

U.S. Army Corps of Engineers Tulsa District

Public Notice

Reply To:

U.S. Army Corps of Engineers ATTN: Regulatory Office 1645 South 101st East Avenue Tulsa, Oklahoma 74128-4609 SWT-2014-636 Public Notice No.

Aug 25, 2014 Public Notice Date

Sep 24, 2014 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.

Application No. SWT-2014-636

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 and Section 10 of the Rivers and Harbors Act of 1899. The ODEQ hereby incorporates this public notice and procedure as its own public notice and procedure by reference thereto.

The application is to protect State Highway (SH) 10 from Illinois River erosion by restoring the right descending bank, adjacent riparian area, and river equilibrium.

- Name of Applicant: Mr. Andrew Wells Estate of Clair Wells 1111 S. Muskogee Avenue Tahlequah, OK 74464
- Name of Agent: Ms. Shanon Phillips, Director Water Quality Division Oklahoma Conservation Commission 4545 N. Lincoln Blvd., Suite 11A Oklahoma City, OK 73105

Name of Agent: Ms. Dawn Sullivan, Chief Environmental Programs Division Oklahoma Department of Transportation 200 NE. 21st Street Oklahoma City, OK 73105

Location: The proposed project is located in Section 23, Township 17 North, Range 22 East, near Tahlequah, Cherokee County, Oklahoma. The project site can be found on the Tahlequah, Oklahoma 7.5 Minute USGS Quadrangle map at North Latitude 35.93507 and West Longitude 94.92419. The site is located approximately one-half mile north from the SH 62 and SH 10 junction on the east side of SH 10 and stretches approximately 2,900 feet north.

<u>Purpose:</u> The basic purpose of the proposed work is to provide bank stabilization and protect the eastern edge of SH 10 from erosion. A water dependency statement determination is unnecessary since no special aquatic sites are being permanently impacted at the project site.

The overall purpose of the proposed work is restoration of the riverbank and riparian corridor, and restoration of stable river channel and river habitat, for the purpose of protecting SH 10 from continued erosion. Discharge includes excavation and grading of the riverbed, restoration of the riverbank; and placement of rock vanes within the river for stream enhancement, and erosion control.

Original Pro					
Location	Impact Activity	<u>Type of Impact</u>	<u>Type of</u> <u>Fill</u> <u>Material</u>	Quantity of Material (CY) below OHWM	Footprint (AC and/or LF)
<u>Right</u> <u>Descending</u> <u>Bank</u>	Placement of Fill Material	Bank Stabilization	Gray Riprap Stone (10 to 30 CU FT each) and Bedding	2,000 CY	<u>2,900 LF</u>
<u>Right</u> <u>Descending</u> <u>Bank</u>	Placement of Fill Material	Bank Restoration	River Gravel and Soil	9,000 CY and <u>6,000 CY</u>	0.917 <u>Acre</u>
<u>Right</u> <u>Descending</u> <u>Bank</u>	Placement of Fill Material	Rock Vanes (4) River Restoration	<u>Gray</u> <u>Boulders</u> (40 cubic feet each)	<u>4 @ 200 =</u> <u>800 CY</u> <u>Total</u>	<u>4 @ 95</u> <u>LF each =</u> <u>380 LF</u>

Table of Impact:

<u>Description of Work</u>: The applicant proposes to stabilize approximately 2,900 linear feet of the Illinois River channel. Approximately 2,000 cubic yards of stone would be used to restore the eroded bank. Approximately 9,000 cubic yards of river gravel would be removed from a point bar in the middle of the river by track hoe and placed behind the restored bankline. Approximately 6,000 cubic yards of soil would be placed about one feet deep over the river gravel. Four rock arm vanes sized about 95 feet long with approximately 200 cubic yards of 40 cubic foot boulders would be placed along the western bank for a total of 800 cubic yards. Gray riprap stone and rock from local quarries would be used. The adjacent floodplain and right descending bank riparian buffer would be enhanced through implementation of this project. The existing channel would be realigned and reshaped to provide equilibrium for riffle-pool morphology, effective sediment transport, and improved habitats. The right-bank floodplain bench would be planted with native riparian buffer vegetation to support long-term erosion resistance, streambank stability, habitats, and water quality. Sod mats would be laid and sycamores would be transplanted along disturbed areas of the banks. Seed mixes, bare root trees, and live stakes would be planted throughout the riparian and upland areas. See the Planting Plan in the enclosed plans.

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

In order to achieve stream enhancement goals relative to geomorphic sustainability and aquatic habitat quality, the proposed impacts are unavoidable. The existing unstable channel must be realigned and reshaped to provide equilibrium for riffle-pool morphology, effective sediment transport, and improved habitats. The right-bank floodplain bench planted with native riparian buffer vegetation is necessary for long-term erosion resistance, stream bank stability, habitats, and water quality. Impacts are minimized by working within the existing stream corridor and maintaining the existing left-bank riparian forest buffer intact.

<u>Mitigation</u>: The applicant believes the project is self-mitigating and offers no mitigation beyond the restoration and planting proposed in the plans.

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.

<u>Other</u>: The applicant has received a CHEROKEE COUNTY FLOODPLAIN DEVELOPMENT PERMIT dated July 9, 2014.

<u>Project Setting</u>: The project location lies in the Ozark Highlands Ecoregion which is largely underlain by flat-lying, cherty limestone. In the Illinois River watershed underground drainage, karst features, springs, and perennial streams are common. Upland natural vegetation is oak-hickory and oak-hickory-pine forests and woodlands. Livestock and poultry farming, woodland grazing, logging, recreation, and quarrying are the main land uses.

Existing Condition: The Illinois River is a State of Oklahoma Scenic River. Canoeing and kayaking are common during the summer recreation season. At the project location aggraded gravel from upstream hillslope erosion, common in the watershed, has created a wide shallow pool with a narrow thalwag on the right descending bank which has negatively impacted river habitat and increased bank erosion.

<u>Plans and Data</u>: Plans showing the location of the proposed activity and other data are enclosed with this notice (Enclosures 1 through 16). If additional information is desired,

it may be obtained from 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 regarding the potential effects from the proposed action. The DE will comply with the requirements of the National Historic Preservation Act of 1966 for any known or presently unknown historic or archeological resources that may exist in the project vicinity and which could be directly affected by the proposed work. At the request of the Oklahoma Archeological Survey (OAS), the applicant has agreed to have an archeological survey completed and the survey approved by OAS prior to construction. This public notice is being sent to the Oklahoma State Historic Preservation Officer and to Native American Tribal governments to reveal if other known historic or archeological resources may 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 (Public Law 89-665) 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 may be affected by the proposed work, the DE will immediately take the appropriate action necessary pursuant to the National Historic Preservation Act of 1966, as amended, and 36 CFR Part 800, in accordance with implementing regulations 33 CFR 325, Appendix C.

<u>Threatened and Endangered Species</u>: 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: piping plover (*Charadrius melodus*); red knot (*Calidris canutus rufa*); Neosho mucket (*Lampsilis rafinesqueanna*); rabbitsfoot (*Quadrula cylindrical cylindrical*)(Arkansas darter (*Etheostoma cragini*); American burying beetle (*Nicrophorus americanus*); gray bat (*Myotis grisescens*); northern long-eared bat (*Myotis septentrionalis*); Ozark big-eared bat (*Corynorhinus townsendii ingens*); and least tern (*Sterna antillarum*). The project location is in designated critical habitat for the Neosho mucket and the rabbitsfoot.

A copy of this notice is being furnished to the U.S. Fish and Wildlife Service (USFWS) 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.

The applicant has contacted the USFWS and agreed to survey the project site for the Neosho mucket and rabbitsfoot.

The Corps is 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.

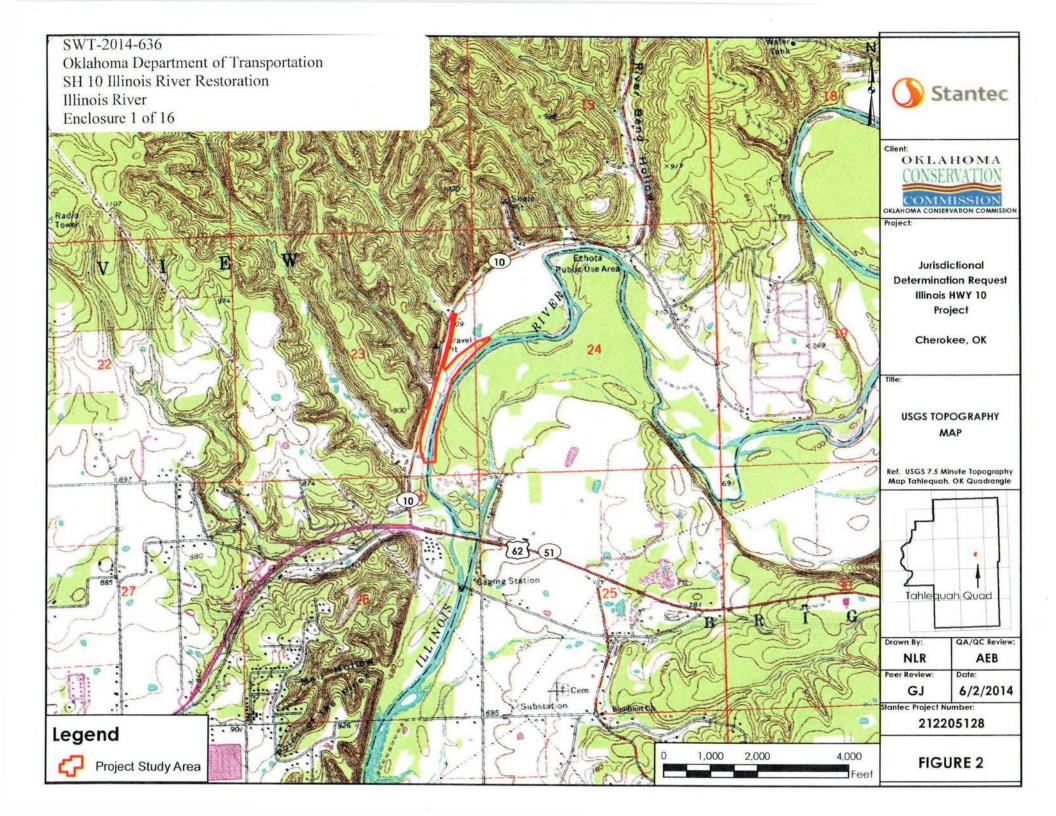
Environmental Considerations: The decision whether to issue a permit will be based on an evaluation of the probable impacts including cumulative impacts of the proposed activity and its intended use on the public interest. That decision will reflect the national concern for both protection and utilization 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, flood plain 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.

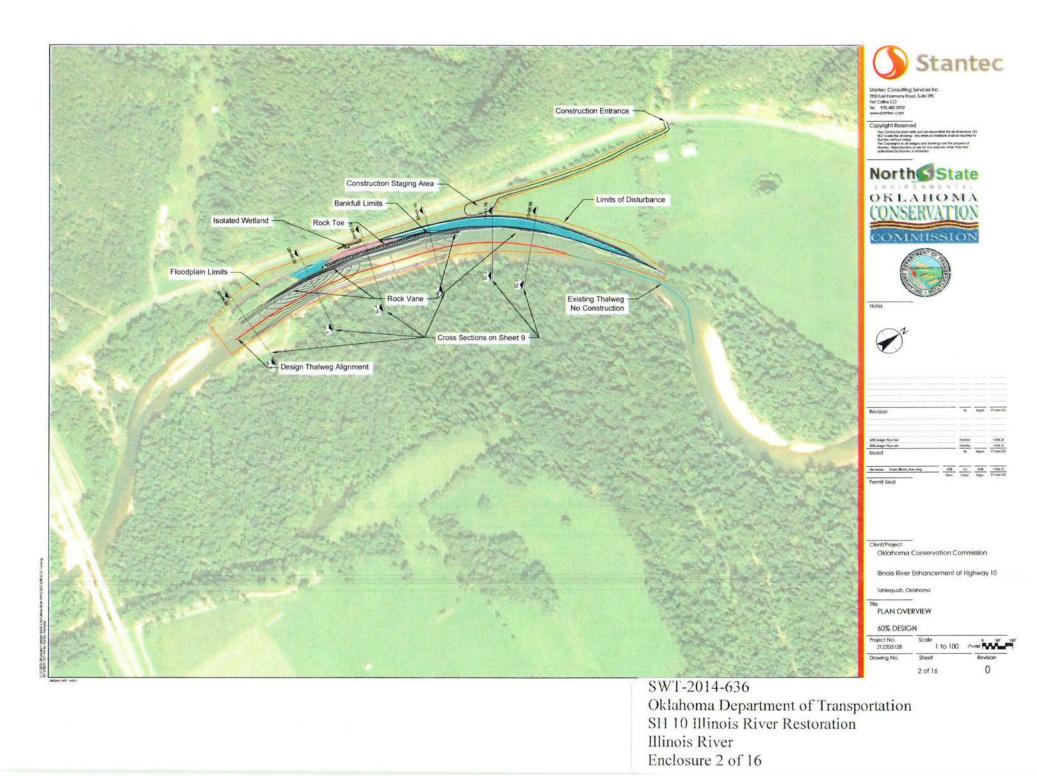
<u>Comments</u>: In order to consider and evaluate the impacts of this proposed activity the Corps is soliciting comments from the public, federal, state, and local agencies and officials, Indian tribes, and other interested parties. Comments concerning the issuance of this permit should be received 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.

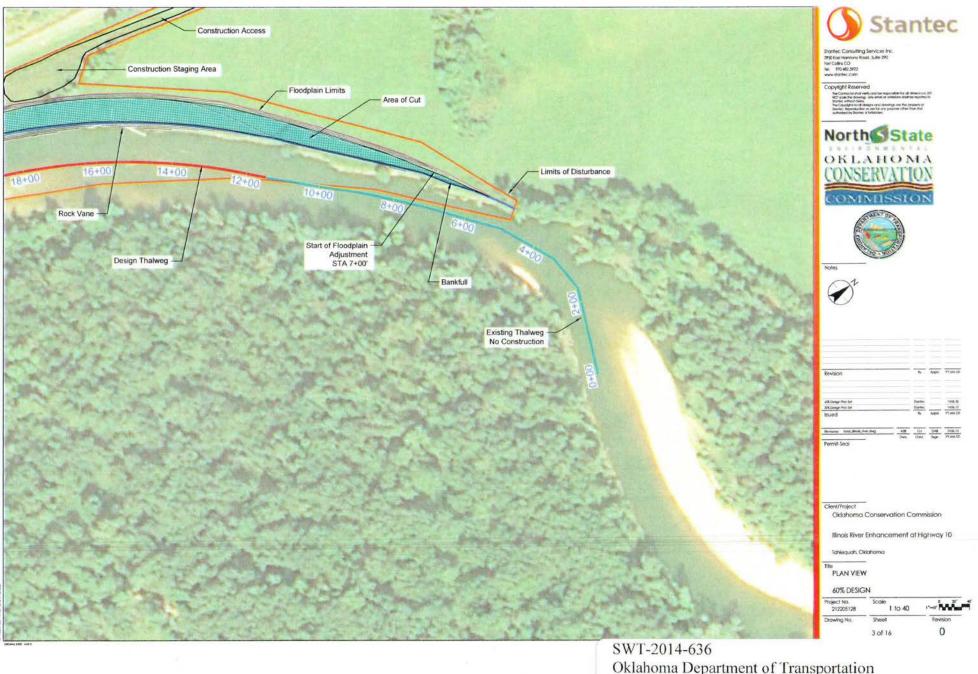
Comments concerning water quality impacts will be forwarded to ODEQ for consideration in issuing a water quality Section 401 certification for the proposed project. Work may **not** commence until decisions have been made on both Sections 401 and 404.

Andrew R. Commer Chief, Regulatory Office

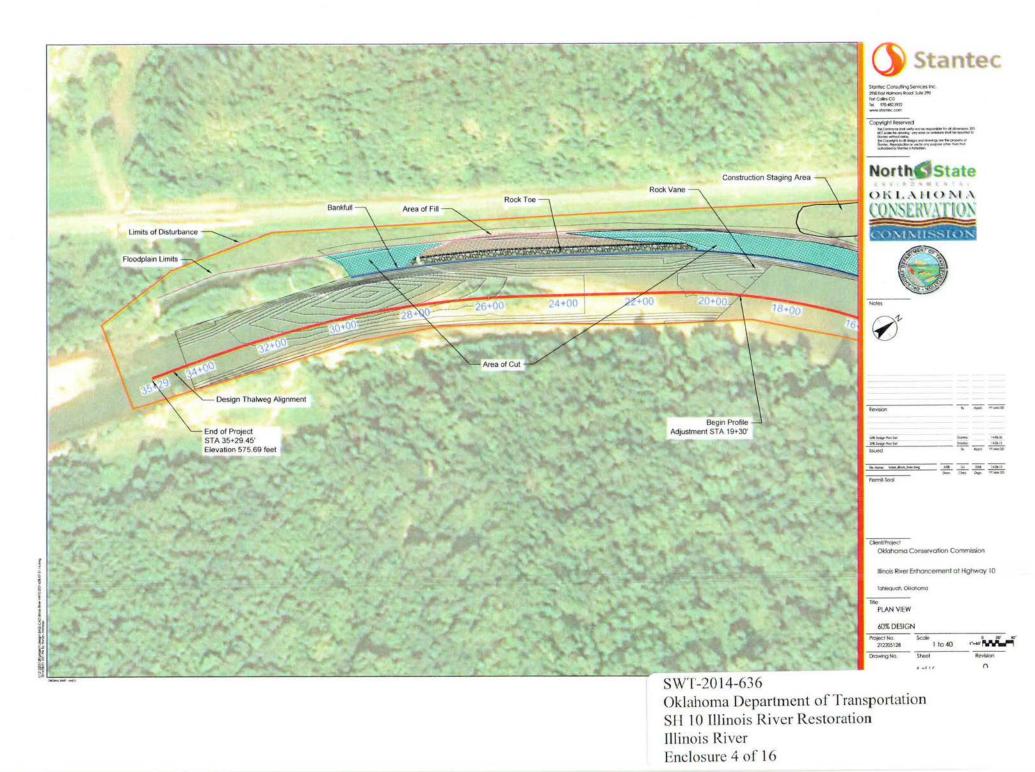
Enclosures

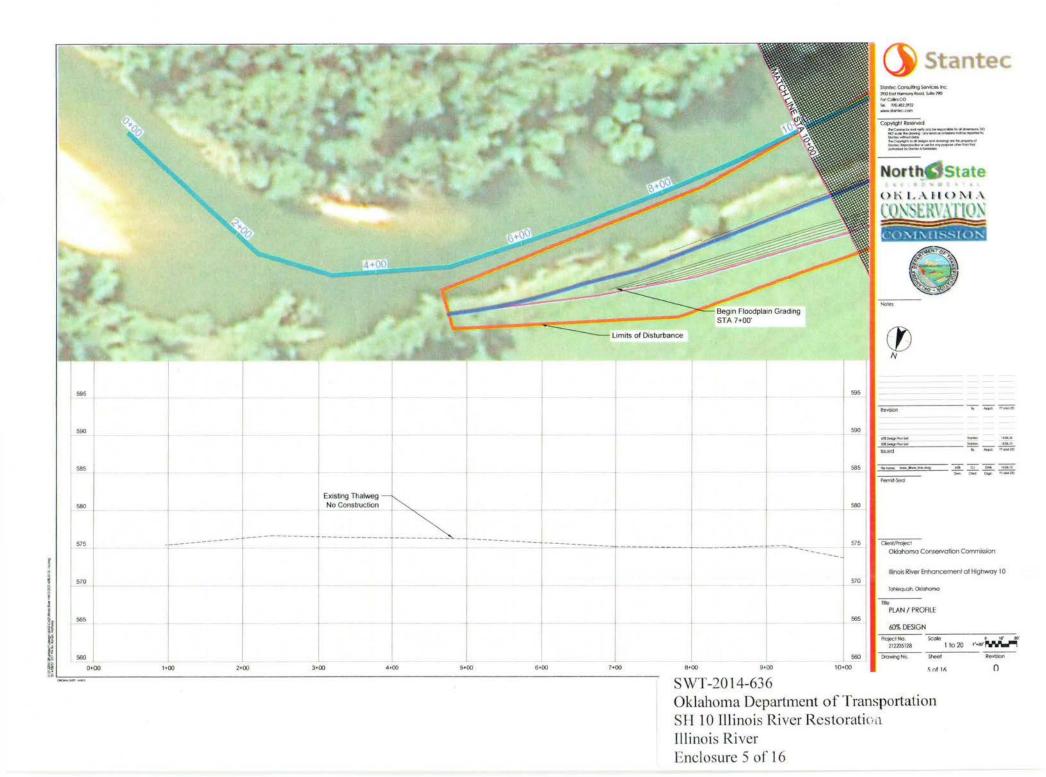


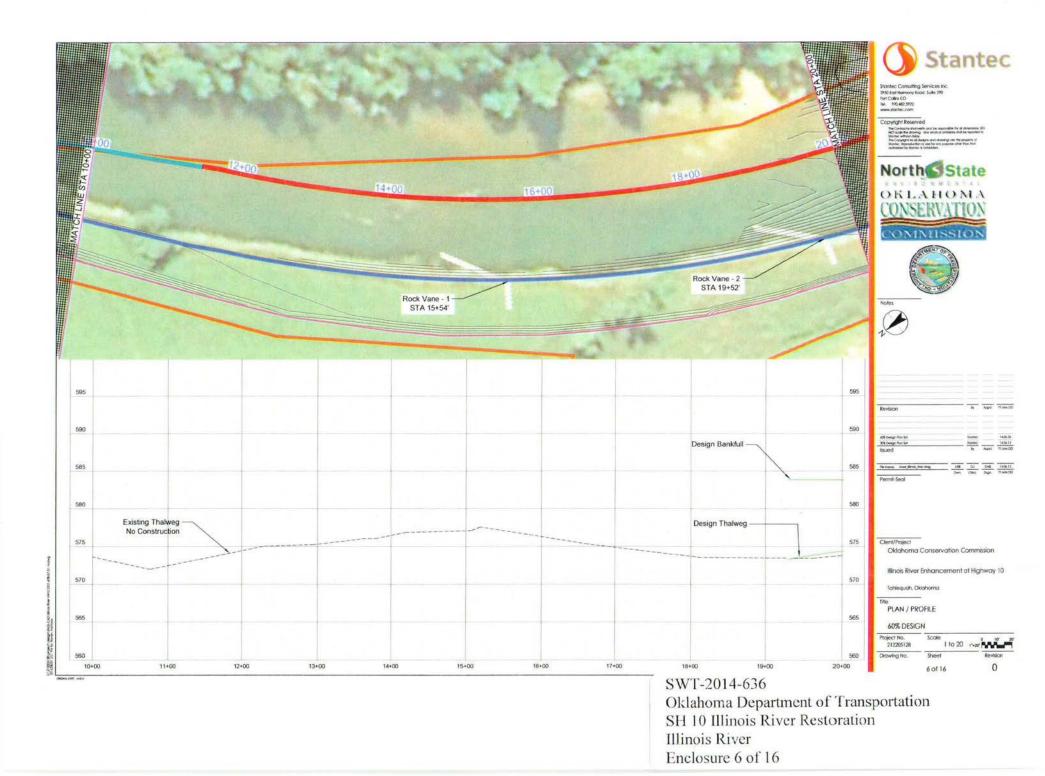


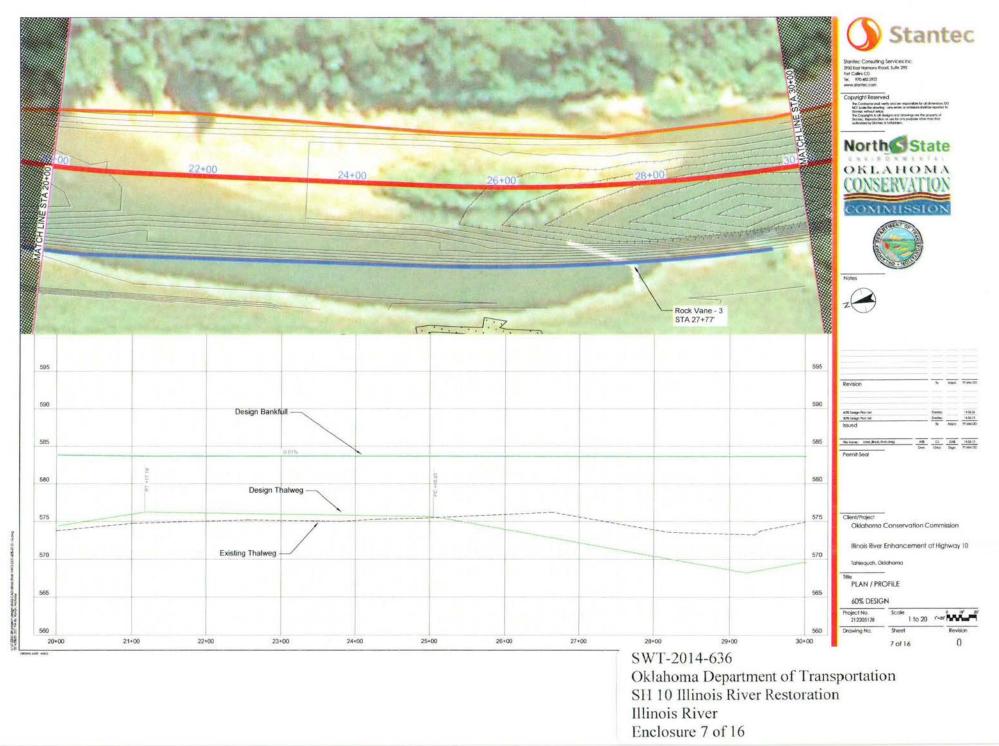


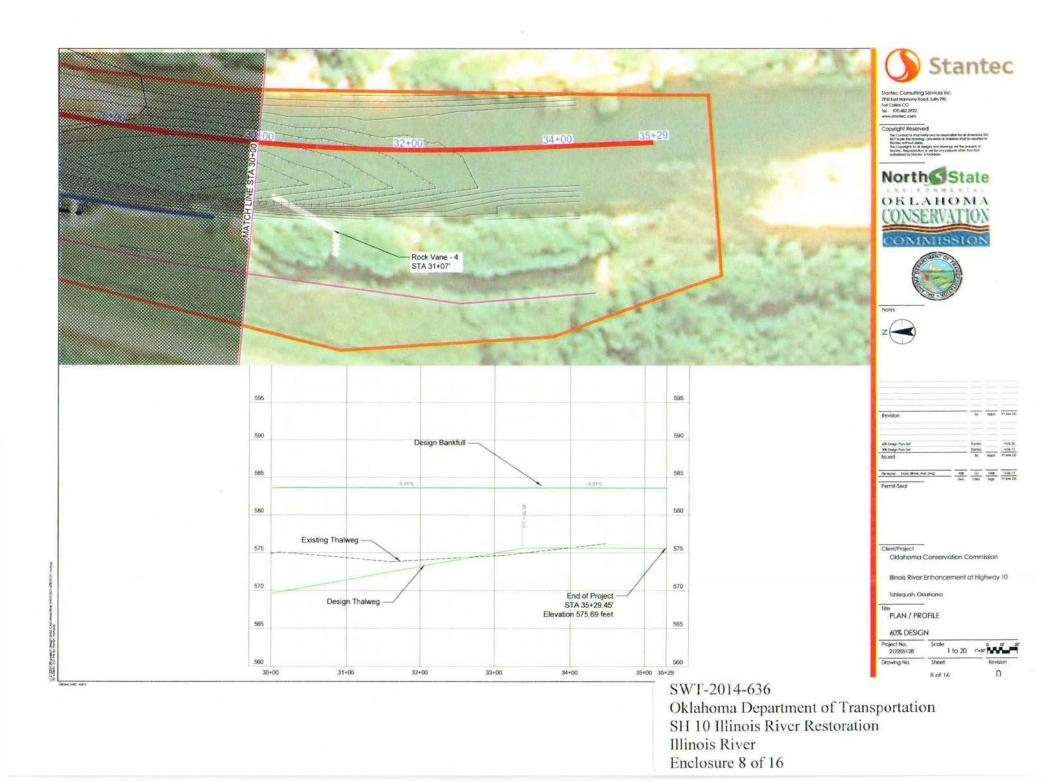
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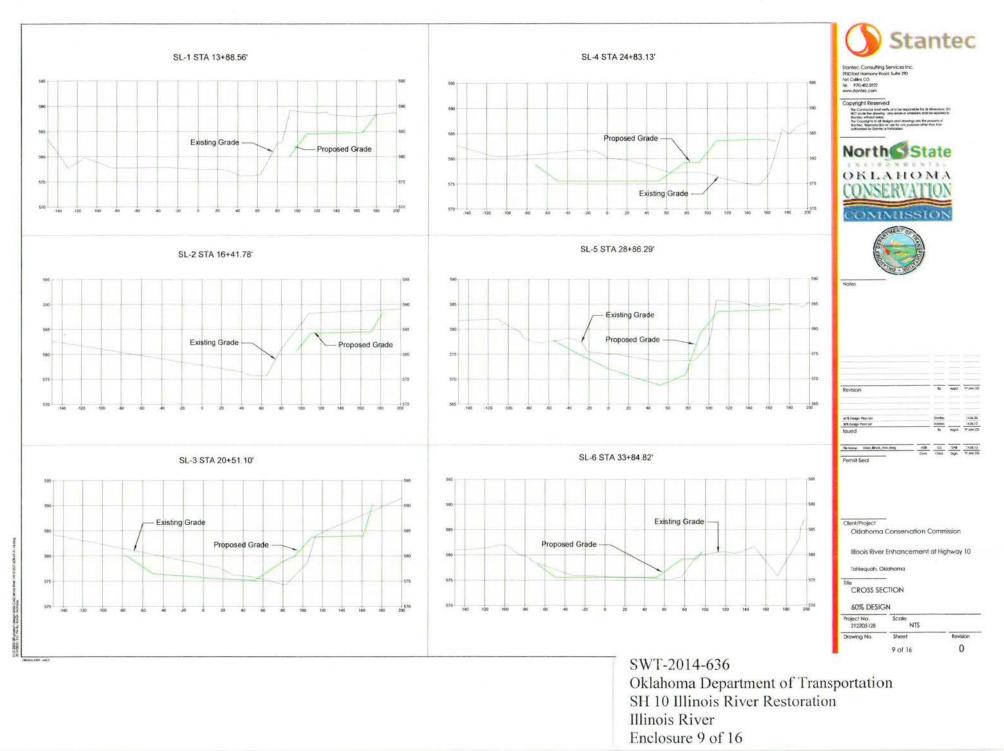


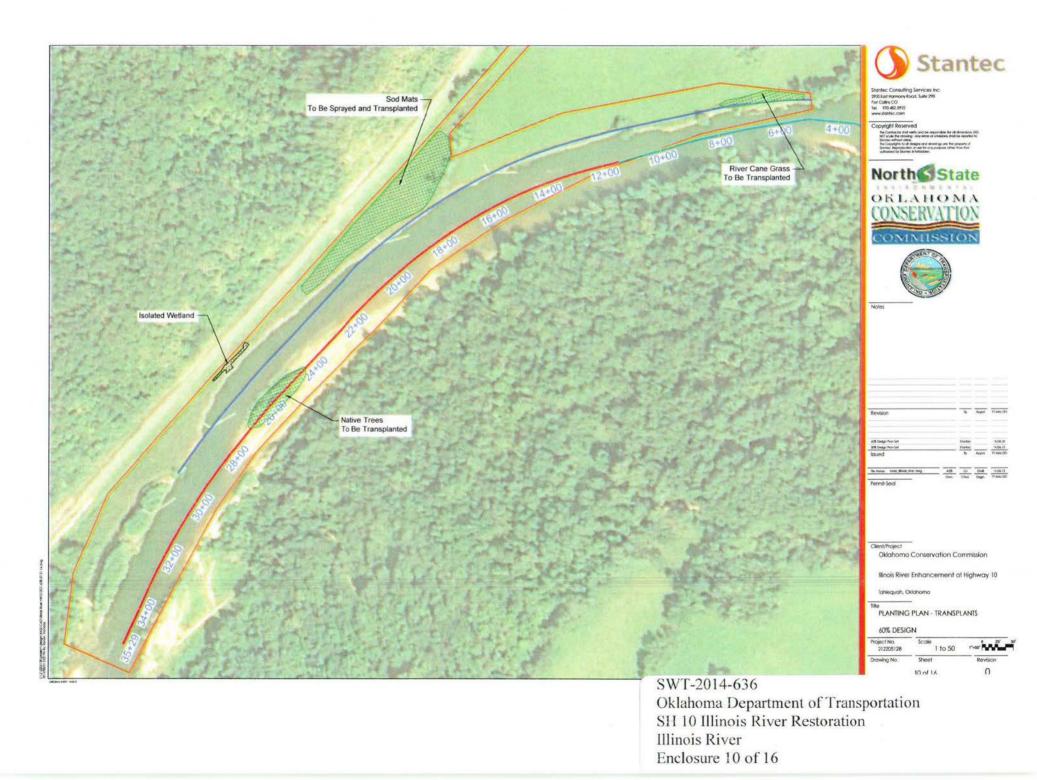








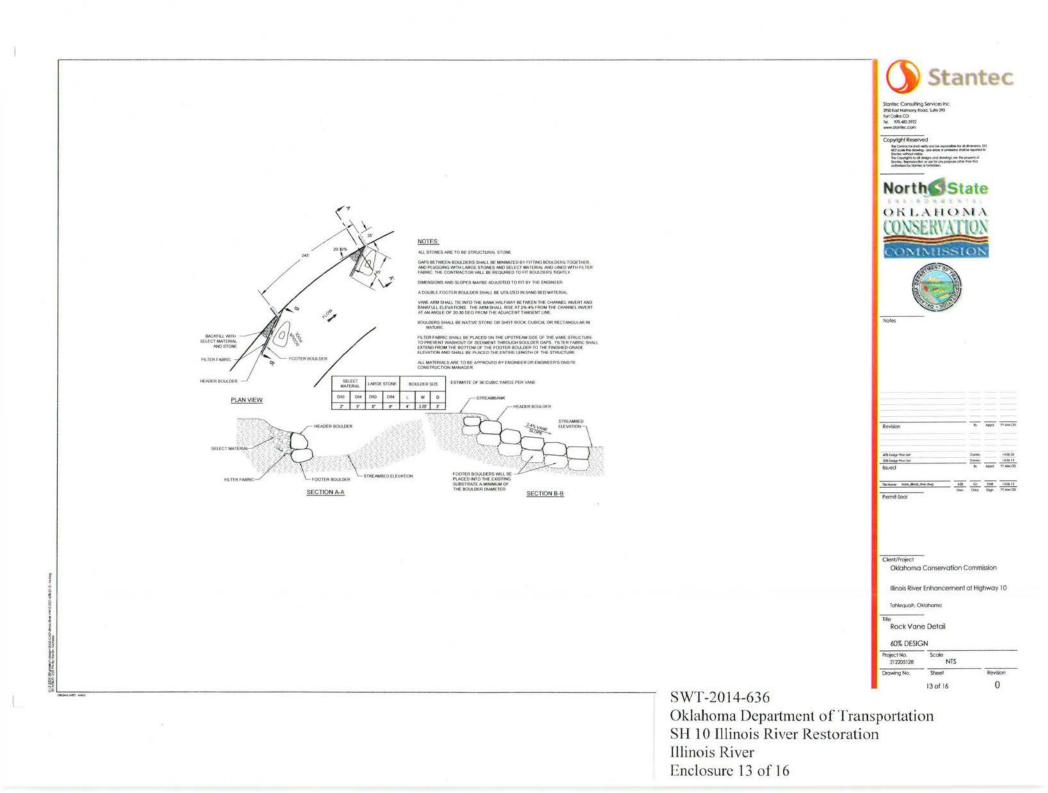


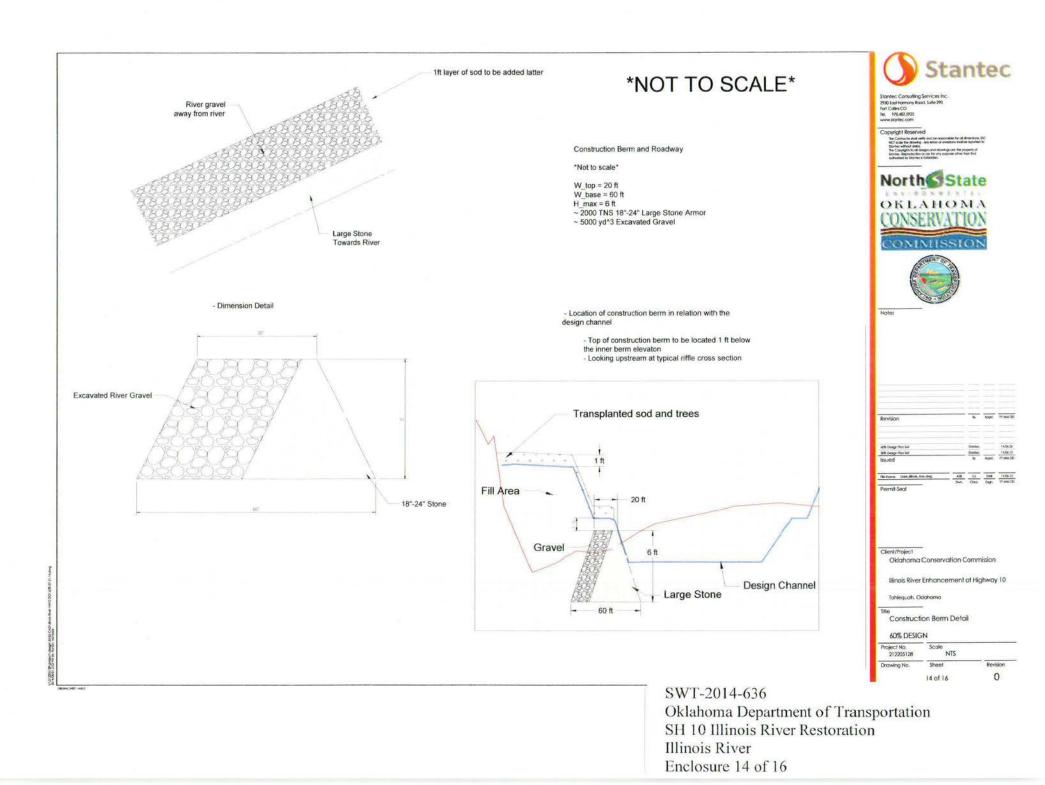


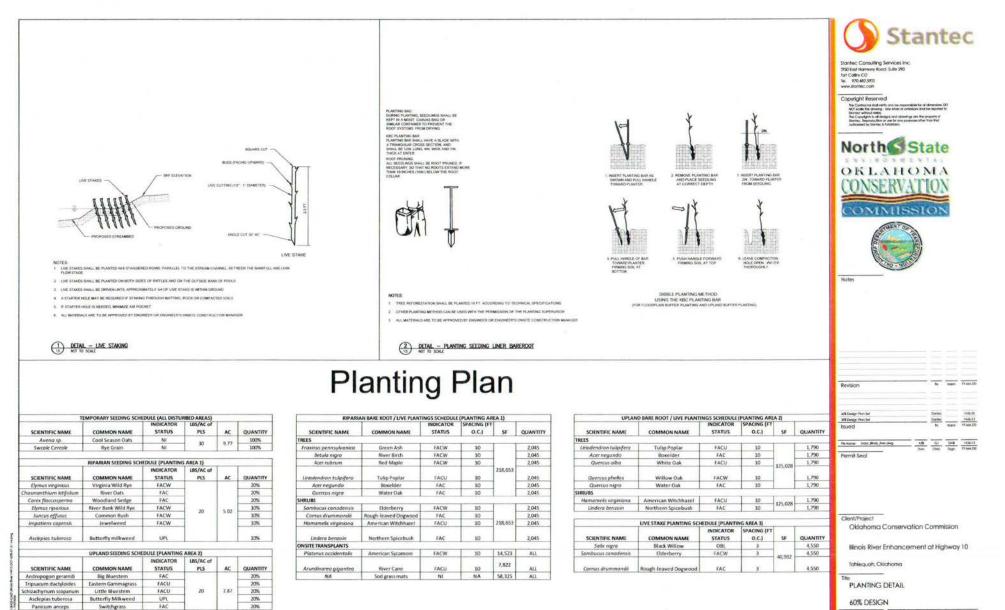




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SEQUENCE OF CONSTRUCTION EVENTS

The Contractor is responsible for the following sequence of construction in accordance with the construction plans and the Special Provisions. Any changes or improvements to the sequence of construction must be approved by the design engineer or by an on-site designer's construction manager before work being done. It is the contractor's responsibility to ensure that an approved field change is issued prior to conducting related work.

I. Initial Site Preparation

1. Install a gravel construction entrance as designated on the map.

- Prepare gravel staging and stockpilling areas in locations as shown on the construction plans or as approved by the designer.
- 3 Stake limits of construction as shown on the construction plans or as directed by the designer.

II. Channel Construction

- Construct a low flow berm directing flow toward the left half of the river channel beginning at Station. 20+50 at an angle specified by the designer.
- Construct a low flow channel in the left half of the river channel beginning at the end of the low flow berm and ending at Statian 28+00.
- Starting at Station 20+50 and working downstream, build the construction berm as the base of the new left bank. Construct the berm to the details provided in the plan sheets. This berm will end at Station 28+00.
- 4. Construct the proposed channel between Stations 20+30 and 28+00 by removing the mid channel bar and grading the channel to the specification in the plan sheet. Place any suitable fill excavated from the bar in the channel between the existing right bank and the construction berm. Construct only the parties of the channel that can be completed and stabilized in a single day. Construct any structures as they are encountered. Construct all structures according to defails provided and at locations specified on the plan sheets. Designer must approve material for construction of structures before confractor builds structures. Solvage any vegetation from the mid-channel bar for for transplants to the right bench.
- 5. Fill the area between the construction berm and existing left bank with the material from the mid channel bar.
- 6. Construct the proposed channel starting at Station 11+40 and ending at 20+50, by excovating the pool as shown on the drawings. Remove the sod before grading the new filoadplain. Construct only the potion of the channel that can be completed and stabilized in a single day. Construct any structures as they are encountered. Construct all structures according to details provided and at locations specified on the plan shields. Designer must approve material for construction of structures before contractor builds structures. Solvage any other vegetation for transplants to the right bank bench.
- 7. Construct the proposed channel starting between 28+50 and 35+29. Construct only the portion of the channel that can be completed and stabilized in a single day. Construct any shuctures as they are encountered. Construct all structures according to details provided and at locations specified on the plan sheets. Designer must approve material for construction of structures before contractor builds structures. Solvage any vegetation possible for transplants.
- Plant the project in accordance to the planting plan provided for erosion control, including the transplanted sod mats and relocated trees from the mid channel bar. Straw with be placed to assist with erosion control.
- 9. Remove the low flow channel berm and grade the river thalweg according to design plans.

III. Seed and mulch staging, stockpiling, and all bare areas with permanent seed mixture.

IV. Site cleanup shall occur after all construction processes have been completed. Clean-up shall include pick up of trash and construction materials. The access road will be left in pre-construction conditions or better.



Stantec Consulting Services Inc. 1990 East Homeony Road, Suite 190 Fort Cellins CO Tel. 970,482,5922

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