



**US Army Corps  
of Engineers®**

# JOINT PUBLIC NOTICE

---

Tulsa District  
Application No. SWT-2025-0353

Published: April 8, 2026  
Expires: April 22, 2026

---

TO WHOM IT MAY CONCERN: The U.S. Army Corps of Engineers and Oklahoma Department of Environmental Quality (ODEQ) jointly announce that the District Engineer 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. The ODEQ hereby incorporates this public notice and procedure as its own public notice and procedure by reference thereto. 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. The purpose of this public notice is to solicit comments from the public regarding the work described below:

**APPLICANT:** Ms. Jeane Hayes  
Hayes Family Limited Partnership  
1815 E. 31st St  
Tulsa, OK 74105

**LOCATION OF PROPOSED ACTIVITY:** The project would affect waters of the United States within Flint Creek (Oklahoma Scenic River [82 O.S. § 896.5]). The project area is located on the left descending bank in Section 18, Township 20 North, Range 25 East, in Delaware County, Oklahoma.

Latitude North: 36.20799      Longitude West: 94.68251

## **PROPOSED ACTIVITY:**

The basic purpose is to stabilize 330 linear feet of the left descending bank of Flint Creek. The overall project purpose is providing channel stability, improvement and protection of habitat, and bank stabilization to protect against ongoing erosion. This proposal would prevent the loss of land and alleviate potential damages to Hayes Family Farm infrastructure.

The proposed Project would use toe wood (i.e., root wads) for stream bank stabilization coupled with creation of a bankfull bench which is the preferred method for mitigating streambank erosion and channel widening under the discipline of Natural Channel Design. The unstable braid of the channel would be permanently stabilized by the strategic placement of toe wood up to the bankfull elevation. This constructed bank stabilization would be tied in from the existing low bank to the mid-channel island. The designed length of the toe wood structure is approximately 330 feet and would be keyed into stable, existing features (at river left bank locations and the mid channel island) for

long term stability of the Project. The unstable channel braid (approximately 0.23 acre) would then be backfilled to bankfull elevation with local material harvested from the exposed mid-channel gravel bar deposited during previous flood events. Approximately 1,100 cubic yards of local gravel would be collected with an excavator and hauled with a front-end loader to the left descending bank. Once complete, the newly constructed bankfull bench would be planted with native trees (e.g., willow and sycamore saplings), native seed, sod mats, and held in place with coir matting until the native vegetation can establish.

**Table 1:** Summary of impacts to waters of the United States.

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)
Left descending bank	Excavation "Redistribution"	Flint Creek	Unclassified Excavated Riverbed Gravel (on-site)	1,100	0.23 ac
Left descending bank (upper)	Fill	Flint Creek	Toe wood (root wads)		160 lf
Left descending bank (lower)	Fill	Flint Creek	Toe wood (root wads)		170 lf
Left descending bank (upper)	Temporary coffer dam	Flint Creek	Unclassified Excavated Riverbed Gravel (on-site)	243 cy	156 lf
Left descending bank (middle)	Temporary coffer dam	Flint Creek	Unclassified Excavated Riverbed Gravel (on-site)	102 cy	66 lf
Left descending bank (lower)	Temporary coffer dam	Flint Creek	Unclassified Excavated Riverbed Gravel (on-site)	85 cy	55 lf

**AVOIDANCE AND MINIMIZATION:** The project would redistribute flood-deposited gravel from the historic channel into the new cutoff channel. The cutoff channel bed would only be lifted to bankfull elevations to minimize the amount of gravel and impact. Since the gravel would be redistributed from within the stream, a net zero amount of fill would be added to Flint Creek. Trees harvested from within the watershed would be used for the toe wood bank stabilization. Toe wood and river gravel were selected over riprap since the project aims to look as natural as possible and minimize any negative aesthetics since Flint Creek is designated as a state scenic river and outstanding resource water by Oklahoma. Two temporary coffer dams would be installed upstream during construction to divert flow into the historic channel and minimize sediment contributions from construction in the cutoff channel. The coffer dams would be constructed from a large midchannel, flood-deposited gravel bar and regraded back into the bar following construction completion and coffer dam removals. Additionally, vegetated sod mats, harvested outside of the floodplain would be used to jumpstart vegetation establishment and reduce sediment loss from potential high flows. Potential negative impacts to protected bat species would be avoided by timing tree removals after November 15 which starts the hibernation period for most protected bat species in Oklahoma. A goal of the project is habitat restoration and ecological uplift; therefore, any areas identified as ecologically important will be avoided by the construction team. Additionally, the construction team is trained in Natural Channel Design and has experience with similar projects.

**COMPENSATORY MITIGATION:** The applicant offered the following compensatory mitigation plan to offset unavoidable functional loss to the aquatic environment:

1. The Project would take all reasonable measures to prevent spills of fuel or other pollutants to comply with CWA 301(a), OAC 785: 45-3-2, OAC 785:45-5-12(f)(4) and (6), and OAC 785: 45-5-19. In the event such spill occurs it will be reported to the DEQ within twenty-four (24) hours.
2. All fueling and servicing of vehicles and equipment would be done above the Ordinary High-Water Mark (OHWM) to comply with CWA 301(a), OAC 785: 45-3-2, OAC 785: 45-5-12(f)(4) and (6), and OAC 785: 45-5-19.
3. All outside materials and fuels used in the Project would be stored and/or stockpiled above the OHWM and would be removed from a likely flood zone prior to any predicted flood to comply with CWA 301(a), OAC 785: 45-3-2, OAC 785: 45-5-12(f)(4) and (6), OAC 785: 45-5-19.
4. Though Flint Creek is not impaired for turbidity and/or sediment, Best Management Practices (BMPs) and other controls would be implemented to control soil erosion at stream access points.
5. Temporary coffer dams (as described above) are an additional BMP that would be implemented instream to control sedimentation and turbidity downstream of the Project Site.
6. Bioengineering practices in lieu of structural practices (e.g., riprap) would be used for the bank stabilization portion of the proposed restoration Project to minimize impacts to an aquatic resource and enhance aquatic habitat to comply with WQS, OAC 785: 45-3-2.

7. Post-project condition would result in improvements to downstream water quality which would enhance existing or designated beneficial uses in compliance with WQS, OAC 785: 45-3-2. Since the proposed activity would result in a net zero amount of fill and bankfull area loss, substantially increase local stream stability and function, and reduce sediment loss downstream, compensatory mitigation should not be required for the proposed activity.

#### **GOVERNMENT AUTHORIZATIONS OBTAINED OR RECEIVED:**

The applicant is currently seeking a Section 401 Individual Water Quality Certification through Oklahoma Department of Environmental Quality (ODEQ). The applicant is also currently seeking a Section 404 Nationwide Permit 13 for 75 linear feet of bank stabilization along the left descending bank from the U.S. Army Corps of Engineers using a combination of a longitudinal stone toe, bankfull bench soil lift, and buried riprap slope protection to prevent erosion from endangering existing bridge infrastructure at this location.

#### **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. Should historic properties (i.e. properties listed in or eligible for inclusion in the National Register of Historic Places) be present within the USACE's permit area, the proposed activity requiring the DA permit (the undertaking) is a type of activity that has no potential to cause an effect to a historic property. There are no known historic properties, as defined by the NHPA, in or within the vicinity of the proposed permit area.

**ENDANGERED SPECIES:** Section 7 of the Endangered Species Act (ESA) (16 U.S.C. § 1536) requires federal agencies to consult with the National Marine Fisheries Service (NMFS) and/or U.S. Fish and Wildlife Service (USFWS) on all actions that may affect a species listed (or proposed for listing) under the ESA as threatened or endangered or that may adversely modify designated critical habitat (or critical habitat proposed such designation). USACE's preliminary review indicates the described activity will have no effect on any threatened or endangered species or designated critical habitat. USACE will consider comments from this public notice, including any comments provided by the NMFS and/or USFWS, regarding the need to consult.

This notice serves as request to the U.S. Fish and Wildlife Service for any additional information on whether any listed or proposed to be listed endangered or threatened species or critical habitat may be present in the area which would be affected by the proposed activity.

**NAVIGATION:** The proposed structure or activity is not located in the vicinity of a federal navigation channel.

**SECTION 408:** The applicant will not require permission under Section 14 of the Rivers and Harbors Act of 1899 (33 U.S.C. §408) because the activity, in whole or in part, would not alter, occupy, or use a Corps Civil Works project.

**WATER QUALITY CERTIFICATION:** Water Quality Certification will be required from ODEQ. 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.

**NOTE:** This public notice is being issued based on information furnished by the applicant. This information has not been verified or evaluated to ensure compliance with laws and regulation governing the Regulatory Program. The geographic extent of aquatic resources within the proposed project area that either are, or are presumed to be, within the Corps jurisdiction has been verified by Corps personnel.

**EVALUATION:** 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 District Engineer determines that it would be contrary to the public interest.

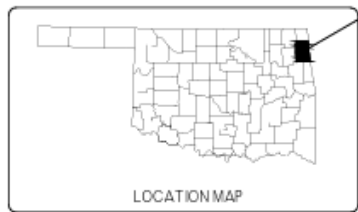
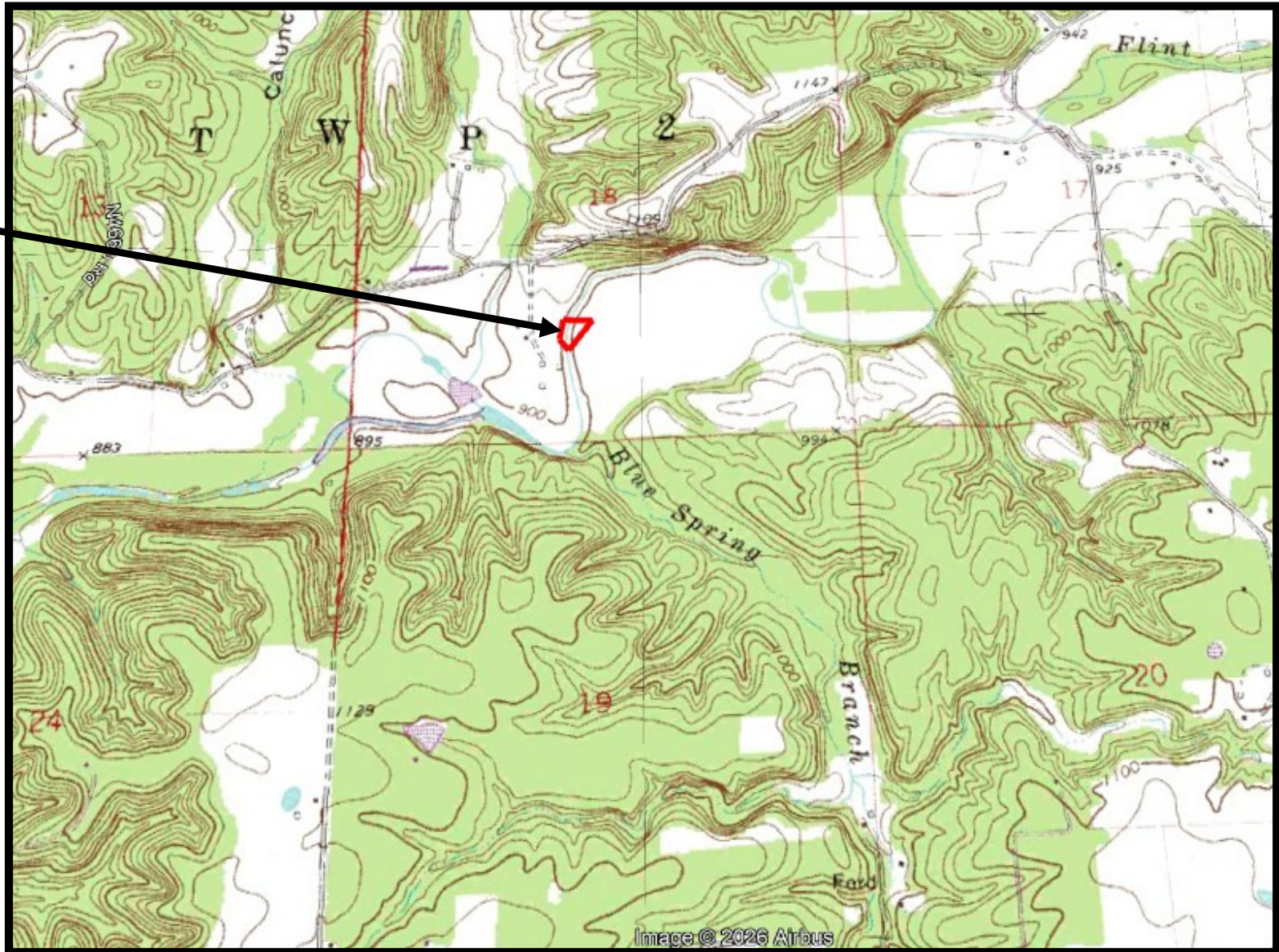
**COMMENTS:** The Corps is soliciting comments from the public; Federal, State, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps to determine whether to issue, modify, condition, or deny a permit for this proposal. To make this determination, comments are used to assess impacts to 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.

The Tulsa District will receive written comments on this proposal until the expiration date of this public notice. Comments should be submitted electronically via the Regulatory Request System (RRS) at <https://rrs.usace.army.mil/rrs> or to Mr. Paul Bowman, Project Manager at CESWT-RO@usace.army.mil. Please include the public notice number SWT-2025-00353 in the subject line of your email message. Alternatively, you may submit comments to mailing address Tulsa District Corps of Engineers, ATTN: Regulatory Office, 2488 East 81st Street, Tulsa, OK 74137. Please refer to the permit application number in your comments.

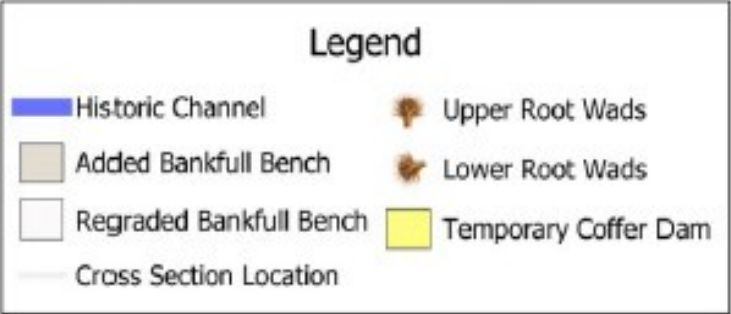
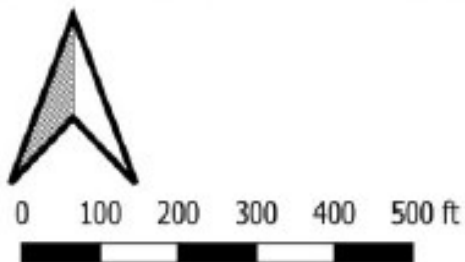
Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider the application. Requests for public hearings shall state, with particularity, the reasons for holding a public hearing. Requests for a public hearing will be granted, unless the District Engineer determines that the issues raised are insubstantial or there is otherwise no valid interest to be served by a hearing.

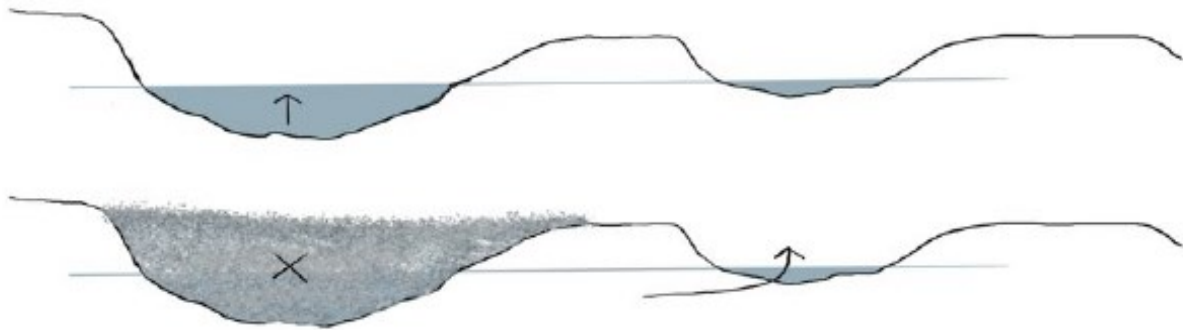
Project Location



DELAWARE COUNTY

SWT-2025-00353  
Hayes Family Farm Flint Creek Restoration Project  
Delaware County, OK  
Enclosure 1 of 4





**#1 (upstream)**  
 Length 156'  
 Height 3.5'  
 Width 12'  
 Volume 243 cubic yds

**#2 (middle)**  
 Length 66'  
 Height 3.5'  
 Width 12'  
 Volume 102 cubic yds

**#3 (downstream)**  
 Length 55'  
 Height 3.5'  
 Width 12'  
 Volume 85 cubic yds

SWT-2025-00353  
 Hayes Family Farm Flint Creek Restoration Project  
 temporary Fill (coffer dams)- Aerial Photo  
 Delaware County, OK  
 Enclosure 3 of 4



SWT-2025-00353  
Hayes Family Farm Flint Creek Restoration Project  
Bank Stabilization/Stream Restoration- Aerial Photo  
Delaware County, OK  
Enclosure 4 of 4