



Public Notice

**U.S. Army Corps
Of Engineers**

Tulsa District

Permit Application No: _____

Date Issued: _____

Comments _____

Due: _____

NATIONWIDE PERMIT
REISSUANCE,
OKLAHOMA

January 18, 2017

February 17, 2017

PUBLIC NOTICE FOR FEDERAL REGISTER NOTICE ANNOUNCING THE REISSUANCE OF THE NATIONWIDE PERMITS

On January 6, 2017, the U.S. Army Corps of Engineers (Corps) published a notice in the *Federal Register* announcing the reissuance of all 50 existing nationwide permits (NWP), general conditions, and definitions, with some modifications from prior versions. The Corps also issued two new NWPs, one new general condition, and five new definitions. The 2017 NWPs will go into effect on March 19, 2017, and will expire on March 18, 2022.

With the publication of this *Federal Register* notice, Corps districts will begin finalizing their regional conditions for the new and reissued NWPs. Regional conditions, for the 2017 NWPs, will provide additional protection for the aquatic environment, and will help ensure that the NWPs authorize only those activities with no more than minimal adverse environmental effects. Regional conditions will help ensure protection of high value waters within the Southwestern Division for Tulsa District.

An enclosure for this public notice (Enclosure 1) lists the proposed final regional conditions currently under consideration by the Southwestern Division for Tulsa District, applicable within the State of Oklahoma. Tulsa District is seeking comments on the proposed final regional conditions to help ensure that the adverse environmental effects of activities authorized by the proposed NWPs are no more than minimal, individually and cumulatively. Comments on regional issues relating to the proposed NWPs and proposed final regional conditions should be sent to:

Regulatory Office, CESWT-RO
U.S. Army Corps of Engineers
1645 South 101st East Ave.
Tulsa, Oklahoma 74128
ceswt-ro@usace.army.mil

Comments relating to the final regional conditions are due by February 17, 2017.

The publication of this *Federal Register* notice also begins the 60-day period for states, Tribes, and the Environmental Protection Agency (EPA) to complete their water quality

certification (WQC) processes for the NWP. The 60-day period for WQC will end on March 6, 2017.

The January 6, 2017, *Federal Register* notice is available for viewing at the Tulsa District Office located at 1645 South 101st East Avenue, Tulsa, Oklahoma or on the Internet at <http://www.usace.army.mil/Missions/CivilWorks/RegulatoryProgramandPermits/NationwidePermits.aspx>. As an alternative, interested parties can access the January 6, 2017, final rule that was published in the *Federal Register* through the U.S. Government Printing Office at <http://www.gpo.gov/fdsys/browse/collection.action?collectionCode=FR>.

The Corps has also issued final decision documents for the new and reissued NWP. These documents are available at www.regulations.gov at docket number COE-2015-0017. Furthermore, the national NWP decision documents will be supplemented by Division Engineers to address decisions concerning the addition of regional conditions to the NWP.

Concurrent with Corps processing of this notice, the Oklahoma Department of Environmental Quality (ODEQ) is reviewing this notice under Section 401 of the CWA. The DEQ hereby incorporates this public notice and procedure as its own public notice and procedure by reference thereto. This public notice is also issued for the purpose of advising all known interested persons that there is pending before the ODEQ a decision on water quality certification under such act. Any comments concerning this notice may be submitted to the Oklahoma Department of Environmental Quality, Water Quality Division, 707 N. Robinson, Oklahoma City, OK 73101-1677 (The Corps is not accepting comments). The public comment period extends 30 days from the date of publication of this notice. A copy of the public notice with a description of the work is made available for review in the ODEQ's office. The complete notice may be reviewed in the Corps office. The ODEQ may conduct a public meeting to consider all comments concerning water quality if requested in writing. A request for a public meeting must contain the following information: the name, mailing address, notice title, or other recognizable reference to the application; a brief description of the interest of the requester, or of persons represented by the requester; and a brief description of how the notice, if granted, would adversely affect such interest.

**2017 NATIONWIDE PERMIT (NWP) REGIONAL CONDITIONS
FOR THE STATE OF OKLAHOMA**

The following regional conditions apply within the entire State of Oklahoma:

1. For all discharges proposed for authorization under nationwide permits (NWP) 3, 6, 7, 12, 14, 18, 19, 21, 23, 25, 27, 29, 39, 40, 41, 42, 43, 44, 49, 51, and 52, into the following habitat types or specific areas, the applicant shall notify the appropriate District Engineer in accordance with the NWP General Condition 32, Pre-Construction Notification (PCN). The Corps of Engineers (Corps) will coordinate with the resource agencies as specified in NWP General Condition 32(d) (PCN). The habitat types or areas are:

- a. **Pitcher Plant Bogs:** Wetlands typically characterized by an organic surface soil layer and include vegetation such as pitcher plants (*Sarracenia* spp.), sundews (*Drosera* spp.), and sphagnum moss (*Sphagnum* spp.).
- b. **Bald Cypress-Tupelo Swamps:** Wetlands dominated by bald cypress (*Taxodium distichum*) and/or water tupelo (*Nyssa aquatica*).

2. **Designated Critical Resource Waters (CRWs):** CRWs are Outstanding Resource Waters (ORWs) and their watersheds, and High Quality Waters (HQWs) designated by the State of Oklahoma in Appendix A of the Water Quality Standards (OAC 785, Chapter 45). The ORWs include all waters in the supporting watersheds, HQWs do not. Both ORWs and HQWs include adjacent wetlands. The current list of CRWs is available on the Corps website: <http://www.swt.usace.army.mil/portals/41/docs/missions/regulatory/wqc/crw.pdf> (See GC 22 *Designated CRWs*).

3. **Invasive Species:** For all activities proposed for authorization under NWP in Palustrine and Lacustrine aquatic resource types, Best Management Practices (BMPs) are required to reduce the risk of transferring invasive plant and animal species to or from project sites. The following BMPs, as a minimum, will be required:

- a. **Clean:** Clean both the inside and outside of equipment and gear by removing all plants, animals, and mud and thoroughly washing the equipment using a high pressure spray nozzle. Equipment operated or stored in a water body on the Oklahoma list of zebra mussel (*Dreissena polymorpha*) infected water bodies shall be decontaminated in accordance with State of Oklahoma procedures prior to relocation.

b. Drain: Drain all water from receptacles before leaving the area, including livewells, bilges, ballast, and engine cooling water on boats.

c. Dry: Allow time for your equipment to dry completely before relocating in other waters. Minimum drying time is one week. Equipment operated or stored in a water body on the Oklahoma list of zebra mussel (*Dreissena polymorpha*) infected water bodies shall be dried a minimum of 20 days prior to relocation. High temperature pressure washing (at least 140 degrees Fahrenheit) or professional cleaning may be substituted for drying time.

4. Upland Disposal: Material disposed of in uplands shall be placed in a location and manner that prevents discharge of the material and/or return water into waters or wetlands unless otherwise authorized by the Tulsa District Engineer.

5. Major Rivers: The applicant shall notify the Tulsa District Engineer, in accordance with NWP General Condition 32, for all NWP 14 verifications that encompass activities, within the permit area, crossing major rivers within Tulsa District. For the purposes of this condition, major rivers include the following: Arkansas River, Canadian River, North Canadian River, Cimarron River, Grand-Neosho River, Illinois River, Red River, Verdigris River, and Washita River.