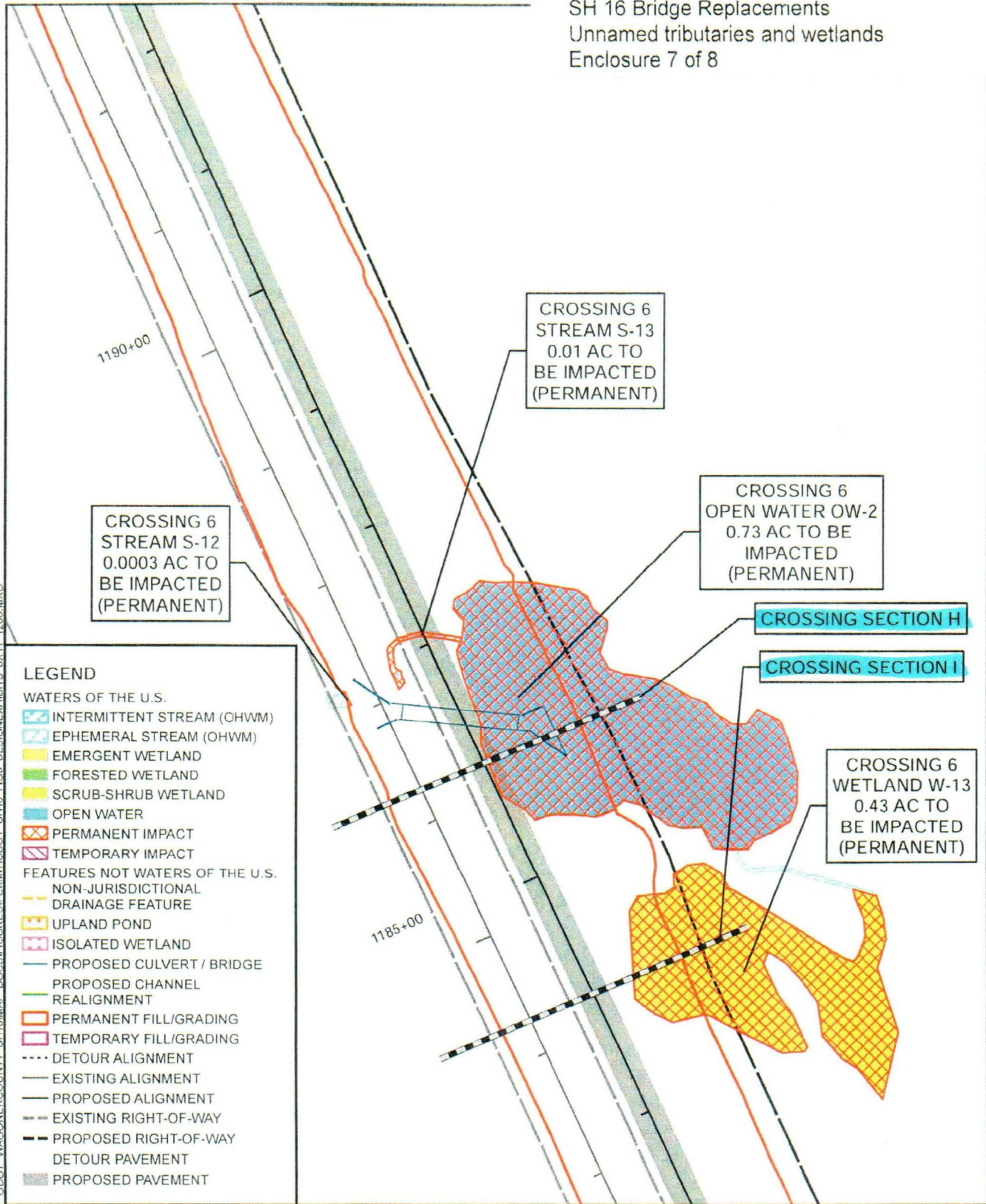


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BRIDGE "B" CONSTRUCT 3' - 8' X 6' X 89'-9" CLR. R.D.Y. R.C.B
Cross Section C CRL STATION 1376+63.28
 1376+88.29

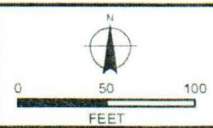
State Job No. 2436(04)
 WAGONER County Sheet No. K117



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- LEGEND**
- WATERS OF THE U.S.
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 - DETOUR PAVEMENT
 - PROPOSED PAVEMENT

STATE HIGHWAY 16
 WAGONER COUNTY, OKLAHOMA
 J/P NO. 24366(04)
 DESIGN EXHIBITS



APR 2016 FIGURE 3-27

SWT-2016-377
 Oklahoma Department of Transportation
 SH 16 Bridge Replacements
 Unnamed tributaries and wetlands
 Enclosure 8 of 8

OKLAHOMA DEPARTMENT OF TRANSPORTATION
FINAL FIELD MEETING
 02-02-16

PHASE 1 AREAS PHASE 2 AREAS PHASE 3 AREAS PHASE 4 AREAS
 CUT FILL CUT FILL CUT FILL CUT FILL

PHASE 1 VOLUMES PHASE 2 VOLUMES PHASE 3 VOLUMES PHASE 4 VOLUMES
 CUT FILL CUT FILL CUT FILL CUT FILL

