



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-2011-860
Public Notice No.

November 16, 2018
Public Notice 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

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

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 State of Oklahoma In-Lieu Fee (ILF) Stream and Wetland Mitigation Program Instrument (August 2018) to add the Cloud Creek Mitigation Plan (CC1) within the Lower Arkansas A Service Area.

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

PROJECT LOCATION: The proposed mitigation site is a 40-acre site and is located in Section 32, Township 14 South, Range 16 East, Muskogee County, Oklahoma. This proposed site is within the Lower Arkansas Watershed (HUC 1111). The project site can be found on the Boynton, Oklahoma 7.5 Minute USGS Quadrangle map at North Latitude 35.65121 and West Longitude 97.63548.

PROPOSED WORK AND PURPOSE: The ILF is proposing modification of its program instrument to include the new CC1 compensatory mitigation site. The purpose for the protection of the wetland functions and values contained at CC1 site would be to fulfill obligations for past sales of advanced compensation mitigation credits used in the Lower Arkansas A Service Area and to generate 'released credits' once past obligations have been fulfilled. CC1 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 include, among others, cadmium, enterococcus bacteria, total dissolved solids, oil and grease, and turbidity. Identified watershed needs are:

- a. Increase the amount of wetland and riparian acreage in watershed,
- b. Improve local and regional water quality and wildlife habitat,
- c. Emphasis on forested wetlands and closed depressions,
- d. Restore in-stream habitat, and
- e. Restore and enhance ecologically impaired and/or undersized riparian corridors.

NOTE: The Corps has not endorsed the proposed CC1 mitigation plan. This CC1 is not authorized until the ILF Program Instrument has been modified. The program instrument is a legal document for the establishment, operation, and use of an ILF.

CULTURAL RESOURCES: The ILF CC1 site would comply with the National Historic Preservation Act of 1966 and 36 CFR Part 800. As specific project sites are identified and brought forward under this program instrument, the Corps in consultation with the IRT would

evaluate information provided through this public notice by the State Historic Preservation Officer, federally recognized Tribes, the public, and may require a survey of specific project areas, if deemed necessary.

ENDANGERED SPECIES: The ILF CC1 site would comply with the Endangered Species Act. Modification of the program instrument to include the CC1 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 CC1 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 CC1 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 amendment, such that, the Sponsor may move forward in modifying the ILF Program Instrument to include the CC1 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 mitigation plan document would be in the public interest. Copies of all comments, including names and addresses of commenter's will be provided to the Sponsor. All comments should be mailed to Mr. Michael A. Ware at U.S. Army Corps of Engineers, 2488 East 81st, Tulsa, OK 74137; telephone No. 918-669-7400; or email to michael.a.ware@usace.army.mil.

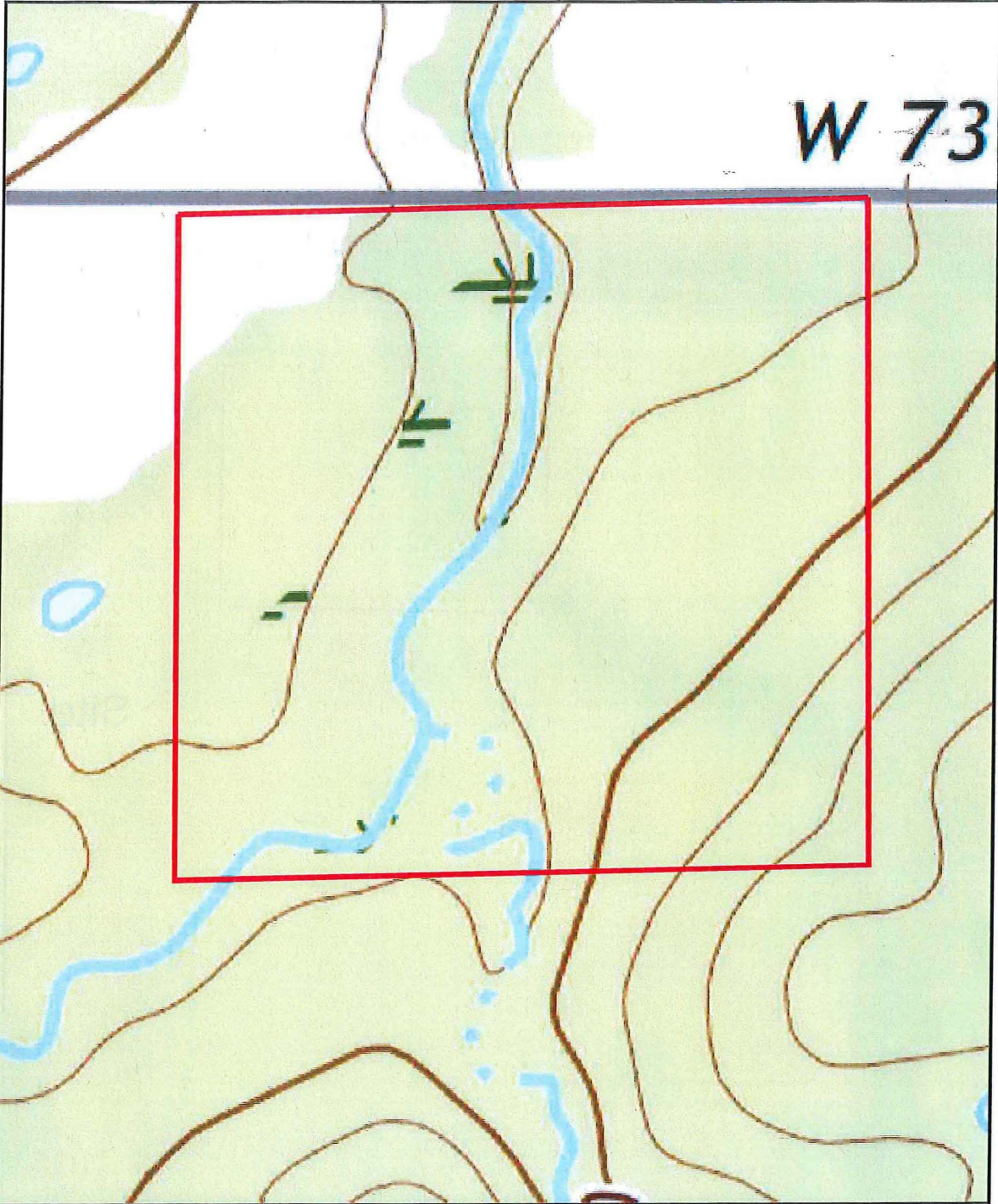
PUBLIC HEARING: Any person may request, in writing, prior to the expiration date of this public notice, that a public hearing be held to consider this application. Such requests shall state, with particularity, the reasons for holding a public hearing.

NOTE: This public notice and proposed ILF amendment is posted for review on the Tulsa District's Regulatory web page: www.swt.usace.army.mil.

Terra Foundation, Inc.

Figure 1. Site Location





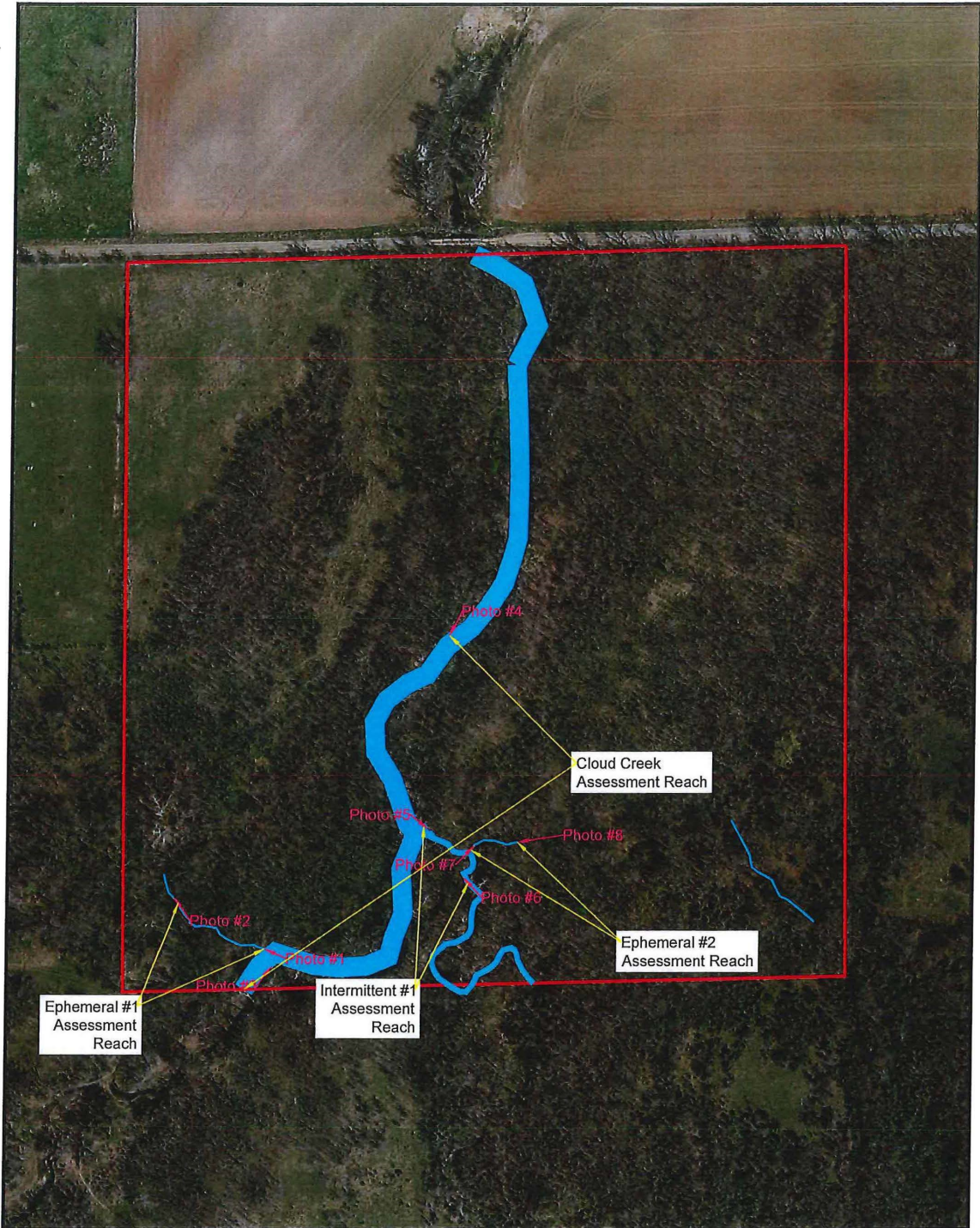
Revisions		
No.	Description	Date

Terra Foundation
 7633 E. 63rd Place, Ste. 300
 Tulsa, Oklahoma
 74133
 Tel 918.686.1522

Lower Arkansas A In-Lieu Fee
 Mitigation Site 1
 Muskogee County, Oklahoma

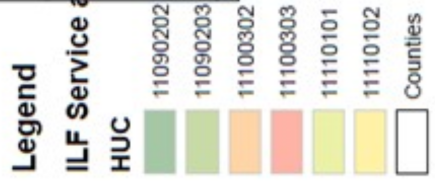
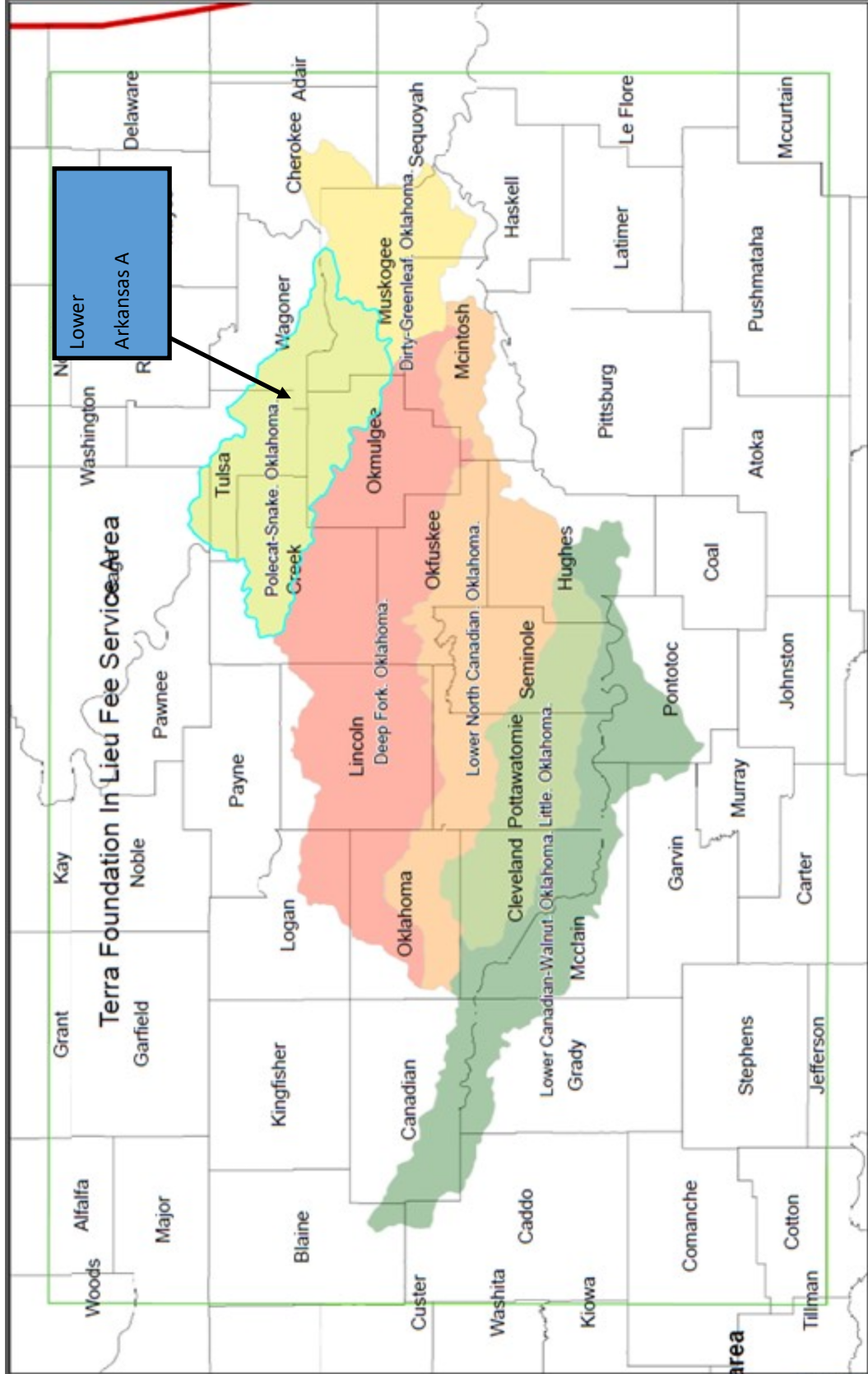
2016 USGS
 Topo Map
 DRAWING 7 DATE MAR 2018

SWT-2011-680
 Muskogee County
 Lower Arkansas A - Cloud Creek
 Cloud Creek
 Enclosure 2 of 4



	Revisions			Terra Foundation 7633 E. 63rd Place, Ste. 300 Tulsa, Oklahoma 74133 Tel 918.686.1522	Lower Arkansas A Service Area Site #1 - Cloud Creek	SVAP Site Diagram DRAWING DATE FIG 1 FEB 2018
No.	Description	Date				

SWT-2011-680
 Muskogee County
 Lower Arkansas A - Cloud Creek
 Cloud Creek
 Enclosure 3 of 4



SWT-2011-680
 Muskogee County
 Lower Arkansas A - Cloud Creek
 Cloud Creek
 Enclosure 1 of 4