



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-2021-00057
Public Notice No.

February 8, 2021
Public Notice Date

March 10, 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 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-2021-00057

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. Dean Roberts
U.S. Army Corps of Engineers
8568 Highway 251A
Fort Gibson, OK 74434

Location: The project sites are located along the McClellan-Kerr Arkansas River Navigation System (MKARNS) on the Verdigris River and Arkansas River. Webbers Falls (L&D #16) is on the Arkansas River at navigation mile 366.6, about 5 miles northwest of Webbers Falls in Muskogee County, Oklahoma. The Chouteau (L&D #17) lock is on the Verdigris River at McClellan-Kerr navigation mile 401.4, about 4 miles northwest of Okay in Wagoner County, Oklahoma. The dam is in the original river channel at navigation mile 402.9.

Project Description: The application is for the discharge of fill material into the MKARNS located on the Verdigris River and Arkansas River. The activity includes outlet channel repairs, support cell repairs, and approximately 2,325 linear feet of new bank stabilization and approximately 970 linear feet of embankment maintenance and repairs.

Purpose: The overall purpose is to conduct flood maintenance and repair activities to existing infrastructure and to protect additional riverbank lines from new erosion caused by the 2019 flood within the MKARNS. This is not a water dependent activity.

The basic purpose and need of the proposed action is to conduct necessary repairs to the MKARNS caused by the 2019 flood event. The continued operation of the Navigation System is vital to interstate and intrastate commerce.

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)
MKARNS (L&D 16)	Fill	Open Water	6" Gradation Bedding	171 cys	0.03 ac
MKARNS (L&D 16)	Fill	Open Water	Rip Rap	3,714 cys	2.30 ac
MKARNS (L&D 17)	Fill	Open Water	Rip Rap	3,857 cys	2.39 ac
			Total:	7,742 cys	(4.72 ac)
cubic yards (cys), ordinary high water mark (OHWM), acre (ac), linear feet (lf)					

Description of Work:

WEBBERS FALLS L&D #16 – REPAIR OUTLET CHANNEL:

Work includes the mucking out of silt and other material from the outlet channel vicinity of the backfill drainpipe. The backfill drainpipe shall be cleared of all obstructions and returned to operating function. The area shall be returned to design grade. Work also consists of clearing and removal of existing vegetation debris with minimal earthwork grading along the Webbers Falls L&D #16 outlet channel east bank running approximately 695LF. 24-inch quarry run stone to be placed along slope in a manner that infills gaps and provides a consistent rocked slope from the top of the slope to the water's edge, approximately 75FT of slope distance, while maintaining existing slope angle.

WEBBERS FALLS L&D #16 – REPAIR CHANNEL EROSION:

Work shall consist of clearing and removal of existing vegetation debris with minimal earthwork grading along the Webbers Falls L&D #16 eastern shoreline running approximately 1,100 LF. Approximately 1,100 LF of 24-inch quarry run stone shall be placed along slope in a manner that infills gaps and provides a consistent rocked slope from the top of the slope to the water's edge, approximately 75 FT of slope distance, while maintaining existing slope angle. Work includes the placement of stone in support cells from previously displaced stone.

CHOUTEAU L&D #17 – REPAIR EMBANKMENT:

Work shall consist of clearing and removal of existing vegetation debris with earthwork grading along the Chouteau L&D #17 shoreline running approximately 1,225 LF. Approximately 1,225 LF of 24-inch quarry run stone shall be placed along the bank to the water's edge. Excavate slope if existing slope exceeds 1:1.5 slope to match section slope. Taper ends to meet and match existing grades if slope is in excess of 1:1.5. If end slopes exceed 1:1.5 use end detail provided in drawings (RE: C-401). 9-inch bedding stone and #57 stone to be placed along slope.

CHOUTEAU L&D #17 – REPLACE RIP RAP AND REPAIR SCOUR HOLES:

Work shall consist of clearing and removal of existing vegetation debris with minimal earthwork grading along the Chouteau L&D #17 eastern shoreline running approximately 275 LF. 24-inch quarry run stone shall be placed along slope in a manner that infills gaps and provides a consistent rock slope from the top of the slope to the water's edge, approximately 50 FT of slope distance, while maintaining existing slope angle.

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: This activity is necessary to maintain the operational functionality of the MKARNS. The project has been designed to repair and replace damaged rip rap sections adjacent to the navigation channel and prevent/stop future erosion of the riverbanks within close proximity to existing navigational structures. The activity will result in the minimum amount of fill material placed below the ordinary high-water mark as deemed necessary by Corps engineering staff to fulfill the purpose of bank stabilization, embankment maintenance, and scour repair.

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 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: Chouteau L&D 17 is located within the Osage Cuestas ecoregion 40b, defined as: Irregular to undulating plains that are broken by low hills and cuestas with east-facing scarps. Perennial streams occur. Streams are dominated by pools having substrates that are composed of sand, mud, and sometimes, gravel and cobbles. Riffle areas are moderately common and tend to occur every 250 to 1,300 feet; their substrates are composed of gravel, cobbles, and boulders. In the southern third of Ecoregion 40b, streams are often more slowly moving and more turbid than more northerly portions. Webbers Falls L&D 16 is located in the Arkansas River Floodplain ecoregion 37b, defined as: Level to undulating floodplains and low terraces along the Arkansas River. Natural levees, meander scars, oxbow lakes, point bars, swales, and back-swamps occur. The substrate of the Arkansas River is a mixture of mud and sand.

Existing Condition: The project sites are located within the McClellan-Kerr Arkansas River Navigation system on the Verdigris River and Arkansas River. Webbers Falls L&D #16 is on the Arkansas River at navigation mile 366.6, about 5 miles northwest of Webbers Falls in Muskogee County, Oklahoma. The Chouteau L&D #17 lock is on the Verdigris River at McClellan-Kerr navigation mile 401.4, about 4 miles northwest of Okay in Wagoner County, Oklahoma. The dam is outside of the MKARNS navigational channel within the original river channel at navigation mile 402.9.

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: gray bat (*Myotis grisescens*), northern long-eared bat (*Myotis septentrionalis*), Indiana bat (*Myotis sodalis*), Ozark big-eared bat (*Corynorhinus (=Plecotus) townsendii ingens*), American burying beetle (*Nicrophorus americanus*), least tern (*Sterna antillarum*), piping plover (*Charadrius melodus*), red knot (*Calidris canutus rufa*), whooping crane (*Grus americana*), Neosho mucket (*Lampsilis rafinesqueana*), and rabbitsfoot (*Quadrula cylindrica cylindrica*). 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-2021-00057 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.

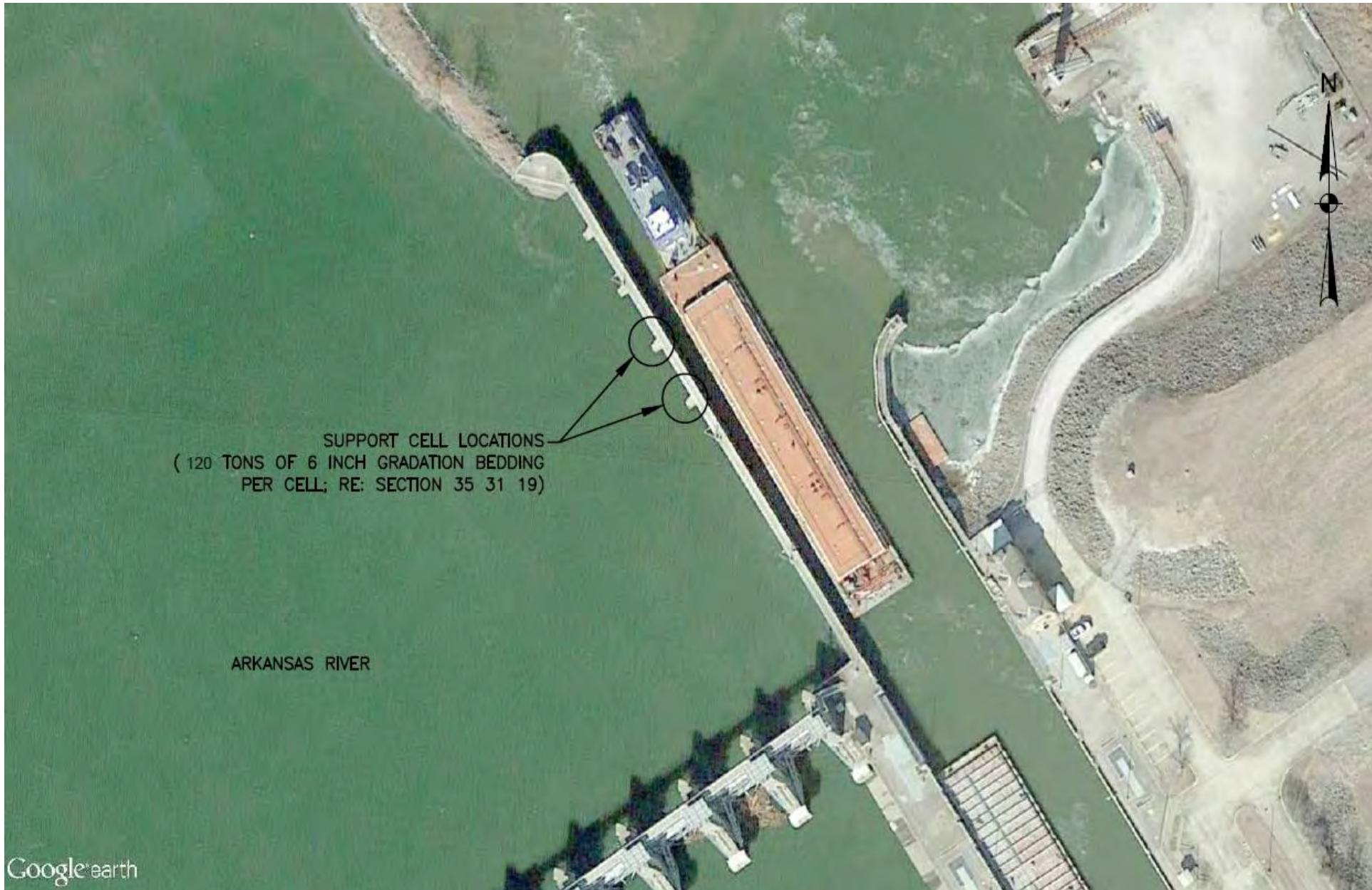
Ed Parisotto

For Andrew R. Commer
Chief, Regulatory Office

Enclosures



SWT-2021-00057
U.S. ARMY CORPS OF ENGINEERS, TULSA DISTRICT
MKARNS MAINTENANCE, REPAIRS, AND BANK STABILIZATION
WEBBERS FALLS, MUSKOGEE COUNTY, OKLAHOMA
ENCLOSURE 1 OF 10



SUPPORT CELL LOCATIONS
(120 TONS OF 6 INCH GRADATION BEDDING
PER CELL; RE: SECTION 35 31 19)

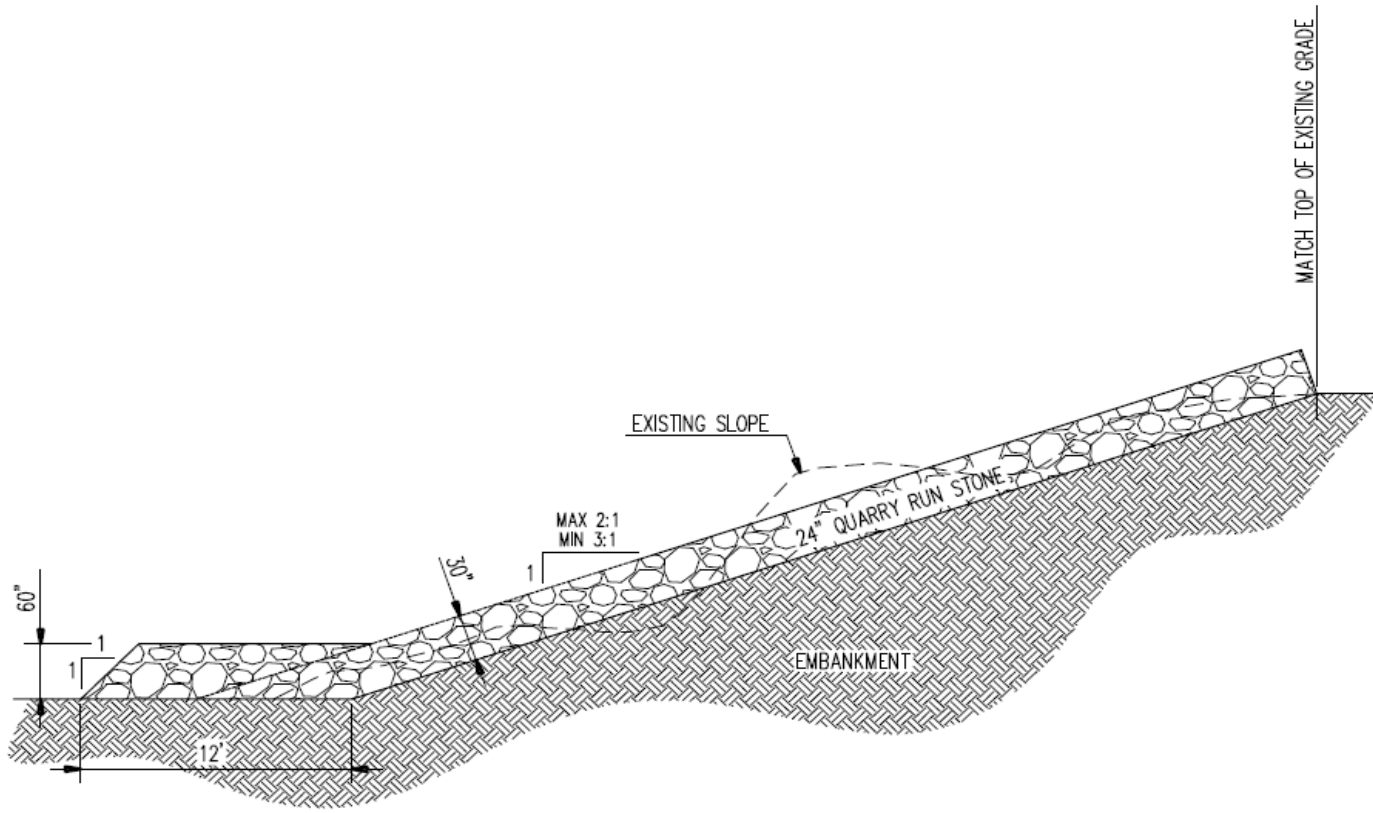
ARKANSAS RIVER

Google earth

SWT-2021-00057
U.S. ARMY CORPS OF ENGINEERS, TULSA DISTRICT
MKARNS MAINTENANCE, REPAIRS, AND BANK STABILIZATION
WEBBERS FALLS, MUSKOGEE COUNTY, OKLAHOMA
ENCLOSURE 2 OF 10



SWT-2021-00057
U.S. ARMY CORPS OF ENGINEERS, TULSA DISTRICT
MKARNS MAINTENANCE, REPAIRS, AND BANK STABILIZATION
WEBBERS FALLS, MUSKOGEE COUNTY, OKLAHOMA
ENCLOSURE 3 OF 10



SWT-2021-00057
 U.S. ARMY CORPS OF ENGINEERS, TULSA DISTRICT
 MKARNS MAINTENANCE, REPAIRS, AND BANK STABILIZATION
 WEBBERS FALLS, MUSKOGEE COUNTY, OKLAHOMA
 ENCLOSURE 4 OF 10



QUARRY RUN STONE TO BE PLACED IN THIS AREA (RE: C-100)

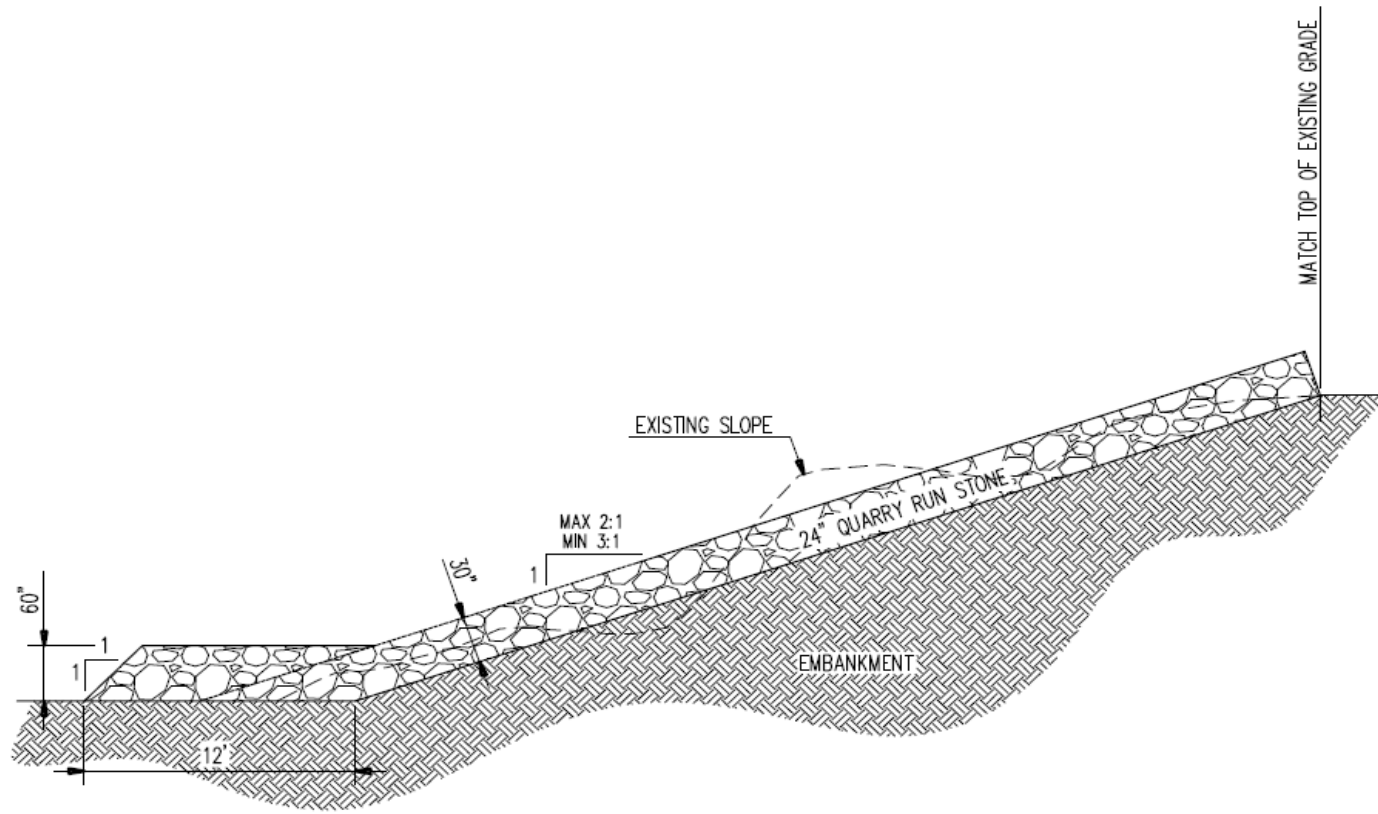
2,500 TONS OF 24" QUARRY RUN STONE TO BE PLACED ALONG SLOPE THIS AREA (RE: C-201)

CAUTION!!! POWER LINES OVERHEAD

ARKANSAS RIVER

~1,100 LF

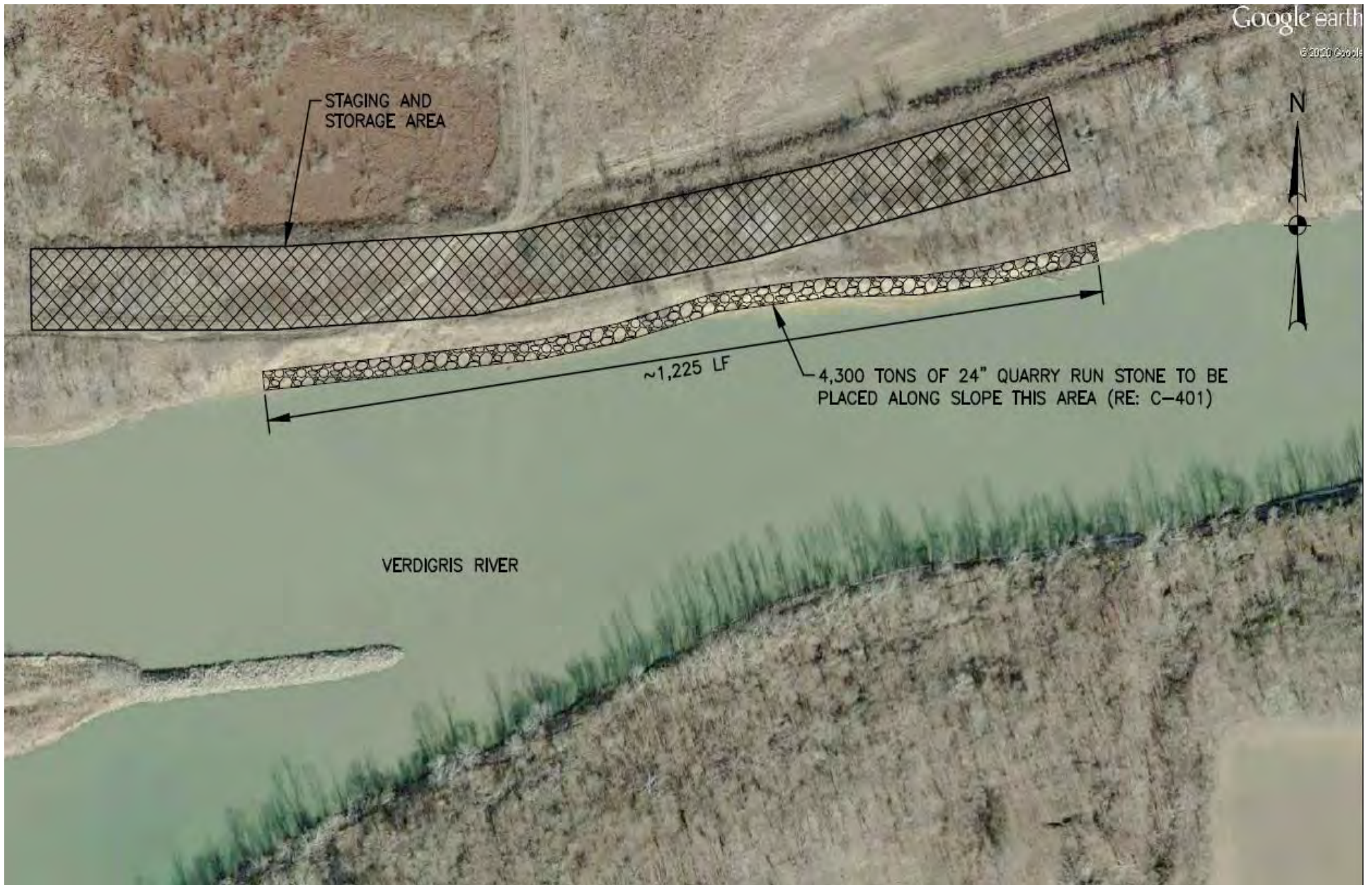
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MKARNS MAINTENANCE, REPAIRS, AND BANK STABILIZATION
WEBBERS FALLS, MUSKOGEE COUNTY, OKLAHOMA
ENCLOSURE 5 OF 10



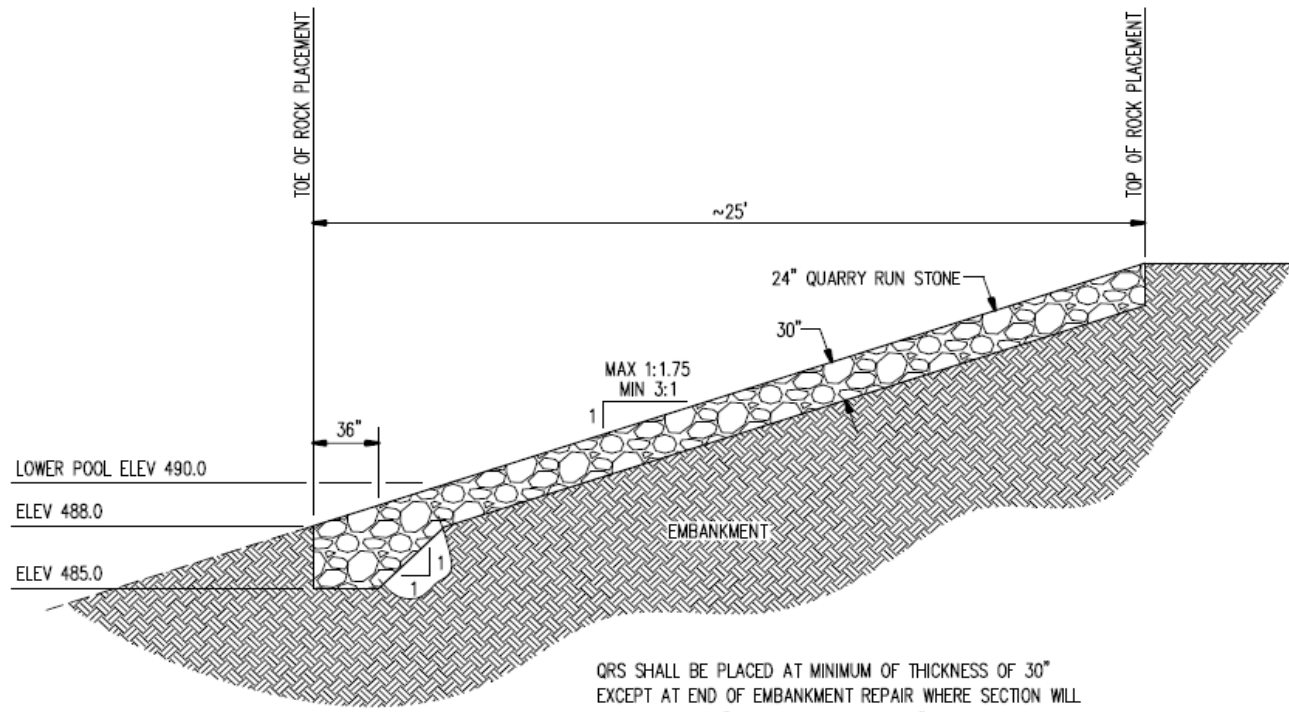
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 U.S. ARMY CORPS OF ENGINEERS, TULSA DISTRICT
 MKARNS MAINTENANCE, REPAIRS, AND BANK STABILIZATION
 WEBBERS FALLS, MUSKOGEE COUNTY, OKLAHOMA
 ENCLOSURE 6 OF 10



SWT-2021-00057
U.S. ARMY CORPS OF ENGINEERS, TULSA DISTRICT
MKARNS MAINTENANCE, REPAIRS, AND BANK STABILIZATION
WAGONER COUNTY, OKLAHOMA
ENCLOSURE 7 OF 10



SWT-2021-00057
U.S. ARMY CORPS OF ENGINEERS, TULSA DISTRICT
MKARNS MAINTENANCE, REPAIRS, AND BANK STABILIZATION
WAGONER COUNTY, OKLAHOMA
ENCLOSURE 8 OF 10



QRS SHALL BE PLACED AT MINIMUM OF THICKNESS OF 30"
 EXCEPT AT END OF EMBANKMENT REPAIR WHERE SECTION WILL
 INCREASE TO 36" THICKNESS IN FINAL 36" OF REPAIR LENGTH

SWT-2021-00057
 U.S. ARMY CORPS OF ENGINEERS, TULSA DISTRICT
 MKARNS MAINTENANCE, REPAIRS, AND BANK STABILIZATION
 WAGONER COUNTY, OKLAHOMA
 ENCLOSURE 9 OF 10



SWT-2021-00057
U.S. ARMY CORPS OF ENGINEERS, TULSA DISTRICT
MKARNS MAINTENANCE, REPAIRS, AND BANK STABILIZATION
WAGONER COUNTY, OKLAHOMA
ENCLOSURE 10 OF 10