



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-2021-00631
Public Notice No.

February 17, 2022
Public Notice Date

March 19, 2022
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

This public notice has been provided as a public service and may be reprinted at your discretion. However, any cost incurred as a result of reprinting or further distribution shall not be a basis for claim against the Government.



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

Application No. SWT-2021-00631

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. Chris Browning
City of Oklahoma City
420 West Main Street, Suite 500
Oklahoma City, OK 73102

Location: The proposed project is located on the east side of Lake Hefner immediately west of Lake Front Hefner Park in Section 25, Township 13 North, Range 4 West, Oklahoma County, Oklahoma. The project site can be found on the USGS, 1:24,000-scale, Britton, Oklahoma 7.5-minute Quadrangle at North Latitude 35.573922 and West Longitude 97.579748.

Project Description: The application is for the discharge of dredged or fill material into Lake Hefner for shoreline repair and bank stabilization of approximately 1,400 linear feet (lf) of eroded bank on the east side of Lake Hefner.

Purpose: The basic purpose of this work is bank stabilization and shoreline restoration. There are no special aquatic sites on the project. A water dependency determination is not necessary since no special aquatic sites are located within the project site.

The overall project purpose would repair the existing eroded shoreline that was damaged during recent high-water events and stabilize approximately 1,400 lf of bank on the eastside of Lake Hefner. The repair and stabilization of the bank proposed by the applicant would help conserve the water quality within Lake Hefner by preventing further erosion.

Summary Table of Impacts:

Original Proposal					
Number or Location	Impact Activity	Type of Water	Type of Fill Material	Qty of Material below OHWM	Footprint (ac and/or lf)
Lake Hefner	Bank Stabilization	Open Water	Earthen (Red Shale)	5,000 CY	1,400 lf
Lake Hefner	Bank Stabilization	Open Water	12-inch Riprap	1,000 CY	1,400 lf
			Total:	6,000 CY	1,400 lf (1.03 acres)
cubic yards (CY), ordinary high-water mark (OHWM), linear feet (lf)					

Description of Work: Approximately 5,000 CY of red-shale earthen fill material would be placed along approximately 1,400 lf of Lake Hefner’s bank and then be compacted to match the existing grade prior to the erosion of the bank, restoring approximately 0.7 acre of shoreline. Following the placement of the earthen fill material, approximately 1,000 CY of 12-inch riprap would be placed on top of the earthen fill material along the 1,400 lf of Lake Hefner’s bank, as depicted on the enclosed plans (Enclosures 1-5). The remaining disturbed areas would be revegetated via a hydroseeding application.

The proposed work would be accomplished by placing all fill material via a front-end loader and/or a tracked excavator, neither of which would operate below the OHWM. All material and equipment would be staged off-site at the existing material yard south of the lake or at the Hefner Water Treatment Plant.

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 bank is being restored back to its natural alignment before it eroded out. The bank stabilization will not change the natural flow of the lake.

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

The applicant is not proposing compensatory mitigation. This project would stabilize the bank and reduce the silt load in the future, improving water quality for aquatic life within the lake and downstream.

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 Cross Timbers Transition Ecoregion consists of rough plains that are covered by prairie grasses and eastern redcedar, scattered oaks, and elms. Terrain and vegetation are transitional between the less rugged, grass-covered ecoregions to the west and the hilly, oak savanna of Ecoregions 29a and 29h to the east. Since the early 19th century, both the abundance of upland trees and the number of tree species have greatly increased due, in part, to fire suppression. During the same period, natural riparian forests and wetlands have been degraded or lost due to channelization and land use changes. Today, land use is a mixture of rangeland and cropland. Rangeland is more common than in the Prairie Tableland (27d) and Red Prairie (27h). The growing season is shorter than in the Broken Red Plains (27i). Stream substrates are more rocky and less muddy than in Ecoregions 27d, 27h, and 27i.

Existing Condition: Lake Hefner is currently 1.93 feet below its full elevation (1,199ft). No construction activity has been started at this time. The bank that is to be repaired/stabilized is gradually eroding.

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.

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: Piping Plover (*Charadrius melodus*), Red Knot (*Calidris canutus rufa*), Whooping Crane (*Grus americana*), and the Arkansas River Shiner (*Notropis girardi*). 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 proposed activity and other data are enclosed with this notice. If additional information is desired, it may be obtained from Mr. Christian Luper, 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-2021-00631 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



LAKE HEFNER

**LIMITS OF WORK
APPROX 1,400
LINEAR FEET**

**SWT-2021-00631
CITY OF OKLAHOMA CITY
LAKE HEFNER BANK STABILIZATION AND SHORELINE REPAIR
LIMITS OF WORK
ENCLOSURE 1 OF 5**

The City of
Oklahoma City
Utilities Department
Engineering Division



NO.	DATE	DESCRIPTION

**CANAL BANK EROSION
TYPICAL SECTION
SITE PLAN**

DATE:	2/11/20
DRAWN BY:	JDS
CHECKED BY:	JDS

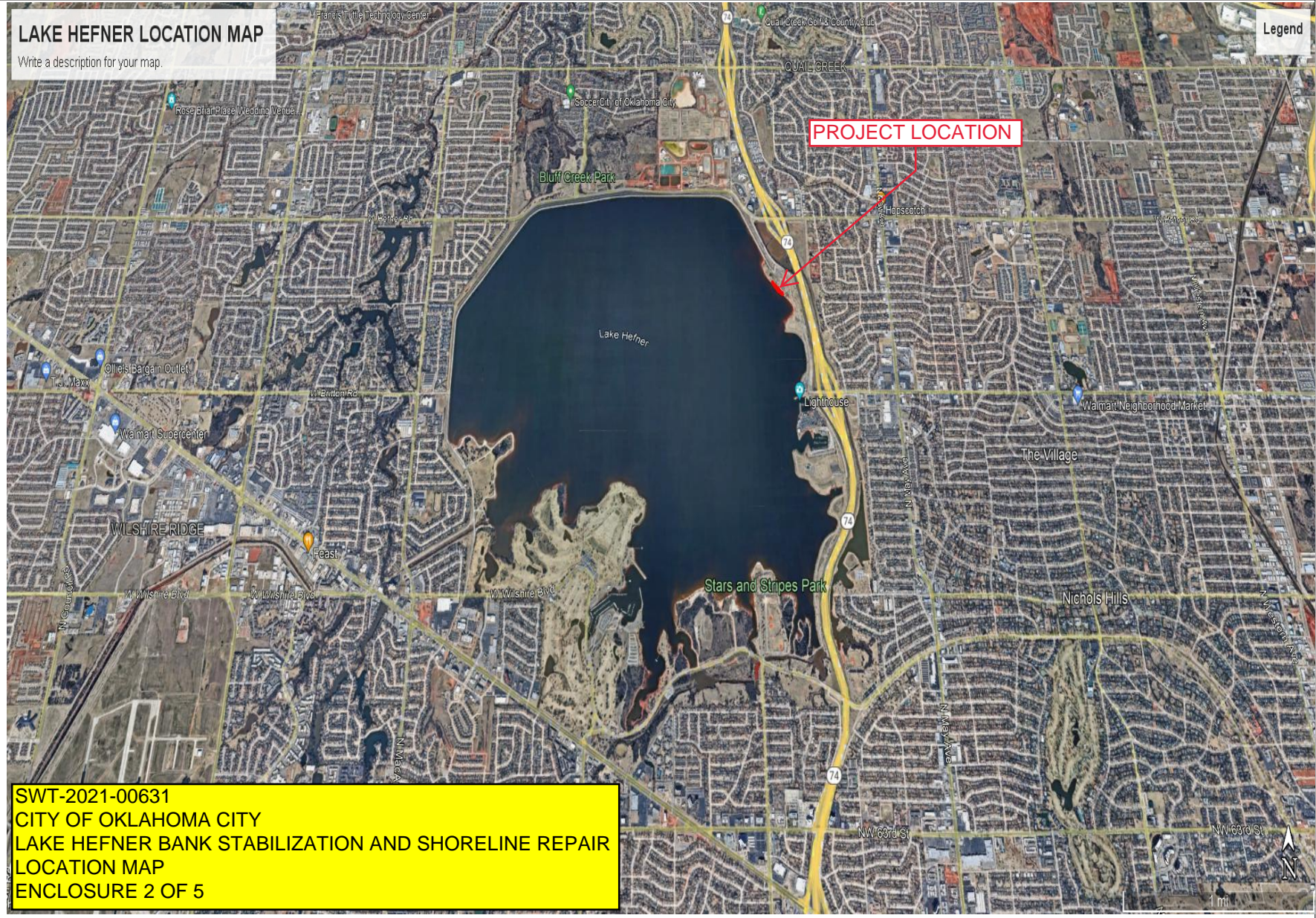
SCALE:
NTS

SHEET NUMBER
01

Project #: XX-XXXX

LAKE HEFNER LOCATION MAP

Write a description for your map.



Legend

The City of
Oklahoma City
Utilities Department
Engineering Division



NO.	DATE	DESCRIPTION

CANAL BANK LOCATION PLAN

DATE:	5/18/20
DRAWN BY:	JOS
CHECKED BY:	JOS
SCALE:	NTS
SHEET NUMBER	02

Project #: XX-XXXX


**SWT-2021-00631
CITY OF OKLAHOMA CITY
LAKE HEFNER BANK STABILIZATION AND SHORELINE REPAIR
LOCATION MAP
ENCLOSURE 2 OF 5**

PLOTTED: Monday, May 18, 2020 9:47:21 AM
 FILE PATH: DRAWING

Hefner Lake

Rip-Rap Bank Stabilization

Legend

 Lake Front Hefner

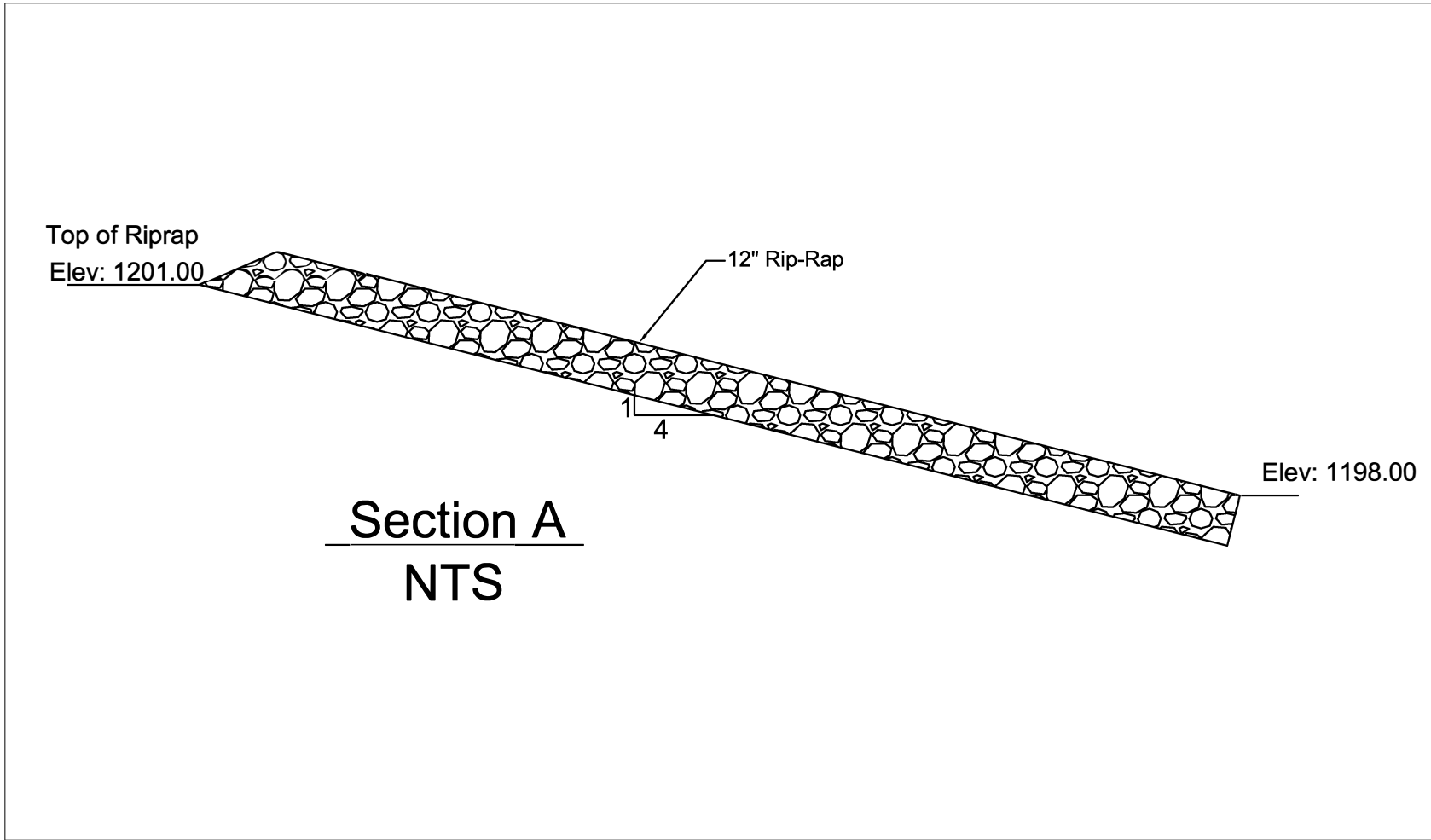


SWT-2021-00631
CITY OF OKLAHOMA CITY
LAKE HEFNER BANK STABILIZATION AND SHORELINE REPAIR
CONSTRUCTION PLAN VIEW MAP
ENCLOSURE 3 OF 5

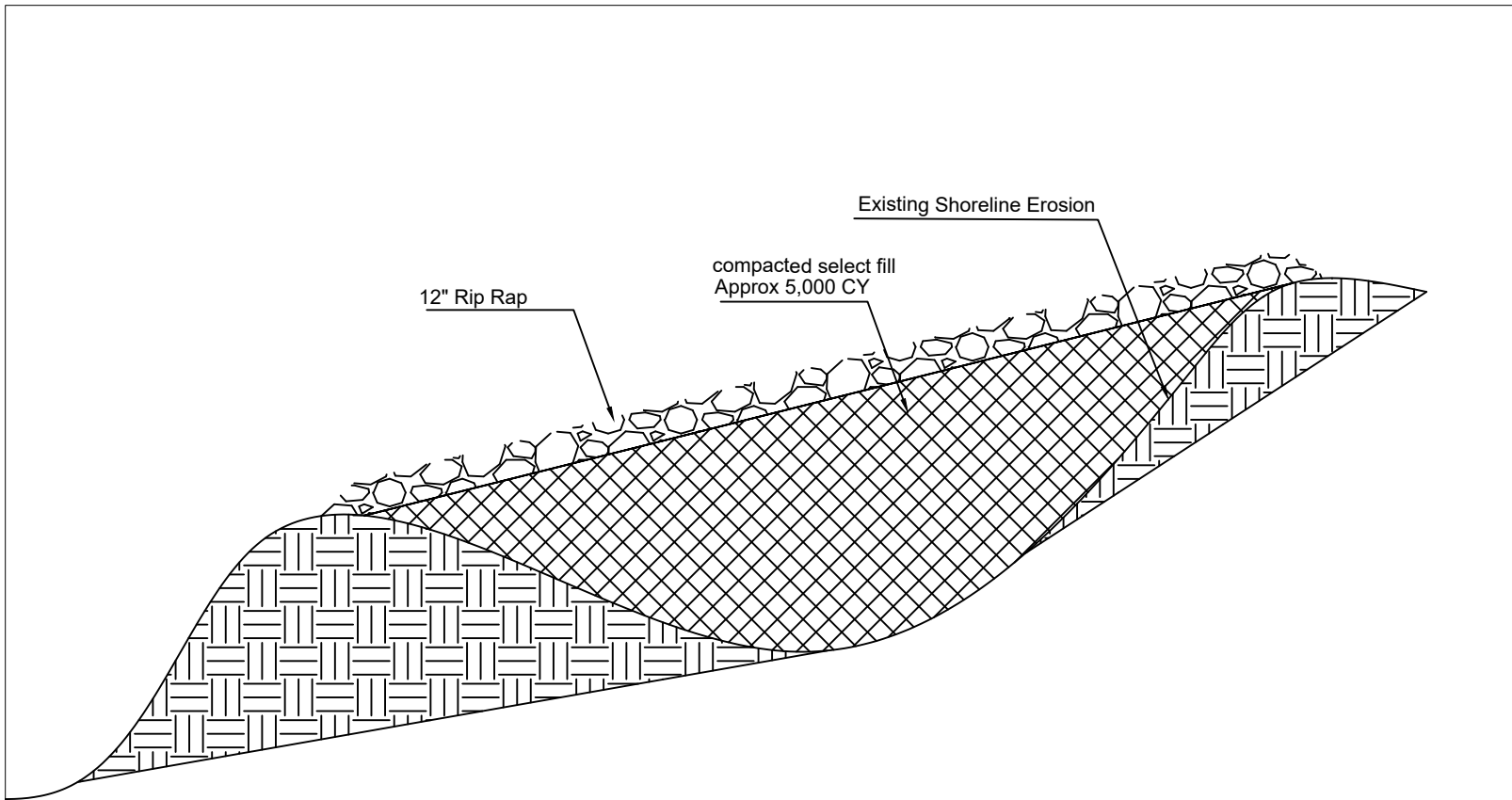
Wayne Schooley Park



1000 ft



SWT-2021-00631
CITY OF OKLAHOMA CITY
LAKE HEFNER BANK STABILIZATION AND SHORELINE REPAIR
BANK STABILIZATION RIPRAP CROSS SECTION
ENCLOSURE 4 OF 5



TYPICAL BANK REPAIR SECTION

SWT-2021-00631
CITY OF OKLAHOMA CITY
LAKE HEFNER BANK STABILIZATION AND SHORELINE REPAIR
TYPICAL BANK REPAIR CROSS SECTION
ENCLOSURE 5 OF 5