



# Public Notice

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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-2014-860  
Public Notice No.

December 12, 2014  
Public Notice Date

January 12, 2015  
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 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 Number: SWT-2014-860

U.S. ARMY CORPS OF ENGINEERS  
PUBLIC NOTICE  
(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 under Section 10 of the Rivers and Harbors Act of 1899. The application is for the excavation of accumulated sediments in the Red River.

Name of Applicant:

Mr. Lee Carroll  
Lattimore Materials Corporation  
15900 Dooley Road  
Addison, Texas 75001

Name of Agent:

Mr. Lee Sherrod  
Horizon Environmental Services, Inc.  
1507 South IH35  
Austin, Texas 78741

Location: The proposed project begins in Section 34, Township 7 South, Range 1 East and ends in Section 14, Township 8 South, Range 1 East, near Thackerville, Love County, Oklahoma. The project site can be found on the Marietta, OK, TX and the Thackerville, OK, TX 7.5 Minute USGS Quadrangle Map.

Project Begins: Latitude North: 33.85478

Longitude West: 97.167805

Project Ends: Latitude North: 33.90145

Longitude West: 97.186398

Purpose:

The basic purpose of this work is to harvest sand from the bed of the Red River and in-channel sandbars for use in the construction industry.

A water dependency determination is not required since no special aquatic sites are located within the project site.

The overall purpose of this work is to excavate sand in the Red River.

Description of Work: The applicant proposes to mine approximately 400,000 cubic yards of sand per year from the bed of the Red River and in-channel sandbars. The mining would be accomplished by suction dredging on a barge in the river. The sand from the river would be pumped to the Thackerville sand processing plant and the decant water would be returned to the river via sedimentation ponds previously authorized by the Oklahoma Department of Environmental Quality. The mining limits are within the channel of the Red River. The maximum depth of dredging would be 25 feet or until bedrock is reached and a 25-foot buffer zone waterward of the wetted edge along both banks of the river would be maintained to prevent bank sloughing.



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:

Three alternative configurations were considered during the preliminary design of the project.

Alternative 1: No Action

Alternative 2: Continue to work under existing Department of the Army nationwide permit authorization (SWT-2008-520) which allows for the dredging of sand in the river and removal of sand on non-vegetated sandbars.

Alternative 3: The excavation of sand and in-channel sandbars from Red River to meet current demands (Current Proposal).

Mitigation: The applicant has not proposed any compensatory mitigation for the unavoidable impacts to aquatic resources expected from the proposed project:

The removal of the sand/sediment from Red River would be offset by providing more depth of water for aquatic species habitat and of itself, a compensatory mitigation effort.

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 in the rural limits of Thackerville, in the Oklahoma Ecoregion of Cross Timbers, which is part of the Central Irregular Plains geomorphic province. The transition is characterized by a series of tall grass prairie and oak-hickory forests that are native to eastern areas. The project is located within a sparse riparian corridor that provides shading for a perennial stream channel. Oil extraction has been a major activity in this region for over 80 years.

Plans and Data: Plans showing the location of the proposed activity and other data are enclosed with this notice (Enclosures 1 through 4). 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 918-669-7403.

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 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 the whooping crane (*Grus americana*). 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 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.

Our preliminary determination is that the proposed activity will not affect listed threatened or endangered species or their critical habitat. The IPAC Consultation Tracking Number: 02EKOK00-2015-SLI-0381.

We are presently 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 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, 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.

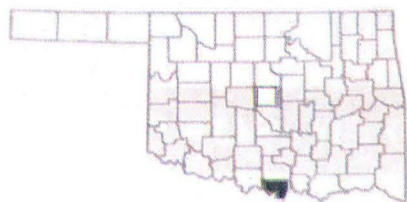
Comments: The Corps is soliciting comments from the public; Federal, state, and local agencies and officials; Indian tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Comments concerning the issuance of this permit should be received by the 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 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 (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 Floodplain Administrator is required to perform this review for all proposed development and maintain records of such review.

Andrew R. Commer  
Chief, Regulatory Office

Enclosures





SWT-2014-860  
Lattimore Materials Corporation, Sand Dredging Project  
Red River  
Thackerville, Love County, Oklahoma  
Enclosure 1 of 4

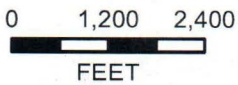




MAP SOURCE:  
 NATIONAL AGRICULTURAL IMAGERY PROGRAM (NAIP);  
 MARIETTA WEST, TEXAS QUADRANGLE (SW & SE QUARTERS; 2012)  
 THACKERVILLE, TEXAS QUADRANGLE (NE & NW QUARTERS; 2012)

**LEGEND**

- PROPOSED DREDGING
- —— PROPERTY OWNER AGREED 100 FOOT BANK OFFSET
- X — X'** TYPICAL CROSS-SECTION

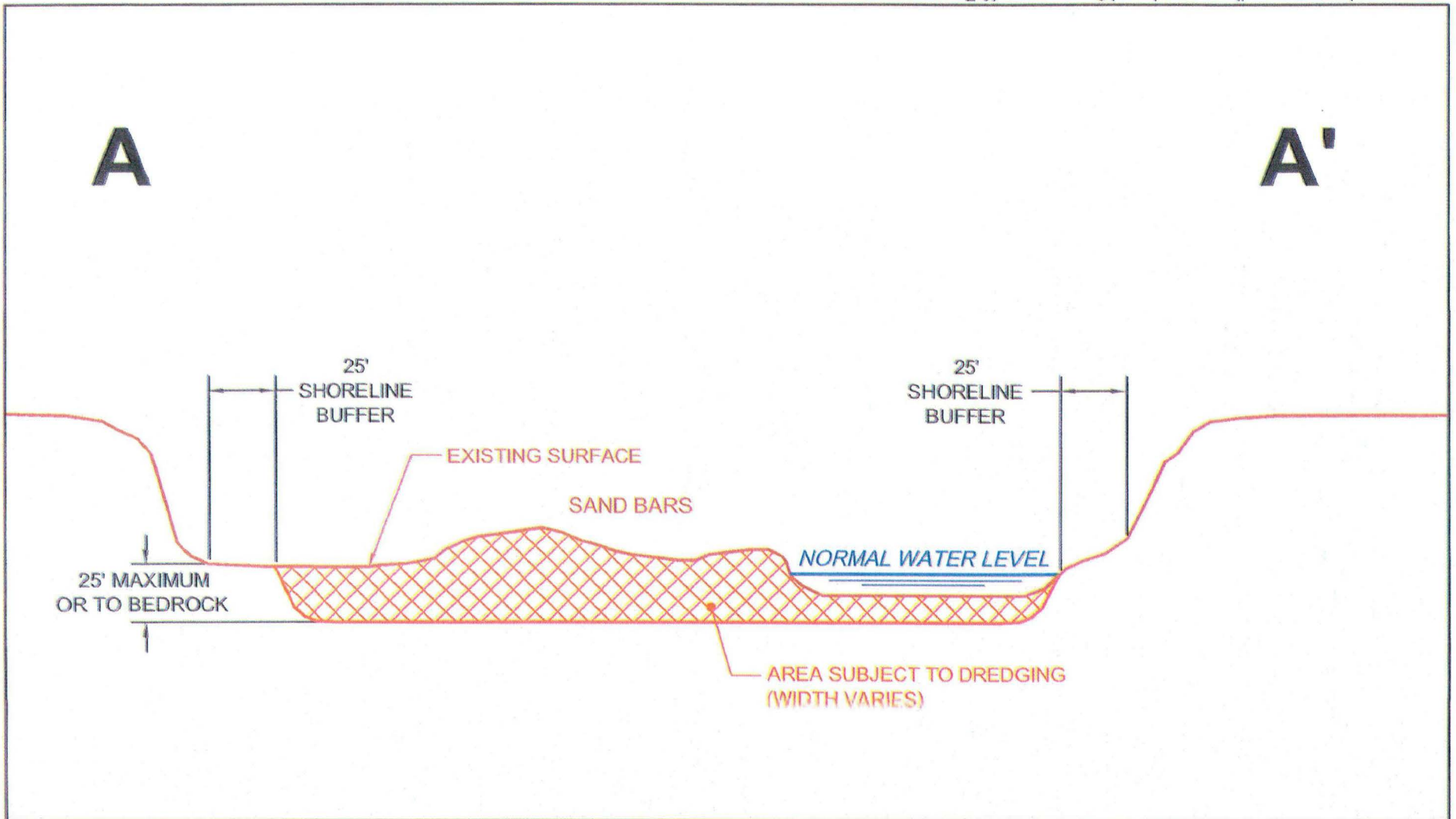


**Horizon**  
 Environmental Services, Inc.

**FIGURE 5**

SWT-2014-860  
 Lattimore Materials Corporation, Sand Dredging Project  
 Red River  
 Thackerville, Love County, Oklahoma  
 Enclosure 2 of 4





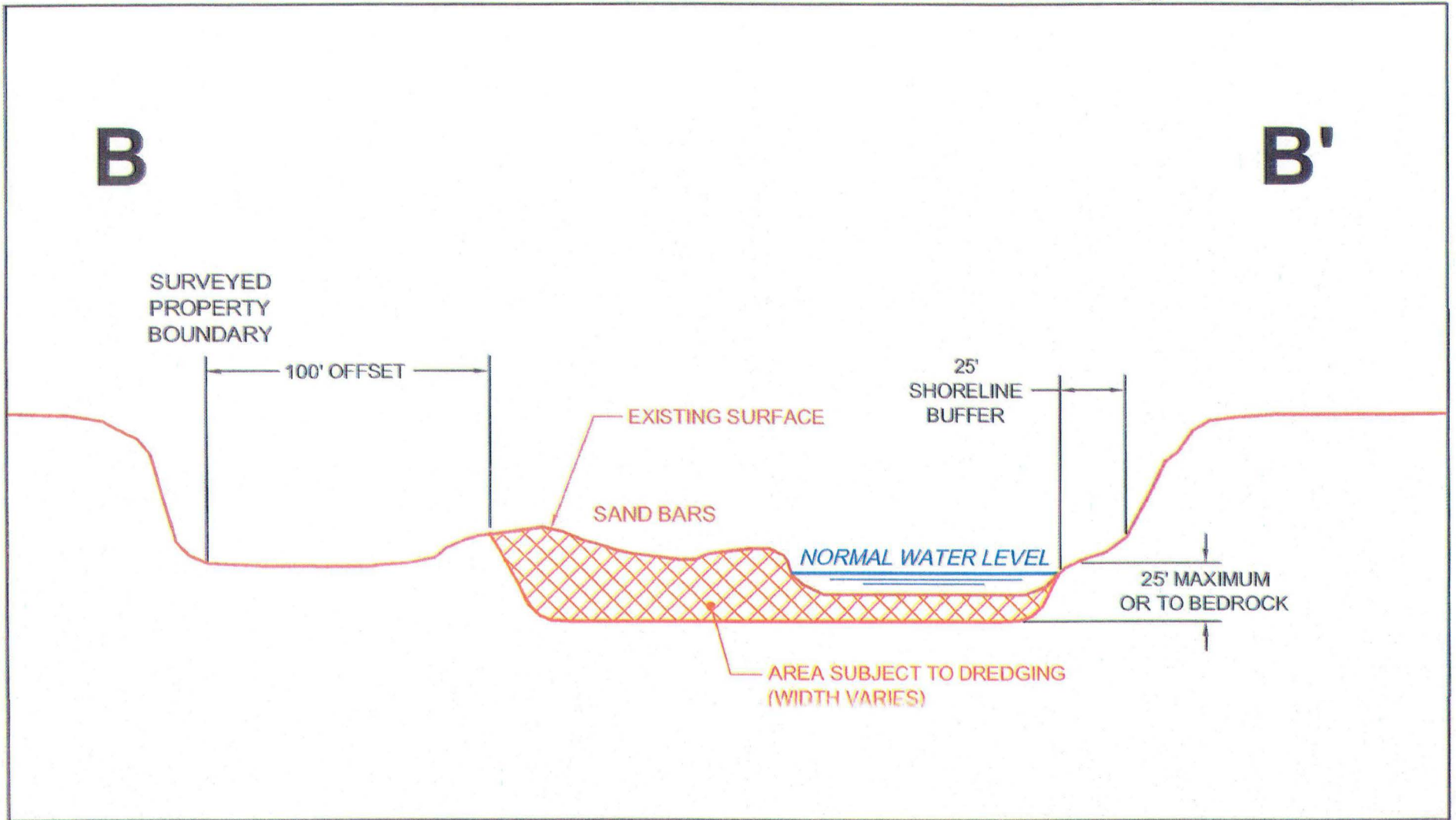
**NOT TO SCALE**

SWT-2014-860  
Lattimore Materials Corporation, Sand Dredging Project  
Red River  
Thackerville, Love County, Oklahoma  
Enclosure 3 of 4

**FIGURE 3**

TYPICAL CROSS SECTION A-A'  
SAND DREDGING OPERATION  
THACKERVILLE SAND PLANT  
LOVE COUNTY, OKLAHOMA





**NOT TO SCALE**

SWT-2014-860  
Lattimore Materials Corporation, Sand Dredging Project  
Red River  
Thackerville, Love County, Oklahoma  
Enclosure 4 of 4

**FIGURE 3**

TYPICAL CROSS SECTION B-B'  
SAND DREDGING OPERATION  
THACKERVILLE SAND PLANT  
LOVE COUNTY, OKLAHOMA