



Public Notice

U.S. Army Corps
of Engineers
Tulsa District

Reply To:

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

SWT-2012-254
Public Notice No.

February 18, 2016
Public Notice Date

March 18, 2016
Expiration Date

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 U.S.C. 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 U.S.C. 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. SWT-2012-254

JOINT PUBLIC NOTICE
U.S. ARMY CORPS OF ENGINEERS
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 ODEQ hereby incorporates this public notice and procedure as its own public notice and procedure by reference thereto.

The application is for the placement of fill material for a bank stabilization project and to replace structurally deficient reinforced concrete box (RCB) bridge. The project also involves the replacement of water and sewer relocation as required for the new RCB structure.

Name of Applicant: Mr. Ronnie Click
City of Norman (City)
201 W. Gray Street
Norman, OK 73069

Name of Agent: Mr. Ryan Mountain
Garver USA
1016 24th Avenue NW
Norman, OK 73069

Location: The proposed project is located on Main Street over Brookhaven Creek. The proposed project is in Section 27 and 34, Township 9 North, Range 3 West, in Norman, Cleveland County, Oklahoma. The project site can be found on the Boswell, Oklahoma 7.5 Minute USGS Quadrangle map at North Latitude 35.218395 and West Longitude 97.503688.

Purpose: The basic purpose of this work is to stabilize Brookhaven Creek. The proposed work would eliminate safety issues from vertical banks that are adjacent a residential development, prevent flooding, and would replace the existing RCB on Main Street.

A water dependency determination will be made upon consideration of the basic purpose since there are riffle and pool complexes (special aquatic sites) to be filled below the OHWM.

The overall purpose of this work is to provide a safe and efficient transportation facility to accommodate the present and future transportation needs of the area and to widen Brookhaven Creek to alleviate flooding issues.

Table of Impact:

Original Proposal					
Number or Location	Type of Activity	Type of Water	Type of Fill Material	Qty of Material cys below OHWM	Footprint (ac and/or lf)
Station 1034.4 to 2325	Bank stabilization	Brookhaven Creek	Single, Double, and Triple Gabion Basket - Rock *	1,671.9 cys	1,265.6 lf
Station 2325 to 2950	Bank stabilization	Brookhaven Creek	SB, Gravel, MSE, Triple Gabion Basket - Rock *	2,876.8 cys	625 lf
Station 2950 to 3200	Bank Stabilization	Brookhaven Creek	MSE Gabion and Gravel Drain - SB and Gravel Drain - Double Gabion Basket - Rock*	2,252.7 cys	250 lf
Station 3200 to 3575	Bank Stabilization	Brookhaven Creek	Double Gabion Basket - Rock *	466.6 cys	375 lf
Main Street Station 3575 to 3700	16-foot Triple Cell RCB	Brookhaven Creek	Concrete /Steel	2,042 cys	125 lf 0.04 ac
Station 3700 to 3800	Bank Stabilization	Brookhaven Creek	Double Gabion Basket - Rock *	116.7 cys	100 lf
cubic yards (cys), Ordinary High Water Mark (OHWM), acre (ac), linear feet (lf), Mechanically Stabilized Earth (MSE), Segmented Blocks (SB), inch (in) * ODOT Standard Specifications 713.04 for gabion stone dimensions.					

Description of Work: The applicant proposes channel improvements to approximately 2,766 lf to jurisdictional waters of the United States (WOUS). The excavated channel improvements would expand the jurisdictional stream channel from 1.19 acres to 2.4 acres of WOUS. Fill material would consist of approximately 3,889 cys of 4- to 8-inch stones for bank stabilization using gabion baskets (single-22 cys; double-2,267 cys; triple-1,300 cys; and MSE-300 cys), 672 cys for segmented blocks, 1,749 cys for gravel (SB and MSE), and 2,042 cys of earthen fill material. The applicant also proposed to replace an existing bridge with a 125 lf long triple cell RCB. The work performed in the wetlands and uplands would be completed using conventional earthmoving equipment. The fill material may consist of concrete, gravel, and earthen material.

Avoidance and Minimization Information: The applicant provided the following statement with regard to how avoidance and minimization of impacts to aquatic resources was incorporated into the project plan:

The applicant cannot avoid impacts to Brookhaven Creek due to flooding issues. The City has minimized impacts to jurisdictional waters eliminating a proposal to concrete line the stream channel. The City has proposed to minimize the potential short term (such as turbidity and suspended solids) associated with the increased sediment generated by construction activities, best management practices would be implemented in order to control soil erosion and sedimentation.

Mitigation: Furthermore, the applicant proposes the following as compensatory mitigation for the unavoidable impacts to aquatic resources expected from the proposed project:

City has proposed a mitigation plan named "The Main Street over Brookhaven Creek Stream Mitigation Area" for the proposed bank stabilization project. The riparian area would preserve mature trees as possible. The applicant has proposed to plant seed species in accordance with the Storm Water Pollution Prevention Plan. Seed species include a mix of 70% perennial grasses, and 30% forbs, legumes, and composites. The wooded riparian corridor mitigation is proposed as like kind mitigation with a mitigation ratio of 1:4. Approximately 2,120 trees and shrubs would be mitigated (520 trees and 100 shrubs would be mitigated on-site and 1,500 trees would be planted off-site at Prairie Creek Park and City drainage easements). Species with a wetland indicator status of OBL or FACW would be planted closer to the stream bank or within the existing channel, while species with a wetland indicator status of FAC would be planted in the uplands. The trees spacing would be approximately 10-foot centers using the staggered spacing.

The trees to be planted on-site are river birch (*Betula nigra*), willow oak (*Quercus phellos*), American sycamore (*Plantus occidentalis*), southern bald cypress (*Taxodium distichum*), American elm (*Ulmus americana*), red maple (*Acer rubrumi*), pecan (*Carya illinoensis*), rough leaf dogwood (*Cornus drummondii*). The shrubs are deciduous holly (*Llex decidua*), false indigo-bush (*Amorpha fruticose*), common buttonbush (*Cephalantus occidentallis*), and hazel alder (*Alnus serrulata*).

The off-site mitigation is located at Prairie Creek Park and on adjacent drainage easements currently owned by the City. This proposal has five grouping for riparian species. The grouping would consist of a variety of these trees and shrubs to be planted. The types of trees are river birch (*Betula nigra*), willow oak (*Quercus phellos*), American sycamore (*Plantus occidentalis*), pecan (*Carya illinoensis*), southern bald cypress (*Taxodium distichum*), red maple (*Acer rubrumi*), American elm (*Ulmus americana*), pecan (*Carya illinoensis*), rough leaf dogwood (*Cornus drummondii*). The shrubs are deciduous holly (*Llex decidua*), false indigo-bush (*Amorpha fruticose*), common buttonbush (*Cephalantus occidentallis*), and hazel

alder (*Alnus serrulata*). The mitigation sites would be protected by a deed restriction. The mitigation plan also includes a maintenance plan, performance standards for 75% total species cover, and monitoring requirement for 5 years. The mitigation plan also included a plan for annual reporting, long-term management plan, and adaptive management plan. The City provided a financial assurances statement advising that the City is financially responsible for the success of the mitigation proposal.

This mitigation plan is the applicant's proposal. The Corps has made no determination at this time with regard to the adequacy of the proposed mitigation relative to the federal mitigation rules and guidance, including Tulsa District's Mitigation and Monitoring Guidelines. The Corps is accepting comments on the need for and nature of the proposed mitigation in addition to comments on the applicant's primary proposal. The Corps bears the final decision on the need for and extent of mitigation required if the project proposed herein is authorized.

Project Setting: This project is located within the limits of the city limits of Norman, in the Oklahoma ecoregion of the Central Great Plains. The Central Great Plains is slightly lower, receives more precipitation, and is susceptible to flooding. This area includes natural levees, swales, terraces, and slowly moving meandering streams in low gradient channels. The project is located near critical habitat for waterfowl and has distinct flora and fauna in the perennial stream channel.

Existing Condition: The site is primarily located within the floodplain of the Brookhaven Creek. The stream channel has steep slopes with a dense riparian area surrounded by residential development.

Plans and Data: Plans showing the location of the proposed activity and other data are enclosed with this notice (Enclosures 1 through 9). If additional information is desired, it may be obtained from Mr. Marcus Ware, U.S. Army Corps of Engineers, Tulsa District, ATTN: Regulatory Office, 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, and has determined that there are no properties currently listed in the National Register which would be directly affected by the proposed work. The DE has also consulted the listing of Eligibility Determinations for Oklahoma and determined that the proposed project is not in the vicinity of properties eligible for listing. This public notice is also being sent to the State Historic Preservation Officer and to Native American Tribal governments to reveal if other known historic or archeological resources that might be eligible for listing in the National Register exist in the project area and which could be directly affected by the proposed work. This coordination is being done to fulfill our requirements under the National Historic Preservation Act of 1966 and associated historic preservation laws. 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 Part 800, in accordance with implementing regulations 33 CFR Part 325, Appendix C.

Threatened and Endangered Species: The U.S. Fish and Wildlife Service IPAC Consultation Number is 02EKOK00-2015-SLI-1274. The following federally listed species are known to occur in the vicinity or are listed for the county in which the proposed action is located: interior least tern (*Sterna antillarum*), piping plover (*Charadrius melodus*), red knot (*Calidris canutus rufa*), scaleshell mussel (*Leptodea leptodon*), winged mapleleaf (*Quadrula fragosa*), American burying beetle (*Nicrophorus americanus*), and northern long-eared bat (*Myotis septentrionalis*). A copy of this notice is being furnished to the Service and appropriate state agencies. This notice constitutes a request to those agencies for information on whether any other listed or proposed-to-be-listed endangered or threatened species may be present in the area which would be affected by the proposed activity.

We are currently assessing the potential effects of the proposed action on these species and will comply with the Endangered Species Act with regard to any affect of our decision on this permit application.

Environmental Considerations: The decision whether to issue a permit will be based on an evaluation of the probable impacts, 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: conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, floodplain 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: In order to consider and evaluate the impacts of this proposed activity the Corps is soliciting comments from the public, federal, state, and local agencies and officials, Indian tribes, and other interested parties. Comments concerning the issuance of this permit should be received by the DE no 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

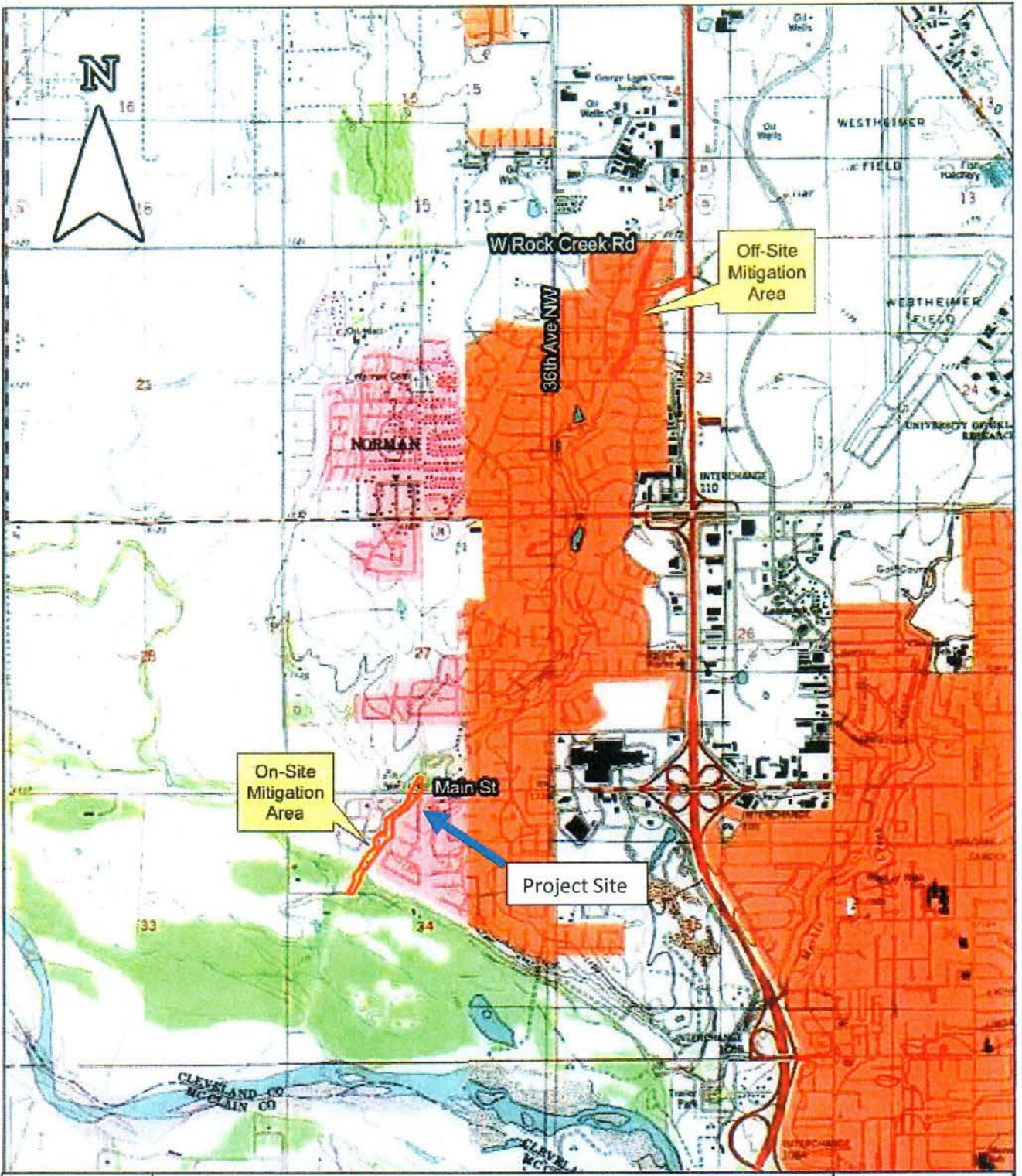
Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity. Any person may request in writing, within the comment period 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 State Coordinator, we are sending a copy of this notice to the local floodplain administrator to apprise the administrator of proposed development within their jurisdiction. In accordance with 44 CFR Part 60 (Criteria for Land Management and Use), participating communities are required to review all proposed development to determine if a floodplain development permit is required. The local floodplain administrator is required to perform this review for all proposed development and maintain records of such review.

Comments concerning water quality impacts will be forwarded to ODEQ for consideration in issuing a Section 401 Water Quality Certification for the proposed project. Work may **not** commence until decisions have been made on both Sections 401 and 404.

Andrew R. Commer
Chief, Regulatory Office

Enclosures



VICINITY MAP

Main Street Over Brookhaven Creek

USGS Newcastle Quadrangle Topographic Map
NGS USA Topo Maps

On-Site Mitigation Area:
Sections 27 & 34, T9N, R3W
Latitude 35.215856°
Longitude -97.505907°

Off-Site Mitigation Area:
Sections 23, T9N, R3W
Latitude 35.243828°
Longitude -97.489255°

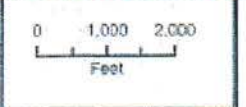
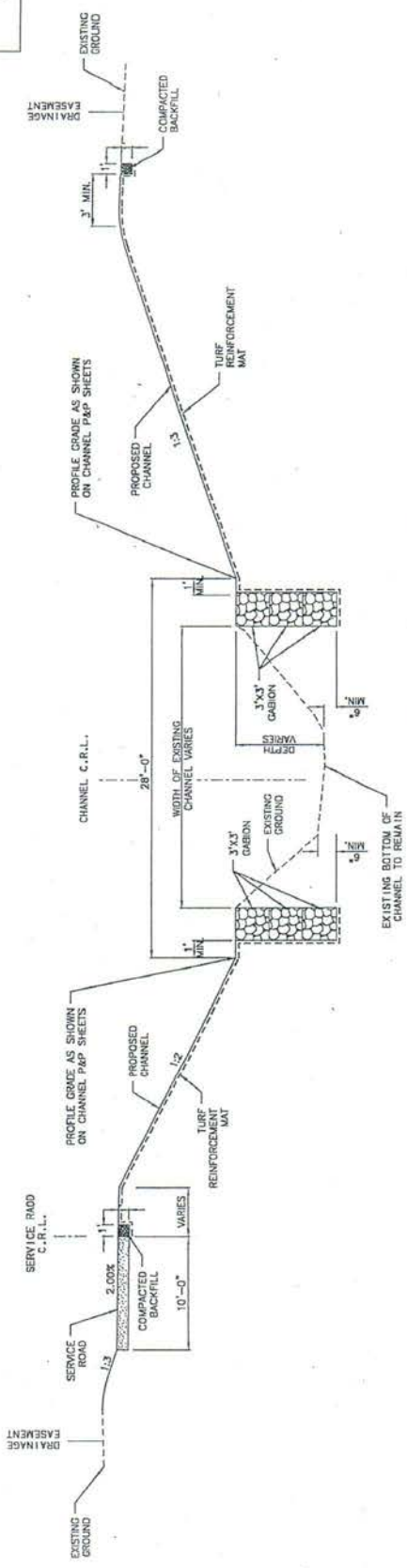


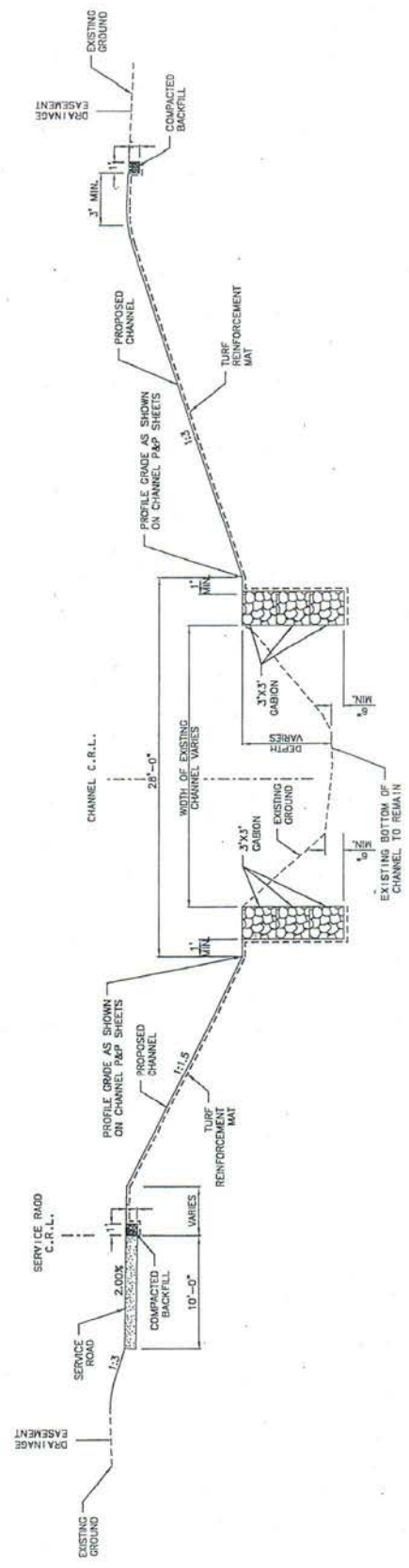
Figure 1

SWT-2012-254
 City of Norman
 Bridge Replacement and Bank Stabilization Project
 Brookhaven Creek
 Norman, Cleveland County, Oklahoma
 Enclosure 1 of 9



TYPICAL SECTION PROPOSED CHANNEL IMPROVEMENTS ①

NOT TO SCALE
STA. 14+25.00 TO STA. 14+75.00
STA. 15+25.00 TO STA. 15+75.00
STA. 18+20.00 TO STA. 19+20.00
STA. 24+40.00 TO STA. 26+65.00

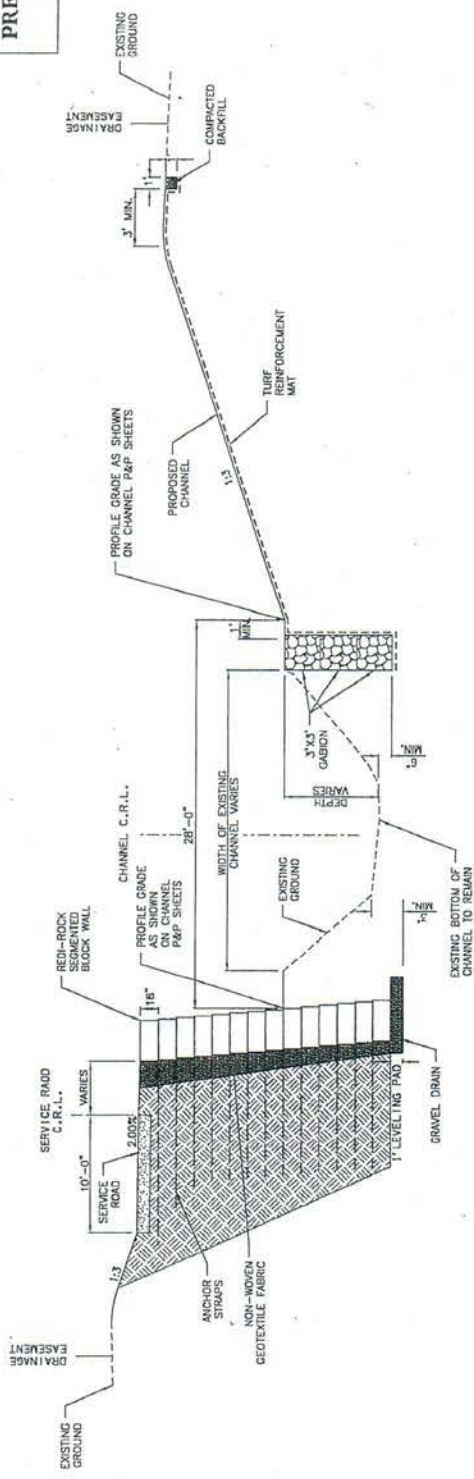


TYPICAL SECTION PROPOSED CHANNEL IMPROVEMENTS ②

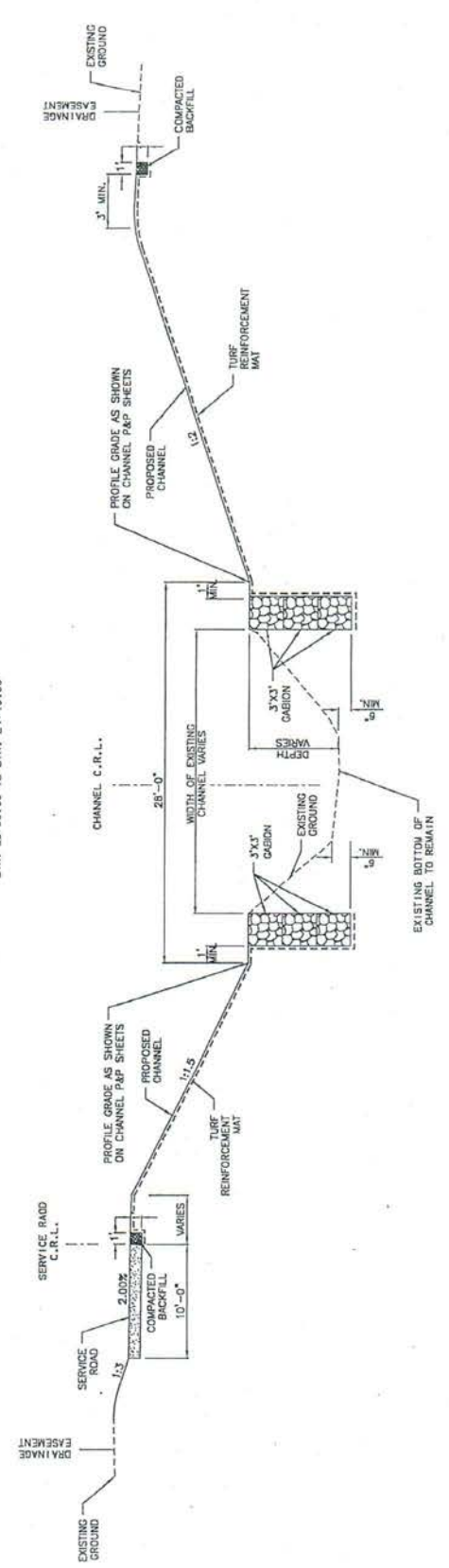
NOT TO SCALE
STA. 14+75.00 TO STA. 15+20.00
STA. 17+50.00 TO STA. 18+20.00
STA. 19+20.00 TO STA. 23+00.00

DESIGN	BY	DATE	BY	DATE	BY	DATE
DESIGNED	XXX	1/7/12	APPROVED	XXX	1/7/12	
ROAD GARDNER STATE JOB NO. 26618041						
SHEET NO. 4						

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Bridge Replacement and Bank Stabilization Project
Brookhaven Creek
Norman, Cleveland County, Oklahoma
Enclosure 4 of 9



TYPICAL SECTION OF PROPOSED CHANNEL IMPROVEMENTS (3)
 AND SEGMENTED BLOCK RETAINING WALL
 NOT TO SCALE
 STA. 23+00.00 TO STA. 24+40.00



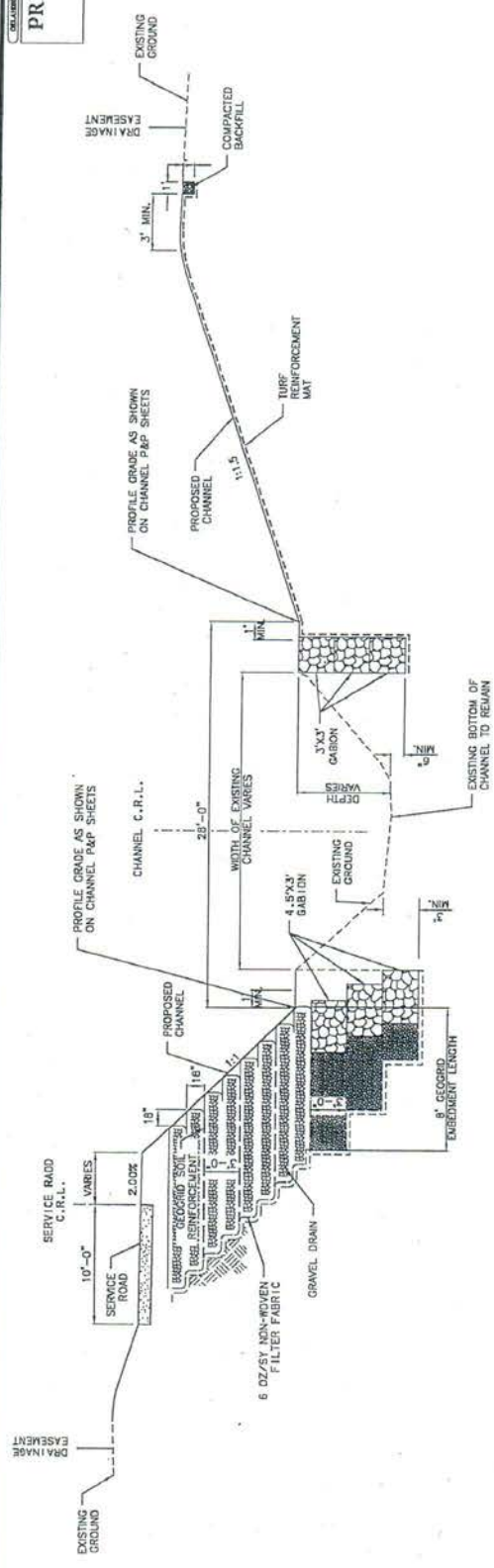
TYPICAL SECTION PROPOSED CHANNEL IMPROVEMENTS (4)
 NOT TO SCALE
 STA. 26+45.00 TO STA. 29+00.00
 STA. 34+35.00 TO STA. 35+35.00

DESIGN	CHK	INCH	DATE	CLEVELAND COUNTY
DRAWN	CE	1/14		
CHECKED	XXX	1/17/14		
APPROVED	XXX	1/17/14		
SOUND	GARVER		STATE JOB NO. 26836040	

TYPICAL SECTIONS
 (SHEET 4 OF 6)

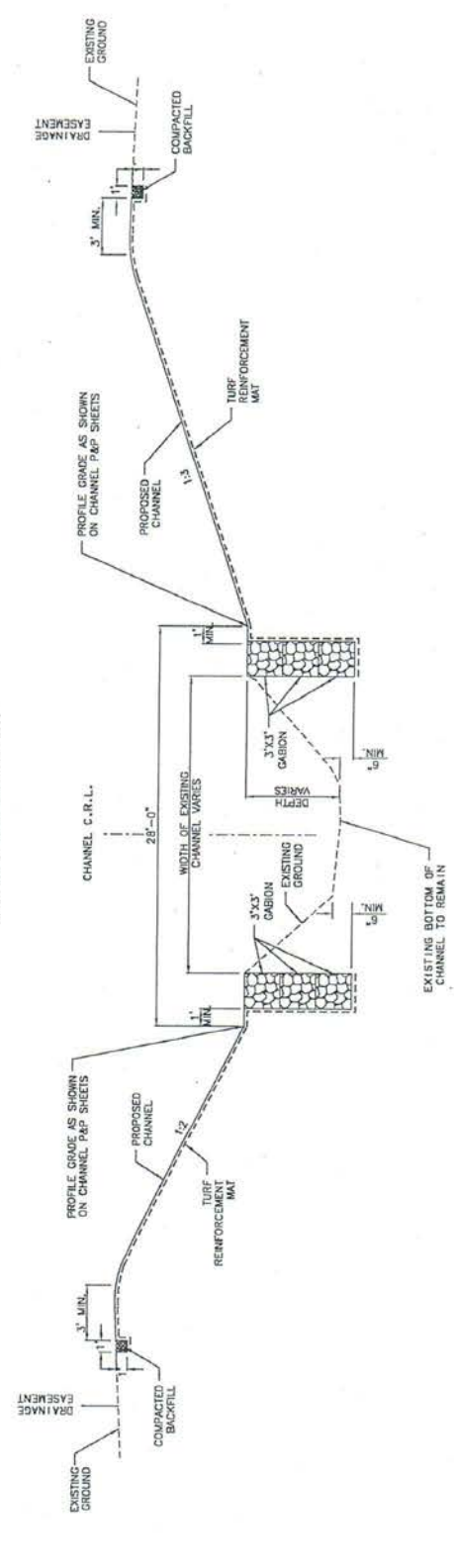
SWT-2012-254
 City of Norman
 Bridge Replacement and Bank Stabilization Project
 Brookhaven Creek
 Norman, Cleveland County, Oklahoma
 Enclosure 5 of 9

OKLAHOMA DEPARTMENT OF TRANSPORTATION
PRELIMINARY PLANS
 11/9/2011



TYPICAL SECTION OF PROPOSED CHANNEL IMPROVEMENTS WITH MECHANICALLY STABILIZED EARTH (MSE)

NOT TO SCALE
 STA. 30+75.00 TO STA. 31+80.00

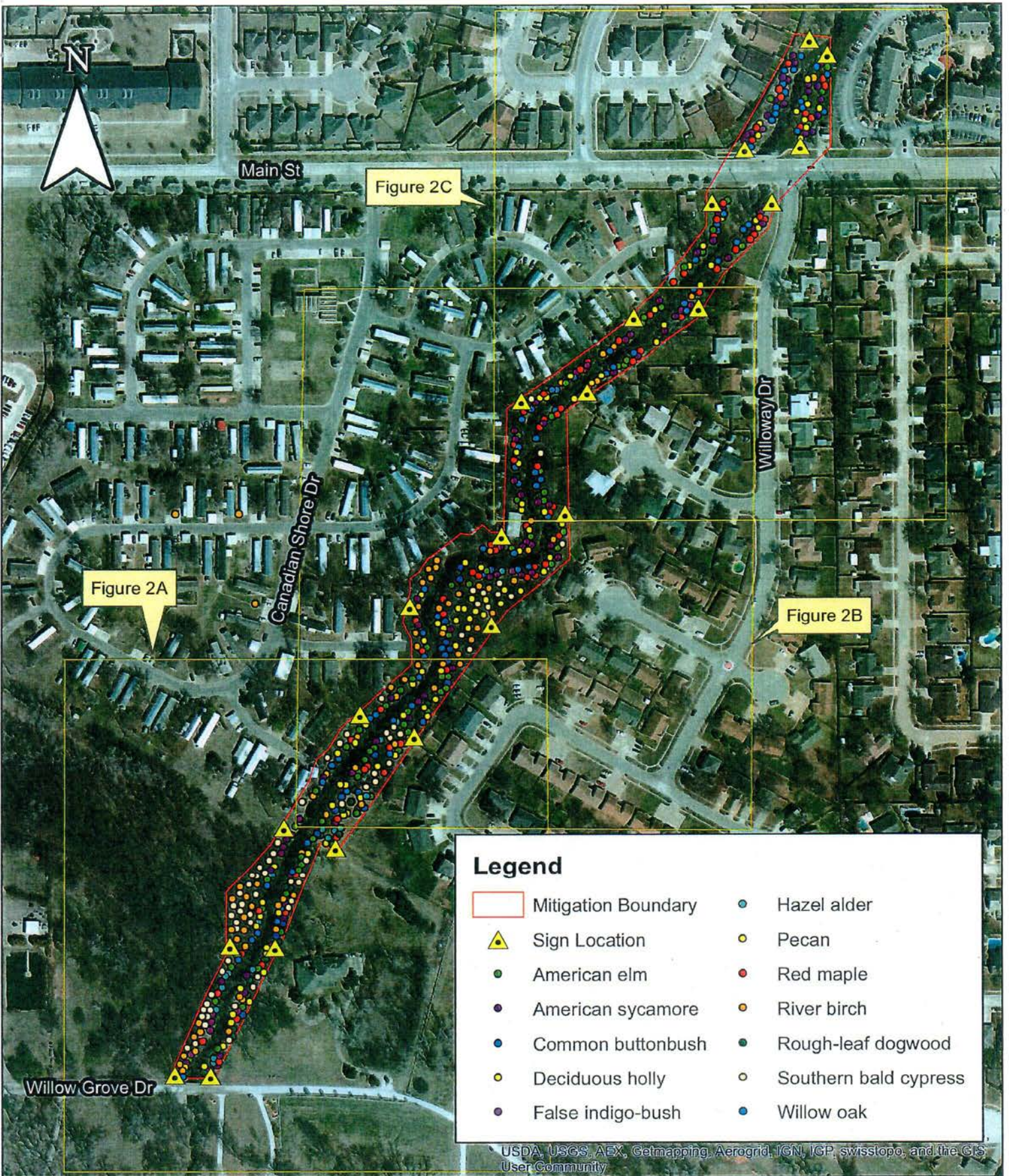


TYPICAL SECTION PROPOSED CHANNEL IMPROVEMENTS

NOT TO SCALE
 STA. 10+34.00 TO STA. 14+25.00
 STA. 36+80.00 TO STA. 39+24.66

DESIGN	DATE	BY	CLEVELAND COUNTY
CHECKED	DATE	BY	
APPROVED	DATE	BY	
SCALE	CARVER	STATE JOB NO. 26836009	SHEET NO. 7

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 City of Norman
 Bridge Replacement and Bank Stabilization Project
 Brookhaven Creek
 Norman, Cleveland County, Oklahoma
 Enclosure 7 of 9



On-Site Mitigation Overview

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 City of Norman
 Bridge Replacement and Bank Stabilization Project
 Brookhaven Creek
 Norman, Cleveland County, Oklahoma
 Enclosure 8 of 9

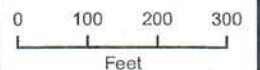
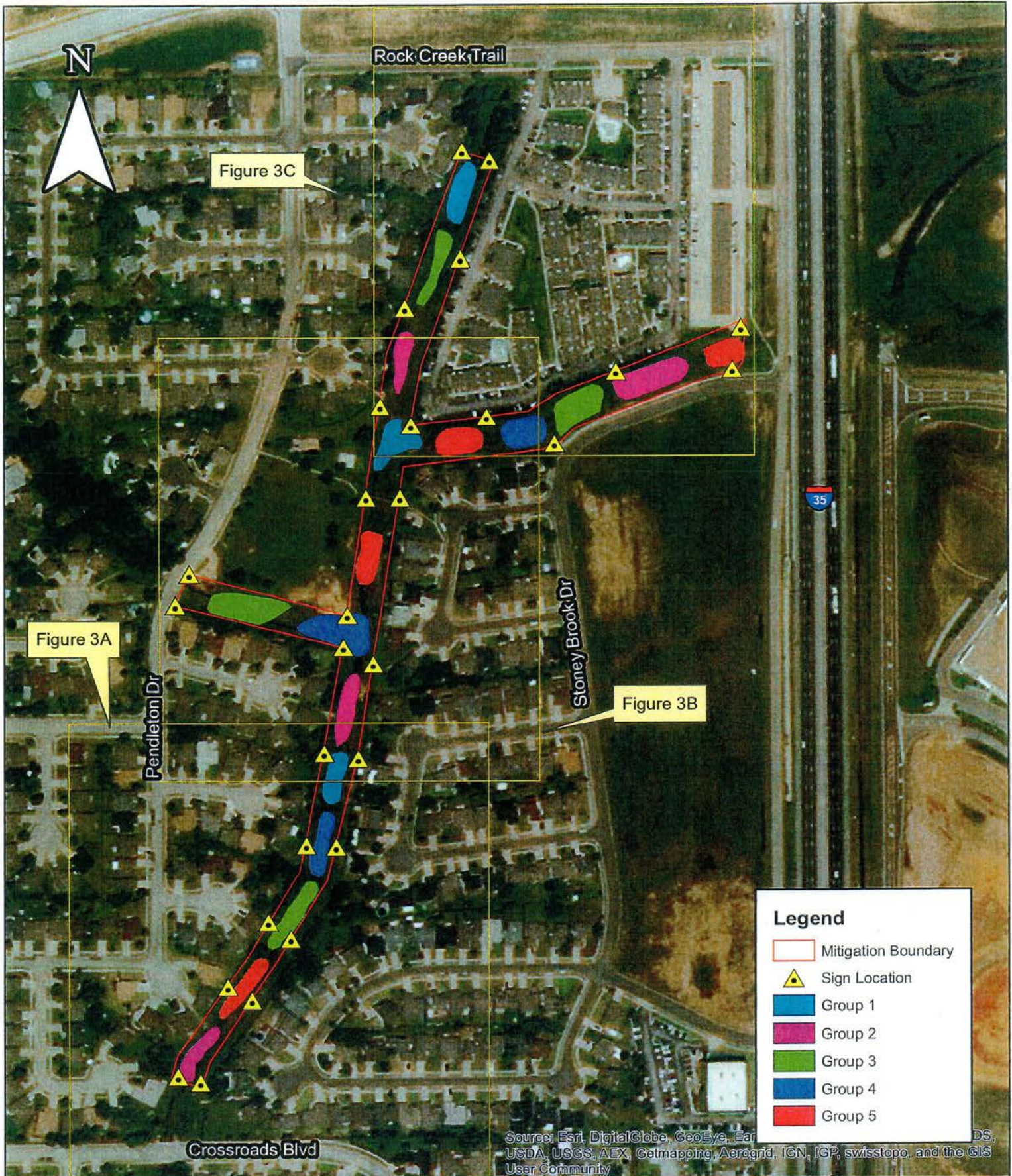


Figure 2





Off-Site Mitigation Overview

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 City of Norman
 Bridge Replacement and Bank Stabilization Project
 Brookhaven Creek
 Norman, Cleveland County, Oklahoma
 Enclosure 9 of 9

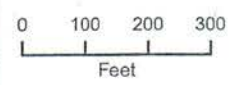


Figure 3