



Public Notice

U.S. Army Corps
of Engineers
Tulsa District

Reply To:

U.S. Army Corps of Engineers
ATTN: Regulatory Office
2488 East 81st Street
Tulsa, Oklahoma 74137-4290

SWT-2019-393
Public Notice No.

May 22, 2020
Public Notice Date

June 21, 2020
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

This public notice has been provided as a public service and may be reprinted at your discretion. However, any cost incurred as a result of reprinting or further distribution shall not be a basis for claim against the Government.



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

Application No. SWT-2019-00393

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 (DA) permit and water quality certification pursuant to Sections 404 and 401 of the Clean Water Act (CWA). The ODEQ hereby incorporates this public notice and procedure as its own public notice and procedure by reference thereto.

Applicant: Mr. Chris Browning
City of Oklahoma City
420 West Main Street, Suite 500
Oklahoma City, OK 73102

Location: The proposed project is located in Sections 18, 19, and 30, Township 12 North, Range 4 West, Oklahoma County, Oklahoma. The project site can be found on the Oklahoma City, Oklahoma 7.5 Minute USGS Quadrangle map at North Latitude 35.4974 and West Longitude -97.6670.

Project Description: The proposed project is to repair erosion along the left descending bank of the North Canadian River bypass channel adjacent to Lake Overholser. This proposal would result in the placement of 23,500 CY of red shale and 5,000 CY of 18" riprap within 10,500 LF of the bypass channel.

Purpose: The overall purpose is to correct extensive bank erosion along this constructed bypass channel. The project is not a water dependent activity.

The basic purpose and need of the proposed action is to conduct bank stabilization along the entire reach of the bypass channel.

Summary Table of Impacts:

Original Proposal					
Number or Location	Impact Activity	Type of Water	Type of Fill Material	Qty of Material cys below OHWM	Footprint (ac and/or lf)
Left Descending Bank Bypass Channel	Placement of dredged and fill material	canal	Red Shale	23,500	10,500 LF
Left Descending Bank Bypass Channel	Placement of dredged and fill material	Canal	18" riprap	5,000	10,500 LF
cubic yards (cys), ordinary high water mark (OHWM), acre (ac), linear feet (LF)					

Description of Work: The applicant proposes the placement of dredged and fill material consisting of red shale composed of silt and clay for back fill and rock riprap materials for bank stabilization along 10,500 LF of the left descending bank of the North Canadian River bypass channel. The red shale would be acquired from an existing borrow site at Draper Lake and the rock riprap would come from a local quarry. The project would require the use of various conventional earth moving equipment for construction and excavation. The material would be placed along the left descending bank using a long reach excavator from the top of bank.

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 canal bank is being restored back to its natural alignment before it eroded out. The bank stabilization will not change the natural flow of water of the canal waters.

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

The applicant is not proposing any mitigation associated with this project.

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. Compensatory Mitigation for unavoidable impacts may be required to ensure that this activity requiring a Section 404 permit, if issued, complies with the Section 404 (b)(1) Guidelines. The Corps bears the final decision on the need for and extent of mitigation required if the project proposed herein is authorized.

Project Setting: The project is located within Oklahoma City, within a constructed bypass channel of the North Canadian River adjacent to Overholser Lake. The project area is located within the Cross Timbers Transition of the Central Great Plains ecoregion of central Oklahoma. The Central Great Plains ecoregion includes scattered hills, low mountains, gypsum karst and sandy flats.

Existing Condition: The site is located within a constructed bypass channel of the North Canadian River adjacent to Overholser Lake. The site is highly eroded from storm damage.

Cultural Resources: The DE is responsible to ensure compliance with the National Historic Preservation Act of 1966 (NHPA) (Public Law 89-665), as amended, and other cultural resources laws and Executive Orders. A preliminary review of the state's records has been completed for the presence of sites included in, or eligible for, inclusion in the National Register of Historic Places (NRHP), as well as the Oklahoma Landmark Inventory Database. The southern end of the undertaking is within the NRHP boundary of the Lake Overholser Dam, as defined on the NRHP nomination form. The undertaking is also within the viewshed of the NRHP listed Lake Overholser Bridge. The North Canadian bypass channel is historic in age and was built as part of Lake Overholser but was not included as part of the NRHP listing for the dam. Based on the nature of the undertaking, the project is unlikely to adversely effect unrecorded below ground resources. Due to the type of undertaking, the project is unlikely to adversely (indirect and direct) effect the NRHP listed Lake Overholser Dam and Bridge.

Threatened and Endangered Species: 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*), and whooping crane (*Grus americana*). A field review has been conducted by a qualified biologist to determine potential impacts to listed species and designated critical habitats and a final Biological Report and Effect Determination would be provided to the USFWS for concurrence.

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

Evaluation Factors: The decision whether to issue a permit would 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 would 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 would 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 would 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 would be granted unless the DE determines that it would be contrary to the public interest.

Plans and Data: Plans showing the location of the proposed activity and other data are enclosed with this notice (Enclosures 1 through 2). If additional information is desired, it may be obtained from Mr. Bryan Noblitt, Tulsa District Corps of Engineers, ATTN: Regulatory Office, 2488 East 81st Street, Tulsa, OK 74137; or telephone 918-669-7400.

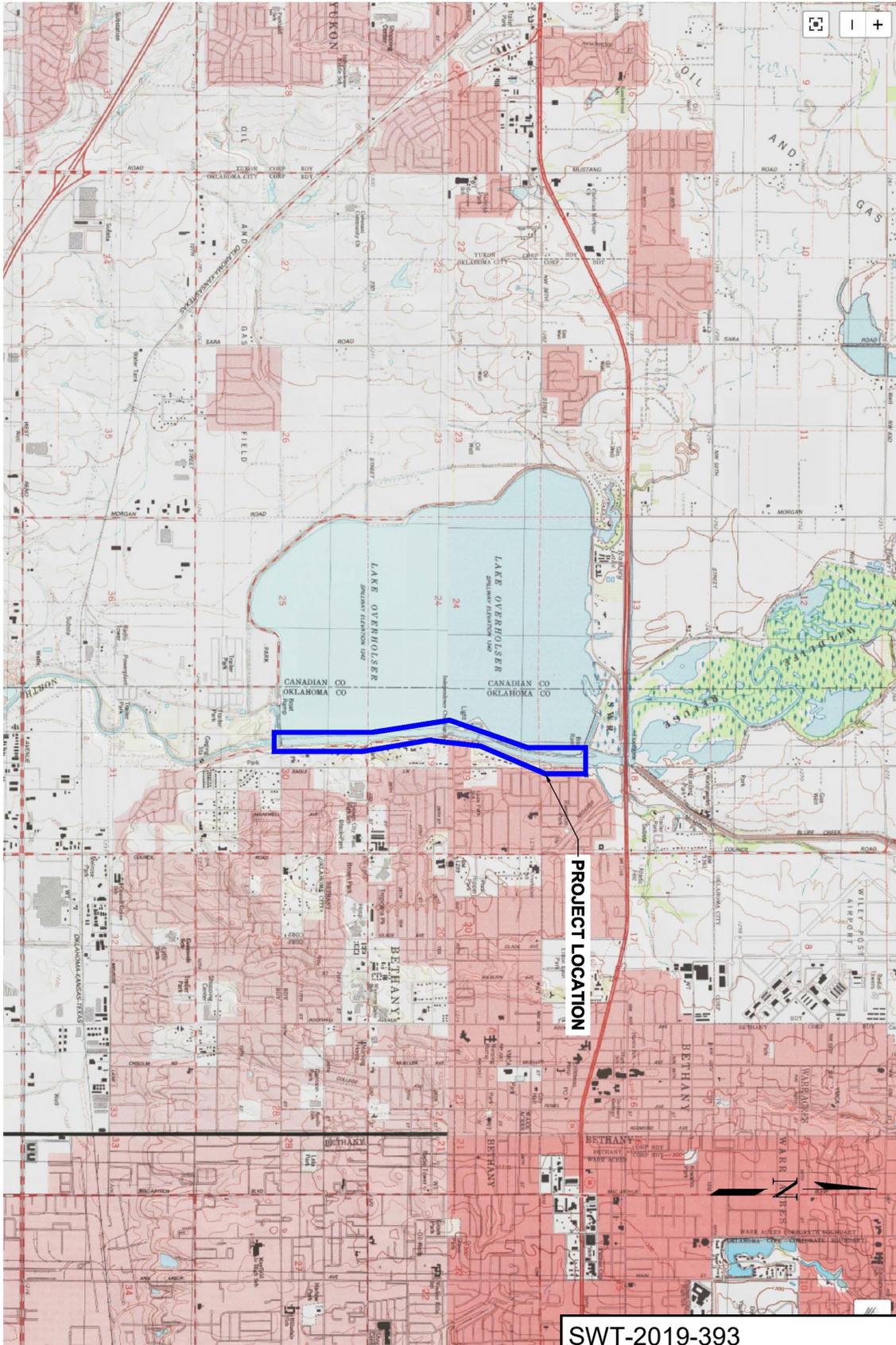
Comments: The Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received would be considered by the Corps to determine 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 comments on this proposal must be submitted to be received by the Corps by the expiration date of this public notice comment period. Comments received after this date would not be considered in our decision. You may submit comments to mailing address Tulsa District Corps of Engineers, ATTN: Regulatory Office, 2488 East 81st Street, Tulsa, OK 74137 or email CESWT-RO@usace.army.mil. Please include the public notice number SWT-2019-393 in the subject line of your email message.

Comments concerning water quality impacts would 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



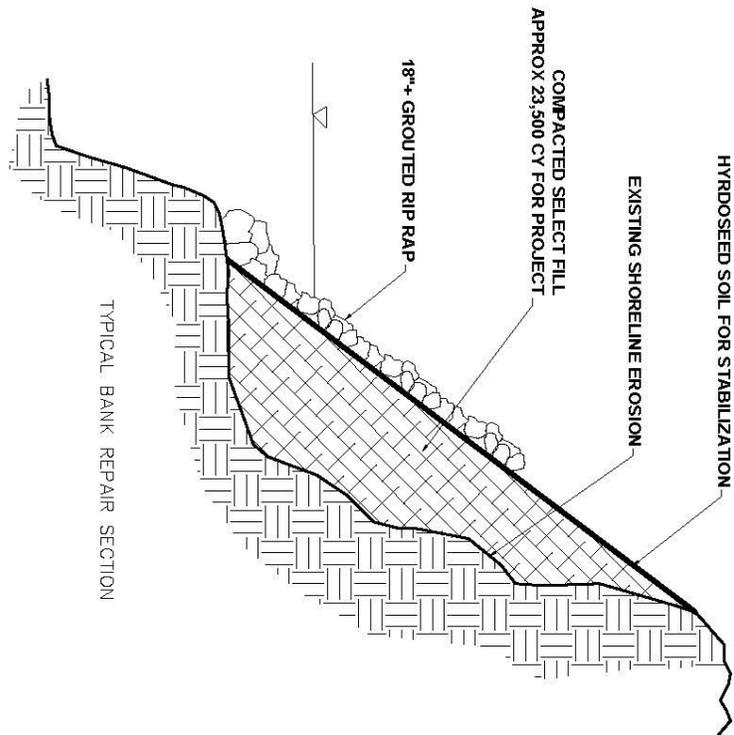
PROJECT LOCATION

SWT-2019-393
 OKC bypass channel bank stabilization
 Oklahoma County
 Bypass Channel North Canadian River
 Enclosure 1 of 2

**CANAL BANK
 LOCATION PLAN**

NO.	DATE	DESCRIPTION

DATE: 5/18/20
 DRAWN BY: STG
 CHECKED BY: JMS
 SCALE: NTS
 SHEET NUMBER: 02
 Project #: XX-XXXX



SWT-2019-393
 OKC bypass channel bank stabilization
 Oklahoma County
 Bypass Channel North Canadian River
 Enclosure 2 of 2

Project # XX-XXXX

SHEET NUMBER
 01

SCALE
 NTS

DATE
 3/27/20

DRAWN BY
 JDS

CHECKED BY
 JDS

CANAL BANK EROSION
 TYPICAL SECTION
 SITE PLAN

NO.	DATE	DESCRIPTION