

## **Appendix 8: Responses to Solicitation Letter**



OKLAHOMA DEPARTMENT OF TRANSPORTATION

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JUN 02 2004

PLANNING & RESEARCH  
DIVISION



May 19, 2004

Mr. Edward H. Fite, III  
Administrator - Oklahoma Scenic Rivers Commission  
PO BOX 292  
Tahlequah, Oklahoma 74464

Dear Mr. Fite:

The Oklahoma Department of Transportation is soliciting comments on a study to improve US-70 in McCurtain County (see the attached map). The study corridor begins approximately 6.4 miles east of the junction of SH-3 in Broken Bow and extends east to the Oklahoma/Arkansas state line. This project is in the developmental stages and any comments relative to the social, economic, or environmental effects of this proposal will be appreciated.

US-70 is currently a two-lane roadway with shoulders. This segment of roadway is classified as inadequate on the Oklahoma Department of Transportation Highway Sufficiency Rating Map. The Department proposes to add 2 new parallel lanes and resurface the existing lanes through this segment of roadway.

The project is in the early stages of development and any comments relative to the corridor or items previously listed would be appreciated. To allow for adequate time for evaluation of your suggestions, we would appreciate receiving your comments within fifteen days of this letter. Your written comments should be directed to the Planning & Research Division Engineer, Oklahoma Department of Transportation, 200 Northeast 21<sup>st</sup> Street, Oklahoma City, OK 73105.

We sincerely appreciate your cooperation in this matter. ODOT has contracted with Carter & Burgess, Inc. on this project. For further information or if you have any questions, please contact Ms. Stephanie Hansen at Carter & Burgess (405-810-8254 or hansensa@c-b.com) or ODOT's Project Manager, Ms. Gwen Christie (405-521-2535 or gchristie@ODOT.org).

Sincerely,

Dawn Sullivan, P.E.  
Planning & Research Division Engineer

This proposed project will have no adverse impact on any of Oklahoma's "Scenic River Areas."  
  
5/25/2004  
Oklahoma Scenic Rivers Commission Administrator

DRS/gc:sah  
Attachment: Location Map

*"The mission of the Oklahoma Department of Transportation is to provide a safe, economical, and effective transportation network for the people, commerce and communities of Oklahoma."*

AN EQUAL OPPORTUNITY EMPLOYER



STATE OF OKLAHOMA  
WATER RESOURCES BOARD  
[www.owrb.state.ok.us](http://www.owrb.state.ok.us)

June 1, 2004

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ODOT  
JUN 02 2004  
PLANNING & RESEARCH  
DIVISION

Ms. Dawn R. Sullivan, P.E.  
ODOT  
200 NE 21<sup>st</sup> Street  
Oklahoma City, OK 73105-3204

RE: Proposed improvements to US-70 in McCurtain County.

Dear Ms. Sullivan:

Thank you for your letter concerning environmental review of your proposed project. Please contact the appropriate local floodplain administrator listed in the directory located at the following website: [www.owrb.state.ok.us/hazard/fp/pdf\\_fp/fpa\\_list.pdf](http://www.owrb.state.ok.us/hazard/fp/pdf_fp/fpa_list.pdf). This directory contains an alphabetic listing of the communities and counties participating in the National Flood Insurance Program, along with their designated floodplain administrators and points of contact. These entities participate in the National Flood Insurance Program and administer a flood damage prevention ordinance. Any development in the floodplains in these communities/counties requires a floodplain development permit from their respective floodplain administrator.

Also, if this project falls on state owned or operated property, such as crossing a state highway, within the regulatory floodplain, a floodplain permit is required from the Oklahoma Water Resources Board. Enclosed is a permit application and a copy of Chapter 55 that addresses these requirements.

OWRB has a Memorandum of Agreement with ODOT regarding road and bridge development on state owned or operated property within the floodplain. Please coordinate this project with John Dyer of your office.

If you have any questions, please contact the State Floodplain Manager at (405) 530-8800.

Sincerely,

Michael E. Mathis, Chief  
Planning and Management Division

cc: John Dyer, ODOT

OWRB

WILDLIFE CONSERVATION COMMISSION

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Bill Phelps VICE CHAIRMAN	Harland Stonecipher MEMBER
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BRAD HENRY, GOVERNOR  
GREG D. DUFFY, DIRECTOR

**DEPARTMENT OF WILDLIFE CONSERVATION**

1801 N. Lincoln

P.O. Box 53465

Oklahoma City, OK 73152

PH. 521-3851

June 28, 2004

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JUL 02 2004

PLANNING & RESEARCH  
DIVISION

Ms. Dawn Sullivan  
Planning and Research Division Engineer  
Oklahoma Department of Transportation  
200 NE 21<sup>st</sup> St.  
Oklahoma City, Ok 73105

RE: US-70 Improvement, McCurtain Co., Oklahoma

Dear Ms. Sullivan,

This responds to your letter of March 19 2003 concerning improvements to US-70 in McCurtain County. The proposed project consists of adding two lanes to US-70 and resurfacing the existing lanes. The project will extend for approximately 6.4 miles to the Oklahoma-Arkansas border.

Please understand that, due to financial and personnel constraints, the Oklahoma Department of Wildlife Conservation (ODWC) has not conducted an actual field survey of the proposed project to determine its impacts on state-listed threatened or endangered species, species of special concern, critical habitat or Wildlife Management Areas (WMAs). Based on this review, one state listed endangered species and several Species of Special Concern Category 2 (SSII) have been known to occur in the area. A SSII is a species that has been identified by technical experts as possibly threatened or extirpation but for which additional information is needed. These species include the Red-Cockaded Woodpecker (*Picoides borealis*), Woodchuck (*Marmota monax*) and Alligator Snapping Turtle (*Macrolemys temminckii*), respectively.

McCurtain County is a naturally diverse area and contains several federally listed species as well. These species include the American Burying Beetle (Endangered), Interior Least Tern (Endangered), Ouachita Rock Pocketbook Mussel (Endangered), Winged Mapleleaf Mussel (Endangered), American Alligator (Threatened), Bald Eagle (Threatened), Leopard Darter (Threatened and Critical Habitat), Piping Plover (threatened), and Scaleshell Mussel (Endangered). For information on federally listed threatened or endangered species, please contact the U.S. Fish and Wildlife Service, Ecological Services, 222 South Houston, Suite A. Tulsa, OK 74127 or <http://ifw2es.fws.gov/Oklahoma/endsp.htm>.



Search for the Scissortail  
on Your State Tax Form

Few opportunities exist for meaningful wildlife habitat improvement or enhancement in association with highway construction or reconstruction projects. The best course of action is to minimize the impact of highway projects on local wildlife populations and to mitigate for habitat losses and degradations. As general guidelines, we recommend the following measures to reduce the impact of highway construction on local wildlife populations through the alteration or loss of habitat.

1) Disturbance to the following habitat types (if applicable) should be avoided to the greatest extent possible during construction: streams, wetlands, springs, rock outcrops, caves. These habitat types are usually limited in quantity and their loss is difficult to mitigate. Highway routes should be chosen which take advantage of previously disturbed lands such as crop fields, improved pastures and existing road or utility right-of-ways. We appreciate ODOT's efforts to choose highway routes accordingly.

2) The wildlife-related impact of cement barriers between lanes of opposing the traffic is still poorly understood. In general, we support the use of cement barriers for short distances (<700 feet) in the vicinity of stream crossings to reduce the overall width of disturbed right-of-way and stream bank. We do not, however, recommend cement barriers for extended lengths because of their potential to block the local movement of wildlife.

3) All wetland losses should be mitigated in accordance with the provisions of Sections 404 and 401 of the Clean Water Act.

3) Erosion control measures should be installed and maintained throughout the construction phase of the project. This is especially important in the vicinity of streams and wetlands. At a minimum, this should involve the use of Best Management Practices for the control of erosion and storm water runoff and may include a combination of:

- a) vegetated buffer zones around the construction area and all streams or wetlands,
- b) silt fencing around the construction area,
- c) stabilization of disturbed ground using mulch, erosion control fabric or temporary vegetation during construction, or
- d) the construction of storm water retention or detention basins.

*\*We recommend that you contact your county office of the Natural Resources Conservation Service for more information regarding these Best Management Practices or for technical references refer to <http://www.nrcs.usda.gov/technical/references/>*

6) Final revegetation of disturbed ground on highway right-of-ways should be accomplished using only native grasses and forbs. The use of exotic plant species should be avoided to minimize the spread of these species into undisturbed habitats.

7) Nonselective blanket-spraying of vegetation should be avoided as a means of vegetation control during routine right-of-way maintenance. We recommend brush-hogging, mowing or other mechanical methods rather than the application of broadleaf herbicides. The non-selective used of broadleaf herbicides can reduce the diversity of forbs and shrubs on the right-of-way which are important sources of food and cover for much wildlife species.

We appreciate the opportunity to review this project and submit comments. I apologize for the lack of timeliness concerning this correspondence. If we can be of further assistance, please contact our Natural Resources Section at 405/521-4663.

Sincerely,

A handwritten signature in cursive script, appearing to read "Ferrella March".

Ferrella March  
Natural Resources Biologist



DEPARTMENT OF THE ARMY  
CORPS OF ENGINEERS, TULSA DISTRICT  
1645 SOUTH 101ST EAST AVENUE  
TULSA, OKLAHOMA 74128-4609

June 10, 2004

Planning, Environmental, and Regulatory Division  
Regulatory Branch

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JUL 14 2004

PLANNING & RESEARCH  
DIVISION

Ms. Dawn Sullivan, P. E.  
Planning and Research Division Engineer  
Oklahoma Department of Transportation  
200 Northeast 21st Street  
Oklahoma City, OK 73105-3204

Dear Ms. Sullivan:

This response is in reference to your letter dated May 19, 2004, for a proposed transportation project involving US-70 starting approximately 6.4 miles east of Broken Bow, McCurtain County, Oklahoma, and extending to the Arkansas state line. At least twelve distinct crossings of regulated watercourses have been preliminarily identified; others may later be determined. The proposed project is a candidate for authorization under Nationwide Permit for Linear Transportation Crossings (NWP-14) however, the information necessary to process this request has not been provided. Future submittals must include absolute route, design, and other information constituting a complete application package. Each watercourse crossing must be specifically identified by its latitude and longitude.

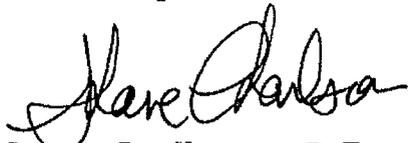
Your proposal has the potential to impact more than 1/10 acre of "Waters of the United States" (WOUS), which may include "Special Aquatic Sites" (SAS) (i.e. wetlands, riffle and pool complexes, etc.). Wetlands must be identified according to the U.S. Army Corps of Engineers 1987 Wetlands Delineation Manual.

If you wish to pursue processing under NWP-14, the information required in the enclosed General Condition 13 must be submitted to this office. In particular, for any discharge into a WOUS, you must include a delineation of the WOUS and a compensatory mitigation plan to offset permanent losses of WOUS. Mitigation plans should be designed to ensure losses result in minimal adverse effects to the aquatic environment (WOUS). All forms of compensatory mitigation (avoidance, minimization, restoration/enhancement, vegetative buffers, replacement, etc.) will be considered in our minimal adverse effects determination. You must also include a statement describing how temporary impacts will be minimized to the maximum extent practicable.

We will continue processing of your request when all required information is received as required by General Condition 13. If the terms and conditions of the NWP-14 cannot be complied with, it may be necessary to initiate the application process for a Standard Individual Department of the Army Permit.

Please refer to file tracking Identification Number 13848 in all future correspondence. If further assistance is required, please contact Mr. Timothy Hartsfield at 918-669-7237.

Sincerely,

  
Larry D. Hogue, P.E.  
Chief, Planning, Environmental,  
and Regulatory Division

Enclosure

## Nationwide Permit for Linear Transportation Projects (NWP 14)

Activities required for the construction, expansion, modification, or improvement of linear transportation crossings (e.g., highways, railways, trails, airport runways, and taxiways) in waters of the United States, including wetlands, if the activity meets the following criteria:

a. This Nationwide Permit (NWP) is subject to the following acreage limits:

- (1) For linear transportation projects in non-tidal waters, provided the discharge does not cause the loss of greater than 1/2 acre of waters of the U.S.; or
- (2) For linear transportation projects in tidal waters, provided the discharge does not cause the loss of greater than 1/3 acre of waters of the U.S.

b. The permittee must notify the District Engineer (DE) in accordance with General Condition 13 if any of the following criteria are met:

- (1) The discharge causes the loss of greater than 1/10 acre of waters of the U.S.; or
- (2) There is a discharge in a special aquatic site, including wetlands;

c. The notification must include a compensatory mitigation proposal to offset permanent losses of waters of the U.S. to ensure that those losses result only in minimal adverse effects to the aquatic environment and a statement describing how temporary losses will be minimized to the maximum extent practicable;

d. For discharges in special aquatic sites, including wetlands, and stream riffle and pool complexes, the notification must include a delineation of the affected special aquatic sites;

e. The width of the fill is limited to the minimum necessary for the crossing;

f. This permit does not authorize stream channelization, and the authorized activities must not cause more than minimal changes to the hydraulic flow characteristics of the stream, increase flooding, or cause more than minimal degradation of water quality of any stream (see General Conditions 9 and 21);

g. This permit cannot be used to authorize non-linear features commonly associated with transportation projects, such as vehicle maintenance or storage buildings, parking lots, train stations, or aircraft hangars; and

h. The crossing is a single and complete project for crossing waters of the U.S. Where a road segment (i.e., the shortest segment of a road with independent utility that is part of a larger project) has multiple crossings of streams (several single and complete projects) the U.S. Army Corps of Engineers (Corps) will consider whether it should use its discretionary authority to require an individual permit.

Note: Some discharges for the construction of farm roads, forest roads, or temporary roads for moving mining equipment may be eligible for an exemption from the need for a Section 404 permit (see 33 CFR 323.4).

This NWP is authorized pursuant to Section 10 of the Rivers and Harbors Act of 1899 and Section 404 of the Clean Water Act. This NWP (33 CFR 330) became effective March 18, 2002, following publication in the Federal Register.

General Conditions: The following general conditions must be followed for any authorization by this NWP to be valid:

1. Navigation. No activity may cause more than a minimal adverse effect on navigation.
2. Proper Maintenance. Any structure or fill authorized shall be properly maintained, including maintenance to ensure public safety.
3. Soil Erosion and Sediment Controls. Appropriate soil erosion and sediment controls must be used and maintained in effective operating condition during construction, and all exposed soil and other fills, as well as any work below the ordinary high water mark or high tide line, must be permanently stabilized at the earliest practicable date. Permittees are encouraged to perform work within waters of the U.S. during periods of low flow or no flow.
4. Aquatic Life Movements. No activity may substantially disrupt the necessary life-cycle movements of those species of aquatic life indigenous to the waterbody, including those species that normally migrate through the area, unless the activity's primary purpose is to impound water. Culverts placed in streams must be installed to maintain low-flow conditions.
5. Equipment. Heavy equipment working in wetlands must be placed on mats, or other measures must be taken to minimize soil disturbance.
6. Regional and Case-By-Case Conditions. The activity must comply with any regional conditions that may have been added by the Division Engineer (see 33 CFR 330.4(e)) and with any case specific conditions added by the Corps or by the state or tribe in its Section 401 Water Quality Certification (see enclosure).

For all discharges proposed for authorization under any NWP into the following habitat types or specific locations, the applicant shall notify the appropriate DE in accordance with the NWP General Condition 13. The Corps will coordinate with the resource agencies as specified in NWP General Condition 13(e).

- a. Wetlands, typically referred to as pitcher plant bogs, that are characterized by an organic surface soil layer and include vegetation such as pitcher plants (*Sarracenia* sp.), sundews (*Drosera* sp.), and sphagnum moss (*Sphagnum* sp.).
- b. Swamps dominated by bald cypress (*Taxodium distichum*) and tupelo gum (*Nyssa aquatica*) tree species.

permittee does not provide all of the requested information, then the DE will notify the prospective permittee that the notification is still incomplete and the PCN review process will not commence until all of the requested information has been received by the DE. The prospective permittee shall not begin the activity:

- (1) Until notified in writing by the DE that the activity may proceed under the NWP with any special conditions imposed by the District or Division Engineer; or
- (2) If notified in writing by the District or Division Engineer that an individual permit is required; or
- (3) Unless 45 days have passed from the DE's receipt of the complete notification and the prospective permittee has not received written notice from the District or Division Engineer. Subsequently, the permittee's right to proceed under the NWP may be modified, suspended, or revoked only in accordance with the procedure set forth in 33 CFR 330.5(d)(2).

b. Contents of Notification. The notification must be in writing and include the following information:

- (1) Name, address and telephone numbers of the prospective permittee;
- (2) Location of the proposed project;
- (3) Brief description of the proposed project; the project's purpose; direct and indirect adverse environmental effects the project would cause; any other NWP(s), regional general permit(s), or individual permit(s) used or intended to be used to authorize any part of the proposed project or any related activity. Sketches should be provided when necessary to show that the activity complies with the terms of the NWP (Sketches usually clarify the project and result in a quicker decision.);
- (4) For NWP 14, the PCN must also include a delineation of affected special aquatic sites, including wetlands, vegetated shallows (e.g., submerged aquatic vegetation, seagrass beds), and riffle and pool complexes (see paragraph 13(f));
- (5) For NWP 14 (Linear Transportation Projects), the PCN must include a compensatory mitigation proposal to offset permanent losses of waters of the U.S. and a statement describing how temporary losses of waters of the U.S. will be minimized to the maximum extent practicable;
- (6) For activities that may adversely affect Federally-listed endangered or threatened species, the PCN must include the name(s) of those endangered or threatened species that may be affected by the proposed work or utilize the designated critical habitat that may be affected by the proposed work; and
- (7) For activities that may affect historic properties listed in, or eligible for listing in, the National Register of Historic Places, the PCN must state which historic property may be affected by the proposed work or include a vicinity map indicating the location of the historic property.

c. Form of Notification: The standard individual permit application form (Form ENG 4345) may be used as the notification but must clearly indicate that it is a PCN and must include all of the information required in (b)(1)-(7) of General Condition 13. A letter containing the requisite information may also be used.

d. DE's Decision: In reviewing the PCN for the proposed activity, the DE will determine whether the activity authorized by the NWP will result in more than minimal individual or cumulative adverse environmental effects or may be contrary to the public interest. The prospective permittee may submit a proposed mitigation plan with the PCN to expedite the process. The DE will consider any proposed compensatory mitigation the applicant has included in the proposal in determining whether the net adverse environmental effects to the aquatic environment of the proposed work are minimal. If the DE determines that the activity complies with the terms and conditions of the NWP and that the adverse effects on the aquatic environment are minimal, after considering mitigation, the DE will notify the permittee and include any conditions the DE deems necessary. The DE must approve any compensatory mitigation proposal before the permittee commences work. If the prospective permittee is required to submit a compensatory mitigation proposal with the PCN, the proposal may be either conceptual or detailed. If the prospective permittee elects to submit a compensatory mitigation plan with the PCN, the DE will expeditiously review the proposed compensatory mitigation plan. The DE must review the plan within 45 days of receiving a complete PCN and determine whether the conceptual or specific proposed mitigation would ensure no more than minimal adverse effects on the aquatic environment. If the net adverse effects of the project on the aquatic environment (after consideration of the compensatory mitigation proposal) are determined by the DE to be minimal, the DE will provide a timely written response to the applicant. The response will state that the project can proceed under the terms and conditions of the NWP.

If the DE determines that the adverse effects of the proposed work are more than minimal, then the DE will notify the applicant either:

- (1) That the project does not qualify for authorization under the NWP and instruct the applicant on the procedures to seek authorization under an individual permit;
- (2) that the project is authorized under the NWP subject to the applicant's submission of a mitigation proposal that would reduce the adverse effects on the aquatic environment to the minimal level; or
- (3) that the project is authorized under the NWP with specific modifications or conditions.

d. Compensatory mitigation (i.e., replacement or substitution of aquatic resources for those impacted) will not be used to increase the acreage losses allowed by the acreage limits of some of the NWP. For example, 1/4 acre of wetlands cannot be created to change a 3/4 acre loss of wetlands to a 1/2 acre loss associated with NWP 39 verification. However, 1/2 acre of created wetlands can be used to reduce the impacts of a 1/2 acre loss of wetlands to the minimum impact level in order to meet the minimal impact requirement associated with NWPs.

e. To be practicable, the mitigation must be available and capable of being done considering costs, existing technology, and logistics in light of the overall project purposes. Examples of mitigation that may be appropriate and practicable include, but are not limited to: reducing the size of the project; establishing and maintaining wetland or upland vegetated buffers to protect open waters such as streams; and replacing losses of aquatic resource functions and values by creating, restoring, enhancing, or preserving similar functions and values, preferably in the same watershed.

f. Compensatory mitigation plans for projects in or near streams or other open waters will normally include a requirement for the establishment, maintenance, and legal protection (e.g., easements, deed restrictions) of vegetated buffers to open waters. In many cases, vegetated buffers will be the only compensatory mitigation required. Vegetated buffers should consist of native species. The width of the vegetated buffers required will address documented water quality or aquatic habitat loss concerns. Normally, the vegetated buffer will be 25 to 50 feet wide on each side of the stream, but the DEs may require slightly wider vegetated buffers to address documented water quality or habitat loss concerns. Where both wetlands and open waters exist on the project site, the Corps will determine the appropriate compensatory mitigation (e.g., stream buffers or wetlands compensation) based on what is best for the aquatic environment on a watershed basis. In cases where vegetated buffers are determined to be the most appropriate form of compensatory mitigation, the DE may waive or reduce the requirement to provide wetland compensatory mitigation for wetland impacts.

g. Compensatory mitigation proposals submitted with the "notification" may be either conceptual or detailed. If conceptual plans are approved under the verification, then the Corps will condition the verification to require detailed plans be submitted and approved by the Corps prior to construction of the authorized activity in waters of the U.S.

h. Permittees may propose the use of mitigation banks, in-lieu fee arrangements, or separate activity-specific compensatory mitigation. In all cases that require compensatory mitigation, the mitigation provisions will specify the party responsible for accomplishing and/or complying with the mitigation plan.

20. Spawning Areas. Activities, including structures and work in navigable waters of the U.S. or discharges of dredged or fill material, in spawning areas during spawning seasons must be avoided to the maximum extent practicable. Activities that result in the physical destruction (e.g., excavate, fill, or smother downstream by substantial turbidity) of an important spawning area are not authorized.

21. Management of Water Flows. To the maximum extent practicable, the activity must be designed to maintain preconstruction downstream flow conditions (e.g., location, capacity, and flow rates). Furthermore, the activity must not permanently restrict or impede the passage of normal or expected high flows (unless the primary purpose of the fill is to impound waters) and the structure or discharge of dredged or fill material must withstand expected high flows. The activity must, to the maximum extent practicable, provide for retaining excess flows from the site, provide for maintaining surface flow rates from the site similar to preconstruction conditions, and provide for not increasing water flows from the project site, relocating water, or redirecting water flow beyond preconstruction conditions. Stream channelizing will be reduced to the minimal amount necessary, and the activity must, to the maximum extent practicable, reduce adverse effects such as flooding or erosion downstream and upstream of the project site, unless the activity is part of a larger system designed to manage water flows. In most cases, it will not be a requirement to conduct detailed studies and monitoring of water flow.

This condition is only applicable to projects that have the potential to affect waterflows. While appropriate measures must be taken, it is not necessary to conduct detailed studies to identify such measures or require monitoring to ensure their effectiveness. Normally, the Corps will defer to state and local authorities regarding management of water flow.

22. Adverse Effects From Impoundments. If the activity creates an impoundment of water, adverse effects to the aquatic system due to the acceleration of the passage of water, and/or restricting its flow shall be minimized to the maximum extent practicable. This includes structures and work in navigable waters of the U.S. or discharges of dredged or fill material.

23. Waterfowl Breeding Areas. Activities, including structures and work in navigable waters of the U.S. or discharges of dredged or fill material, into breeding areas for migratory waterfowl must be avoided to the maximum extent practicable.

24. Removal of Temporary Fills. Any temporary fills must be removed in their entirety and the affected areas returned to their preexisting elevation.

25. Designated Critical Resource Waters. Critical resource waters include National Wild and Scenic Rivers, critical habitat for Federally-listed threatened and endangered species, state natural heritage sites, and outstanding National resource waters



# Oklahoma Historical Society

Founded May 27, 1893

State Historic Preservation Office • 2704 Villa Prom • Shepherd Mall • Oklahoma City, OK 73107-2441  
Telephone 405/521-6249 • Fax 405/947-2918

June 22, 2004

RECEIVED  
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JUN 23 2004

PLANNING & RESEARCH  
DIVISION

Ms. Dawn Sullivan  
Planning & Research Division Engineer  
Dept. of Transportation  
200 Northeast 21st Street  
Oklahoma City, OK 73105-3204

RE: File #1729-04; US-70 Proposed Improvements in McCurtain County

Dear Ms. Sullivan:

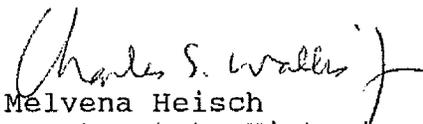
We have reviewed the documentation relating to the referenced project. We have no objection to your continued program planning. However, when specific impacted properties are identified, we request that documentation and photographs, for any structures in excess of 45 years of age, be submitted on Historic Preservation Resource Identification Forms. Structures less than 45 years of age do not require forms; however, documentation submitted must provide the addresses of the properties and their date of construction. If there are no impacted structures, a letter to that effect should be forwarded to this office.

When this documentation is received and reviewed, we will issue an opinion on the effect of the program on Oklahoma's cultural and historical resources. We appreciate your cooperation in the effort to identify and preserve the cultural heritage of Oklahoma.

If you have any questions, please contact Charles Wallis, RPA, Historical Archaeologist, at 405/521-6381.

Please reference the above underlined file number when responding. Thank you.

Sincerely,

  
Melvena Heisch  
Deputy State Historic  
Preservation Officer

MH:pm



**United States Department of the Interior**  
**BUREAU OF INDIAN AFFAIRS**  
Eastern Oklahoma Regional Office  
P.O. Box 8002  
Muskogee, OK 74402-8002



IN REPLY REFER TO:

Environmental, Safety and  
Cultural Resources

JUN 22 2004

Planning and Research Division Engineer  
Oklahoma Department of Transportation  
Attention: Ms. Dawn Sullivan, P.E.  
200 Northeast 21<sup>st</sup> Street  
Oklahoma City, Oklahoma 73105

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JUN 23 2004  
PLANNING & RESEARCH  
DIVISION

Dear Ms. Sullivan:

On May 25, 2004, the Bureau of Indian Affairs, Eastern Oklahoma Regional Office, received a public notice soliciting comments for improvements to US-70 in McCurtain County, Oklahoma.

The project lies within the jurisdictional area of the Choctaw Nation of Oklahoma, a Federally recognized Tribe. If improvements to US-70 affects trust or restricted Indian land, additional actions to meet the requirements of the National Environmental Policy Act of 1969, as amended, may be necessary. Therefore, it is recommended that the Oklahoma Department of Transportation coordinate directly with the Choctaw Nation of Oklahoma on any of their concerns. The contact official for the Tribe is:

Honorable Gregory E. Pyle, Chief  
Choctaw Nation of Oklahoma  
P.O. Drawer 1210  
Durant, Oklahoma 74702-1210

If additional information is required, please contact Mr. Bobby Coleman, Acting Division Chief, Division of Environmental, Safety and Cultural Resources, Eastern Oklahoma Regional Office, at (918) 781-4642.

Respectfully,

*Karen Ketcher*  
Acting Regional Director



## Choctaw Nation of Oklahoma

Drawer 1210 • Durant, Oklahoma 74702-1210 • (580) 924-8280

Gregory E. Pyle  
Chief

Mike Bailey  
Assistant Chief

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JUN 17 2004

PLANNING & RESEARCH  
DIVISION

John Hartley  
Oklahoma Department of Transportation  
200 Northeast 21<sup>st</sup> Street  
Oklahoma City, OK 73105

Dear Mr. Hartley,

This is to confirm our telephone conversation on June 6, 2004. We agreed that I would have an extension of time to prepare my evaluation on the highway expansion study of state highway 70 east of Broken Bow. The project is to add 2 new parallel lanes and resurface the existing lanes. The segment of study is from 6.4 miles east of the SH-3 and SH-70 junction in Broken Bow and extends to the Oklahoma/ Arkansas state line.

This area is of great concern to the Choctaw Nation of Oklahoma. The Choctaws settled in the area in the early 1830's, following the removal from the homeland in Mississippi. The history of the Choctaw people's beginning in their new land is rich in the proposed project area. This extension will provide me time to do research, visit Choctaws living in the area for their input of cultural interests, and locating historical sites.

Thank you for your consideration.

Sincerely,

A handwritten signature in cursive script, appearing to read "Olin Williams".

Olin Williams  
Tribal Historic Preservation Officer  
Choctaw Nation of Oklahoma

cc: Ms. Valli Powell Marti, ODOT Tribal Liaison



**JERRY ELLIS**  
State Representative

2300 North Lincoln Blvd. - Rm. 300  
Oklahoma City, OK 73105-4885  
(405) 557-7363

P.O. Box 317  
Valliant, OK 74764  
(580) 933-4930

## House of Representatives

STATE OF OKLAHOMA

District 1

June 1, 2004

**COMMITTEES:**  
Vice Chairman  
Commerce, Industry and Labor

**MEMBER:**  
Environment and Natural Resources  
Transportation  
Veterans and Military Affairs  
Wildlife

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JUN 04 2004

PLANNING & RESEARCH  
DIVISION

Gwen Christie  
Planning and Research Division Engineer  
Oklahoma Department of Transportation  
200 Northwest 21st Street  
Oklahoma City, Oklahoma 73105

Ms. Gwen Christie:

Oklahoma Department of Transportation requested comments on the section of highway beginning 6.4 miles east of Broken Bow and extending east to the Arkansas state line. Safety is a top priority with ODOT and we appreciate your concern and interest in McCurtain County.

The section of travel in focus receives heavy truck traffic daily. Broken Bow has two large trucking firms coupled with large log and wood chip trucks. With a high volume of large trucks, the addition of two lanes would greatly improve safety.

I appreciate the opportunity to comment. If you should need more information feel free to call on my at any time.

Sincerely,

A handwritten signature in cursive script that reads "Jerry Ellis".

Jerry Ellis  
State Representative  
District 1



# CADDO TRIBE OF OKLAHOMA

Cultural Preservation Department

Post Office Box 487

Binger, Oklahoma 73009

405-656-2901 405-656-2344

Fax # 405-656-2892



June 2, 2004

Ms. Dawn Sullivan, P.E.  
Planning and Research Division Engineer  
Oklahoma Department of Transportation  
200 Northeast 21st Street  
Oklahoma City, OK 73105

RECEIVED  
ODOT

JUN 04 2004

PLANNING & RESEARCH  
DIVISION

Re: US-70 Improvements in McCurtain County

Dear Ms. Sullivan:

The Caddo Nation of Oklahoma has a long history in the above referenced area. There are many mound locations and associated villages of the Caddo located in this area. We would ask that ODOT consult with us prior to any ground disturbing activities. We would also like to receive copies of any previous cultural resource survey reports that relate to the construction of the highway.

Thank you for your time and consideration.

Sincerely,

Robert Cast  
Tribal Historic Preservation Officer  
Caddo Nation of Oklahoma

Erin:  
File & do  
Carter Burgers

Valli - if we haven't  
initiated Sec 106 Tribal  
review yet... pls get  
with Cogeen for  
basic info + copy of  
report when finished  
- Get with Robert for  
previous US 70 <sup>OTAS</sup> reports in  
CADDO AREA ~



# Oklahoma Archeological Survey

THE UNIVERSITY OF OKLAHOMA

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ODOT

MAY 27 2004

PLANNING & RESEARCH  
DIVISION

May 24, 2004

Dawn Sullivan  
Oklahoma Department of Transportation  
200 NE 21<sup>st</sup> Street  
Oklahoma City, OK 73105-3204

RE: Proposed addition of 2 lanes and re-surface of existing lanes on US-70. Legal Description: Sections 7, 8, 9, 10, 11, 12, T6S R26E; Sections 7, 8, 9, 4, 3, T6S R27E, McCurtain County, Oklahoma.

Dear Ms. Sullivan:

The above referenced project has been reviewed by the Community Assistance Program staff of this agency to identify potential areas that may contain prehistoric or historic archaeological materials (historic properties). The location of your project has been cross-checked with the state site files containing approximately 18,000 archaeological sites which are currently recorded for the state of Oklahoma. **Site(s) are listed in your project area, (MC-746, MC-544, MC-443 and 1899 GLO – Eagletown P.O.)** and based on the topographic and hydrologic setting of your project, archeological materials are likely to be encountered. **An archaeological field inspection is therefore considered necessary prior to project construction in order to identify significant archaeological resources that may exist in your area.** Please contact this office at (405) 325-7211 if you require additional information on this project.

This environmental review and evaluation is performed in order to locate, record, and preserve Oklahoma's prehistoric and historic cultural heritage in cooperation with the State Historic Preservation Office, Oklahoma Historical Society. If you have not done so, you should also be simultaneously submitting this application to their office. In addition to these review comments, under 36CFR Part 800.3 you are reminded of your responsibility to consult with the appropriate Native American tribe/groups to identify any concerns they may have pertaining to this undertaking and potential impacts to properties of traditional and/or ceremonial value. Thank you for your cooperation.

Sincerely,

Heather Szarka  
Staff Archaeologist

Robert L. Brooks  
State Archaeologist

:ls

cc: SHPO  
Robert Bartlett

*Submit to  
Rosp -  
provide copy to  
Carter Burges - keep  
in our project file  
also*



# OKLAHOMA DEPARTMENT OF TRANSPORTATION

May 19, 2004

Mr. Chester Dennis  
Executive Director  
Kiamichi Economic Development District  
PO BOX 638  
Wilburton, Oklahoma 74578

RECEIVED  
ODOT PLANNING  
2004 MAY 26 PM 2:55

Dear Mr. Dennis:

The Oklahoma Department of Transportation is soliciting comments on a study to improve US-70 in McCurtain County (see the attached map). The study corridor begins approximately 6.4 miles east of the junction of SH-3 in Broken Bow and extends east to the Oklahoma/Arkansas state line. This project is in the developmental stages and any comments relative to the social, economic, or environmental effects of this proposal will be appreciated.

US-70 is currently a two-lane roadway with shoulders. This segment of roadway is classified as inadequate on the Oklahoma Department of Transportation Highway Sufficiency Rating Map. The Department proposes to add 2 new parallel lanes and resurface the existing lanes through this segment of roadway.

The project is in the early stages of development and any comments relative to the corridor or items previously listed would be appreciated. To allow for adequate time for evaluation of your suggestions, we would appreciate receiving your comments within fifteen days of this letter. Your written comments should be directed to the Planning & Research Division Engineer, Oklahoma Department of Transportation, 200 Northeast 21<sup>st</sup> Street, Oklahoma City, OK 73105.

We sincerely appreciate your cooperation in this matter. ODOT has contracted with Carter & Burgess, Inc. on this project. For further information or if you have any questions, please contact Ms. Stephanie Hansen at Carter & Burgess (405-810-8254 or hansensa@c-b.com) or ODOT's Project Manager, Ms. Gwen Christie (405-521-2535 or gchristie@ODOT.org).

Sincerely,

Dawn Sullivan, P.E.  
Planning & Research Division Engineer

DRS/gc:sah  
Attachment: Location Map

<b>NO FINDINGS</b>
KEDDO has no further comment on the described action
Date <u>5/21/04</u>
Approved by <u>[Signature]</u>
Kiamichi Economic Development District of Oklahoma

*"The mission of the Oklahoma Department of Transportation is to provide a safe, economical, and effective transportation network for the people, commerce and communities of Oklahoma."*



STATE OF OKLAHOMA  
WATER RESOURCES BOARD  
www.owrb.state.ok.us

RECEIVED  
ODOT

JUN 02 2004

PLANNING & RESEARCH  
DIVISION

June 1, 2004

Ms. Dawn R. Sullivan, P.E.  
ODOT  
200 NE 21<sup>st</sup> Street  
Oklahoma City, OK 73105-3204

RE: Proposed improvements to US-70 in McCurtain County.

Dear Ms. Sullivan:

Thank you for your letter concerning environmental review of your proposed project. Please contact the appropriate local floodplain administrator listed in the directory located at the following website: [www.owrb.state.ok.us/hazard/fp/pdf/fpa\\_list.pdf](http://www.owrb.state.ok.us/hazard/fp/pdf/fpa_list.pdf). This directory contains an alphabetic listing of the communities and counties participating in the National Flood Insurance Program, along with their designated floodplain administrators and points of contact. These entities participate in the National Flood Insurance Program and administer a flood damage prevention ordinance. Any development in the floodplains in these communities/counties requires a floodplain development permit from their respective floodplain administrator.

Also, if this project falls on state owned or operated property, such as crossing a state highway, within the regulatory floodplain, a floodplain permit is required from the Oklahoma Water Resources Board. Enclosed is a permit application and a copy of Chapter 55 that addresses these requirements.

OWRB has a Memorandum of Agreement with ODOT regarding road and bridge development on state owned or operated property within the floodplain. Please coordinate this project with John Dyer of your office.

If you have any questions, please contact the State Floodplain Manager at (405) 530-8800.

Sincerely,

Michael E. Mathis, Chief  
Planning and Management Division

cc: John Dyer, ODOT

OWRB

BPAF HENRY  
GOVERNOR



KATHRYN TAYLOR  
SECRETARY OF  
COMMERCE & TOURISM

## OKLAHOMA TOURISM & RECREATION DEPARTMENT

RALPH MCCALMONT  
INTERIM DIRECTOR

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ODOT

JUN 08 2004

PLANNING & RESEARCH  
DIVISION

June 4, 2004

Ms. Dawn R. Sullivan, P.E.  
Oklahoma Department of Transportation  
200 N.E. 21<sup>st</sup>  
Oklahoma City, OK 73105

RE: US-70 Improvements

Dear Ms. Sullivan:

We have examined our records regarding park and recreation areas in McCurtain County. There is one project near the project area that has utilized federal funds under the Land and Water Conservation Fund program. Attached is a description of this project. Beavers Bend State Park is also near the project area.

If there will be no permanent impact on the State Park facility or federal project location, then there will be no negative impact. If additional right-of-way will be needed that would affect any of these locations, a conversion may result in that this land is protected under Section 6F of the Land and Water Conservation Act.

Thank you for the opportunity to review this project proposal. If you have any questions, please give me a call at 405-521-2904.

Sincerely,

A handwritten signature in cursive script that reads "Susan Henry".

Susan Henry, Planner  
Division of Planning and Conservation

Attachment: 1

<i>Project</i>	<i>Sponsor Name</i>	<i>County Name</i>	<i>Funding</i>
EAGLETOWN COMMUNITY PARK DEVELOP A CITY PARK ON SCHOOL LAND. SITE PREPARATION, LANDSCAPING, PERIMETER FENCING, WATER FOUNTAINS, PICNIC TABLES, TOT LOT, COOKING GRILLS STORAGE CABINET FOR EQUIPMENT, AND MULTI-PURPOSE COURTS. SIGNS.	EAGLETOWN PUBLIC SCHOOLS	MCCURTAIN	18,749.48

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2011

JUN 08  
PLANNING & RESEARCH  
DIVISION



## CADDO TRIBE OF OKLAHOMA

*Cultural Preservation Department*

*Post Office Box 487*

*Binger, Oklahoma 73009*

*405-656-2901 405-656-2344*

*Fax # 405-656-2892*



2005 SEP 19 AM 9 36

Caddo Tribe of Oklahoma  
Cultural Preservation Department

September 15, 2005

Ms. Dawn R. Sullivan, P. E.  
Planning and Research Division Engineer  
200 N. E. 21<sup>st</sup> Street  
Oklahoma City, Oklahoma 73105-3204

Re: Proposed Improvements to US-70 in McCurtain County

Dear Ms. Ramsey:

The Caddo Nation of Oklahoma has a long history in this area of Oklahoma. There are many sites in the area of McCurtain County that the Caddo would consider to be a small part of their cultural landscape. Many of these locations may also be traditional cultural properties and eligible for the National Register of Historic Places.

We ask that we be provided more information concerning the exact boundaries of the project, what the area of potential effect is considered to be at this time, and any known historic properties that are within, or near to, the area of potential effect. We appreciate the opportunity to comment on this proposed undertaking.

Sincerely,

Robert Cast  
Tribal Historic Preservation Officer  
Caddo Nation of Oklahoma

Cc: Rhonda Fair, ODOT