

# OPEN HOUSE EXECUTIVE SUMMARY REPORT

Meeting Held On:  
November 15, 2016

**GRADE, DRAIN, BRIDGE & SURFACE: SH-82 FROM THE  
INTERSECTION OF SH-82 & SH-100 EXTENDING EAST & NORTH TO  
JUST SOUTH OF THE SNAKE CREEK BRIDGE**

**SEQUOYAH COUNTY  
J/P No. 30574(04); Project No. J3-0574(004)**

Prepared for:



Prepared for  
**OKLAHOMA DEPARTMENT OF TRANSPORTATION  
FEDERAL HIGHWAY ADMINISTRATION**

Prepared by:



**CC Environmental, LLC  
PO Box 1292  
Norman, OK 73070**

**MAY 2017**

## **1.0 PUBLIC OPEN HOUSE OVERVIEW**

As part of the Oklahoma Department of Transportation's (ODOT) efforts to keep the public informed and involved in the decision-making process, a public open house was held. The following is a generic summary of the information provided and the comments received. ODOT responses to comments are also presented in this document.

### **1.1 MEETING DATE & TIME**

Tuesday, November 15, 2016  
5:00 pm to 7:00 pm

### **1.2 MEETING LOCATION**

Blackgum Mountain Volunteer Fire Department and Community Building  
449458 Highway 100  
Vian, OK 74962

### **1.3 PURPOSE OF MEETING**

To present the alternatives being considered for the proposed improvements of SH-82 from the intersection of SH-82 and SH-100 extending east and north to just south of the Snake Creek Bridge in Sequoyah County, Oklahoma and to obtain public input to aid in selecting a preferred alternative.

### **1.4 PROJECT BACKGROUND**

The Oklahoma Department of Transportation (ODOT), in cooperation with the Federal Highway Administration (FHWA), is proposing to improve the safety of this portion of SH-82. This section of SH-82 has sharp curves, insufficient sight distances, steep slopes, and no shoulders. These factors contribute to a high accident rate. The existing highway is a two-lane, open section, major collector facility with 11-foot wide driving lanes and no shoulders. There is a 20-foot long bridge box over the Cato Creek within extents. This segment of SH-82 is part of the Cherokee Hills Scenic Byway that begins near Gore, and ends near West Siloam Springs in Oklahoma. Current traffic volumes are estimated at 1,457 vehicles per day (vpd) and are projected to increase to 2,580 vpd by 2046. The purpose of this project is to improve the safety of this segment of roadway.

ODOT recently tasked a consultant to study five alternatives for improving this segment of highway while taking into consideration the cost of construction, right-of-way and utilities, potential environmental constraints and the beauty of this scenic byway. The alternatives being considered include options to improve the existing highway, and the analysis of new alignments located both east and west of the existing highway. The alternatives include:

- Alternative 1: Widening with vertical and horizontal curve corrections on the existing alignment to meet a 55-mph design speed. Involves a combination of widening the driving lanes to 12-foot and adding 8-foot shoulders from the SH-82/SH-100 intersection east towards EW-97 Road. Followed by partial vertical and horizontal curve corrections north to the Snake Creek Bridge on a slight offset east to minimize property impacts.
- Alternative 2: Reconstruction on an offset alignment to the east at a 55-mph design speed. Involves a combination of widening the driving lanes to 12-foot and adding 8-foot shoulders from the SH-82/SH-100 intersection east towards EW-97 Road. Followed by full vertical and horizontal curve corrections north to the Snake Creek Bridge on a slight offset east to minimize property impacts.

- Alternative 3: Reconstruction with an offset alignment to the east at a 65-mph design speed. Involves a combination of widening the driving lanes to 12-feet and adding 8-foot shoulders between the SH-82/SH-100 intersection east towards EW-97 Road. Followed by full vertical and horizontal curve corrections north to the Snake Creek Bridge on an offset east to increase the design speed and to minimize property impacts.
- Alternative 4: Reconstruction with an offset alignment further east at a 65-mph design speed. Involves a combination of widening the driving lanes to 12-feet and adding 8-foot shoulders between the SH-82/SH-100 intersection to 0.3 miles east of EW-97 Road. Followed by full vertical and horizontal curve corrections north to the Snake Creek Bridge on a further offset east to increase the design speed and to minimize property impacts.
- Alternative 5: Reconstruction on an offset alignment to the west at a 65-mph design speed. The new alignment will start at the intersection of SH-82 and SH-100 and move north along NS-4515 Road before angling to the northeast. It then crosses the existing alignment near EW-958 Road and runs east of the existing highway to the Snake Creek Bridge.

All alternatives would meet current ODOT design standards. The highway would remain open during construction for all alternatives considered.

## **1.5 PROJECT DESCRIPTION**

The proposed improvements include widening or reconstructing this segment of SH-82 to a 40-foot roadway with 12-foot wide driving lanes and 8-foot wide paved shoulders with a 55 or 65 mph design speed. The intent is to improve safety by improving horizontal and vertical curves and adding shoulders, and correcting sight distance. All bridges and drainage structures will be constructed, replaced, and/or extended to a distance which would allow an errant vehicle to recover and safely return to the highway.

## **1.6 PUBLIC NOTICES**

- ODOT mailed postcard announcements to property owners on approximately October 24, 2016. (Refer to Appendix A.)
- Letters to various agencies, regulators, and potentially interested parties were mailed on October 5, 2016 in an effort to solicit their input. (Refer to Appendix B.)
- Public meeting invitation letters were mailed to various political entities, interested parties and public on October 5, 2016. (Refer to Appendix C.)
- ODOT sent out a press release and general media announcements on November 1, 2016 (Refer to Appendix D.)

## **1.7 MEETING FORMAT**

At the public open house, attendees were asked to add their name to a sign-in sheet. A handout was available to everyone, which described the project and illustrated the proposed project alternatives. Presentation boards were set up, and a looping PowerPoint slideshow repeatedly narrated the proposed project scope, objectives of the proposed improvements, and five proposed alternatives. Personnel from ODOT and the engineering design team were available to answer questions and take comments from the public. Attendees were encouraged to write their specific questions or concerns related to the project on the available Comment Form. (Refer to Appendix E for the materials presented and the meeting sign-in sheets.)<sup>1</sup>

---

<sup>1</sup> (Go to [https://www.ok.gov/odot/Programs and Projects/Public Meetings and Hearings/20161115.html](https://www.ok.gov/odot/Programs%20and%20Projects/Public%20Meetings%20and%20Hearings/20161115.html) for the full presentation and meeting materials.)

## 2.0 SUMMARY OF COMMENTS & RESPONSES

### 2.1 PUBLIC COMMENTS

#### 2.1.1 Public Written Comments

Twelve property owners, local residence, and/or citizens responded in writing to the information presented at the open house. In general, there was no voiced opposition to the project in concept; however, there were several strong opinions for and against certain alternatives. Most of the concerns raised were related to residential impacts, speed, and safety concerns. Alternative 5 received the most positive feedback with Alternative 1 a close second. Alternative 2 and 3 were about the same, but Alternative 4 received very little support. Individual comments are summarized in Table 1.

Table 1: Property owners, local residents and citizens written comments

<b>PUBLIC WRITTEN COMMENTS</b>	
The written responses were summarized and generically grouped into general categories; each of which are presented below. Next to each item is ODOT's response.	
<b>ISSUE/COMMENT/CONCERN</b>	<b>ODOT RESPONSE</b>
Residential Impacts	Adverse effects to property owners are weighed heavily by ODOT in the alternative selection process. The designers looked at several alternatives to minimize impacts and balanced that with the primary purpose of improving highway safety.  Any properties being impacted by the proposed right-of-way on this project may be eligible for relocation benefits. The eligibility of each property impacted will be determined through the right-of-way process. Any displaced businesses, residential occupants, and personal property relocations identified will be given all applicable benefits according to the 49 CFR Part 24 Uniform Relocation Assistance and Real Property Acquisition for Federal and Federally-Assisted Programs as required by the Uniform Relocation Act of 1970.
Speed Limit Concerns	All the of the proposed alternatives meet current design standards that will enable a vehicle to safely travel the alternative routes at either 55 or 65 mph. The proposed speed limits would be considered safe given the proposed improvements to vertical and horizontal curves, the addition of shoulders, and if necessary, reconfiguration of the intersecting roads for better sight distance.
Intersection Safety (e.g., SH-82/SH-100)	ODOT will evaluate possible improvements to the SH-82/SH-100 intersection. Based on traffic counts, turning movements, accident data, and other factors. In addition, all other intersecting county roads would be evaluated and improved, as necessary, to provide safer access on and off of SH-82.
Traffic Concerns	Future traffic volume increases, the type of vehicles, and the number of accidents associated with this segment of the SH-82 were important factors in the assessment process. All 5 alternatives were designed to address the anticipated increase in traffic and vehicle use. Any alternative selected would address future traffic volumes and improve safety

## 2.2 BUSINESS COMMENTS

No responses were received from the businesses potentially affected by the alternatives. However, one public commenter expressed concern for the potential impact to the storage facility located near the intersection of SH-82/SH-100. The greatest impact to the storage facility would be associated with Alternative 5. All alternatives will involve some level of right-of-way impact to businesses. Intersection improvements and widening for all alternatives could involve commercial right-of-way due to the possible addition of turn lanes and wider shoulders. However, access to all businesses will be relatively the same post-construction, and access will be maintained throughout construction.

## 2.3 AGENCY COMMENTS

Eight agency comments were received. Individual comments are summarized in Table 2.

Table 2: Federal, state, & local agency written responses to the solicitation letter

AGENCY COMMENTS	
AGENCY	INPUT
Bureau of Land Management (BLM)	<ul style="list-style-type: none"> <li>The BLM reviewed the project information and has no concerns or objections to the proposal.</li> <li>File searches show no impact to federal minerals or federal lands managed by the BLM.</li> <li>There are BLM administered mineral interests near and within the project area, but the project, as proposed, would not impact them.</li> </ul>
	<p style="text-align: center;"><b>ODOT RESPONSE</b></p> <ul style="list-style-type: none"> <li>Comments noted</li> </ul>
National Park Service (NPS)	<ul style="list-style-type: none"> <li>The NPS would like to be included in the project as a consulting party.</li> <li>SH-82 is the designated route for the Trail of Tears National Historic Trail.</li> <li>Would like to see historical research completed on the area to determine if other roads in the area are related to the "Removal" and if there are any archaeological sites in the vicinity.</li> <li>Wants to know what will happen to the existing highway. Will there be a trail retracement project?</li> </ul>
	<p style="text-align: center;"><b>ODOT RESPONSE</b></p> <ul style="list-style-type: none"> <li>ODOT's Cultural Resources Program has consulted with the National Park Service and obtained the Trail of Tears Feasibility Study and GIS shapefiles. The current project does not coincide with any of the Trail of Tears alignments that the NPS provided. As a stakeholder with a demonstrated interest in the project and the Trail of Tears National Historic Trail, ODOT has offered the NPS consulting party status under Section 106 of the National Historic Preservation Act.</li> <li>ODOT will incorporate the NPS' request to compile historical research on other alignments of the Trail and will conduct an archaeological survey of the project area of potential effect (APE) in consultation with the State Historic Preservation Office, the State Archaeologist, Native American Tribes, and other stakeholders wishing to be provided Section 106 consulting party status.</li> </ul>

<b>AGENCY COMMENTS</b>	
<b>AGENCY</b>	<b>INPUT</b>
<b>Oklahoma Aeronautics Commission (OAC)</b>	<ul style="list-style-type: none"> <li>• There does not appear to be any potential hazards to the safe and efficient use of airspace.</li> <li>• Recommends using FAA's notice criteria tool to determine if a 7460-1 form needs to be completed with the FAA.</li> <li>• If form 7460-1 is required, the Commission requests to be notified, as a tall structure permit may be required.</li> <li>• Would like to remind ODOT of the need to comply with CFR Title 14 Part 77.13, which states that certain projects are required to notify the Administrator of the FAA.</li> </ul>
	<b>ODOT RESPONSE</b>
	<ul style="list-style-type: none"> <li>• ODOT will coordinate with FAA during design to determine if Form 7460-1 needs to be completed.</li> </ul>
<b>Oklahoma Conservation Commission (OCC)</b>	<ul style="list-style-type: none"> <li>• Expressed concerns regarding impacts to streams and potential impacts on wetlands.</li> <li>• Please see official comment letter in Appendix F for more information.</li> </ul>
	<b>ODOT RESPONSE</b>
	<p>The OCC's concerns were summarized into four general areas as outlined below.</p> <ul style="list-style-type: none"> <li>• The concerns regarding impacts to potential wetland areas will be addressed as part of the field biological assessment study, which will be done as part of the NEPA review process. Water and wetland impacts will be addressed as part of the Clean Water Act Section 404 permitting process as well.</li> <li>• The concerns regarding siltation will be addressed as part of the storm water permitting process. The construction contractor will be required to obtain a Department of Environmental Quality (DEQ) OKR10 construction storm water permit and maintain a storm water pollution prevention plan (SWP3). The SWP3 specifically requires erosion and sediment controls that will address erosion and siltation.</li> <li>• The concerns regarding channel disturbance will be addressed as part of the Clean Water Act Section 404 permitting process. There is no intent to modify, redesign or significantly alter the stream bed at any of the crossings.</li> <li>• The comments/concerns regarding impacts from poorly calculated hydraulic and hydrology (H&amp;H) for the existing bridge were assumed to be generic in nature. However, all proposed bridge designs would meet modern standards and criteria, and will be designed to convey anticipated flows.</li> </ul>
<b>Oklahoma Department of Commerce (DOC)</b>	<ul style="list-style-type: none"> <li>• The DOC is very supportive of the proposed project, but does not have an alternative preference or any concerns.</li> <li>• SH-82 is very important to recreational and commercial activities in Sequoyah County.</li> </ul>
	<b>ODOT RESPONSE</b>
	<ul style="list-style-type: none"> <li>• Comments noted</li> </ul>

<b>AGENCY COMMENTS</b>	
<b>AGENCY</b>	<b>INPUT</b>
<b>Oklahoma Department of Environmental Quality</b>	<ul style="list-style-type: none"> <li>Recommended ODOT obtain a construction storm water permit (OKR10).</li> <li>Attached DEQ Fact Sheet Recommendations for General Construction/Improvement Projects.</li> </ul>
	<b>ODOT RESPONSE</b>
	<ul style="list-style-type: none"> <li>The DEQ stated that ODOT should obtain a construction storm water permit authorization under OKR10. ODOT is aware of the permitting requirements and the process involved. ODOT requires construction contractors to obtain an OKR10 permit authorization (when applicable) prior to starting any construction activities.</li> </ul>
<b>Oklahoma Department of Wildlife Conservation (ODWC)</b>	<ul style="list-style-type: none"> <li>ODWC prefers Alternative #4 because the alternative crosses the fewest number of streams</li> <li>There are several known aquatic species of state concern around Lake Tenkiller.</li> <li>Requests that caution be used when working near stream corridors where habitats and riparian zones are present.</li> <li>Urges ODOT to consult with the Tulsa Ecological Service Office of the U.S. Fish and Wildlife Service for more information on federally listed species.</li> <li>Recommends the use of siltation barriers during construction.</li> </ul>
	<b>ODOT RESPONSE</b>
	<ul style="list-style-type: none"> <li>The concerns regarding stream crossings and siltation will be addressed as part of the storm water permitting process. The construction contractor is required to obtain a DEQ OKR10 construction storm water permit and maintain a storm water pollution prevention plan (SWP3). The plan specifically requires erosion and sediment controls that will address stream siltation. Best management practices (BMPs) such as siltation barriers will be considered in the SWP3 development.</li> <li>The concerns regarding impacts to federally listed species will be addressed as part of the field biological assessment study to be performed on the selected alternative. ODOT will consult with the USFWS as needed or required for potential impacts on federally-listed species.</li> </ul>
<b>Oklahoma State Parks – Oklahoma Tourism and Recreation Department</b>	<ul style="list-style-type: none"> <li>There are no state parks or LWCF funded projects in this area.</li> </ul>
	<b>ODOT RESPONSE</b>
	<ul style="list-style-type: none"> <li>Comments noted</li> </ul>

