



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-2023-00403
Public Notice No.

April 30, 2023
Public Notice Date

May 19, 2023
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, OKLAHOMA 74137-4290

Application No. SWT-2023-00403

JOINT PUBLIC NOTICE
U.S. ARMY CORPS OF ENGINEERS
AND
OKLAHOMA DEPARTMENT OF ENVIRONMENTAL QUALITY (ODEQ)
(20-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. Joe Brutsché
Director, Environmental Program Division
Oklahoma Department of Transportation (ODOT)
200 Northeast 21st Street
Oklahoma City, OK 73105

Agent: Mr. Jared Bechtol Mr. Ben Hagood
ODOT Freese and Nichols, Inc.
200 Northeast 21st Street 801 Cherry Street, Suite 2800
Oklahoma City, OK 73105 Fort Worth, TX 76102

Location: The proposed project is located near US-70 in Section 2, Township 5 South, Range 8 West, on Beaver Creek, in Waurika, Jefferson County, Oklahoma. The project site can be found on the Waurika West, Oklahoma 7.5 Minute USGS Quadrangle map at North Latitude 34.158531 and West Longitude 98.007166.

Project Description: This proposed bank protection project (ODOT Job Piece 34260(04)) is designed to eliminate a large scour hole within Beaver Creek that is threatening the US-70 bridge. The application is for the construction of two Turf Reinforcement Mats (TRM) with appurtenant features and rock riprap to provide a resilient channel with restored stream function to reduce erosion and instability. Soil fill material consisting of unclassified borrow topsoil would also be used for grade sloping and bedding for the TRM. The proposed improvements to Beaver Creek (scour hole) would consist of three primary components for restoration of stream channel and bed: 1) Rock Riprap, 2) TRM, and 3) Installation of Sheet Pile Structures and Cap (SPSC).

Purpose: The proposed project would provide long-term protection against channel erosion and bank instability while restoring stable channel functions. The overall

purpose of this work is to prevent the loss of the existing bridge and roadway and make sure that this portion of US-70 Highway is safe for public transportation.

The project is not a water dependent activity.

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) within OHWM
North SPSC 40' Right (Encl 4 & 7)	SPSC	Open Water	Steel/Concrete	30 cy	0.001 ac
North SPSC 30' to 60' Right (Encl 4)	Riprap	Open Water	Rock	130 cy	0.02 ac
TRM 50' to 250' Right (Encl 4)	TRM	Open Water	TRM	177 cy	0.221 ac
TRM (Encl 4)	Grading	Open Water	Unclassified Borrow Topsoil	291 cy	0.088 ac
85' to 160' Right (Encl 5)	Riprap for Scour Hole	Open Water	Rock	798 cy	0.06 ac
South SPSC 190' to 250' Right (Encl 6)	Riprap	Open Water	Rock	330 cy	0.05 ac
South SPSC 220' Right (Encl 6 & 7)	SPSC	Open Water	Steel/Concrete	35 cy	0.001 ac
Temporary Fill	Temporary Cofferdam	Open Water	Unclassified Borrow Topsoil /Rock	80 cy/ 20 cy	0.04 ac
TOTAL:		Temporary Impacts:		100 cy	0.04 ac
		Permanent Impacts:		1,791 cy	0.44 ac 171 lf
		SPSC: 0.002 ac 65 cy	Rock Riprap: 0.131 ac 1,258 cy	TRM: 0.221 ac 177 cy	Soil: 0.088 ac 291 cy
cubic yards (cy), ordinary high-water mark (OHWM), acre (ac), linear feet (lf)					
NOTE: Rock Riprap Various Sizes 18-inch to 30-inch					

Description of Work: The applicant proposes to place fill material that results in permanent impacts to 0.44 acre (171 linear feet) of Beaver Creek using SPSC (65 cubic yards) for construction. The project would also include rock riprap (1,258 cubic yards), unclassified borrow topsoil (290 cubic yards), and TRM (177 cubic yards).

SPSC: Both SPSC includes metal sheet pilings and is capped with concrete. Each SPSC would be driven below ground to an estimated depth between 18 and 32 feet. The concrete cap would be approximately 1.5 feet tall and 2 feet wide. The top of the structure would match the proposed grade of the new channel bed. Each SPSC would be placed perpendicular to the channel from streambank to streambank, which is approximately 130 feet wide.

Rock Riprap: The various sized rock riprap would be used to form a stable channel bed at the upstream and downstream of each sheet pile structure. Additional various sized rock riprap would be placed at depths of 2 and 6 feet within the existing scour hole located between the upstream and downstream sheet pile structures.

TRM: TRM would be used to promote establishment of vegetation along the restored banks of Beaver Creek. ODOT proposes to restore streambanks by grading a 2:1 slope and placing TRM on top of the earthen grading. Following the installation of TRM, 5 inches of topsoil would be evenly spread to serve as a growth medium for drought resistant herbaceous vegetation.

Temporary Fill: Temporary fill would be utilized for the temporary earthen coffer dam and temporary erosion control rock check dams. The estimated volume of the temporary earthen coffer dam is approximately 80 cubic yards. The estimated volume of the rock check dam is approximately 20 cubic yards. The ODOT's construction contractor would be required to maintain low-flow conditions through the project area, implement best management practices for water quality, and remove the temporary fill following completion of the proposed improvements.

The work would be performed using conventional earthmoving equipment such as excavators, wheeled dump trucks, and tracked equipment.

Due to active/ongoing erosion occurring between the time that design is conducted, and construction begins, the site conditions during construction are anticipated to be different than current existing condition. The scour hole could be larger than the ODOT design before construction. The extension of the TRM could be further up the bank to provide additional stabilization within the newly graded areas.

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 proposed project is an important part of ODOT's mission to provide a safe, economical, and effective transportation network for the people, commerce, and communities of Oklahoma. ODOT has designed the proposed project in a manner to

avoid and minimize potential adverse impacts to waters of the United States and it is expected to restore stability to a reach of unstable stream.

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

Compensatory mitigation for the project is not proposed because the project would not result in the permanent loss of stream, and it would help restore stable stream function.

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: N/A

Project Setting: This project is located in rural Jefferson County within the Oklahoma Eco-Region of Broken Red Plains (27i) which lacks the upland tree cover found on sandier soils. Upland natural vegetation is mesquite–buffalograss which protrudes south into adjacent portions of Texas, where its prevalence can be attributed to grazing pressure and climate. Primary uses of the land are livestock farming, woodland grazing, and recreation.

Existing Condition: Beaver Creek is a perennial stream, that flows from the north to the south. The scour hole within Beaver Creek started approximately 10 years ago and is located downstream of the US-70 bridge. The scour hole has a circumference of approximately 0.50 acre. There is an existing riparian area along the left descending bank. The riparian area starts where the scour hole ends along the right descending bank.

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.

The Corps is the lead federal for this project. ODOT determined, pursuant to 36 CFR 800.4(d)(1), that there are no historic properties affected. The Corps would provide consultation with the State Historic Preservation Office and the State Archaeologist with Corps assessment and determination.

The Corps would also consult with the following tribes: Apache Tribe of Oklahoma, Chickasaw Nation, Choctaw Nation, Comanche Nation, Osage Nation, Quapaw Nation, and Wichita & Affiliated Tribes.

Threatened and Endangered Species: ODOT received an official species list from the U.S. Fish and Wildlife Service. The IPAC consultation number is 2024-0051578 dated February 20, 2024. ODOT determined that this project will have no effect on the federally listed piping plover (*Charadrius melodus*), red knot (*Calidris canutus rufa*), tricolored bat (*Perimyotis subflavus*), and whooping crane (*Grus americana*).

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 (Enclosures 1 through 8). If additional information is desired, it may be obtained from Mr. Marcus Ware, Tulsa District Corps of Engineers, ATTN: Regulatory Office, 2488 East 81st Street, Tulsa, OK 74137; or by 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.

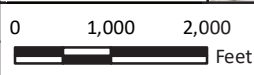
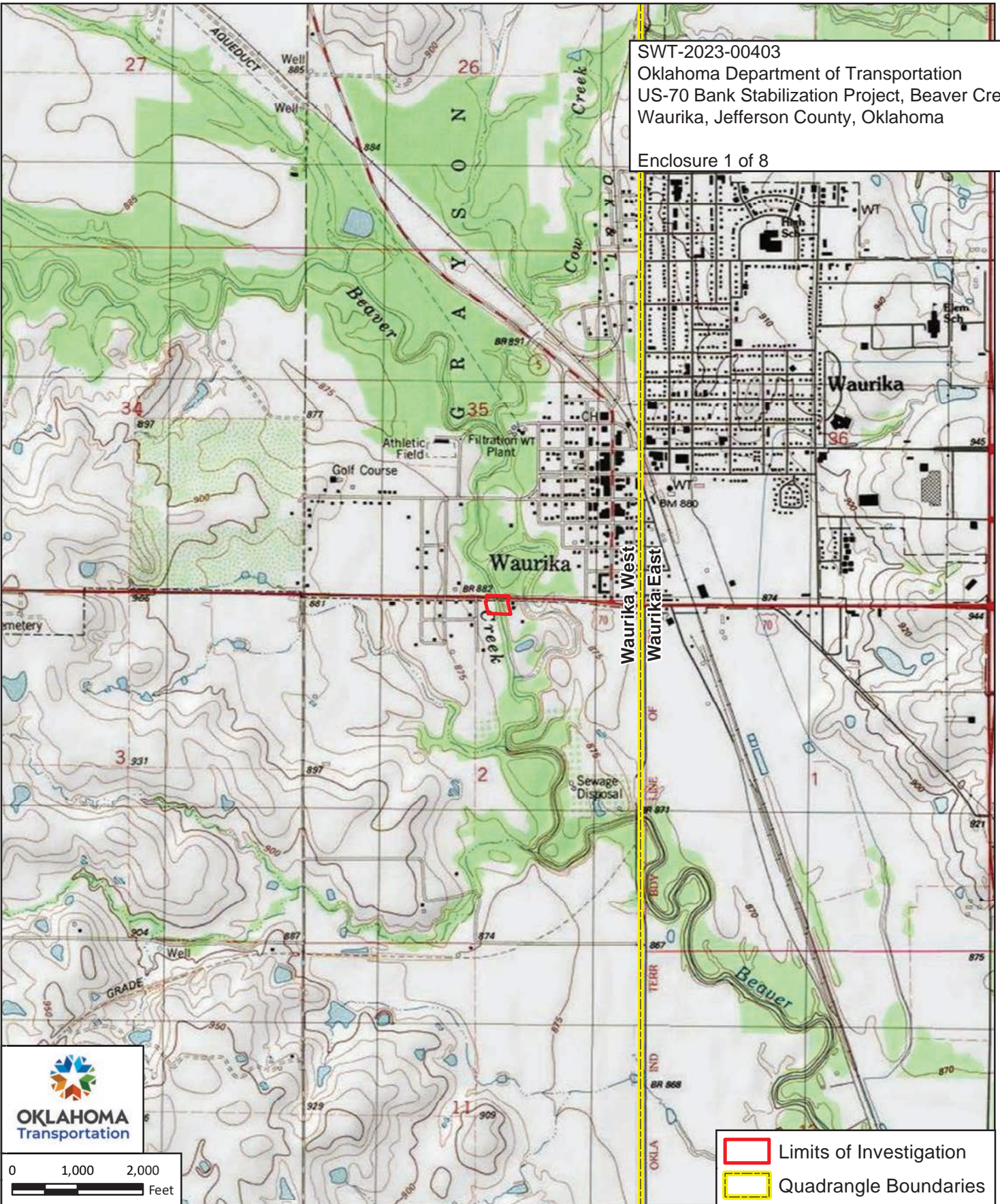
Any comments on this proposal must be submitted to be received by the Corps by the expiration date of this public notice comment period. Comments received after this date will not be considered in our decision. You may submit comments to mailing address Tulsa District Corps of Engineers, ATTN: Regulatory Office, 2488 East 81st Street, Tulsa, OK 74137 or email CESWT-RO@usace.army.mil. Please include the public notice number SWT-2023-00403 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

SWT-2023-00403
 Oklahoma Department of Transportation
 US-70 Bank Stabilization Project, Beaver Creek
 Waurika, Jefferson County, Oklahoma
 Enclosure 1 of 8



Limits of Investigation
 Quadrangle Boundaries

FRESE AND NICHOLS
 FRESE AND NICHOLS, INC
 3600 NW 138th Street, Suite 202
 Oklahoma City, Oklahoma 73134
 Phone - (405) 607-7060



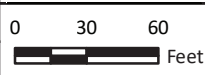
OKLAHOMA DEPARTMENT OF TRANSPORTATION
 Bank Protection: US-70 over Beaver Creek
 Jefferson Co JP 34260(04)

USGS Topographic Map
USGS Topographic Quadrangle: Waurika West

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DATE	1/12/2024
SCALE	1:24,000
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3
FIGURE

SWT-2023-00403
 Oklahoma Department of Transportation
 US-70 Bank Stabilization Project, Beaver Creek
 Waurika, Jefferson County, Oklahoma
 Enclosure 2 of 8



Limits of Investigation
 Stream Ordinary High Water Mark

FRESE AND NICHOLS, INC
 3600 NW 138th Street, Suite 202
 Oklahoma City, Oklahoma 73134
 Phone - (405) 607-7060



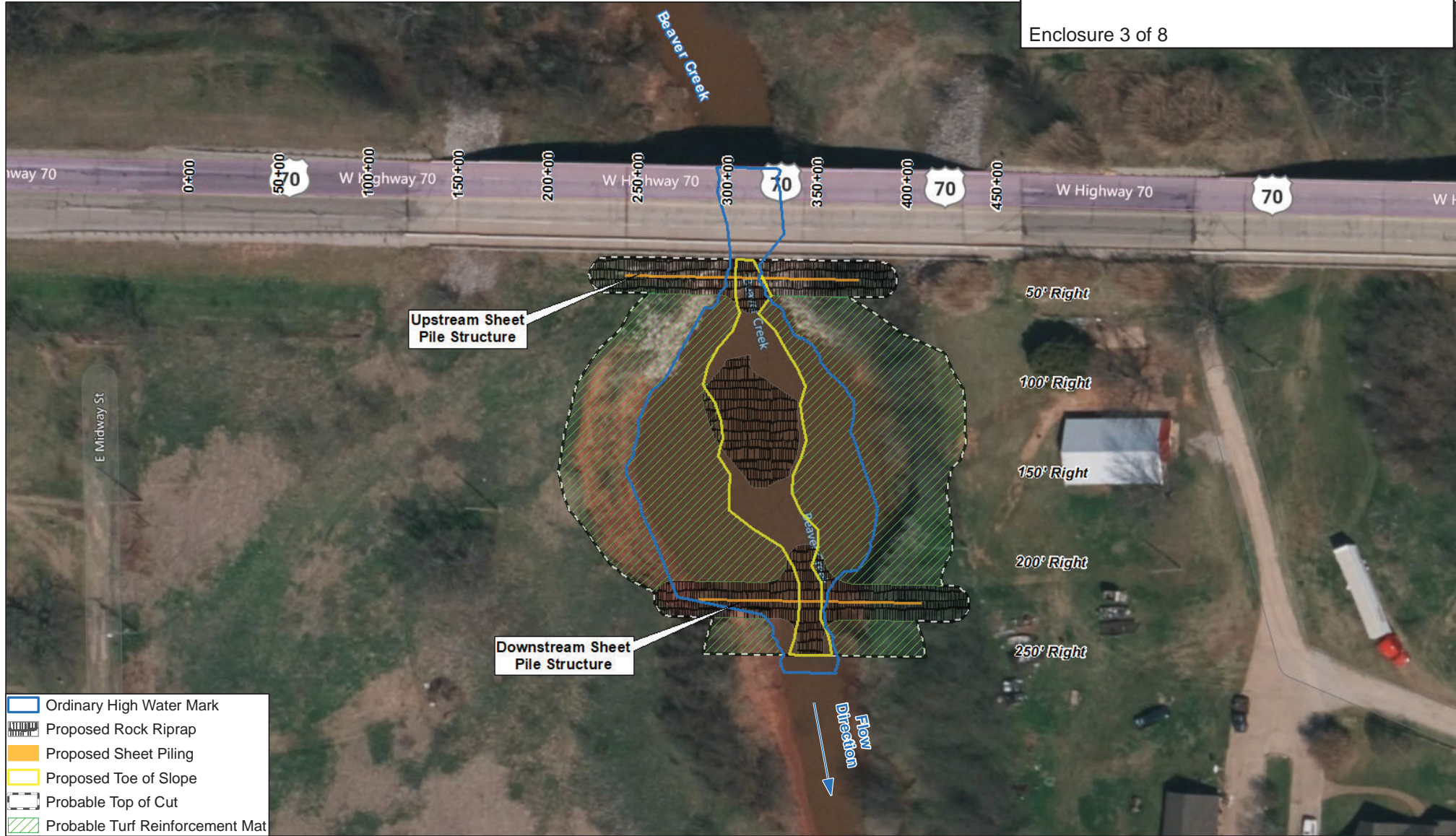
OKLAHOMA DEPARTMENT OF TRANSPORTATION
 Bank Protection: US-70 over Beaver Creek
 Jefferson Co JP 34260(04)

Aerial Map

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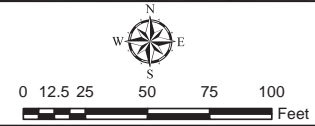
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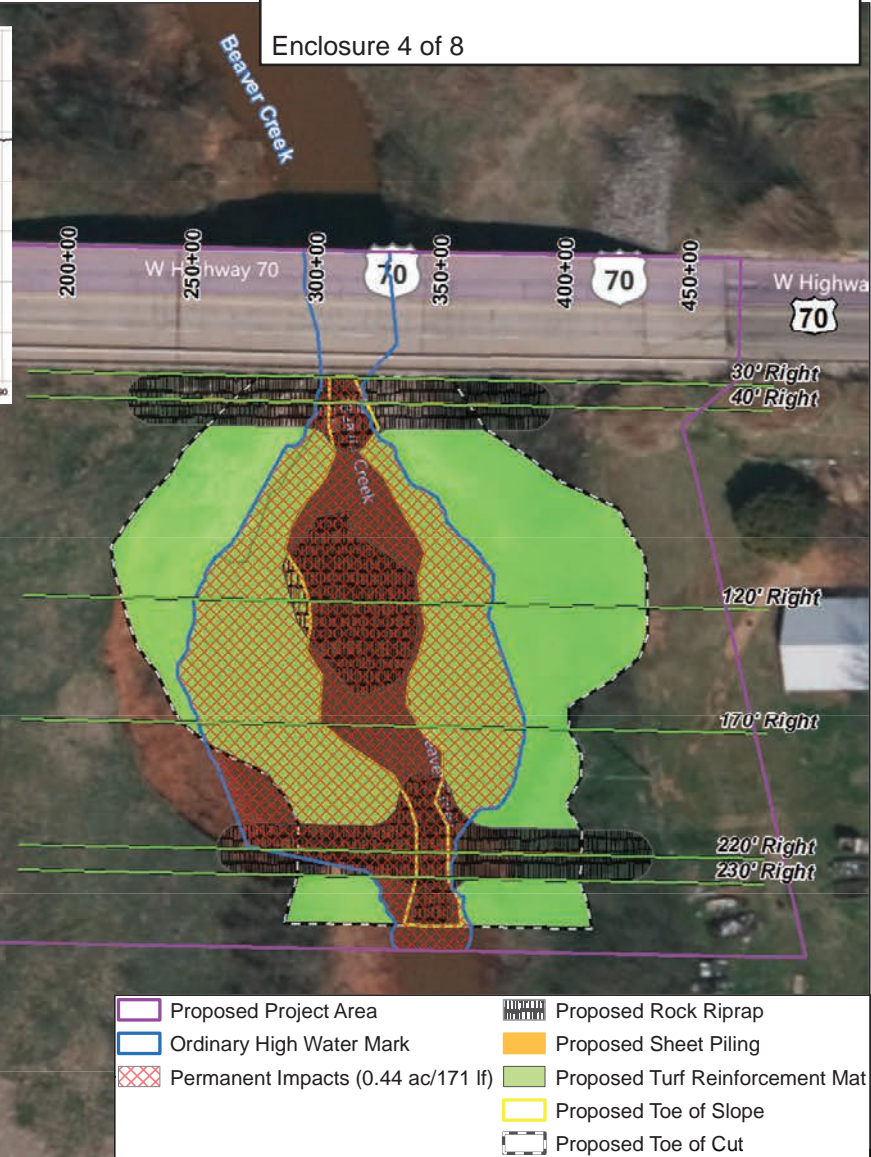
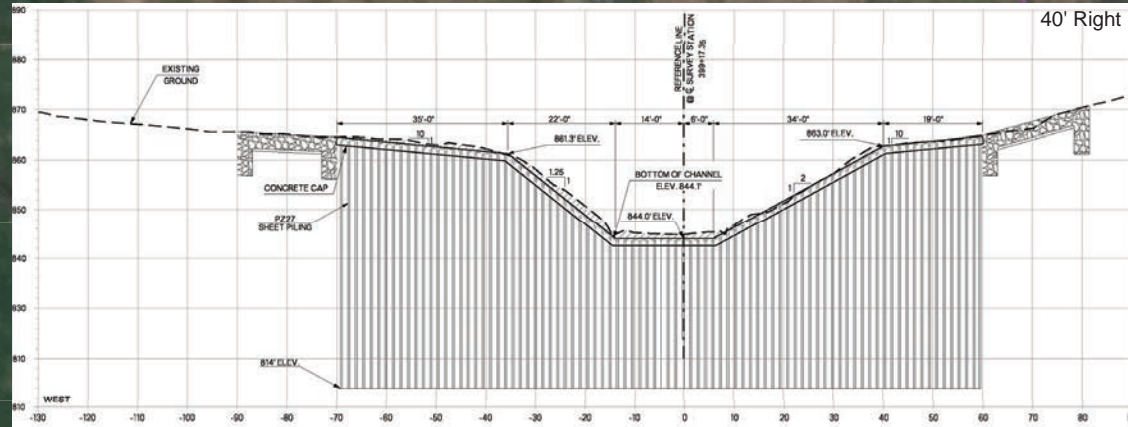
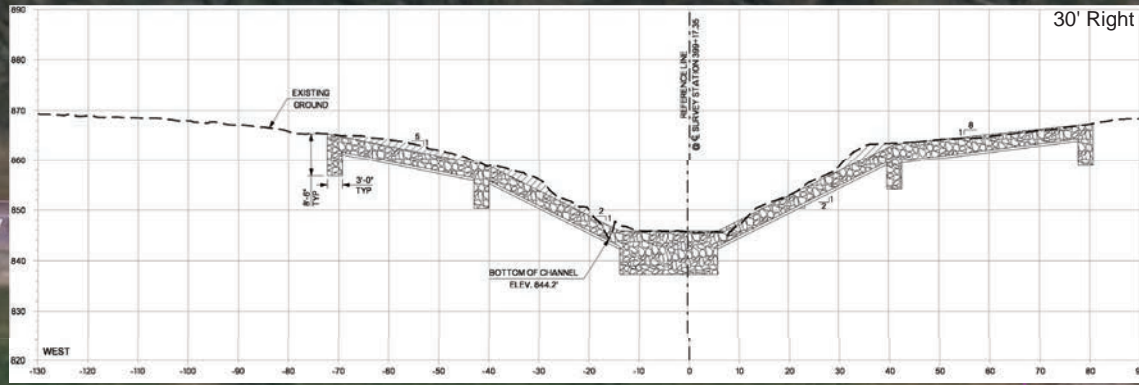
FIGURE



Probable Project Limits During Construction
 JP 34260(04); ODOT Project Number SSP-234B(059)SB
 Bank Protection: US-70 over Beaver Creek,
 in Jefferson County

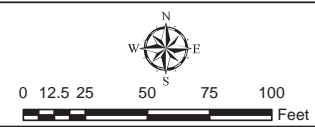
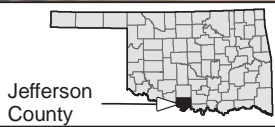
Figure A

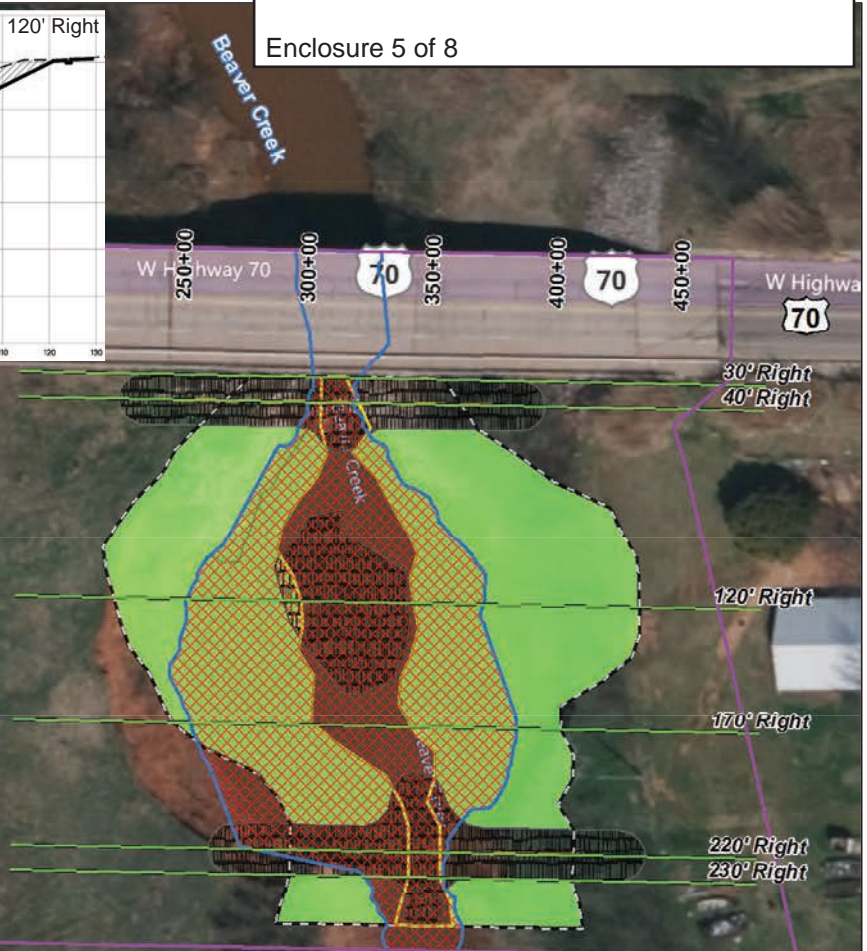
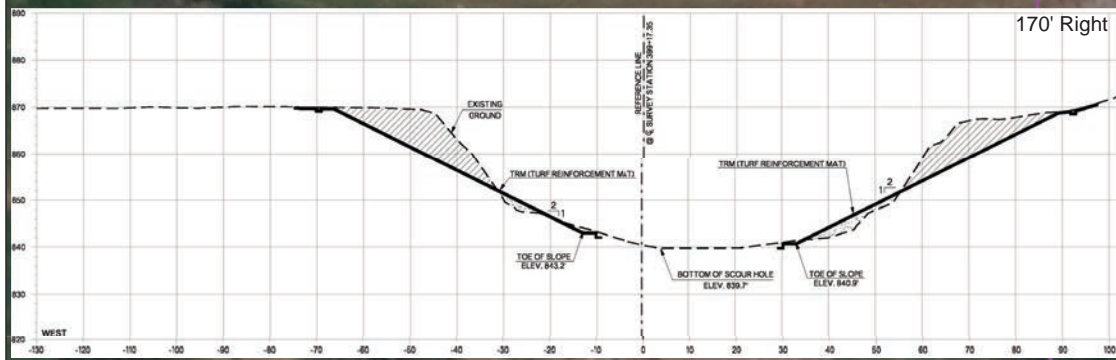
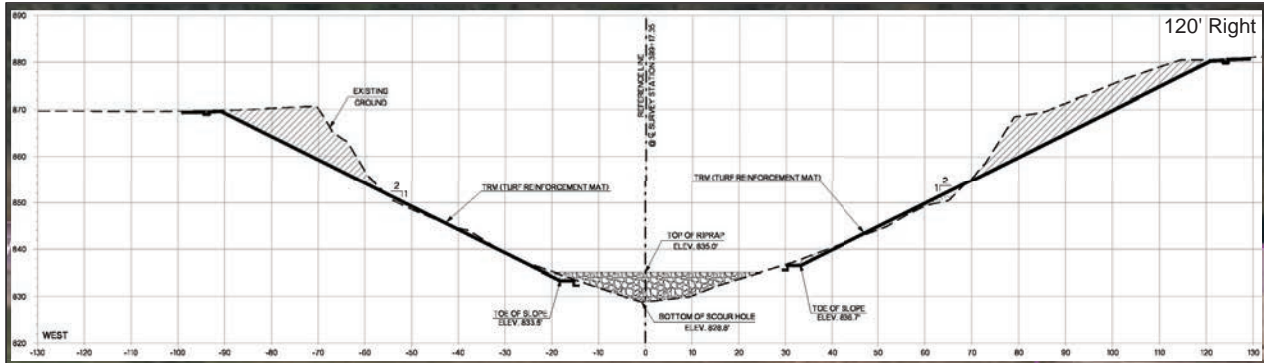




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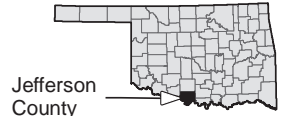
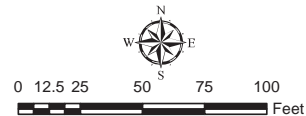
Plan View and Cross Section
 JP 34260(04); ODOT Project Number SSP-234B(059)SB
 Bank Protection: US-70 over Beaver Creek,
 in Jefferson County
Figure 3

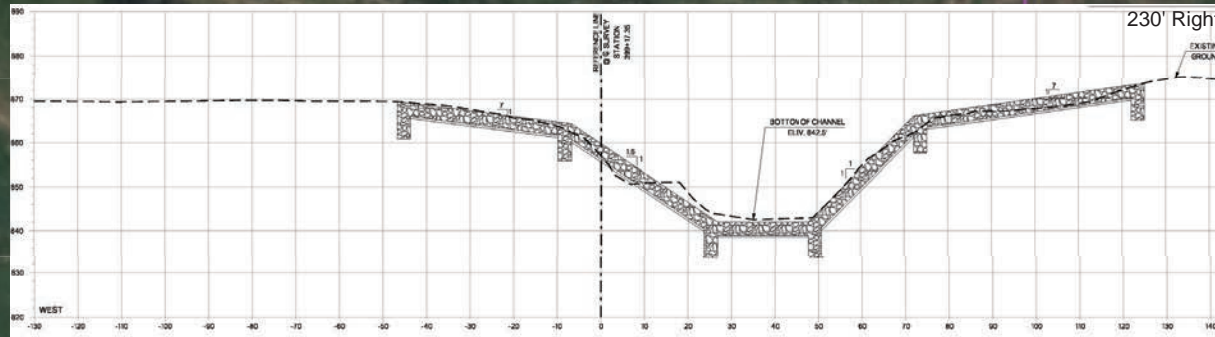
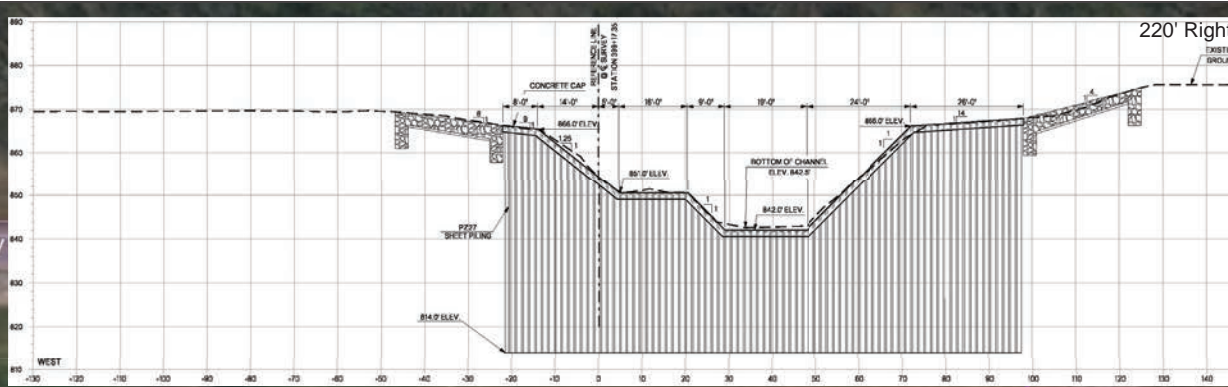




- Proposed Project Area
- Ordinary High Water Mark
- Permanent Impacts (0.44 ac/171 lf)
- Proposed Rock Riprap
- Proposed Sheet Piling
- Proposed Turf Reinforcement Mat
- Proposed Toe of Slope
- Proposed Toe of Cut

Plan View and Cross Section
 JP 34260(04); ODOT Project Number SSP-234B(059)SB
 Bank Protection: US-70 over Beaver Creek,
 in Jefferson County
Figure 4

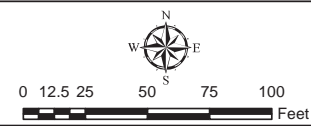


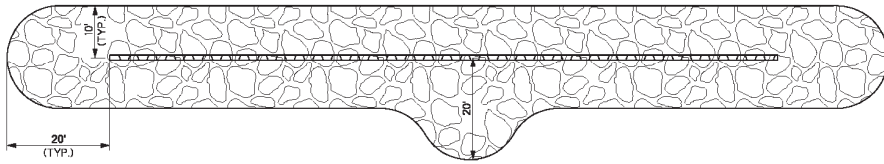


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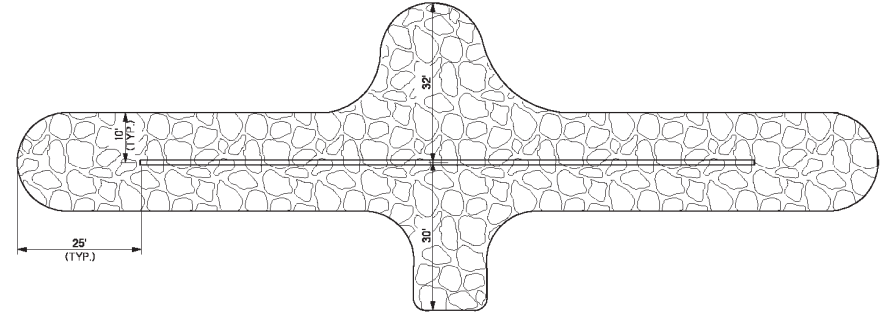


Plan View and Cross Section
 JP 34260(04); ODOT Project Number SSP-234B(059)SB
 Bank Protection: US-70 over Beaver Creek,
 in Jefferson County
Figure 5

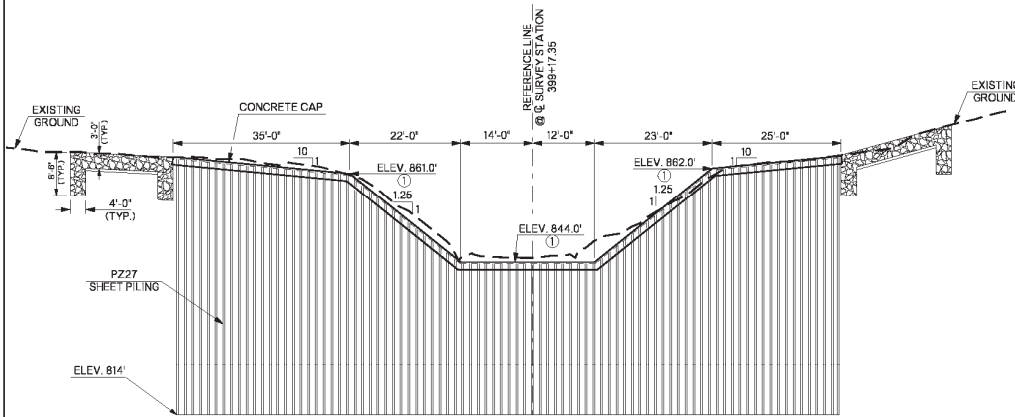




PLAN VIEW OF SHEET PILING
 AT UPSTREAM CHANNEL SECTION

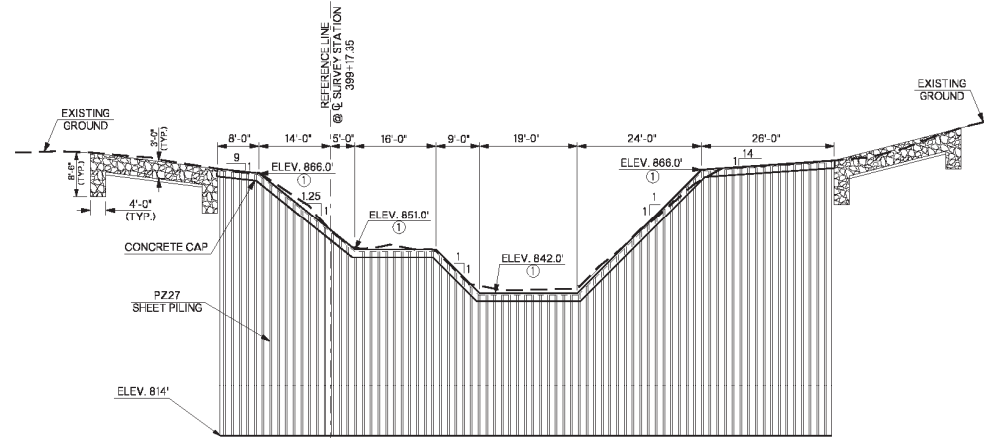


PLAN VIEW OF SHEET PILING
 AT DOWNSTREAM CHANNEL SECTION



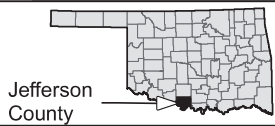
ELEVATION VIEW OF SHEET PILING
 AT UPSTREAM CHANNEL SECTION

① ELEVATIONS ARE AT TOP OF CONCRETE CAP.



ELEVATION VIEW OF SHEET PILING
 AT DOWNSTREAM CHANNEL SECTION

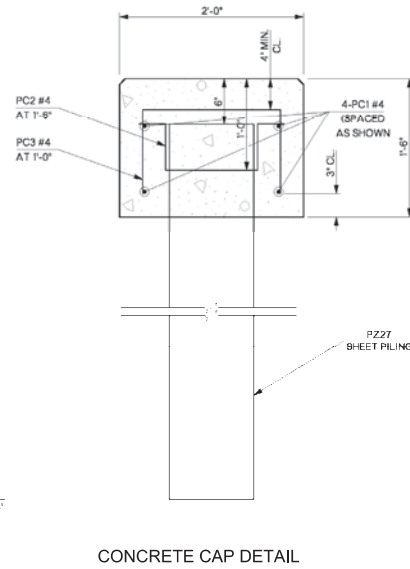
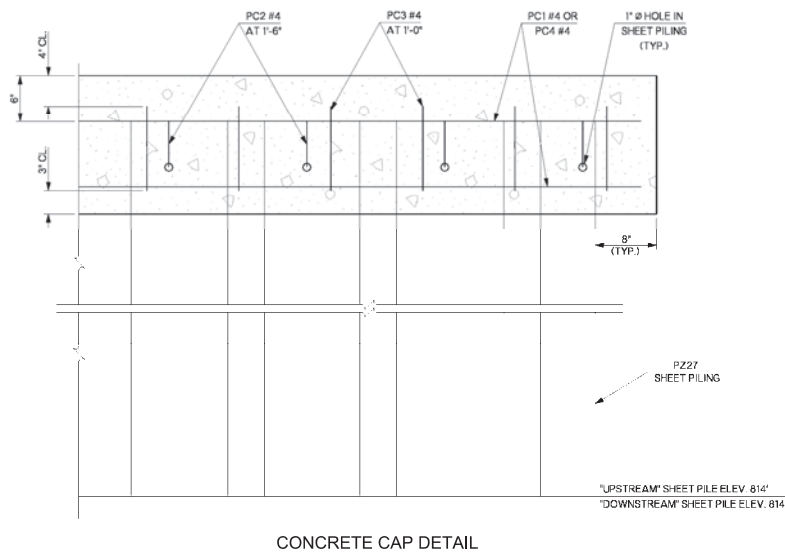
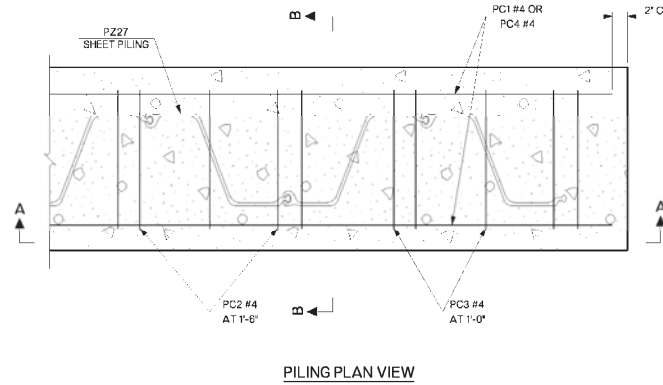
① ELEVATIONS ARE AT TOP OF CONCRETE CAP.



Jefferson
 County

Typical Section - Sheet Piling
 JP 34260(04); ODOT Project Number SSP-234B(059)SB
 Bank Protection: US-70 over Beaver Creek,
 in Jefferson County
Figure 6





Typical Section - Sheet Piling
 JP 34260(04); ODOT Project Number SSP-234B(059)SB
 Bank Protection: US-70 over Beaver Creek,
 in Jefferson County
Figure 7

