



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-2017-00400
Public Notice No.

March 11, 2019
Public Notice Date

April 10, 2019
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
CORPS OF ENGINEERS, TULSA DISTRICT
2488 EAST 81ST STREET
TULSA, OKLAHOMA 74137-4290

Application No. SWT-2017-00400

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. Jay Jordan
Special Exploration
4815 S Perkins Road
Stillwater, OK 74074

Agent: Ms. Amanda Newberry
EST Inc.
615 N Hudson
Oklahoma City, OK 73102

Location: The proposed project is located in Section 26, Township 10 North, Range 3 West, City of Moore, Cleveland County, Oklahoma. The project site can be found on the Moore, Oklahoma 7.5 Minute, U.S. Geological Survey Quadrangle map at North Latitude 35.308341 and West Longitude -97.488544.

Project Description: The application is for the placement of fill material in waters of the United States, for the proposed construction of Mission Point Commercial Development, consisting of 52 acres. Approximately 1,485 linear feet of Little River, a perennial stream, would be filled/rerouted to accommodate the proposed project.

Purpose: The basic purpose of this work is to construct a commercial development. There are no special aquatic sites on the project site. A water dependency determination is not necessary since no special aquatic sites are located within the project site.

The overall project purpose is the construction of a commercial development, consisting of at least 50 acres, to meet local demands for retail and dining establishments, along Interstate 35 (I-35), in the City of Moore, Oklahoma.

Summary Table of Impacts:

Proposal					
Number or Location	Impact Activity	Type of Water	Type of Fill Material	Qty of Material cys below OHWM	Footprint (ac and/or lf)
Little River	Fill/relocate	Perennial Stream	Earthen	11,135-cys	1,485-lf
cubic yards (cys), ordinary high water mark (OHWM), acre (ac), linear feet (lf)					

Description of Work: The project would include the placement of fill material into approximately 1,485-lf of Little River, which is a tributary of the Canadian River. Approximately 11,135-cys of earthen fill would be placed into 1,485-lf of stream channel. The project is anticipated to shift the stream channel east approximately 300 feet and would be constructed by creating a new 1,422-lf stream channel, in a sinuous pattern, and stabilizing the channel and banks using native rock to create stable banks and proper pool riffle sequences. The new channel would be constructed and stabilized prior to opening the existing channel to flow into the new channel to minimize the amount of sediment carried downstream. After the new channel is established and functioning properly, the old channel alignment would be dammed off and filled in a manner to prevent any sediment from entering the downstream water system. There would be no dredge or fill material discharged into the downstream creek as a result of this project. The channel would be protected from sediment during development using silt fence and silt dikes. The work would be completed with standard earth moving equipment (e.g. backhoe, bulldozer, trackhoe, haul truck, and compactor).

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:

The initial concept design for this project was to channelize the creek similar to the design of the upstream creek west of I-35. After careful consideration, an effort was made to lessen the environmental impact of this project. By staying close to the existing channel length and creating a sinuous channel alignment, we were able to reduce the impact to the surrounding ecosystem. This design further reduces impacts by realigning a shorter channel section, leaving the south end on its original alignment. The construction sequence of this project was also carefully designed to minimize the impact to wildlife and downstream waters by utilizing the following sequence.

Phase 1: New channel construction and stabilization outside of the existing creek channel while maintaining separation from the existing creek to minimize the impact to the ecosystem and prevent construction sediment from entering the downstream creek.

Phase 2: Open the downstream side of the new creek channel so that it is connected with the existing downstream channel.

Phase 3: Open the upstream side of the new creek channel to connect it to the existing creek and allow water to begin flowing through the new creek channel which has already been stabilized with native stone.

Phase 4: Close the connection from the upstream channel to the now abandoned channel of the creek and allow the water from the abandoned channel to flow out downstream.

Phase 5: Begin filling the abandoned channel from the upstream end and work downstream of the existing channel to prevent trapping any wildlife that may be present in the abandoned stream.

Project completion schedule:

Phase 1 - 40 days from notice to proceed

Phase 2 - 50 days from notice to proceed

Phase 3 - 60 days from notice to proceed

Phase 4 - 70 days from notice to proceed

Phase 5 - 90 days from notice to proceed

*notice to proceed will be issued to the contractor within 30 days of issuance of permit.

Utilizing this project sequence and design will minimize the impacts to the jurisdictional waters of the United States. The earthwork on this project will be performed utilizing predominantly onsite materials that will be moved with the use of covered trucks. All state and federally required erosion control methods will be utilized on this project including, but not limited to silt fence, silt dike, temporary rock filter dams, inlet sediment filters and sediment curtains. During the course of this project the remaining 1,880-lf of channel on the property will be cleaned of trash and debris remaining from the May 3, 1999 tornado. In addition, the currently eroding banks will be stabilized with the use of native stone and revegetation of riparian areas.

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

Mitigation for the impacts to the jurisdictional waters of the United States shall be made through the purchase of in-lieu fee program credits. This project is located

within the service area of an approved in-lieu fee program, and the sponsor has the appropriate number and resource type of credits available.

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: The project is bounded by the existing Mission Point Luxury Apartment Complex to the north and northeast, by S I-35 Service Road to the west, SW 34th Street to the south, and a railroad track to the east. The project is located within the Cross Timbers Transition ecoregion of the Central Great Plains. The USGS Topographic Quadrangle Map shows Little River to be a mapped stream.

Existing Condition: Most of the land is characterized by open fields; the areas along the Little River are wooded with oak and cedar trees. Although mostly undeveloped, the area has been heavily utilized and impacted by gas and water pipelines, heavy agricultural terracing, remnants of oil pads, gravel access roads, and active construction areas. Little River has channel degradation and severe bank erosion as well as large debris and trash scattered through the stream as a result of the May 3, 1999, tornado in Moore, Oklahoma.

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*), and whooping crane (*Grus americana*). The U.S. Fish and Wildlife Service (USFWS) Information for Planning and Consultation Code is: 02EKOK00-2019-SLI-1297. A copy of this notice is being furnished to the USFWS 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 location of the proposed activity and other data are enclosed with this notice (Enclosures 1 - 6). If additional information is desired, it may be obtained from Mr. David Carraway, Tulsa District, Corps of Engineers, ATTN: Regulatory Office, 2488 East 81st Street, Tulsa, OK 74137; or telephone 918-669-7400.

Comments: The Corps of Engineers 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 this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. 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 used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity. Any person may request in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for public hearings shall state, with particularity, the reasons for holding a public hearing. 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-2017-00400 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

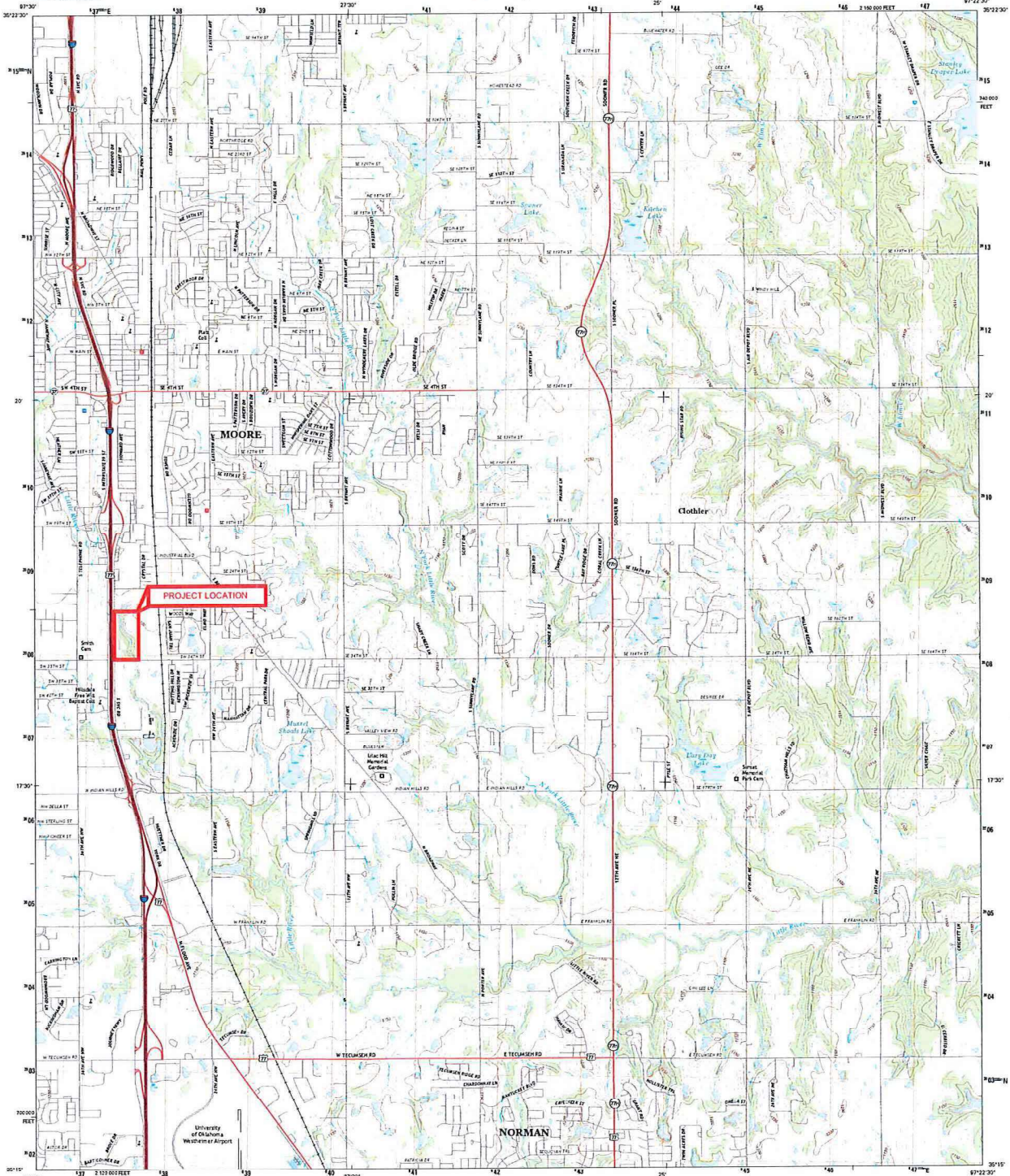
Enclosures



U.S. DEPARTMENT OF THE INTERIOR
U.S. GEOLOGICAL SURVEY



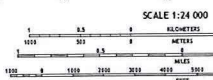
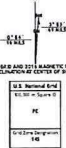
MOORE QUADRANGLE
OKLAHOMA-CLEVELAND CO.
7.5-MINUTE SERIES



Produced by the United States Geological Survey
Data Acquisition System of 1993 (DASIS)
World Geodetic System of 1984 (WGS84). Projection and
1:250,000 scale. Oklahoma Coordinate System, Zone 16
16 000 Feet. Oklahoma Coordinate System of 1983 (OCS83)
Zone 16.

This map is not a legal document. Boundaries are not
guaranteed for this map series. Periodically the government
has announced that it may not be shown. USGS products are shown
where they are available.

Imagery: 2010, 2011, 2012, 2013
Base: U.S. Census Bureau, 2011, 2010
Roads: National, 2011
Hydrography: National, 2011
Contour: National, 2011
Boundaries: Multiple sources, 1970-2015
Watercolor: FWS National Wetlands Inventory, 1977-2014



CONTOUR INTERVAL 10 FEET
NORTH AMERICAN VERTICAL DATUM OF 1988

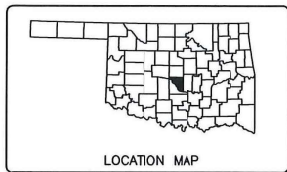
This map was produced in conformance with the
National Geospatial Program US Topo Product Standard, 2011.
A watermark for the product is shown in the bottom right corner.

ROAD CLASSIFICATION

- Expressway
- Secondary Hwy
- Route
- State Route
- Local Connector
- Local Road
- US Route
- State Route

MOORE, OK
2016

SWT-2017-00400, Proposed Mission Point Commercial Development
Little River
City of Moore, Cleveland County, OK
Enclosure 1 of 6

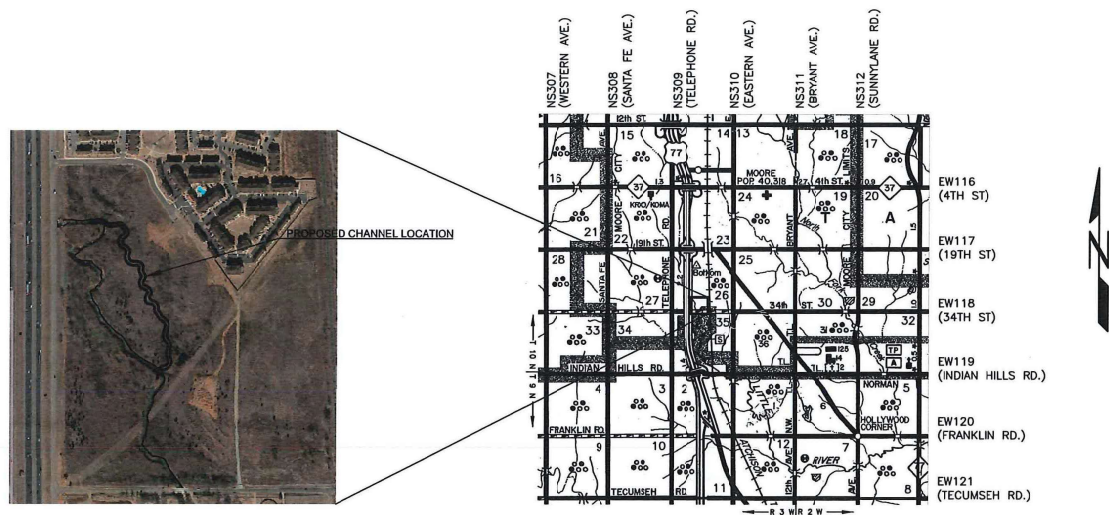


MISSION POINT COMMERCIAL DEVELOPMENT

PLAN OF PROPOSED STREAM REHABILITATION CITY OF MOORE CLEVELAND COUNTY

INDEX OF SHEETS

1	COVER SHEET
2	EXISTING CONDITIONS
3	PRELIMINARY SITE PLAN
4	PROPOSED CHANNEL
5	CHANNEL CONTOURS
6	PRELIMINARY GRADING PLAN
7	PROJECT LIMITS
8-9	WETLANDS DELINEATION
10	STORMWATER MANAGEMENT PLAN
11	PHOTO LOCATIONS
12-14	PROJECT PHOTOS
15-16	CROSS SECTIONS



CONVENTIONAL SYMBOLS

[Symbol]	PROPOSED ROAD
[Symbol]	FENCES
[Symbol]	GROUND LINE
[Symbol]	EXISTING ROADS
[Symbol]	CONSTRUCTION REFERENCE LINE
[Symbol]	GRADE LINES
[Symbol]	POWER LINES
[Symbol]	BUILDINGS
[Symbol]	DRAINAGE STRUCTURES - IN PLACE
[Symbol]	DRAINAGE STRUCTURES - NEW
[Symbol]	RIGHT-OF-WAY LINES - EXISTING

SCALES

	1/2"
AERIAL	1" = 750'
LAYOUT MAP	1/2" = 1 MI.

CONSTRUCTION AREA _____ 68.46 AC.



SWT-2017-00400, Proposed Mission Point Commercial Development
Little River
City of Moore, Cleveland County, OK
Enclosure 2 of 6

CALL OKIE
1-800-522-6543

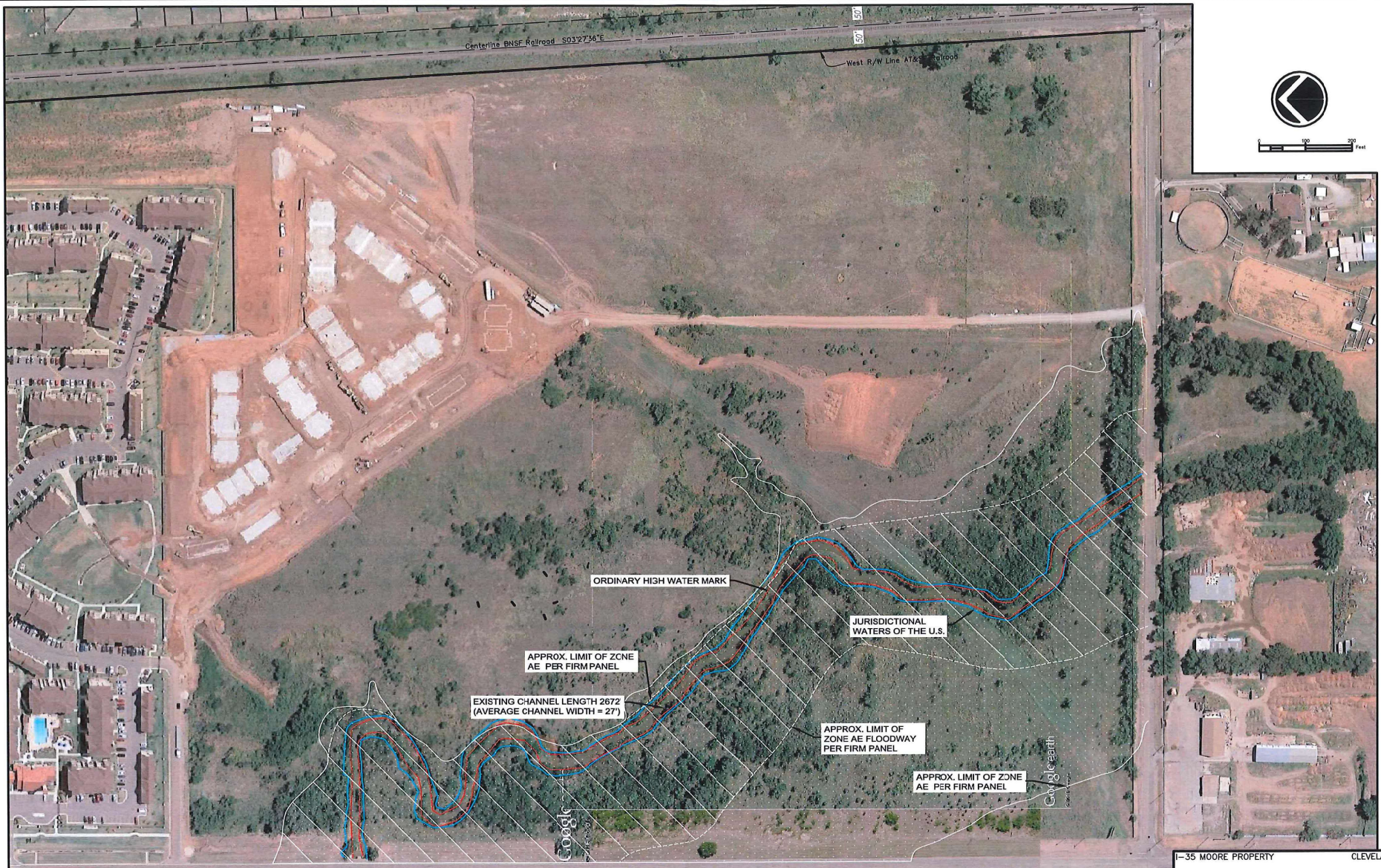
2009 OKLAHOMA STANDARD SPECIFICATIONS FOR HIGHWAY CONSTRUCTION GOVERN, APPROVED BY THE U.S. DEPARTMENT OF TRANSPORTATION, FEDERAL HIGHWAY ADMINISTRATION, JANUARY 4, 2010.

NO.	DATE	DESCRIPTION OF REVISION OR ISSUE	BY	APPD.

EST, Inc.
EST, INC. Certificate of Authorization Expires 8/30/18
616 N. HUDSON AVE., SUITE 300
OKLAHOMA CITY, OK 73102
Phone: (405) 444-8200 Fax: (405) 444-8201

MISSION POINT COMMERCIAL DEVELOPMENT COVER SHEET

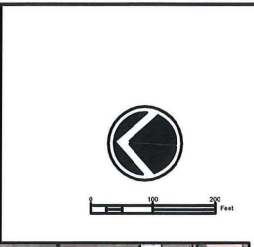
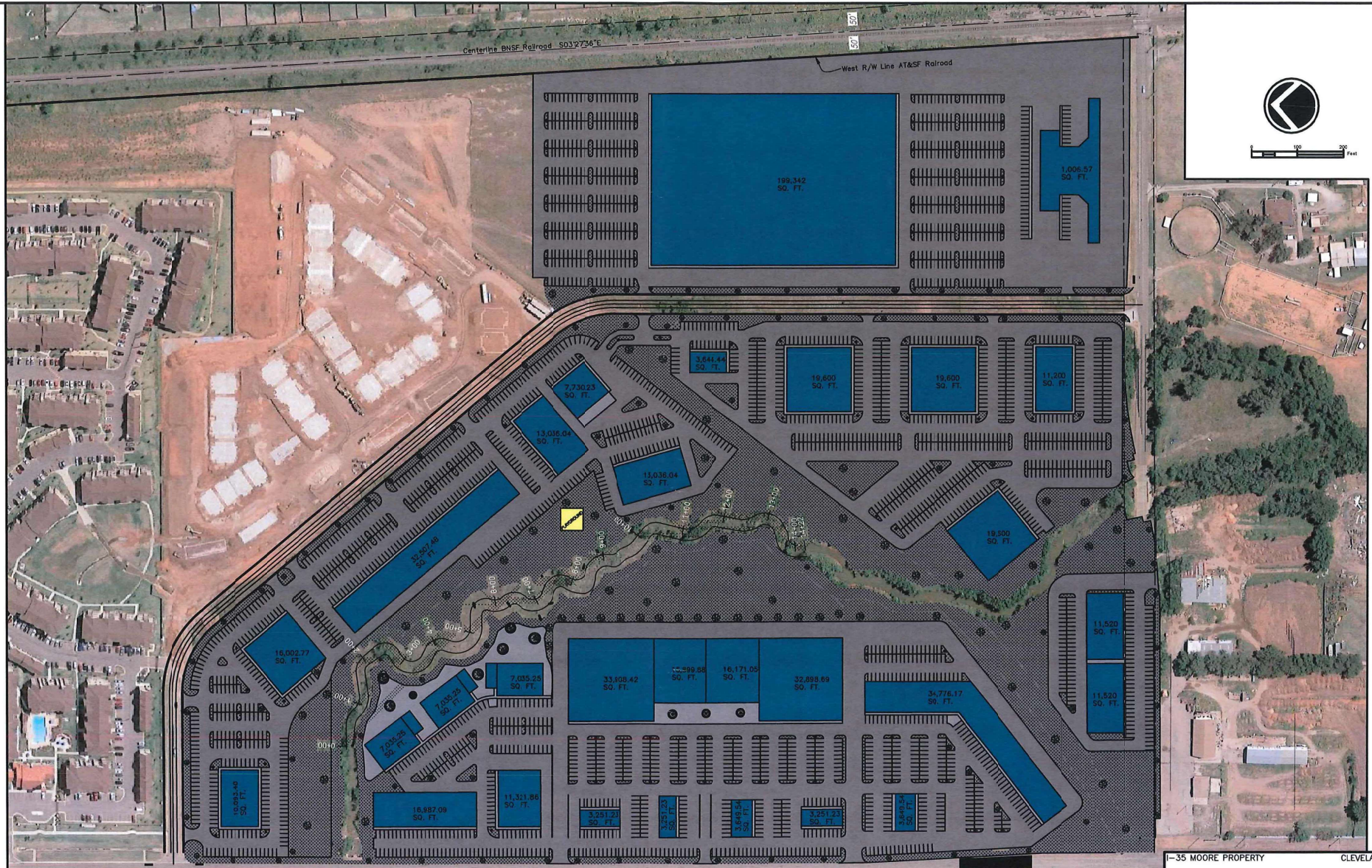
DESIGNED BY	
DRAWN BY	
CHECKED BY	
APPROVED BY	
DATE	AUGUST 31, 2018
SCALE	
PROJECT NUMBER	6003678
SHEET	1 REV
1 OF 16	



SWT-2017-00400, Proposed Mission Point Commercial Development
 Little River
 City of Moore, Cleveland County, OK
 Enclosure 3 of 6

I-35 MOORE PROPERTY CLEVELAND COUNTY

EXISTING CONDITIONS

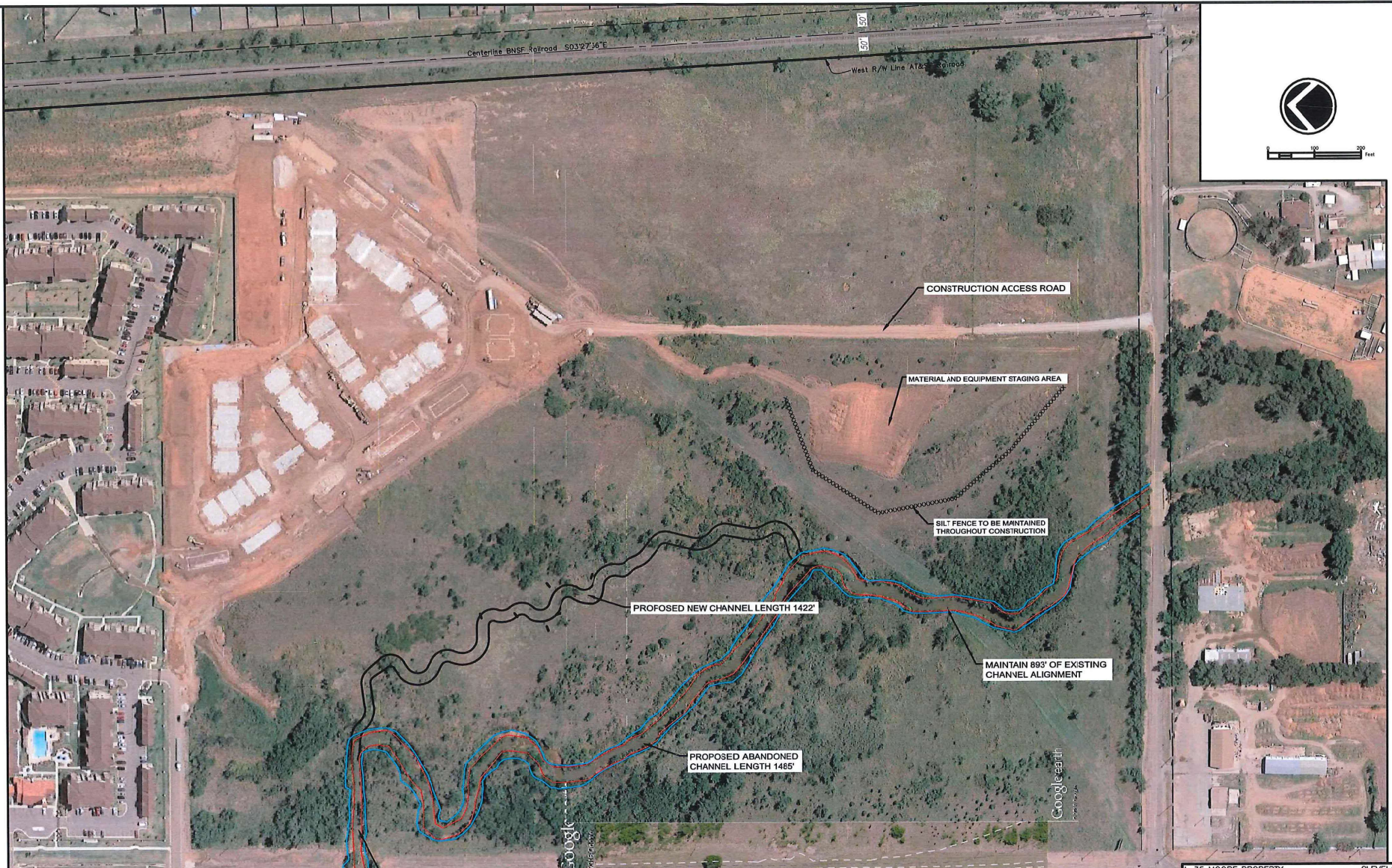


SWT-2017-00400, Proposed Mission Point Commercial Development
 Little River
 City of Moore, Cleveland County, OK
 Enclosure 4 of 6

1-35 MOORE PROPERTY CLEVELAND COUNTY

PRELIMINARY SITE PLAN

EST PROJECT NO. 6003678 SHEET NO. 3



SWT-2017-00400, Proposed Mission Point
 Commercial Development
 Little River
 City of Moore, Cleveland County, OK
 Enclosure 5 of 6

I-35 MOORE PROPERTY CLEVELAND COUNTY

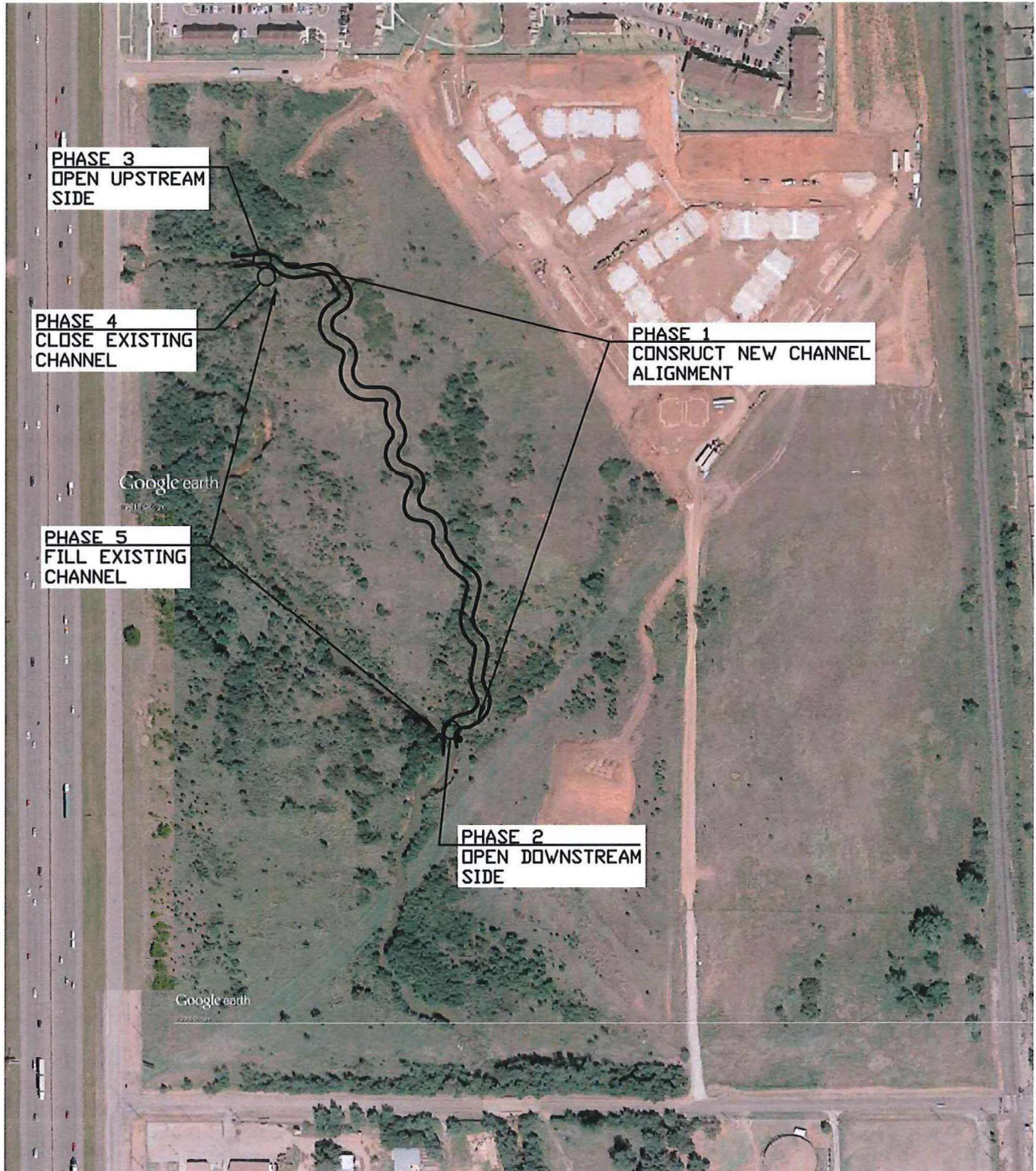
PROPOSED CHANNEL

EST PROJECT NO. 6003678 SHEET NO. 4



615 N. HUDSON AVE., SUITE 300
OKLAHOMA CITY, OK 73102
(405) 815-3600

MISSION POINT COMMERCIAL DEVELOPMENT BLOCK 18 DIAGRAM



SCALE
AERIAL MAP 1 IN. = 300 FT.

SWT-2017-00400, Proposed Mission Point Commercial Development
Little River
City of Moore, Cleveland County, OK
Enclosure 6 of 6