



Public Notice

U.S. Army Corps
of Engineers
Tulsa District

Reply To:

U.S. Army Corps of Engineers
ATTN: Regulatory Office
1645 South 101st East Avenue
Tulsa, Oklahoma 74128-4609

SWT-2015-293
Public Notice No.

June 8, 2015
Public Notice Date

July 8, 2015
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
CORPS OF ENGINEERS, TULSA DISTRICT
1645 SOUTH 101ST EAST AVENUE
TULSA, OKLAHOMA 74128-4609

Application No. SWT-2015-293

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. The ODEQ hereby incorporates this public notice and procedure as its own public notice and procedure by reference thereto.

The application is to place local fill material into an unnamed tributary to Kanola Creek for approximately 3,435 linear feet. The stream is being filled to accommodate a steel mill in the 390-acre project boundary.

Name of Applicant: Mr. Brad Bredesen
Commercial Metals Company
Post Office Box 911
Seguin, TX 78156

Name of Agent: Mr. Mike Horvath
Zephyr Environmental Corp.
2600 Via Fortuna, Suite 450
Austin, TX 78746

Location: The proposed project is in the South 1/2 of Section 34, Township 6 South, Range 9 East and the North 1/2 of Section 3, Township 7 South, Range 9 East, near Durant, Bryan County, Oklahoma. The project site can be found on the Roberta, Oklahoma 7.5 Minute USGS Quadrangle map at North Latitude 33.981292 and West Longitude 96.346810.

Purpose: The basic purpose of this work is to construct a new channel around the proposed location for a steel mill.

A water dependency statement determination is unnecessary since no special aquatic sites are located at the project site.

The overall purpose of this work is to place fill material into and reroute an unnamed tributary to Kanola Creek to accommodate a steel mill within a 390-acre project boundary.

Table of Impact:

Original Proposal					
Number or Location	Impact Activity	Type of Impact	Type of Fill Material	Qty of Material cys below OHWM	Footprint (ac and/or lf)
Unnamed Stream	Placement of fill material	Stream relocation	Native material	1,284 cys	3,435 lf
cubic yards (cys), ordinary high water mark (OHWM), acre (ac), liner feet (lf)					

Description of Work: The applicant proposes to place approximately 1,284 cubic yards of native fill material into an unnamed tributary to Kanola Creek below the OHWM, equating to approximately 3,435 linear feet of stream impacts. The fill material would be acquired from on-site and the stream being filled would be rerouted around the proposed steel mill and tie back into the original channel downstream in the southeast corner of the site.

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 applicant evaluated several alternative locations for the proposed steel mill in Oklahoma and Texas. Durant, Oklahoma is the preferred alternative since it contains the infrastructure, buffers, and offered incentives. As the preferred alternative, the applicant analyzed 20 various site plan reiterations to avoid and minimize impacts to the ephemeral stream. Impacts have been reduced to 3,435 linear feet.”

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

“For mitigation, the applicant is proposing to create 4,835 linear feet of stream bed with a total 100 foot wide riparian zone planted with native trees equating to approximately 11.1 acres of created riparian zone planted with 3,330 native trees. The plan is a 1.4 to 1 ratio for stream impacts.”

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 following statements were provided within the application:

"The impact site is a highly ephemeral stream having an approximate 325-acre watershed located in the northern portion of the coastal plain within the Red River Plains Physiographic Region. The project area is slightly rolling prairie currently utilized as cattle grazing. The 3,435 feet of impacted stream is moderately incised and highly influenced by previous and current agricultural activities. For example, the stream is located within cattle grazing pasture which has greatly reduced the riparian understory and resulted in numerous travel paths crisscrossing the stream. These paths have significantly broken down the stream banks and increased erosion."

Existing Condition: The following statements were provided within the application:

"The impacted 3,435 feet of stream is located within the Dennis and Gowton soils which are both very deep Mollisols."

"The impact stream bank is lined with several large trees primarily Osage orange (*Maclura pomifera*) (FACU), eastern red cedar (*Juniperus virginiana*) (UPL), and common hackberry (*Celtis occidentalis*) (FACU). The fact that the dominant riparian vegetation is FACU or UPL is an indicator of the highly ephemeral nature of this stream. Based on the occurrence of these non-hydric species along the streambed indicates that this stream flows infrequently for short duration and does not present a hydrologic condition that controls the riparian vegetation. There is an area immediately upstream of Buckeye Road that appears to get inundated due to inadequate culvert sizing. The stream in this area has an OHWM of 10 feet for a linear distance of approximately 600 feet which is greater than the typical OHWM of 4 feet for the rest of the 2,835 feet of impacted stream."

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, 1645 South 101st East Avenue, Tulsa, OK 74128-4609, or telephone 918-669-7400.

Cultural Resources: The DE has consulted the National Register of Historic Places, and it has been determined that there are no properties currently listed in the National Register which would be directly affected by the proposed work. The DE has also consulted the listing of Eligibility Determinations for Oklahoma and determined that the proposed project is not in the vicinity of properties eligible for listing. However, a Phase 1 desktop survey performed by a third party contractor identified several potentially eligible historic farmstead structures mapped within the 390-acre project review area.

This public notice is also being sent to the State Historic Preservation Officer and to Native American Tribal governments to reveal if other known historic or archeological resources may be eligible for listing in the National Register exist in the project area and which could be directly affected by the proposed work. This coordination is being done to fulfill our requirements under the National Historic Preservation Act of 1966 (Public Law 89-665) and associated historic preservation laws. If we are made aware, as a

result of comments received in response to this notice, or by other means, of specific archeological or other historic properties which may be affected by the proposed work, the DE will immediately take the appropriate action necessary pursuant to the National Historic Preservation Act of 1966, as amended, and 36 CFR Part 800, in accordance with implementing regulations 33 CFR 325, Appendix C.

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: interior least tern (*Sterna antillarum*), piping plover (*Charadrius melodus*), red knot (*Calidris canutus rufa*), whooping crane (*Grus Americana*), and the 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.

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 affect of our decision on this permit application.

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.

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 from the date of this public notice. 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.

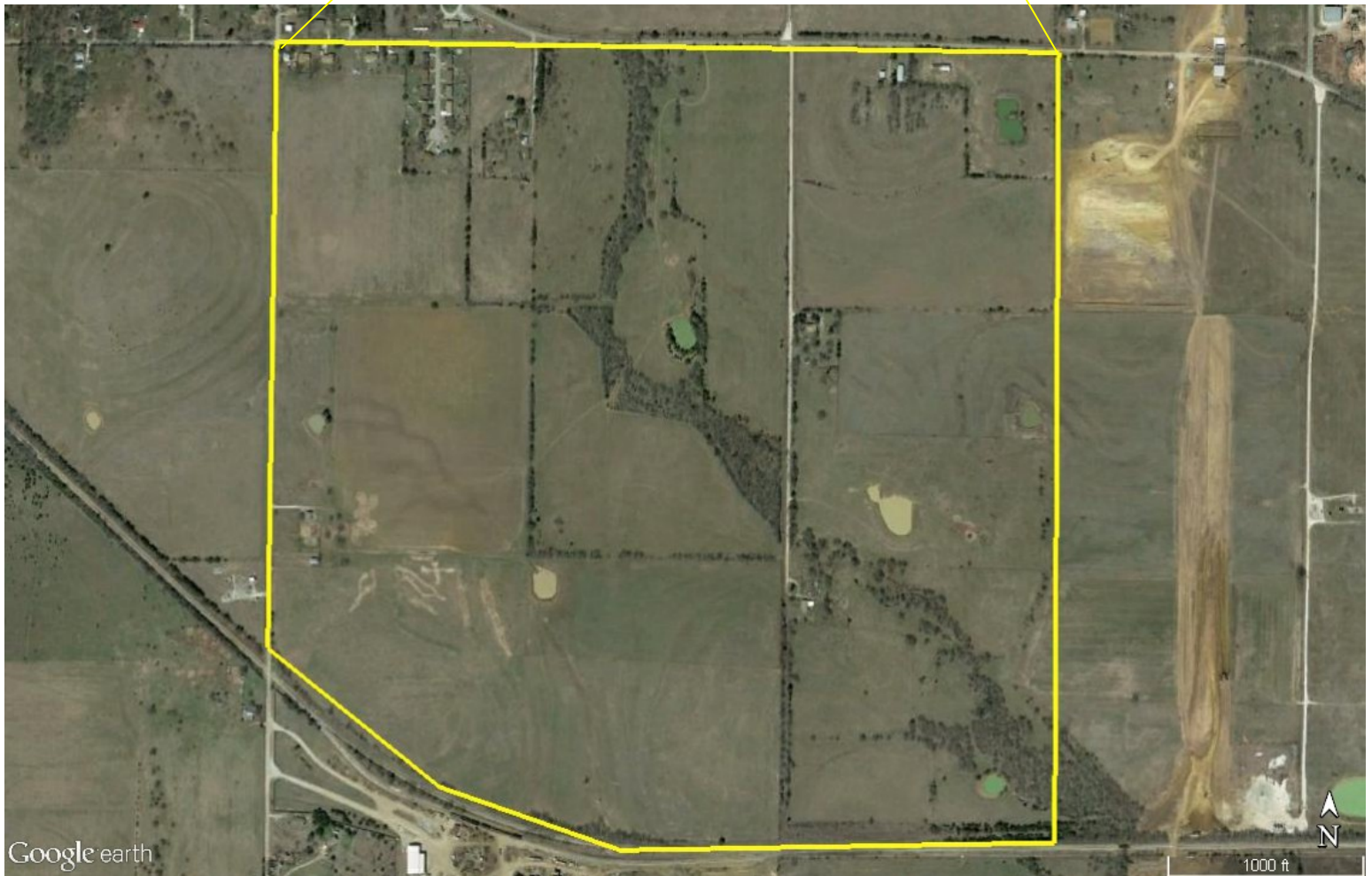
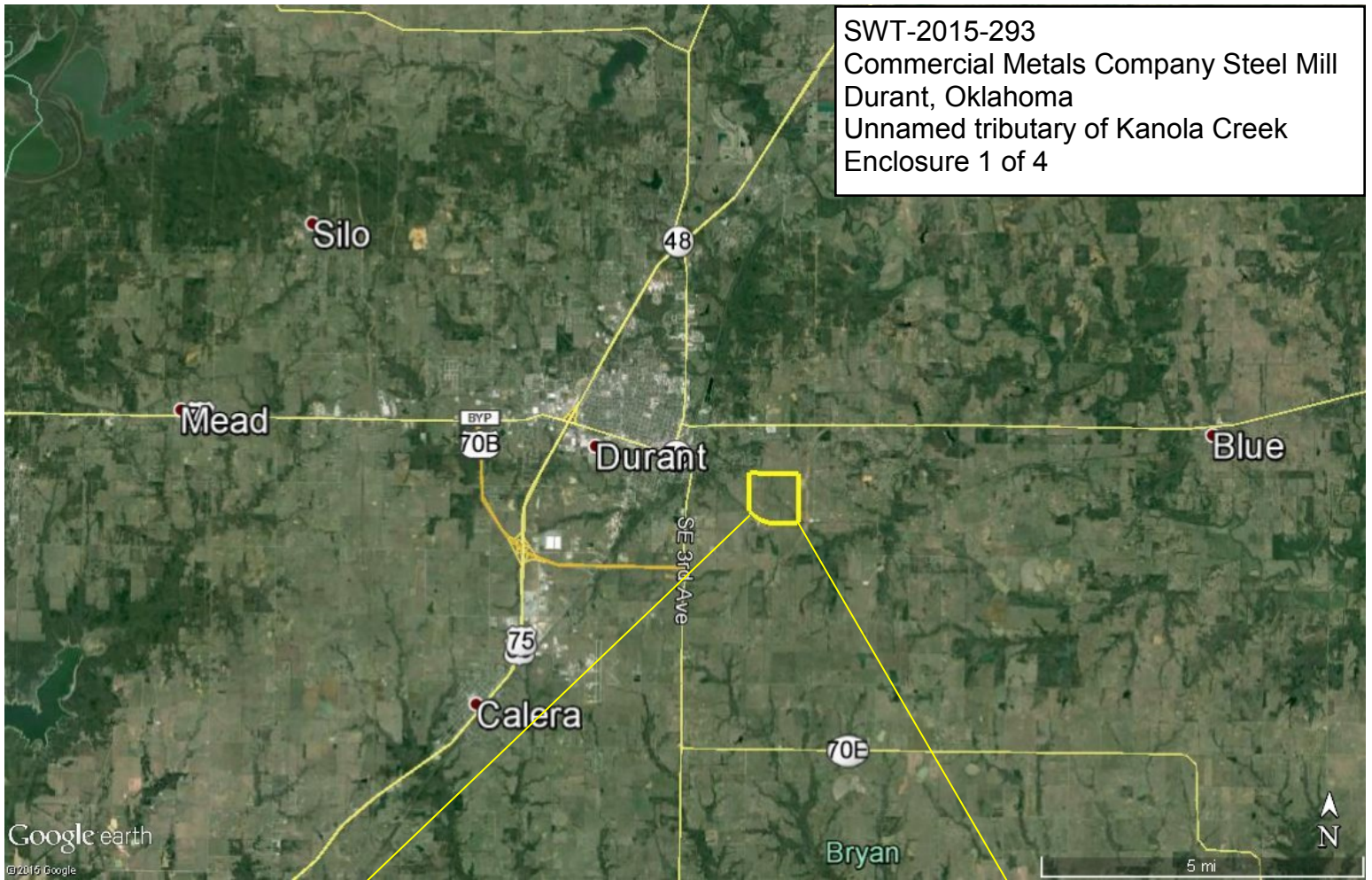
At the request of the Oklahoma Water Resources Board's National Flood Insurance Program State Coordinator, we are sending a copy of this notice to the local floodplain administrator to apprise the administrator of proposed development within their jurisdiction. In accordance with 44 CFR Part 60 (Criteria 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

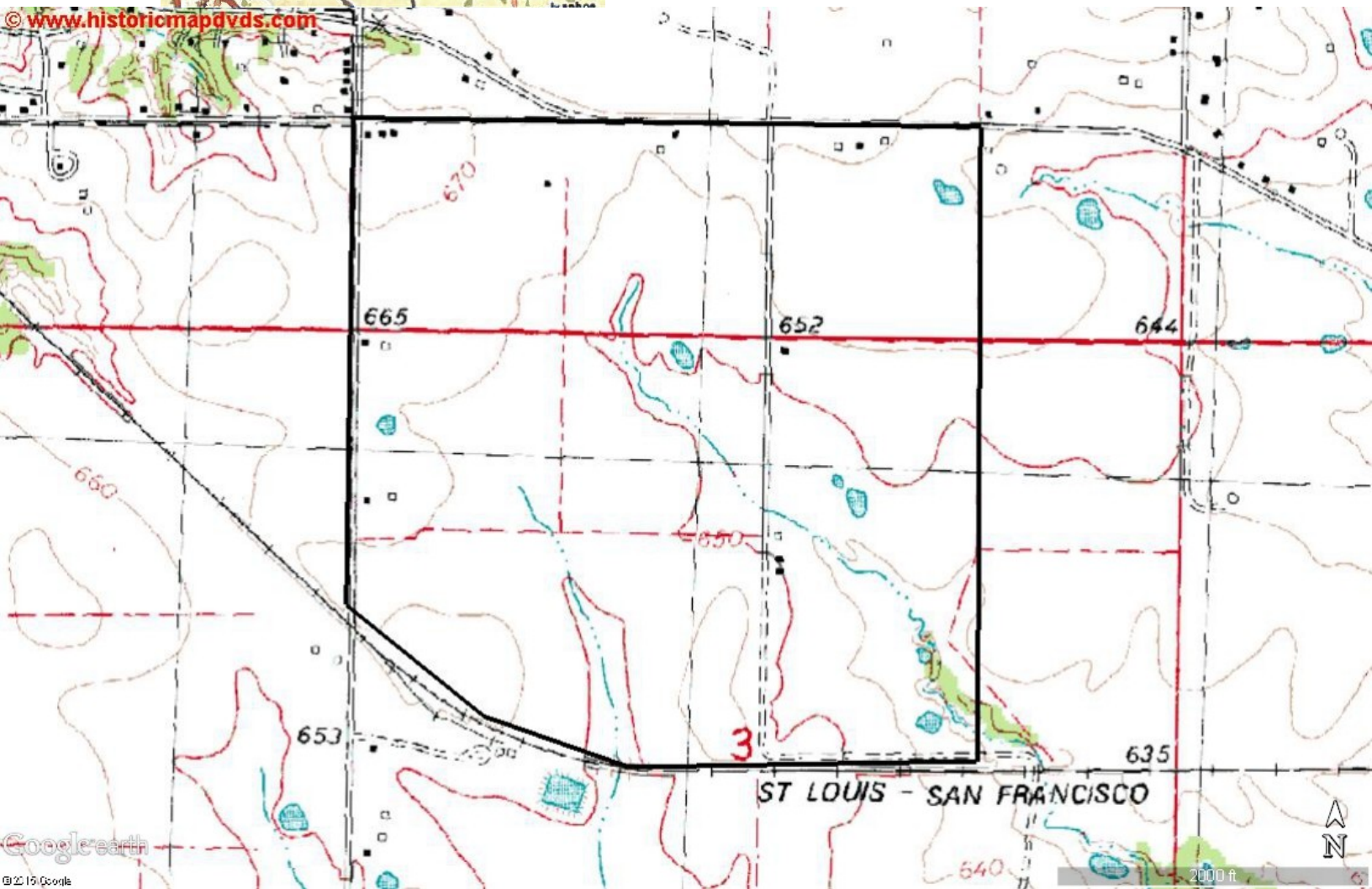
SWT-2015-293
Commercial Metals Company Steel Mill
Durant, Oklahoma
Unnamed tributary of Kanola Creek
Enclosure 1 of 4



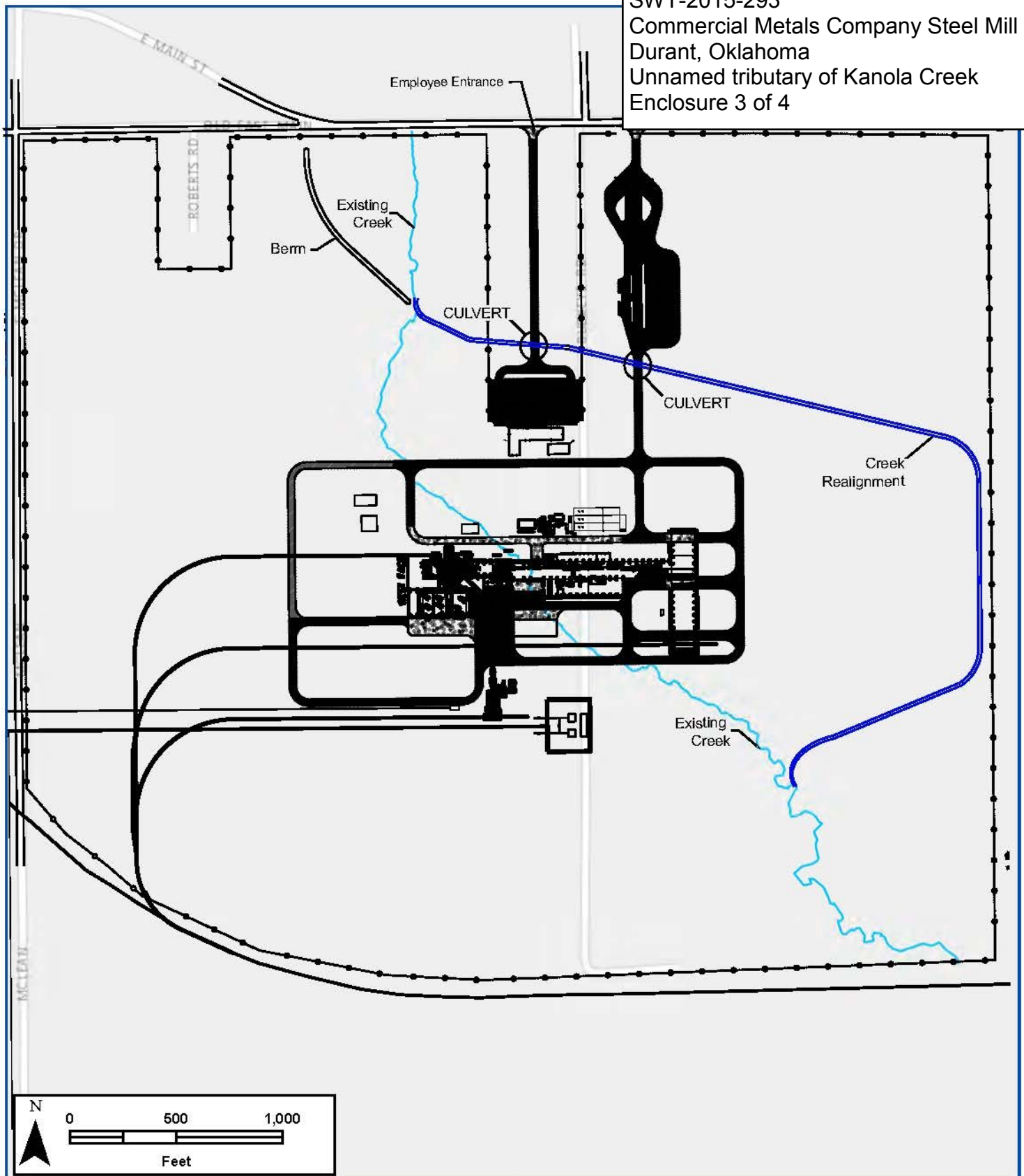


SWT-2015-293
 Commercial Metals Company Steel Mill
 Durant, Oklahoma
 Unnamed tributary of Kanola Creek
 Enclosure 2 of 4



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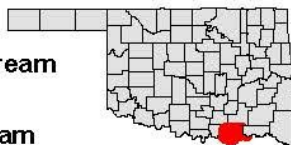


SWT-2015-293
 Commercial Metals Company Steel Mill
 Durant, Oklahoma
 Unnamed tributary of Kanola Creek
 Enclosure 3 of 4



Datum: GCS NAD83 Map Sources: ESRI- Streets Basemap & BING Hybrid

 Proposed Stream Realignment
 Existing Stream



**Proposed Site Plan with
 Existing and Rerouted Stream Segments**
**Commercial Metals Company
 Durant, Oklahoma**

H:\C\MC Steel\10 KG IS\USACE\Map\ProposedSitePlan_Existing&ReroutedStream.mxd

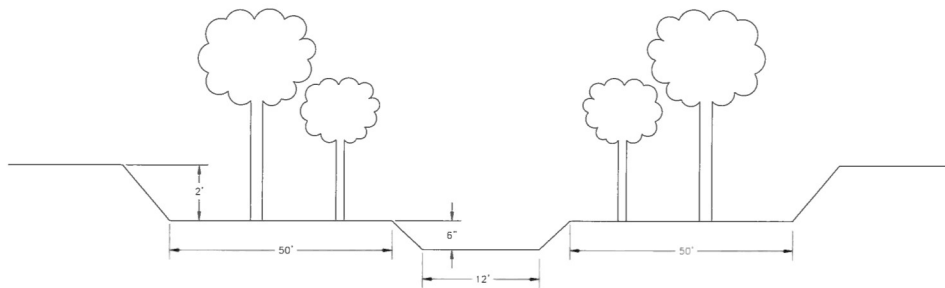
Drafted By:
J. Knowles

Reviewed By:
M. Horvath

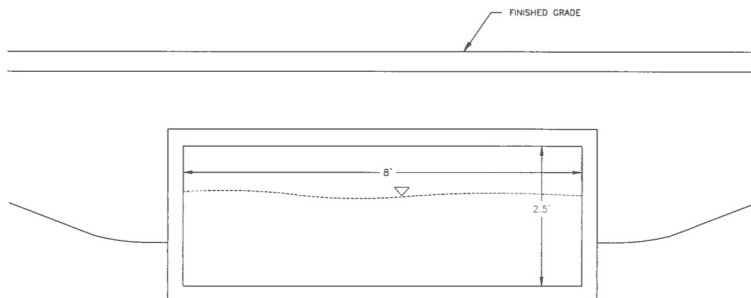
Project No.:
015211.003

Date:
5/26/2015

SWT-2015-293
 Commercial Metals Company Steel Mill
 Durant, Oklahoma
 Unnamed tributary of Kanola Creek
 Enclosure 4 of 4



PROPOSED CREEK REALIGNMENT SECTION
 NOT TO SCALE



PROPOSED 2.5'x8' BOX CULVERT
 NOT TO SCALE

FIGURE 2 - PROPOSED CREEK CROSS-SECTION & CROSSING BOX CULVERT

DEPT.	AREA	TITLE
		W/2 SECTIONS
Dr. By	Date	Ch. By
Scale	CWC NO.	REV.
P.O. BOX 911 - SEQUIM, TEXAS 78156-0911 - 830-372-8300		



CMC Commercial Metals

CMC STEEL TEXAS