



DEPARTMENT OF THE ARMY
CORPS OF ENGINEERS, TULSA DISTRICT
2488 EAST 81ST STREET 2488 E. 81ST STREET TULSA, OK 74137
TULSA, OKLAHOMA 74137-4290

Public Notice

Unite Private Network LLC, Webbers Falls Lock and Dam Project

Unite Private Network, LLC (UPN, Requester) in Muskogee County, Oklahoma, is proposing to relocate a segment of its existing fiber optic communication line from to the U.S. Route 62 bridge at the Arkansas River to under the McClellan-Kerr Arkansas River Navigation System (MKARNS) and within US Army Corps of Engineers (USACE-SWT) administered fee lands at the Webbers Falls Lock and Dam Project. The two 2-inch diameter conduits will carry fiber optic communication cables serving Northeastern Oklahoma east of the Arkansas River. The proposed relocation would be installed via horizontal direction drill (HDD). The proposed conduits will be 1,288 feet long with the directional drilling entry point on the westside of the river and an exit point on the east side of the river south of the U.S. Route 62 bridge. The HDD will be at a minimum of 15 feet under the deepest point of the river channel at 460 msl. As such, UPN is requesting 33 U.S.C Section 408 approval from USACE-SWT to occupy and alter a portion of the Webbers Falls Lock and Dam Project to accomplish the proposed project. Proposed alterations and modifications related to the proposed project are the operation and maintenance responsibilities of the non-federal sponsor, UPN, and would be implemented at no cost to the federal government.

Authorized purposes of the Webbers Falls Lock and Dam Project include hydropower and navigation. The Webbers Falls Lock and Dam Project was authorized by McClellan-Kerr Arkansas River Navigation System in the River and Harbor Act approved July 24, 1946; Project Document HD 758, 79th Congress, 2d Session. Located on the Arkansas River at navigation mile 366.6, about 5 miles northwest of Webbers Falls in Muskogee County, Oklahoma.

This request will be reviewed pursuant to Section 14 of the Rivers and Harbors Act of 1899 (33 USC 408). A requestor has the responsibility to acquire other authorizations required by federal, state, and local laws or regulations, including any required permits from the USACE Regulatory Program. An approval under Section 408 does not grant any property rights or exclusive privileges nor does it authorize any injury to the property or rights of others.

The decision whether to grant the request for the alteration under Section 408 is based on several factors which are outlined in Engineer Circular 1165-2-220. The benefits which reasonably may be expected to accrue from the proposed alteration must be balanced against its reasonably foreseeable detriments. Review of the proposed alteration will be reviewed by a USACE technical review team considering the following factors:

1. *Impacts to the Usefulness of the USACE Project Determination.* The review team will determine if the proposed alteration would limit the ability of the federally authorized project to function as authorized, or would compromise or change any authorized project conditions, purposes, or outputs.
2. *Injurious to the Public Interest Determination.* The review team will determine the probable impacts of the proposed alteration, including cumulative impacts, on the public interest. Factors that may be relevant to the public interest may include, but are not limited to, such things as conservation, economic development, historic properties,

cultural resources, environmental impacts, water quality, flood hazards, floodplains, residual risk, induced damages, shoreline erosion or accretion, and recreation.

3. *Environmental Compliance.* A decision on a Section 408 request is a federal action subject to the National Environmental Policy Act (NEPA) and other applicable federal environmental and cultural resources compliance requirements.
4. *Technical Analysis.* The Tulsa District will work with the requestor to ensure all required technical plans, maps, drawings, and specifications are provided and complete. The SWT Dam and Levee Safety Section has reviewed submitted plans and specifications.

SOLICITATION OF COMMENTS: The USACE 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 the proposed alteration. Comments received will be considered by the USACE to determine whether to issue, modify, condition, or deny a permission for this proposed alteration.

Please provide any comments you may have to Mike Abate, Chief, Civil Works Branch, PPMD by email (Mike.R.Abate@usace.army.mil) by May 28th, 2021. Please direct any questions or requests for additional information to Mr. Abate by email or telephone at 918-669-7527.