



US Army Corps
of Engineers®

JOINT PUBLIC NOTICE

Tulsa District
Application No. SWT-2011-00171

Published: May 19, 2026
Expires: June 18, 2026

TO WHOM IT MAY CONCERN: The U.S. Army Corps of Engineers and Oklahoma Department of Environmental Quality (ODEQ) jointly announce that the District Engineer has received an application for a Department of the Army (DA) permit and Water Quality Certification pursuant to Section 10 of the Rivers and Harbors Act and 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. 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. The purpose of this public notice is to solicit comments from the public regarding the work described below:

APPLICANT: Mr. Michael Dugan
APAC-Central, Inc.
755 East Millsap Road
Fayetteville, AR 72703

AGENT: Mr. Andy Peebles
APAC-Central, Inc.
755 East Millsap Road
Fayetteville, AR 72703

WATERWAY AND LOCATION: Begin point, Navigation Mile 308.5 (Arkansas/Oklahoma Stateline) upstream to endpoint Navigation Mile 319.0, (W.D. Mayo Lock & Dam 14) Located in Le Flore and Sequoyah Counties, Oklahoma.

EXISTING CONDITIONS: The physical substrate consists of sand, gravel, and silt commonly found within the Arkansas River and its tributaries.

PROJECT PURPOSE:

Basic: The basic purpose of this work is to dredge materials (sand and gravel), then utilize the material for commercial sale.

Overall: The overall purpose of the dredge activity is to produce a product for commercial sale.

PROPOSED WORK: The applicant requests an extension to an existing authorization for the dredging of approximately 55,000 to 250,000 tons of sand and gravel annually for processing and sale for commercial uses in the manufacturing of concrete, asphalt, and other construction activities. The applicant would utilize a floating dredge plant

comprised of two vessels connected by a substantial linkage. The forward 30x80-foot vessel hull contains the pumps and cutter suction ladder. The pump is an underwater 22x20-inch pump capable of pumping 30 percent solids. The processing plant is located on the aft of the 200x60-foot vessel hull. The plant consists of four 8x16-foot screens that separate the sand and gravel. The gravel is conveyed to a barge moored to the aft of the plant hull. The sand is transferred through a sluice to two dewatering wheels. The wheels are designed to have a higher efficiency capture rate therefore reducing turbidity in the discharge water over previous designs. The dredge plant is powered by diesel generators in which the engines meet the Environmental Protection Agency's Tier 2 emission standards. Containments and other best management practices are in place to prevent the discharge of fuels or oils into the waterways.

Summary of impacts to waters of the United States:

The dredge activity would result in the discharge of approximately 550 cubic yards of return material (-50 mesh sediments) into the river annually.

AVOIDANCE AND MINIMIZATION: The applicant has provided the following information in support of efforts to avoid and/or minimize impacts to the aquatic environment: "The opinion of the applicant is that impacts to the waters of the United States are beneficial. The proposed dredging is within the navigable channel which prevents the Corps from spending needed funds on maintenance dredging. Best management practices are being followed to minimize environmental impacts to the waterway. Corps regulations are to be followed concerning structures, dikes, and revetments. The material being removed would have to be disposed of in an upland site in the event of the Corps performing maintenance dredging. This upland disposal area could potentially impact important existing riparian habitats."

COMPENSATORY MITIGATION: The initial authorization did not require mitigation for the dredge activity. Mitigation is not proposed as part of the request for a time extension.

CULTURAL RESOURCES:

The Corps evaluated the undertaking pursuant to Section 106 of the National Historic Preservation Act utilizing its existing program-specific regulations and procedures along with 36 CFR Part 800. The Corps program-specific procedures include 33 CFR 325, Appendix C, and revised interim guidance issued in 2005 and 2007, respectively. The District Engineer consulted district files and records and the latest published version of the National Register of Historic Places and initially determines that:

No resources listed in or eligible for inclusion in the National Register of Historic Places are known to be present in the vicinity of the proposed work; however, the permit area has not been formally surveyed for the presence of cultural resources. Additional work may be necessary to identify and assess any cultural resources that may be present. This notice serves as a request to SHPO, THPO, and/or other

interested parties to provide any information they may have regarding historic properties.

The District Engineer’s final eligibility and effect determination will be based upon coordination with the SHPO and/or THPO, as appropriate and required, and with full consideration given to the proposed undertaking’s potential direct and indirect effects on historic properties within the Corps-identified permit area.

ENDANGERED SPECIES: The Corps has performed an initial review of the application utilizing the U.S. Fish and Wildlife Service Information for Planning and Consultation (IPaC) to determine if any threatened, endangered, proposed, or candidate species, as well as the proposed and final designated critical habitat may occur in the vicinity of the proposed project. Based on this initial review, the Corps has made a preliminary determination that the proposed project will not affect any listed species or critical habitat.

Table 1: ESA-listed species and/or critical habitat potentially present in the action area.

Species Common Name and/or Critical Habitat Name	Scientific Name	Federal Status
Gray Bat	<i>Myotis grisescens</i>	Endangered
Indiana Bat	<i>Myotis sodalis</i>	Endangered
Ozark Big-eared Bat	<i>Corynorhinus townsendii ingens</i>	Endangered
Tricolored Bat	<i>Perimyotis subflavus</i>	Endangered
Eastern Black Rail	<i>Laterallus jamaicensis jamaicensis</i>	Threatened
Piping Plover	<i>Charadrius melodus</i>	Threatened
Rufa Red Knot	<i>Calidris canutus rufa</i>	Threatened
American Burying Beetle	<i>Nicrophorus americanus</i>	Threatened
Monarch Butterfly	<i>Danaus plexippus</i>	Proposed Threatened
Alligator Snapping Turtle	<i>Macrochelys temminckii</i>	Proposed Threatened

This notice serves as request to the U.S. Fish and Wildlife Service for any additional information on whether any listed or proposed to be listed endangered or threatened

species or critical habitat may be present in the area which would be affected by the proposed activity.

NAVIGATION: The proposed activity is located within the McClellan-Kerr Arkansas River Navigation System, a federal navigation channel.

SECTION 408: The applicant will not require permission under Section 14 of the Rivers and Harbors Act of 1899 (33 U.S.C. §408) because the activity, in whole or in part, would not alter, occupy, or use a Corps Civil Works project.

WATER QUALITY CERTIFICATION: Water Quality Certification was issued on August 17, 2011 from ODEQ. Comments concerning water quality impacts will be forwarded to ODEQ for reconsideration for the proposed project. Work may **not** commence until decisions have been made on both Sections 401 and 404.

NOTE: This public notice is being issued based on information furnished by the applicant. This information has not been verified or evaluated to ensure compliance with laws and regulation governing the Regulatory Program. The geographic extent of aquatic resources within the proposed project area that either are, or are presumed to be, within the Corps jurisdiction has been verified by Corps personnel.

EVALUATION: The decision whether to reissue the 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 District Engineer determines that it would be contrary to the public interest.

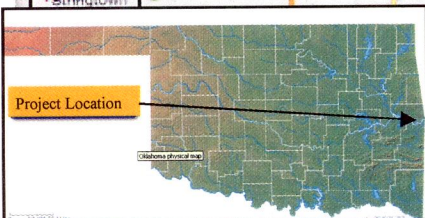
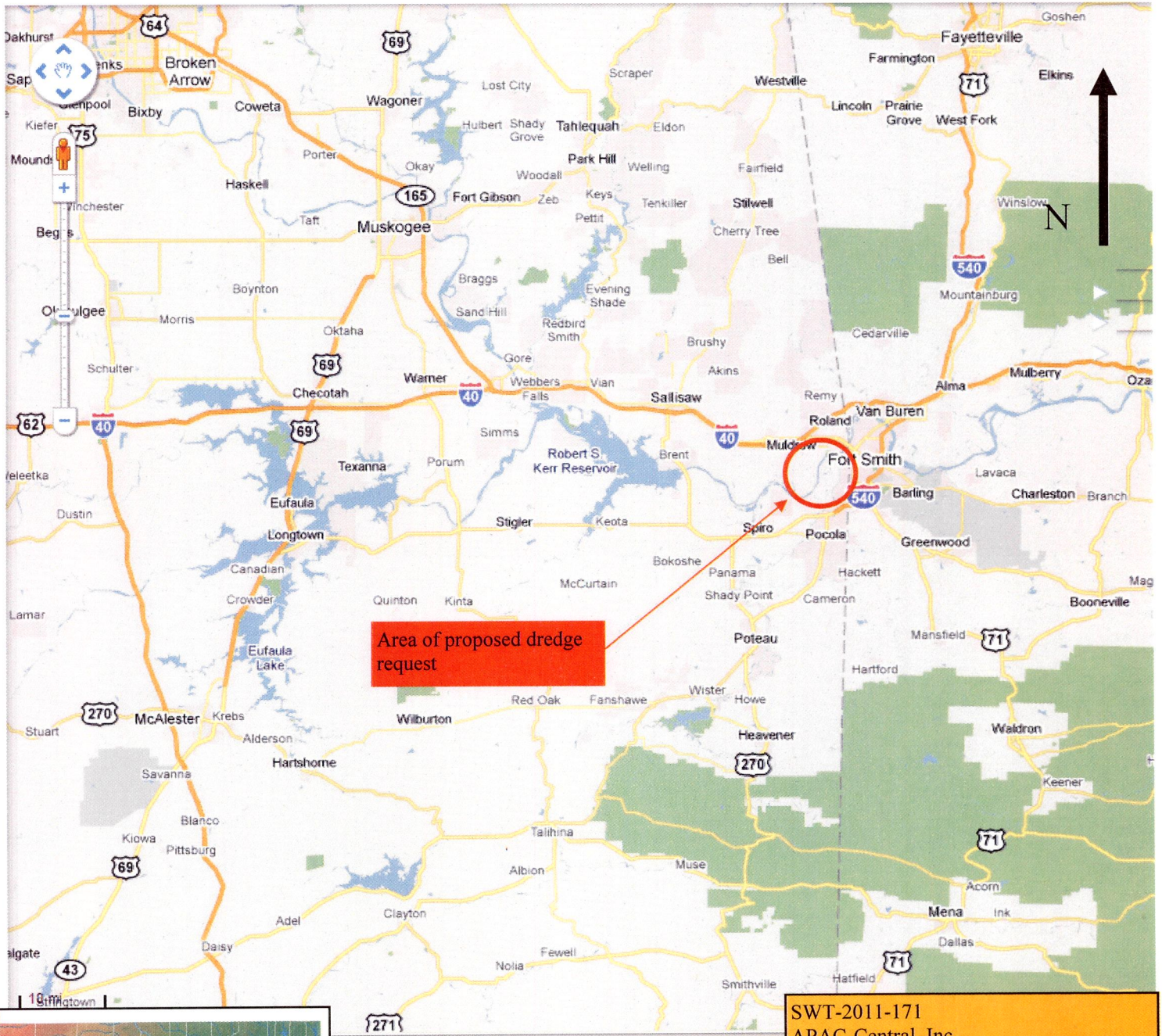
COMMENTS: The Corps is soliciting comments from the public; Federal, State, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps to determine whether to reissue, modify, condition, or deny a permit for this proposal. To make this determination, comments are used to assess impacts to 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.

The Tulsa District will receive written comments on this proposal until the expiration date of this public notice. Comments should be submitted electronically via the Regulatory Request System (RRS) at <https://rrs.usace.army.mil/rrs> or to Mr. Brett Adams at CESWT-RO@usace.army.mil. Please include the public notice number SWT-2011-00171 in the subject line of your email message. Alternatively, you may submit comments to mailing address Tulsa District Corps of Engineers, ATTN: Regulatory Office, 2488 East 81st Street, Tulsa, OK 74137. Please refer to the permit application number in your comments.

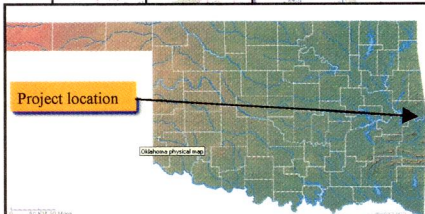
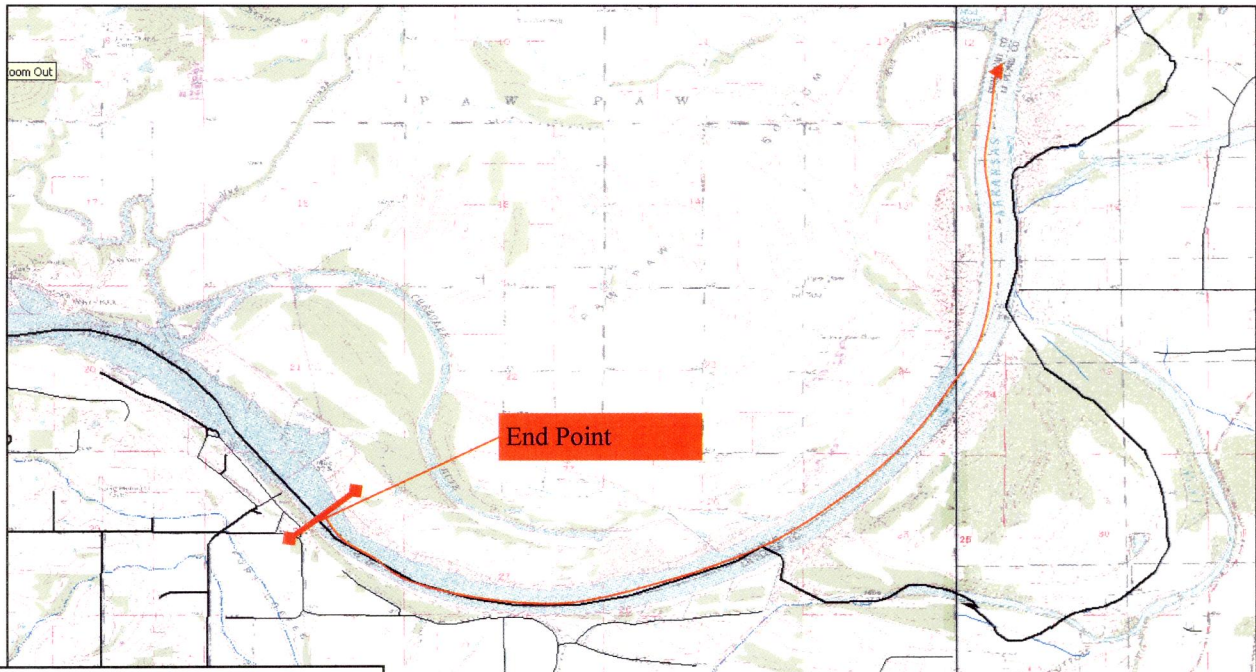
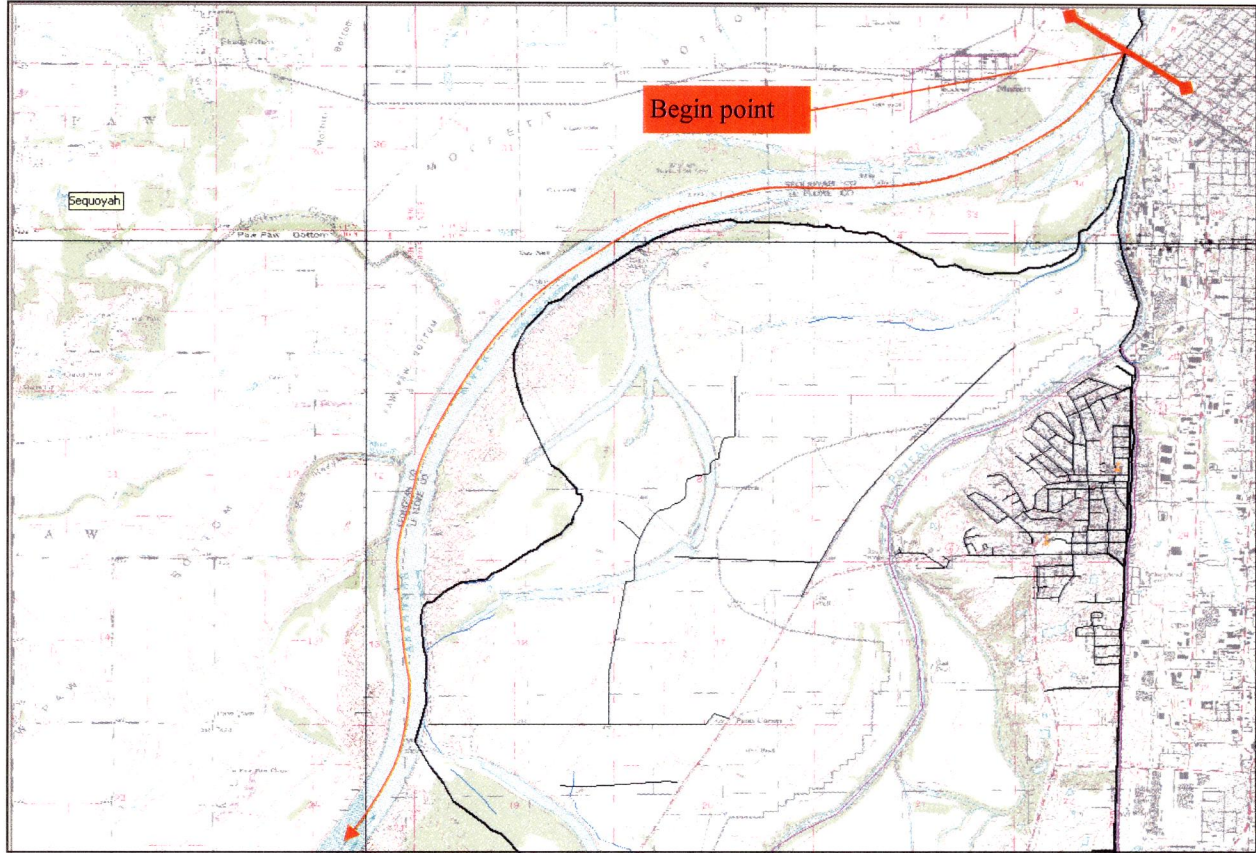
Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider the application. Requests for public hearings shall state, with particularity, the reasons for holding a public hearing. Requests for a public hearing will be granted, unless the District Engineer determines that the issues raised are insubstantial or there is otherwise no valid interest to be served by a hearing.

Vicinity Map



SWT-2011-171
APAC-Central, Inc.
Dredge Request
MKARNS, Sequoyah & LeFlore Counties
Oklahoma
Enclosure 1 of 3

Topo Map



SWT-2011-171
APAC-Central, Inc.
Dredge Request
MKARNS, Sequoyah & LeFlore Counties
Oklahoma
Enclosure 2 of 3

Aerial view

