



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-2015-610
Public Notice No.

July 18, 2018
Public Notice Date

August 17, 2018
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-2015-610

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. Greg Riley
City of Muskogee
301 South Cherokee
Muskogee, OK 74403

Agent: Mr. Greg Armstrong
Holloway, Updike, and Bellen, Inc.
818 East Site Boulevard
Muskogee, OK 74403

Location: The proposed project is located in the Northeast 1/4 of Section 30, Township 15 North, Range 19 East, in Muskogee, Muskogee County, Oklahoma. The project site can be found on the Southeast Muskogee, Oklahoma 7.5 Minute USGS Quadrangle map at North Latitude 35.747959 and West Longitude 95.330282.

Project Description: The application is for permanent stream channelization to align the stream channel into the existing drainage easement.

Purpose: The overall purpose of this work is to permanently stabilize the stream channel. The project is not a water dependent activity.

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)
Left descending bank	Bank Stabilization	Intermittent Stream	Articulated Concrete Block	289 CY	1,180 linear feet
Right descending bank	Bank Stabilization	Intermittent Stream	Articulated Concrete Block	289 CY	1,180 linear feet
Bed of Channel (Centerline)	Bank Stabilization	Intermittent Stream	Clay	850 CY	1,180 linear feet
cubic yards (CY), ordinary high water mark (OHWM), acre (ac), linear feet (lf)					

Description of Work: The applicant proposes the placement of 577 cubic yards (CY) of concrete with reinforcing steel for the construction of an articulating block revetment system (ABRS) and sidewalls for approximately 1,180 linear feet. The applicant also proposes to compact the subgrade for 6-inches using approximately 850 CY of earthen material, and install a 4-inch filter blanket and filter fabric. The ABRS is designed to be 30 to 50 feet wide, with the sidewalls 3:1 ratio.

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:

The applicant did not make a “statement explaining how impacts associated with the proposed activity are to be avoided, minimized, and compensated for”.

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

The applicant believes that ARBS is an environmentally green solution allowing vegetation, yet decrease velocities, improve aesthetics and minimize erosion. The applicant believes mitigation is not required.

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.

Government Authorizations obtained or received: The Corps has not reviewed any copies of other required permits.

Project Setting: This project is located within the Osage Cuestas Ecoregion, which is part of the of Central Irregular Plains geomorphic province. The Transition is characterized by a series of gentle undulating plains and perennial streams.

Existing Condition: The stream channel has previously been straightened between two residential developments with a sparse riparian in the upland. The intermittent stream channel is a jurisdictional water of the United States and is in the floodplain of the Arkansas River. The primary uses for the land historically was for agricultural purpose, and has been fallow for several decades.

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: Gray Bat (*Myotis grisescens*) Northern Long-eared Bat (*Myotis septentrionalis*), Least Tern (*Sterna antillarum*), Piping Plover (*Charadrius melodus*), Red Knot (*Calidris canutus rufa*), Whooping Crane (*Grus Americana*), and American Burying Beetle (*Nicrophorus americanus*). A copy of this notice is being furnished to the U.S. Fish and Wildlife Service and appropriate state agencies. The IPAC consultation number is 02EKOK00-2018-SLI-1957.

Evaluation Factors: 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.

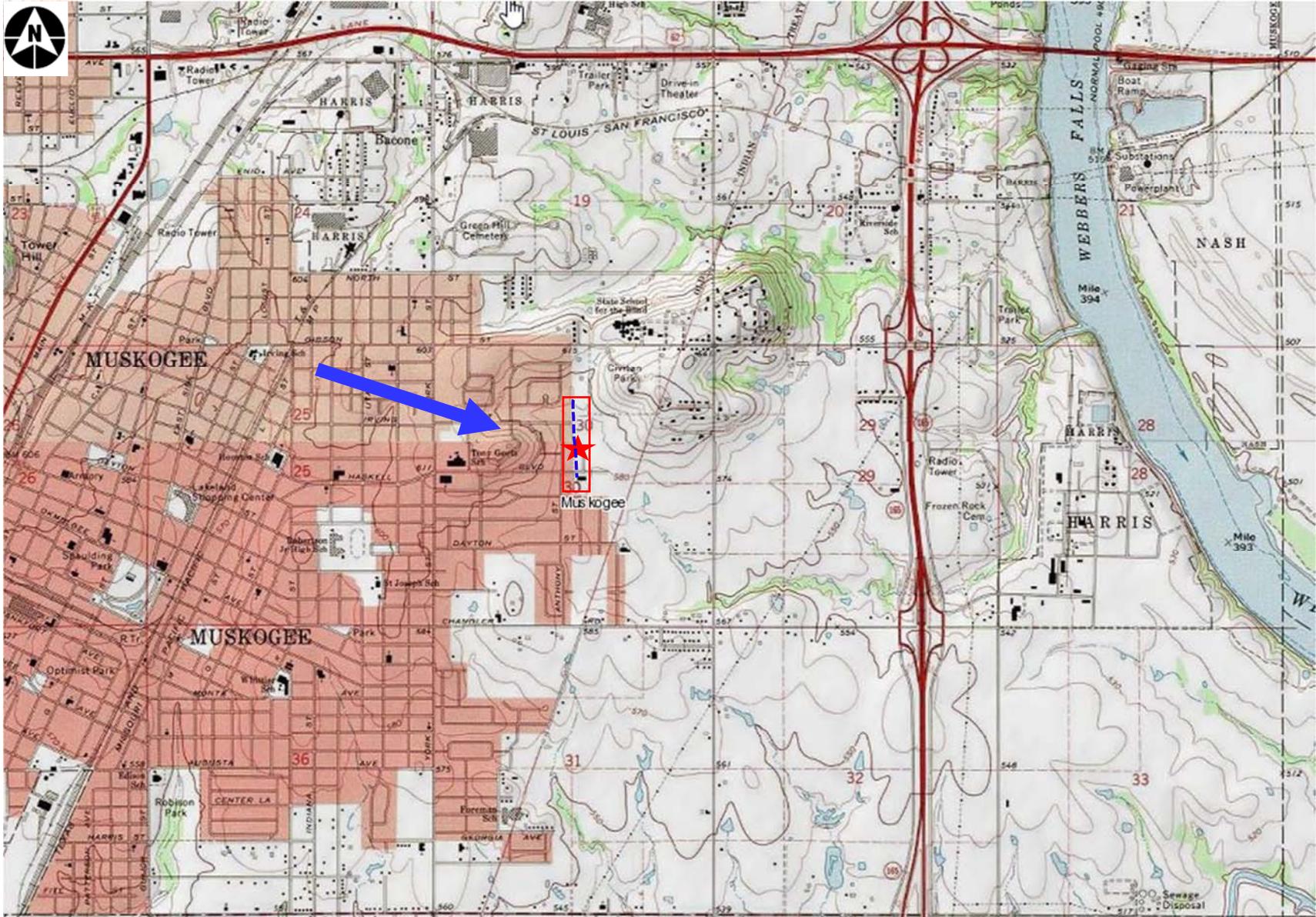
Plans and Data: Plans showing the location of the proposed activity and other data are enclosed with this notice. If additional information is desired, it may be obtained from Mr. Marcus Ware, Tulsa District Corps of Engineers, ATTN: Regulatory Office, 2488 East 81st Street, Tulsa, OK 74137; or telephone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

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, floodplain administrators, state historic preservation officers, Indian tribes, and other interested parties. Comments concerning the issuance of this permit should be received by the DE no later than the expiration date of this public notice. 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-2015-610 in the subject line of the message.

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-2015-610
Civitan Drainage Belmont Channel
City of Muskogee
Unnamed tributary of Arkansas River
Muskogee, Muskogee County, Oklahoma
Enclosure 1 of 6

Plans For
STORM WATER IMPROVEMENTS
CIVITAN DRAINAGE
Belmont Channel

MUSKOGEE MUNICIPAL AUTHORITY
MUSKOGEE, OKLAHOMA

Project No. 17MUSKDRAIN
 CWSRF Project No. ORF-17-0019-CW

PRELIMINARY PLANS
30% DESIGN

MUSKOGEE MUNICIPAL AUTHORITY

BOB COBURN	MAYOR
MIKE MILLER	CITY MANAGER
MIKE STEWART	ASSISTANT CITY MANAGER
GREG RILEY	PUBLIC WORKS DIRECTOR

COUNCIL MEMBERS

JAMES GULLEY	PATRICK GALE
WAYNE J. JOHNSON	DAN HALL
IVORY VANN	DERRICK REED
JANEY BOYOSTON	MARLON COLEMAN



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SWT-2015-610
 Civitan Drainage Belmont Channel
 City of Muskogee
 Unnamed tributary of Arkansas River
 Muskogee, Muskogee County, Oklahoma
 Enclosure 2 of 6

1/2 SCALE PLANS

2018

PREPARED BY:



HOLLOWAY, UPDIKE & BELLEN, Inc.

NEW EAST SIDE BUILDING
 POST OFFICE BOX 1245
 MUSKOGEE, OKLAHOMA 74402
 918/682-7011

C.A. NO. 219
 EXPIRES 08/30/19



GREG ARMSTRONG, PE
 PE NO. OK 20883

DATE:

R-19-E



GENERAL NOTES

1. REMOVE AND REPLACE DRIVEWAYS FROM CURB LINE BACK TO THE EDGE OF THE STREET RIGHT OF WAY. CONSTRUCT DRIVES PER CITY OF MUSKOGEE STANDARDS.
2. ALL DISTURBED AREAS SHALL BE RESTORED WITH SOLID SLAB SODDING. MATCH EXISTING GRASS TYPE AS POSSIBLE.
3. ALL EXCAVATED MATERIAL NOT REQUIRED IN OTHER AREAS OF THE PROJECT, INCLUDING CONCRETE AND CURB REMOVAL, SHALL BECOME THE PROPERTY OF THE CONTRACTOR AND SHALL BE DISPOSED OF BY THE CONTRACTOR IN A MANNER ACCEPTABLE TO THE ENGINEER WITHOUT COST TO THE CITY.
4. THE CONTRACTOR IS RESPONSIBLE TO LOCATE UTILITIES. PRIOR TO EXCAVATING FOR MANHOLE OR PIPELINE REPAIR OR REPLACEMENT, THE CONTRACTOR SHALL CONTACT 1-800-CALL-OKIE (1-800-522-6543) TO LOCATE BURIED UTILITIES. UTILITIES DISTURBED BY THE CONTRACTOR SHALL BE THE CONTRACTOR'S FULL RESPONSIBILITY FOR REPAIR ACCORDING TO THE UTILITY'S SPECIFICATIONS AND REQUIREMENTS AT NO COST TO OWNER.
5. CONTRACTOR SHALL PROVIDE TEMPORARY ORANGE SAFETY FENCING AROUND ALL EXCAVATION, INCLUDING TRENCHES, PITS, ETC. TO MAINTAIN SECURITY AND SAFETY FOR ANIMALS, CHILDREN OR ANY BYSTANDER. THE COST FOR ORANGE SAFETY FENCE SHALL BE INCLUDED IN OTHER PAY ITEMS.
6. THE CONTRACTOR SHALL WORK IN COOPERATION WITH THE CITY OF MUSKOGEE TO ESTABLISH, INSTALL, MAINTAIN AND OPERATE COMPLETE, ADEQUATE AND SAFE TRAFFIC CONTROLS DURING THE ENTIRE CONSTRUCTION PERIOD. FOR ALL ROAD CLOSURES, A TRAFFIC CONTROL PLAN SHALL BE SUBMITTED AND APPROVED BY CITY 48 HOURS PRIOR TO STREET CLOSURE.
7. PRIOR TO EXCAVATING, THE CONTRACTOR IS RESPONSIBLE FOR BRACING OR SUPPORTING ANY POWER POLE OR GUY WIRE WITHIN 5 FEET OF EXCAVATION TO THE SATISFACTION OF THE OWNER AND THE UTILITY COMPANY AT NO ADDITIONAL COST TO THE OWNER.
8. DRIVEWAYS, SIDEWALKS, FENCES AND OTHER AREAS PUBLIC AND PRIVATE DAMAGED BY THE CONTRACTOR SHALL BE RESTORED TO A CONDITION EQUAL TO OR BETTER THAN THAT PRIOR TO THE PROJECT AT HIS OWN EXPENSE.
9. ALL PAVEMENT REMOVAL SHALL BE SAW CUT AT THE NEAT LINES. SAW-CUTS REQUIRED FOR REMOVAL AND REPLACEMENT ITEMS SHALL BE FULL DEPTH OF THE EXISTING SURFACE. SAW-CUTS WILL NOT BE PAID FOR SEPARATELY, BUT WILL BE CONSIDERED SUBSIDIARY TO OTHER ITEMS.
10. UNSUITABLE MATERIALS REMOVED DURING TRENCHING OR EXCAVATION SHALL BE DISPOSED OF AT A SITE APPROVED BY THE OWNER. PRIOR TO TRENCHING OR EXCAVATION, THE CONTRACTOR SHALL SUBMIT THE PROPOSED DISPOSAL SITE TO THE OWNER FOR THEIR REVIEW. STOCKPILING OF EXCAVATED MATERIAL IN STREET OR ALLEY RIGHTS-OF-WAY MAY BE ALLOWED UPON APPROVAL BY THE OWNER. MAINTENANCE OF STOCKPILE SITES SHALL BE THE SOLE RESPONSIBILITY OF THE CONTRACTOR. CONTRACTOR SHALL MAINTAIN STOCKPILE SITES IN A SAFE POLLUTION FREE CONDITION THROUGHOUT THE PROJECT. THE CONTRACTOR SHALL NOT STOCKPILE MATERIAL OR STORE ANY EQUIPMENT OVERNIGHT IN A FLOODPLAIN OR FLOOD PRONE AREA.
11. ALL CONCRETE PAVEMENTS, FLEXIBLE PAVEMENTS, CURB AND GUTTER, AND UNPAVED SURFACES SHALL BE FINISHED TO MATCH EXISTING SURROUNDING SURFACES.
12. CONTRACTOR SHALL EXERCISE DILIGENCE WHEN WORKING AROUND TREES. HOWEVER IF DAMAGE OCCURS TO TREES WITHIN AN EASEMENT OR RIGHT OF WAY THE CONTRACTOR SHALL NOT BE HELD RESPONSIBLE.
13. BACKFILL ALL PAVED AND GRAVEL SURFACED AREAS WITH CRUSHED AGGREGATE FROM THE TOP OF BEDDING TO BOTTOM OF RESURFACING.
14. STORM SEWER PIPE SHALL BE ADS HP STORM PIPE OR APPROVED EQUAL.
15. WHERE EXISTING FENCING IS USED FOR THE CONTAINMENT OF PETS AND THE FENCE MUST BE DISTURBED OR REMOVED IN THE COURSE OF CONSTRUCTION, THE CONTRACTOR SHALL ESTABLISH AND MAINTAIN FENCING UNTIL THE PERMANENT FENCING HAS BEEN RESTORED. NO ADDITIONAL PAYMENT WILL BE MADE.

LOCATION MAP
SCALE: 1" = 200'

SWT-2015-610
Civitan Drainage Belmont Channel
City of Muskogee
Unnamed tributary of Arkansas River
Muskogee, Muskogee County, Oklahoma
Enclosure 3 of 6

DATE PLOTTED: 2/11/2018 10:45:10 AM BY: J. B. B. 17MUSKDRAIN



BAR IS ONE INCH ON ORIGINAL DRAWING IF NOT ONE INCH ON THIS SHEET, ADJUST SCALES ACCORDINGLY.

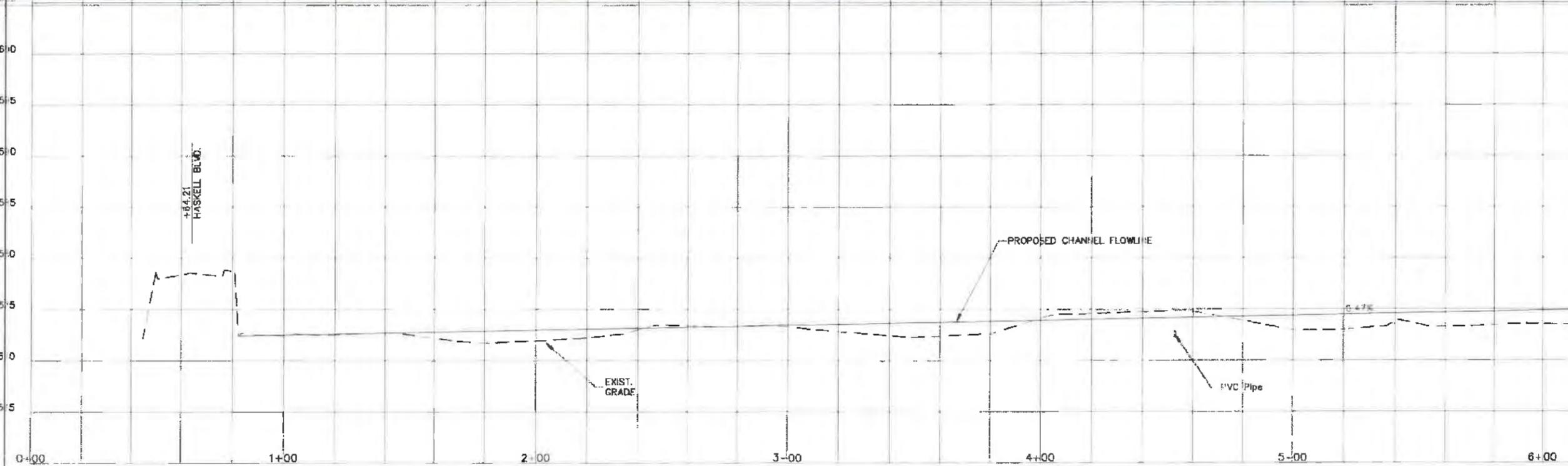
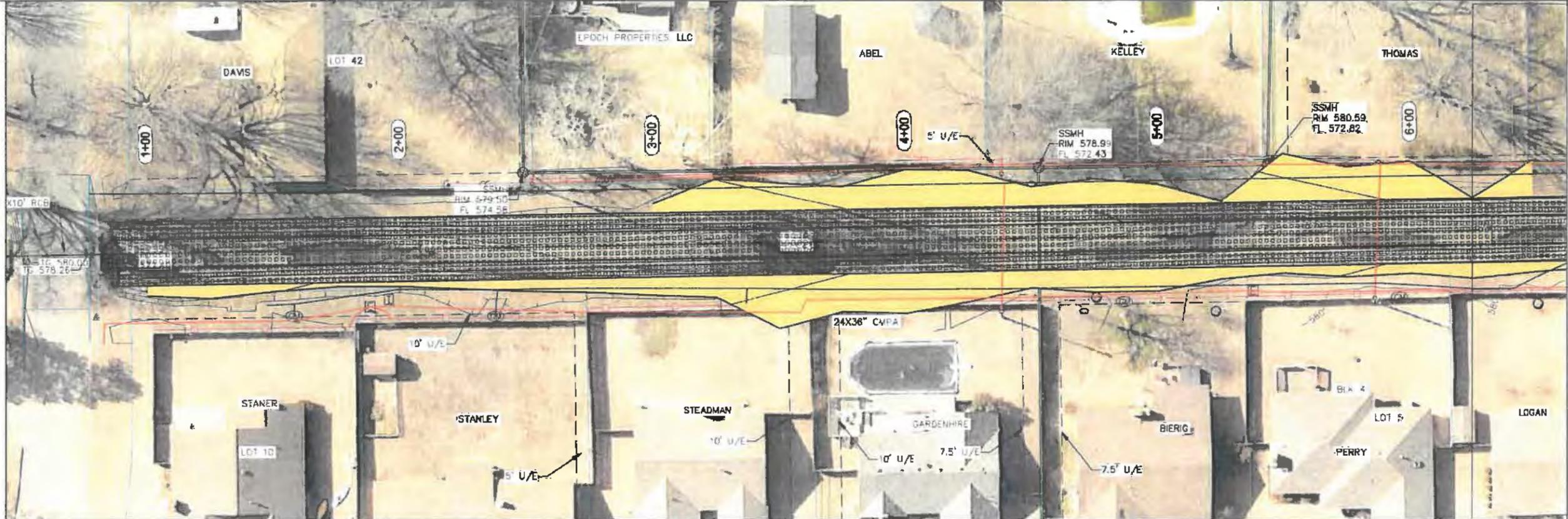
Holloway, Updike and Bellin, Inc.
218 EAST ONE BOWLING - MOBILE, ALABAMA 36682-7000

SCALE: HORZ. NA VERT. NA

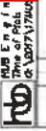
CANTAN DRAINAGE BELMONT CHANNEL

LOCATION MAP
PROJECT NO: 17MUSKDRAIN

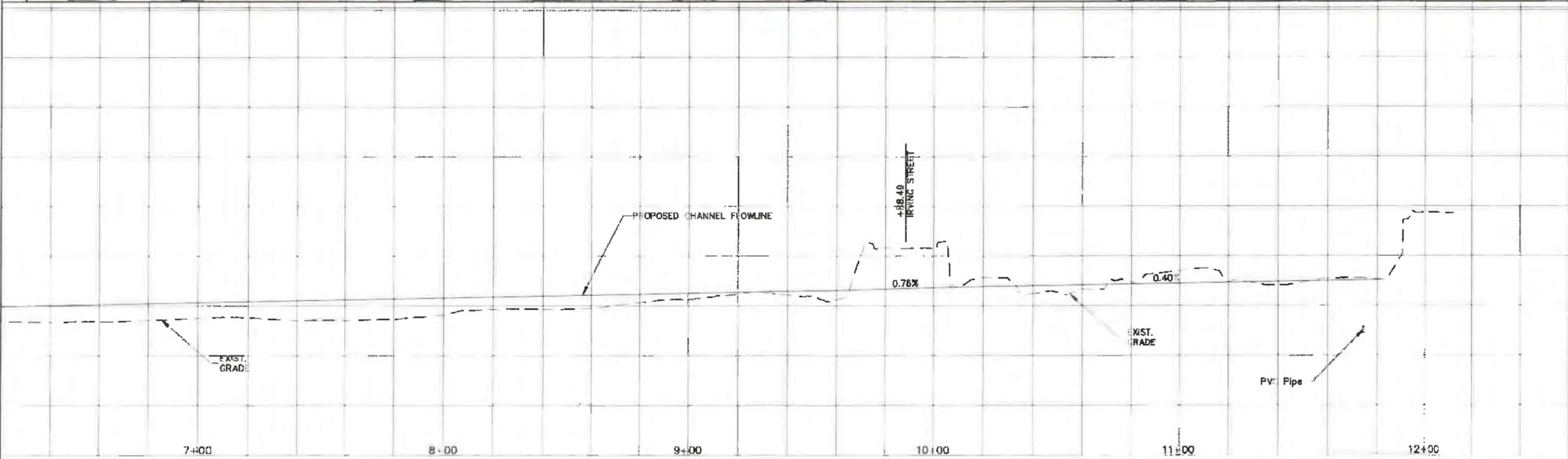
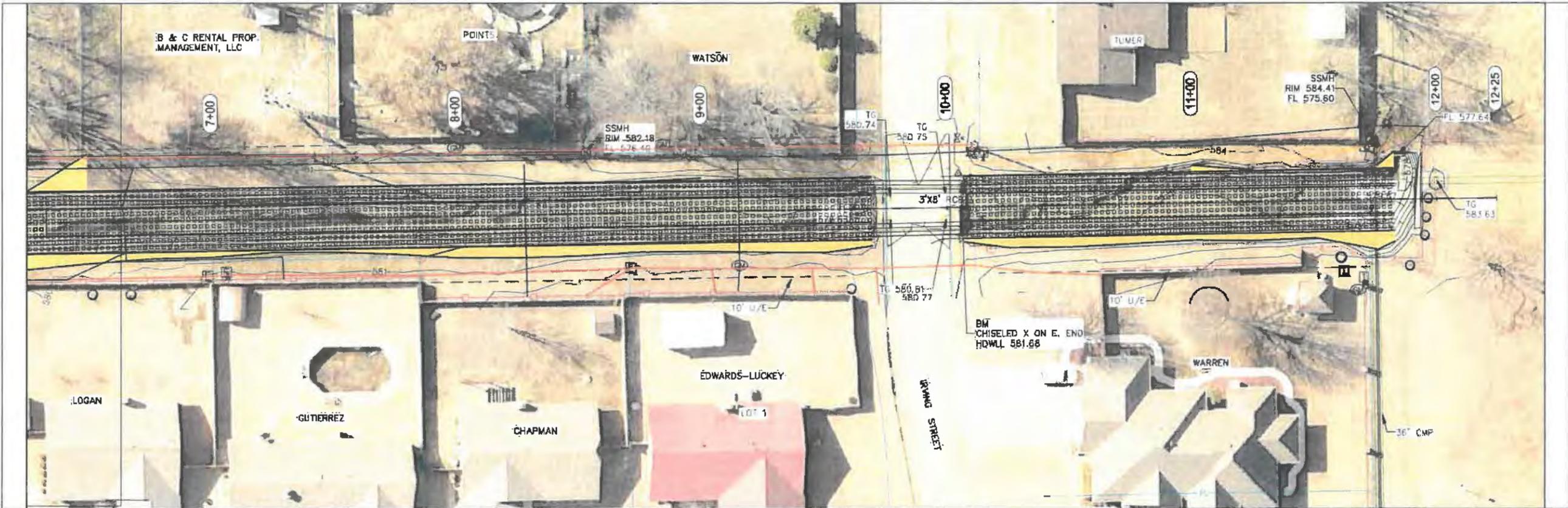
Drawn: GA Date: FEBRUARY 2018
Check: GA Sheet: ----



SWT-2015-610
 Civitan Drainage Belmont Channel
 City of Muskogee
 Unnamed tributary of Arkansas River
 Muskogee, Muskogee County, Oklahoma
 Enclosure 4 of 6

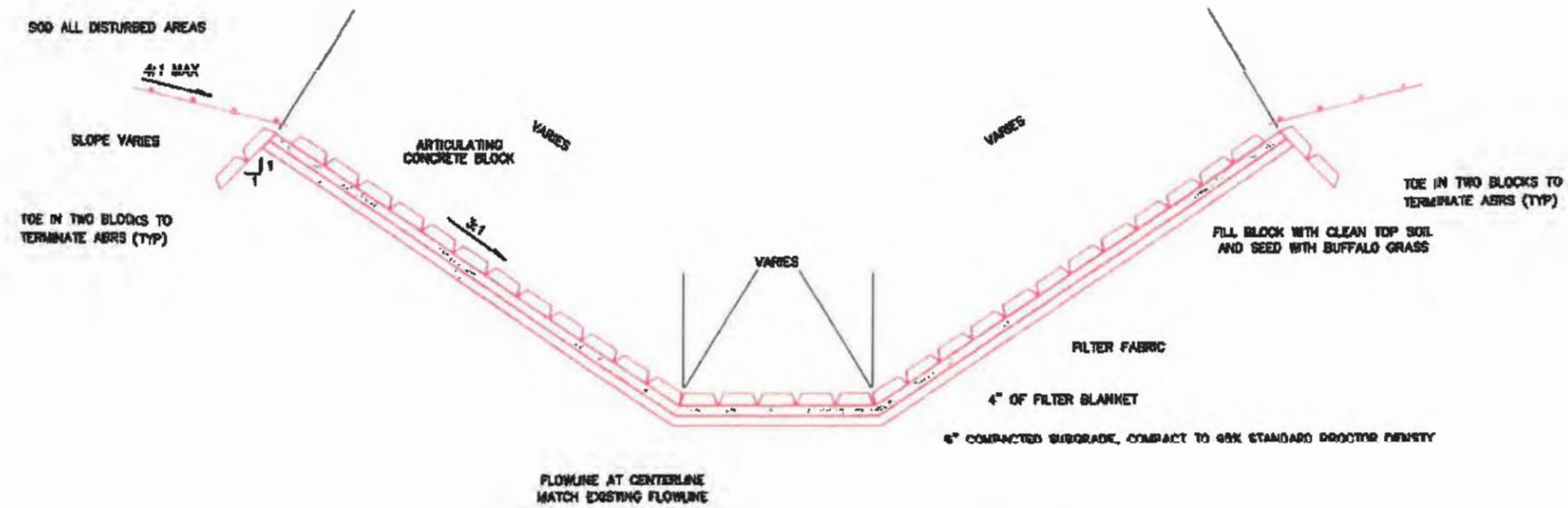


Prop



Proposed Ditch Alignment PROFILE

SWT-2015-610
 Civitan Drainage Belmont Channel
 City of Muskogee
 Unnamed tributary of Arkansas River
 Muskogee, Muskogee County, Oklahoma
 Enclosure 5 of 6



ARTICULATING BLOCK REVETMENT SYSTEM (ABRS) TYPICAL

SWT-2015-610
 Civitan Drainage Belmont Channel
 City of Muskogee
 Unnamed tributary of Arkansas River
 Muskogee, Muskogee County, Oklahoma
 Enclosure 6 of 6