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

Application No. OKR3012933

JOINT PUBLIC NOTICE
U.S. ARMY CORPS OF ENGINEERS (Corps)
AND
OKLAHOMA DEPARTMENT OF ENVIRONMENTAL QUALITY (ODEQ)
(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 and water quality certification pursuant to Sections 404 and 401 of the Clean Water Act and Section 10 of the Rivers and Harbor Act of 1899. The ODEQ hereby incorporates this public notice and procedure as its own public notice and procedure by reference thereto. The application is to construct a wharf and install a mooring structure. The purpose of this work is to increase the barge mooring facilities at Johnston's Port 33.

Name of Applicant: Mr. Fred Taylor
Vice President of Operations
Johnston's Port 33, Inc.
Post Office Box 219
Inola, OK 74036

Location: The project would be located along the right descending bank of the Verdigris River, Navigation Mile 431.9, Johnston's Port 33, in the Southeast 1/4 of Section 32, Township 20 North, Range 16 East, Rogers County, Oklahoma. The project site can be found on the Inola, Oklahoma, 7.5 Minute USGS Quadrangle map.

Description of Work: The applicant proposes to construct a wharf cut approximately 310 linear feet long by 55 feet wide. The new wharf would contain a metal barge mooring structure at the northern end of this cut. There would be a total of 11,244 cubic yards of native material removed during the dredging phase.

The construction method for dredging would be to utilize a dragline or an excavator to remove all material. The material would be removed from elevations of 558 mean sea level (msl) down to 522 msl. The lower portion of this cut would extend approximately 10 feet below the Ordinary High Water Mark (OHWM) of the Verdigris River. At elevation 546 msl there would be a bench constructed within the earthen bank. This bench would be necessary to allow for staging of equipment during future port operations. Furthermore, this feature would resemble the shoreline that currently exists at the remainder of the port. The spoil generated from this portion of the project would be disposed at a storage site not considered a jurisdictional water of the United States.

The mooring structure would be placed at the northern end of the proposed wharf cut and would be constructed out of 8- and 12-inch metal I-beams welded together to form a docking facility. The structure would be 80 feet long and 18 feet wide. The I-beams would be driven to bedrock and would extend approximately 15 feet above the OHWM of the Verdigris River.

The new bank would be stabilized with 250 cubic yards of concrete rubble placed over engineering fabric. This material would extend 4 feet below and 14 feet above the OHWM. The bank stabilization would be approximately 310 linear feet long and would tie into existing riprap. The concrete rubble proposed for use in this project would have exposed rebar removed and would only utilizes pieces in the 14- to 24-inch size categories.

The project setting at this location is an area that is utilized as a port operating facility on the Verdigris River. This portion of the Verdigris River has been channelized as a result of the construction of the McClellan-Kerr Navigation System. There is sparse vegetation existing at this site because of heavy use by the existing port operation.

Plans and Data: Plans showing the location of the proposed activity and other data are enclosed with this notice (Enclosures 1 through 5. 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 Mr. Jeff Knack, 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 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 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. for
Chief, Planning, Environmental,
and Regulatory Division

Enclosures