



# Public Notice

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U.S. Army Corps  
of Engineers  
Tulsa District

Reply To:

SWT-2022-00305  
Public Notice No.

U.S. Army Corps of Engineers  
ATTN: Regulatory Office  
2488 East 81<sup>st</sup> Street  
Tulsa, Oklahoma 74137-4290

August 5, 2022  
Public Notice Date

September 3, 2022  
Expiration Date

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## **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**

This public notice has been provided as a public service and may be reprinted at your discretion. However, any cost incurred as a result of reprinting or further distribution shall not be a basis for claim against the Government.



**DEPARTMENT OF THE ARMY**  
U.S. ARMY CORPS OF ENGINEERS, TULSA DISTRICT  
2488 EAST 81ST STREET  
TULSA, OKLAHOMA 74137-4290

Application No. SWT-2022-00305

**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: Commissioner Steve Hendrix  
Rogers County District 2  
6190 E. 400 Rd.  
Claremore, OK 74017

Agent: Mr. Brian Kellogg  
Kellogg Engineering, Inc.  
6755 S. 4060 Rd.  
Talala, OK 74080

Ms. Allison Enright  
Project Manager, CED 1 & INCOG  
Local Government Division  
Oklahoma Department of Transportation  
200 N.E. 21st Street  
Oklahoma City, OK 73105

Location: The proposed project Job Piece 33602(04) is on EW 300 Road in Sections 1, 2, and 12, Township 24 North, Range 15 East and Sections 5, 6, 7, 8, 9, 15, and 16, Township 24 North, Range 16 East, causeway crossing Oologah Lake, Rogers County, Oklahoma. The project site can be found on the Winganon, Oklahoma 7.5 Minute USGS Quadrangle map at North Latitude 36.565541 and West Longitude 95.600004.

Project Description: The application is for the placement of fill material (riprap) into Oologah Lake for bank stabilization and infrastructure protection to reconstruct the west causeway and EW-300.

Purpose: The purpose is the reconstruction of the existing 4-mile roadway from US-169 to the west causeway (Oologah Lake). The overall purpose of this work is to bring this portion of the EW-300 Road in compliance with the Federal Safety Slope Standards to ensure public safety and efficient traffic flow.

The project is not a water dependent activity.

Oologah Lake Conservation Pool is 639.00 ft and the top of flood pool is 661.00 ft. (NGVD29)

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)
Sta. 316+00 to 346+28.94 Upstream (North) OHWM	Bank stabilization /Causeway	Open Water	24-inch riprap and bedding	51,890	3,029 lf
Sta.316+00 to Sta. 346+28.94 Downstream (South) OHWM	Bank stabilization /Causeway	Open Water	24-inch riprap and bedding	27,175	3,029 lf
Sta.148+00	Reinforced Metal Pipe	Stream	Steel	100	0.01 lf
Sta.316+00 to 346+28.94	Excavation – One Step Removal	Open Water/ Sediment	Muck	60,925	3,029 lf
Sta.316+00 to 346+28.94 below OHWM	Toe Trench	Open Water	24-inch riprap	48,740	3,029 lf
cubic yards (cys), ordinary high-water mark (OHWM), acre (ac), linear feet (lf)					

Description of Work: The applicant proposes to place fill material using 24-inch riprap in order to widen the existing road causeway and 3:1 embankment slope for the installation of two 12-ft. wide paved asphalt lanes with paved shoulders ranging in width from 2-ft. to 5.5-ft, and parking area for recreation. No new or temporary right-of-way is needed, but ground disturbance outside of the existing pavement is expected and includes some shoulder widening, guardrail replacement, and widening on the causeway. The causeway would remain open during construction, with a temporary offset alignment shoofly and/or phased construction will be implemented. The total linear feet of right-of-way to be impacted is approximately 3,029 linear feet on each side of the causeway. The excavation (60,925 cys) starts at 638.00 a toe trench using the one-step removal method to support the fill placement. The riprap (79,065 cys) and 9-inch filter blanket would be installed from 638.00 to 671.00 NAD83.

The replacement of a 48-inch structurally deficient pipe at STA. 148+00 would be verified under Nationwide Permit 14 for Linear Transportation. The existing reinforced concrete boxes and reinforced concrete pipes would remain in place for the roadway improvement project for 116+00 to 316+00.

The work would be performed using conventional earthmoving equipment for excavator, wheeled dump trucks and track 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:

“The proposed project has been designed to properly reconstruct the existing causeway in manner to minimize the loss of waters to the U.S. as much as possible. The proposed project has been designed to place no more fill material, within the waters of the U.S., than necessary to properly reconstruct the causeway to a standard that would provide resiliency and minimize future failures. The original design used a steeper embankment slope and smaller rock rip rap, that led to the catastrophic failure that now exist. The proposed project would provide a 3:1 embankment slope and larger rock rip rap.” (JP33602(04), Oklahoma Department of Transportation, July 21, 2022)

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

“Compensatory mitigation should not be required for the following reasons: 1) Impacts that cause a loss of waters to the U.S. are a direct result of the design that provide for a long term, permanent, and a more resilient causeway. 2) The end result of the additional top width of the causeway provides an additional benefit to the public in regard to recreational access”. (JP33602(04), Oklahoma Department of Transportation, July 21, 2022)

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 Oklahoma Department of Transportation, in coordination with the Federal Highway Administration is the lead federal for this project. Oologah Lake is Government-owned (fee) land. No Government authorization has been obtained or received from the Oologah Lake Office, E&C, and H&H, Water Management Section for the loss of flood storage and/or compensatory for fee land. The Corps is working with the applicant to minimize impacts flood storage and fee land within the flood pool.

### Project Setting:

This project is located in rural Rogers County within the Oklahoma Eco-Region of Central Irregular Plains, Osage Cuestas. The Osage Cuestas is a gently undulating cuesta plain composed of several alternating layers of sandstone, limestone, and shale. Topography is distinct from the more dramatic rolling hills of the Flint Hills to the west. However, some stream reaches have deep pools, riffles, and bedrock, boulder, cobble, or gravel substrates; these reaches have greater species richness and more pollution- and habitat-intolerant species than shallower streams.

Existing Condition: The intent is to reconstruct a failing causeway that was dedicated to Rogers County in the 1950's. There are several issues that have been identified with the existing causeway, with the major issue being degraded and/or undersize rip-rap and degradation of sub-soil compaction; therefore, resulting in potential catastrophic failures in the future. The existing roadway has deteriorated pavement condition and the west causeway has sustained flood damage from overtopping recent flood events.

Cultural Resources: 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. A preliminary 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.

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: American Burying Beetle (*Nicrophorus americanus*), Northern Long-eared Bat (*Myotis septentrionalis*), Whooping Crane (*Grus americana*), Neosho Musket (*Lampsilis rafinesqueana*), Piping Plover (*Charadrius melodus*), Red Knot (*Calidris canutus rufa*), Rabbitsfoot Mussel (*Quadrula cylindrica cylindrica*), and Monarch Butterfly (*Danaus plexippus*). Oklahoma Department of Transportation coordinated with the U.S. Fish and Wildlife Service and appropriate state agencies. The IPAC consultation number is 02EKOK00-2020-SLI-0897 dated September 17, 2021 (Updated December 13, 2021)

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.

Plans and Data: Plans showing the location of the proposed activity and other data are enclosed with this notice (Enclosure 1 of 6). If additional information is desired, it may be obtained from Marcus Ware, Tulsa District Corps of Engineers, ATTN: Regulatory Office, 2488 East 81st Street, Tulsa, OK 74137; or telephone 918-669-7400.

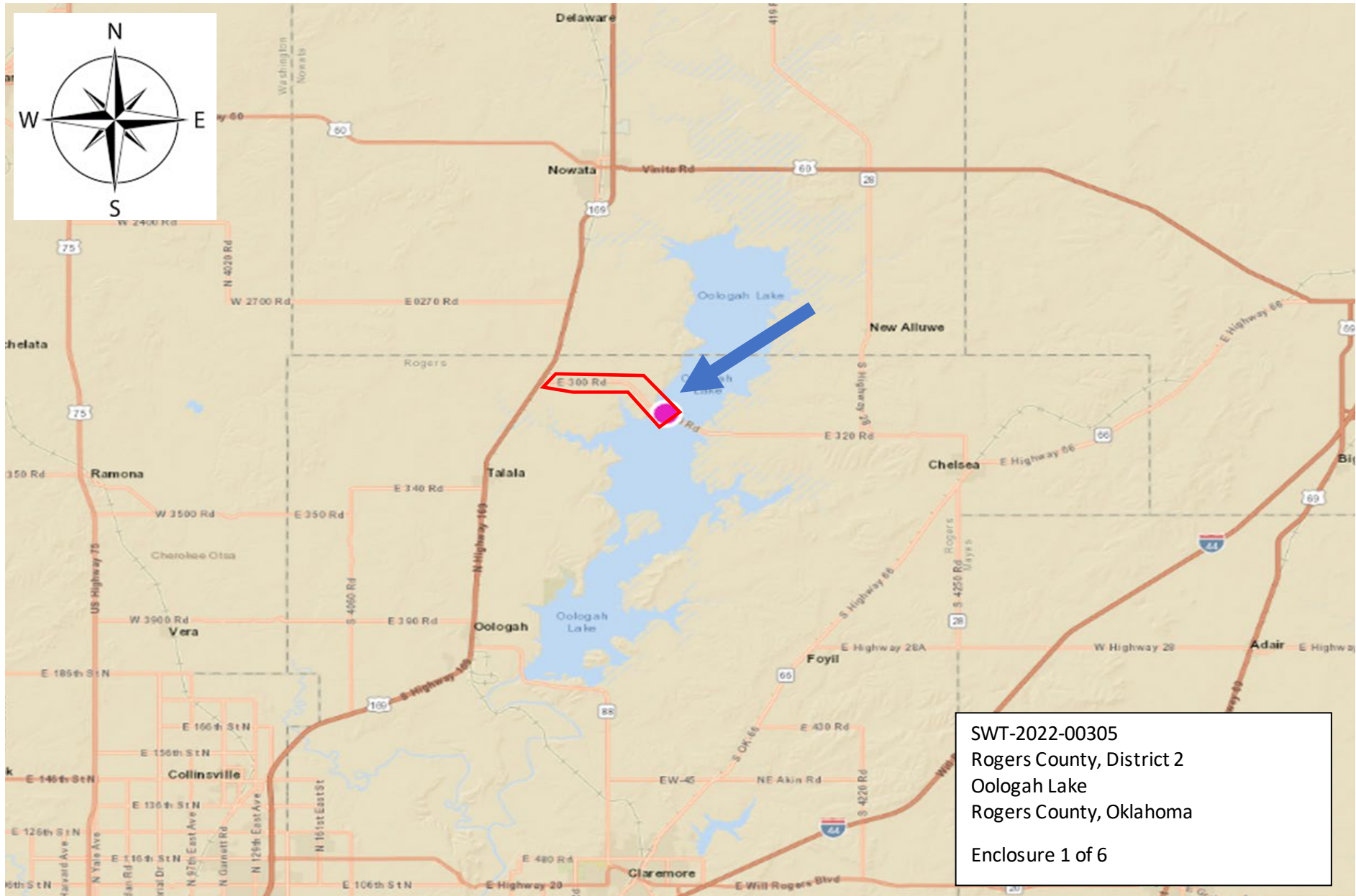
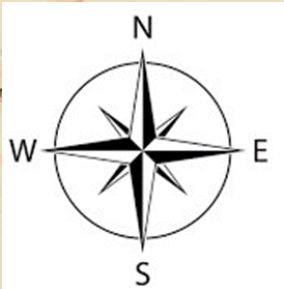
Comments: The Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps to determine 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 comments on this proposal must be submitted to be received by the Corps by the expiration date of this public notice comment period. Comments received after this date will not be considered in our decision. 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-2022-00305 in the subject line of your email 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



STATE OF OKLAHOMA  
DEPARTMENT OF TRANSPORTATION

PLAN OF PROPOSED  
COUNTY ROADWAY  
ROADWAY PLANS  
MC# 6604C (EW 300 ROAD)  
ROGERS COUNTY

FEDERAL AID PROJECT NO. ERSTP-266C(112)CI

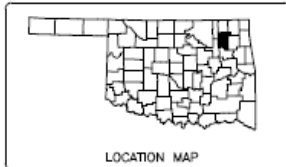
STATE JOB PIECE NO. 33602(04)

LATITUDE: N36°33'46.59" LONGITUDE: W95°35'40.68"

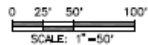
SURVEY DATA

- HORIZONTAL CONTROL:  
OKLAHOMA STATE PLANE COORDINATE SYSTEM 1983 (1993)
- VERTICAL CONTROL:  
NAVD88

DESIGN DATA	
ADT (2020)	- 750
ADT (2040)	- 1090
DIV	- 12%
D	- 60%
T	- 15%
V	- 45 MPH
FLEX. ESALS	- 0.3M



ROGERS COUNTY, OKLA.



PLAN 1" = 50'  
PROFILE HOR. 1" = 50'  
VER. 1" = 5'

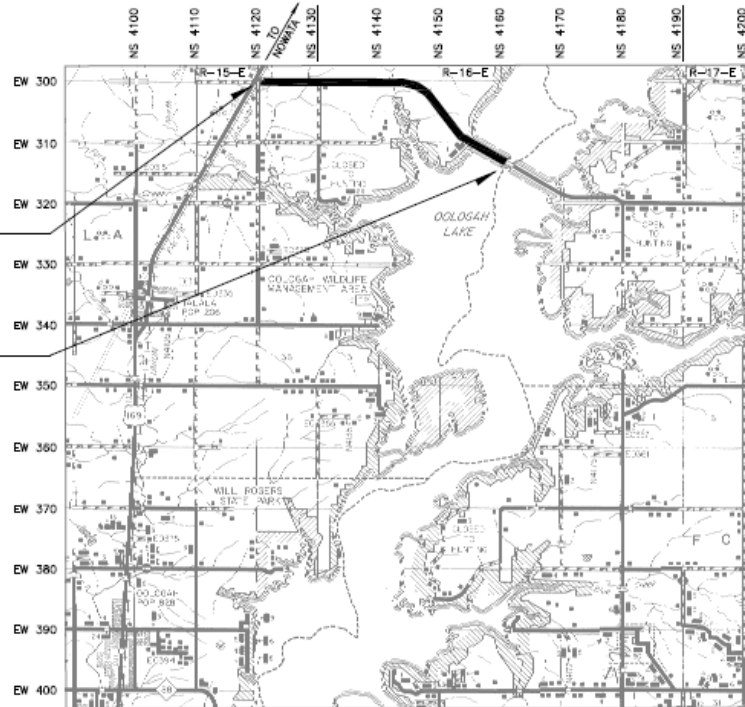
UTILITY OWNER TELEPHONE NO.  
VERDIGRIS VALLEY (ELECTRIC) (918) 371-2584

STA. 102+55.70  
BEGIN PROJECT

STA. 346+28.94  
END PROJECT

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
- DRAINAGE STRUCTURES - IN PLACE
- DRAINAGE STRUCTURES - NEW
- RIGHT-OF-WAY LINES - EXISTING
- RIGHT-OF-WAY LINES - NEW
- RIGHT-OF-WAY MARKERS - IN PLACE
- RIGHT-OF-WAY MARKERS - REMOVE & REPLACE
- RIGHT-OF-WAY MARKERS - NEW
- CONTROLLED ACCESS
- RIGHT-OF-WAY FENCE
- LIGHT POLE



INDEX OF SHEETS

SHEET NO.	DESCRIPTION
0001.	TITLE SHEET
0002-0008.	TYPICAL SECTIONS
AE01.	ENVIRONMENTAL MITIGATION NOTES
AR01.	CONSTRUCTION NOTES
AR02.	SUMMARY OF PAY QUANTITIES & CONST. NOTES
AT01.	SUMMARY OF PAY QUANTITIES & CONST. NOTES (TRAFFIC)
AX01.	SUMMARY SHEET
R001-R007.	CAUSEWAY BORE LOGS
R008-R017.	ROADWAY BORE LOGS
R018.	STORM WATER MANAGEMENT PLAN
R019-R029.	EROSION CONTROL PLAN
R030-R048.	PLAN & PROFILE
S001-S009.	ALIGNMENT DATA SHEET
T001-T008.	SUGGESTED CONSTRUCTION SEQUENCE
T009.	TYPICAL ADVANCED CONSTRUCTION SIGNS
T010-T027.	TRAFFIC CONTROL PLAN
T028-T035.	SIGNING & STRIPING PLAN
U001.	DRAINAGE STRUCTURE DETAILS
X001-X078.	CROSS SECTIONS
X079-X093.	SCAB-ON CROSS SECTIONS

STANDARDS USED

2019 ROADWAY		2009 TRAFFIC		
CET4S-4-01	SPI-5-01	TCS1-1-01	TCS16-1-00	RSD1-1-00
CLB-2-01	SSS-2-0	TCS2-1-00	TCS17-1-00	RSD2-1-00
PHTCP-4-0	SUEL1-4-0	TCS3-1-01	TCS18-1-01	SS1-1-00
PSE-2-0	SUEL3-4-0	TCS4-1-01	TCS19-1-01	SSP1-1-02
RDI-4-0	TSC2-4-0	TCS5-1-00	TCS20-1-00	SSA1-1-00
SMD-4-01	TSD-3-0	TCS6-1-02	TCS21-1-02	
		TCS7-1-02	TCS22-1-00	
		TCS8-1-00	TCS23-1-00	
		TCS9-1-01	TCS24-1-02	
		TCS10-1-00	TCS25-1-00	
		TCS11-1-01	PM3-1-03	
		TCS12-1-00	PM8-2-00	
		TCS13-1-00	PM8-3-00	
		TCS14-1-00		
		TCS15-1-00		

APPROVED

THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_

BOARD OF COUNTY COMMISSIONERS  
ROGERS COUNTY, OKLAHOMA

CHAIRMAN

MEMBER

MEMBER

ATTEST: COUNTY CLERK

SUBMITTED BY:  
KELLOGG ENGINEERING, INC.

90%  
PLANS  
MAY 2022  
THIS DOCUMENT IS  
PRELIMINARY IN NATURE  
AND IS NOT A FINAL  
SIGNED AND SEALED  
DOCUMENT

SWT-2022-00305  
Rogers County, District 2  
Oologah Lake  
Rogers County, Oklahoma

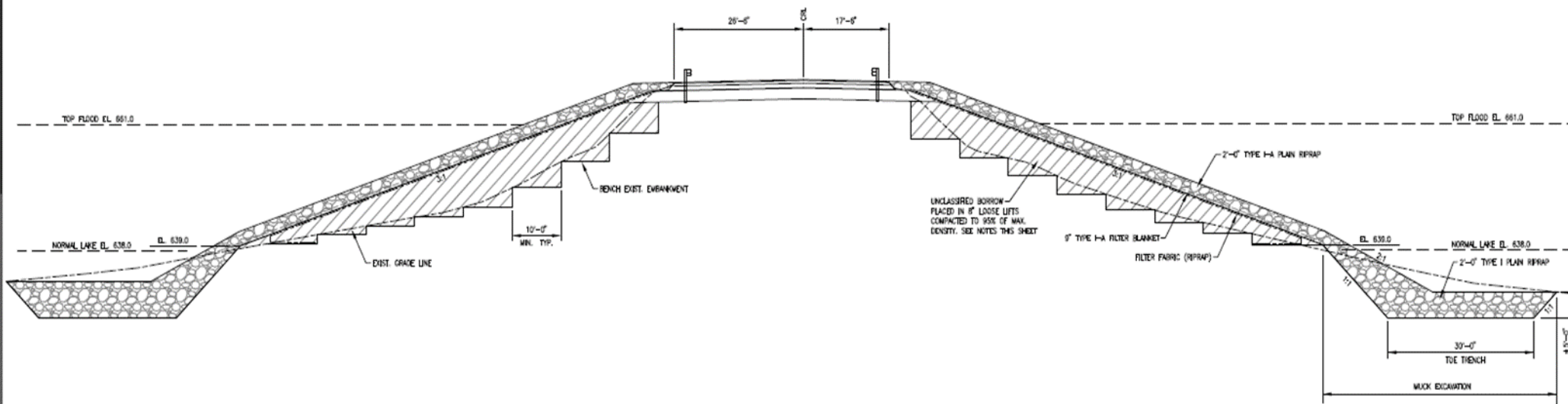
Enclosure 2 of 6

\* 2019 OKLAHOMA STANDARD SPECIFICATIONS FOR HIGHWAY CONSTRUCTION-ENGLISH VERSION, APPROVED BY THE U.S. DEPARTMENT OF TRANSPORTATION, FEDERAL HIGHWAY ADMINISTRATION, DECEMBER 18, 2019.\* SPECIAL PROVISIONS SHALL GOVERN OVER STANDARD SPECIFICATIONS.



ROADWAY LENGTH.....	24,373.24 FT.....	4.616 MI.
BRIDGE LENGTH.....	0.00 FT.....	0.000 MI.
PROJECT LENGTH.....	24,373.24 FT.....	4.616 MI.
EXCEPTIONS.....	0.00 FT.....	0.000 MI.





**TYPICAL CAUSEWAY MODIFICATION SECTION**

STA. 316+00.00 TO STA. 346+28.94  
SCALE: 1"=10'

- UNCLASSIFIED BORROW:**
1. SOILS USED FOR UNCLASSIFIED BORROW SHALL CONSIST OF CLAY SOIL CLASSIFIED AS CL, CL-CH OR CH HAVING A MINIMUM PLASTICITY INDEX OF 20. THE CLAY SOIL SHOULD BE COMPACTED TO A MINIMUM OF 95% OF THE MATERIALS MAXIMUM DRY DENSITY DETERMINED IN ACCORDANCE WITH ASTM D-698 (AGGREGATE T-99) AT A MOISTURE CONTENT EQUAL TO AT LEAST 2% ABOVE THE MATERIALS OPTIMUM MOISTURE CONTENT.
  2. SHALE USED FOR UNCLASSIFIED BORROW SHALL BE PROCESSED TO HAVE A MAXIMUM PARTICLE SIZE OF 3 INCHES. THE SHALE SHOULD BE COMPACTED AS DESCRIBED IN NOTE 1 ABOVE AT A MOISTURE CONTENT EQUAL TO AT LEAST 1% ABOVE THE MATERIALS OPTIMUM MOISTURE CONTENT.
- MUCK EXCAVATION:**
1. MUCK EXCAVATION SHALL NOT BE USED FOR PLACEMENT IN THE PROPOSED EMBANKMENT OR AS UNCLASSIFIED BORROW. IT SHALL BECOME THE PROPERTY OF THE CONTRACTOR AND DEPOSITED OFFSITE. THE CONTRACTOR SHALL SURVEY A PLAN FOR DISPOSAL OF MUCK EXCAVATION TO THE RESIDENT ENGINEER PRIOR TO CONSTRUCTION.

**RIPRAP GRADATIONS TABLE**  
SEE NOTE 4

RIPRAP THICKNESS (INCHES)	MAXIMUM SIZE (LBS)	SOX SIZE NOTE 1 (LBS)	AVG. SIZE NOTE 2 (LBS)	SOX SIZE NOTE 3 (LBS)
12	150	85-130	30-45	5
18	475	270-435	100-150	15
24	1,125	670-1,030	250-360	35
30	2,240	1,300-2,000	500-700	70
36	3,850	2,250-3,480	870-1,200	120

NOTE 1: DEFINED AS THAT SIZE SUCH THAT 90% OF THE STONE, BY WEIGHT, IS SMALLER AND 10% LARGER.  
NOTE 2: DEFINED AS THAT SIZE SUCH THAT 50% OF THE TOTAL RIPRAP STONE, BY WEIGHT, IS LARGER AND 50% IS SMALLER.

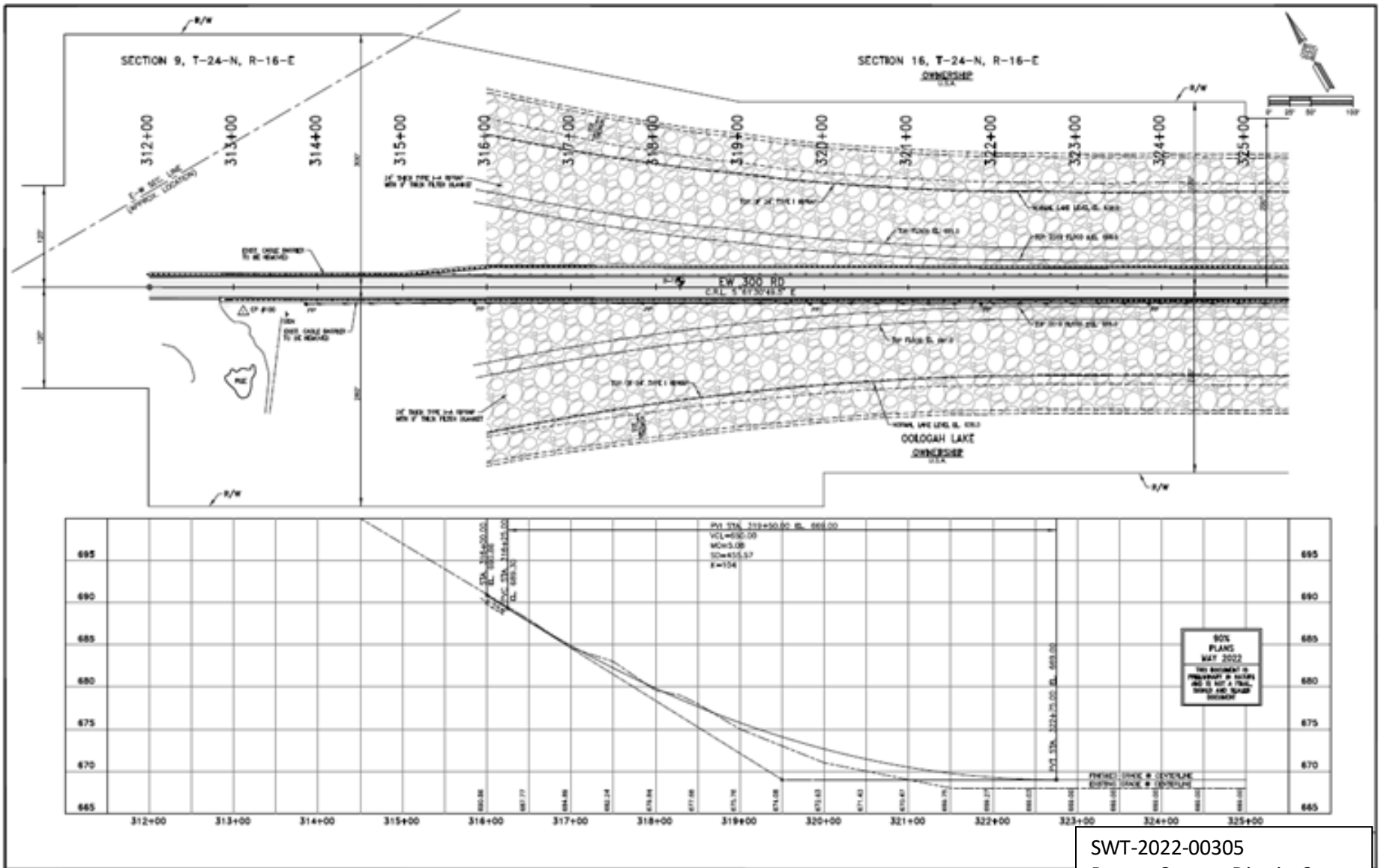
SWT-2022-00305  
Rogers County, District 2  
Oologah Lake  
Rogers County, Oklahoma  
Enclosure 3 of 6

SOIL PLANS  
MAY 2022  
THE ENGINEER IS NOT RESPONSIBLE FOR THE ACCURACY OF THE DATA AND SCALE OF THIS DRAWING

KELLOGG ENGINEERING, INC.  
6755 S. 4060 RD • DALALA, OKLAHOMA 74830 • (918) 275-6300  
ROGERS COUNTY • HENNINGSON ROAD

**TYPICAL SECTIONS**

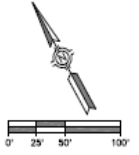
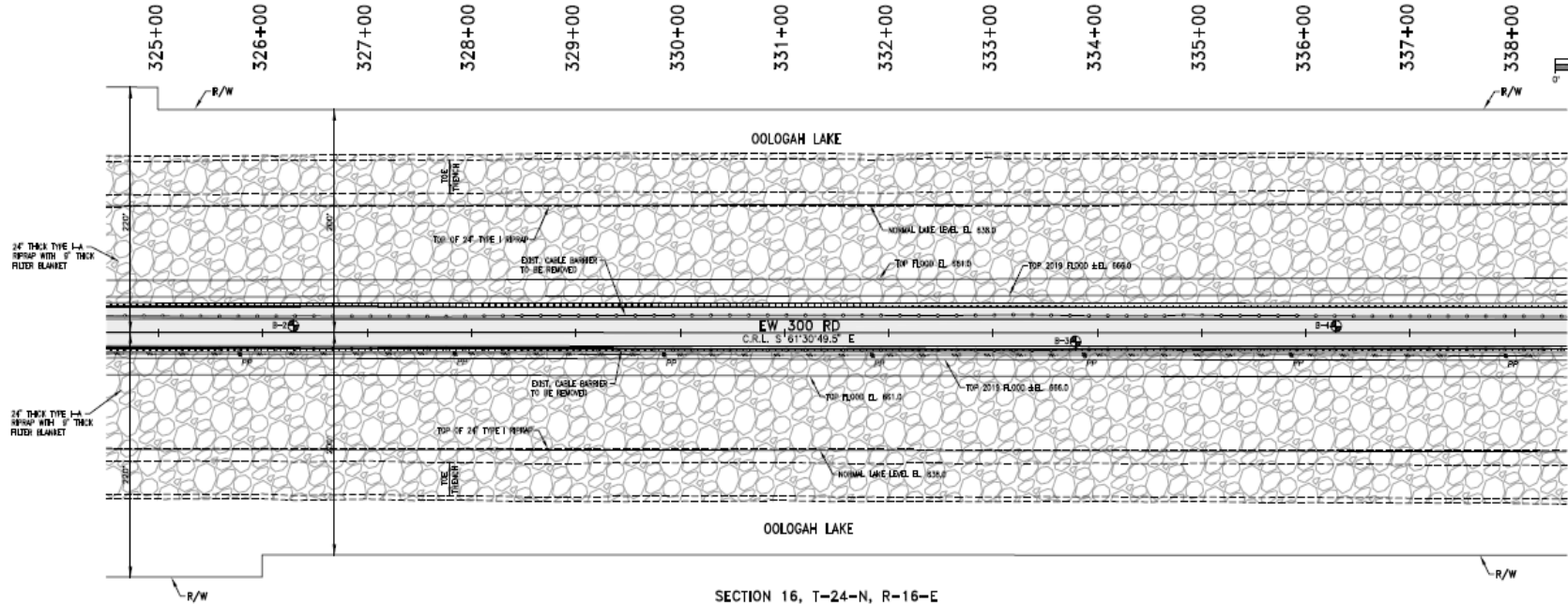
JOB NO. 33602(04) SHEET NO. 0008



SWT-2022-00305  
 Rogers County, District 2  
 Oologah Lake  
 Rogers County, Oklahoma  
 Enclosure 4 of 6

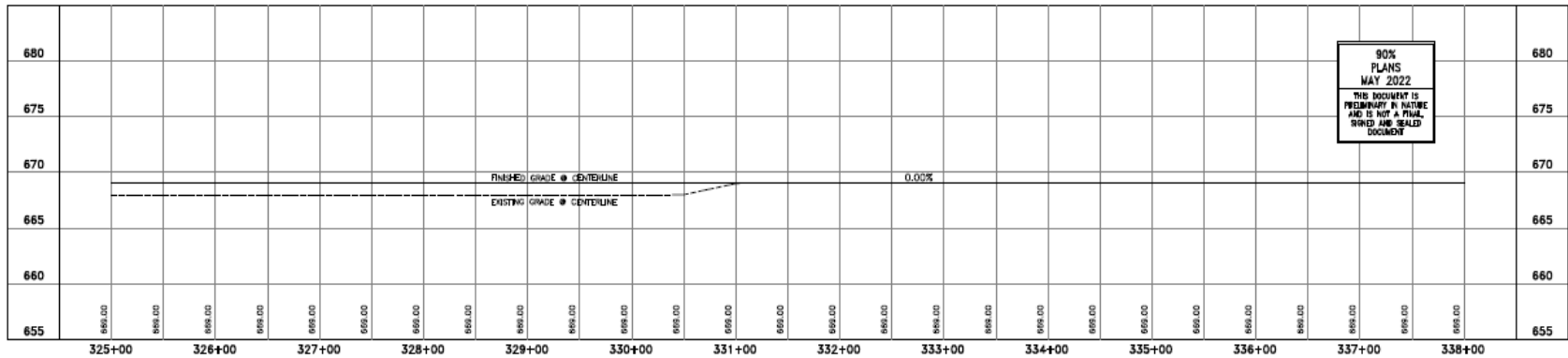
SECTION 16, T-24-N, R-16-E

OWNERSHIP  
U.S.A.



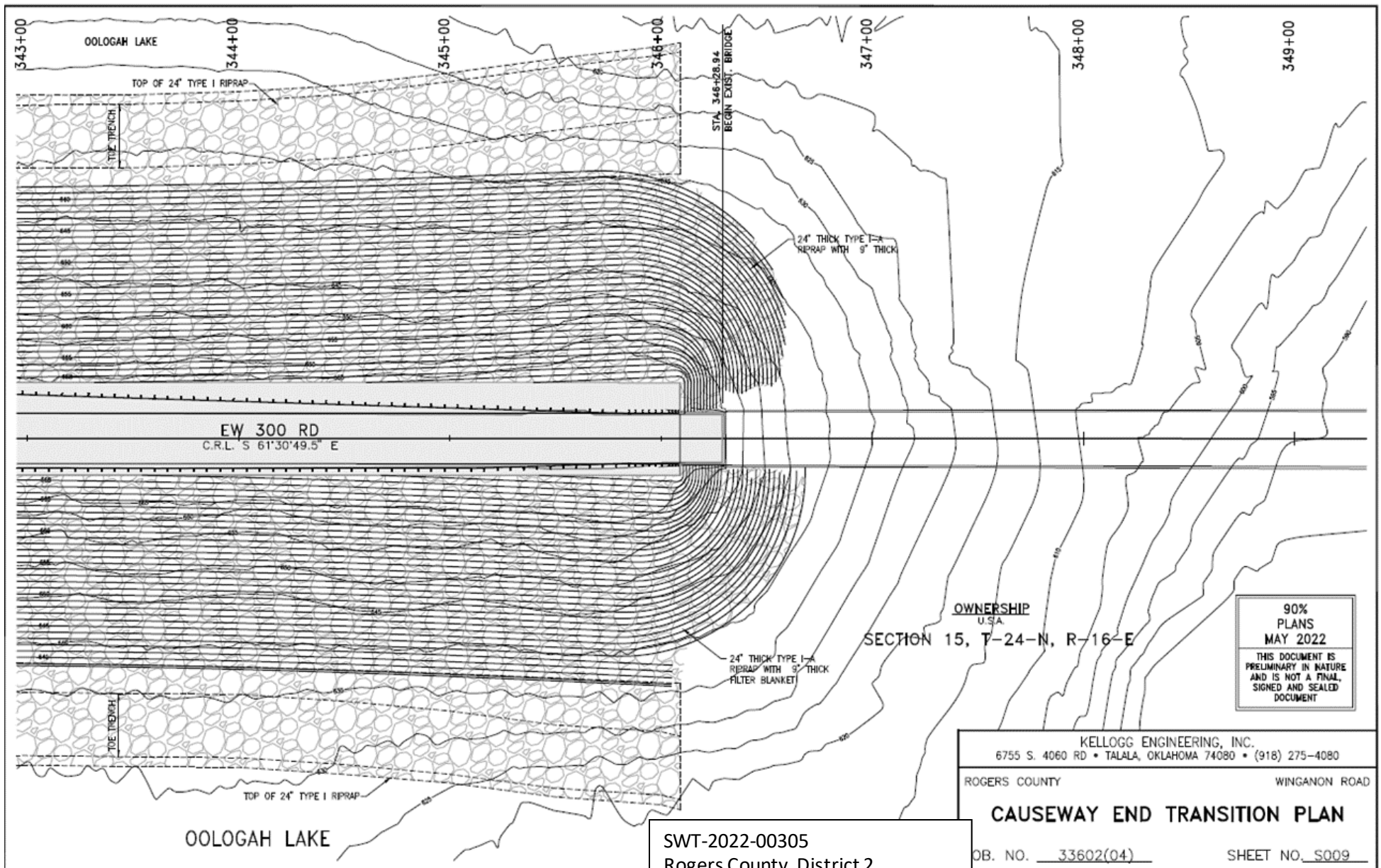
SECTION 16, T-24-N, R-16-E

OWNERSHIP  
U.S.A.



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KELLOGG ENGINEERING, INC.  
6755 S. 4060 RD • TALALA, OKLAHOMA 74080 • (918) 275-4080  
ROGERS COUNTY WINGANON ROAD  
**CAUSEWAY END TRANSITION PLAN**  
JOB NO. 33602(04) SHEET NO. S009

SWT-2022-00305  
Rogers County, District 2  
Oologah Lake  
Rogers County, Oklahoma  
Enclosure 6 of 6