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-2016-00254
Public Notice No.

October 29, 2021
Public Notice Date

November 29, 2021
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-2016-00254

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. Aaron Roper
Grand River Dam Authority
53500 E. 110 Road
Miami, OK 74354

Agent: Ms. Erica McLamb
Enercon Services, Inc.
1601 Northwest Expressway, suite 1000
Oklahoma City, OK 73118

Location: The proposed project is located at Latitude: 36.8685, Longitude: -94.9168, near Miami, Ottawa County, Oklahoma. The project site can be found on the Miami SW, Oklahoma 7.5 Minute USGS Quadrangle map.

Project Description: The application is for the redistribution of fill, clearing and grubbing, within existing forested wetland areas and unnamed tributaries of Coal Creek for the construction of three new open water green tree units, install 2,084 linear feet of 18-inch waterline, and install an 18-inch water intake pipeline extending 80 feet from the bank of the Neosho River. Each green tree unit and waterline installation includes the following impacts (please see the attached Summary of Impacts Table):
Unit 1: 25.66 acres of wetland impacts due to altered hydrology (impoundment), 1.09-acre wetland impacts and 78.8 linear feet of stream impacts from levee construction, 2.35 wetland impacts and 13.88 linear feet of stream impacts from clearing activities.
Unit 3: 4.04 acres of wetlands impacts for altered hydrology (impoundment), 0.02-acre wetland impacts and 4.56 linear feet of stream impacts from levee construction, 19.9 linear feet of stream impacts from clearing activities.
Unit 4: 0.51 acres of wetlands impacts and 376.42 linear feet of stream impacts for altered hydrology (impoundment), 168.30 linear feet of stream impacts from levee construction.

Unit 5: 20.8 acres of wetlands impacts and 1,600.89 linear feel of stream impacts for altered hydrology (impoundment), 80.68 linear feet of stream impacts from levee construction.
Waterline installation: 1.03 acres of wetland impacts and 120 linear feet for clearing and bank stabilization activities.

Purpose: The overall purpose of this work is to construct open water green tree units to replace unsuccessful millet-seeding program. The proposed project would provide waterfowl forage habitat and would be used for recreational purposes. The project is not a water dependent activity.

The basic purpose and need of the proposed action is to construct green tree units.

Description of Work: The applicant proposes to place dredged or fill materials using earthen materials consisting of clay, sand, and rip rap to construct three open water green tree units and two water pipelines.

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 jurisdictional features were avoided and minimized during the project planning and design phases. Where possible, existing levee infrastructure will be rebuilt; thus, minimizing the quantity of new impacts. Access roads were routed to avoid impacts to wetlands and streams or were co-located on levees. Additionally, new structures are located in areas that would require the least amount of ground disturbance or fill (i.e. topographic pinch points and eroded drains). Operation of the site will mimic the natural patterns of rainfall and overbank flooding experienced in this region (flooding in spring and fall, drying out during the summer).
The water intake opening will be located two feet above the riverbed and use a box inlet with a screen opening of 1.5 inches to reduce the potential for impingement. During construction, best management practices for sediment and erosion control will be implemented.
Areas impacted due to mechanized vegetation clearing and/or temporary spoil storage will be restored as close as practicable to pre-existing contours, elevations, and vegetative cover. "

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 not proposed any compensatory mitigation.

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 the Cherokee Plains subset of the Central Irregular Plains ecoregion of Oklahoma. The Central Irregular Plains is the belt of prairie that separates the Cross Timbers from the forests of the Ozark Highlands. Natural vegetation is mostly tallgrass prairie. The project area is within a parcel that has been used for previous open water units managed by the Oklahoma Department of Wildlife Conservation.

Existing Condition: The project is currently an undeveloped parcel of land surrounded by agricultural parcels. The land is mostly composed of grasslands and forested riparian areas.

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:
We are currently assessing the potential effects of the proposed action on these species and will 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 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 Ms. Eva Zaki-Dellitt, 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 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 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 will 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-2016-00254 in the subject line of your email 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

Summary of Impacts:

Table 1. Wetland Unit One

Number or Location	Impact Activity	Type of Water	Type of Fill Material	Qty of Material cys below OHWM	Footprint (ac and/or lf)
W26	Permanent clearing and stockpile of soil within levee work area	Scrub-Shrub Wetland	NA	NA	0.04 ac
W26	Permanent fill for levee construction	Scrub-Shrub Wetland	Compacted earthen material	16.12 cyds	0.01 ac
W27	Permanent clearing and stockpile of soil within levee work area	Forested Wetland	NA	NA	0.68 ac
W27	Modified hydrology	Forested Wetland	NA	NA	13.83 ac
W27	Permanent fill for levee construction	Forested Wetland	Compacted earthen material	755.44 cyds	0.40 ac
W28	Permanent clearing and stockpile of soil within levee work area	Forested Wetland	NA	NA	1.38 ac
W28	Modified hydrology	Forested Wetland	NA	NA	11.83 ac
W28	Permanent fill for levee construction	Forested Wetland	Compacted earthen material	366.22 cyds	0.47 ac
W29	Permanent clearing and stockpile of soil within levee work area	Forested Wetland	NA	NA	0.09 ac

Number or Location	Impact Activity	Type of Water	Type of Fill Material	Qty of Material cys below OHWM	Footprint (ac and/or lf)
W29	Permanent fill	Forested Wetland	Compacted earthen material	50.38 cyds	0.02 ac
W30	Permanent clearing and stockpile of soil within levee work area	Forested Wetland	NA	NA	0.01 ac
W30	Permanent fill	Forested Wetland	Compacted earthen material	160.42 cyds	0.07 ac
W31	Permanent clearing and stockpile of soil within levee work area	Forested Wetland	NA	NA	0.06 ac
W31	Permanent fill for levee construction	Forested Wetland	Compacted earthen material	34.72 cyds	0.02 ac
W32	Permanent clearing and stockpile of soil within levee work area	Forested Wetland	NA	NA	0.09 ac
W32	Permanent fill for levee construction	Forested Wetland	Compacted earthen material	147.72 cyds	0.10 ac
S7	Permanent fill for levee construction	Ephemeral Stream	Compacted earthen material	6.04 cyds	53.10 lf
S8	Temporary clearing may occur in levee work area	Ephemeral Stream	NA	NA	7.00 lf
S8	Permanent fill for levee construction	Ephemeral Stream	Compacted earthen material	3.55 cyds	25.70 lf

Number or Location	Impact Activity	Type of Water	Type of Fill Material	Qty of Material cys below OHWM	Footprint (ac and/or lf)
S9	Temporary clearing may occur in levee work area	Ephemeral Stream	NA	NA	6.88 lf
cubic yards (cys), ordinary high water mark (OHWM), acre (ac), linear feet (lf)					

Table 2. Wetland Unit Three

Number or Location	Impact Activity	Type of Water	Type of Fill Material	Qty of Material cys below OHWM	Footprint (ac and/or lf)
W13	Permanent modified hydrology	Forested Wetland	NA	NA	0.09 ac
W14	Permanent modified hydrology	Forested Wetland	NA	NA	0.22 ac
W15	Permanent modified hydrology	Forested Wetland	NA	NA	0.14 ac
W17	Permanent modified hydrology	Forested Wetland	NA	NA	3.40 ac
W21	Permanent modified hydrology	Emergent Wetland	NA	NA	0.18 ac
W21	Levee construction	Emergent Wetland	Compacted earthen material	33.72 cyds	0.02 ac
W22	Permanent modified hydrology	Emergent Wetland	NA	NA	0.01 ac
S6	Temporary clearing of area and stockpile soil during levee construction	Ephemeral Stream	NA	NA	19.90 lf
S6	Permanent fill	Ephemeral Stream	Compacted earthen material	0.13 cyds	4.56 lf

Number or Location	Impact Activity	Type of Water	Type of Fill Material	Qty of Material cys below OHWM	Footprint (ac and/or lf)
cubic yards (cys), ordinary high water mark (OHWM), acre (ac), linear feet (lf)					

Table 3. Wetland Unit 4

Number or Location	Impact Activity	Type of Water	Type of Fill Material	Qty of Material cys below OHWM	Footprint (ac and/or lf)
W13	Permanent modified hydrology	Forested Wetland	NA	NA	0.09 ac
W19	Permanent modified hydrology	Forested Wetland	NA	NA	0.07 ac
W20	Levee work area	Forested Wetland	NA	NA	0.003 ac
W20	Permanent modified hydrology	Forested Wetland	NA	NA	0.22 ac
W22	Permanent modified hydrology	Emergent Wetland	NA	NA	0.01 ac
W33	Permanent modified hydrology	Emergent Wetland	NA	NA	0.12 ac
S10	Permanent modified hydrology	Ephemeral Stream	NA	NA	376.42 lf
S10	Permanent fill	Ephemeral Stream	Compacted earthen material	46.39 cyds	168.30 lf
cubic yards (cys), ordinary high water mark (OHWM), acre (ac), linear feet (lf)					

Table 4. Wetland Unit 5

Number or Location	Impact Activity	Type of Water	Type of Fill Material	Qty of Material cys below OHWM	Footprint (ac and/or lf)
W5	Permanent modified hydrology	Forested Wetland	NA	NA	16.26 ac
W7	Permanent modified hydrology	Forested Wetland	NA	NA	0.50 ac

Number or Location	Impact Activity	Type of Water	Type of Fill Material	Qty of Material cys below OHWM	Footprint (ac and/or lf)
W8	Permanent modified hydrology	Forested Wetland	NA	NA	0.19 ac
W9	Permanent modified hydrology	Forested Wetland	NA	NA	0.34 ac
W10	Permanent modified hydrology	Forested Wetland	NA	NA	0.43 ac
W11	Permanent modified hydrology	Forested Wetland	NA	NA	0.63 ac
W12	Permanent modified hydrology	Emergent Wetland	NA	NA	0.76 ac
W18	Permanent modified hydrology	Emergent Wetland	NA	NA	0.47 ac
P1	Permanent modified hydrology	Pond	NA	NA	0.13 ac
P2	Permanent modified hydrology	Pond	NA	NA	1.09 ac
S2	Permanent modified hydrology	Ephemeral Stream	NA	NA	293.58 lf
S3	Permanent modified hydrology	Ephemeral Stream	NA	NA	221.15 lf
S4	Permanent modified hydrology	Ephemeral Stream	NA	NA	189.40 lf
S5	Permanent modified hydrology	Ephemeral Stream	NA	NA	896.76 lf
S5	Permanent fill	Ephemeral Stream	NA	45.96 cyds	69.17 lf

Number or Location	Impact Activity	Type of Water	Type of Fill Material	Qty of Material cys below OHWM	Footprint (ac and/or lf)
S5	Temporary clearing and disturbance during levee construction	Ephemeral Stream	NA	NA	11.51 lf
cubic yards (cys), ordinary high water mark (OHWM), acre (ac), linear feet (lf)					

Table 5. Waterline Impacts

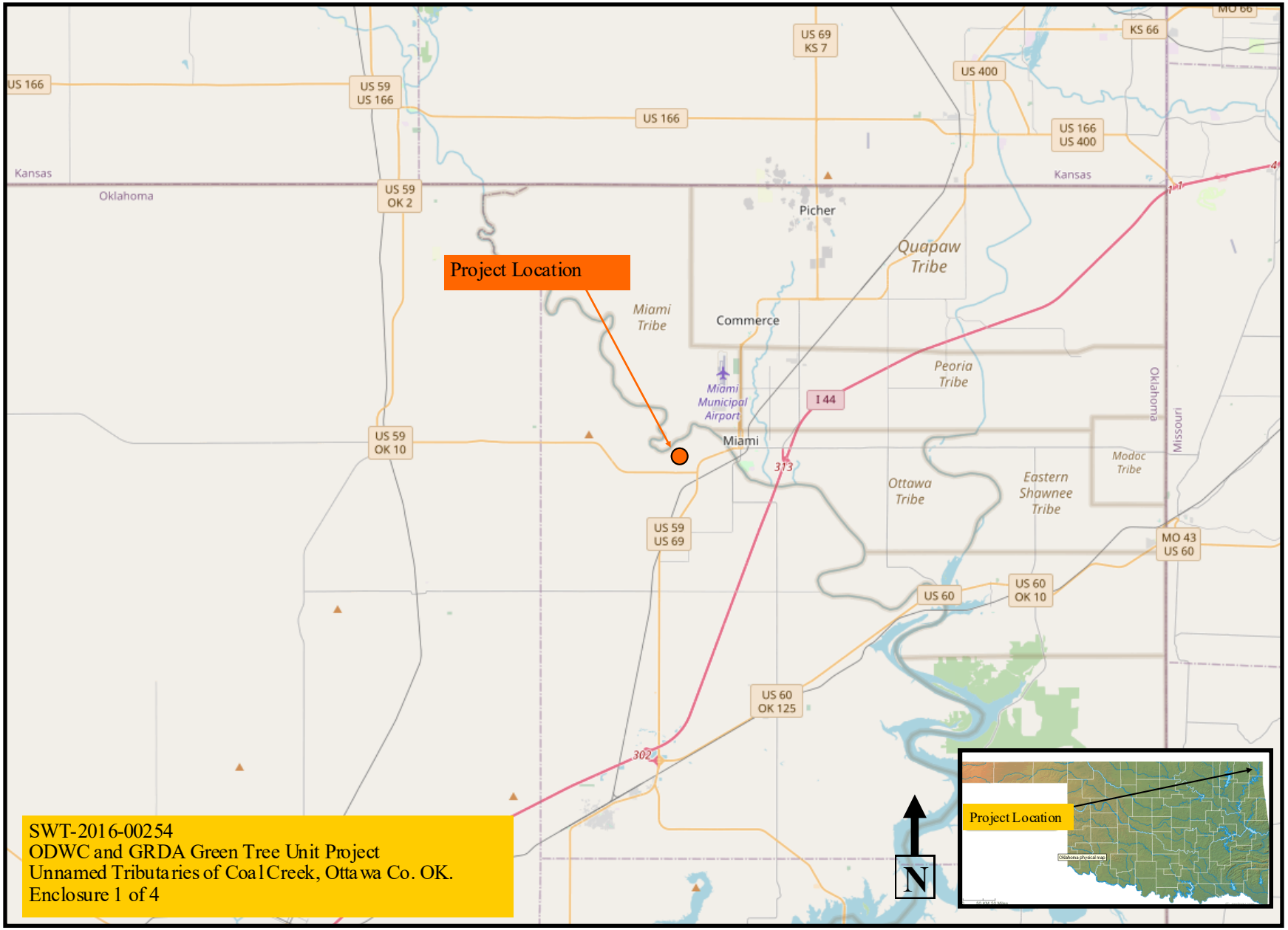
Number or Location	Impact Activity	Type of Water	Type of Fill Material	Qty of Material cys below OHWM	Footprint (ac and/or lf)
W22	Temporary clearing during waterline installation	Emergent Wetland	NA	NA	1.00 ac
W23	Temporary clearing during waterline installation	Emergent Wetland	NA	NA	0.03 ac
cubic yards (cys), ordinary high water mark (OHWM), acre (ac), linear feet (lf)					

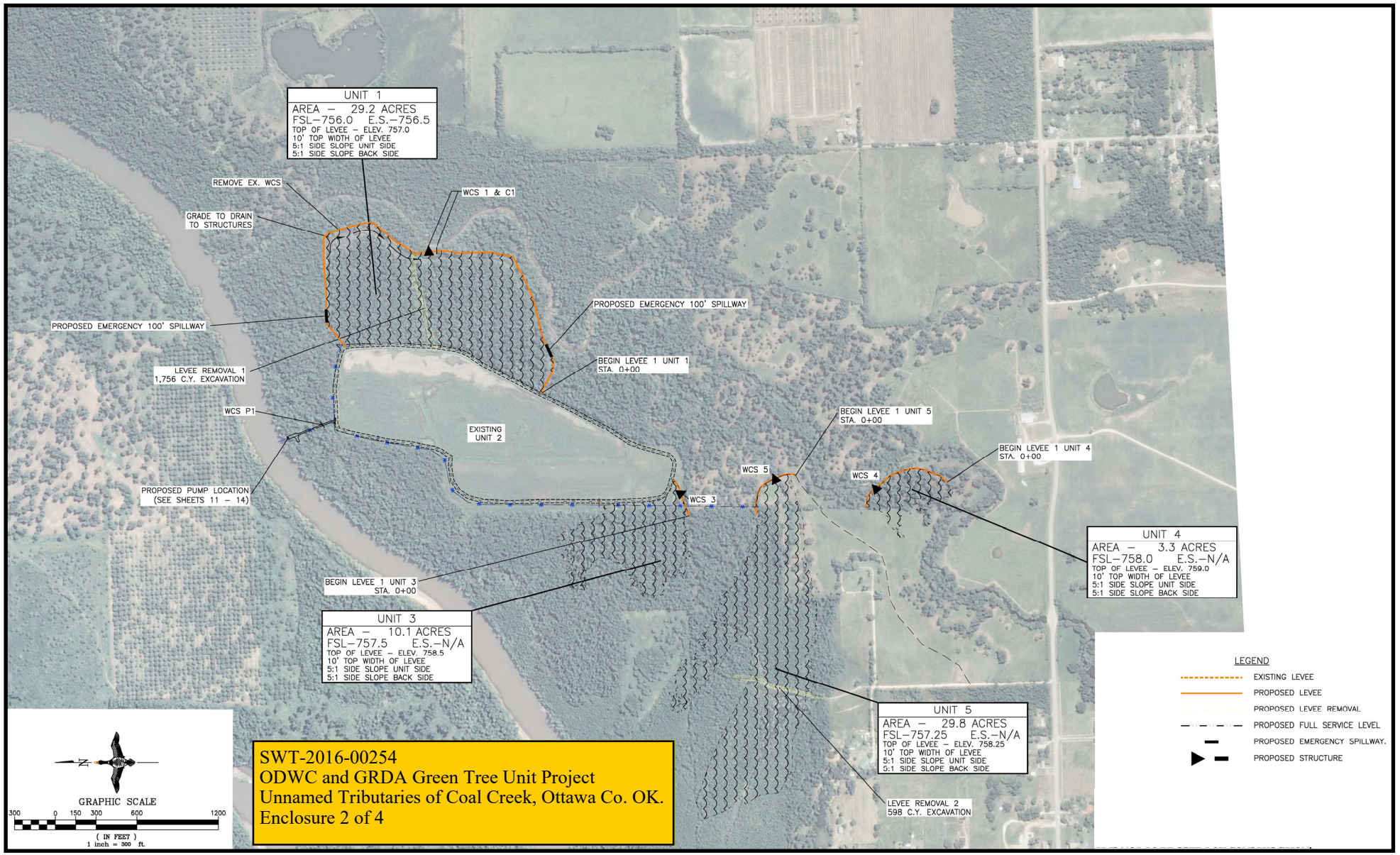
Table 6. River Impacts

Number or Location	Impact Activity	Type of Water	Type of Fill Material	Qty of Material cys below OHWM	Footprint (ac and/or lf)
Neosho River	Pipeline installation and streambank stabilization	River	Riprap	410 cys	0.13 ac/100 lf

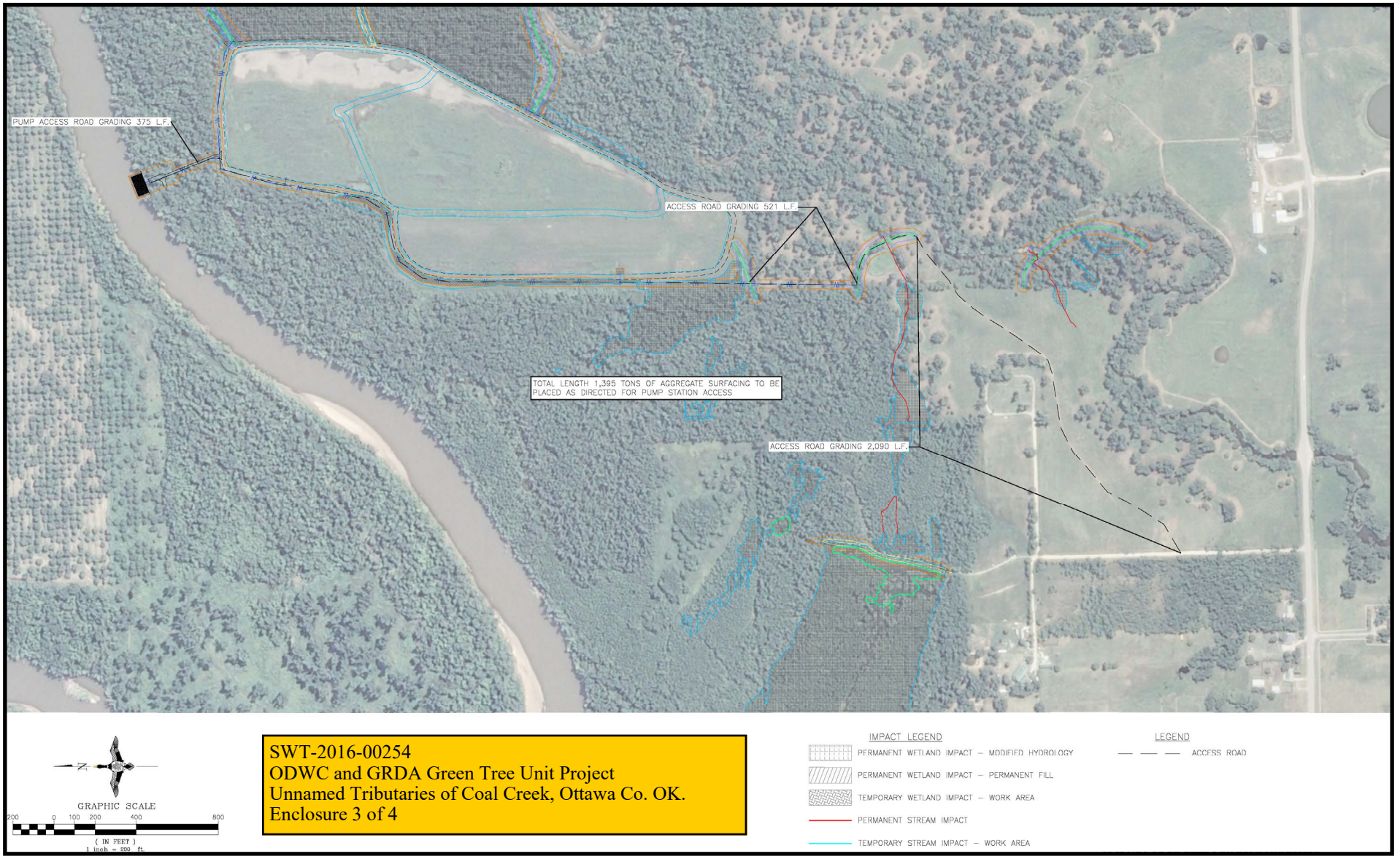
Number or Location	Impact Activity	Type of Water	Type of Fill Material	Qty of Material cys below OHWM	Footprint (ac and/or lf)
Neosho River	Temporary work area	River	NA – may be temporary disturbances to banks due to operation of equipment (does not include permanent impact areas)	NA	0.05 ac/20 lf (10 feet each side of the riprap footprint)
cubic yards (cys), ordinary high water mark (OHWM), acre (ac), linear feet (lf)					

Vicinity map:

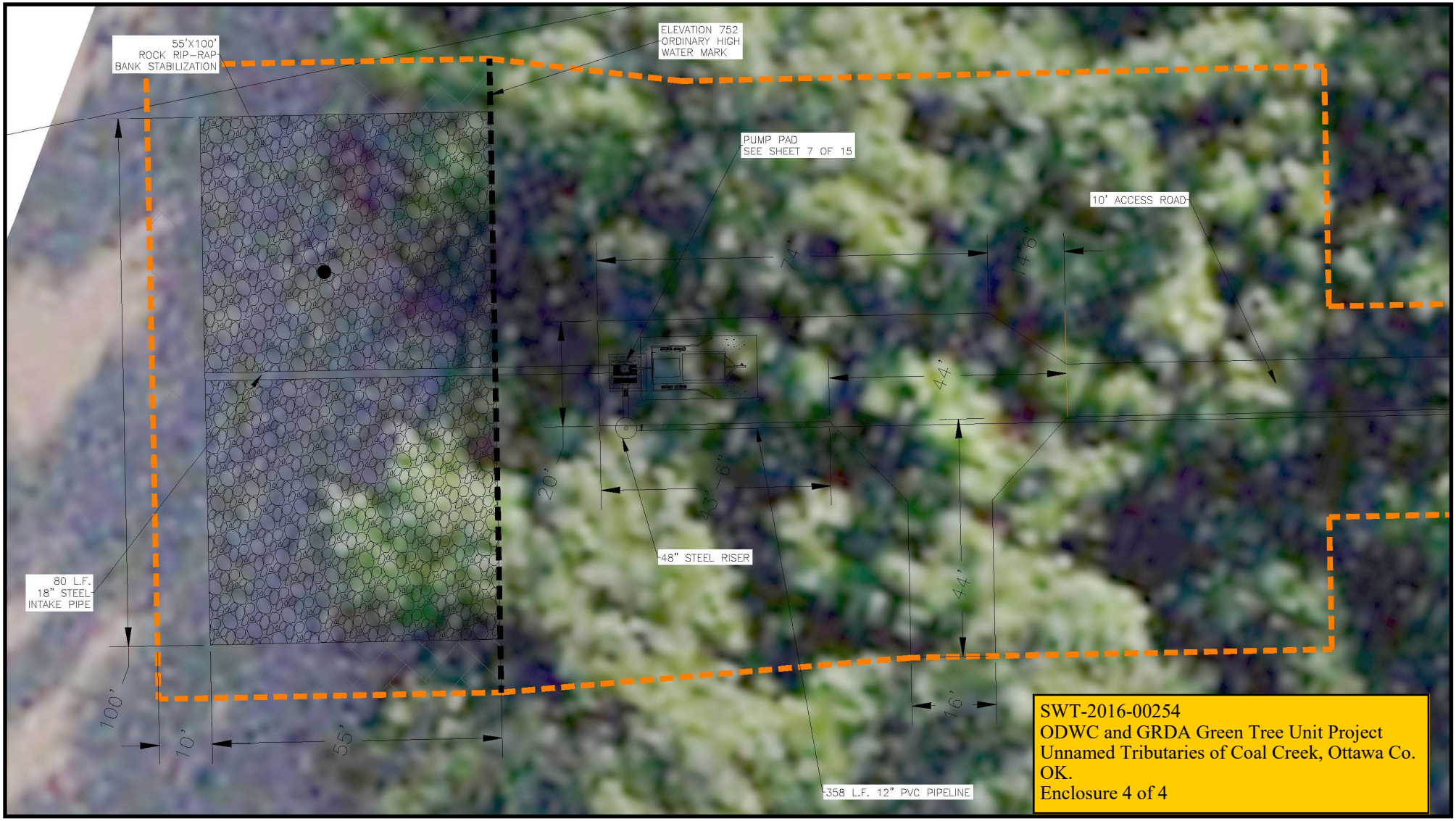




SWT-2016-00254
ODWC and GRDA Green Tree Unit Project
Unnamed Tributaries of Coal Creek, Ottawa Co. OK.
Enclosure 2 of 4



SWT-2016-00254
ODWC and GRDA Green Tree Unit Project
Unnamed Tributaries of Coal Creek, Ottawa Co. OK.
Enclosure 3 of 4


55'X100'
ROCK RIP-RAP
BANK STABILIZATION
ELEVATION 752
ORDINARY HIGH
WATER MARK
PUMP PAD
SEE SHEET 7 OF 15
10' ACCESS ROAD
74'
14.6'
44'
20'
43'-6"
48" STEEL RISER
80 L.F.
18" STEEL
INTAKE PIPE
100'
10'
55'
44'
16'
358 L.F. 12" PVC PIPELINE
SWT-2016-00254
ODWC and GRDA Green Tree Unit Project
Unnamed Tributaries of Coal Creek, Ottawa Co. OK.
Enclosure 4 of 4