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

Application Number OKR1012964

PUBLIC NOTICE
(25-DAY COMMENT PERIOD)

Interested parties are hereby notified that the District Engineer (DE) has received an application for a Department of the Army permit under Section 10 of the Rivers and Harbors Act of 1899. The application is for the continuation of a commercial gravel removal operation on the Illinois River.

Name of Applicant: Ms. Mildred Ryals
717 Butler Street
Tahlequah, OK 74464

Name of Agent: Mr. Wayne Ryals
717 Butler Street
Tahlequah, OK 74464

Location: The project is located on the Illinois River, 1/2 mile north of the Highway 51 bridge, 3 miles east of Tahlequah, in the Southeast 1/4 of Section 23, Township 17 North, Range 22 East, Cherokee County, Oklahoma. The project site can be found on the Tahlequah, Oklahoma, 7.5 Minute USGS Quadrangle Map.

Description of Work: The previous permit (OKR1003243) for the activity expired. The proposed activity is a continuation of the same activity at the project site. Approximately 4,000 tons of gravel per year from the gravel bar adjacent to the flowing channel would be removed. The gravel excavation and other associated gravel removal activities would be conducted outside of the wetted perimeter of the river or any portion of the river which is covered with surface water at the time the work is in progress. The applicant proposes not to excavate holes, but rather keep the gravel bar relatively flat and level. All stockpiles will be above the ordinary high water mark of the river. Part of the gravel would be used for maintenance of the haul roads.

Plans and Data: Plans showing the location of the proposed activity and other data are enclosed with this notice (Enclosures 1 through 3). The application is on file and may be viewed during normal working hours at the Tulsa District, U.S. Army Corps of Engineers, 1645 South 101st East Avenue, Tulsa, Oklahoma. If additional information is desired, it may be obtained from Ms. Helen Williams, U.S. Army Corps of Engineers, Tulsa District, ATTN: Regulatory Branch, 1645 South 101st East Avenue, Tulsa, OK 74128-4609, or telephone 918-669-7400.

Cultural Resources: The DE has consulted the National Register of Historic Places (Register), and it has been determined that there are no properties currently listed in the Register nor any properties which have been determined eligible for listing in the Register which would be directly affected by the proposed work. If we are made aware, as a result of comments received in response to this notice, or by other means, of specific archeological or other historic properties which might be affected by the proposed work, the DE will immediately take the appropriate action necessary pursuant to the National Historic Preservation Act of 1966 (Public Law 89-665), as amended, and 36 CFR 800, in accordance with implementing regulations 33 CFR 325, Appendix C.

Environmental Considerations: Our preliminary determination is that the proposed activity will not affect listed Endangered Species or their critical habitat. A copy of this notice is being furnished to the U.S. Fish and Wildlife Service and appropriate State agencies. This notice constitutes a request to those agencies for information on whether any listed or proposed-to-be-listed endangered or threatened species may be present in the area which would be affected by the proposed activity.

The decision whether to issue a permit will be based on an evaluation of the probable impact, 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; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, flood plain values, land use, navigation, shore 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 granted unless the DE determines that it would be contrary to the public interest.

Comments: The U.S. Army Corps of Engineers (Corps) 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. Comments concerning the issuance of this permit should be received by the DE not later than 25 days from the date of this public notice. 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 person may request in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for public hearings shall state, with particularity, the reasons for holding a public hearing.

At the request of the Oklahoma Water Resources Board's National Flood Insurance Program (NFIP) State Coordinator, we are sending a copy of this public notice to the local flood plain administrator to apprise the administrator of proposed development within their jurisdiction. In accordance with 44 CFR Part 60 (Flood Plain Management Regulations Criteria for Land Management and Use), participating communities are required to review all proposed development to determine if a flood plain development permit is required. The local Flood Plain Administrator is required to perform this review for all proposed development and maintain records of such review.

David A. Morning, Ch Reg Br
Larry D. Hogue, P.E. for
Chief, Planning, Environmental,
and Regulatory Division

Enclosures