



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-2014-00429
Public Notice No.

May 12, 2020
Public Notice Date

June 10, 2020
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-2014-00429

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. Keith Jones
Integrity Development Group L.L.C.
3768 S. Elm Place
Broken Arrow, OK 74011

Agent: Mrs. Nicole Watts
KKT Architects
2200 South Utica Place, Suite 200
Tulsa, OK 74112

Location: The proposed project is in the Northwest 1/4 of Section 28, Township 18 North, Range 15 East, in Wagoner County, Oklahoma. The project site can be found on the Mingo Oklahoma 7.5 Minute USGS Quadrangle map at North Latitude 36.013605 and West Longitude 95.721495.

Project Description: This is an After-The-Fact (ATF) application for the placement of fill material into an unnamed tributaries of Broken Arrow Creek for a residential development. The applicant has constructed residential homes, road infrastructure, a reinforced concrete box, and expanded a pond in waters of the United States without a Department of the Army Permit.

Purpose: The overall purpose of this work is for a residential development, to include associated utilities and roadways. The applicant also constructed a pond outlet and two off-channel stormwater management basins that discharges into the unnamed tributary to manage the 100-year flood frequency event.

The project is not a water dependent activity and there are no special aquatic sites are located within the project site.

Summary Table of Impacts:

Original Proposal					
Number or Location	Impact Activity	Type of Water	Type of Fill Material	Quantity of Material (CY) below OHWM	Footprint (AC and/or LF)
Reinforced Concrete Box "RCB" "Bridge A"	Construction of a RCB/ Wingwall	Riverine	Concrete and Steel	242	145 LF 0.09 AC
Unnamed Tributary of Broken Arrow Creek Stream "A"	Placement of Fill Material	Riverine	Earthen Material/Clay	54	507 LF 0.12 AC Channelized
Unnamed Tributary of Broken Arrow Creek Stream "B"	Placement of Fill Material	Riverine	Earthen Material/Clay	137	1,075 LF 0.30 AC Filled
Unnamed Pond	Excavation	Pond			0.40 AC
Unnamed Pond (New Expanded) and Spillway	Expand in Uplands	Pond	Earthen Material/Clay Riprap and Concrete		2.15 AC
cubic yards (cy), ordinary high water mark (OHWM), acre (ac), linear feet (lf)					

Description of Work: The ATF permit proposal would require the placement of 137 CY of earthen material into approximately 1,075 LF (0.30 AC) of stream channel. Also, the applicant proposes to construct a new channel to reroute waters of the United States for approximately 507 LF (0.12 AC) using 54 CY of earthen material for seven completed homes and two access roads.

The applicant expanded an existing pond (0.40 AC) that is now 2.15 AC and a new spillway using concrete and two stormwater managements in the uplands that was constructed in the uplands that discharges into the unnamed tributary of Broken Arrow.

Finally, the applicant constructed a 10- by 12-foot reinforced concrete box and wing walls for approximately 145 LF (0.09 AC) using Type 1 Class A concrete. The fill material may consist of concrete, gravel, sand, and earthen material. The work would be performed using conventional earth moving equipment.

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:

This applicant did not provided a statement to avoidance and minimization of impacts to aquatic resources for the proposed project.

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

The applicant has not provided a finalized mitigation plan to date to the Corps. The applicant has discussed providing less than 1:1 preservation to protect 50 linear feet of unnamed tributary of Adams Creek and providing a Deed Restriction for a total of 762 linear feet. The proposed stream segment is roughly 20' in width and currently has a dense riparian corridor.

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.

Government Authorizations obtained or received: The Corps has not reviewed any copies of other required permits.

Project Setting: This project is located within the Oklahoma Ecoregion of Central Irregular Plains, which is part of the Osage Cuestas geomorphic province. The Transition is characterized by a series of differential erosion of Pennsylvanian and Permian limestone, shale and grasslands. The project is in the floodplain of Broken Arrow Creek.

Existing Condition: The parcel of land is currently comprised mostly of mowed grass, roads, homes, and utilities in the uplands. Currently and before the unauthorized activity, the intermittent stream channel is jurisdictional waters of the United States. The primary use for the land historically was for agriculture purposes, comprised mostly of grazing activities.

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: northern long-eared bat (*Myotis septentrionalis*), least tern (*Sterna antillarum*), piping plover (*Charadrius melodus*), red knot (*Calidris canutus rufa*), whooping crane (*Grus americana*) and American burying beetle (*Nicrophorus americanus*). A copy of this notice is being furnished to the U.S. Fish and Wildlife Service and appropriate state agencies.

We are currently assessing the potential effects of the proposed action on these species and will comply with the Endangered Species Act with regard to any effect of our decision on this permit application.

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 location of the proposed activity and other data are enclosed with this notice (Enclosure 1 of 5). If additional information is desired, it may be obtained from Mr. Marcus 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-2014-429 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

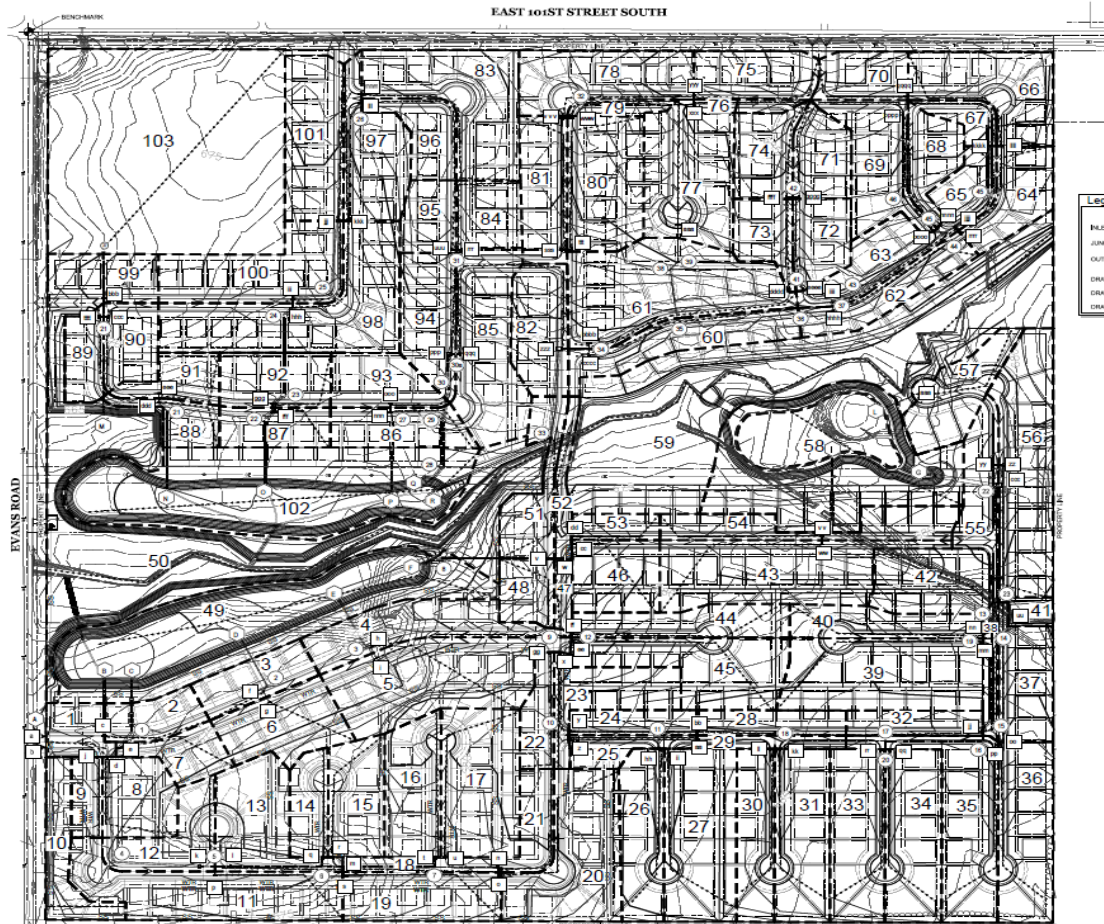
project. Work may **not** commence until decisions have been made on both Sections 401 and 404.

Andrew R. Commer
Chief, Regulatory Office

Enclosures



SWT-2014-429
Highland Creek Phase 1 and 2
Residential Development Project
Unnamed Tributary of Broken Arrow
Wagoner County, Oklahoma
Enclosure 1 of 5



Legend

	EXISTING	PROPOSED
INLET		
JUNCTION		
OUTLET		
DRAINAGE AREA LABEL	1	
DRAINAGE AREA BOUNDARY	---	
DRAINAGE AREA PATH	---	

Legend

103	102	101	100	99	98	97	96	95	94	93	92	91	90	89	88	87	86	85	84	83	82	81	80	79	78	77	76	75	74	73	72	71	70	69	68	67	66	65	64	63	62	61	60	59	58	57	56	55	54	53	52	51	50	49	48	47	46	45	44	43	42	41	40	39	38	37	36	35	34	33	32	31	30	29	28	27	26	25	24	23	22	21	20	19	18	17	16	15	14	13	12	11	10	9	8	7	6	5	4	3	2	1
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KKT
ARCHITECTS, ENGINEERS & SURVEYORS

KKT ARCHITECTS, INC.
2200 SOUTH UTICA PLACE, SUITE 200
TULSA, OKLAHOMA 74114
(918) 744-4220 / (918) 744-7889
WWW.KKTARCHITECTS.COM

CERTIFICATE OF AUTHORIZATION
NO. CA 5305 EXP. 06/30/2017



**HIGHLAND
CREEK
PHASE II**

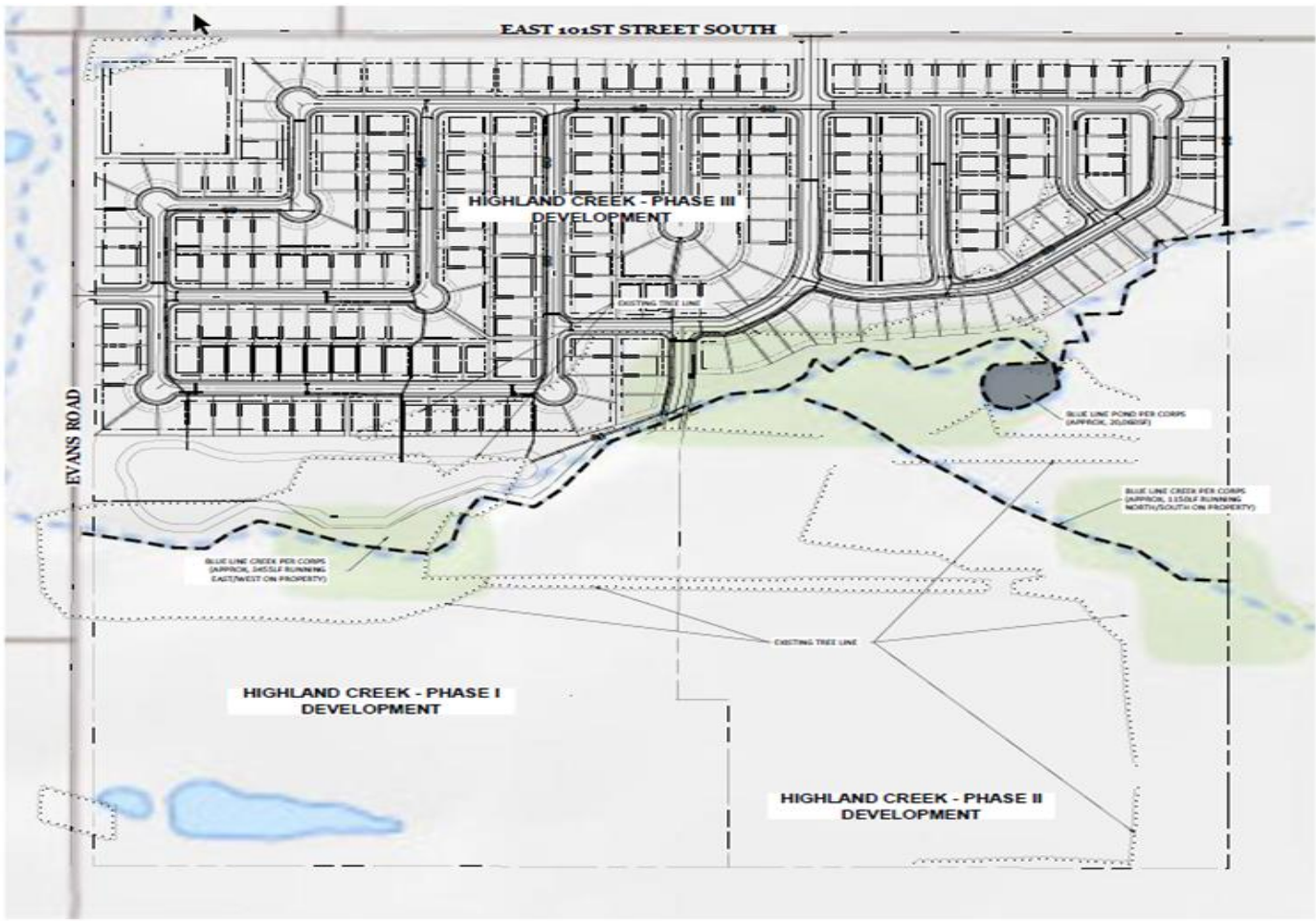
WAGONER COUNTY
RURAL WATER
DISTRICT NO. 4,
OKLAHOMA



HORIZONTAL SCALE: 1"=120'
VERTICAL SCALE: 1"=120'
ALIAS PAGE NO.:
MANAGER: ANK
DRAWN BY: GMS
DATE: 10/19/2014

DRAINAGE AREA
MAP
C14

SWT-2014-429
Highland Creek Phase 1 and 2
Residential Development Project
Unnamed Tributary of Broken Arrow
Wagoner County, Oklahoma
Enclosure 2 of 5



30 KKT
 KKT ARCHITECTS, INC.
 28810TH STREET PLACE, SUITE 200
 TULSA, OKLAHOMA 74114
 (918) 438-1111
 WWW.KKTARCHITECTS.COM

CERTIFICATE OF AUTHORIZATION
 NO. CA 388 EXP. 06/22/21



HIGHLAND CREEK

CORPS OF ENGINEERS

WAGONER COUNTY,
 OKLAHOMA



DATE	DESCRIPTION
11/15/19	1. ORIGINAL CONDITIONS

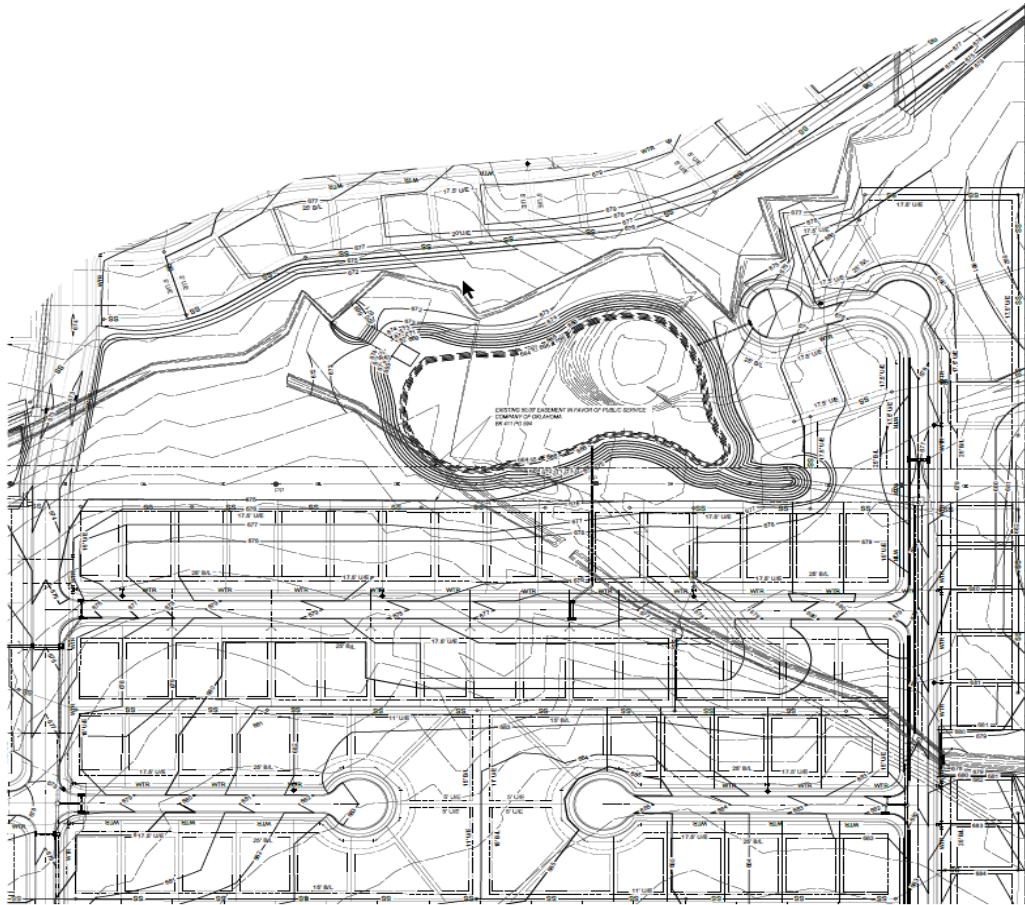
SWT-2014-429
 Highland Creek Phase 1 and 2
 Residential Development Project
 Unnamed Tributary of Broken Arrow
 Wagoner County, Oklahoma
 Enclosure 3 of 5

Note
 ALL GRADES SHOWN ARE TO THE TOP OF PAVEMENT

Grading Legend

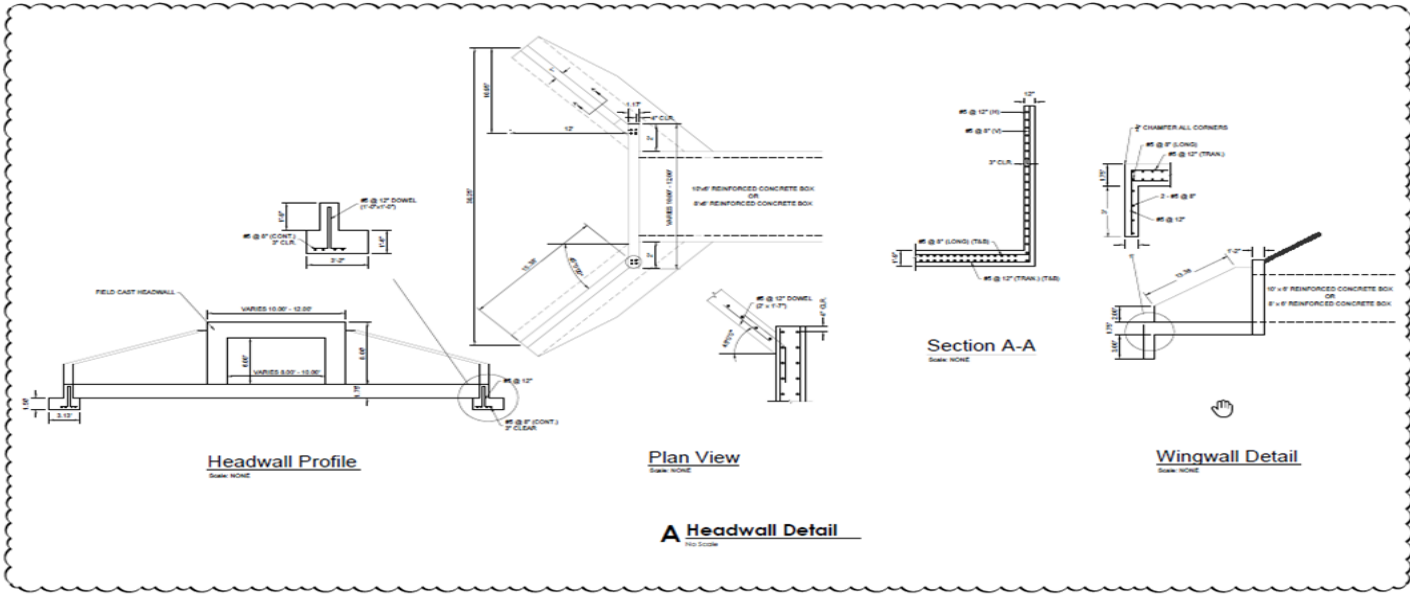
BM	BASE OF WALL FRESH GRADE
CBM	CLUB TRANSITION
ED	EDGE OF DRIVE
EG	EDGE OF GRADE
EGM	EXISTING GROUND
FF	FRESH FLOOR
FG	FRESH GRADE
FL	FLORING
GL	GUTTER
TC	TOP OF CURB
TR	TOP OF DRIVE
TRM	TOP OF DRIVE
TRF	TOP OF FINE
TRM	TOP OF SIDEWALK OR STEP
TRM	TOP OF WALL FRESH GRADE

Benchmark ↗
 85.74+00.00 ON
 14-302523-010
 2010/04/28/2010



NORTH HALF
 GRADING PLAN
C04

SWT-2014-429
 Highland Creek Phase 1 and 2
 Residential Development Project
 Unnamed Tributary of Broken Arrow
 Wagoner County, Oklahoma
 Enclosure 4 of 5



KKT ARCHITECTS, INC. 3200 SOUTH UNICA PLACE, SUITE 200 TULSA, OKLAHOMA 74114 (P) 918.744.4292 (F) 918.744.7549 WWW.KKTARCHITECTS.COM



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 TULSA, OKLAHOMA 74114
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 WWW.KKTARCHITECTS.COM

CERTIFICATE OF AUTHORIZATION
 NO. CA 5309 EXP. 04/30/2017



ALL CONSTRUCTION TO BE IN ACCORDANCE WITH CURRENT WAGONER COUNTY BOARD RULES, ORDINANCES AND SPECIFICATIONS.

HIGHLAND CREEK PHASE II

WAGONER COUNTY
 RURAL WATER
 DISTRICT NO. 4,
 OKLAHOMA



HORIZ. SCALE:
 VERT. SCALE:
 ATLAS PROJECT NO.:
 MANAGER:
 DRAWN BY:
 DATE: 10/19/2014

LINE 2 HEADWALL
 DETAILS
C24

SWT-2014-429
 Highland Creek Phase 1 and 2
 Residential Development Project
 Unnamed Tributary of Broken Arrow
 Wagoner County, Oklahoma
 Enclosure 5 of 5