



# 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-0-13475  
Public Notice No.

April 26, 2016  
Public Notice Date

May 25, 2016  
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 No. SWT-0-13475

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

The application is to discharge dredged and fill material into waters of the United States associated with the expansion of Long Bay Marina. The applicant proposes to gradually expand the existing 72 dock capacity to a 314 dock capacity to accommodate the needs of additional customers.

Name of Applicant: Mr. Christopher J. Sinor  
Sinors Long Bay Marina, LLC  
8431 East 570 Road  
Catoosa, OK 74015

Location: The proposed project is on Fort Gibson Lake, in Section 17, Township 17 North, Range 19 East, Wagoner County, Oklahoma. The project site can be found on the Wagoner East, Oklahoma 7.5 Minute USGS Quadrangle map at North Latitude 35.95551 and West Longitude 95.30757.

Purpose: The basic purpose of this work is to provide boaters access to the water.

A water dependency determination is unnecessary since no special aquatic sites are located at the project site.

The overall purpose of this work is to provide the public with readily available lakeside docking opportunities for lake access and boat storage in the Long Bay area of Fort Gibson Lake.

Table of Proposed Impacts:

<b>Location</b>	<b>Impact Activity</b>	<b>Type of Water / Resource</b>	<b>Type of Fill Material</b>	<b>Cubic Yards of Material</b>	<b>Footprint in Acres</b>
Dredge Area #1	Dredging / Excavation	Uplands	N/A	6,667	0.52
Dredge Area #2	Dredging / Excavation	Open Water	N/A	5,833	0.72
Dredge Area #3	Dredging / Excavation	Open Water	N/A	16,033	2.48
Dredge Area #4	Dredging / Excavation	Open Water	N/A	7,000	1.08
Dredge Area #5	Dredging / Excavation	Open Water & Uplands	N/A	13,067	0.60
Dredge Area #6	Dredging / Excavation	Open Water & Uplands	N/A	4,200	0.43
Jetty Fill - Northeast	Fill	Open Water	Brick, Concrete, Rock, Soil	122	0.01
Jetty Fill - East	Fill	Open Water	Brick, Concrete, Rock, Soil	2,720	0.15
Jetty Fill - Middle	Fill	Open Water	Brick, Concrete, Rock, Soil	6,047	0.48
Jetty Fill - West	Fill	Open Water	Brick, Concrete, Rock, Soil	4,887	0.40

Description of Work: The proposed work includes the development of approximately 2,055 linear feet of jetties (12 feet wide at the top), encompassing a footprint of approximately 1.04 acres and approximately 13,776 cubic yards of fill material. Additionally, the proposed work would include the dredging/excavation of approximately 5.83 acres in the vicinity of the jetties, encompassing the removal of approximately 52,800 cubic yards of material. The applicant proposes utilizing bricks, concrete, rock, and soil for jetty construction. Capping/cladding of the new jetty surface, with rock, would be performed as the new jetties are constructed. All work would be performed using conventional earthmoving equipment, including excavator(s) and/or dredge(s). Dredged material unsuitable for jetty construction would be placed in uplands. The return water from upland contained disposal areas is administratively defined as a discharge of dredged material. The quality of the return water is controlled by ODEQ through the Section 401 Water Quality Certification procedures.

Note: A substantial portion of this material would be gradually obtained from local residents and area projects, thus construction is expected to be very slow.

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:

Avoidance of additional impact was reviewed and the following modifications to the plan were made. The initial slope of the jetty sides were at a 1-to-1 ratio (45 degrees), which resulted in the side of the jetties going out 6 feet on each side. This was reduced to a 3-to-1 ratio (3 vertical and 1 horizontal) which resulted in the sides only going out 2 feet on each side. This resulted in a reduction of upland generation from 1.13 acres to 0.75 acre (0.38 acre reduction). To minimize the potential short-term impacts to the open waters surrounding the worksite (such as turbidity and suspended solids) associated with the increased sediment generated by construction activities, best management practices would be implemented in order to control soil erosion and sedimentation. This would include both the upland areas where material is to be removed and the area around the new jetty construction.

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

In addition, to further offset the upland acreage, it was identified that the (lake) bank could be dredged and that upland converted to wetland as a way to compensate. This addition resulted in converting 0.76 acre of upland to wetland, and providing a net zero increase in upland. It is estimated that the jetties will be (cumulatively) 2,055 linear feet long and, at the waterline, it will be 16 feet wide. This will convert approximately 0.75 acre from wetland to upland. It is estimated that the two areas (A and B) will change 0.76 acre from upland to wetland. The net change in conversion is -0.01 acre, which is less than the 0.10 acre impact where additional mitigation would be required. Because there is no net change in wetlands, we do not feel that there will be any substantial impact to open waters of the United States. To be noted, as runoff around the lake over the years has taken place, soil erosion and lake sedimentation has occurred. Dredging of the area around the jetties will allow additional storage volume for sediment below mean pool level of 554 feet. Upland areas where soil is removed and the final level is above the 554 feet mean pool level and those areas where spoil will be deposited will either be seeded with a mixture of Bermuda grass and fescue seed or covered in gravel for parking areas. Finally, through the proposed removal of upland material when compared to the amount of jetty to be added to the upland (above mean pool level of 554 feet), there is no significant loss of flood pool which would occur with this work request.

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.

**Project Setting:** The proposed work is located within Wagoner County, Oklahoma, in the Long Bay area of Fort Gibson Lake in vicinity of the existing Long Bay Marina. The project is entirely located within the Central Irregular Plains Level III ecoregion and the Osage Cuestas Level IV ecoregion. The project partially occurs within each respective mapped boundary representing the Boston Mountains Major Land Resource Area (MLRA) and the Cherokee Prairies MLRA. National Cooperative Soil Survey data for the project site indicates the presence of Coweta stony fine sandy loam, 5 to 30 percent slopes; Hector-Enders complex, 5 to 30 percent slopes; Hector-Linker complex, 1 to 5 percent slopes; and water (Fort Gibson Lake). National Wetlands Inventory data for the project site portrays Fort Gibson Lake as lacustrine, limnetic, unconsolidated bottom, permanently flooded, and diked/impounded.

**Existing Condition:** The project boundary encompasses uplands and the open water of Fort Gibson Lake. Long Bay Marina is an ongoing operation at this location.

**Plans and Data:** Plans (Enclosure 1 through 4) showing the location of the proposed activity and other data are enclosed with this notice. If additional information is desired, it may be obtained from U.S. Army Corps of Engineers, Tulsa District, ATTN: David Carraway, 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, and it has been 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 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.

**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*), whooping crane (*Grus americana*), neosho mucket (*Lampsilis rafinesqueana*), American burying beetle (*Nicrophorus americanus*), gray bat (*Myotis grisescens*), and northern long-eared bat (*Myotis septentrionalis*). 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. We are 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, 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:** 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.

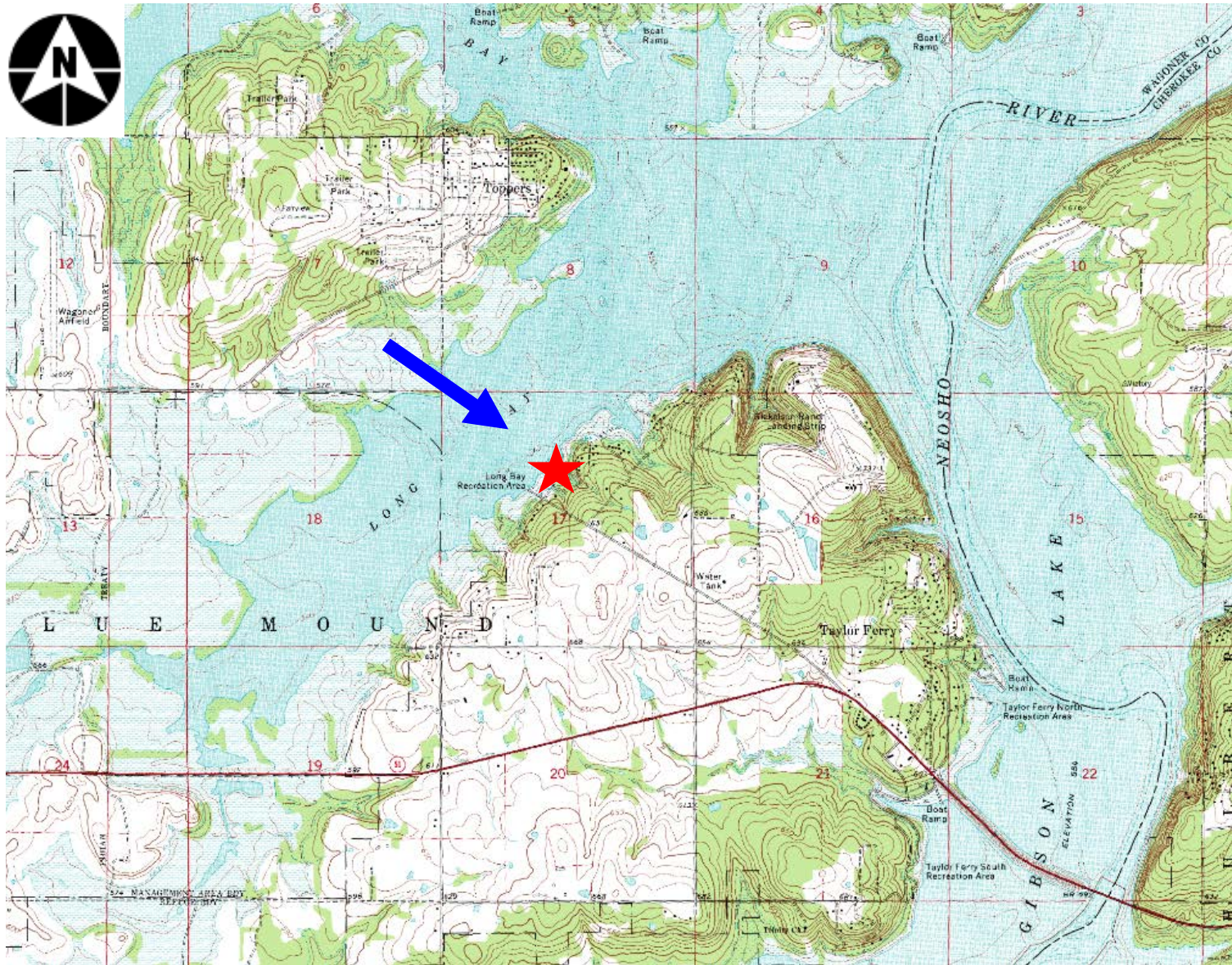
At the request of the Oklahoma Water Resources Board's National Flood Insurance Program State Coordinator, we are sending a copy of this notice to the local floodplain administrator to apprise the administrator of proposed development within their jurisdiction. In accordance with 44 CFR Part 60 (Criteria for Land Management and Use), participating communities are required to review all proposed development to determine if a floodplain development permit is required. The local floodplain

administrator is required to perform this review for all proposed development and maintain records of such review.

Comments concerning water quality impacts will 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



SWT-0-13475  
Sinors Long Bay Marina, LLC  
Marina Expansion Project  
Fort Gibson Lake, Wagoner County, Oklahoma  
Enclosure 1 of 4







Long Bay Marina

**Proposed Fill Area for excess spoil /dredge material:**

1. [REDACTED] fill area - to fill in ravine between store and barn, to level of barn area.
2. Area in front of store, to level of current parking area.
3. Back side of RV sites, to level up and increase site depth.
4. Area out of flood plain, below non transient sites.
5. Low Lying area above lower road - approximately 2 - 3ft of fill. 3 areas
6. Area out of flood plain, below new storage area.

