



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-2021-00280
Public Notice No.

July 22, 2021
Public Notice Date

August 21, 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-2021-00280

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 proposed project is located along the left descending bank of the McClellan-Kerr Arkansas River Navigation System (MKARNS) immediately downstream of Newt Graham, Lock 18, in Sections 7 and 8, Township 18 North, Range 17 East, Wagoner County, Oklahoma. The project site can be found on the USGS, 1:24,000-scale, Catoosa SE, Oklahoma 7.5-minute Quadrangle, at North Latitude 36.055987 and West Longitude 95.530414.

Project Description: The proposed work is to repair and armor approximately 1,500 linear feet (lf) of the left descending bank of the MKARNS immediately downstream of Newt Graham, Lock 18.

Purpose: The basic purpose of this work is bank stabilization. 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 is to stabilize approximately 1,500 lf of the left descending bank of the MKARNS immediately downstream of Newt Graham, Lock 18.

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)
Left descending bank	Bank stabilization	MKARNS	24-inch rock	50,000 tons	1,500 lf
ordinary high water mark (OHWM)					

Description of Work: Approximately 50,000 tons of 24” rock would be placed along approximately 1,500 lf of the left descending bank of the MKARNS immediately downstream of Newt Graham, Lock 18, as depicted on the enclosed plans (Enclosure 1 and Enclosure 2). No dredging or disposal of dredged materials would occur as part of this project.

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 is a bank stabilization project, armoring the bank to repair and prevent further bank erosion. The completion of this bank stabilization work would drastically minimize the amount of shoaling from bank erosion and therefore reduce the dredging requirements in this area.

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 which would improve water quality downstream for aquatic life in the future.

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 project is located within the Osage Cuestas ecoregion of the Central Irregular Plains. Interbedded Pennsylvanian-age shale, sandstone, limestone, and coal occur; the alternating hard-soft strata dip westward, forming nearly flat to irregular plains, low hills, and east-facing cuestas. Natural vegetation is mostly tall

grass prairie, but forests and woodlands, dominated by post oak, blackjack oak, and black hickory, are native on stony hilltops. Today, a mix of rangeland, grassland, woodland, floodplain forests, and farmland occur within the ecoregion. Rivers and streams typically have low gradients, slowly moving water, muddy banks, and meander in wide valleys. Stream substrates and habitats vary from a high quality, variable mix of conditions to silt- and mud-choked channels.

Existing Condition: The project is located within the MKARNS on the Verdigris River, immediately downstream of Newt Graham, Lock 18. The 50-year-old MKARNS strategically connects the heartland of the United States with the rest of the world. The versatile, 445-mile waterway is a crucial part of the nation's transportation system providing navigation, as well as, hydropower, recreation, water supply and fish and wildlife habitats.

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. There are no known historic properties, as defined by the NHPA, in or within the vicinity of the proposed permit area.

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*), Piping Plover (*Charadrius melodus*), Red Knot (*Calidris canutus rufa*), Whooping Crane (*Grus americana*), Neosho Mucket (*Lampsilis rafinesqueana*), Rabbitsfoot (*Quadrula cylindrica cylindrica*), and 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. The IPaC consultation number is 02EKOK00-2021-SLI-1536.

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. If additional information is desired, it may be obtained from Mr. David Carraway, Tulsa District Corps of Engineers, ATTN: Regulatory Office, 2488 East 81st Street, Tulsa, OK 74137; or telephone 918-669-7400.

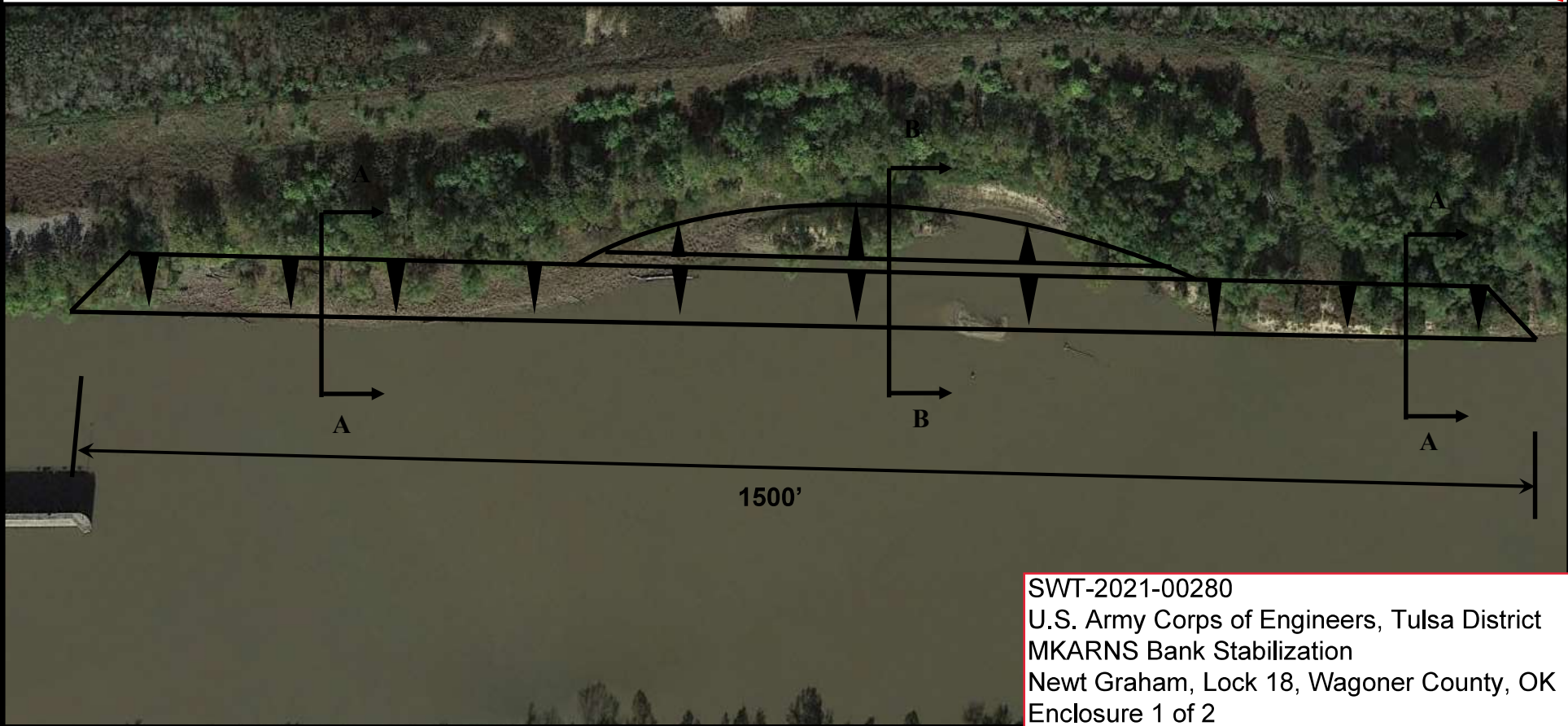
Comments: The Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps to determine 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-2021-00280 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

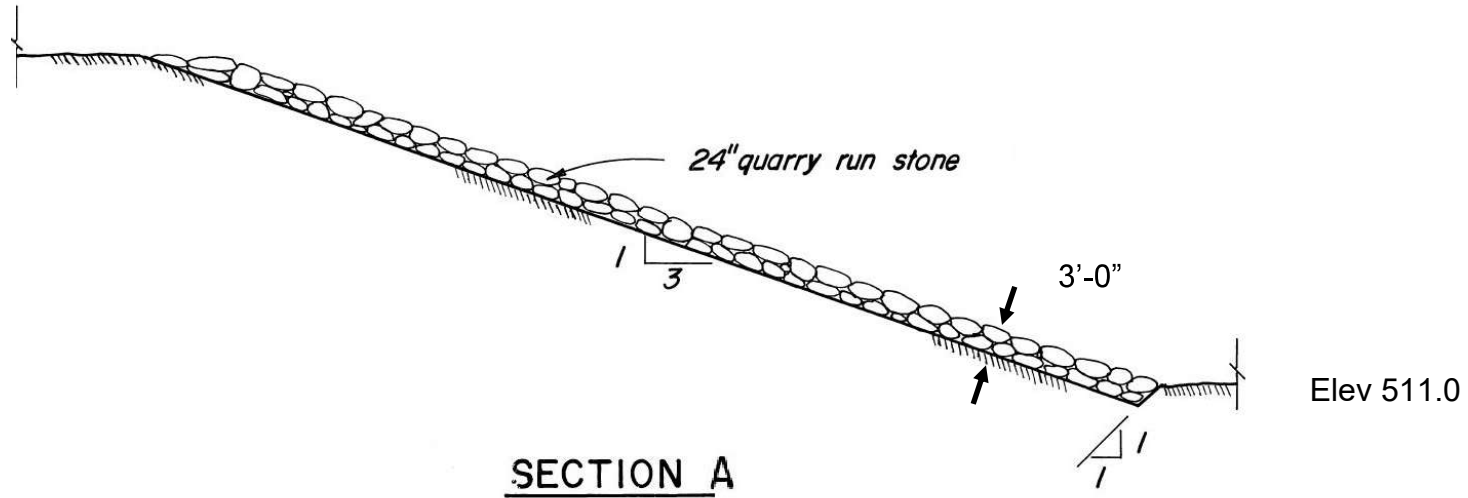
Enclosure

Newt Graham L&D No. 18
Downstream Riprap Bank Stabilization



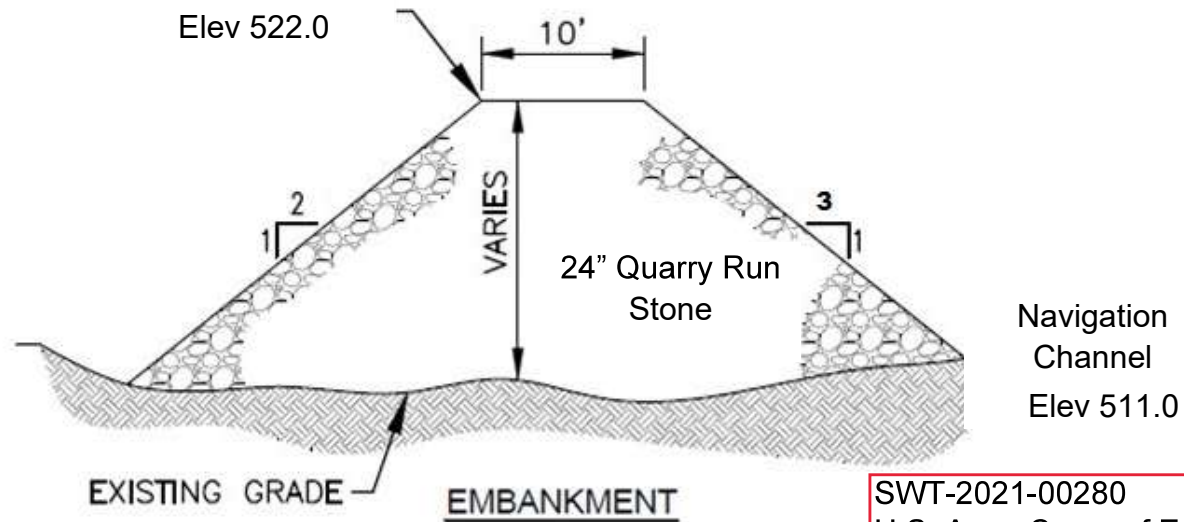
SWT-2021-00280
U.S. Army Corps of Engineers, Tulsa District
MKARNS Bank Stabilization
Newt Graham, Lock 18, Wagoner County, OK
Enclosure 1 of 2

Top of Riprap
Elev 522.0



SECTION A
NO SCALE

TOP OF BANK
Elev 522.0



EMBANKMENT
SECTION B
NTS

SWT-2021-00280
U.S. Army Corps of Engineers, Tulsa District
MKARNS Bank Stabilization
Newt Graham, Lock 18, Wagoner County, OK
Enclosure 2 of 2