

RESOLUTION NO. 14

BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF KINGFISHER COUNTY, OKLAHOMA:

THAT, WHEREAS it is in the best interest of Kingfisher County, to certify that no federal funding will be utilized in the execution of the project described as the replacement of Bridge Along EW-80 N285.4 (Bowman Avenue) over an unnamed tributary to Uncle Johns Creek, Kingfisher County, Oklahoma.

WHEREAS the Board of County Commissioners of Kingfisher County certifies that the regulatory provisions described on Page 2 of this Resolution have been addressed as indicated; and

WHEREAS the Board of County Commissioners of Kingfisher County accepts and agrees that all costs associated with contractor delays or additional project costs that are incurred due the failure of the County to secure a required permit(s) or non-compliance of the County with permit requirements or regulatory provisions will be borne solely by the County;

NOW, THEREFORE, it is hereby resolved that the Board of County Commissioners of Kingfisher County is hereby authorized and directed to execute and signify that the provisions have been met on behalf of Kingfisher County, and duly signed by the Board of County Commissioners of Kingfisher County this 23<sup>rd</sup> day of August, 2021.

APPROVED AS TO FORM AND LEGALITY:

Board of County Commissioners  
County of Kingfisher:

\_\_\_\_\_  
District Attorney  
Date

[Signature]  
\_\_\_\_\_  
Chairman  
Date

ATTEST:

[Signature]  
\_\_\_\_\_  
Member  
Date

[Signature]  
\_\_\_\_\_  
County Clerk  
(Seal)

[Signature]  
\_\_\_\_\_  
Member  
Date



COUNTY: Kingfisher

STATE JOB PIECE NO.: N/A

Date Certified	Not Applicable	Regulatory Provision	Comment
	X	<p>The Project does not require any permanent or temporary fill or excavation activities in jurisdictional waters or wetlands of the US as determined by a qualified professional.</p>	<p>Based on current plans, the proposed project is not anticipated to require permanent or temporary placement of dredge or fill material within the likely jurisdictional intermittent stream channel (unknown tributary to Uncle Johns Creek) which crosses the project area. Some excavation activities will be necessary within the existing creek channel to remove the existing bridge structure. All additional excavation and fill activities will be restricted to the earth outside of the ordinary high water mark of the creek. The proposed steel beam span bridge will span the creek, and no support structures will be installed within the ordinary high water mark of their creek. See <b>Attachment 7</b> for more details.</p> <p>Based on current plans, the proposed project is not anticipated to require permanent or temporary placement of dredge or fill material within the likely jurisdictional intermittent stream channel (unknown tributary to Uncle Johns Creek) which crosses the project area. Some excavation activities will be necessary within the existing creek channel to remove the existing bridge structure. This work will be covered by Nationwide Permit 14 with no Pre-Construction Notification necessary. The state required Oklahoma Department of Transportation Section 404 Pre-Construction Notification Form for State Projects will be submitted to ODOT detailing this anticipated impact to waters of the U.S. If necessary, coordination with the Tulsa District-USACE will be completed through ODOT.</p>
TBD		<p>A 404 permit has been issued by the US Army Corps of Engineers, Tulsa District (COE), and any required consultation under Section 106 of the National Historic Preservation Act and the Endangered Species Act has been completed. The Commission acknowledges that the project must comply with the General and special conditions associated with the 404 Permit and/or DEQ 401 Water Quality Certification. Permit # _____ is attached to this certification.</p>	<p>According to the USFWS website, a "no effect" determination for all listed species requires no additional coordination with the USFWS. A Species Conclusions Table detailing each federally threatened and endangered species with the potential to occur within the project area was completed to determine if habitat is present (<b>Attachment 4</b>). A no effect determination was</p>
07/08/2021		<p>The County certifies that required coordination with the U.S. Fish and Wildlife Service (Service) under the Endangered Species Act of 1973 (16 U.S.C. 1531-1544, 87 Stat. 884), as amended (ESA); and additional review by the Service, if necessary, was completed.  <a href="http://www.fws.gov/southwest/es/oklahoma/OKESFO%20Permit%20Home.htm">http://www.fws.gov/southwest/es/oklahoma/OKESFO%20Permit%20Home.htm</a>)</p>	<p>According to the USFWS website, a "no effect" determination for all listed species requires no additional coordination with the USFWS. A Species Conclusions Table detailing each federally threatened and endangered species with the potential to occur within the project area was completed to determine if habitat is present (<b>Attachment 4</b>). A no effect determination was</p>

			made for all listed species with potential to occur within the project area.
			The proposed project area does not contain potentially suitable nesting habitat for Bald or Golden Eagles. However, the project area does contain structures for swallow/phoebe nesting and trees suitable for nesting migratory birds. During the July 8, 2021 field visit no bird nests were observed, and no active nests were present, as verified by a qualified biologist. The USFWS lists Harris's Sparrow ( <i>Zonotrichia querula</i> ) as a species with potential to occur within the project area that are listed on the Birds of Conservation Concern list ( <b>Attachment 5</b> ). To avoid impacts to migratory birds, bridge removal and construction is proposed to be conducted outside of the migratory bird nesting season. To prevent take, the bridge should be monitored for migratory bird nesting activity if the structure is not removed outside of the nesting season, and any vegetation removed during the nesting season should be surveyed for nesting bird activity by a qualified biologist prior to removal. For these reasons, the proposed project is anticipated to comply with the Bald and Golden Eagle Protection Act and Migratory Bird Treaty Act.
07/08/2021		The Project will not impact active Migratory Bird breeding areas and complies with the Bald and Golden Eagle Protection Act.	
			An ERIS Standard Radius Hazardous Materials Database Search (ERIS 2021) was obtained for the project. According to the obtained Hazardous Materials Database Search, no sites of concern were reported within or immediately adjacent to the proposed project area.
07/15/2021		The Project was reviewed for industrial or hazardous waste/or Leaking Underground Storage Tank concerns that may impact public health, workers' health and safety, project cost, or schedule.	Reviewed sources include Oklahoma Archeological Survey Site Files, Google Earth™, the Nationwide Environmental Title Research (NETR) website, USGS Topographic Map Explorer, Bureau of Land Management (BLM), General Land Office, and Kingfisher County Highway Maps. Pedestrian survey augmented with subsurface shovel testing did not reveal any cultural materials within the study area. CMEC archeologists determined that
07/26/2021		The project will not affect any recorded archeological or burial sites in compliance with the Oklahoma Antiquities Law (Title 53 Chapter 20 § 361) and Burial Desecration Law (Title 21 Chapter 47 § 1168).	

			there are no NRHP-eligible structures or archeological sites within the study area. See <b>Attachment 6</b> for more details.
	X	The project was developed in coordination with the Scenic Rivers Commission in accordance with Title 82 §1461 (Only for Flint Creek and the Illinois River above the confluence of the Barren Fork Creek in Cherokee, Adair and Delaware Counties; Barren Fork Creek in Adair and Cherokee Counties from the present alignment of Highway 59 West to the Illinois River; the Upper Mountain Fork River above the 600-foot elevation level of Broken Bow Reservoir in McCurtain and LeFlore Counties, and portions of Lee and Little Lee Creeks in Adair and Sequoyah Counties, as specified in Title 82 §1452.)	The proposed project is not located within Cherokee, Adair, Delaware, McCurtain, LeFlore, or Sequoyah County and does not contain a designated Wild and Scenic River.
	X	One (1) acre or more of total ground disturbance is anticipated by the construction of the project; a DEQ OKR010 Construction Stormwater Permit will be required.	The proposed project area is 0.15 acre in size which is less than the 1-acre threshold requiring a DEQ OKR010 Construction Stormwater Permit. If necessary, an ODEQ OKR010 Construction Stormwater Permit will be acquired by the County's contractor for this project.
	X	Within 4 miles of a general aviation airport, FAA Permit (under conditions listed in FAA Form 7460-1) may be required.	There are no known general aviation airports within 4 miles of the project area.
	X	Section 10 Permit for work in traditionally Navigable Waters (COE)	The proposed project does not include a Section 10 Navigable Water.
	X	Section 9 Coast Guard Permit for work in navigable waters used or susceptible to use in their natural condition or by reasonable improvement as a means to transport interstate or foreign commerce	The proposed project does not include a Section 9 Navigable Water.

**OKLAHOMA DEPARTMENT OF TRANSPORTATION  
SECTION 404 PERMIT APPLICATION FORM FOR  
COUNTY PROJECTS**

DATE: \_\_\_\_\_  
8/13/2021

Project No.:	N/A	J/P:	N/A	Facility:	Bridge Along EW-80	County:	Kingfisher
Description:	Bridge Along EW-80 N285.4 (Bowman Avenue) over an unnamed tributary to Uncle Johns Creek, Kingfisher County, Oklahoma						
Let Date:		Division:	4	Programmed Construction Project			

Sta or Str. No.	Location			Waterbody	Critical Resource Water?	Type	Description		Calculations			Notes
	Latitude	Longitude	Legal				Existing Structure/Condition	New Structure	Area acre	Cubic Yards of Fill*	Linear Feet of Impacts	
Bridge Along EW-80	35.856811	-97.916332	SE/4 SW/4 Sec 14, T16N, R07W	An unnamed tributary to Uncle Johns Creek		Reinforced concrete arch bridge	40-foot by 28-foot steel beam span bridge	0.026	0	0	No permanent or temporary fill is anticipated. No permanent impacts are anticipated. Temporary impacts are anticipated in the form of excavations to remove the existing structure.	

**AVOIDANCE AND MINIMIZATION:**  
Temporary work within the OHWM would be limited to excavations required to replace existing bridge structure; pre-construction contours will be restored prior to project completion and no permanent impacts are anticipated. No permanent fill is anticipated within the ordinary high water mark of the creek. Any additional excavation and fill activities will be restricted to the earth surrounding the current structure and where the sheet pile abutments of the new bridge will be installed; these areas are outside of the ordinary high water mark of the creek. Appropriate best management practices will be implemented to reduce siltation and other potential impacts to the creek during construction.

Types: BP--Bank Protection, CC--Channel Change, Chan--Channel Work, RCB--Reinforced Concrete Box, SB--Span Bridge, \*\* Wet--Wetlands, Misc--Miscellaneous  
acres

Notes: \*\*Wetland Information will need to be added from the delineation report by the Consultant

FHWA Approved Clearance type: \_\_\_\_\_ CE: \_\_\_\_\_ FONSI/EA: \_\_\_\_\_ EIS: \_\_\_\_\_ Date: \_\_\_\_\_ Pending: \_\_\_\_\_ None: \_\_\_\_\_

Applicant: \_\_\_\_\_ Name: Commissioner Jeff Moss Phone No.: (405) 375-4380

Address: 16459 E. 750 Rd., Kingfisher, OK 73750

Application Prepared By: \_\_\_\_\_ Name: Cox|McLain Environmental Consulting Phone No.: (405) 724-8505

Processing Agent: \_\_\_\_\_ Circuit Engineering District 8