



U.S. Army Corps  
of Engineers  
Tulsa District

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# Public Notice

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Reply To:

U.S. Army Corps of Engineers  
ATTN: Regulatory Branch  
1645 South 101st East Avenue  
Tulsa, OK 74128-4609

OKR2013475  
Public Notice No.

January 5, 2004  
Public Notice Date

February 4, 2004  
Expiration Date

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## **PURPOSE**

The purpose of this public notice is to inform you of a proposal for work in which you might be interested and to solicit your comments and information to better enable us to make a reasonable decision on factors affecting the public interest.

## **SECTION 10**

The U.S. Army Corps of Engineers is directed by Congress through Section 10 of the Rivers and Harbors Act of 1899 (33 USC 403) to regulate all work or structures in or affecting the course, condition, or capacity of navigable waters of the United States. The intent of this law is to protect the navigable capacity of waters important to interstate commerce.

## **SECTION 404**

The U.S. Army Corps of Engineers is directed by Congress through Section 404 of the Clean Water Act (33 USC 1344) to regulate the discharges of dredged and fill material into all waters of the United States. These waters include lakes, rivers, streams, mudflats, sandflats, sloughs, wet meadows, natural ponds, and wetlands adjacent to other waters. The intent of the law is to protect these waters from the indiscriminate discharge of material capable of causing pollution and to restore and maintain their chemical, physical, and biological integrity.

## **NOTICE TO PUBLISHERS**

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

Application No. OKR2013475

JOINT PUBLIC NOTICE  
U.S. ARMY CORPS OF ENGINEERS (CORPS)  
AND  
OKLAHOMA DEPARTMENT OF ENVIRONMENTAL QUALITY (ODEQ)  
(30-DAY COMMENT PERIOD)

Interested parties are hereby notified that the District Engineer (DE) has received an application for a Department of the Army permit and water quality certification pursuant to Sections 404 and 401 of the Clean Water Act. The Oklahoma Department of Environmental Quality (ODEQ) hereby incorporates this public notice and procedure as its own public notice and procedure by reference thereto. The application is for dredging and the construction of a jetty. The purpose of this work is to deepen the cove for boat access and the jetty is for wave protection of the floating marina facility.

Name of Applicant: Mr. Chris Sinor  
26819 East Apache  
Catoosa, OK 74015

Location: The proposed project is located in Fort Gibson Lake in the Northwest 1/4 of Section 17, Township 17 North, Range 19 East, near Wagoner, Wagoner County, Oklahoma. The project site can be found on the Wagoner East, Oklahoma, 7.5 Minute USGS Quadrangle map.

Description of Work: The applicant proposes to dredge areas of the Long Bay Marina Concession (near current jetty/boat slips) to facilitate the installation of additional boat slips. Dredging would be completed to yield a minimum of 5 feet of water depth at normal pool (554.0 feet mean sea level). Dredge material would be utilized to extend the current jetty.

The applicant proposes to use a track hoe to dredge two sites. The first site (within the current protected cove area) is in two sections that are approximately 30 yards by 36 yards and 30 yards by 42 yards. An estimated 1,200 cubic yards of material would be removed. The second site is along the bank immediately south of the current jetty and is approximately 40 yards by 250 yards with varying water depths. An estimated 18,400 cubic yards of material would be removed from this site.

The dredge material would be trucked from the sites to the end of the current jetty. The material would be used to extend the jetty approximately 45 yards into the lake. The jetty would then make a southwesterly turn and extend 255 yards and be parallel to the shore line. A silt screen would be installed around the new jetty construction area to prevent increased turbidity into the lake from the placement of the dredged material. The proposed silt screen will be engineered using a combination of porous and impermeable materials. The silt screen would extend from the lake bottom to the top of the water surface. This screen would prevent the free movement of silt material into and out of the work area.

Prior to the removal of the silt screen, sediments would be allowed to settle until the National Turbidity Unit (NTU) readings within the silt screen are equal to or less than the current background NTU readings outside of the silt screen.

Note: It is assumed that the dredged material will consist primarily of sandstone rock/gravel and will be suitable for use in construction of the additional jetty. If the dredged material is not suitable for use in the new jetty, it is proposed to be used upland to fill in low areas of a proposed new campground area on the southern edge of the Long Bay Marina concession.

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 J. 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, historic properties, fish and wildlife values, flood hazards, flood plain values, land use, navigation, shoreline 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 denied if the discharge does not comply with the Environmental Protection Agency's 404(b)(1) guidelines. Subject to the 404(b)(1) guidelines and any other applicable guidelines or criteria, a permit will be granted unless the DE determines that it would be contrary to the public interest.

Comments: The 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 30 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 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.

The ODEQ hereby incorporates this public notice and procedure as its own public notice and procedure by reference thereto. Comments concerning water quality impacts will be forwarded to the ODEQ for consideration in issuing a water quality certification for the proposed project. A final decision will not be made on the permit application until a decision has been made on the required water quality certification pursuant to Section 401 of the Clean Water Act.

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

Enclosures