



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-2011-00860
Public Notice No.

June 26, 2024
Public Notice Date

July 26, 2024
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

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
U.S. 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 Beaver Creek ILF project site within the Canadian B Service Area.

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

PROJECT LOCATION: The proposed mitigation site is approximately 28 acres located along Beaver Creek in Section 1 of Township 10 North, Range 7 West, just southeast of Union City, Canadian County, Oklahoma. This proposed site is within the Canadian River Watershed (HUC 1109). The project site is located at Latitude 35.36630, Longitude - 97.88619.

PROPOSED WORK AND PURPOSE: The Sponsor is proposing modification of its program instrument to include the new ILF project site. The purpose for the protection of the wetland functions and values contained at the project site would be to fulfill obligations for past sales of advanced compensation mitigation credits used in the Canadian B Service Area and to generate 'released credits' once past obligations have been fulfilled. The ILF project site was selected based on its potential for beneficial water quality and wildlife habitat improvements to the watershed. In particular, the presence of existing ecological impairments is expected to increase the mitigation potential of the proposed ILF project site. Specifically, agricultural conversion and clearing of portions of the site had degraded or decreased the amount of wetlands, stream, riparian, and upland habitats that remain onsite. Agricultural activities also resulted in the clearing of many of the original tree species and the replacement of native plant communities with agricultural pasture fields and second growth riparian buffers dominated by early and mid-successional tree and shrub species. Despite the ecological impairments that have occurred, the site retains substantial potential for recovery and enhancement and the Sponsor proposes to improve the water quality and wildlife habitat benefits provided by the site. This includes restoring and enhancing the native habitats that would have likely existed before agricultural conversion, including sizeable riparian buffers. Identified watershed needs are:

- a. Restoring, enhancing, and preserving important aquatic resources
- b. Improving wildlife habitat

- c. Addressing in-stream habitat impairments, and
- d. Enhancing ecologically impaired riparian corridors.

CULTURAL RESOURCES: The Corps will comply with the National Historic Preservation Act of 1966, 36 CFR Part 800, and 36 CFR 325 Appendix C 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 Internal Review Team.

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 project 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 project 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).

PLANS AND DATA: Plans showing the location of the proposed activity and other data are enclosed with this notice, which is available on our website at <https://www.swt.usace.army.mil/Missions/Regulatory/Public-Notices/>. If additional information is desired, it may be obtained from Michael Ware, Tulsa District Corps of Engineers, ATTN: Regulatory Office, 2488 East 81st Street, Tulsa, OK 74137; or telephone 918-669-7400.

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. Any comments received will be considered by the Corps to determine whether to approve, modify, condition, or deny the proposed ILF instrument amendment for the new ILF project site. 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 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 title "SWT-2011-860 Beaver Creek ILF Site" in the subject line of your email message or comments submitted by mail.

Andrew R. Commer
Chief, Regulatory Office

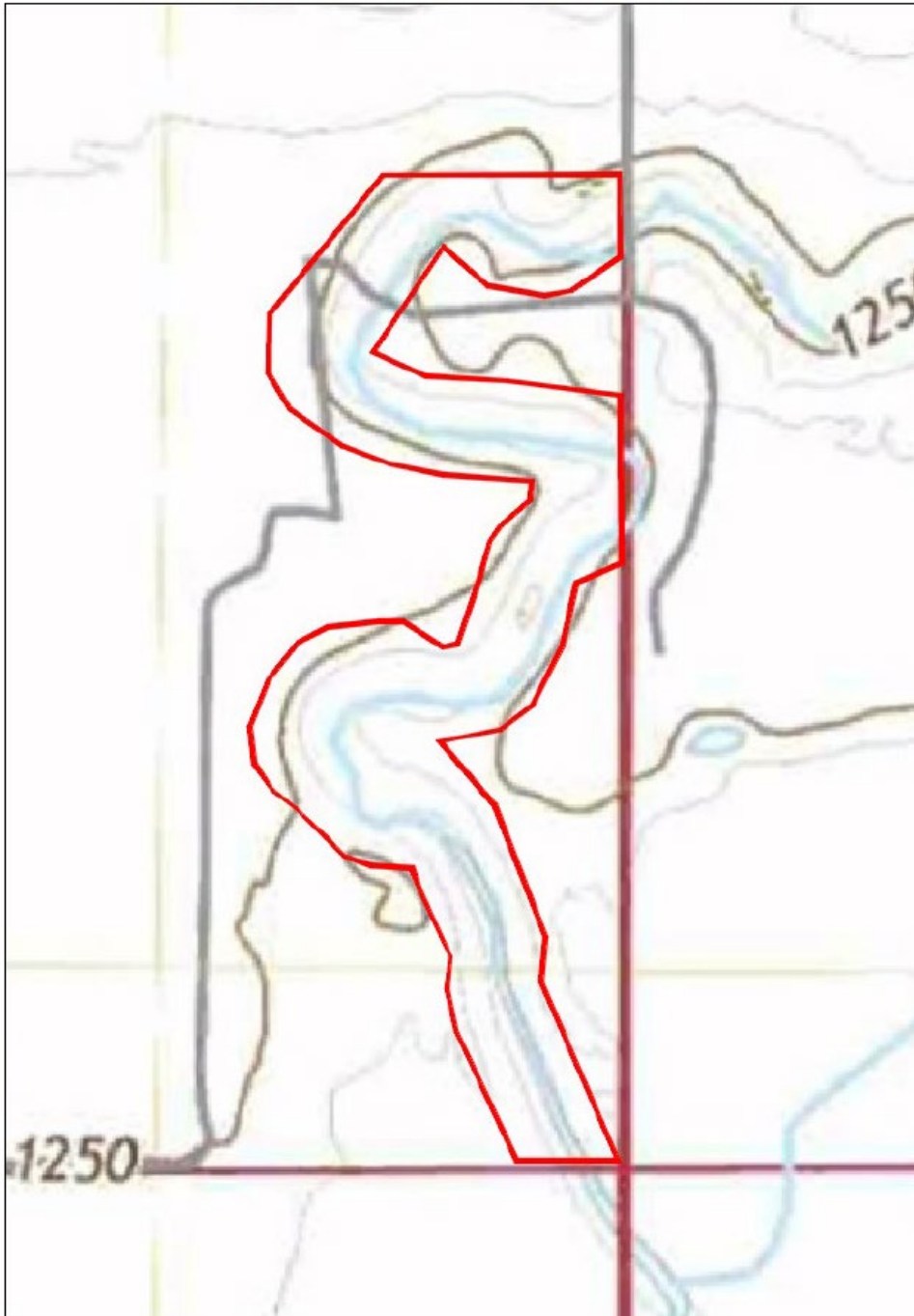
Enclosures



Project Location

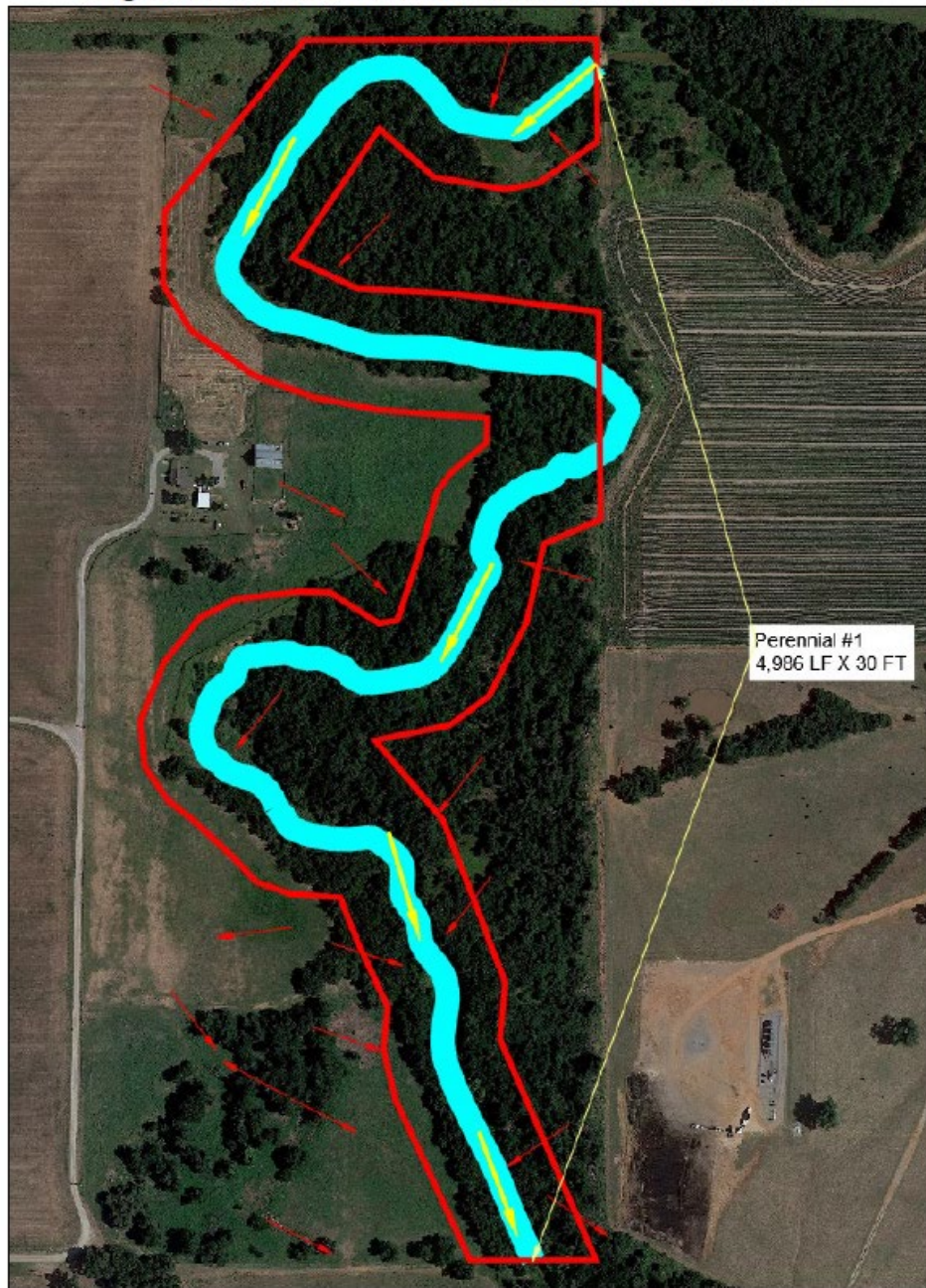
SWT-2011-860
Terra Foundation Inc.
Beaver Creek ILF Project Site
Beaver Creek
Canadian County, Oklahoma
Enclosure 1 of 5

Figure 3. 2022 U.S. Geological Survey Topographic Map



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Beaver Creek ILF Project Site
Beaver Creek
Canadian County, Oklahoma
Enclosure 2 of 5

Figure 4. Baseline Conditions Surface Water Flow Paths



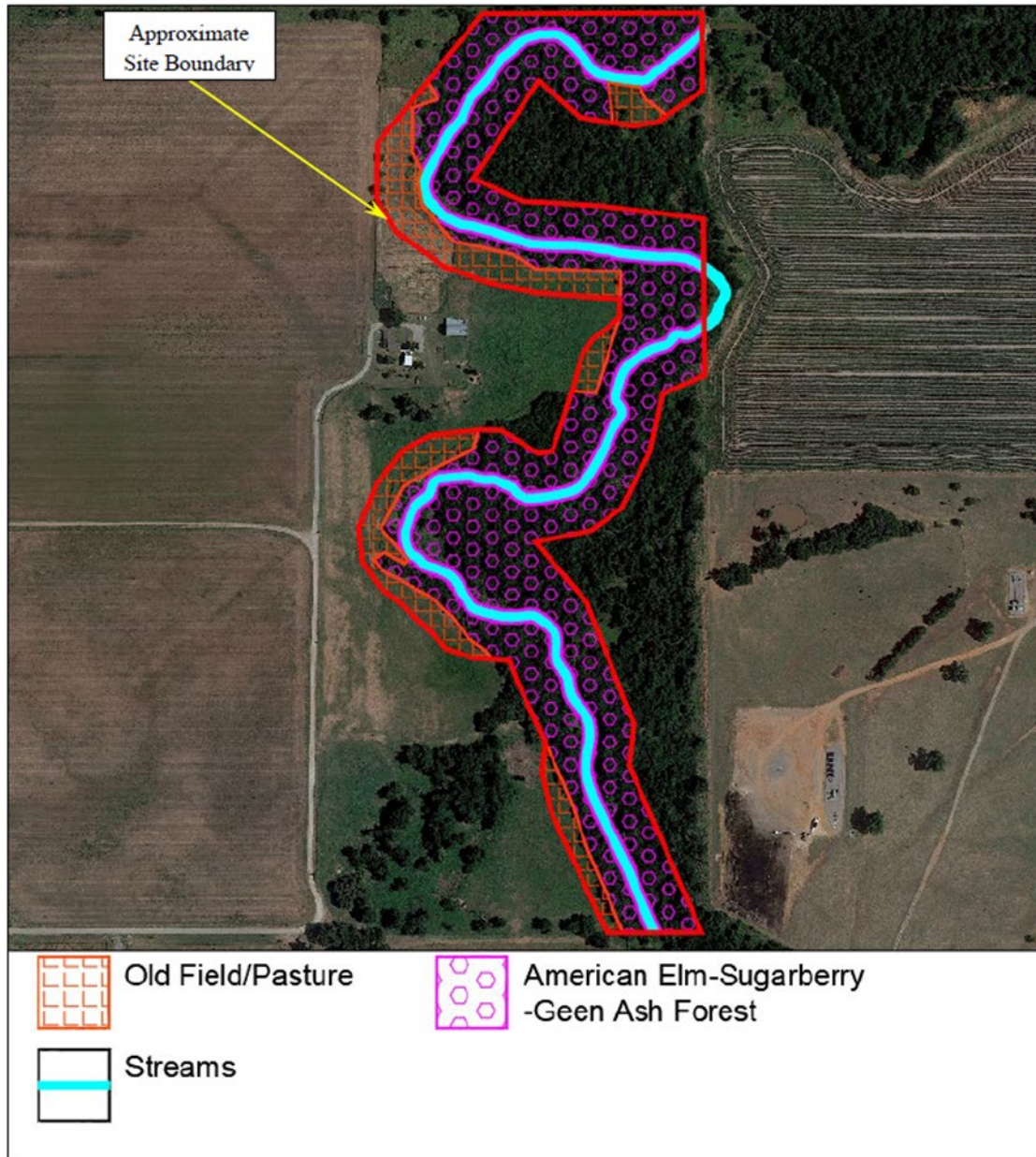
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Table 6. Advance OSMM Stream Credits to Satisfy

Advance Stream Credit Type	OSMM Credit Ratio (M)	Stream Length	Total Advance OSMM Credits to be Satisfied
Perennial	N/A		25,605*
Intermittent	4.4	340	1,496
TOTAL ADVANCE CREDITS TO SATISFY:			27,101

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Figure 8. Existing Plant Communities



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