

Public Notice

U.S. Army Corps
of Engineers
Tulsa District

Reply To:

U.S. Army Corps of Engineers
ATTN: Regulatory Office
2488 E 81st Street
Tulsa, OK 74137

SWT-2020-00458
Public Notice No.

September 18, 2020
Public Notice Date

October 17, 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 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-2020-00458

**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. Ryan Ryswyk
Southwest Region Fisheries Supervisor
Oklahoma Department of Wildlife Conservation
18795 State Highway 49
Lawton, OK 73507

Location: The proposed project is in the eastern 1/2 of Section 29, Township 4 South, Range 8 West, near Waurika, Jefferson County, Oklahoma. The project site can be found on the Waurika West 7.5 Minute USGS Quadrangle map at North Latitude 34.1826 and West Longitude 98.0561.

Project Description: The application is for the discharge of fill material into Jap Beaver Lake. The activity includes spillway structure replacement, boat ramp maintenance, construction of approximately six, 100 foot long jetties, and approximately 5,000 feet of bank stabilization.

Purpose: The overall purpose is to conduct maintenance and repair activities to the Oklahoma Department of Wildlife Conservation managed lake. This is not a water dependent activity.

The basic purpose and need of the proposed action is to utilize Wildlife Department owned property to conduct repairs to the 60 surface acre lake. The applicant's preference is to promote the continued use of the aquatic resource for fishing and other outdoor activity while improving public access and open water fish habitat.

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)
Jap Beaver Lake	Fill/Redistribution	Open Water	Earthen	1,658 cys	0.192 ac
Jap Beaver Lake	Fill	Open Water	Rip Rap	6,512 cys	0.570 ac
Jap Beaver Lake	Fill	Open Water	Concrete	20 cys	0.02 ac
			Total:	8,190 cys	(0.782 ac)
cubic yards (cys), ordinary high water mark (OHWM), acre (ac), linear feet (lf)					

Description of Work: The applicant proposes to draw the lake down to 10-20 acres to expose sufficient basin to make repairs. Once the lake level has been reduced, relocate sediment from the lake basin to create new jetties (approximately 6 jetties, 100 feet long and 44 feet wide at the base) and to repair/armor shorelines. The jetties will act as a wind break and reduce further bank erosion. The jetties will be armored with rip rap to prevent erosion and sloughing of the relocated sediment. Approximately 5000 feet of shoreline will be repaired and bank stabilization measures (proper slope, establishing native rooted aquatic vegetation) will be used. Dam repairs will include the installation of a new primary spillway structure will be completed by a contractor with plans and oversight provided by Garver Engineering. The applicant proposes to use heavy equipment to reshape existing shorelines to proper 2:1 slope to repair extended shallow flats and provide optimal habitat for fishes and aquatic vegetation. Sediment removal from the basin will increase the open water habitat available for pelagic fishes. Sediment removal will also expose buried nutrients which will help boost the initial food web productivity when the lake refills. The applicant proposes to extend and repair existing boat ramp by lengthening the existing concrete boat ramp by 20 feet and widening the boat ramp to a total width of 19 feet. Crushed rock base material will be used under the concrete in the new sections.

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 purpose of this project is to improve the aquatic habitat for native aquatic species, to repair the dam and spillway structure, and improve the recreation experience for boaters and anglers. The ODWC is responsible for fish and wildlife management in Oklahoma and we feel that we can complete this project without any negative impacts to the ecosystem. Upon completion of the project, the lake should have better water quality due to reduced wave action/erosion, improved native plant community, and improved body condition of native fish due to a reduction of invasive aquatic plants which reduces foraging ability.”

Mitigation: 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 proposes that the project, upon completion, would enhance the aquatic resource and would improve and increase habitat for freshwater organisms while providing additional fishing and boating opportunity.

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 grass and shrub-covered Broken Red Plains ecoregion is mostly underlain by Permian-age sandstone and shale. It is more irregular than Ecoregions 27d, 27h, and 27m, but has much less relief than Ecoregion 27k. Upland natural vegetation is mesquite–buffalograss. The density of mesquite increases southward into Texas, where its prevalence may be the result of grazing pressure and climate. Ecoregion 27i lacks the upland tree cover found on sandier soils in ecoregions 27o, 29b, and 29c; native vegetation is also distinct from Ecoregions 27d, 27k, 27l, 27q, and 29h. Today, Ecoregion 27i is a mosaic of rangeland and cropland; rangeland is more common than in Ecoregions 27d, 27h, and 27m. Its growing season is longer than north of the Wichita Mountains in Ecoregion 27d.

Existing Condition: Jap Beaver Lake is currently just below natural pool level. No construction activity has been started at this time. The banks show sign of erosion and the boat ramp is deteriorating in its current condition.

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*), and whooping crane (*Grus americana*). 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.

Plans and Data: Plans showing the location of the activity and other data are enclosed with this notice. If additional information is desired, it may be obtained from Mr. 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-2020-00458 in the subject line of the message.

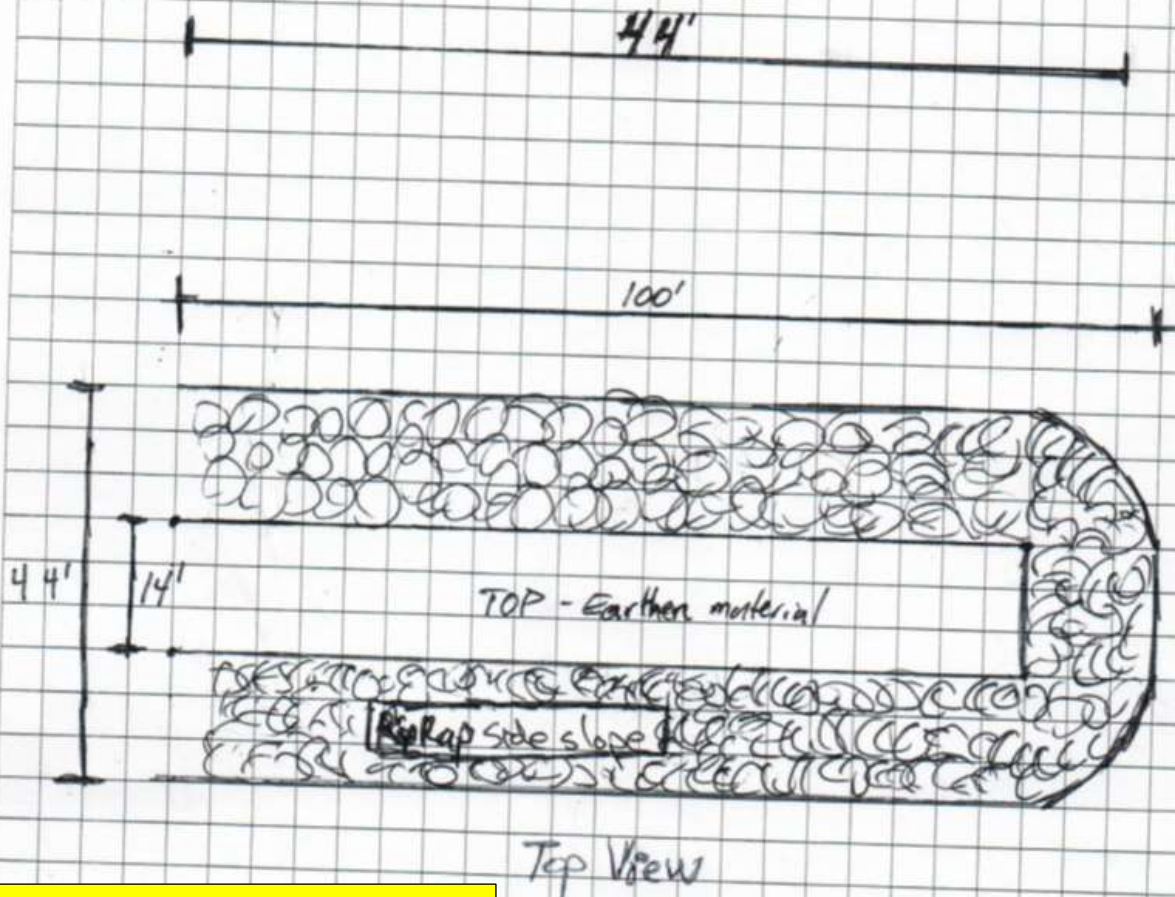
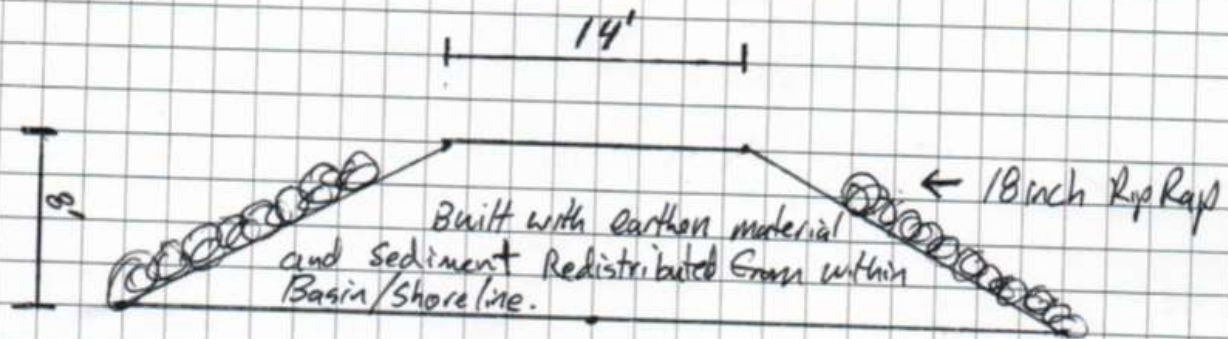
Comments concerning water quality impacts will be forwarded to ODEQ for consideration in issuing a Section 401 Water Quality Certification for the proposed project. Work may **not** commence until decisions have been made on both Sections 401 and 404.

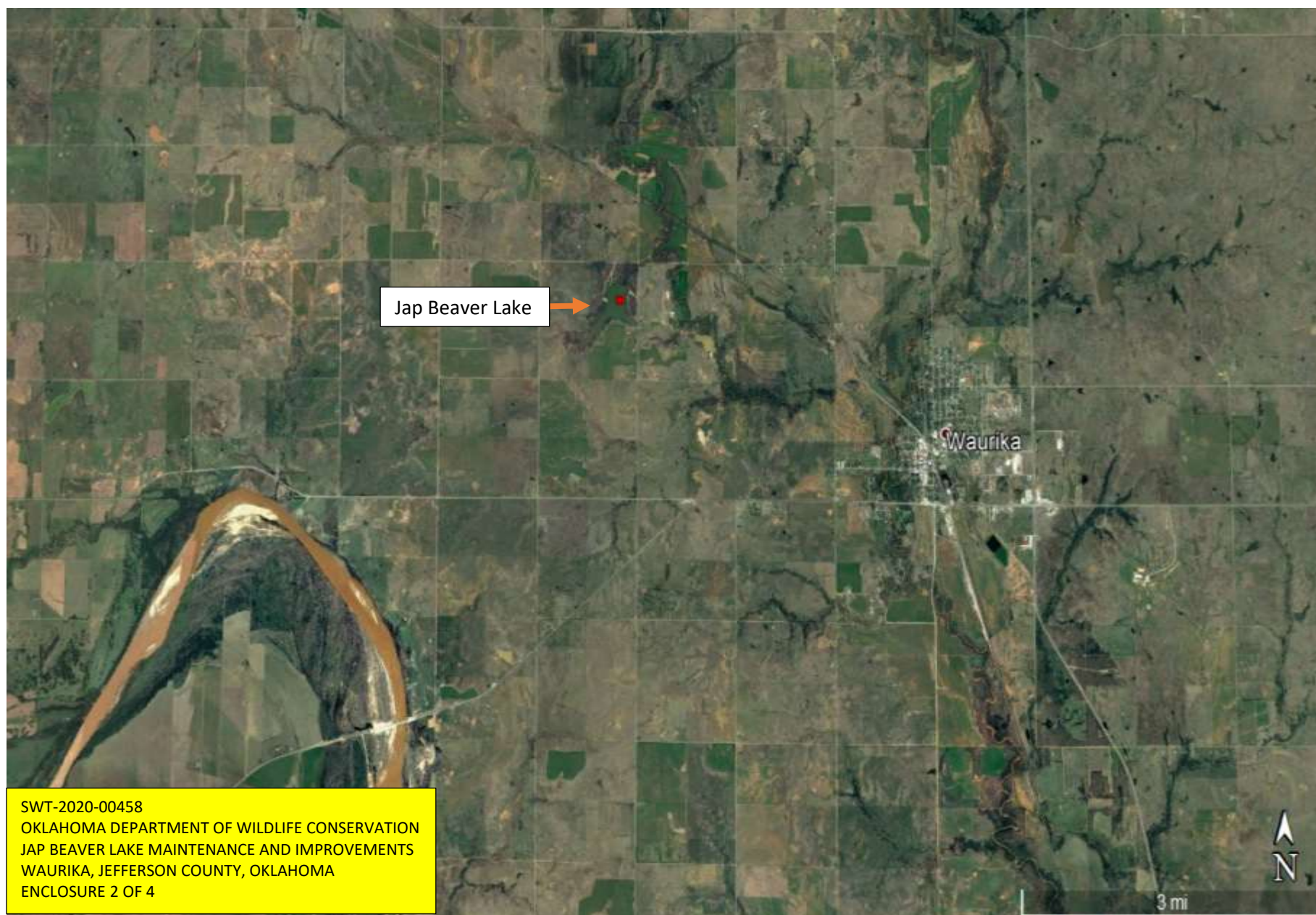
Andrew R. Commer
Chief, Regulatory Office

Enclosures

Cross Section Earthen Jetties

Average Height of Jetty will be approximately 8 feet.





SWT-2020-00458
OKLAHOMA DEPARTMENT OF WILDLIFE CONSERVATION
JAP BEAVER LAKE MAINTENANCE AND IMPROVEMENTS
WAURIKA, JEFFERSON COUNTY, OKLAHOMA
ENCLOSURE 2 OF 4

Jap Beaver Lake

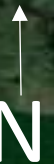
Spillway Structure and
Emergency spillway

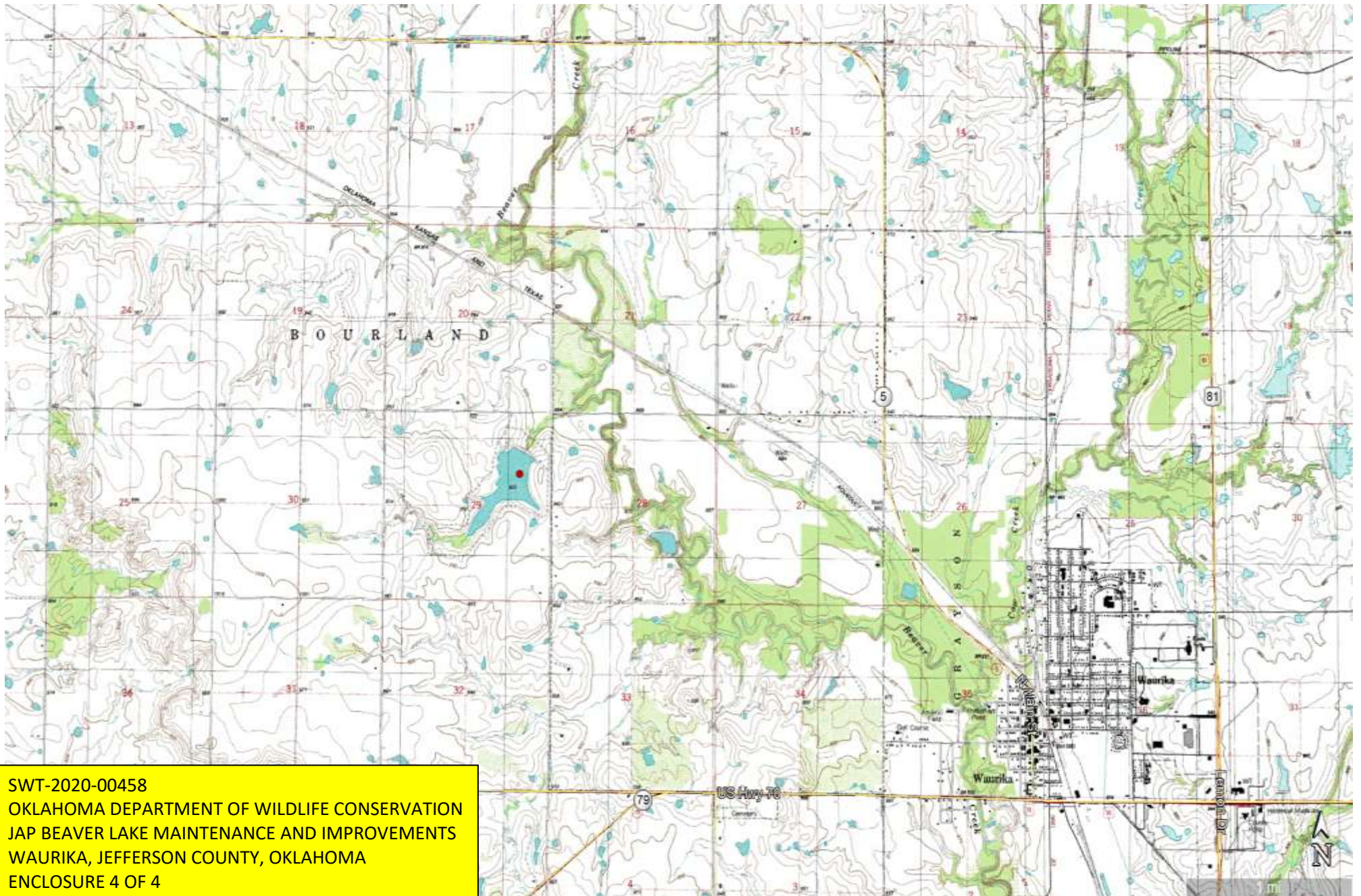
Jetties to build

Roads to improve, parking access,
boat ramp improvement

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OKLAHOMA DEPARTMENT OF WILDLIFE CONSERVATION
JAP BEAVER LAKE MAINTENANCE AND IMPROVEMENTS
WAURIKA, JEFFERSON COUNTY, OKLAHOMA
ENCLOSURE 3 OF 4

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OKLAHOMA DEPARTMENT OF WILDLIFE CONSERVATION
JAP BEAVER LAKE MAINTENANCE AND IMPROVEMENTS
WAURIKA, JEFFERSON COUNTY, OKLAHOMA
ENCLOSURE 4 OF 4