



Public Notice

U.S. Army Corps
of Engineers
Tulsa District

Reply To:

U.S. Army Corps of Engineers
ATTN: Regulatory Office
2488 East 81st Street
Tulsa, Oklahoma 74137-4290

SWT-2015-315
Public Notice No.

December 23, 2019
Public Notice Date

January 21, 2020
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

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**DEPARTMENT OF THE ARMY
CORPS OF ENGINEERS, TULSA DISTRICT
2488 EAST 81ST STREET
TULSA, OKLAHOMA 74137-4290**

Application No. SWT-2015-00315

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

Applicant: Mr. Stacey Trumbo
Oklahoma County
320 Robert S Kerr
Office 201
Oklahoma City, OK 73102

Agent: Ms. Amanda Newberry
EST Inc.
615 N Hudson
Oklahoma City, OK 73102

Location: The proposed project is located along the North Canadian River near Triple X Road and NE 36th Street in the SE ¼ of Section 18, Township 12 North, Range 1 East and SW ¼ of Section 17, Township 12 North, Range 1 East, near Choctaw, Oklahoma County, Oklahoma. The project site can be found on the Horseshoe Lake, Oklahoma 7.5 Minute USGS Quadrangle map at North Latitude 35.625 and West Longitude - 97.125.

Project Description: The intent of the project is to stabilize the North Canadian River's right descending bank near Triple X Road with four (4) spur dikes. This proposal would also realign 3,000 linear feet of the North Canadian River at this location.

Purpose: The overall need is to stop the encroachment of the North Canadian River in order to reconstruct Triple X road and protect the residences along Triple X Road. A water dependency determination would be made upon consideration of the basic purpose of the project.

The overall purpose is for public safety. The applicant is proposing the repair to protect the safety of Triple X Road as a reliable arterial transportation route with access to the Triple X bridge crossing the North Canadian River.

Note: The applicant is using funding by Federal Emergency Management Agency (FEMA) to conduct this bank repair and stabilization effort, due to the federal funding, FEMA is the lead federal agency for this project.

Summary Table of Impacts:

Original Proposal					
Number or Location	Impact Activity	Type of Water	Type of Fill Material	Qty of Material cys below OHWM	Footprint (ac and/or lf)
Spur Dike 1	Placement of fill material	River	24-inch riprap	291	0.37 ac
Spur Dike 2	Placement of fill material	River	24-inch riprap	1,245	0.55 ac
Spur Dike 3	Placement of fill material	River	24-inch riprap	3,519	0.79 ac
Spur Dike 4	Placement of fill material	River	24-inch riprap	1,764	0.63 ac
Channel Realignment	Placement of dredge material	River	Sandy Alluvial River Materials	25,000	3,000 lf
cubic yards (cys), ordinary high water mark (OHWM), acre (ac), linear feet (lf)					

Description of Work: The applicant proposes to construct four spur dikes of various sizes totaling 6,819 cubic yards of 24-inch riprap below the ordinary high water mark of the North Canadian River. The length and alignment of the dikes was developed to maintain the new alignment of the river bank consistent with the 2013 alignment. The top elevation of the dikes was set to be above the 10 year flood frequency and below the 50 year flood frequency.

The applicant also proposes to realign the North Canadian River to the previous 2013 alignment. The proposed channel realignment would result from the excavation of 25,000 cubic yards of sandy alluvial river material (point bar) along 3,000 linear feet of the North Canadian River adjacent to Triple X Road. The channel shape would be trapezoidal with 3:1 side slopes and a bottom width of 120 feet to match the existing channel width. The channelization would result in the redistribution of the dredge material from excavating the new channel. The excavated material would be used for reconstructing the new channel banks. The project would require the use of various track hoes, dump trucks, and bulldozers for construction and excavation.

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.

Three alternative configurations were considered during the Phase I of the project:

Alternative 1, No-Action: The no-action alternative was considered unacceptable due to the loss of roadway access and the risk to public safety.

Alternative 2, Bank Stabilization: This alternative would construct Steel H-Piles, wire meshed, with Kellner Jetties as bank stabilization. This option fortifies the banks and leaves the channel in its current location under Triple X Road. However, this option would not solve the problem of re-establishing Triple X Road and would be cost ineffective.

Alternative 3, Spur Dikes and Channel Realignment: The historic channel would be excavated, creating a new alignment downstream. This option uses spur dikes to protect the west bank and push the flow into the realigned channel. This option allows the reconstruction of Triple X Road, re-establishing the stream in the historic channel while protecting the structures downstream.

The applicant has selected Alternative 3 to align the channel back to historic flow path and add Spur Dikes to silt in the river and protect the downstream channel. The spur dikes are an unavoidable impacts that would require mitigation.

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

The applicant is proposing tree plantings on the west bank of the North Canadian River as compensatory mitigation. In addition, over time, the spur dikes would silt in, creating additional streambank on the west side of the channel that would eventually support a wetland habitat.

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. Compensatory Mitigation for unavoidable impacts may be required to ensure that this activity requiring a Section 404 permit, if issued, complies with the Section 404 (b)(1) Guidelines. 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 is located within rural Oklahoma County. Typically, crops are grown in the fields to the west while, the North Canadian River is surrounded by a mixture of grass and brush with interspaced deciduous riparian trees (e.g. cottonwoods,

pecan, etc.). The surrounding soils are comprised of alluvial deposits of sand and silt. Two NWI-mapped features occur within the project area; a freshwater emergent wetland (PEM1C) and a linear freshwater forested/shrub wetland (PFO1A).

Prior to 2007, the North Canadian River was relatively stable, leaving the river channel generally unchanged for several decades. The river has experienced successive drought/flooding events from 2007 to 2019. These periods of low flow followed by extreme high flow storm events have altered channel location, causing the west bank to migrate approximately 350 feet to the west and 100 feet to the south. In 2013, the migration of the bank captured a farm and residence located on the west bank of the North Canadian River, and in 2017, Triple X Road was closed due to continuing bank migration.

Existing Condition: The site is located in the floodplain of the North Canadian River. The channel is currently located along the right descending bank, with the historic channel exposed near the east bank. River water has seeped under Triple X road, through the alluvium, and caused some soil voids near the roadway. Recent severe erosion on the North Canadian River has destroyed one residence, undercut Triple X road, and is encroaching on two residences south of Northeast 36th Street in Oklahoma County.

Much of the property along the west side of Triple X Road appears to be cultivated cropland. Along the North Canadian River which cuts into the east side of Triple X Road, mixed grasses and wooded riparian corridor are apparent. A sand point bar is present within the study area on the opposite side of the North Canadian River from the cut bank along Triple X Road.

Cultural Resources: The DE is responsible to ensure compliance with the National Historic Preservation Act of 1966 (NHPA) (Public Law 89-665), as amended, and other cultural resources laws and Executive Orders. A preliminary review of the state's records has been completed for the presence of sites included in, or eligible for, inclusion in the National Register of Historic Places, as well as the Oklahoma Landmark Inventory Database. There are no known historic properties, as defined by the NHPA, in or within the vicinity of the proposed permit area.

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*), and Whooping Crane (*Grus americana*). A field review has been conducted by a qualified biologist to determine potential impacts to listed species and designated critical habitats and a final Biological Report and Effect Determination would be provided to the USFWS for concurrence.

We are currently assessing the potential effects of the proposed action on these species and would comply with the Endangered Species Act with regard to any effect of our decision on this permit application.

Evaluation Factors: The decision whether to issue a permit would 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 would 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 would 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 would 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 would be granted unless the DE determines that it would be contrary to the public interest.

Plans and Data: Plans showing the location of the proposed activity and other data are enclosed with this notice (Enclosures 1 of 4). If additional information is desired, it may be obtained from Mr. Bryan Noblitt, Tulsa District Corps of Engineers, ATTN: Regulatory Office, 2488 East 81st Street, Tulsa, OK 74137; or telephone 918-669-7400.

Comments: The Corps of Engineers 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 would 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 comments on this proposal must be submitted to be received by the Corps by the expiration date of this public notice comment period. Comments received after this date would not be considered in our decision. You may submit comments to mailing address Tulsa District Corps of Engineers, ATTN: Regulatory Office, 2488 East 81st Street, Tulsa, OK 74137 or email CESWT-RO@usace.army.mil. Please include the public notice number SWT-2015-00315 in the subject line of your email message.

Comments concerning water quality impacts would 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

PROJECT LOCATION

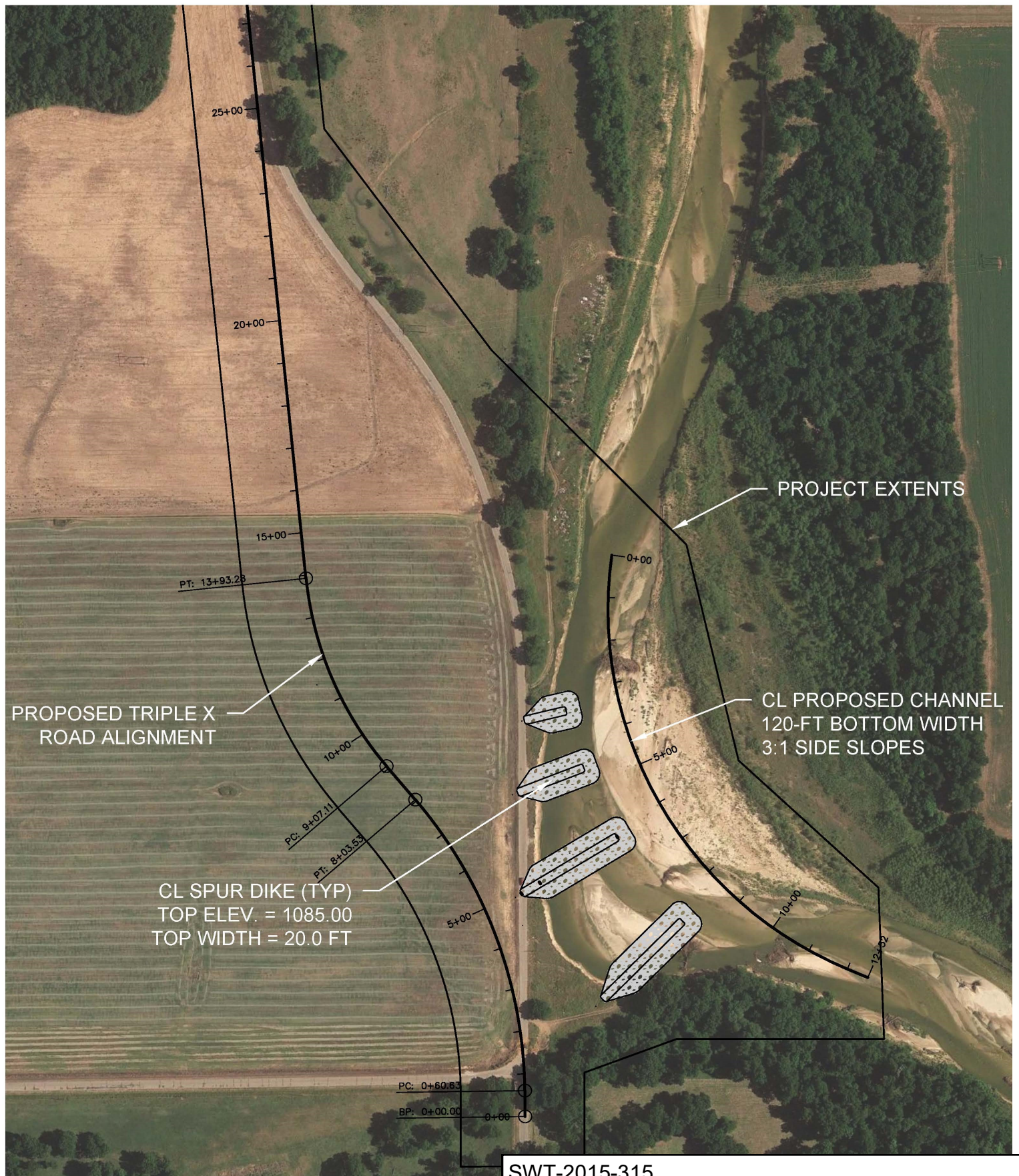


PRIOR TO PERFORMING ANY GRADING OR EXCAVATING WORK, THE CONTRACTOR SHALL NOTIFY ALL UTILITY OWNERS OR CALL OKIE OKLAHOMA ONE CALL NOT LESS THAN 48 HOURS IN ADVANCE AND SHALL VERIFY OR ESTABLISH THE EXACT LOCATION AND DEPTH OF ALL UNDERGROUND LINES.

Enclosure 1 of 4



EST, INC.
615 N HUDSON AVENUE, SUITE 300
OKLAHOMA CITY, OK 73102
Ph. (405) 815-3600 Fax (405) 815-4080
www.estinc.net
C.A. 3639

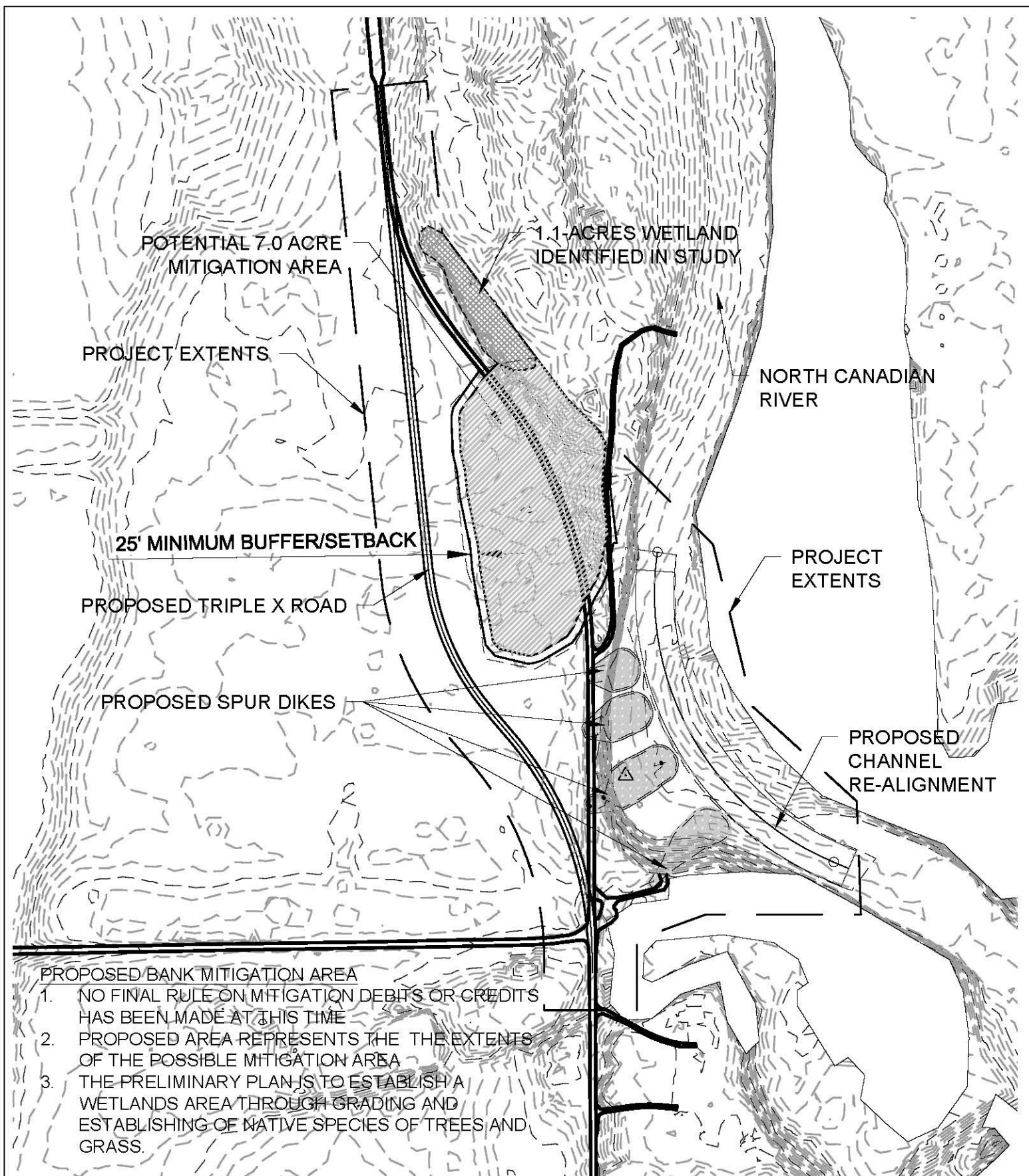


SITE PLAN

TRIPLE X ROAD PHASE II
OKLAHOMA COUNTY



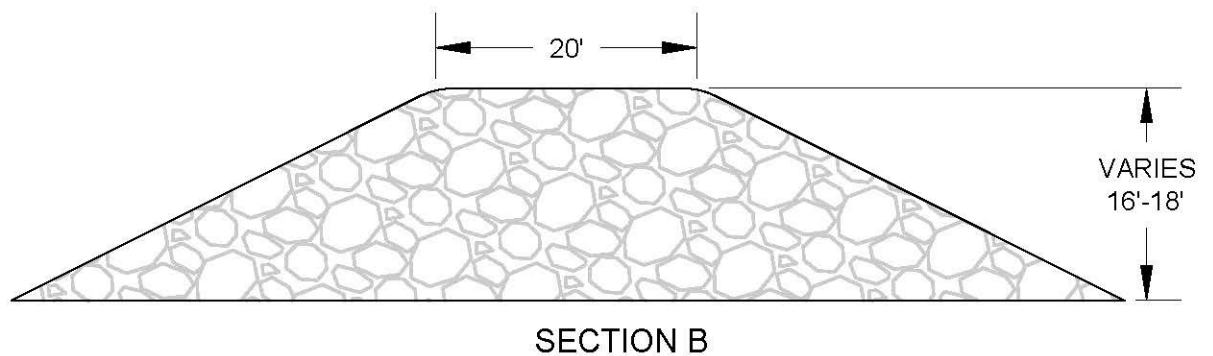
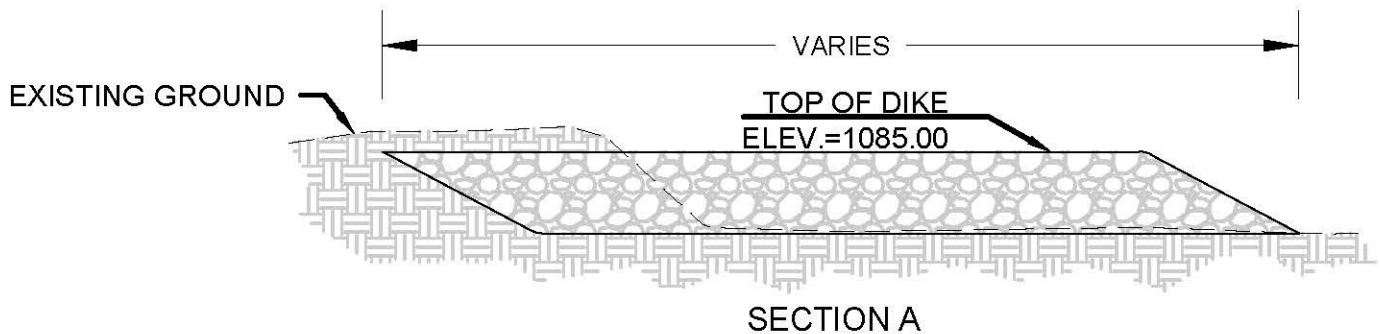
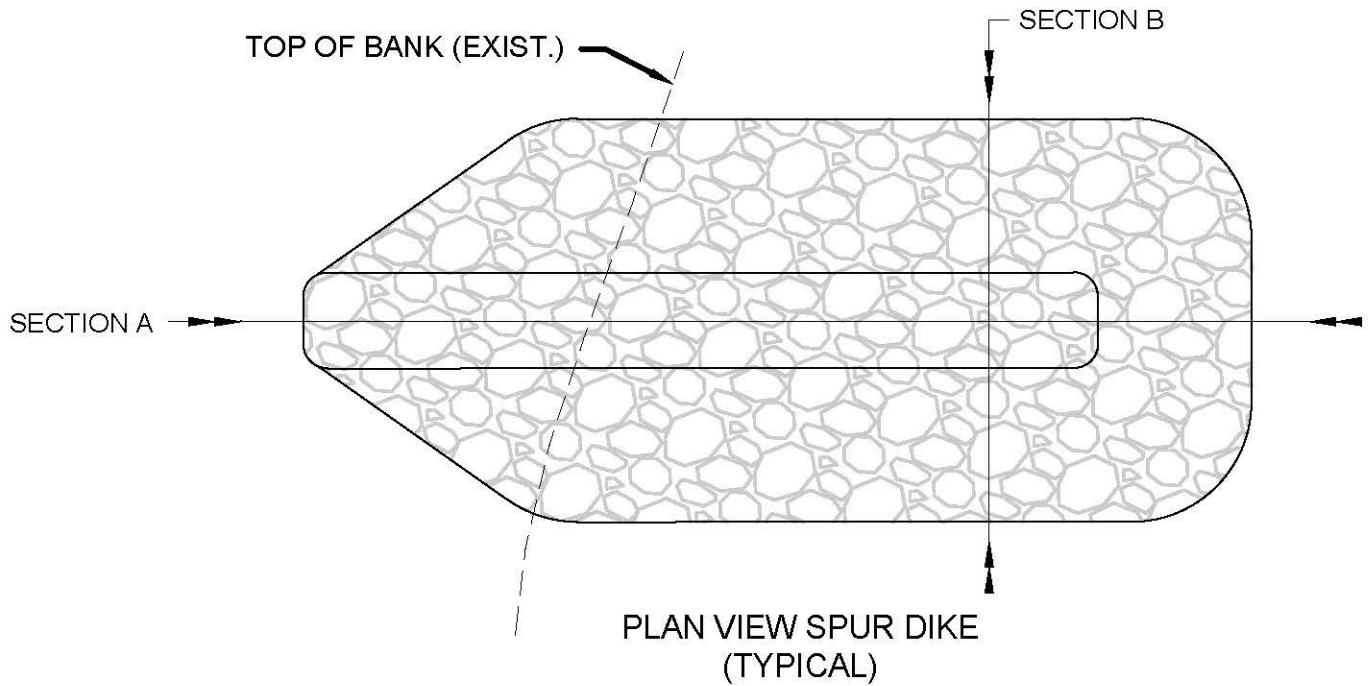
SWT-2015-315
Oklahoma County Triple X Road
Bank Stabilization on the North Canadian River
Oklahoma County
North Canadian River
Enclosure 2 of 4



PRELIMINARY MITIGATION PLAN
TRIPLE X ROAD CHANNEL
OKLAHOMA COUNTY



SWT-2015-315
 Oklahoma County Triple X Road
 Bank Stabilization on the North Canadian River
 Oklahoma County
 North Canadian River
 Enclosure 3 of 4



SPUR DIKE DETAIL

CLIENT: TRIPLE X ROAD PHASE II
OKLAHOMA COUNTY



SWT-2015-315
Oklahoma County Triple X Road
Bank Stabilization on the North Canadian River
Oklahoma County
North Canadian River
Enclosure 4 of 4