



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, Oklahoma 74137-4290

SWT-2021-00194
Public Notice No.

November 7, 2022
Public Notice Date

December 7, 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 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.

NOTICE TO PUBLISHERS

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DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS, TULSA DISTRICT
2488 EAST 81ST STREET
TULSA, OK 74137-4290

Application No. SWT-2021-00194

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 permit and water quality certification pursuant to Sections 404 and 401 of the Clean Water Act. The ODEQ hereby incorporates this public notice and procedure as its own public notice and procedure by reference thereto.

Applicant:
Mr. Jeff Knack
U.S. Army Corps of Engineers
2488 East 81st Street
Tulsa, OK 74137-4290

Location: The proposed project is in Section 30, Township 26 North, Range 4 East, near Ponca City, Osage County, Oklahoma. The project site can be found on the Charley Creek East, Oklahoma 7.5 Minute USGS Quadrangle map at North Latitude 36.696307° and West Longitude 96.926587°.

Project Description: The proposed project would construct a rock dike along the left descending bank of the Arkansas River within the U.S. Army Corps of Engineers (USACE) Kaw Lake Civil Works Project. The existing concrete boat ramp replacement was verified under Nationwide permit. The bank stabilization areas 1 through 7 do not require Section 404 authorization, because the 24-inch quarry run stone rock would be placed above the ordinary high water mark of the Arkansas River.

Purpose: The basic purpose of this work is to direct current in the channel. The project is a water dependent activity. The overall purpose of this work is to construct a rock dike to direct the current of the Arkansas River channel away from a boat ramp area and shoreline downstream along the left descending bank.

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)
<i>Left Descending Bank</i>	Rock Dike	<i>Arkansas River</i>	<i>30-inch Quarry Run Stone; Soil Fill</i>	<i>1,000 cys;</i>	<i>0.1 ac</i>
cubic yards (cys), ordinary high water mark (OHWM), acre (ac), linear feet (lf)					

Description of Work: The proposed rock dike would have a crest length of 145 ft and a height of 18 ft. The approximate placement of dredged or fill material quantities proposed in the Arkansas River is estimated at 1,000 cys of 30-inch quarry run stone.

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 design of the rock dike structure would direct the current of the river away from the boat ramp area in order to prevent future bank erosion and a safer boat launch access point for the public.

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 direct the channel current away from a boat ramp area that would prevent further shoreline materials from being eroded to flow downstream and potentially improving water quality.

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. The Corps is accepting comments on the need for and nature of the proposed mitigation in addition to comments on the applicant's primary proposal. 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 proposed project would be located within the Prairie Tableland ecoregion of the Central Great Plains. The Prairie Tableland ecoregion is nearly level, dominated by cropland, and underlain by Permian red shale, soft sandstone, and

siltstone. Broad, shallow, low gradient channels with silty bottoms are common. They often go dry during the late summer and autumn. At other times, turbid water over one meter deep may occur in larger streams.

Existing Condition: The proposed project would be located downstream on Arkansas River within the USACE Kaw Lake Civil Works Project. The proposed project area was subject to flooding events from April to June of 2019, that damaged the existing shoreline.

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 U.S. Army Corps of Engineers, Tulsa District, ATTN: Regulatory Office, 2488 East 81st Street, Tulsa, OK 74137-4290, or telephone 918-669-7400.

Cultural Resources: The District Engineer (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. There are no known historic properties, as defined by the NHPA, in or within the vicinity of the proposed permit area.

This notice has been provided to the Oklahoma State Historic Preservation Office (SHPO), Oklahoma Archaeological Survey, Native American Tribal governments, and other interested parties. If you have information pertaining to 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.

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*), 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. This notice constitutes a request to those agencies for information on whether any other listed or proposed-to-be-listed endangered or threatened species may be present in the area which would be affected by the proposed activity.

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

Environmental Considerations: 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 PM name, Tulsa District Corps of Engineers, ATTN: Regulatory Office, 2488 East 81st Street, Tulsa, OK 74137 - 4290, 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, Indian tribes, and other interested parties. Comments concerning the issuance of this permit should be received by the DE no later than 30 days expiration date from the 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 - 4290; or email CESWT-RO@usace.army.mil, please include the public notice number SWT-2021-00194 in the subject line of the message.

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 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.

At the request of the Oklahoma Water Resources Board's National Flood Insurance Program State Coordinator, we are sending a copy of this notice to the local floodplain administrator to apprise the administrator of proposed development within their jurisdiction. In accordance with 44 CFR Part 60 (Criteria for Land Management and Use), participating communities are required to review all proposed development to determine if a floodplain development permit is required. The local floodplain

administrator is required to perform this review for all proposed development and maintain records of such review.

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

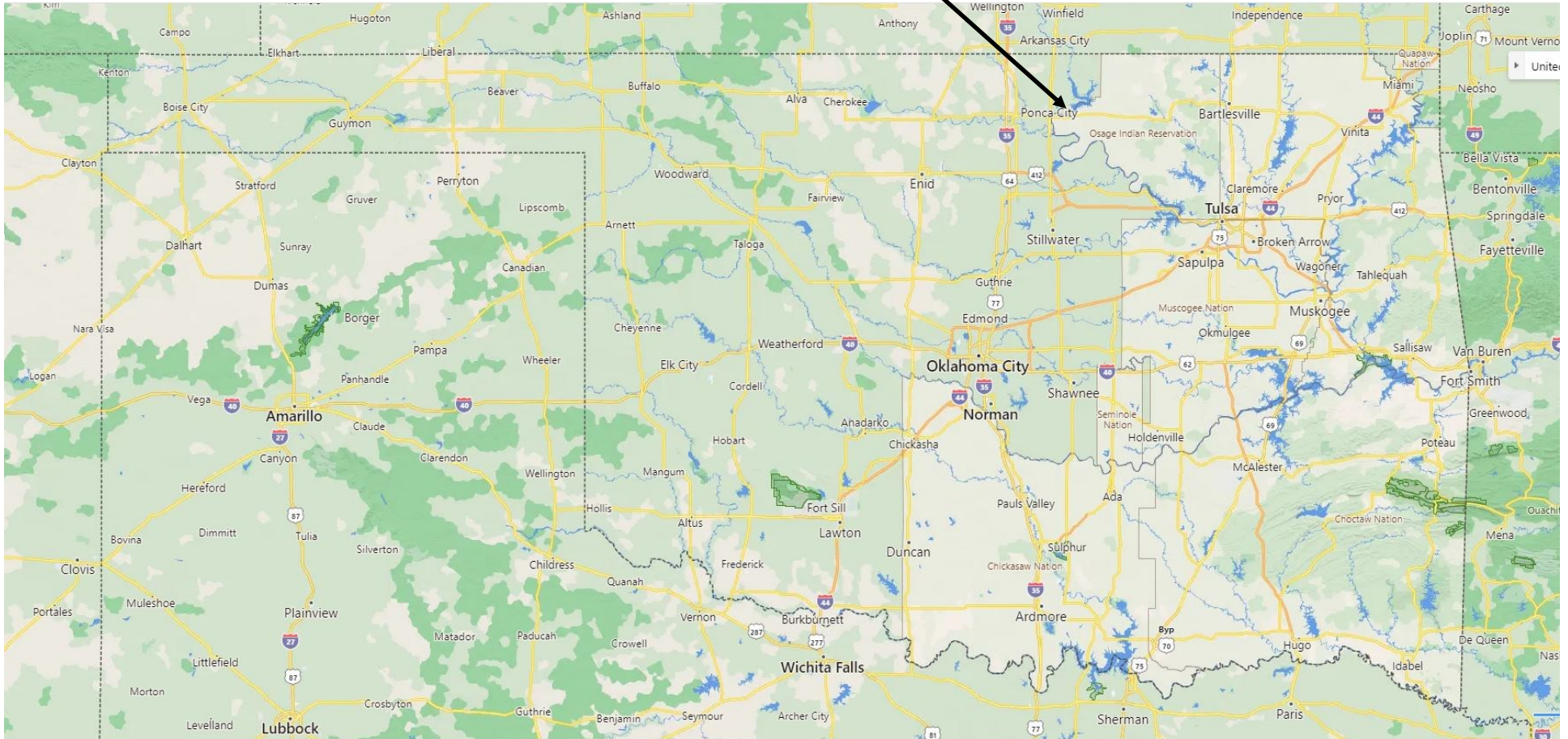
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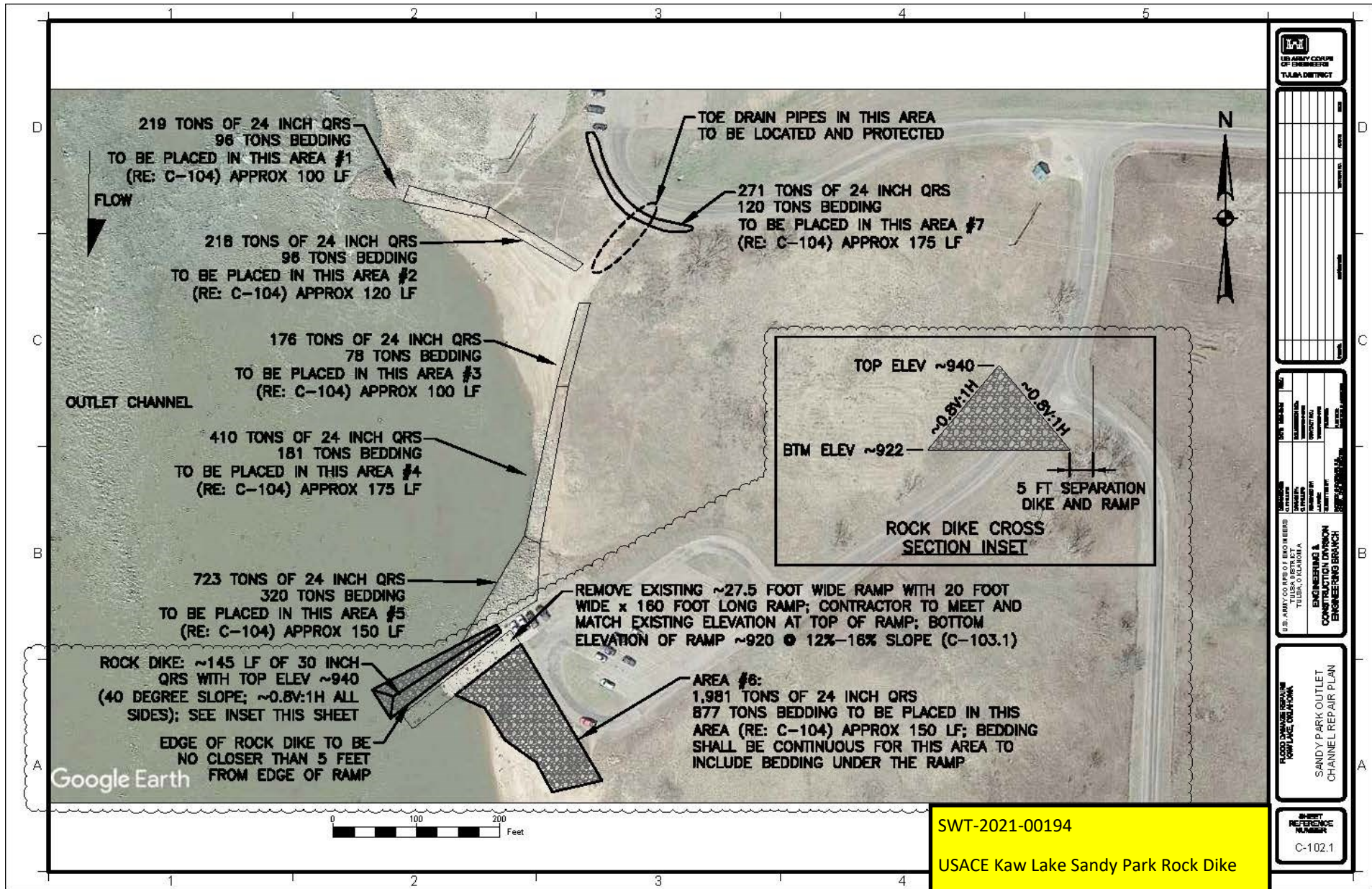
USACE Kaw Lake Sandy Park Rock Dike

Oklahoma County, OK

Enclosure 1 of 2

Project Location





DATE	DESCRIPTION

U.S. ARMY CORPS OF ENGINEERS
 TULSA DISTRICT
 TULSA, OKLAHOMA
 ENGINEERING & CONSTRUCTION DIVISION
 ENGINEERING BRANCH

SANDY PARK OUTLET CHANNEL REPAIR PLAN
 FLOOD DAMAGE REDUCTION PROGRAM

SHEET REFERENCE NUMBER
 C-102.1

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 USACE Kaw Lake Sandy Park Rock Dike
 Oklahoma County, OK
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