



Public Notice

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, OK 74128-4609

SWT-2013-488
Public Notice No.

December 4, 2013
Public Notice Date

January 3, 2013
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 USC 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 USC 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-2013-488

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. The ODEQ hereby incorporates this public notice and procedure as its own public notice and procedure by reference thereto.

The application is to provide bank stabilization along the North Canadian River embankment west of Midwest Boulevard.

Name of Applicant: Mr. Eric Wenger
City of Oklahoma City Public Works
420 W Main, Suite 700
Oklahoma City, OK 73102

Name of Agent: Mr. Austin Burton
Cobb Engineering Company
4516 NW 36th Street
Oklahoma City, OK 73122

Location: The proposed project is along the North Canadian River (1830 linear feet along the left descending bank and 417 linear feet along the right descending bank) in the Northeast 1/4 of Section 10, Township 12 North, Range 2 West, near Spencer, Oklahoma County, Oklahoma. The project site can be found on the Spencer Oklahoma 7.5 Minute USGS Quadrangle map at North Latitude 35.5257 and West Longitude 97.3907.

Purpose: The basic purpose of this work is to protect Midwest Boulevard at the North Canadian River crossing by stabilizing the bank at that location.

No water dependency statement determination is required due to no special aquatic sites located at the project site.

The overall purpose of this work is to grade and stabilize this reach of the North Canadian River by using large riprap to construct bank stabilization structures and establish a permanent riparian zone.

Description of Work: The applicant proposes to grade and install a longitudinal peak stone toe (LPST) structure along the existing toe of the river within the project area. The proposal would also include 11 stone bend way weirs (SBWW) at approximately every 100 linear feet to alter the

overall path of the thalweg at this river bend. This should provide protection of the river bank and aid in the stabilization of the bank in this reach of the river. Installation of the LPST and the SBWW would result in the placement of approximately 9,600 cubic yards of 30 inch riprap and 1,180 cubic yards of riprap from the existing bank hardening structure. The placement of 375 cubic yards of native soil would also be placed behind the LPST to aid in the establishment of a riparian zone. The native soil would consist primarily of sandy soils associated with excavation from keying the LPST and SBWW into the bank. Any other required fill material would meet the Oklahoma Department of Transportation (ODOT) for "unclassified borrow". All the illustrated material would be below the Ordinary High Water Mark (OHWM).

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:

"Impacts to the water of the U.S. were avoided to the maximum extent practicable. A no-action alternative was unacceptable because of the risk to public safety. Realigning a portion of the North Canadian River has more extensive impacts. Bank hardening above the OHWM would not repair over steepened banks. A minimum embankment slope of 1.5:1 was used to minimize the extents of fill in the water of the U.S."

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

The applicant has proposed to conduct on-site restoration and enhancement at a ratio of 1:1 for impacts. The project design will result in the creation of a stable riparian zone for plant communities to establish in the future. The proposal includes the implementation of willow staking and containerized plantings to augment stabilization and plant community development. The proposal addresses removing trash, junk, and debris from the channel and removing invasive species from the areas of disturbance.

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 project site is within the Lower North Canadian River watershed which has severe erosion issues and results in extensive river migration from year to year. The project occurs within the Northern Cross Timbers ecoregion, which is composed of a mosaic of cross timbers, tall grass prairie, and oak-hickory forests. The project site is nearly 5 miles east of Oklahoma City and 3 miles north of Midwest City.

Existing Condition: The site condition is characterized by highly incised river banks with 15-18 foot vertical slopes void of vegetation in places. Upstream of the project site is dominated by the

following trees: black willow (*Salix nigra*), American elm (*Ulmus Americana*), silver maple (*Acer saccharinum*), cottonwood (*Populus deltoides*), hackberry (*Celtis occidentalis*), box elder (*Acer negundo*), green ash (*Fraxinus pennsylvanica*), chittamwood (*Sideroxylon lanuginosum*), and sycamore (*Platanus occidentalis*).

Plans and Data: Plans showing the location of the proposed activity and other data are enclosed with this notice (Enclosures 1-4). 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, 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: Piping Plover (*Charadrius melodus*), Whooping crane (*Grus americana*), and the Interior Least tern (*Sterna antillarum*). 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 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.

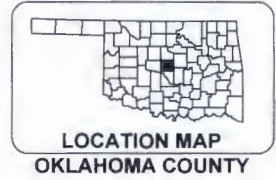
Comments: In order to consider and evaluate the impacts of this proposed activity the Corps is soliciting comments from the public, federal, state, and local agencies and officials, Indian tribes, and other interested parties. Comments concerning the issuance of this permit should be received by the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

The ODEQ hereby incorporates this public notice and procedure as its own public notice and procedure by reference thereto. 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



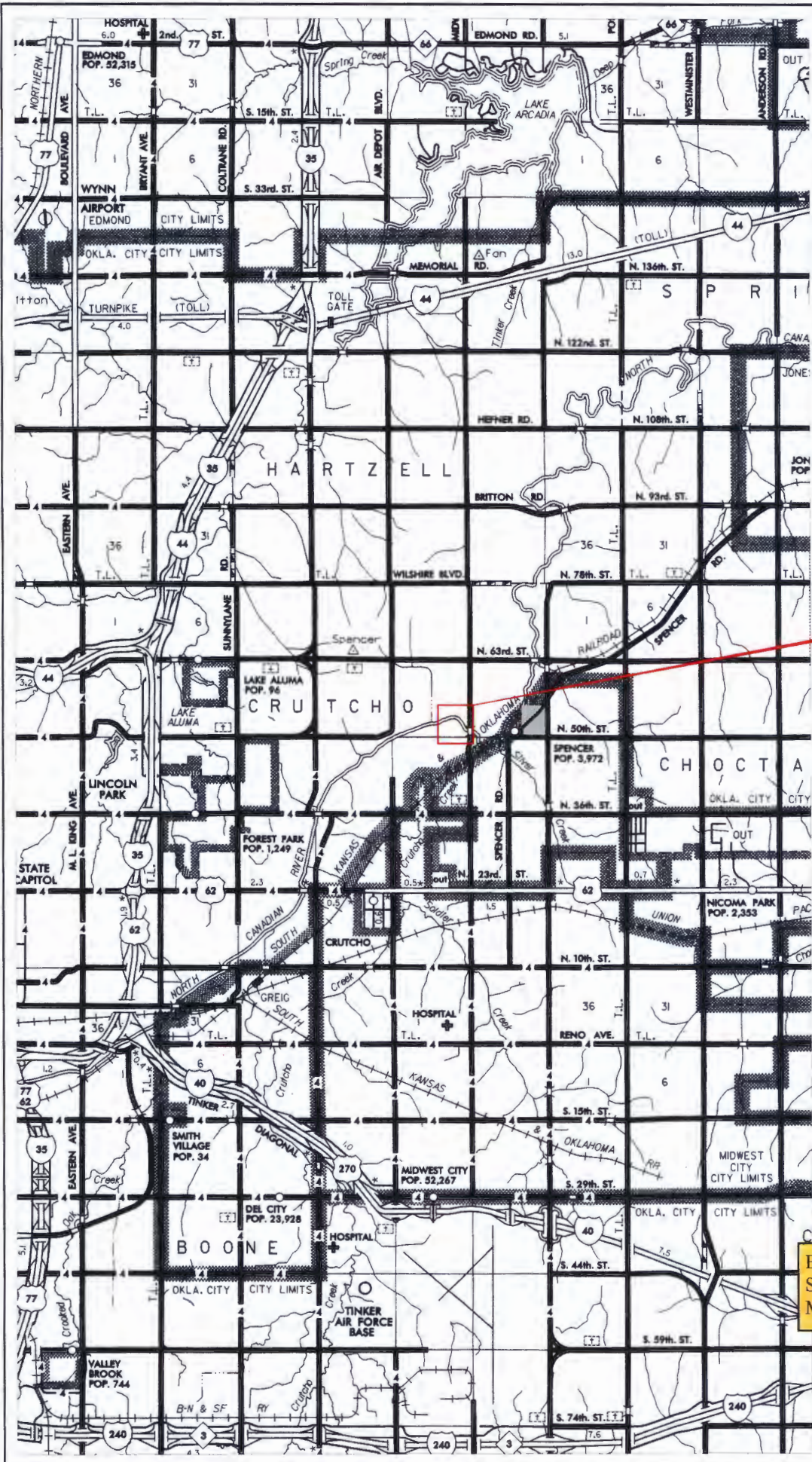
PROJECT LOCATION

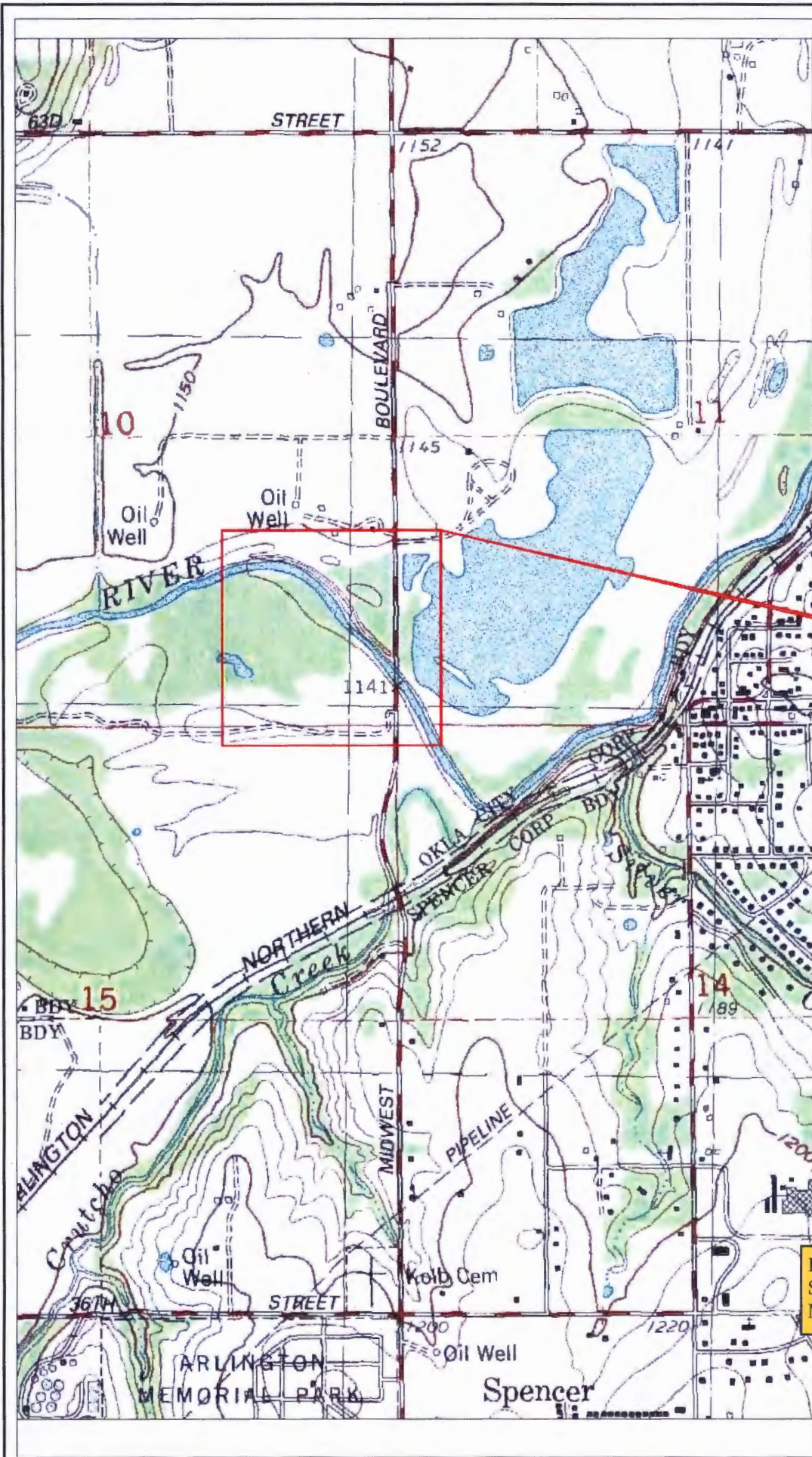
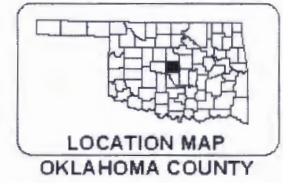


Enclosure 1.
SWT-2013-488
Midwest Blvd Bank Stabilization

**FIGURE 1
PROJECT LOCATION**

BC-0207
NORTH CANADIAN RIVER
IMPROVEMENTS & BANK STABILIZATION
AT MIDWEST BLVD.





PROJECT LOCATION



Enclosure 2
SWT-2013-488
Midwest Blvd Bank Stabilization

FIGURE 2
USGS TOPOGRAPHIC MAP
BC-0207
NORTH CANADIAN RIVER
IMPROVEMENTS & BANK STABILIZATION
AT MIDWEST BLVD.

BENDWAY WEIRS

Eleven (11) Bendway weirs will be built out into the existing river at the stations, lengths, and bearings specified in the plans. Weirs shall be keyed into the existing bank as shown in the plans. Excavated materials shall be stockpiled and used as fill over the keys when set.

LONGITUDINAL PEAK STONE TOE PROTECTION (LPSTP)

2,250 linear feet of LPSTP will be built at the dimensions and offsets from the existing bank shown in the attached plans. LPSTP shall be keyed into the existing bank at 100 foot intervals. Excavated material shall be stockpiled and used as fill over the keys when set.

EXISTING BANK HARDENING

Existing bank hardening (Riprap (18" dia.) – 2,500 tons) from Sta. 21+50 to Sta. 30+50 shall be removed from the bank and used to build up LPSTP. Exposed earth shall be immediately covered with coir matting and overseeded per the details below.

OVERSEEDING

In the area of existing bank hardening, after the riprap is removed, the area shall be overseeded with winter wheat (70 lbs per acre) if construction is completed in the fall or winter months or German Millet (20 lbs per acre) if the construction is completed in the spring or summer months. All areas disturbed by construction shall be overseeded in the same manner. This area shall not be less than 1.37 acres.

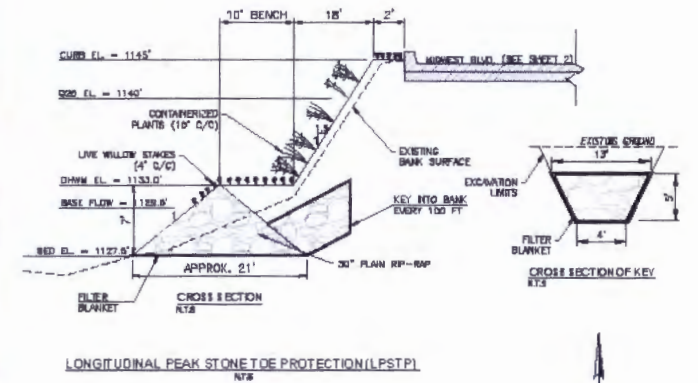
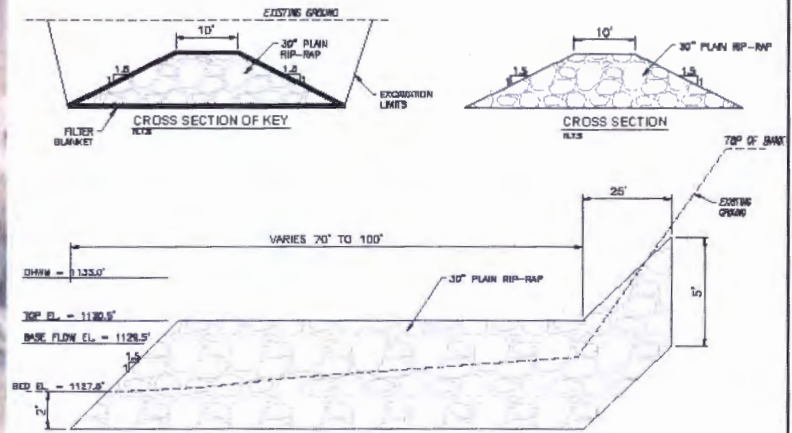
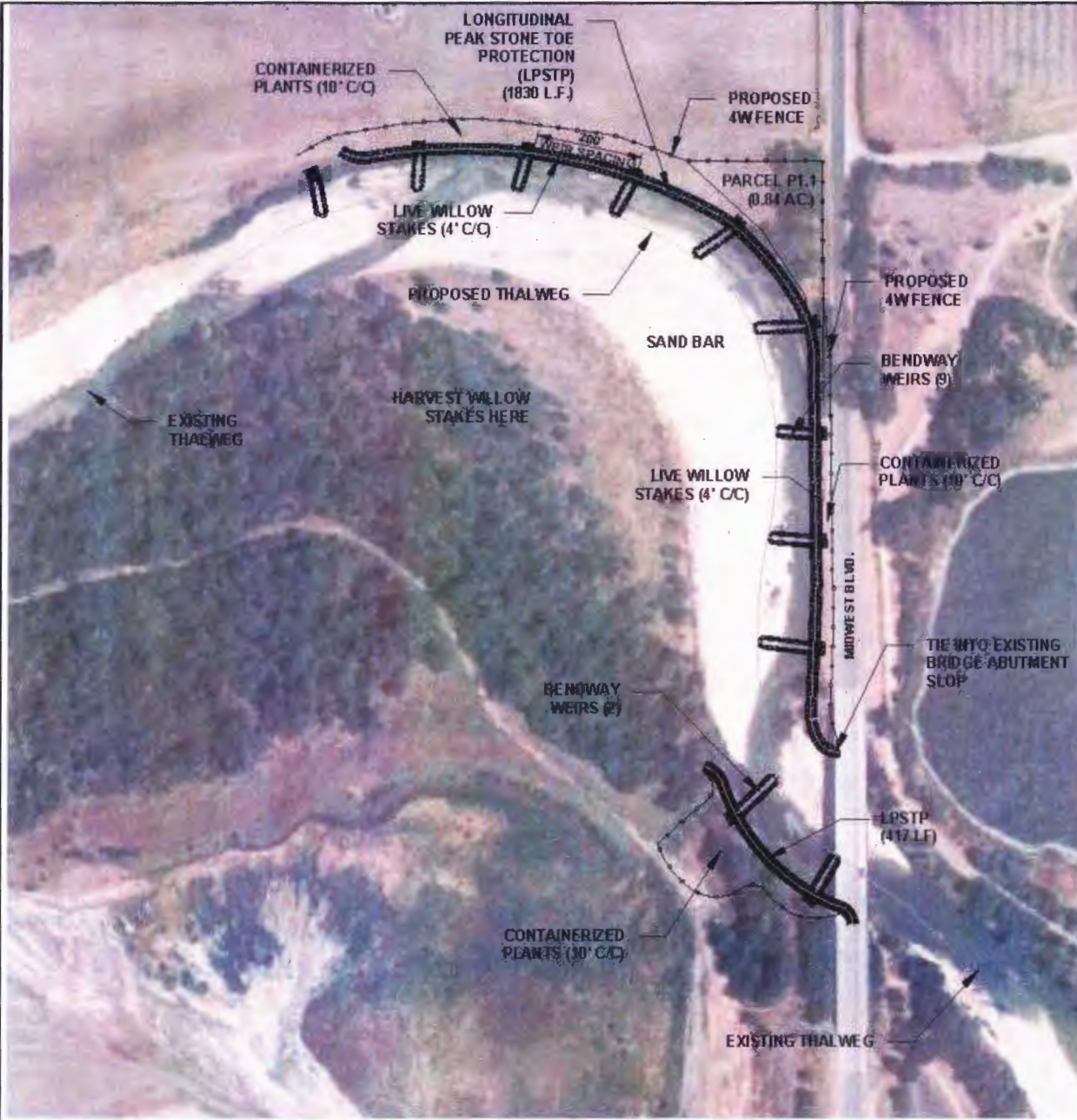
CONTAINERIZED PLANTINGS

All areas disturbed by bank stabilization construction above the OHWM (1133-ft) shall be planted with containerized trees (native species – 10 gallon) at 10-ft center to center spacing. This area includes the filled area west of the bridge opening which shall be graded at a 4:1 slope down to the LPSTP. The total area of containerized plantings shall not be less than 1.37 acres and this shall result in not less than 600 containerized trees. These trees shall be planted in the appropriate season (fall or spring).

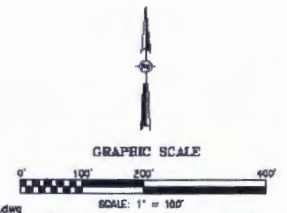
LIVE WILLOW STAKES

All areas disturbed by bank stabilization construction below the OHWM (1133-ft) and above the base flow elevation (1129.5-ft) shall be planted with live willow stakes. This area includes the 10' bench behind the proposed LPSTP as shown in the plans. These willow stakes shall be harvested by hand on-site in the forested area west of the river. The willow stakes shall be planted by hand on a 4-foot grid staggered to give a natural look.

The total area of live willow stake planting shall not be less than 0.81 acres and this shall result in not less than 2,200 live willow stakes. All willow stakes shall be planted in the dormant season for willows (January to March).



**PRELIMINARY DRAWING
NOT FOR CONSTRUCTION**



FILENAME:	Recommendation 1.dwg
DESIGN:	A.C.B. FOR THE CITY OF OKLAHOMA CITY
DRAWN:	S.
CHECKED:	D.
APPROV.:	D.
SQUAD:	CC

Enclosure 4
SWT-2013-488
Midwest Blvd Bank Stabilization