

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, OK 74137-4290

SWT-2019-00042
Public Notice No.

February 21, 2019
Public Notice Date

March 22, 2019
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

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

Application No. SWT-2019-00042

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: Aubrey Wilson
Oklahoma State University
402 N Willis Street
FMA Building 0113
Stillwater, OK 74078

Agent: Andy Blankenship
CEC Corporation
4617 East 91st Street S
Tulsa, OK 74137

Location: The proposed project is in the northwest 1/4 of Section 14, Township 19 North, Range 2 East, in Stillwater, Payne County, Oklahoma. The project site can be found on the Stillwater North, Oklahoma 7.5 Minute USGS Quadrangle map at North Latitude 36.1296 and West Longitude 97.0628.

Project Description: The application is to reroute approximately 700 linear feet of an unnamed tributary of Boomer Creek resulting in the placement of 0.27 acres of fill.

Purpose: The basic purpose of this work is to increase stormwater capacity. This is not a water dependent activity. The overall purpose of this project is to reroute the stream, establish a maintainable stream channel, improve pedestrian accessibility and create a natural, aesthetically appealing stream.

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)
Unnamed Tributary of Boomer Creek	Channel Fill and Relocation	Stream	Native Soil	292	Approximately 700 lf (0.14 ac)
Unnamed Tributary of Boomer Creek	Bank stabilization	Stream	12-inch riprap and bedding	32	Approximately 40 lf (0.01 ac)
Unnamed Tributary of Boomer Creek	Channel Wall	Stream	Modular Block Wall	205	Approximately 1,400 lf (0.12 ac)
			Total:	529	2,140 lf (0.27 ac)
cubic yards (cys), ordinary high water mark (OHWM), acre (ac), linear feet (lf)					

Description of Work: The proposed construction would involve the removal of an existing sidewalk, wooden light poles, a gravel parking lot, and concrete blocks currently lining the stream channel. A 30 inch reinforced concrete pipe headwall would also be installed. A new sidewalk with drainage structures to carry roadside and surface runoff to the stream channel would be added. A pedestrian bridge will be placed across the stream channel with no fill placed into the stream. Meanders would be added to the stream with a natural substrate lining replacing the current straight concrete lined channel.

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 waters of the U.S. were avoided to the maximum extent practical. A no-action alternative was not acceptable because of the concern of continued eroding and appearance for the OSU “gateway”. We first looked at the possibility of concrete lining the channel and banks, but this was not acceptable because of the amount of concrete and the aesthetics were not to OSU standards. We also looked at repairing just the banks by flattening the slopes of the channel, but a significant amount of trees would have to be removed for this option. To minimize the impacts to the waters of the U.S. to the greatest amount possible, a new channel alignment with a natural bottom, stone modular walls, and meanders was used. The amount of soil removed for the new channel is greater than the amount of fill (978 cys vs 292 cys).”

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

A mitigation plan has not been submitted. The applicant's plan proposes to plant several trees within the permit area, add sinuosity to the stream channel, and replace the concrete lined stream channel with a natural substrate bottom.

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: This area is part of the Oklahoma State University campus. The area is located within the Cross Timbers Transition of the Central Great Plains ecoregion consisting historically of prairie grasses and eastern red cedar, scattered oaks, and elms. This location has been manipulated to accommodate business, public roads, and housing developments.

Existing Condition: At the project location, the unnamed tributary of Boomer Creek is currently a concrete lined, channelized stream with rock lined walls. The stream channel is straight with no meanders. The stream channel flows from north to south and is situated along the western boundary of N Duck Street between E 610 Rd and W Hall of Fame Avenue.

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 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 may be 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.

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: least tern (*Sterna antillarum*), piping plover (*Charadrius melodus*), red knot (*Calidris canutus rufa*), whooping crane (*Grus americana*). 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 02EKOK00-2017-SLI-2108

Our preliminary determination is that the proposed activity will not affect listed threatened or endangered species or their critical habitat.

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. There are 5 enclosures. If additional information is desired, it may be obtained from Brett Adams, Tulsa District Corps of Engineers, ATTN: Regulatory Office, 2488 East 81st Street, Tulsa, OK 74137; or telephone 918-669-7400.

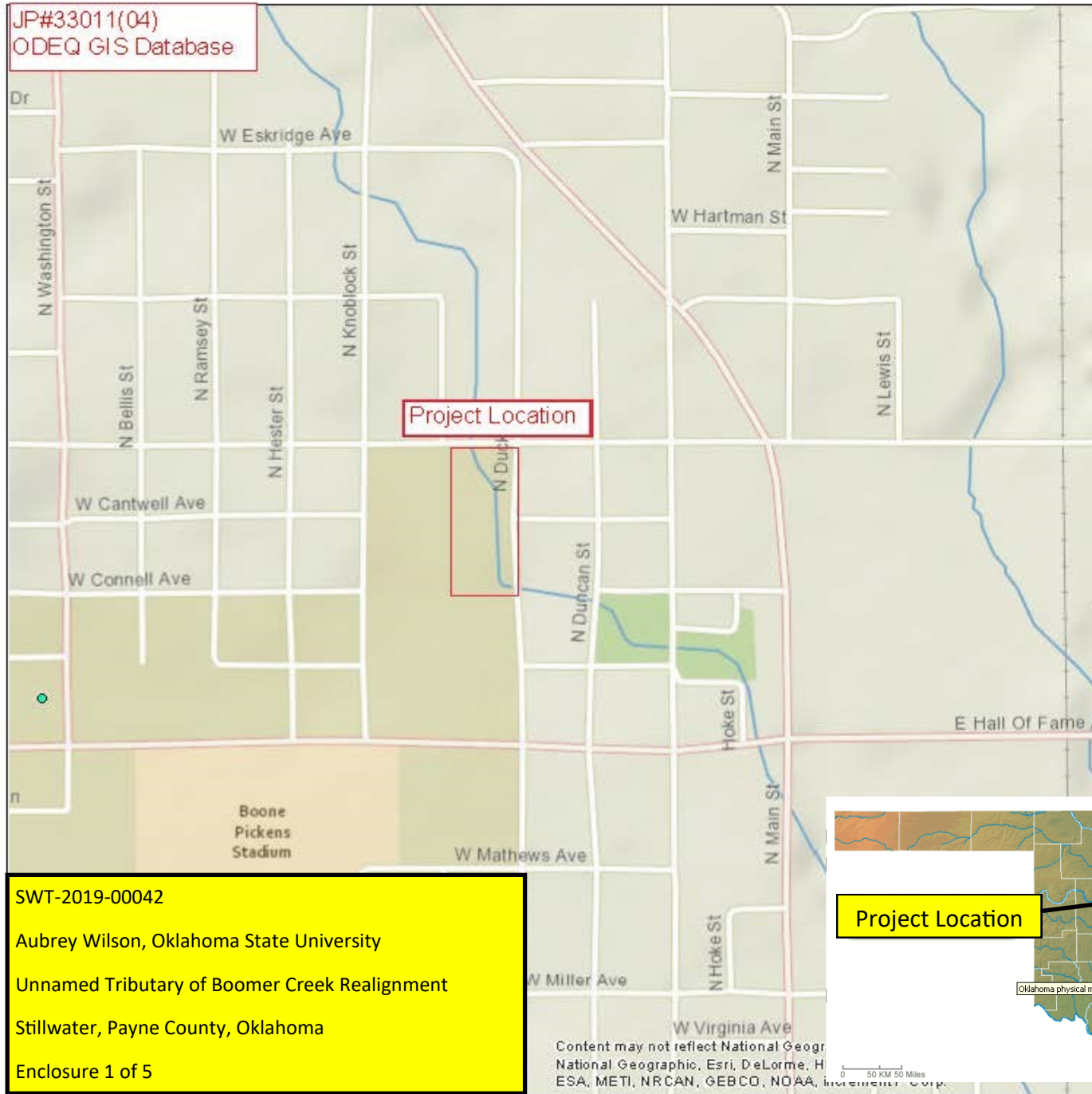
Comments: The Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers 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. 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-2019-00042 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

JP#33011(04)
ODEQ GIS Database



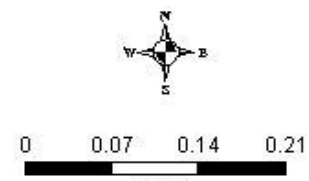
Oklahoma Department of Environmental Quality

Legend

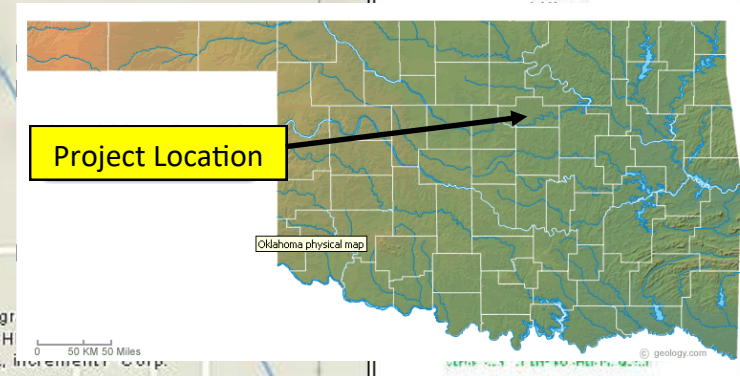
- RCRA Corrective Action
- Superfund Sites

Oklahoma Star Incentive Program

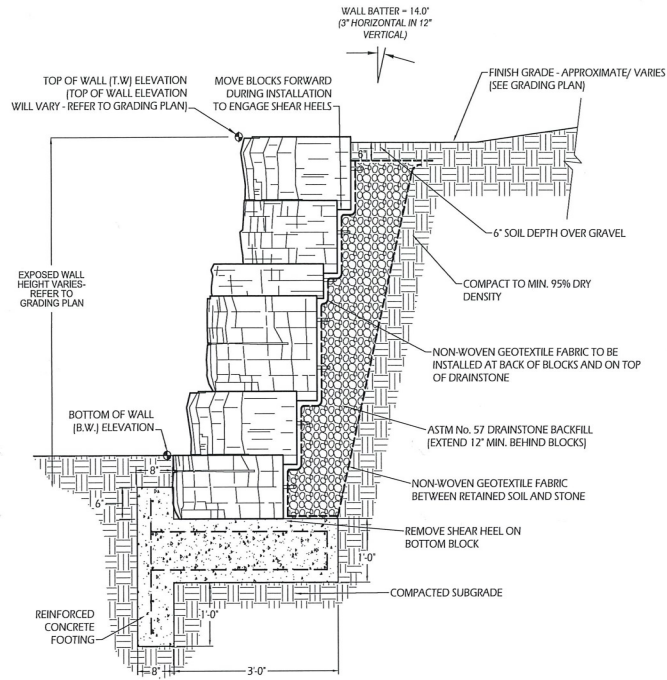
- Environmental Performance Recognition Program
- Platinum
- Gold
- Silver



SWT-2019-00042
Aubrey Wilson, Oklahoma State University
Unnamed Tributary of Boomer Creek Realignment
Stillwater, Payne County, Oklahoma
Enclosure 1 of 5



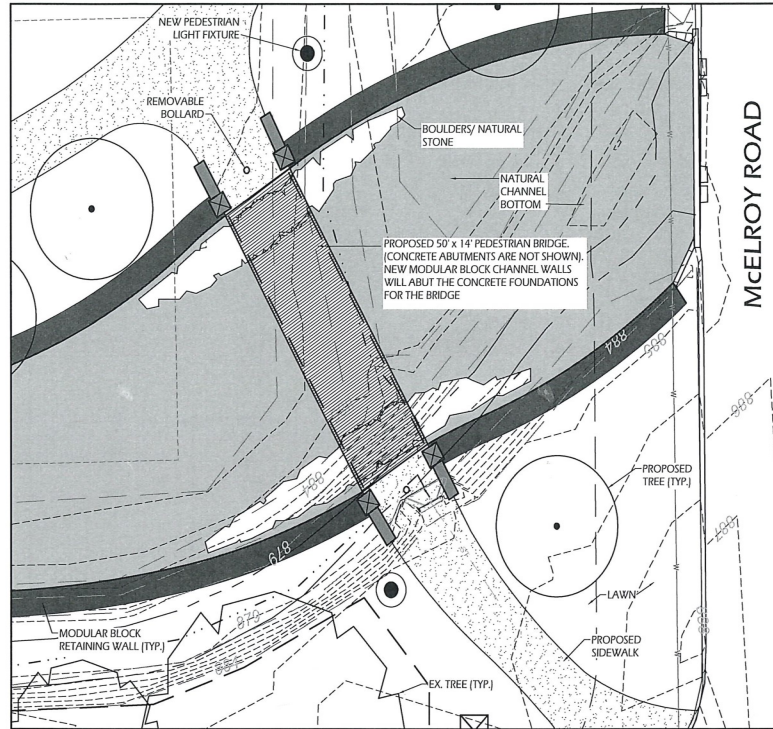
Content may not reflect National Geographic, National Geographic, Esri, DeLorme, HERE, Esri, METI, NRCAN, GEBCO, NOAA, IGN, IGP, etc.



- BLOCK SIZES AND PLACEMENT SHOWN ARE FOR REFERENCE ONLY. INDIVIDUAL ROSETTA BLOCKS WILL VARY WITH INSTALLATION PATTERN.
- REFER TO SPECIFICATION 322223: SEGMENTAL RETAINING WALLS
- WALL BLOCK SYSTEM: ROSETTA OUTCROPPING HARDSCAPES WALL SYSTEM
- SUPPLIER CONTACT: MIDWEST BLOCK & BRICK, 5444 S. 108th E. AVE, TULSA, OK
- CONTACT: COLTR CROWELL, PH. 479-453-0070

NOTE: FINAL PLANS WILL INCLUDE STRUCTURAL DESIGN FOR ALL WALL HEIGHT CONDITIONS, DEPENDING ON WALL HEIGHTS, GEO GRID REINFORCING LAYERS MAY BE REQUIRED.

A TYPICAL MODULAR BLOCK RETAINING WALL DETAIL
SCALE: 1"=1'-0"



B PEDESTRIAN BRIDGE - SITE PLAN
SCALE: 1"=10'-0"



NO.	DATE	REVISIONS	DESCRIPTION

PRELIMINARY
FOR THESE DOCUMENTS AND FOR INTERNAL USE ONLY.
NO REGULATORY APPROVAL, PERMITTING, RECORDS OR CONSTRUCTION REQUIRED.
BY: [Signature]



**W. BOOMER CREEK
CHANNEL IMPROVEMENTS**
OKLAHOMA STATE UNIVERSITY
STILLWATER, OKLAHOMA





ISSUE	PRELIMINARY PLANS
ISSUE DATE	MAY 31, 2017
PROJECT NUMBER	16007
DRAWN BY	AJK, BLC
CHECKED BY	MNP
SHEET TITLE	WALL / BRIDGE DETAILS
SHEET	L2.2
	X of X

SWT-2019-00042
Aubrey Wilson, Oklahoma State University
Unnamed Tributary of Boomer Creek Realignment
Stillwater, Payne County, Oklahoma
Enclosure 2 of 5

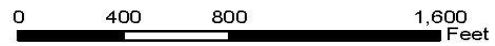


Figure 4: National Wetlands Inventory

-  Study Area
-  NWI



Payne County
J/P 33011(04)

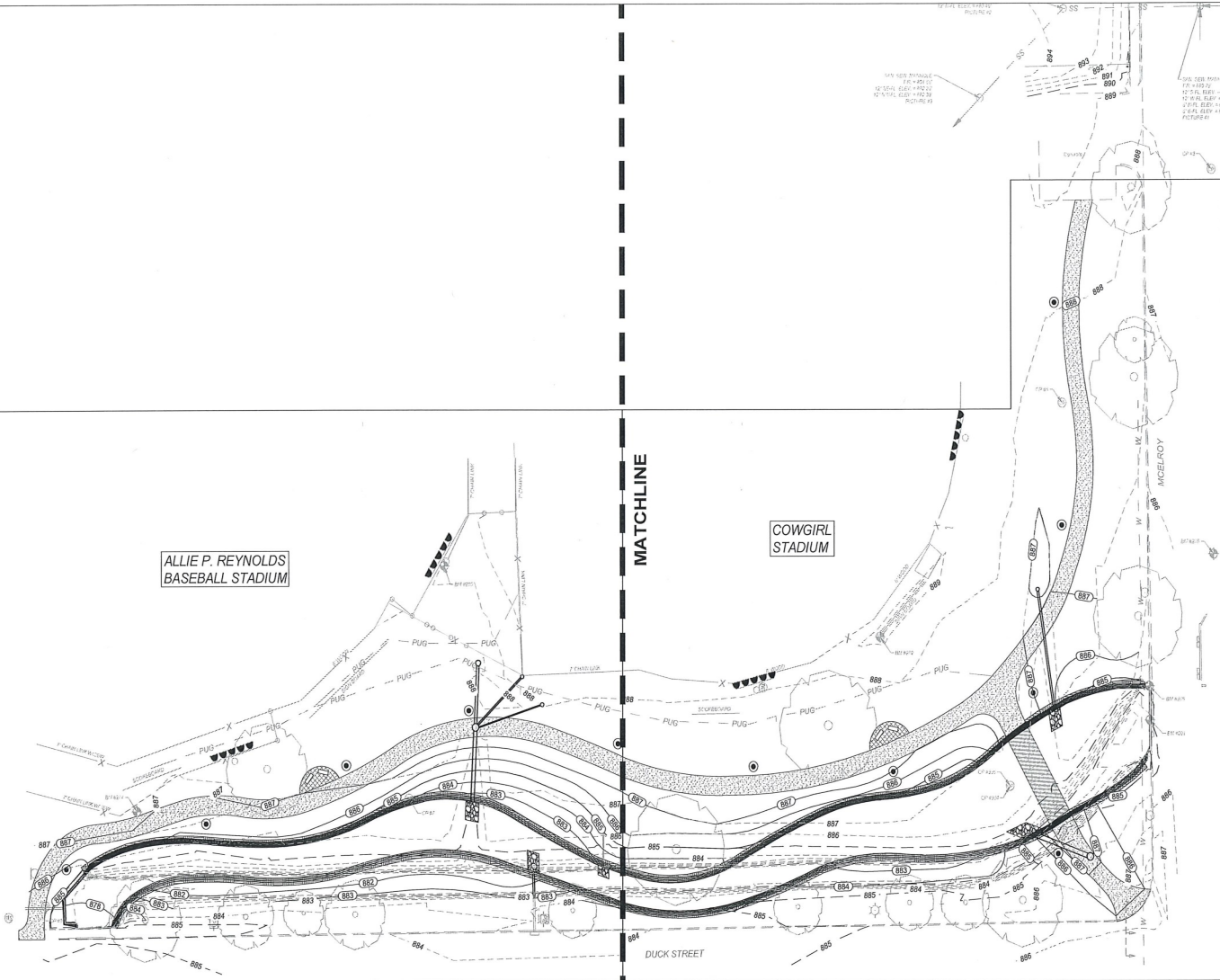


SWT-2019-00042

Aubrey Wilson, Oklahoma State University

Unnamed Tributary of Boomer Creek Realignment

Stillwater, Payne County, Oklahoma



DETAILS IN THIS AREA

SEE SHEETS C2.2 & C3.1 FOR DETAILS IN THIS AREA



NO.	DATE	REVISIONS	DESCRIPTION



CEC
 CONSULTING ENGINEERS
 1000 N. W. 10th St., Suite 100
 Stillwater, Oklahoma 74080
 PHONE: (405) 891-1111
 FAX: (405) 891-1112
 WWW.CECENGINEERS.COM

STATE OF OKLAHOMA
 DEPARTMENT OF TRANSPORTATION
 DIVISION OF HIGHWAYS
 PROJECT NO. 2019-00042
 SHEET NO. C2.0

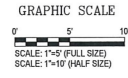
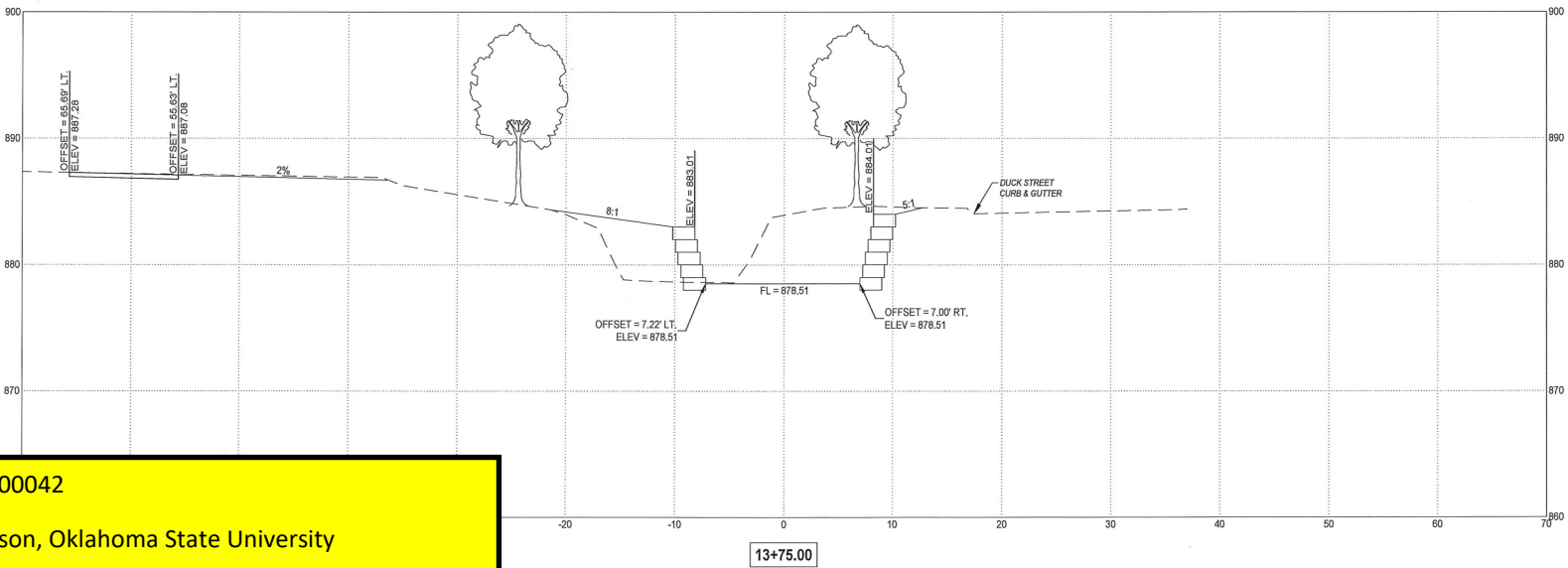
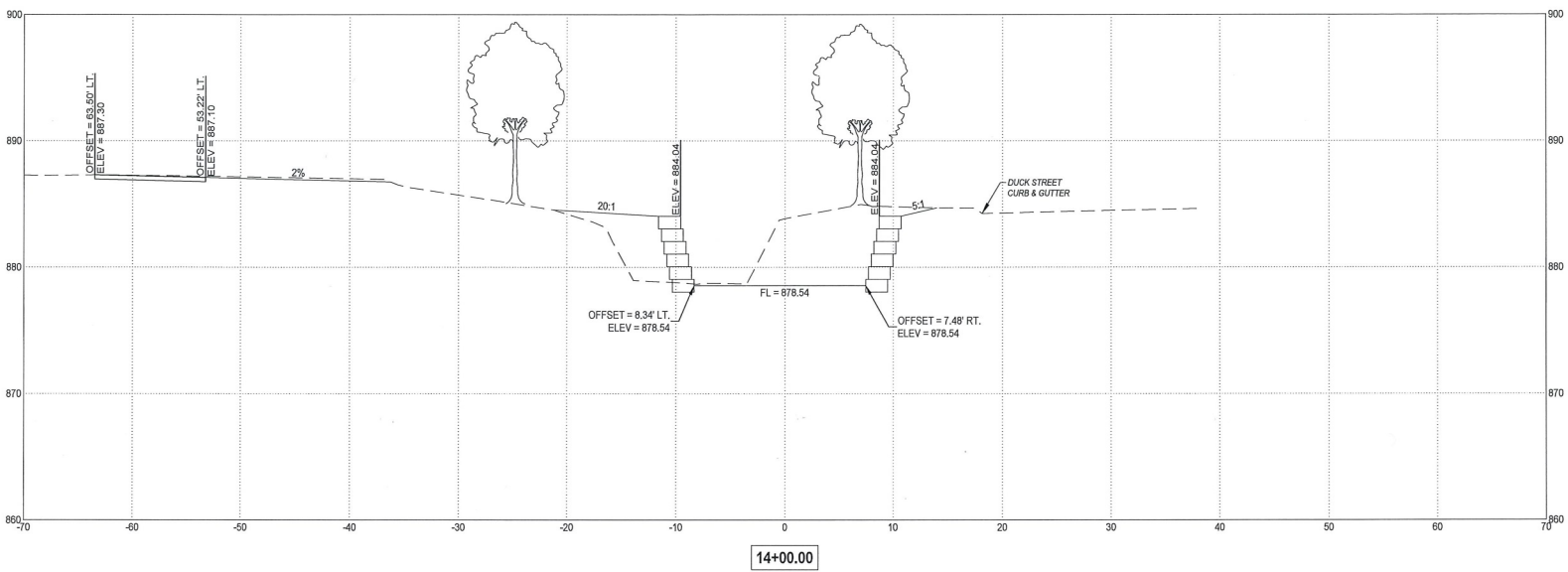
**W. BOOMER CREEK
 CHANNEL IMPROVEMENTS**
 OKLAHOMA STATE UNIVERSITY
 STILLWATER, OKLAHOMA



DATE	ISSUE
DESIGN DEVELOPMENT	
DATE	
MAY 31, 2017	
PROJECT NUMBER	
16007	
DRAWN BY	
DAG	
CHECKED BY	
ALB	
SHEET TITLE	
PROPOSED KEYMAP	
SHEET	
C2.0	

SWT-2019-00042
 Aubrey Wilson, Oklahoma State University
 Unnamed Tributary of Boomer Creek Realignment
 Stillwater, Payne County, Oklahoma
 Enclosure 4 of 5

SWT-2019-00042
 Aubrey Wilson, Oklahoma State University
 Unnamed Tributary of Boomer Creek Realignment
 Stillwater, Payne County, Oklahoma
 Enclosure 5 of 5



NO.	DATE	REVISIONS	DESCRIPTION



**W. BOOMER CREEK
 CHANNEL IMPROVEMENTS**
 OKLAHOMA STATE UNIVERSITY
 STILLWATER, OKLAHOMA



ISSUE
DESIGN DEVELOPMENT
ISSUE DATE MAY 31, 2017
PROJECT NUMBER 16007
DRAWN BY DAG
CHECKED BY ALB
SHEET TITLE CROSS SECTION 9
SHEET C3.10