

U.S. Army Corps of Engineers Tulsa District

Public Notice

Reply To:

U.S. Army Corps of Engineers ATTN: Regulatory Office 2488 East 81St Street Tulsa, Oklahoma 74137-4290 SWT-2017-00214 Public Notice No.

July 23, 2018 Public Notice Date

August 22, 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.

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DEPARTMENT OF THE ARMY

CORPS OF ENGINEERS, TULSA DISTRICT 2488 EAST 81ST STREET TULSA, OKLAHOMA 74137-4290

Application No. SWT-2017-00214

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. Ed Fite

Grand River Dam Authority (GRDA)

PO Box 292

Tahlequah, OK 74465-0292

Agent: Mr. Clint Porter

Blackbird Environmental, LLC

PO Box 720100 Norman, OK 73070

<u>Location:</u> The proposed project is in the northwest 1/4 of Section 17, Township 19 North, Range 26 East near Watts, Adair County, Oklahoma. The project site can be found on the Siloam Springs, Arkansas - Oklahoma 7.5 Minute USGS Quadrangle map at north latitude 36.130246 and west longitude -94.564426.

<u>Project Description:</u> The application is for the placement of fill material in waters of the United States, for the proposed construction of the Lake Frances Whitewater Park. Approximately 2 acres of temporary fill and 1 acre of permanent fill would occur in the Illinois River and approximately 1.633 acres of permanent fill would occur in adjacent Palustrine areas, in order to accommodate the proposed project.

<u>Purpose:</u> The basic purpose of this work is to construct a whitewater park. The project is not a water dependent activity.

The overall project purpose is the construction of a whitewater park that would mitigate the known hazard surrounding the existing Lake Frances Dam, while providing recreational opportunity and promoting economic development in northeastern Oklahoma, and maintaining the water surface elevation required for the operation of the

City of Siloam Springs sole water intake facility/pump station located approximately 1,000 feet upstream of the Lake Frances Dam.

Summary Table of Impacts:

Proposal							
Number or Location	Impact Activity	Type of Water	Type of Fill Material	Qty of Material cys below OHWM	Footprint (ac)		
Illinois River, PRB1-1, PRB1-2	Fill	Open Water	Riprap, Rock, Boulders, Grout, Concrete	See plans, attached	3.388		
PEM1-1, PSS1-1, PFO1-1	Fill	Wetlands	Riprap, Rock, Boulders, Grout, Concrete	See plans, attached	1.245		
Total					4.633		
cubic yards (cys), ordinary high water mark (OHWM), acre (ac), linear feet (lf)							

<u>Description of Work</u>: The proposed work involves a 1,200-foot bypass channel with an alignment that follows a low area in the overbank. Dam hazard mitigation consists of building grouted boulder steps downstream of the dam crest. These steps would eliminate the formation of overly retentive hydraulics and decrease the drowning hazards at the dam

The proposed dam mitigation would also provide several benefits to the existing diversion and dam:

- a. The stepped spillway would provide additional structural support to the existing dam as the mass would counteract hydrostatic pressures, sliding, overturning, etc.
- b. The stepped spillway would greatly reduce the continuing erosion and degradation of the concrete dam/spillway.
- c. Filling and armoring the two arch-structures (and possibly the abandoned wet well) would reduce the risk of failure of these features potentially compromising the functionality of the City's intake.
- d. The existing abutment north of the dam would be armored and raised thereby reducing uncontrolled flow and erosion of the area behind the north dam abutment.
- e. The proposed whitewater channel would serve as a way to route water around the dam, providing easier access to the dam for inspection and maintenance.

The whitewater course would create a navigable bypass around the existing dam along with a venue with high-quality whitewater features of national caliber. Proposed amenities include site parking, a bathhouse, and takeout points adjacent to the river. Because of the dam hazard mitigation, users will be able to make use of flatwater activities on the upstream and downstream ends of the course.

<u>Avoidance and Minimization Information</u>: The applicant provided the following statement with regard to how avoidance and minimization of impacts to aquatic resources was incorporated into the project plan:

Best management practices would be used in the construction and implementation of the coffer dams and dewatering. These would include (but not limited to):

- 1. Development of a Storm Water Management Plan (SWMP)
- 2. Settlement basins for the pumped discharge from dewatering efforts
- 3. Use of granular materials in construction of the cofferdams
- 4. Sediment and Erosion Control BMPs related to site and construction access such as:

Slope Stabilization Sediment Barriers Flow Velocity Controls Sedimentation Basins Silt Fences Check Dams

All clearing and grubbing activities within the mature forest would occur between the beginning of November and end of March. No tree removal would occur April through October. In addition, all work within the Illinois River, not including the whitewater course, would occur between the beginning of November and end of March.

Boating activities would be focused on kayaking, surfing, stand-up paddle boarding and rafting. No motorized pumps will be required to operate any facilities in and/or immediately around the proposed course. No lights will be constructed and/or installed around the course and/or immediately adjacent to the Illinois River. The only proposed lighting will be constructed around the parking area north of the proposed course.

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

The preferred action would result in the placement of fill material into the Illinois River to mitigate a dangerous, overly-retentive hydraulic forming downstream of the existing dam. The preferred action involves an approximate 1,200-foot bypass channel with an alignment that follows a low area in the overbank. Dam hazard mitigation consists of building grouted boulder steps downstream of the dam crest.

These steps would eliminate the formation of overly retentive hydraulics and decrease the drowning hazards at the dam.

The proposed dam mitigation would also provide several benefits to the existing diversion and dam:

- 1. The stepped spillway would provide additional structural support to the existing dam as the mass would counteract hydrostatic pressures, sliding, overturning, etc.
- 2. The stepped spillway would greatly reduce the continuing erosion and degradation of the concrete dam/spillway.
- 3. Filling and armoring the two arch-structures (and possibly the abandoned wet well) would reduce the risk of failure of these features potentially compromising the functionality of the City's intake.
- 4. The existing abutment north of the dam would be armored and raised thereby reducing uncontrolled flow and erosion of the area behind the north dam abutment.
- 5. The proposed whitewater channel would serve as a way to route water around the dam, providing easier access to the dam for inspection and maintenance.

The excavation of the bypass channel would result in the placement and redistribution of fill material into adjacent emergent, forested and scrub shrub wetlands developed along the formerly scoured rock. The 1,200-foot bypass channel created within the existing, parent material would return ecological functions to the Illinois River. The bypass channel would allow for migration of aquatic vertebrates and invertebrates upstream. The course is not designed specifically as a fish migration structure; however, fish migration is likely. This migration would potentially allow for expansion of the endangered Neosho Mucket and/or threatened Rabbitsfoot Mussel. The additional linear feet of stream would support lotic ecosystem functions beyond potential vertebrate and invertebrate migration and create a diversity of stream morphology and flow structure. Periodic flooding would deposit sediments around the bypass channel and natural succession would result in additional wetland development along and around the proposed course. The applicant does not believe additional mitigation is 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.

Project Setting:

The project is located within the Dissected Springfield Plateau - Elk River Hills ecoregion of the Ozark Highlands. The Illinois River is an Outstanding Resource Water in the state of Oklahoma. The project site is located at the Lake Frances Dam.

Existing Condition:

The Lake Frances Dam design consists of two concrete abutments and a 150-foot long flat "ogee" crest. Existing access to the site is limited to an unmaintained dirt path. The Lake Frances Dam is a known hazard and has resulted in several deaths by drowning. Its geometry is typical of existing dams and often results in a dangerous, overly-retentive hydraulic forming downstream, commonly known as a "keeper" or a "reverse-roller". Due to the hazardous condition of the dam, users are highly discouraged from recreating near the dam.

<u>Cultural Resources:</u> 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 has been completed of the state's records 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. Based on the preliminary information, there are known historic properties, as defined by the NHPA, in or within the vicinity of the proposed permit area. The Corps will comply with the NHPA to resolve any potential effects.

This notice has been provided to the Oklahoma State Historic Preservation Office, Oklahoma Archaeological Survey, Native American Tribal governments, and other interested parties. If you have information pertaining to these or other cultural resources within the permit area, please notify the Corps project manager identified within this notice to assist in a complete evaluation of potential effects. The DE will evaluate any input received and may require further investigations within the permit area, if warranted.

<u>Threatened and Endangered Species</u>: 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*), Indiana Bat (*Myotis sodalist*), Northern Longeared Bat (*Myotis septentrionalis*), Ozark Big-eared Bat (*Corynorhinus* (=*Plecotus*) townsendii ingens), Least Tern (*Sterna antillarum*), Piping Plover (*Charadrius melodus*), Red Knot (*Calidris canutus rufa*), Neosho Mucket (*Lampsilis rafinesqueana*), Rabbitsfoot (*Quadrula cylindrica cylindrical*), 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.

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.

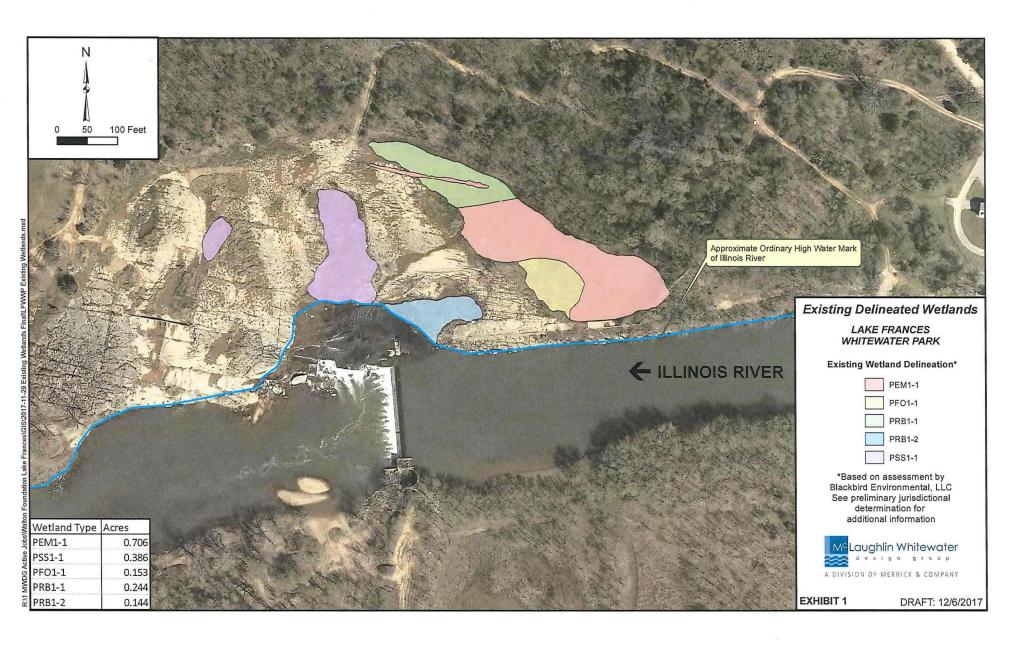
<u>Plans and Data:</u> Plans showing the location of the proposed activity and other data are enclosed with this notice. If additional information is desired, it may be obtained from Mr. David Carraway, Tulsa District Corps of Engineers, ATTN: Regulatory Office, 2488 East 81st Street, Tulsa, OK 74137; 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-2017-00214 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



LAKE FRANCES WHITEWATER PARK PRELIMINARY DESIGN

OCTOBER 2016

LEGEND

EXISTING CONTOUR MINOR EXISTING BEDROOK EXISTING WETLANDS

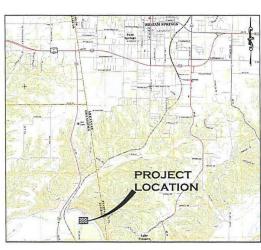
PROPOSED TOP OR TOE OF BANK PROPOSED CONCRETE IPLAN

PROPOSED SCULPTED CONCRETE CAP IPLAN PROPOSED SCILPTED CONCRETE CAP (SECTION

PROPOSED GROUTED BOLLDERS (SECTION)

PROPOSED SUBSURFACE RIPRAP PROPOSED NATURAL STONE PATH IPLAN

BOUNDARY OF GROUTED WALTON FAMILY FOUNDATION



VICINITY MAP

SHEET	LIST	TABLE	
SHEET NU	IMBER		5

HEET LIST	TABLE	
EET NUMBER	SHEET TITLE	SHEET DESCRIPTION
C-I	COVER SHEET	
C-2	SITE PLAN	
C-3	PLAN & PROFILE	STA 0+00 TO STA 3+50
C-4	PLAN & PROFILE	STA, 3+50 TO STA, 7+00
C-5	PLAN & PROFILE	STA, 7+00 TO STA, 13+00
C-6	ENTRANCE GATES	PLAN
C-7	ENTRANCE GATES	SECTIONS
C-8	TYPICAL FEATURE - WAVE	PLAN
C-9	TYPICAL FEATURE - WAVE	SECTIONS
C-10	TYPICAL FEATURE - HIGH PERFORMANCE	PLAN
C-II	TYPICAL FEATURE - HIGH PERFORMANCE	SECTIONS
C-12	TYPICAL PEATURE - TUBING	PLAN
C-13	TYPICAL FEATURE - TUBING	SECTIONS
C-14	JETTY DETAILS	
C-15	DAM HAZARD MITIGATION	PLAN
C-16	DAM HAZARD MITIGATION	TYPICAL SECTION
C-17	PUT-IN	PLAN & SECTION
C-18	TAKE-OUT	PLAN & SECTION
C-19	WEST ACCESS ROAD	PLAN & PROFILE
C-20	EAST ACCESS ROAD	PLAN & PROFILE
C-21	TYPICAL ROCK DETAILS	
C-22	MISC. DETAILS	
C-23	CONSTRUCTION DEWATERING & ACCESS PLAN	PHASE I
C-24	CONSTRUCTION DEWATERING & ACCESS PLAN	PHASE II
L-I	LANDSCAPE SITE PLAN	SHEET KEY
L-2	LANDSCAPE PLAN	
L-3.0	LANDSCAPE - SITEWORK DETAILS	
L-3.1	LANDSCAPE - SITEWORK DETAILS	
A-I	CHANGING & TOILET BUILDING	PLAN & SECTIONS
A-2	CHANGING & TOILET BUILDING	ELEVATIONS

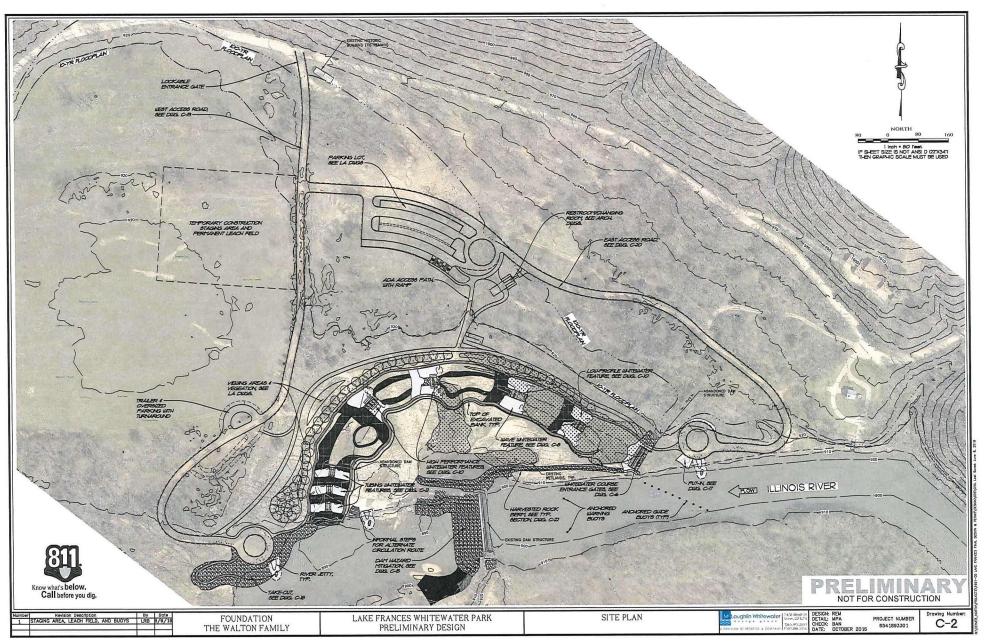
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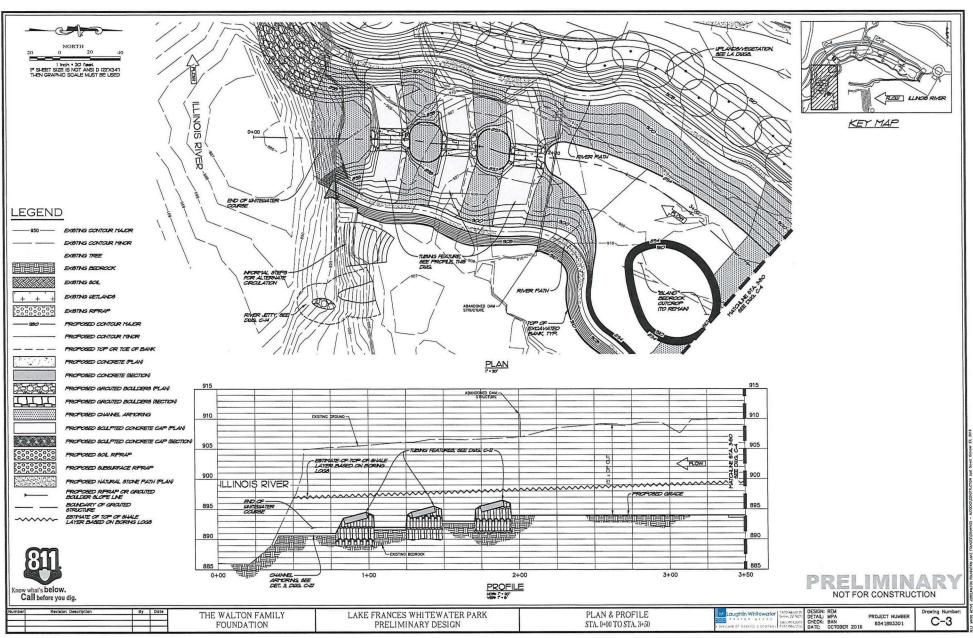


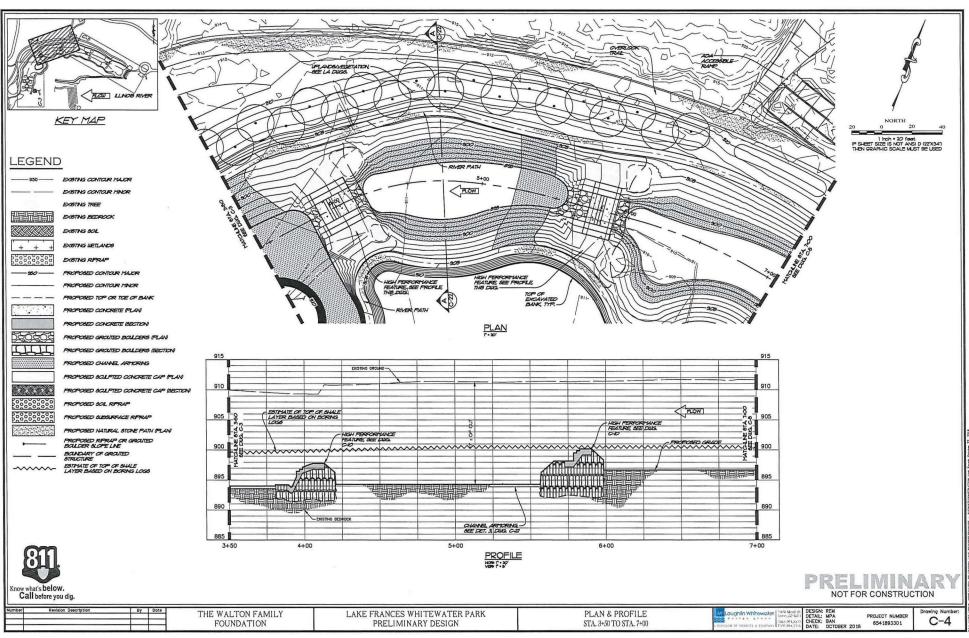


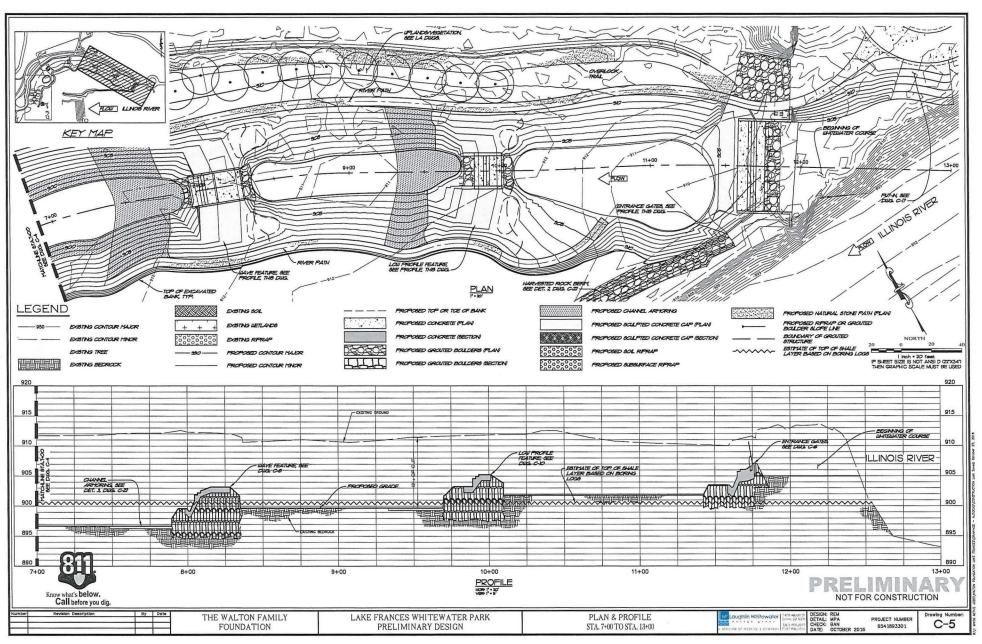


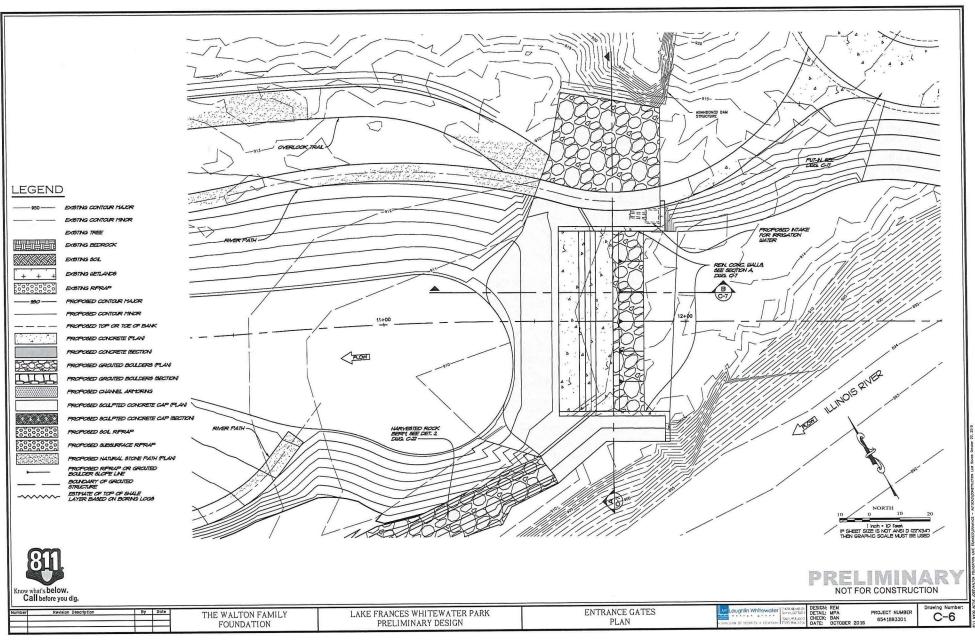


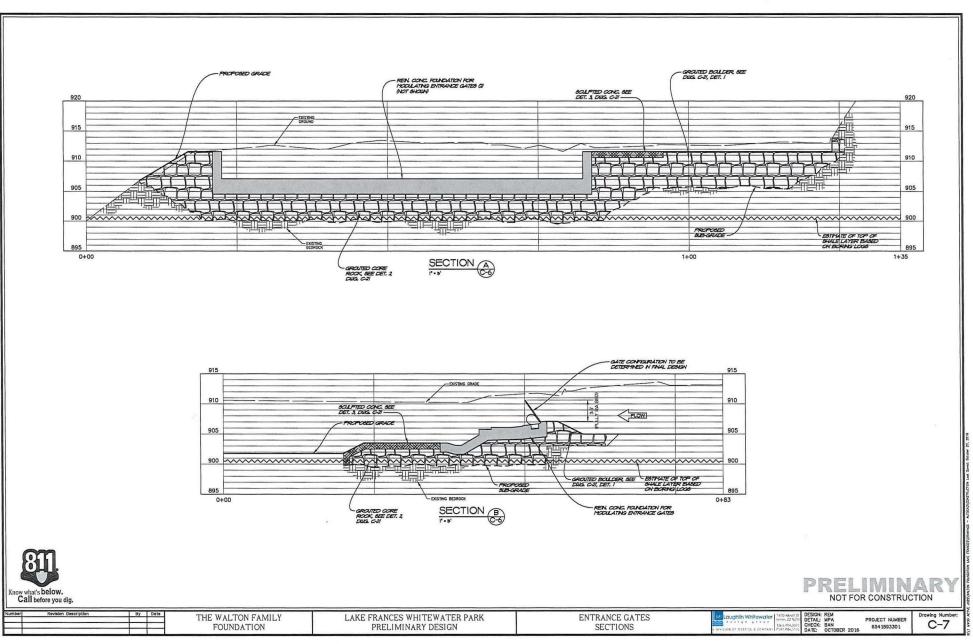


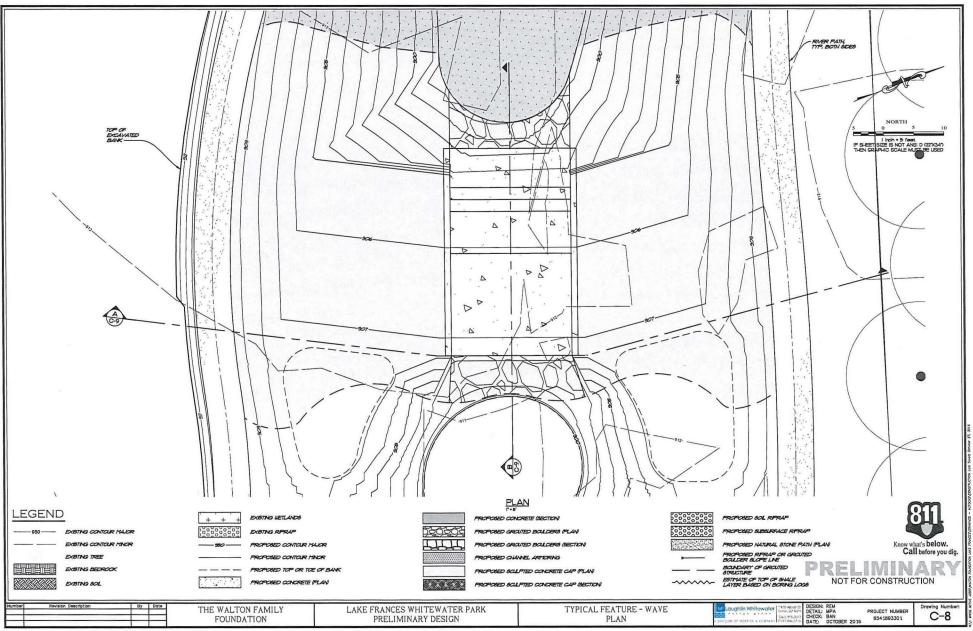


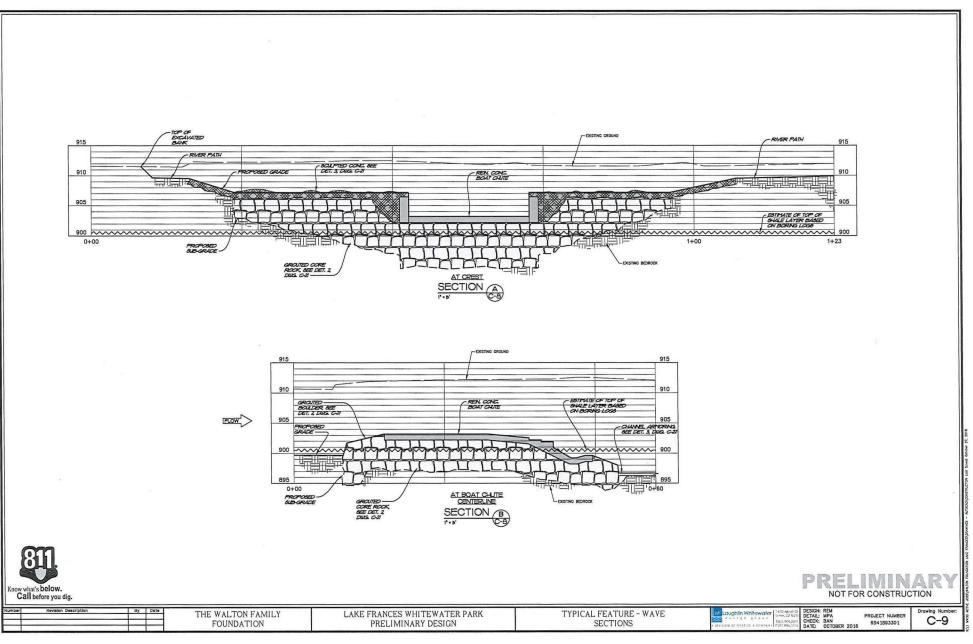


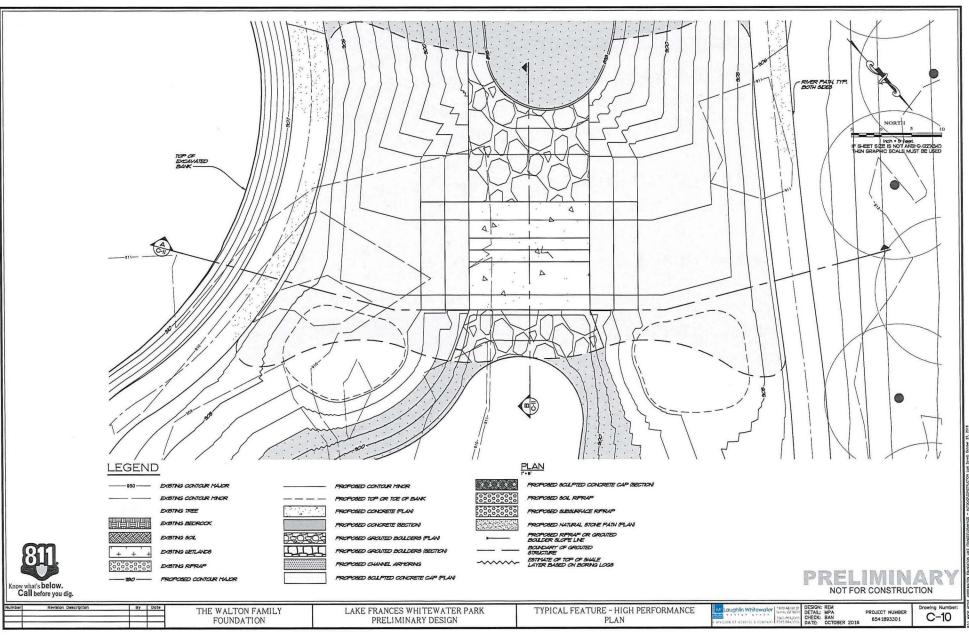


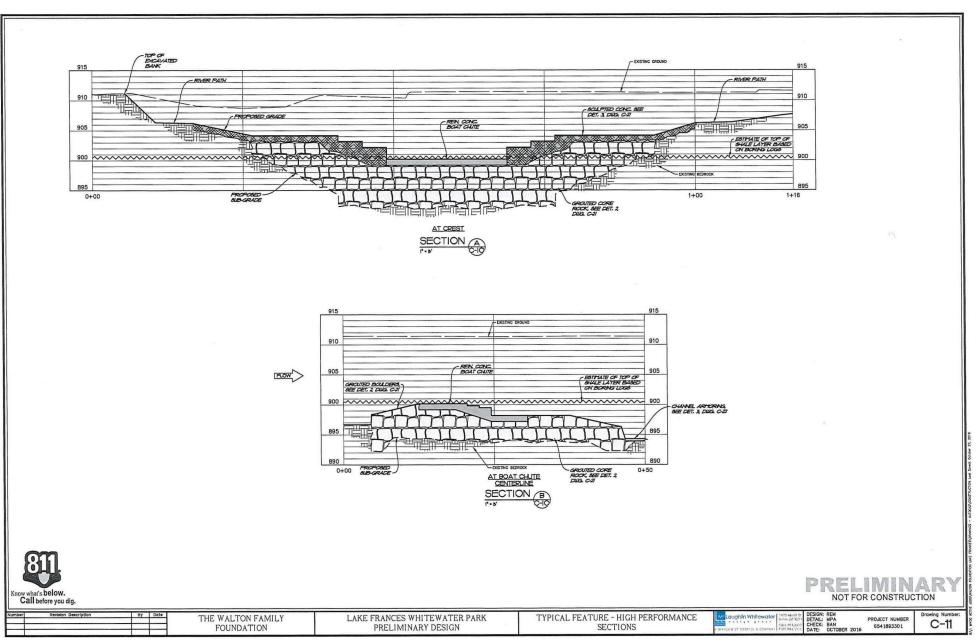


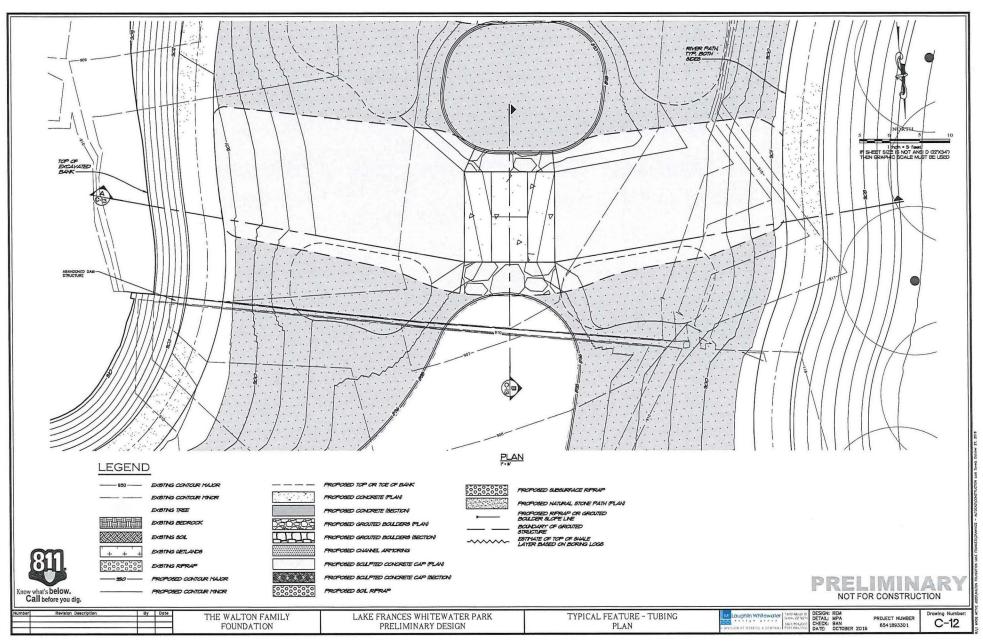


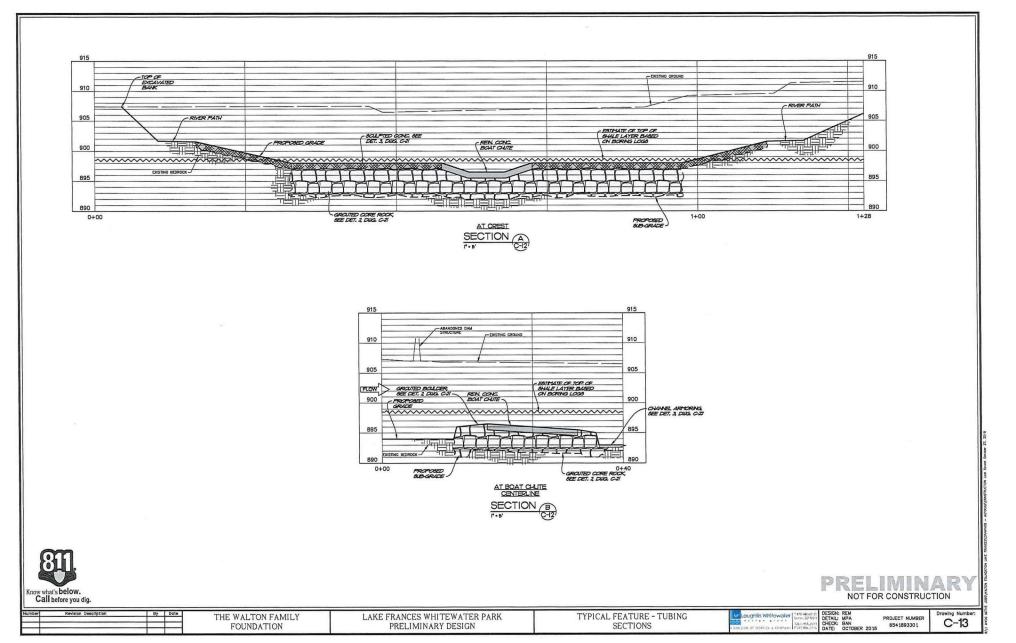


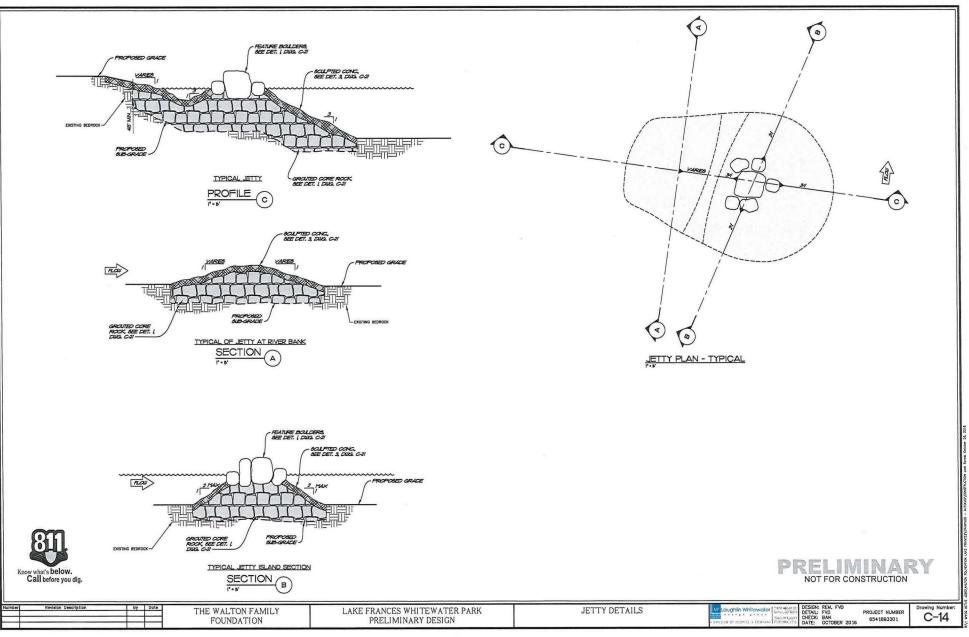


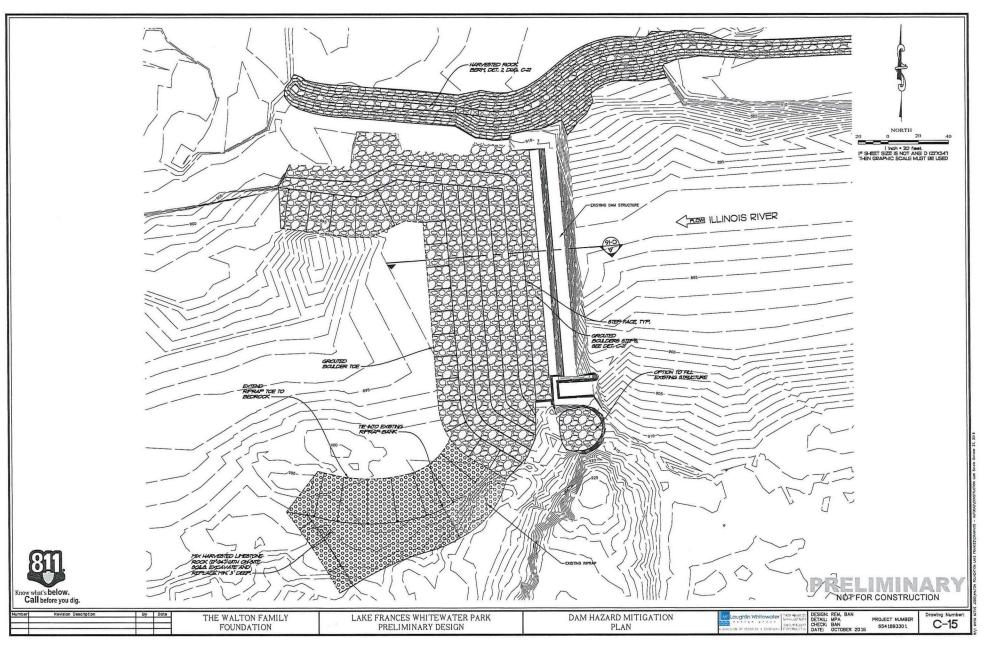


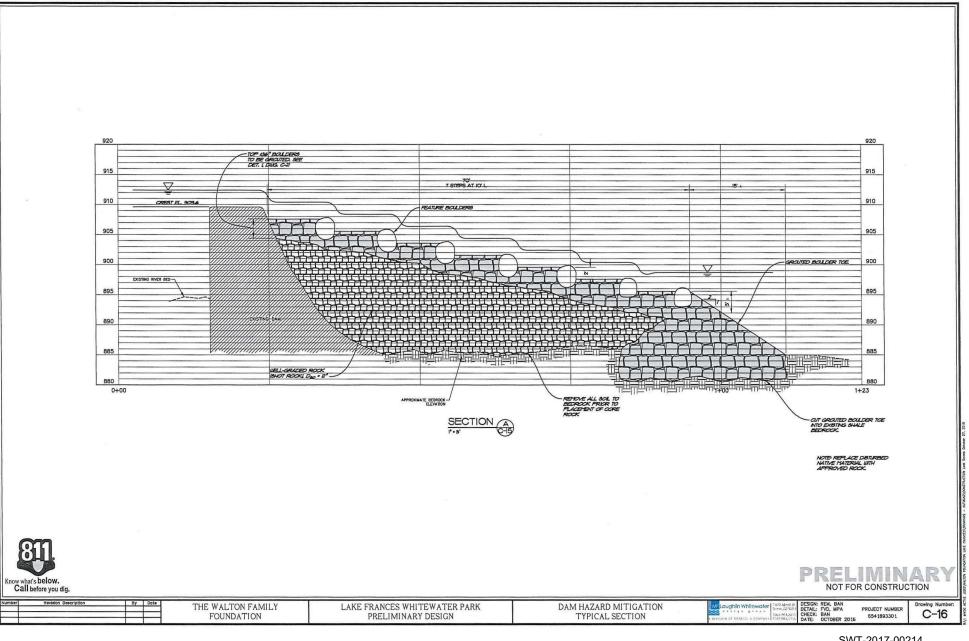


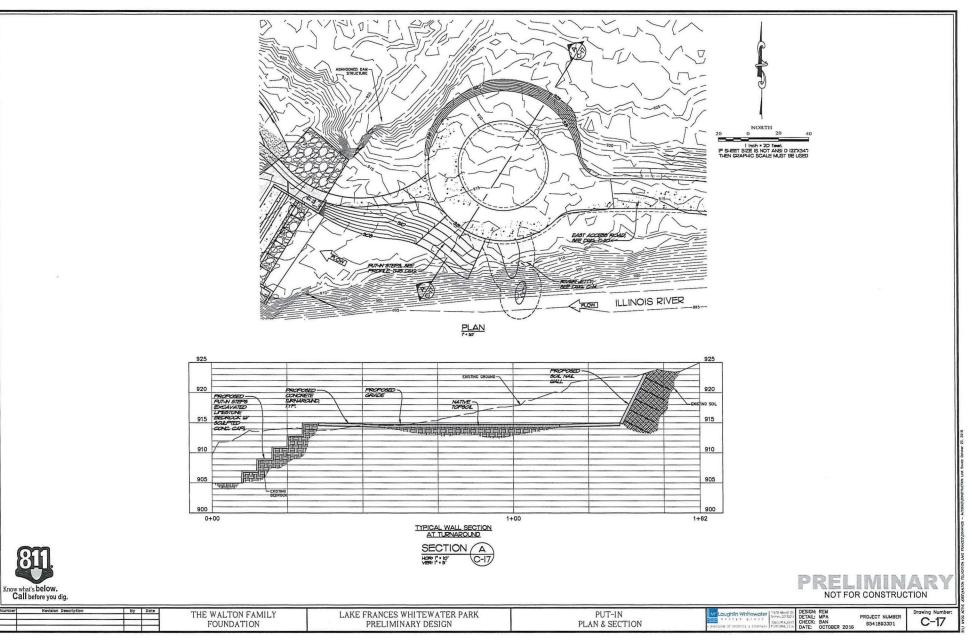


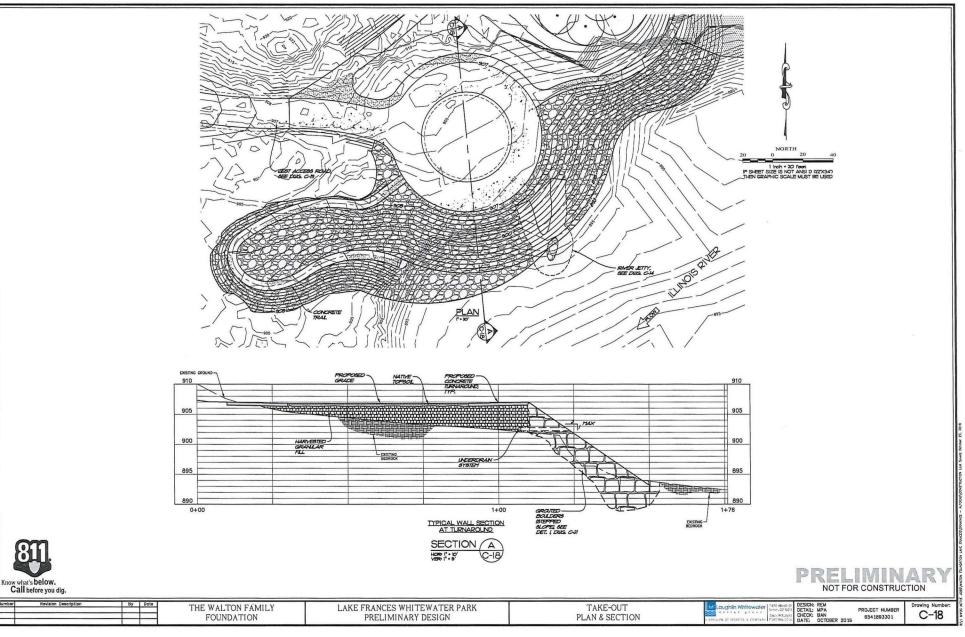


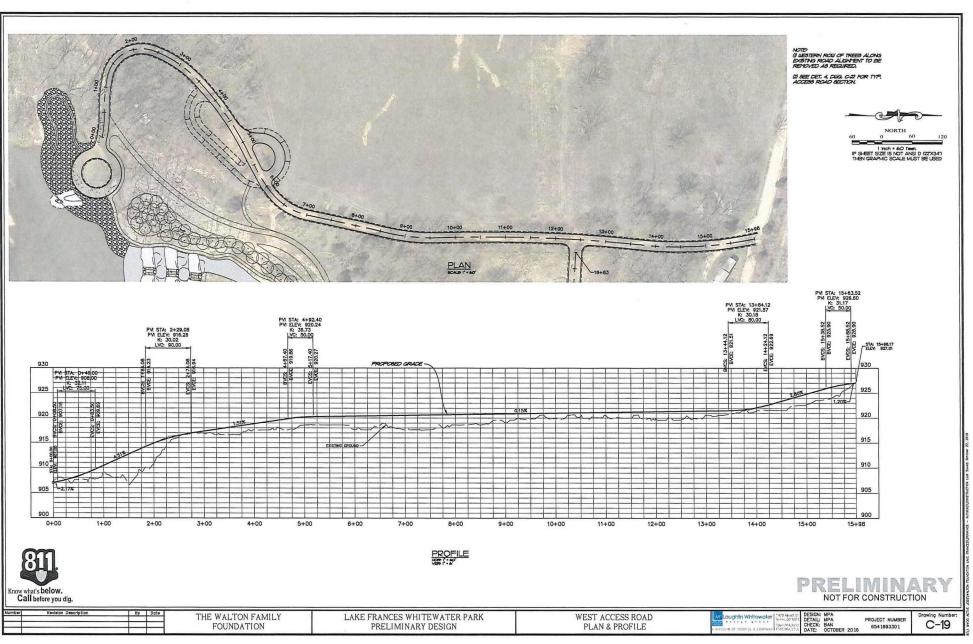


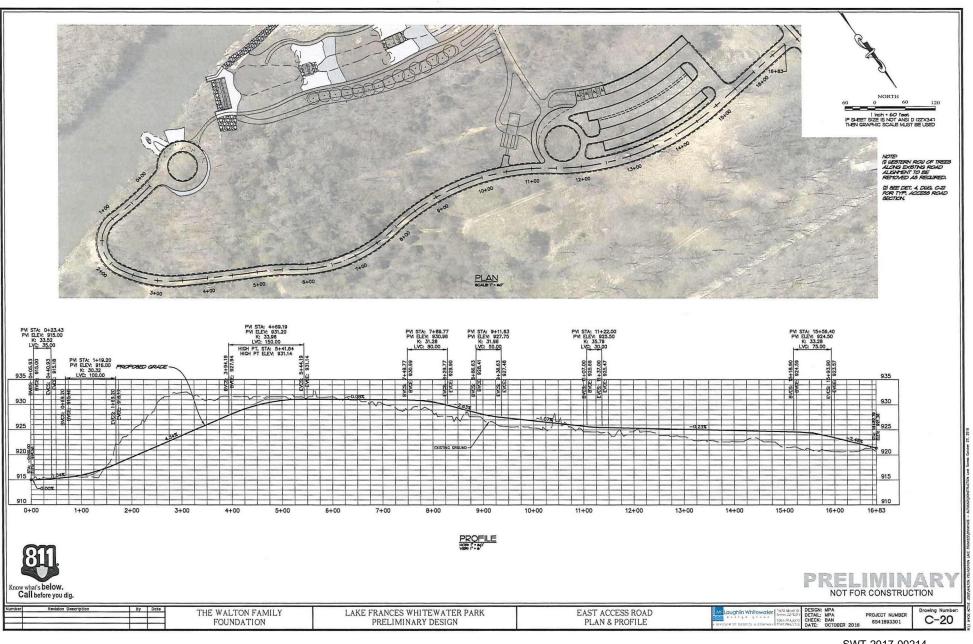


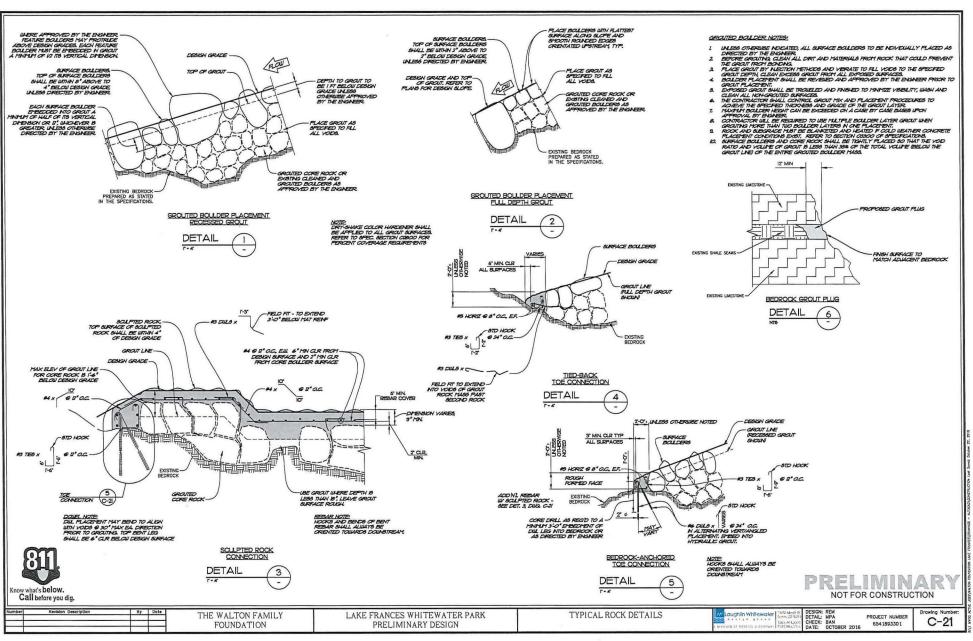


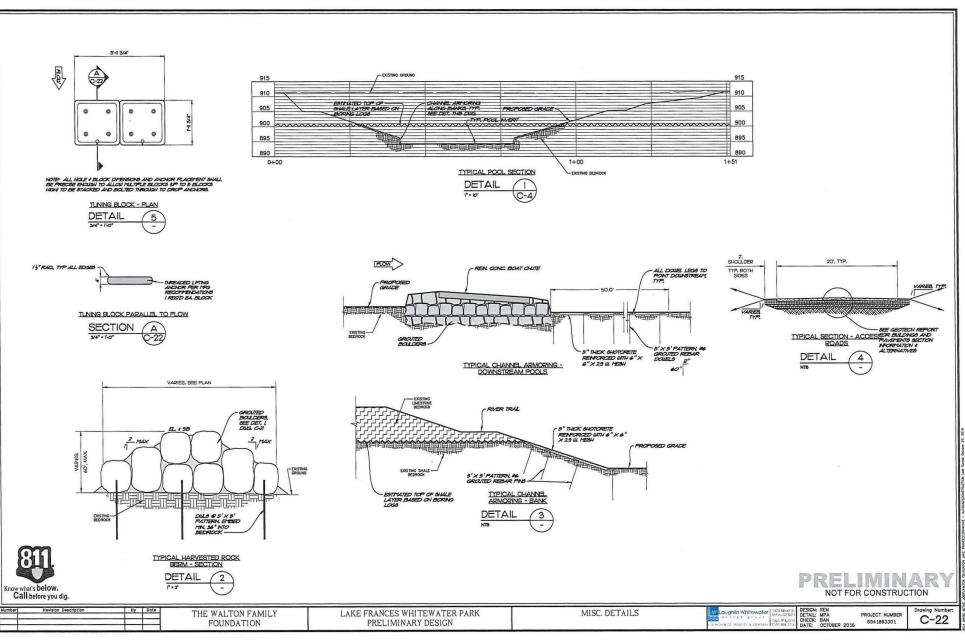


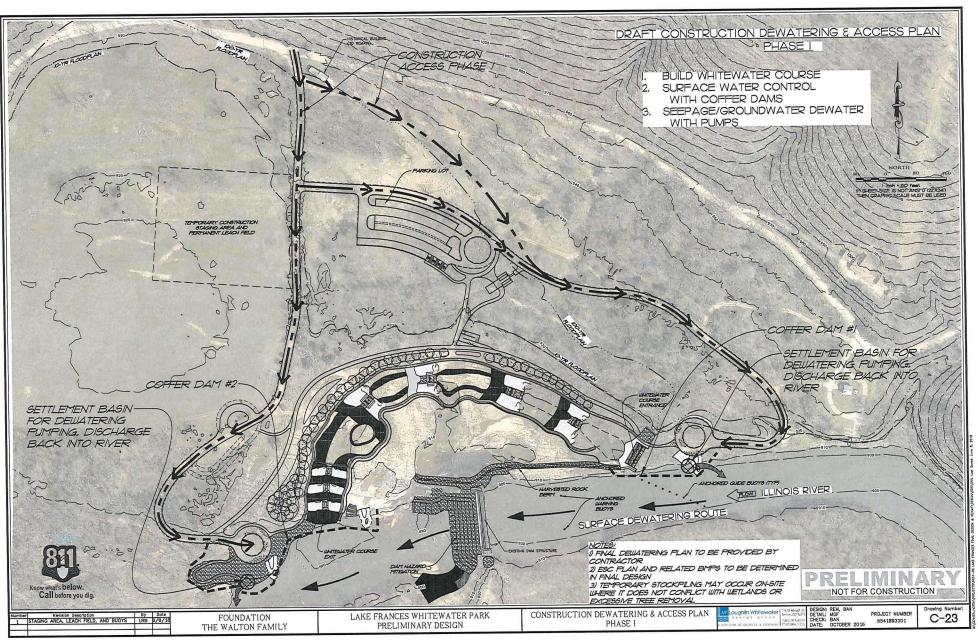


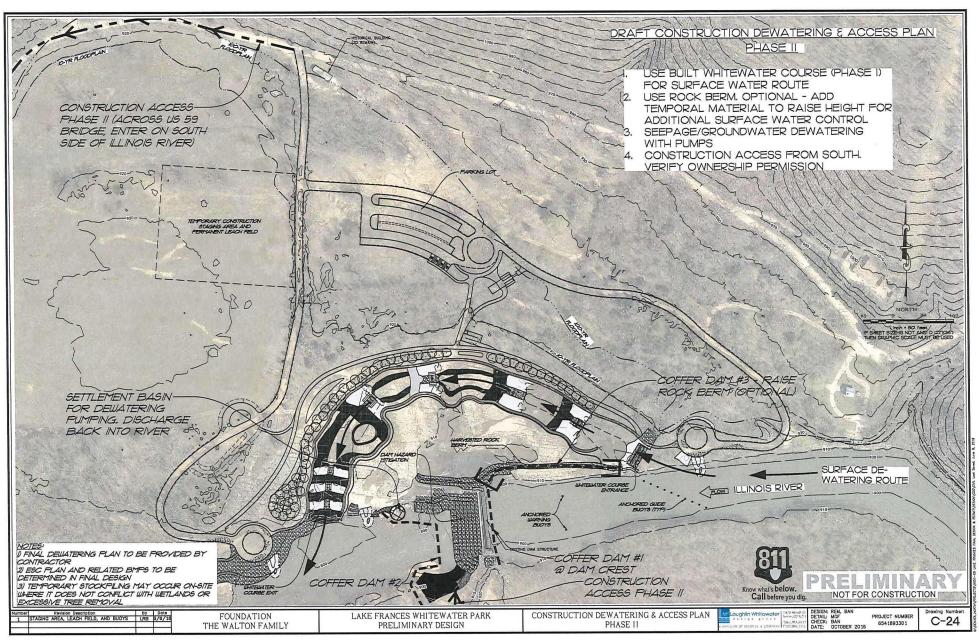


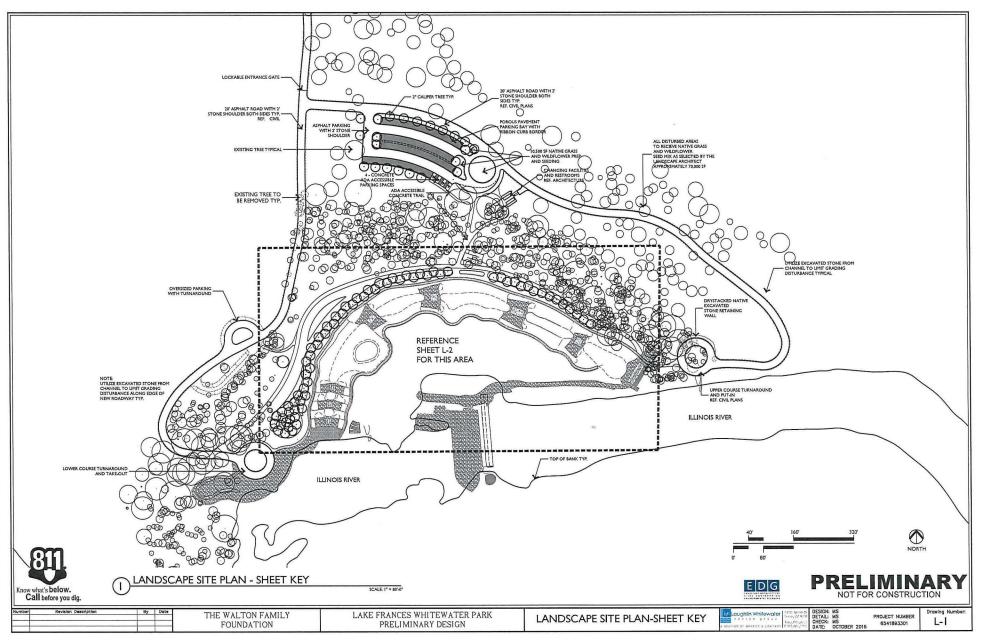


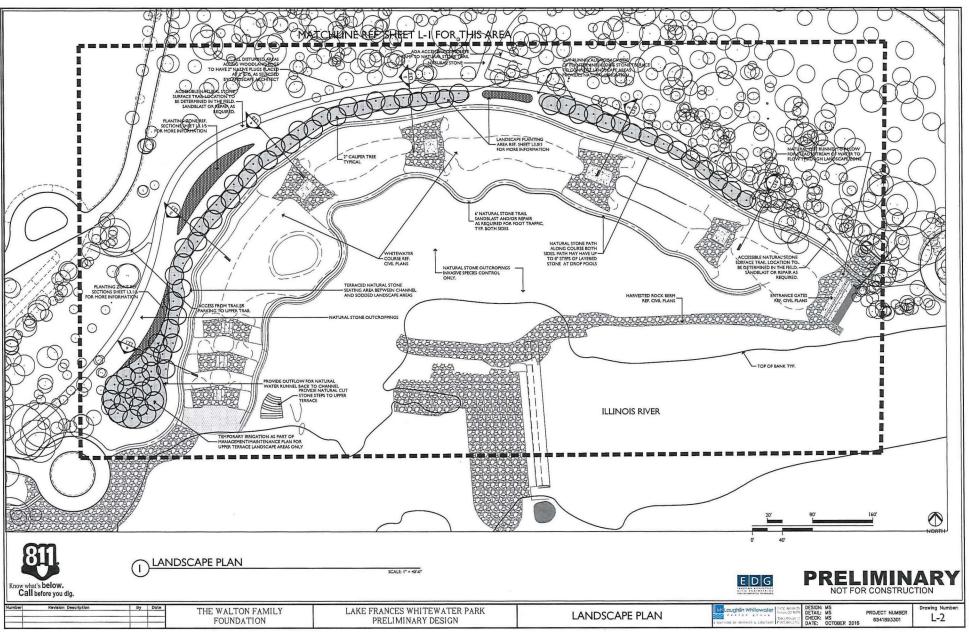


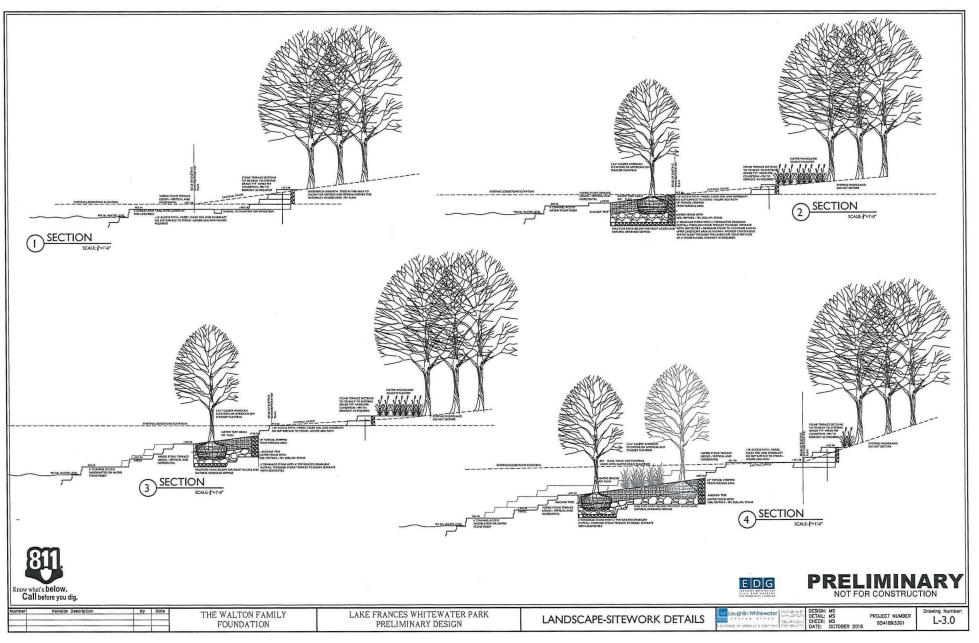


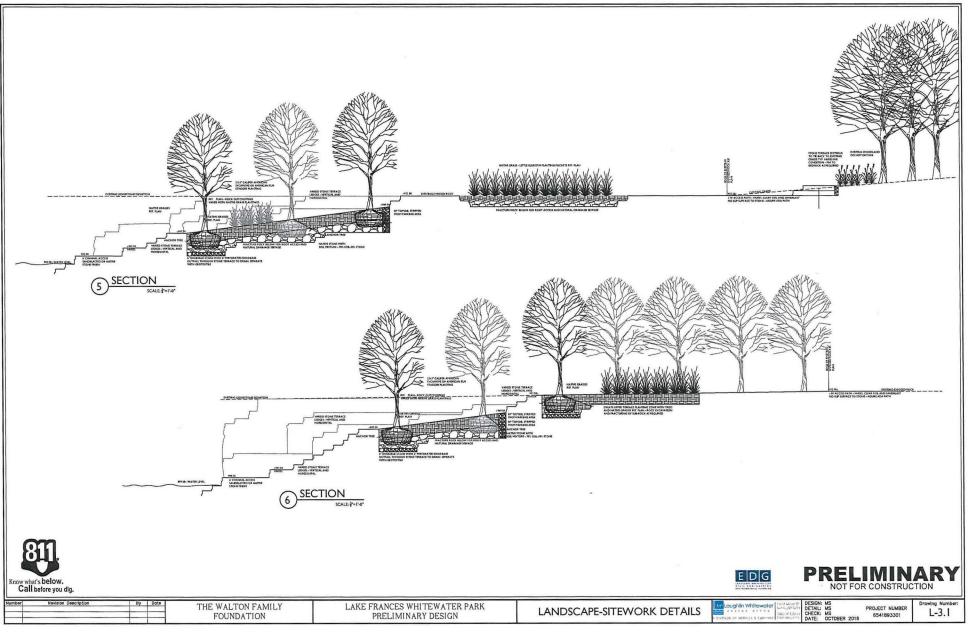




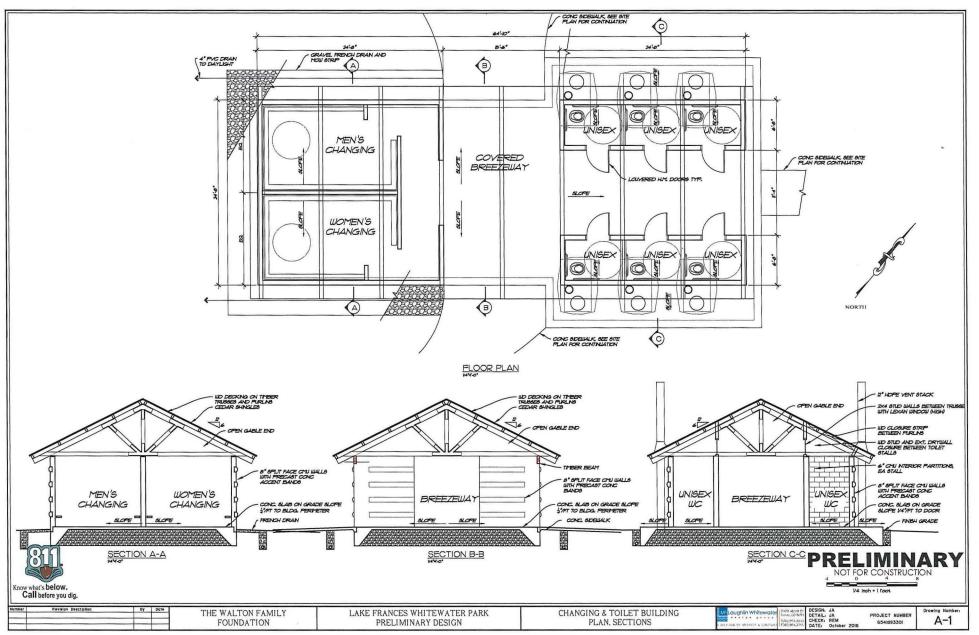


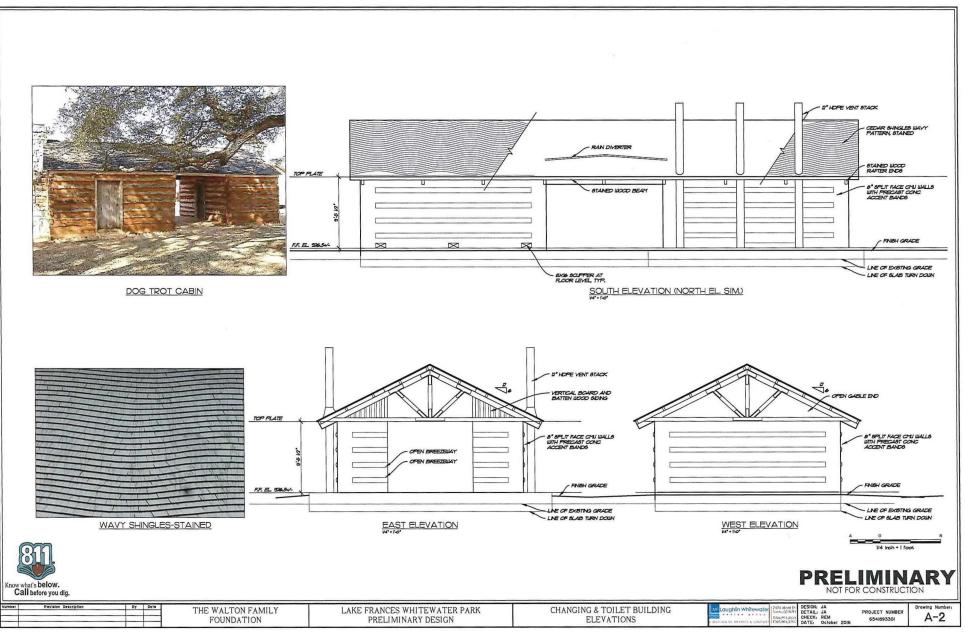






SWT-2017-00214 GRDA, Proposed Lake Frances Whitewater Park Illinois River Adair County, OK Enclosure 29 of 31





SWT-2017-00214 GRDA, Proposed Lake Frances Whitewater Park Illinois River Adair County, OK Enclosure 31 of 31