



# Public Notice

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U.S. Army Corps  
of Engineers  
Tulsa District

Reply To:

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

SWT-2021-00533

Public Notice No.

APRIL 11, 2024

Public Notice Date

MAY 11, 2024

Expiration Date

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## 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  
U.S. ARMY CORPS OF ENGINEERS, TULSA DISTRICT  
2488 EAST 81ST STREET  
TULSA, OKLAHOMA 74137-4290

Application No. SWT-2021-00533

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. Kenneth Schwab  
City of Broken Arrow  
485 N. Poplar Ave.  
Broken Arrow, OK 74012

Agent: Ms. Sarah Walters  
Tulsa Engineering & Planning Assoc.  
9810 E. 42<sup>nd</sup> Street, Suite 100  
Tulsa, OK 74146

Location: The proposed project is located at Latitude: 36.053437, Longitude: -95.703304, in Broken Arrow, Wagoner County, Oklahoma. The project site can be found on the Oneta, Oklahoma 7.5 Minute USGS Quadrangle map.

Project Description: The application is for the discharge of fill material consisting of graded limestone rock into and adjacent to 2,810 linear feet of a tributary of Covington Creek (to stabilize the bank). The proposed project will also include the construction of a temporary access/low water crossing (16 linear feet) for a construction road.

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 approximately 2,810 linear feet of bank stabilization on the right and left descending banks of a tributary of Covington Creek. The bank stabilization proposed by the applicant would prevent further lateral migration of a tributary of Covington Creek and protect existing adjacent private residences.

Summary Table of Impacts:

Original Proposal					
Number or Location	Impact Activity	Type of Water	Type of Fill Material	Qty of Material cy below OHWM	Footprint (ac and/or lf)
Left descending bank	Bank stabilization	Stream	24-inch-thick Rip Rap D50 >= 18-inch and bedding	43 cy	1,355 lf
Right descending bank	Bank stabilization	Stream	24-inch-thick Rip Rap D50 >= 18-inch and bedding	10 cy	1,455 lf
Low water crossing	Discharge of fill	Stream	24-inch-thick Rip Rap D50 >= 18-inch and bedding with corrugated pipes	8 cy	16 lf
cubic yards (cy), ordinary high water mark (OHWM), acre (ac), linear feet (lf)					

Description of Work: The applicant proposes to discharge approximately 61 cy of fill into a tributary of Covington Creek for bank stabilization and erosion protection. The existing residences adjacent to the tributary of Covington Creek have unstable banks on both ascending and descending stream banks. The stream banks are undercut during normal and moderately high flow events, then collapse into the stream (blocking the low flow channel). This cycle is accelerating erosion and inhibiting the ability of the tributary to convey normal flows downstream. The proposed project would result in the stabilization of the tributary banks, reduce the erosion and sediment discharge into downstream waters, and protect the existing adjacent properties.

Approximately 1,355 LF of the left descending bank; and 1,455 LF of the right descending bank of a tributary of Covington Creek would be graded to maximum slopes of 2: 1, include rip rap cover and slab sod on the slopes. The existing on-site material would be used to regrade the banks at stable slopes. The rip rap would be placed on slopes and would be approximately 24 inches thick, with the stone size of D50 >= 18 inches, which has greater than or equal to 50% of the rip rap stones with a diameter of 18 inches. Rip rap would be placed where the 100-year velocity of the tributary will exceed the erosive velocity of 6.0 feet per second. Where possible, softer design slopes would be used to allow for the placement of slab sod.

A temporary low-water crossing is being proposed to provide access from the staging area on the left descending bank to the right descending bank. The temporary low-water

crossing would have 3-18" galvanized corrugated metal pipes with the D50  $\geq$  18-inch rip rap over it to allow equipment to pass without disturbing the tributary water. The pipes and rip rap would be laid on top of a geotextile to keep the materials from being embedded into the tributary bed and will also assist in the complete removal of the low water crossing at the completion of the project.

The proposed work would be accomplished by excavating and placing all material with a front-end loader and/or a tracked excavator. The staging area would be on the existing residential roadway next to the project access point at the end of the dead-end street stub adjacent to the tributary. All work would be coordinated and permitted with the local municipalities, which include the City of Broken Arrow and Wagoner County.

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 project design includes a lot of erosion control measures so that during construction, the negative impacts are minimized. The purpose of the project is to stabilize the creek banks that are unstable and eroding out. After the project, with proper stable bank slopes, revegetation and placement of rip rap as needed, the erosion will be greatly reduced. Additionally, where possible, the design parameters were that there was to be a minimal loss of stream bed to the creek. The places where there are negative impacts to the stream bed is where the creek had undercut the adjacent bank and we need to re-establish the bank with a stable slope. At locations where we need to hold the top of the bank location, that meant placement of fill at the bottom of the bank, below the OHWM. At the vast majority of locations within the project though, we start at the existing water's edge and then cut back the slope of the existing bank that is so steep it's unstable to one that is stable with revegetation or placement of rip rap."

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

The applicant has not proposed any mitigation for the proposed project.

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.

Government Authorizations obtained or received: None at this time.

Project Setting: The proposed project is located within Central Irregular Plains Ecoregions known as Osage Cuestas. This ecoregion is characterized by east-facing cuestas and low hills with vegetation being comprised of mostly tall grass prairie, and a mix of tall grass prairie and oak–hickory forest in the eastern areas. The proposed project is within an existing residential development in which a tributary of Covington Creek flows through/within the development. The tributary of Covington Creek was channelized prior to 1995, during the construction of the Forest Ridge Golf Course.

Existing Condition: The proposed project is located within existing well established residential developments, which included grading and installation of an asphalt walking path, with foot bridges and concrete low water crossings of the waterways. The tributary of Covington Creek is eroding and moving towards the adjacent private residences. The project area is currently vegetated on the banks of the tributary of Covington Creek, including American Elm (*Ulmus americana*), Black Walnut (*Juglans nigra*), Honey Locust (*Gleditsia triacanthos*), and Red Mulberry (*Morus rubra*), Coralberry (*Symphoricarpos orbiculatus*), Sugarberry (*Celtis laevigata*) and Drummond's dogwood (*Cornus drummondii*), Poison Ivy (*Toxicocendron radicans*), Amur Honeysuckle (*Lonicera maackii*), and Japanese Honeysuckle (*Lonicera japonica*).

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*), Tricolor bat (*Perimyotis subflavus*), Piping plover (*Charadrius melodus*), Rufa red knot (*Calidris canutus rufa*), Alligator snapping turtle (*Macrochelys temminckii*), 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.

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 Ms. Eva Zaki-Dellitt, 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-2021-00533 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

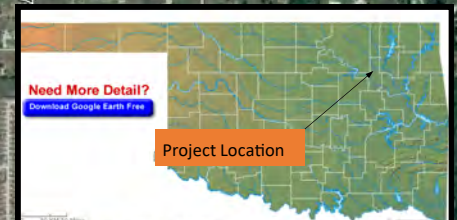
Enclosures





Project Location

SWT-2021-00533  
Tributary of Covington Creek Bank  
Stabilization  
Tributary of Covington Creek  
Broken Arrow, Tulsa County, OK  
Enclosure 1 of 8

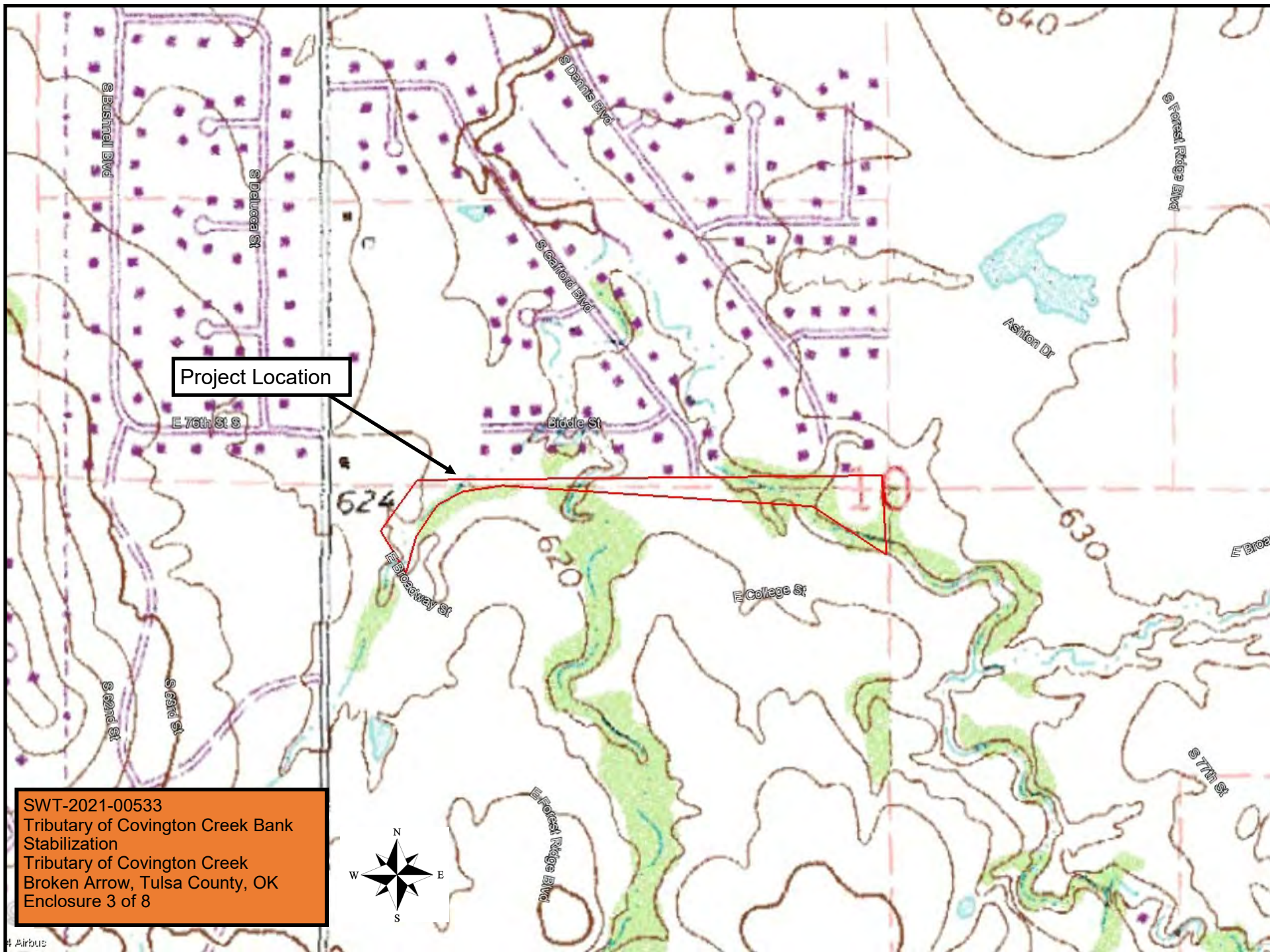






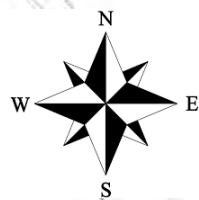
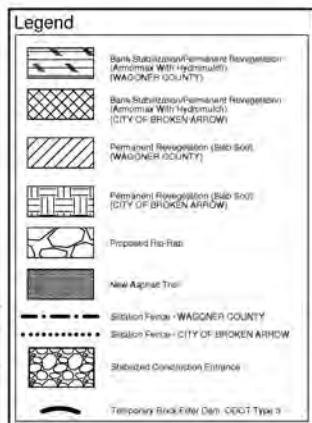
SWT-2021-00533  
Tributary of Covington Creek Bank  
Stabilization  
Tributary of Covington Creek  
Broken Arrow, Tulsa County, OK  
Enclosure 2 of 8











DEER CREEK AT FOREST BRIDGE  
PLC 281 A&B

PROPOSED  
RIP-RAP

PROPOSED  
RIP-RAP

PROPOSED  
RIP-RAP

PROPOSED  
RIP-RAP

PROPOSED RIP-RAP  
(CITY OF BROKEN ARROW)

PROPOSED RIP-RAP  
(WAGONER COUNTY)

**WARNING!!!**  
EXISTING OVERHEAD ELECTRIC,  
POWER POLES, AND GUY WIRES  
WITHIN THE VICINITY OF PROJECT  
PROCEED WITH CAUTION!

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Effective 100-yr Floodplain limits  
per FIRM No. 40145C0115J with  
an Effective Date of Sept. 30, 2016.

SWT-2021-00533  
Tributary of Covington Creek Bank  
Stabilization  
Tributary of Covington Creek  
Broken Arrow, Tulsa County, OK  
Enclosure 5 of 8





