



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

PUBLIC NOTICE
PROPOSED MODIFICATION OF TERRA FOUNDATION IN-LIEU FEE STREAM AND WETLAND MITIGATION PROGRAM INSTRUMENT

AUTHORITY: Pursuant to the Final Rule for the Compensatory Mitigation for Losses of Aquatic Resources, referred to as the Mitigation Rule (33 CFR Parts 325 and 332, and 40 CFR Part 230), dated April 10, 2008; this notice announces a proposed modification of the Terra Foundation In-Lieu Fee (ILF) Stream and Wetland Mitigation Program Instrument (August 2015) to add the Elk Creek ILF site within the Lower Arkansas B Service Area.

ILF SPONSOR: Mr. Craig Gump (Sponsor)
Terra Foundation
7633 East 63rd Place, Suite 300
Tulsa, OK 74133

PROJECT LOCATION: The Site, consisting of two separate parcels (Sites A and B), is located near Rentiesville, McIntosh County, Oklahoma, along Elk Creek. Specifically,

Site A is in Section 15 of Township 12 North, Range 17 East with an approximate center point at latitude: 35.51902, longitude -95.50344. Site A is bordered by E 1030 Road on the north, railroad tracks to the east, Wetland Reserve Program property to the south, and riparian forest to the west.

Site B is in Section 22 of Township 12 North, Range 17 East with an approximate center point at latitude: 35.50248, longitude -95.49858. Site B is bordered by E 1040 Road to north and adjacent agricultural land and riparian forest to the east, south, and west.

PROPOSED WORK AND PURPOSE: The Sponsor purposes to fulfill obligations for past sales of advanced compensation mitigation credits used in the Lower Arkansas B Service Area and to generate 'released credits' once past obligations have been fulfilled. This proposal also protects wetland functions and values, current and proposed, to be contained at the ILF site. The ILF site was selected based on watershed needs, existing threats, as well as proximity to historic and ongoing urban development. Impacts and degradation of aquatic resources in the Lower Arkansas Watershed (HUC 1111) include dissolved oxygen and sulfates. Identified watershed needs are:

- a. Increasing wetland acreage and riparian acreage
- b. Acquiring, restoring, enhancing, and preserving important aquatic resources
- c. Improving wildlife habitat
- d. Addressing in-stream habitat impairments including bank erosion
- e. Enhancing and restoring ecologically impaired riparian corridors

CULTURAL RESOURCES: The Corps will comply with the National Historic Preservation Act of 1966 and 36 CFR Part 800 in evaluating this proposal. As specific project sites are identified and brought forward under this program instrument, the Corps would evaluate information provided by this public notice. The Corps will require a survey of specific project areas, if deemed necessary.

ENDANGERED SPECIES: The Corps will comply with the Endangered Species Act. Modification of the program instrument to include the project site would be coordinated with the United States Fish and Wildlife Service. The Service has a representative on the IRT.

FLOODPLAIN: This activity is being reviewed in accordance with Executive Order 11988: Floodplain Management, which discourages direct or indirect support of floodplain development whenever there is a practicable alternative. By this public notice, comments are requested from individuals and agencies that believe the described work would adversely impact the floodplain.

PUBLIC INTEREST REVIEW: The purpose of this public notice is to advise all interested parties of the proposed ILF site and to solicit comments and information necessary to evaluate the probable impact on the public interest. The decision to allow or deny the Sponsor to move forward and develop the ILF site would be based on an evaluation of all relevant factors that reflect the national concern for both protection and utilization of important resources. The benefits 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 would be considered including the cumulative effects thereof; among those are conservation, economics, esthetics, general environmental concerns, wetlands, cultural values, 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, and, in general, the needs and welfare of the people. The evaluation of the impact of the proposed activity on the public interest would include application of the 404 (b)(1) Guidelines promulgated by the EPA under authority of Section 404 of the Clean Water Act (33 USC 1344).

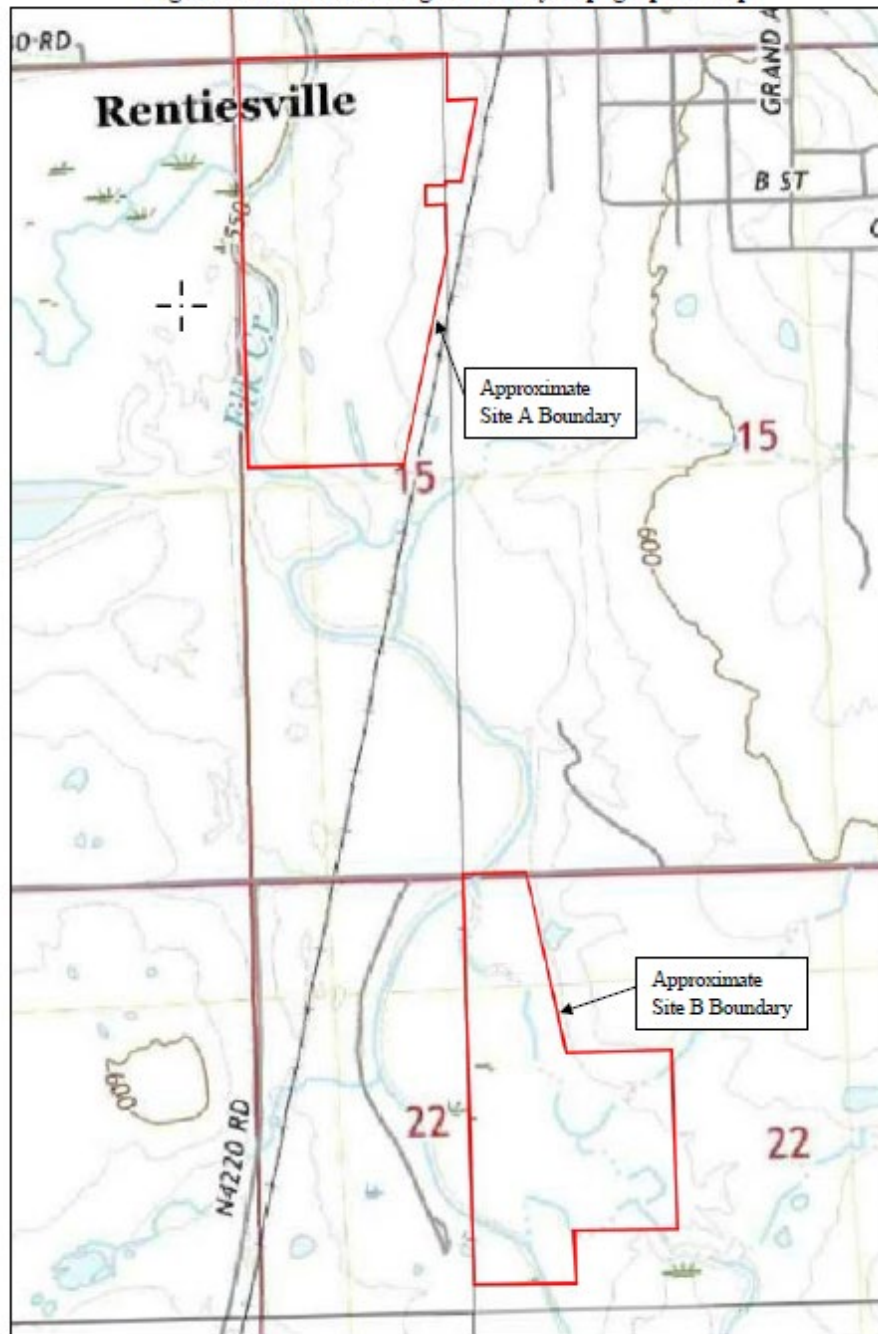
COMMENTS: The Corps is soliciting comments from the public; Federal, State, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of the above-described activity. This notice is also provided to outline details of the above-described activity so Tulsa District may consider all pertinent comments prior to determining acceptance of the proposed ILF instrument amendment, such that, the Sponsor may move forward in modifying the ILF program instrument to include the ILF site. Any interested party is invited to submit to this office written facts or objections relative to the activity on or before the public notice expiration date. Comments both favorable and unfavorable will be accepted and made a part of the record and will receive full consideration in determining whether this ILF site plan document would be in the public interest. Copies of all comments, including names and

addresses of commenters will be provided to the Sponsor. All comments should be titled "SWT-2011-860 - Elk Creek ILF Site" and mailed to Mr. Michael A. Ware at U.S. Army Corps of Engineers, 2488 East 81st Street, Tulsa, OK 74137; telephone No. 918-669-7400; or email to michael.a.ware@usace.army.mil.

PUBLIC HEARING: Any person may request, in writing, prior to the expiration date of this public notice, that a public hearing be held to consider this application. Such requests shall state, with particularity, the reasons for holding a public hearing.

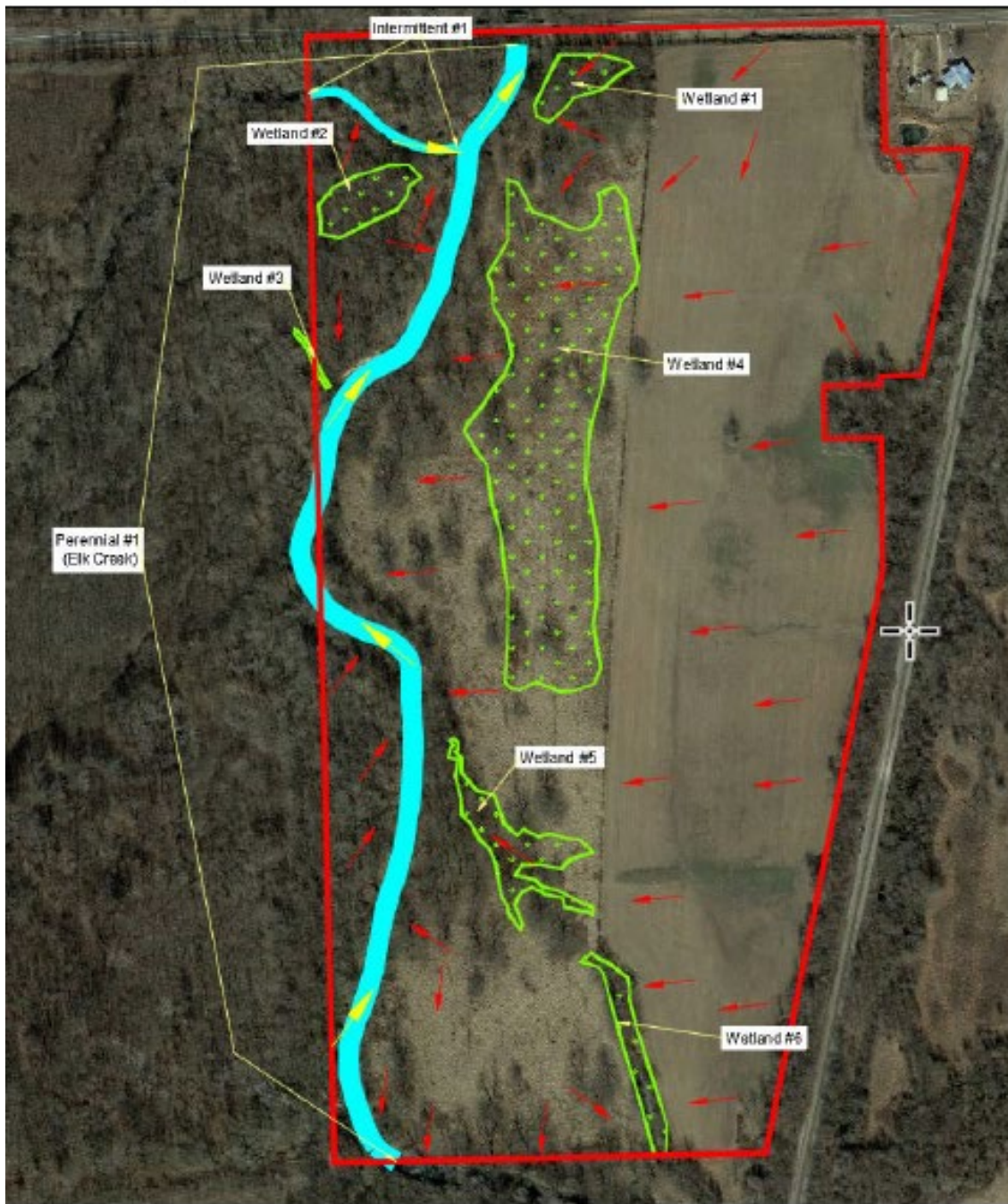
NOTE: This public notice and proposed ILF amendment is posted for review on the Tulsa District's Regulatory web page:
<https://www.swt.usace.army.mil/Missions/Regulatory/Public-Notices/>.

Figure 3. 2018 U.S. Geological Survey Topographic Map



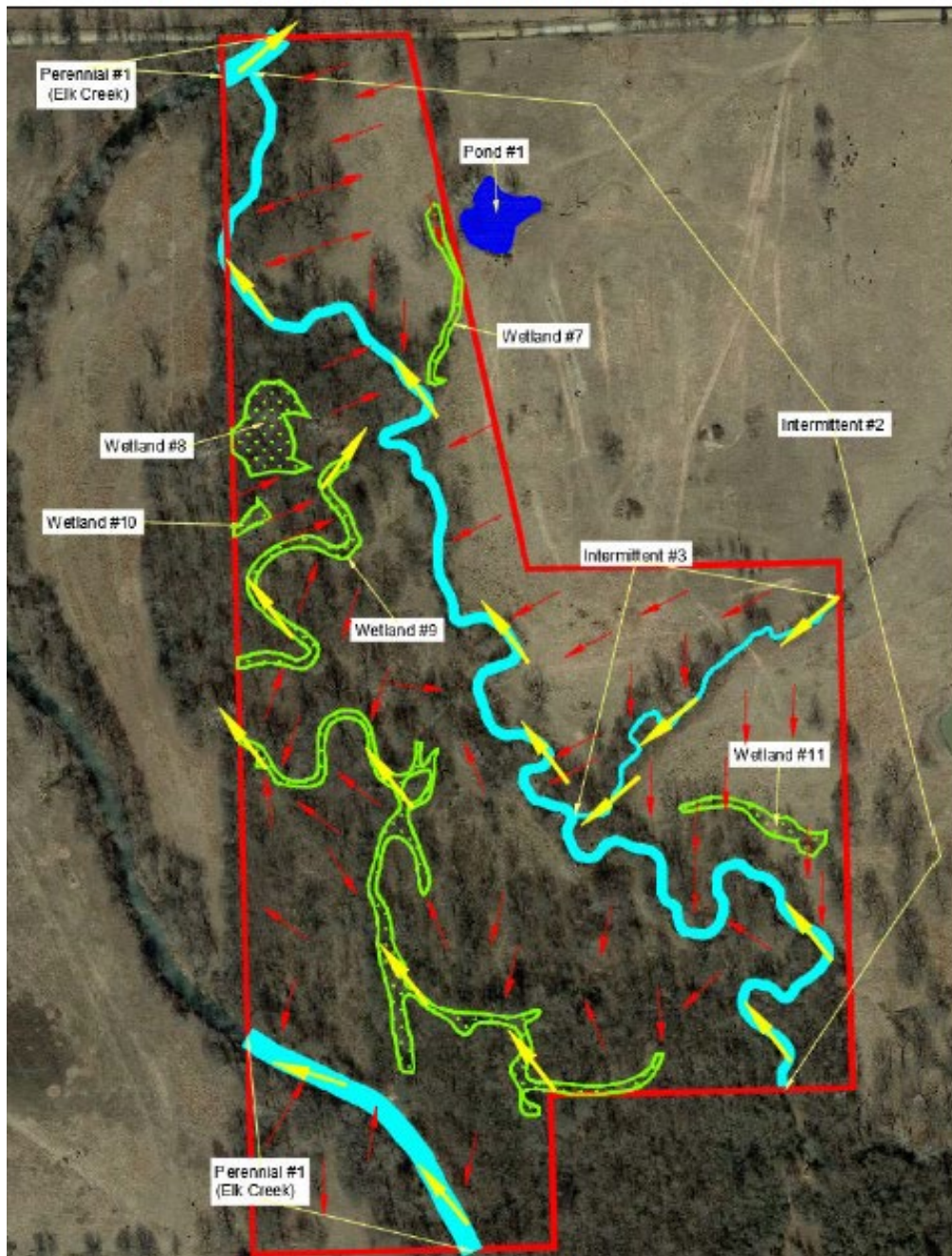
SWT-2011-860
Terra Foundation Inc. Elk Creek ILF Site
Elk Creek and its tributaries
McIntosh County, Oklahoma
Enclosure 1 of 9

Figure 4a. Site A Baseline Conditions Surface Water Flow Paths



SWT-2011-860
Terra Foundation Inc. Elk Creek ILF Site
Elk Creek and its tributaries
McIntosh County, Oklahoma
Enclosure 2 of 9

Figure 4b. Site B Baseline Conditions Surface Water Flow Paths



SWT-2011-860
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McIntosh County, Oklahoma
Enclosure 3 of 9

Table 6. Proposed Wetland Credit Amounts

Restoration Activity	Area (Acres)	Credit Ratio (Credits: Acres)	Resulting Credits
Emergent Wetland Restoration	2.98	1:1	2.98
Emergent Wetland Rehabilitation	0.13	1:1	0.13
Emergent Wetland Establishment	5.92	1:1	5.92
Scrub Shrub Wetland Restoration	1.35	1:1	1.35
Forested Wetland Restoration	0.94	1:1	0.94
Forested Wetland Rehabilitation	6.19	1:1	6.19
Forested Wetland Enhancement	4.01	1:2	2.01
Wetland Buffer Restoration	43.93	1:4	10.98
Adjacent Uplands Restoration	22.39	1:10	2.24

TOTAL WETLAND CREDITS: 32.74

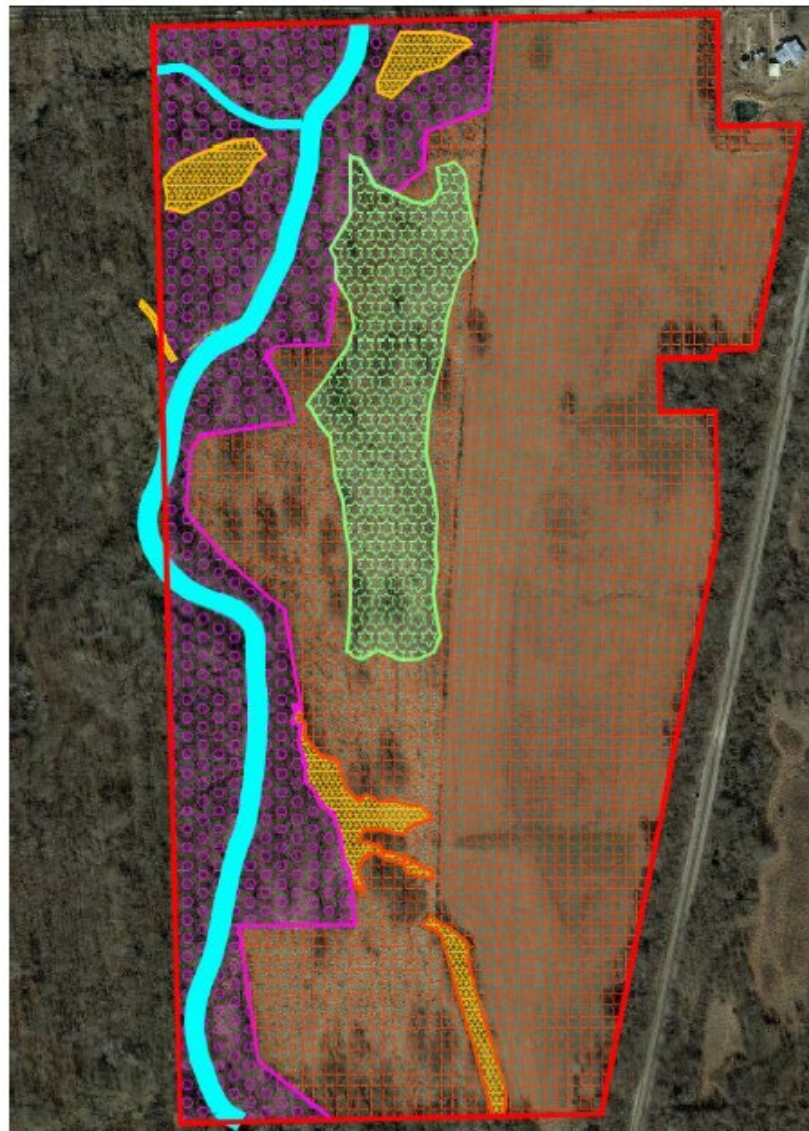
SWT-2011-860
Terra Foundation Inc. Elk Creek ILF Site
Elk Creek and its tributaries
McIntosh County, Oklahoma
Enclosure 4 of 9

Table 8. Proposed Stream Credit Amounts

Stream ID	Net Benefit	Restoration Type	Credit Factor	Stream Length	Credits Generated
Elk Creek	1	Riparian	0.75	2,514	1,885.5
Elk Creek	2	Riparian	0.5	429	214.5
Elk Creek	3	In-Stream	2.5	2,943	7,357.5
Intermittent #1	4	Riparian	0.5	285	142.5
Intermittent #2	5	Riparian	0.75	3,279	2,459.25
Intermittent #2	6	Riparian	0.5	238	119
Intermittent #2	7	Riparian	0.5	470	235
Intermittent #2	8	In-Stream	2.5	3,987	9,967.5
Elk Creek	9	Riparian	0.375	697	261.375
Intermittent #3	10	Riparian	1.0	801	801
Intermittent #3	11	In-Stream	2.0	902	1,804
TOTAL PERENNIAL CREDITS:					9,719
TOTAL INTERMITTENT CREDITS:					15,528

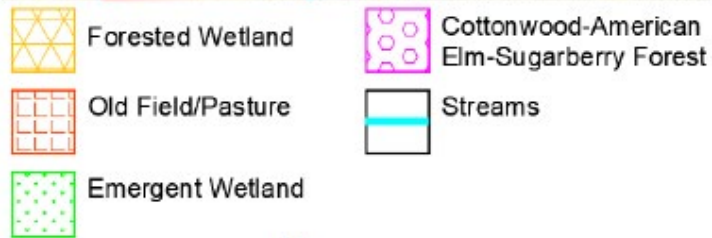
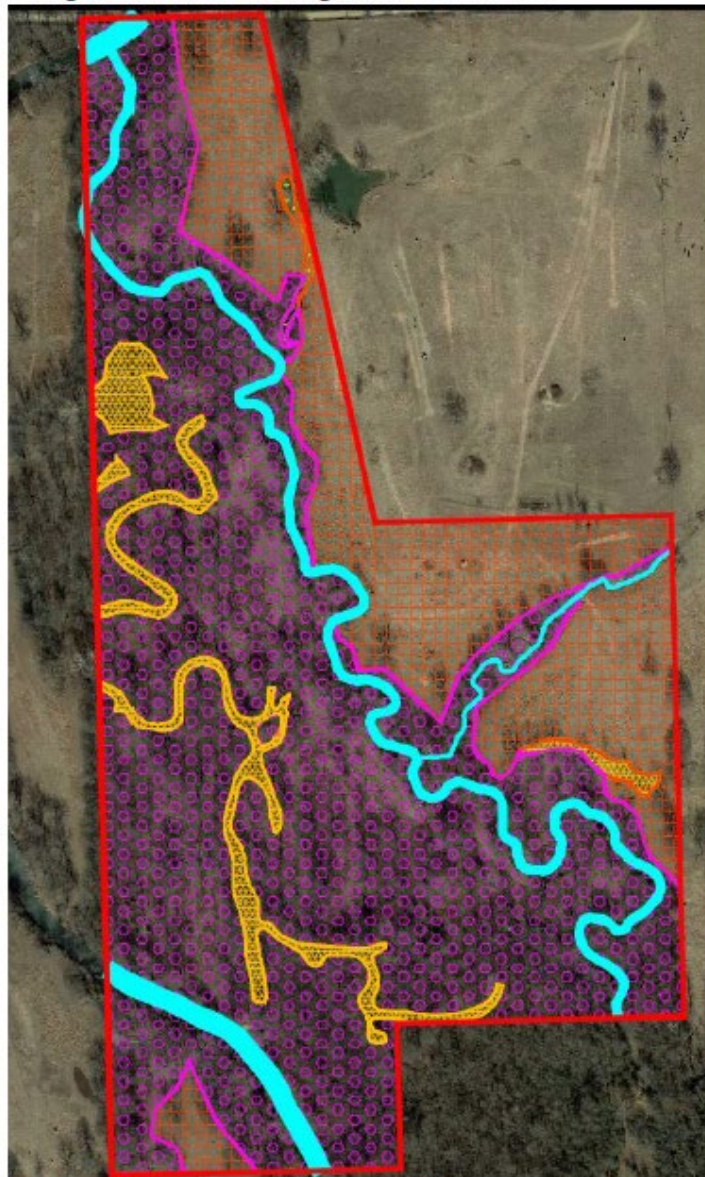
SWT-2011-860
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McIntosh County, Oklahoma
Enclosure 5 of 9

Figure 9a. Site A Existing Plant Communities



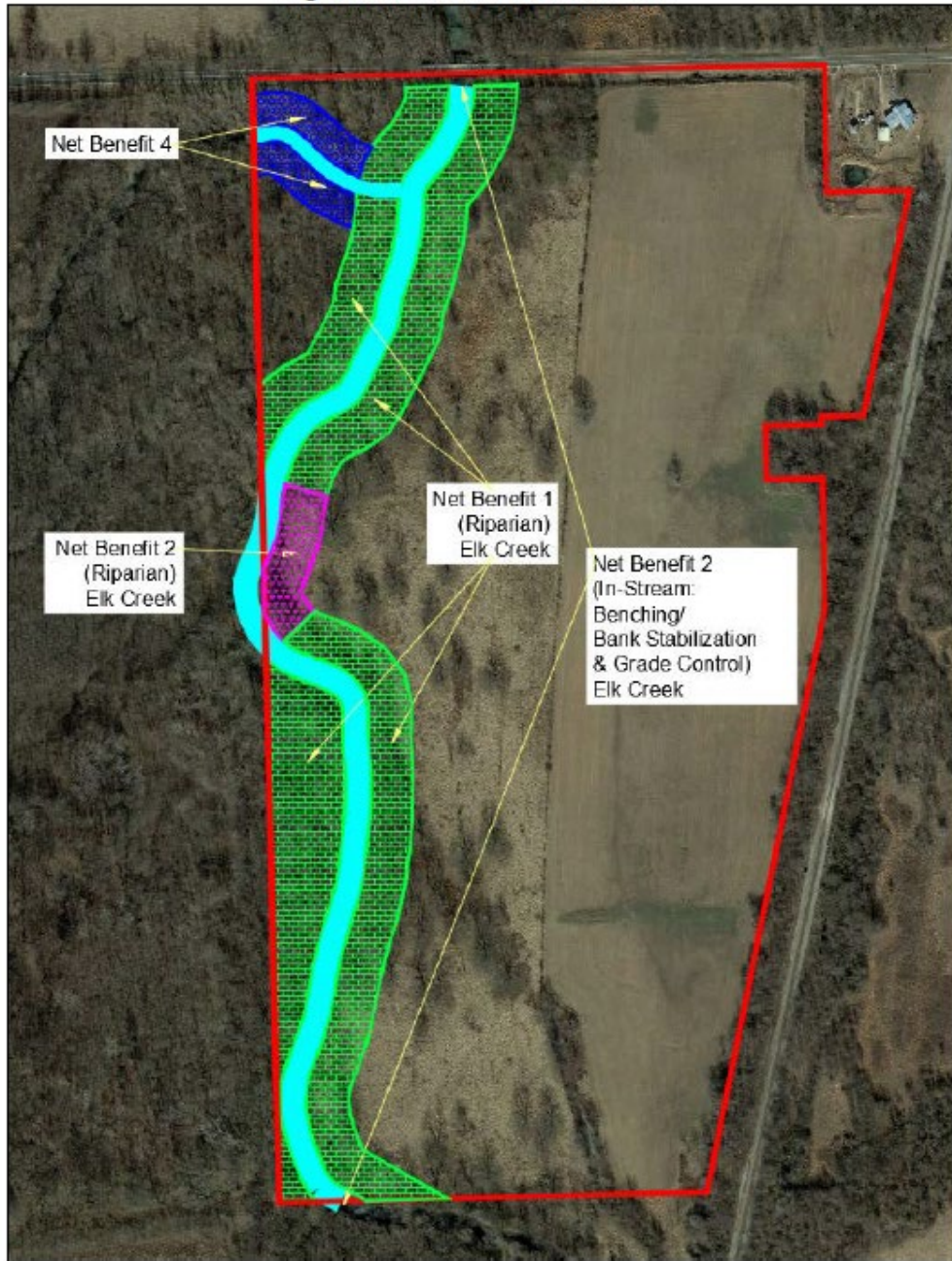
SWT-2011-860
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McIntosh County, Oklahoma
Enclosure 6 of 9

Figure 9b. Site B Existing Plant Communities



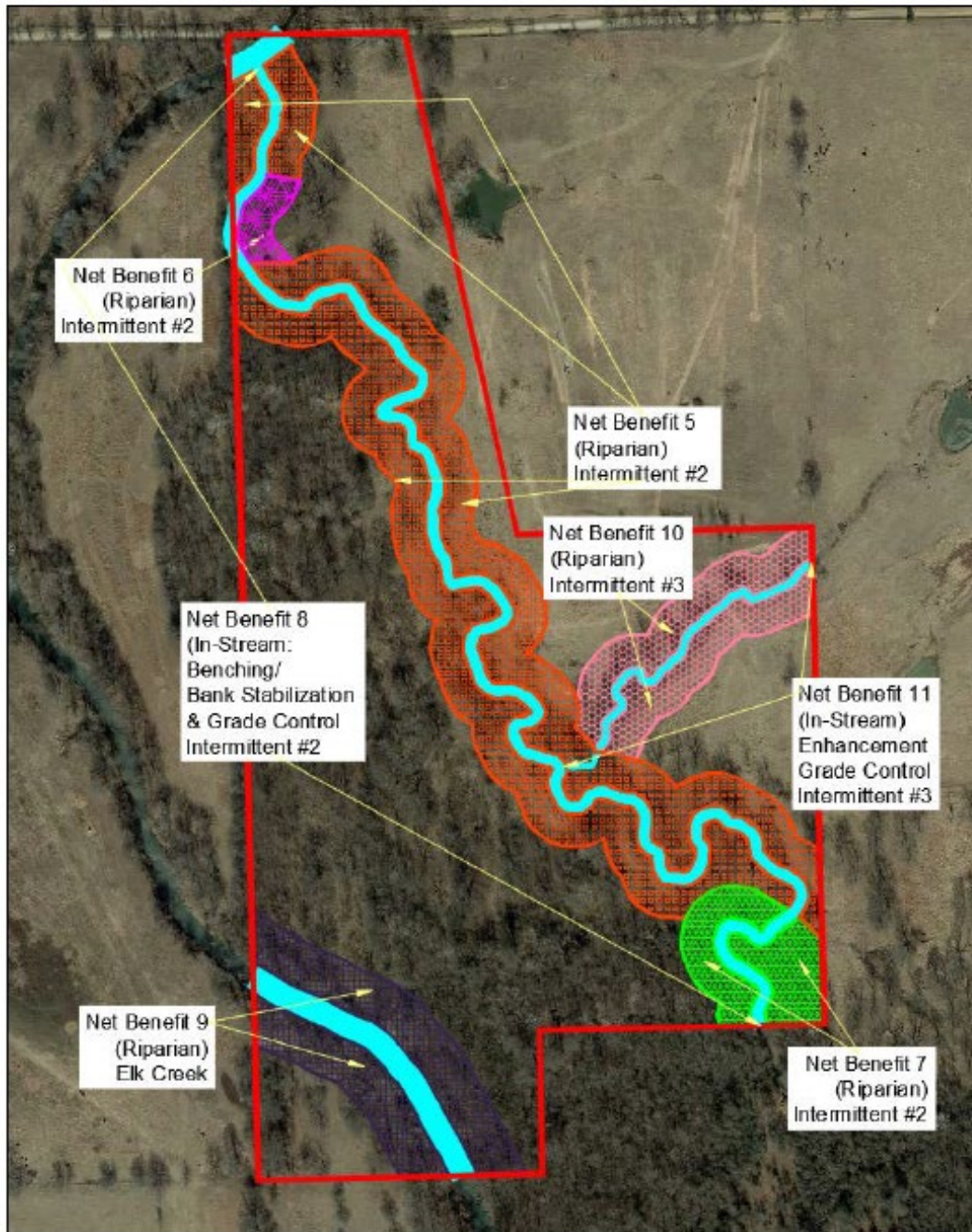
SWT-2011-860
Terra Foundation Inc. Elk Creek ILF Site
Elk Creek and its tributaries
McIntosh County, Oklahoma
Enclosure 7 of 9

Figure 11a. Site A Net Benefit Areas



SWT-2011-860
Terra Foundation Inc. Elk Creek ILF Site
Elk Creek and its tributaries
McIntosh County, Oklahoma
Enclosure 8 of 9

Figure 11b. Site B Net Benefit Areas



SWT-2011-860
Terra Foundation Inc. Elk Creek ILF Site
Elk Creek and its tributaries
McIntosh County, Oklahoma
Enclosure 9 of 9