

RESOLUTION NO. 42-15-16 B

BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF  
TEXAS COUNTY, OKLAHOMA

THAT WHEREAS it is in the best interest of Texas County, to certify that no federal funding will be utilized in the execution of the project described as  
Construction 3 miles on CO RD on EW-10 begin at NS 88 and EXT E 3.0 Miles to NS-91 Phase 2.

Project Number \_\_\_\_\_, State Job Piece Number 28465(06); and

WHEREAS the Board of County Commissioners of Texas 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 Texas County accepts and agrees that all costs associated with contractor delays or additional project costs that are incurred due the failure to secure a required permit(s) or non-compliance 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 Texas County is hereby authorized and directed to execute and signify that the provisions have been met on behalf of Texas County, and duly signed by the Board of County Commissioners of Texas County this 9th day of Nov, 2015.

APPROVED AS TO FORM AND LEGALITY:

Board of County Commissioners  
County of Texas

Richard By  
Chairman \_\_\_\_\_ Date

Jack Staur 11-9-2015  
Member \_\_\_\_\_ Date

Ted Keeling  
Member \_\_\_\_\_ Date

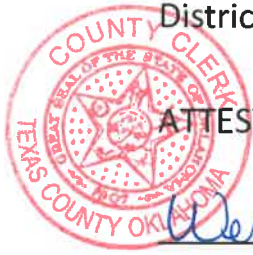
\_\_\_\_\_  
District Attorney \_\_\_\_\_ Date

ATTEST:

Wendy Johnson  
County Clerk \_\_\_\_\_

(Seal)

Approved: James M. B.  
District Attorney



Date Certified	Not Applicable	Regulatory Provision	Comment
10/28/15		<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>There are No Waters &amp; 2 Potential Jurisdictional Wetlands within the Proposed Study Area. All Individual Areas are less than 0.10 Acres. (Consulting USACE)                      Biological Evaluation prepared by Blackbird Environmental LLC (Sub Contractor for Guernsey).</p>
10/28/15		<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>Per the design Engineer, no USACE Pre Construction Notification is required because &lt;1/10 acre will be affected at any stream crossing and no impacts to special aquatic sites will occur. Self Certification (No PCN Required) for NW#14 404 Permit.                      Biological Evaluation prepared by Blackbird Environmental LLC (Sub Contractor for Guernsey).</p>
10/28/15	X	<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 Archaeological Ground Survey conducted by the Oklahoma Department of Transportation, Cultural Resource Program, all identified water structures and existing bridges are not eligible for inclusion in the NRHP.                      A "No Effect" finding was determined for all listed species for Texas County Biological Evaluation prepared by Blackbird Environmental LLC (Sub Contractor for Guernsey).</p>
10/28/15		<p>The Project will not impact active Migratory Bird breeding areas and complies with the Bald and Golden Eagle Protection Act.</p>	<p>Evidence of Potential Barn &amp; Cliff Swallows habitat was identified during field Biological Evaluation. Plan Notes requiring "Construction Season Restrictions" and/or Plan Notes requiring the "Documented Avoidance of Impacts" will be added to the Final Construction Plans.                      Biological Evaluation prepared by Blackbird Environmental LLC (Sub Contractor for Guernsey).</p>

			<p>Complies with BGEPA – Not Expected to impact Eagles. Biological Evaluation prepared by Blackbird Environmental LLC (Sub Contractor for Guernsey).</p>
10/28/15		<p>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.</p>	<p>No hazardous waste/or Leaking Underground Storage Tank Sites within Project Footprint. There is 1 active oil/gas well located within study area. Periodic checks of the state records should be conducted to determine if any leaks/spills have occurred from this tank. Owner/Operator should be notified regarding construction activities. In the event contaminated soil or groundwater is encountered during construction activities, the contractor must notify proper personnel. Initial Site Assessment prepared by Guernsey</p>
10/28/15	X	<p>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).</p>	<p>There are No Potentially significant Archaeological Sites within the General vicinity of the Project Site, Ground Survey prepared by the Oklahoma Department of Transportation, Cultural Resource Program.  No Burial sites were observed or recorded during the Archeological Ground Survey prepared by the Oklahoma Department of Transportation, Cultural Resource Program</p>
10/28/15	X	<p>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.)</p>	<p>No Scenic Rivers Affected</p>
10/28/15		<p>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.</p>	<p>An OKR10 Notice of Intent will be completed and submitted by the awarded Construction Contractor at least 30 Days prior to Construction</p>
10/28/15	X	<p>Within 4 miles of a general aviation airport, FAA Permit (under conditions listed in FAA Form 7460-1) may be required.</p>	<p>No General Aviation Airports are within 4 Miles of Project Location</p>

10/28/15	X	Section 10 Permit for work in traditionally Navigable Waters (COE)	No Section 10 Waters Affected
10/28/15	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	No Section 9 Waters Affected