



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-2019-00524
Public Notice No.

April 3, 2020
Public Notice Date

May 3, 2020
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

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.



DEPARTMENT OF THE ARMY
CORPS OF ENGINEERS, TULSA DISTRICT
2488 EAST 81ST STREET
TULSA, OKLAHOMA 74137-4290

Application No. SWT-2019-00524

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. Jacob Nossaman
Collision Works, L.L.C.
3224 SE 29th Street
Del City, OK 73115

Agent: Mr. Clint Porter
Post Office Box 702100
Norman, OK 73070

Location: The proposed project is located at Latitude: 35.60302, Longitude: -97.52462, in Oklahoma City, Oklahoma County, Oklahoma. The project site can be found on the Britton, Oklahoma 7.5 Minute USGS Quadrangle.

Project Description: The application is to reshape an existing pond to accommodate the construction of a commercial development.

Purpose: The overall purpose of this work is to reshape an existing pond to increase continuous land surface, facilitating the construction of a commercial development. 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 cys below OHWM	Footprint (ac and/or lf)
PEM1-1	Inundation	Wetland	N/A	N/A	0.047 ac
PSS1-1	Discharge of fill material	Wetland	Native Soil	464	0.086 ac

PSS1-1	Inundation	Wetland	N/A	N/A	0.143 ac
PFO1-1	Inundation	Wetland	N/A	N/A	0.170 ac
PUB-1	Discharge of fill material	Pond	Native Soil	48,918	3.82 ac
PUB-2	Discharge of fill material	Pond	Flex mat and native soil	21	0.046
PUB-2	Inundation	Pond	N/A	N/A	0.112 ac
R4SB-1	Discharge of fill material	Stream	Native soil	526	95 lf (0.022 ac)
R4SB-1	Removal of Outfall structure and hydrologic alteration	Stream	Native soil	N/A	190 lf (0.044 ac)
R4SB-2	Inundation	Stream	N/A	N/A	125 lf (0.036 ac)
R4SB-2	Discharge of fill material	Stream	Concrete flex mat	71	30 lf (0.007 ac)
cubic yards (cys), ordinary high water mark (OHWM), acre (ac), linear feet (lf)					

Description of Work: The applicant proposes to discharge fill material into 4.03 acres and to inundate 0.50 acre of Waters of the U.S. to reshape the existing pond to facilitate the construction of a commercial development, including roads, parking areas, commercial buildings, and utilities. The proposed construction will require the placement of 50,000 cubic yards of native soil material below the Ordinary High Water Mark and within wetland boundaries. The work would be completed utilizing standard equipment for construction activities, such as excavators, bulldozers, frontend loaders, etc.

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 applicant avoided the relocation of the entire storm water pond and limited discharge into PUB-1. “

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

“The applicant proposes the purchase of credits from the Deep Fork Mitigation Bank to offset discharges associated with the proposed action.”

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

Project Setting: The proposed project site is surrounded by commercial development, adjacent to an Oklahoma State Turnpike, located southeast of Edmond, Oklahoma.

Existing Condition: The proposed project site consists of undeveloped upland forest and mixed grass fields with an existing impoundment of two unnamed tributaries of Chisholm Creek. The site is within the Cross Timbers Transition of the Central Great Plains ecoregion. This ecoregion includes scattered hills, low mountains, gypsum karst and sandy flats. Upland areas consist of mixed grass prairie.

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: interior least tern (*Sterna antillarum*), piping plover (*Charadrius melodus*), red knot (*Calidris canutus rufa*), whooping crane (*Grus americana*), Arkansas river shiner (*Notropis girardi*). 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 02EKOK00-2020-SLI-0248.

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 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-2019-00524 in the subject line of your email message.

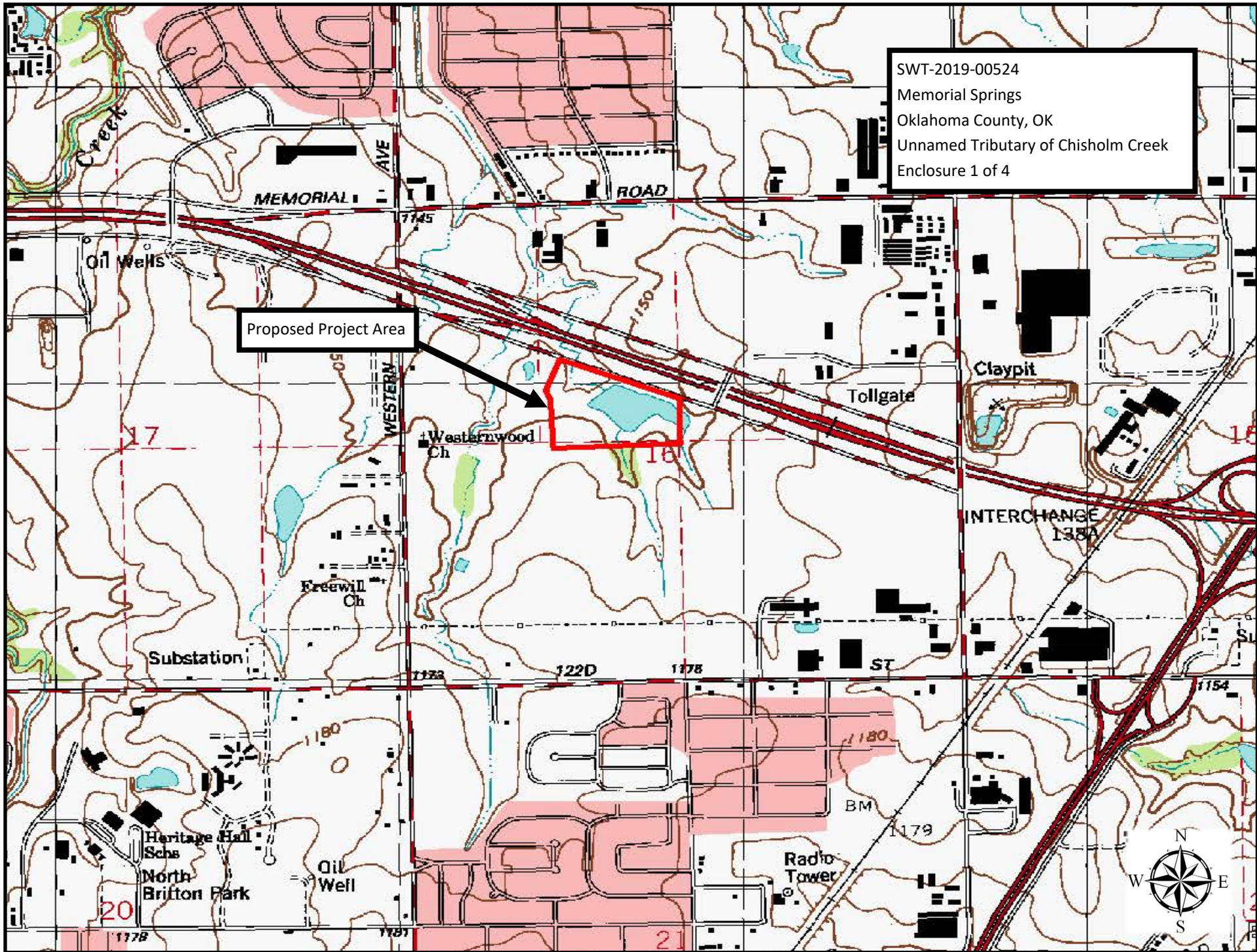
Comments concerning water quality impacts will be forwarded to ODEQ for consideration in issuing a Section 401 Water Quality Certification for the proposed project. Work may **not** commence until decisions have been made on both Sections 401 and 404.

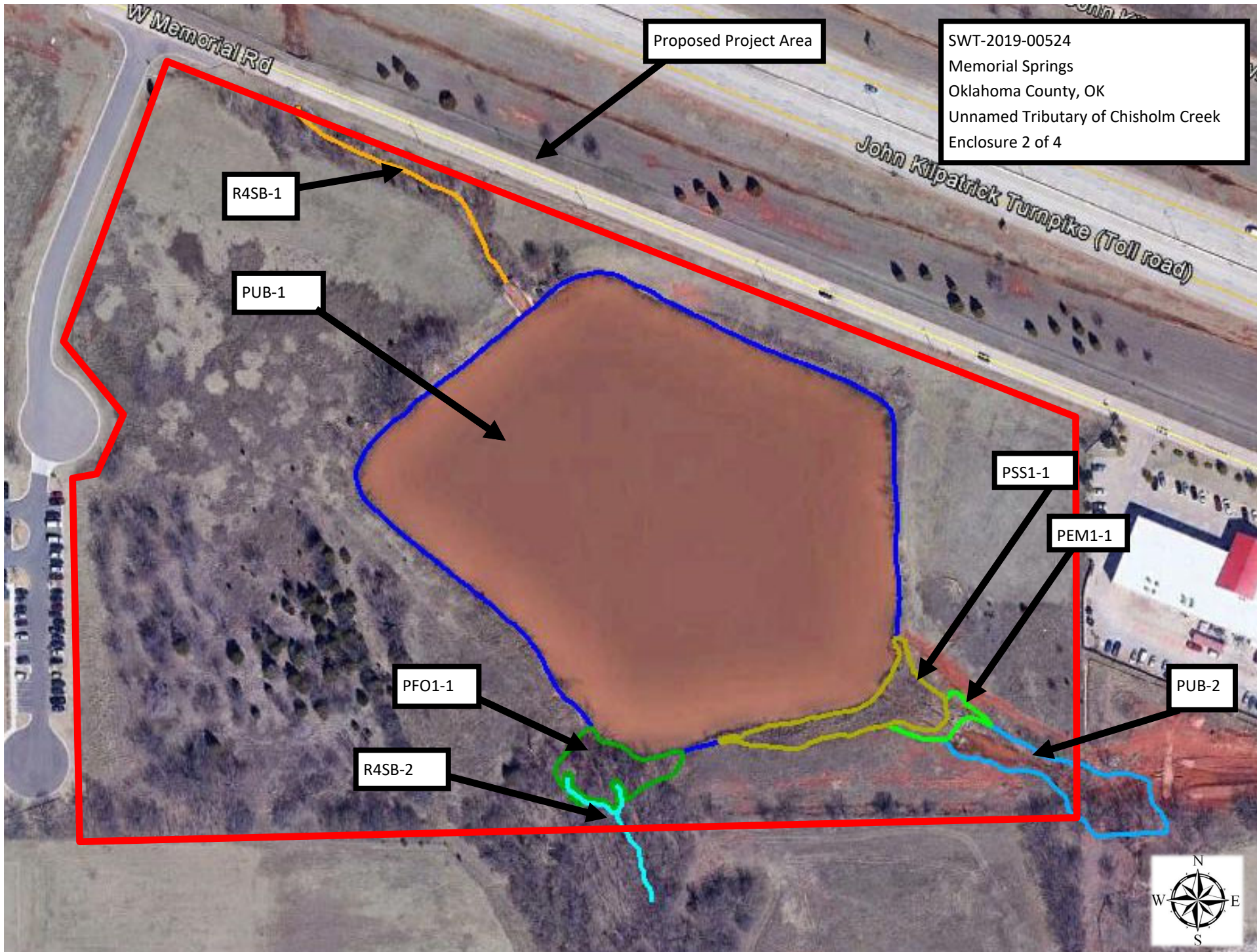
Andrew R. Commer
Chief, Regulatory Office

Enclosures

SWT-2019-00524
Memorial Springs
Oklahoma County, OK
Unnamed Tributary of Chisholm Creek
Enclosure 1 of 4

Proposed Project Area





Proposed Project Area

SWT-2019-00524
Memorial Springs
Oklahoma County, OK
Unnamed Tributary of Chisholm Creek
Enclosure 2 of 4

R4SB-1

PUB-1

PSS1-1

PEM1-1

PUB-2

PFO1-1

R4SB-2



Proposed Project Area

SWT-2019-00524
Memorial Springs
Oklahoma County, OK
Unnamed Tributary of Chisholm Creek
Enclosure 3 of 4

