



DEPARTMENT OF THE ARMY  
CORPS OF ENGINEERS, TULSA DISTRICT  
1645 SOUTH 101ST EAST AVENUE  
TULSA, OKLAHOMA 74128-4609

Application No. SWT-2010-688

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 applicant proposes to construct a 34-acre lake to be used privately for recreational purposes. The overall proposed impacts of this request are for the placement of fill material into approximately 0.53 acres of adjacent wetlands and 3,336 linear feet (lf) of associated stream channel, identified as two unnamed tributaries to Snake Creek, Okmulgee County, Oklahoma.

Name of Applicant: Mr. David A. Yonce  
13339 E. 137<sup>th</sup> St. South  
Broken Arrow, OK 74011

Name of Agent: Ms. Juliet Caplinger  
Terracon Consultants, Inc.  
25809 Interstate 30  
Bryant, AR 72022

Location: Project is located at address 1722 Bixby Road, Mounds, Oklahoma. Coordinates are Latitude 34.906560 North, Longitude 95.825356 West decimal degrees, located in Sections 25 and 36, Township 16 North, Range 13 East, Okmulgee County, Oklahoma.

Purpose: The basic purpose of this work is for the construction of a private recreational lake.

A water dependency determination [see 40 CFR 230.10 (a)(3)] will be made upon consideration of the basic purpose which is to provide a private recreational lake. The proposed activity will have an effect to a special aquatic site; thus a water dependency determination will be required.

The overall purpose of this work is to provide a new lake for a private landowner for recreational purposes.

Description of Work: The applicant proposes to construct a primary dam, primary spillway with associated riprap, an access road, a water crossing with associated box culverts, a low water dam with associated box culverts, and an emergency spillway. These structures will allow water from two intermittent tributaries of Snake Creek to flood the areas below elevation of 660 feet, creating a recreational lake for the property owner on his privately-owned land in Mounds, Okmulgee County, Oklahoma. Approximately 3,336 lf of intermittent stream and 0.53 acres of adjacent wetlands will

be filled to complete the proposed project. The primary dam and primary spillway will be constructed on the north end of the site at an elevation of 660 feet. This primary dam will encompass approximately 3.62 acres and be constructed of compacted clay and excavated soil material. The spillway will encompass approximately 0.22 acres and be constructed of excavated soil, concrete, riprap, steel pipe, and reinforced concrete box culverts. A low water dam with associated box culverts (crest elevation 656 feet) and emergency spillway (657 feet) will be constructed in the southwest portion of the site. The low water dam and associated box culverts will encompass approximately 1.42 acres and be constructed of compacted clay, excavated soil, and reinforced concrete box culverts. The emergency spillway will encompass approximately 0.96 acres and be constructed of compacted clay and excavated soil material. An access road and water crossing and associated box culverts will also be constructed (southeast portion of site). The access road will encompass approximately 2.80 acres and be constructed of clay, excavated soil, asphalt, and aggregate material. The water crossing and associated box culverts will encompass approximately 0.009 acres and be constructed of reinforced concrete box culverts material. Heavy equipment, such as scrapers, wide steel-tracked dozers, box blades with pneumatic tires, front end loaders, dump trucks, sheep foot roller, and a pneumatic roller will be used to build the lake and associated structures.

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

Throughout the conceptual design phase, the lake development planning team has taken proactive steps to avoid and minimize the potential for impacts to natural resources located at the site. At a key development stage, the project footprint was re-evaluated and redesigned to avoid further stream and potential wetland areas on-site, as shown on Figure 5 (Original Site Design Map) in the submitted Wetland and Stream Mitigation Plan. The first proposed lake development footprint planned for an impact of approximately 50 acres total, expanding south beyond the Sunoco pipeline. This previous layout would have resulted in an increase of stream impacts by 1,149 lf, potentially more impacts to wetlands, and the need to reroute the Sunoco pipeline around the proposed lake, thus causing even more ground disturbance. This past footprint design was modified to decrease the impact area by 16 acres and decrease impacts to streams by 1,149 lf. The proposed lake design and resulting footprint were made as compact as practicable without substantially compromising safety and operational functionality. The current layout has been designed to utilize the existing topography and slopes as natural dams. This type of design decreases the need for artificial fill and ground disturbance, as the existing topography and slopes will keep the inundated area in the proposed footprint. The topography of the project site does not allow for an additional reduction in the area of the proposed lake without further artificial fill and ground disturbance to create more dams and dikes. Best Management Practices (BMP) have been developed for the proposed construction activities and will be applied to the extent possible to avoid or minimize impacts to Waters of the United States (WOUS) and other resources. BMPs to be used during and after construction, as avoidance and minimization measures, include:

- Leaving a vegetative buffer zone between wetlands and upland construction areas, where allowable.

- Installing and maintaining erosion control measures, such as silt fences, interceptor dikes, and hay bale structures, to minimize sediment transport into otherwise unaffected WOUS.
- Upon completion of construction, temporary use areas will be restored.
- Stockpiling wetland soils in upland areas where practicable.
- Cutting trees to grade, but removing stumps only within 15 feet of the edge of the proposed facilities, or where safety concerns dictate otherwise.
- Segregating topsoil from subsoils during excavation activities.
- Upon completion of construction, restoring the Right of way (ROW), with the exception that a 10-foot-wide path directly over the Sunoco pipeline will be maintained in a herbaceous state, and trees greater than 15 feet in height will not be allowed to grow within 15 feet of the pipeline.

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

David Yonce is offering to purchase one credit of emergent wetlands at the EXCel Mitigation Center in the Snake Creek watershed system to compensate for impacts made to wetlands. Mr. Yonce is also proposing to develop restoration and preservation stream mitigation areas on-site to compensate for proposed stream impacts. The proposed stream restoration area (10.94 acres total of stream buffer) is proposed to be developed along 2,231 lf of Stream 1 and 2,697 lf of Stream 2. Reference Figure 3 (On-site Stream Mitigation Map) in the attached Wetland and Stream Mitigation Plan for stream mitigation location information.

Also included in this proposal is the restoration of 2,231 lf of on-site Stream 1 (and associated 4.57 acres of stream buffer) and the preservation of 2,697 lf of on-site Stream 2 (and associated 6.37 acres of stream buffer), to compensate for impacts made to the existing on-site Snake Creek tributaries. Stream mitigation activities proposed include: rerouting a significant portion of Stream 1 in order to increase the sinuosity with additional meanders, excluding cattle with the use of fencing in both stream mitigation areas, creating 10.94 acres total of stream buffer, planting native tree and grasses within the stream buffers of the mitigation areas, installation of rock check dams, and bank slope repair.

Project Setting: The project area is located within the undulating landscape of the Cross Timbers and Central Irregular Plains Ecoregions of Oklahoma (Woods, et.al, 2005). The majority of the lands within this ecoregion are associated with uplands on rolling hills with moderately steep slopes to medium and/or low gradient areas of topographic relief along drainages and waterways. The proposed project area was canvassed to identify, describe, and survey all WOUS, including wetlands. The project area contains upland forested hillsides, early successional stage grazed pasture, native grass pasture, and wooded riparian zones. The dominant woodland vegetation in the project area includes post oak (*Quercus stellata*), blackjack oak (*Quercus marilandica*), persimmon (*Diospyros virginiana*), American elm (*Ulmus americana*), winged elm (*U. alata*), rough leaf dogwood (*Cornus drummondii*), green brier (*Smilax bona-nox*), wild rose (*Rosa sp.*), blackberry brier (*Rubus oklahomus*), honey locust (*Gleditsia Iriacanthos*), poison ivy (*Toxicodendron radicans*), coralberry (*Symphoricarpos orbiculatus*), Eastern red cedar (*Juniperus virginiana*). The dominant

herbaceous vegetation in the project area includes chufa (*Cyperus esculentus*), fescue (*Festuca sp.*), Bermuda grass (*Cynodon dactylon*), Johnsongrass (*Sorghum halepense*), Indian grass (*Sorghastrum nutans*), little bluestem (*Schizachyrium scoparium*), big bluestem (*Andropogon gerardii*), sand dropseed (*Sporobolus cryptandrus*), foxtail (*Setaria gracilis*), side oats grama (*Bouteloua curtipendula*), and blue grama (*Bouteloua gracilis*).

Existing Condition: The riparian areas have mostly been cleared and most of the uplands are currently being grazed by cattle. The stream physical substrate consists of silt deposits, gravel, and shale/ sandstone cobble commonly found within streams of Eastern Oklahoma.

Plans and Data: Plans showing the location of the proposed activity and other data are enclosed with this notice (Enclosures 1 through 5). If additional information is desired, it may be obtained from Mr. Ed Parisotto, U.S. Army Corps of Engineers, Tulsa District, ATTN: Regulatory Office, 1645 South 101st East Avenue, Tulsa, OK 74128-4609, or telephone 918-669-7549.

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 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 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: American burying beetle (*Nicrophorus americanus*), interior least tern (*Sterna antillarum*), whooping crane (*Grus americana*), and the piping plover (*Charadrius melodus*). 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.

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, 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.

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 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 flood plain 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 flood plain 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 the ODEQ for consideration in issuing a water quality certification for the proposed project. A final decision will not be made on the permit application until a decision has been made on the required water quality certification pursuant to Section 401 of the Clean Water Act.

Andrew R. Commer  
Chief, Regulatory Office

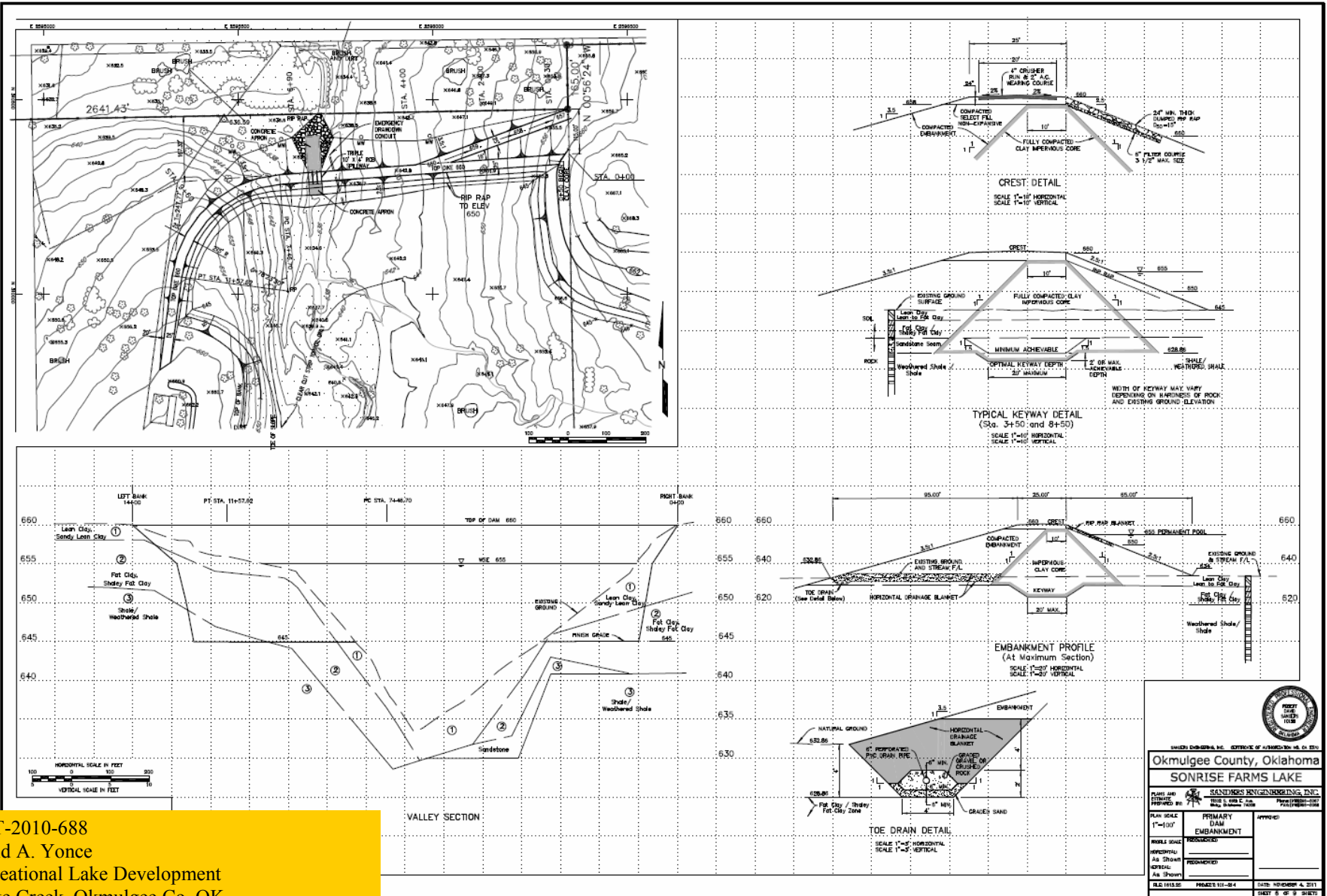
Enclosures



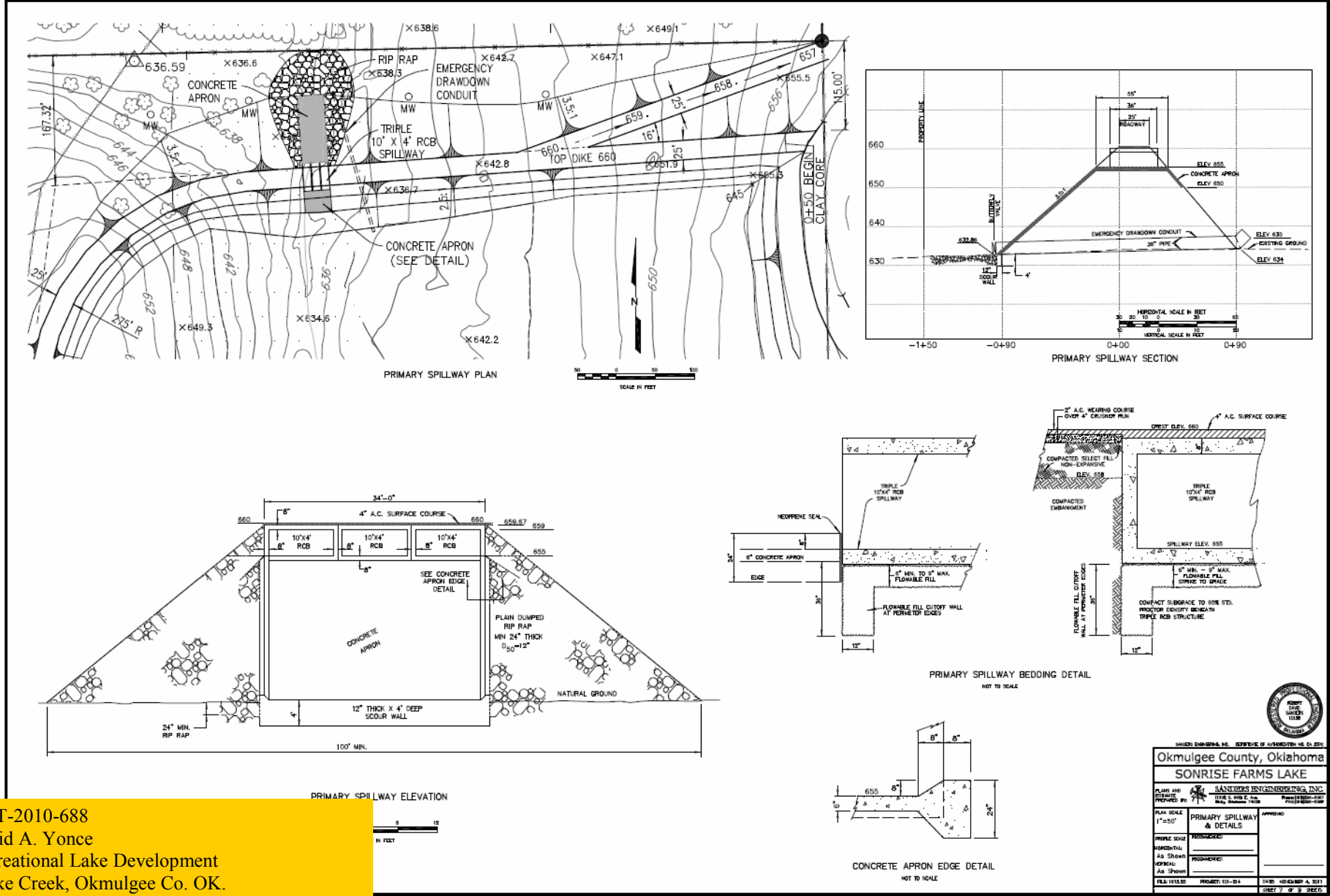








SWT-2010-688  
 David A. Yonce  
 Recreational Lake Development  
 Snake Creek, Okmulgee Co. OK.  
 Enclosure 4 of 5



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 Recreational Lake Development  
 Snake Creek, Okmulgee Co. OK.  
 Enclosure 5 of 5

OKMULGEE COUNTY ENGINEERING DIVISION

Okmulgee County, Oklahoma  
**SONRISE FARMS LAKE**

PLANNED BY: SANDERS ENGINEERING, INC.  
 DESIGNED BY: TERRY L. HARRIS, P.E.  
 PREPARED BY: TERRY L. HARRIS, P.E.

PLAN SCALE: 1"=30'  
 PRIMARY SPILLWAY & DETAILS

APPROVED: \_\_\_\_\_  
 PROJECT: 101-84  
 SHEET: 7 OF 9 SHEETS