



Public Notice

U.S. Army Corps
of Engineers
Tulsa District

Reply To:

U.S. Army Corps of Engineers
ATTN: Regulatory Office
2488 East 81st Street
Tulsa, Oklahoma 74137-4290

SWT-2018-204
Public Notice No.

July 27, 2018
Public Notice Date

August 27, 2018
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
2488 EAST 81ST STREET
TULSA, OKLAHOMA 74137-4290

Application No. SWT-2018-204

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. Bob Mackey
Hobby Lobby Inc.
7707 Southwest 44th Street
Oklahoma City, OK 73179

Agent: Mr. Gary Nolen
Smith Roberts Baldischwiler
2500 McGee Drive, Suite 100
Norman, OK 73072

Locations: There are two activity locations:

Location #1 is in the Northwest 1/4 of Section 20, Township 11 North, Range 4 West, in Oklahoma City, Oklahoma County, Oklahoma. This project site can be found on the Mustang, Oklahoma 7.5 Minute USGS Quadrangle map at North Latitude 35.415318 and West Longitude 97.651947.

Location #2 is in the Eastern 1/2 of Section 16, Township 11 North, Range 4 West in Oklahoma City, Oklahoma County, Oklahoma. This project site can be found on the Oklahoma City, Oklahoma 7.5 Minute USGS Quadrangle map at North Latitude 35.426651 and West Longitude 97.623650.

Project Description: This application is for an After-the-Fact permit for the unauthorized discharge of fill material into Campbell Creek and an unnamed tributary of the North Canadian River. This activity would facilitate the construction of Hobby Lobby East Warehouses and SCIP A Warehouse facility.

Purpose: The overall purpose of this work is to expand existing warehouse facilities. These projects are not a water dependent activities.

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)
Campbell Creek	Channel Fill and relocation	Stream	Native Soil	20,000 cys	1,400 lf
North - Unnamed Tributary of Canadian River	Channel Fill	Stream	Native Soil	23,400 cys	1,170 lf
South - Unnamed Tributary of North Canadian River	Channel Fill	Stream	Native Soil	13,570 cys	2,290 lf
cubic yards (cys), ordinary high water mark (OHWM), acre (ac), linear feet (lf)					

Description of Work: The applicant's proposal would leave the previously unauthorized fill material in place to facilitate existing warehouses and the on-going construction of warehouses. The proposal includes the placement of native soil utilizing conventional earth moving equipment to complete the construction.

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:

Location #1: The applicant stated that they avoided Campbell Creek to the northeast.

Location #2: The applicant stated that they avoided the unnamed tributary of the North Canadian River along the north side of State Highway 152.

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

The applicant stated the area within the bottom of Campbell Creek had a natural cut through to meanders of Campbell Creek, which resulted in the creation of 4,800 square feet of Campbell Creek bottom (estimated 600 lf long).

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.

Project Setting: This area has been transformed from agricultural grazing and farm lands to large commercial complexes consisting of warehouses and businesses. This area is located within the Cross Timbers Transition of the Central Great Plains ecoregion consisting historically of prairie grasses and eastern red cedar, scattered oaks, and elms. The area is primarily native grass with scattered trees.

Existing Condition: The two activity locations are on the Hobby Lobby Warehouse Complex. The filling and bank stabilization along Campbell Creek (Location #1) is complete. However, portions of location #2, the unnamed tributary of North Canadian River, was halted by the Corps with the issuance of a "Cease and Desist Letter". The storm drainage from the Warehouse Complex in the vicinity of location #2 is currently connected to the unnamed tributary of the North Canadian River.

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

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.

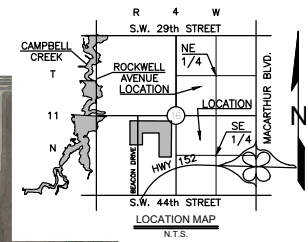
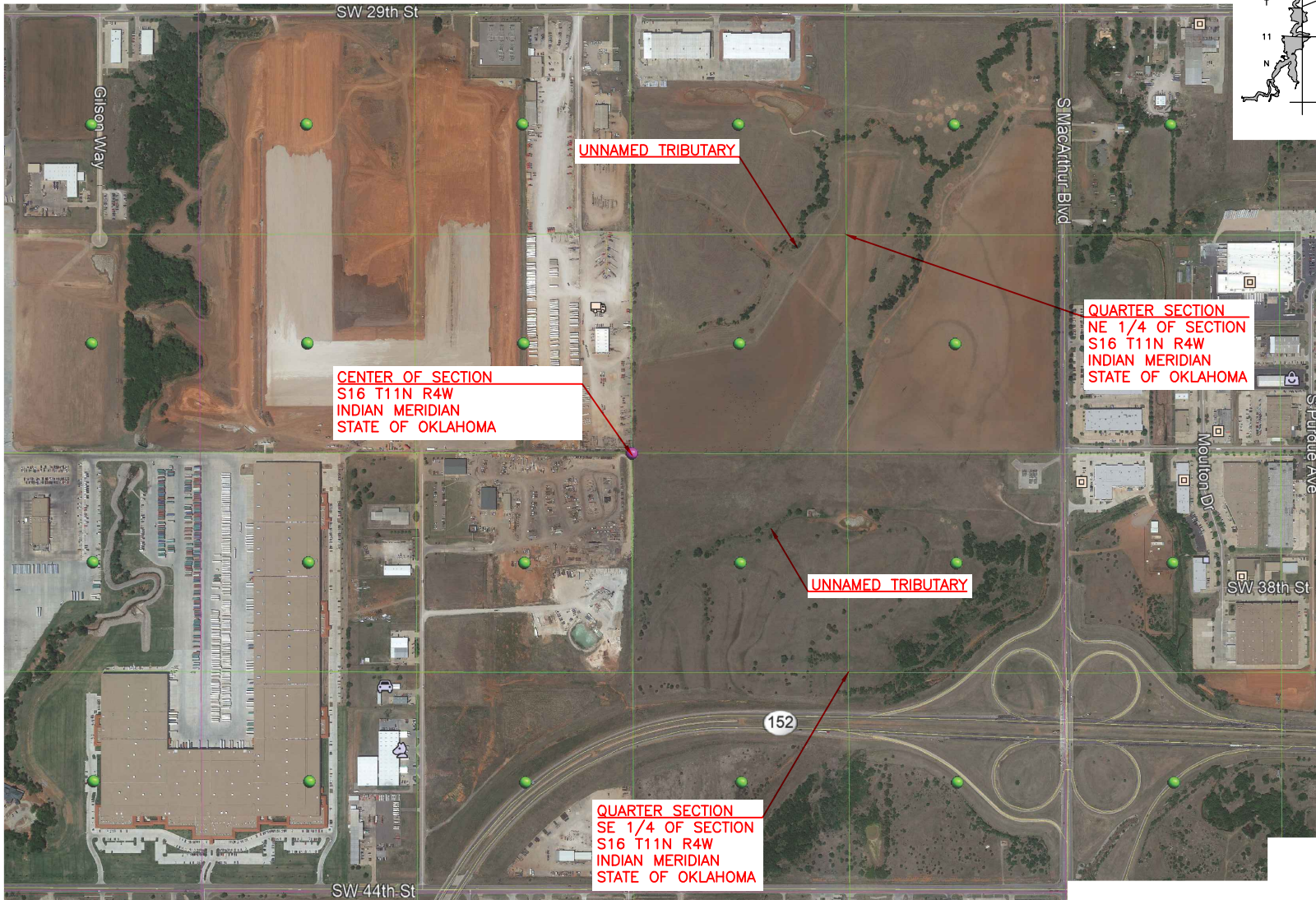
Plans and Data: Plans showing the locations of the unauthorized activities and other data are enclosed with this notice. If additional information is desired, it may be obtained from Mr. Michael Ware, Tulsa District Corps of Engineers, ATTN: Regulatory Office, 2488 East 81st Street, Tulsa, OK 74137; or telephone 918-669-7400.

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, floodplain administrators, state historic preservation officers, Indian tribes, and other interested parties. Comments concerning the issuance of this permit should be received by the DE no later than the expiration date of this public notice. 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-2018-204 in the subject line of the 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



CENTER OF SECTION
S16 T11N R4W
INDIAN MERIDIAN
STATE OF OKLAHOMA

UNNAMED TRIBUTARY

QUARTER SECTION
NE 1/4 OF SECTION
S16 T11N R4W
INDIAN MERIDIAN
STATE OF OKLAHOMA

UNNAMED TRIBUTARY

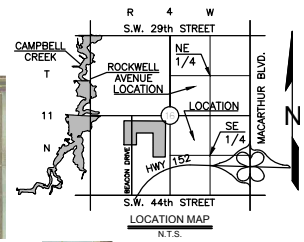
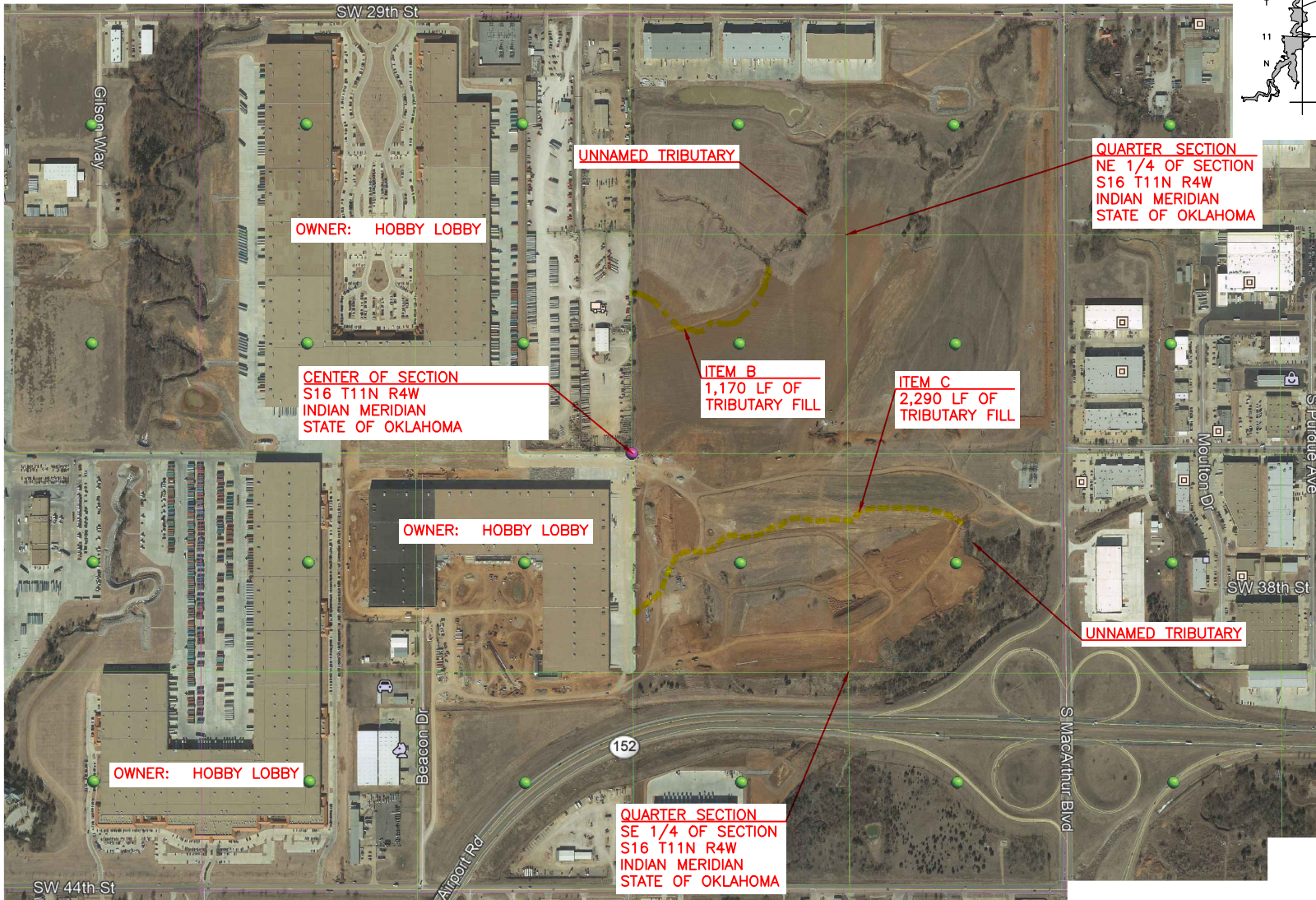
QUARTER SECTION
SE 1/4 OF SECTION
S16 T11N R4W
INDIAN MERIDIAN
STATE OF OKLAHOMA



SWT-2018-204
Hobby Lobby Warehouses
Campbell Creek and Unnamed tributary of North Canadian River
Oklahoma County, Oklahoma
Enclosure 3 of 4

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NO.	DATE	DESCRIPTION	BY

PROJ. 115142
 DATE: 7-11-18
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HOBBY LOBBY CORPORATE OFFICES
 UNNAMED TRIBUTARY
 OKLAHOMA CITY, OKLAHOMA
 ITEM B & C AFTER IMPROVEMENTS

SCALE:
 NO SCALE
 SHEET
 2

SWT-2018-204
 Hobby Lobby Warehouses
 Campbell Creek and Unnamed tributary of North Canadian River
 Oklahoma County, Oklahoma
 Enclosure 4 of 4