



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-2014-0857
Public Notice No.

April 1, 2015
Public Notice Date

April 30, 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-2014-0857

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 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 applicant proposes to place fill material in the unnamed tributary to North Canadian River and reroute the waters of the United States into a Reinforced Concrete Box (RCB) in order to construct a site for a future commercial development.

Name of Applicant: Mr. Tony Ellison
Ellison Investments, LLC
5506 Stewart Drive
Oklahoma City, OK 73064

Name of Agent: Ms. Pei-Yin (Michelle) January, P.E., CFM
Johnson & Associates, Inc.
1 East Sheridan Avenue, Suite 200
Oklahoma City, OK 73104

Location: The proposed project is located in the Southeast 1/4 of the Southeast 1/4 of Section 6, Township 11 North, Range 4 West, Indian Meridian near Southwest 15th Street and Council Road, Oklahoma City, Oklahoma County, Oklahoma. The project site can be found on the Mustang, Oklahoma 7.5 Minute USGS Quadrangle map at North Latitude 35.45026 and West Longitude 97.655096.

Purpose: The purpose of this work is to develop the property for a future commercial development.

A water dependency 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 waters of the United States and reroute the unnamed tributary to North Canadian River to provide a future commercial development.

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 Tributary	Placement of fill material	Fill in the stream	Native material	3,160 cys	741.00 lf

Description of Work: The applicant proposes to place fill material into the natural channel and construct a RCB of unspecified size and shape to reroute the unnamed tributary (see enclosure).

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's statement on ENG FORM 4345, Block 23 - Description of Avoidance, Minimization and Compensation: **NONE**.

No alternatives were provided by the applicant.

Mitigation: The applicant has not proposed any compensatory mitigation for the unavoidable impacts to aquatic resources expected from the proposed project. 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 study area is located in the Central Oklahoma/Texas Plains ecoregion, a transition area between the once prairie, now winter wheat growing regions to the west, and the forested low mountains of eastern Oklahoma. The region does not possess the arability and suitability for crops such as corn and soybeans that are common in the Central Irregular Plains to the northeast. Transitional "cross-timbers" (little bluestem grassland with scattered blackjack oak and post oak trees) is the native vegetation, and presently rangeland and pastureland comprise the predominant land cover. Oil extraction has been a major activity in this region for over 80 years.

Existing Condition: The area is a mixture of agricultural and commercially developed properties. The soils are fine and very fine sandy loams.

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: R. Dale Davidson, 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 regarding the potential effects from the proposed action. The DE will comply with the requirements of the National Historic Preservation Act of 1966 for any known or presently unknown historic or archeological resources that may exist in the project vicinity and which could be directly affected by the proposed work. This public notice is 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: piping plover (*Charadrius melodus*), whooping crane (*Grus Americana*), and the least tern (*Sterna antillarum*). No critical habit is present for these species. 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.

Our preliminary determination is that the proposed activity will not affect listed threatened or endangered species or their critical habitat.

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.

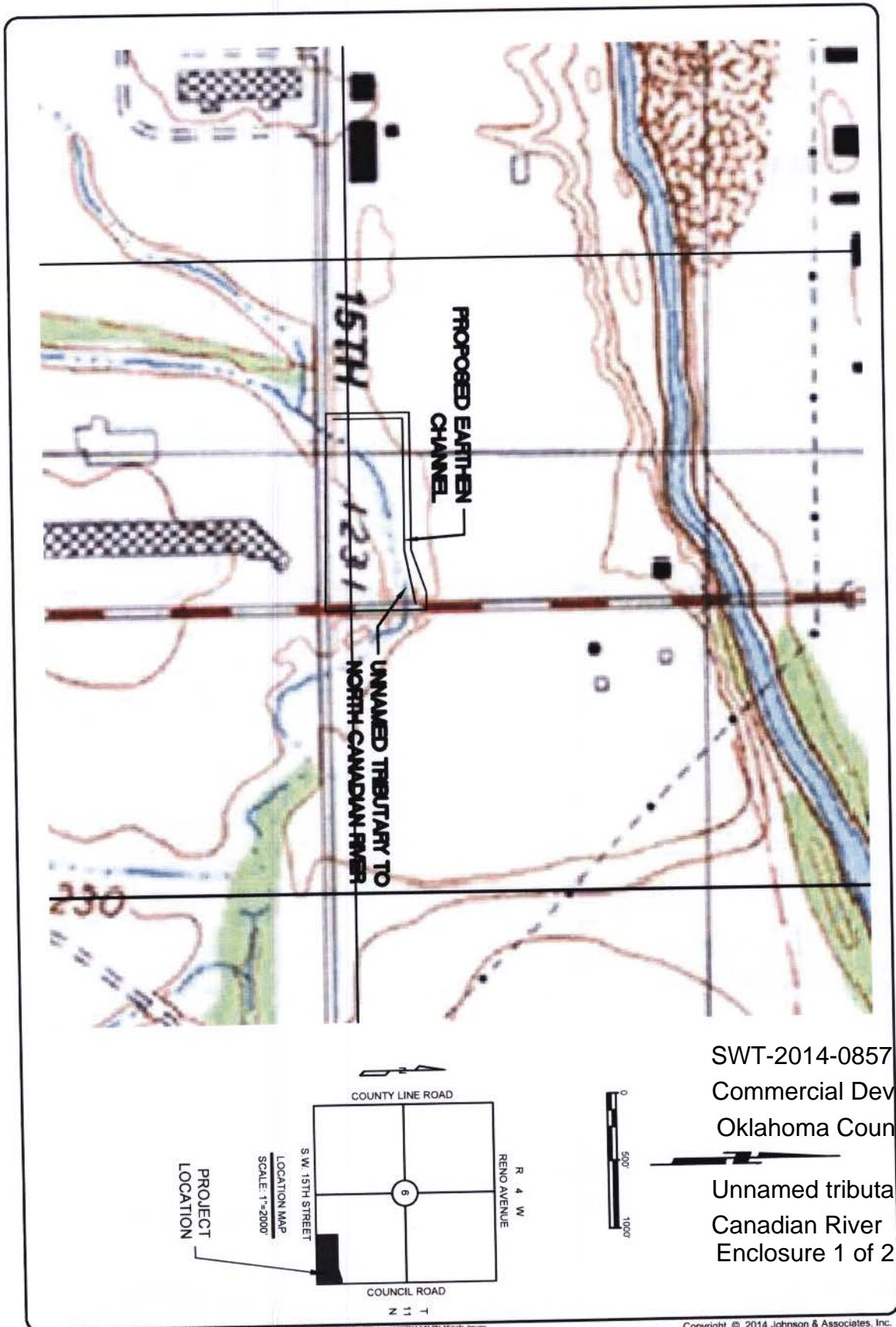
Comments: In order to consider and evaluate the impacts of this proposed activity the Corps is soliciting comments from the public, federal, state, and local agencies and officials, Indian tribes, and other interested parties. Comments concerning the issuance of this permit should be received by the 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 the 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.

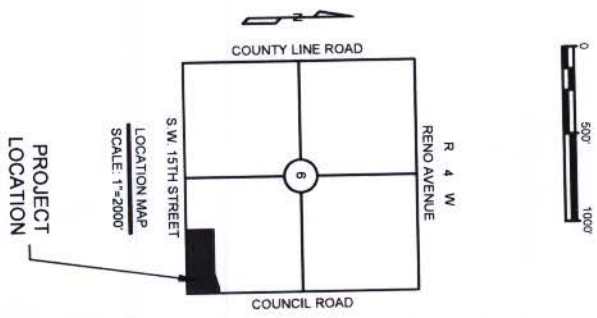
Andrew R. Commer
Chief, Regulatory Office

Enclosures



SWT-2014-0857
 Commercial Development
 Oklahoma County, OK

Unnamed tributary to North
 Canadian River
 Enclosure 1 of 2



ACAD FILE: C:\Users\jason\Documents\PROJECTS\SWT\15TH & COUNCIL\DWG\DWG15TH & COUNCIL.dwg 11/10/2014 12:16:46 Alshale, Jeremy
 2013's LICENSE: 274992-Johnson

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EX	COMMERCIAL DEVELOPMENT S.W. 15TH STREET & COUNCIL ROAD OKLAHOMA CITY, OKLAHOMA PRELIMINARY LAYOUT		Johnson & Associates, Inc. 1 E. Sheridan Ave., Suite 500 Oklahoma City, OK 73104 405.233.4214 Fax: 405.233.4215 Certificate of Professional Status Exp. Date 08-31-2016 ENGINEERS • ARCHITECTS • PLANNERS •	REVISIONS	
				NO. DESCRIPTION DATE	



5/2014

SW-15th-St

1990

Imagery Date: 5/4/2014 35°27'01.23" N 97°39'19.23" W elev 1232 ft

GOO

Commercial Development
SWT-2014-0857
Oklahoma County, Oklahoma
Unnamed tributary to North
Canadian River
Enclosure 2 of 2