



# Public Notice

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U.S. Army Corps  
of Engineers  
Tulsa District

Reply To:

U.S. Army Corps of Engineers  
ATTN: Regulatory Office  
2488 E 81<sup>st</sup> Street  
Tulsa, OK 74137

SWT-2017-00465  
Public Notice No.

December 13, 2022  
Public Notice Date

January 12, 2023  
Expiration Date

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## **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 USC 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 USC 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

Application No. SWT-2017-00465

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: Mayor G. T. Bynum  
City of Tulsa  
175 E 2nd Street  
Tulsa, OK 74187

Agent: Mr. Clint M. Porter  
Blackbird Environmental, LLC  
PO Box 720100  
Norman, OK 73010

Location: The proposed project is in Section 8, Township 19 North, Range 14 East, City of Tulsa, Tulsa County, Oklahoma. The project site can be found on the Mingo, Oklahoma 7.5 Minute USGS Quadrangle map at North Latitude 36.13722 and West Longitude 95.84364.

Project Description: The application is to replace a portion of the existing concrete-lined stream channel and concrete-line an additional upstream portion of the channel to alleviate the flooding of residences and streets in the Cherokee Village neighborhood.

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

The overall project purpose is to modify the existing tributary and flood control channel to alleviate the flooding of residences and streets in the Cherokee Village neighborhood of East Tulsa, Tulsa County, Oklahoma.

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)
R4SB-1	Concrete channel expansion	Intermittent stream channel	Concrete	387 cys	765 lf
Existing Concrete Channel	Concrete channel replacement	Intermittent stream channel	Concrete	146 cys	240 lf
NDF-1	Concrete end treatment	Ephemeral drainage feature	Concrete	4 cys	47 lf
cubic yards (cys), ordinary high water mark (OHWM), acre (ac), linear feet (lf)					

Description of Work:

Approximately 240 linear feet of the existing concrete-lined stream channel would be replaced, and the concrete-lined channel would be extended approximately 765 linear feet upstream from the existing concrete channel. A drop structure would be constructed to lower the channel grade at the upper end where it would tie into the existing natural channel. The City of Tulsa would utilize the capacity of the existing double 66-inch reinforced concrete pipeline (RCP) culverts. Therefore, a diversion weir structure would be constructed in the concrete channel adjacent to East 17th Street. This diversion would split the flow between the existing concrete channel that flows north and the proposed double 8-foot by 5-foot RCB storm sewer that would travel along East 17th Place and then turn north along South 117th East Avenue. A junction box would be constructed to combine the new storm system with the existing double 66-inch RCPs. A double 10-foot by 6-foot RCB culvert would convey the combined flow north along South 117th East Avenue, turning west at East 16th Street South and discharging into the main stem of Tupelo Creek just north of the East 16th Street bridge.

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 applicant provided an alternatives analysis which considered the existing proposed project, a buyout of properties which flood in a 100-year storm event and a no-action alternative. Due to the continued safety concerns with street flooding and cost-benefit considerations associated with the buyout and no-action alternatives the applicant decided to pursue the existing proposed project as their preferred alternative.

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

The applicant proposes the purchase of stream credits from the Honey Springs Mitigation Bank to offset aquatic resource loss of function associated with the proposed action.

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:

Project Setting: The project is located within the Osage Cuestas of the Central Irregular Plains ecoregion of northeast Oklahoma. The Central Irregular Plains ecoregion is a belt of prairie interbedded with Pennsylvanian-age shale, sandstone, limestone, and coal. The alternating hard-soft strata dip westward, forming nearly flat to irregular plains, low hills, and east-facing cuestas. Natural vegetation is mostly tall grass prairie, but forests and woodlands, dominated by post oak, blackjack oak, and black hickory, are native on stony hilltops. The Central Irregular Plains is a mix of rangeland, grassland, woodland, floodplain forests, and farmland; cropland is most extensive on nearly level plains. Rivers and streams typically have low gradients, slowly moving water, muddy banks, and meander in wide valleys. Stream substrates and habitats vary from a high quality, variable mix of conditions to silt- and mud-choked channels.

Existing Condition: The localized general vicinity of the project area includes residential development and associated infrastructure. Based on aerial photographs, the project area has extensive ground disturbance from mechanized contouring and channel creation that occurred between 1954 and 1967. Maintenance and repair, as well as additional ground disturbance associated with residential development, has continued to add to the extensive ground disturbance.

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 or proposed 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*), Tricolored Bat (*Perimyotis subflavus*), Piping Plover (*Charadrius melodus*), Red Knot (*Calidris*

*canutus rufa*), Alligator Snapping Turtle (*Macrochelys temminckii*) 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. The IPAC consultation number is: 2022-0060202.

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. 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 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 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 public notice number SWT-2017-00465 in the subject line of your email message.

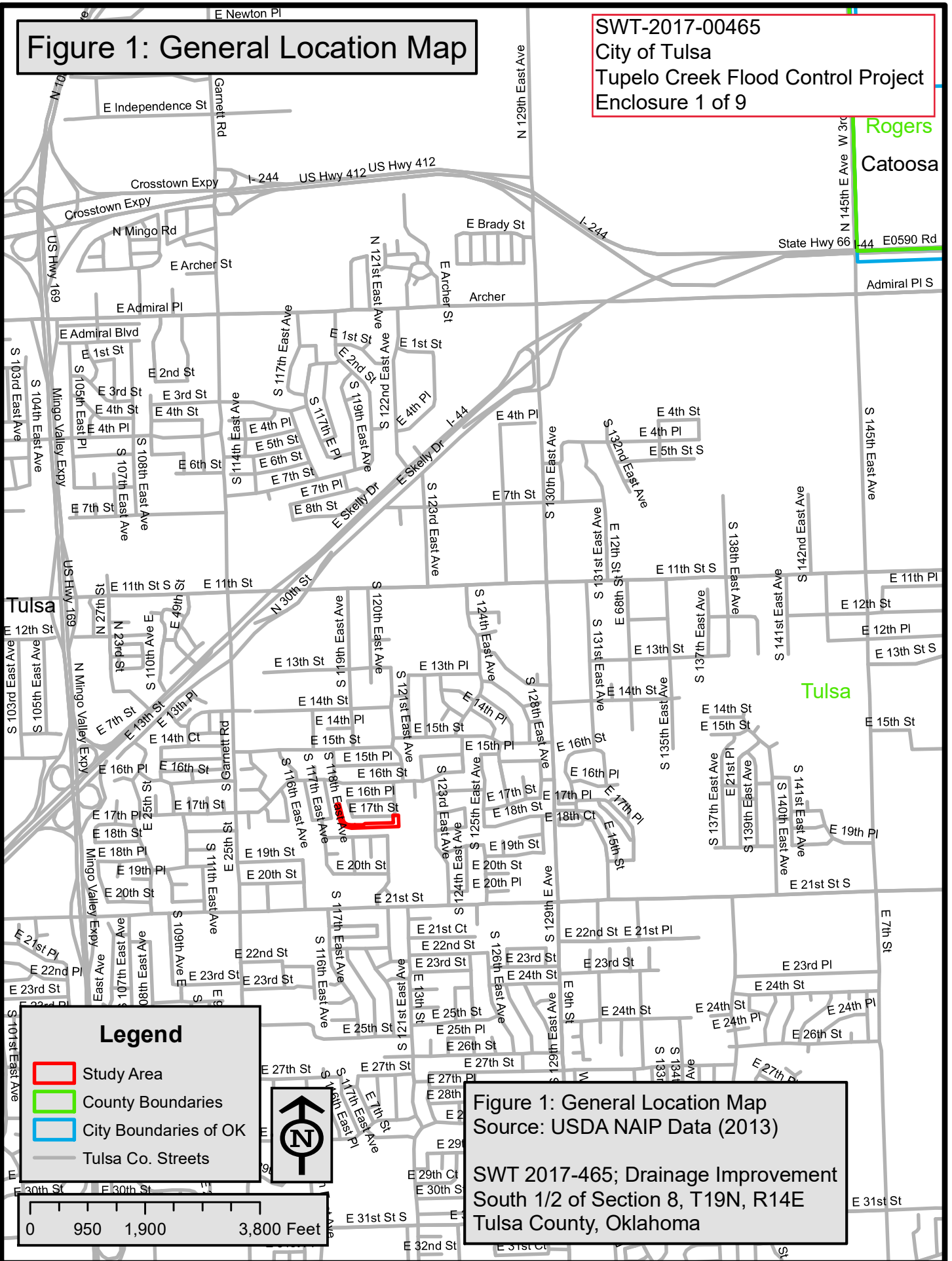
Comments concerning water quality impacts will be forwarded to ODEQ for consideration in issuing a Section 401 Water Quality Certification for the proposed project. Work may **not** commence until decisions have been made on both Sections 401 and 404.

Andrew R. Commer  
Chief, Regulatory Office





Enclosures

# Figure 1: General Location Map

SWT-2017-00465  
City of Tulsa  
Tupelo Creek Flood Control Project  
Enclosure 1 of 9



## Legend

-  Study Area
-  County Boundaries
-  City Boundaries of OK
-  Tulsa Co. Streets

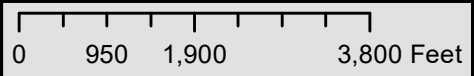
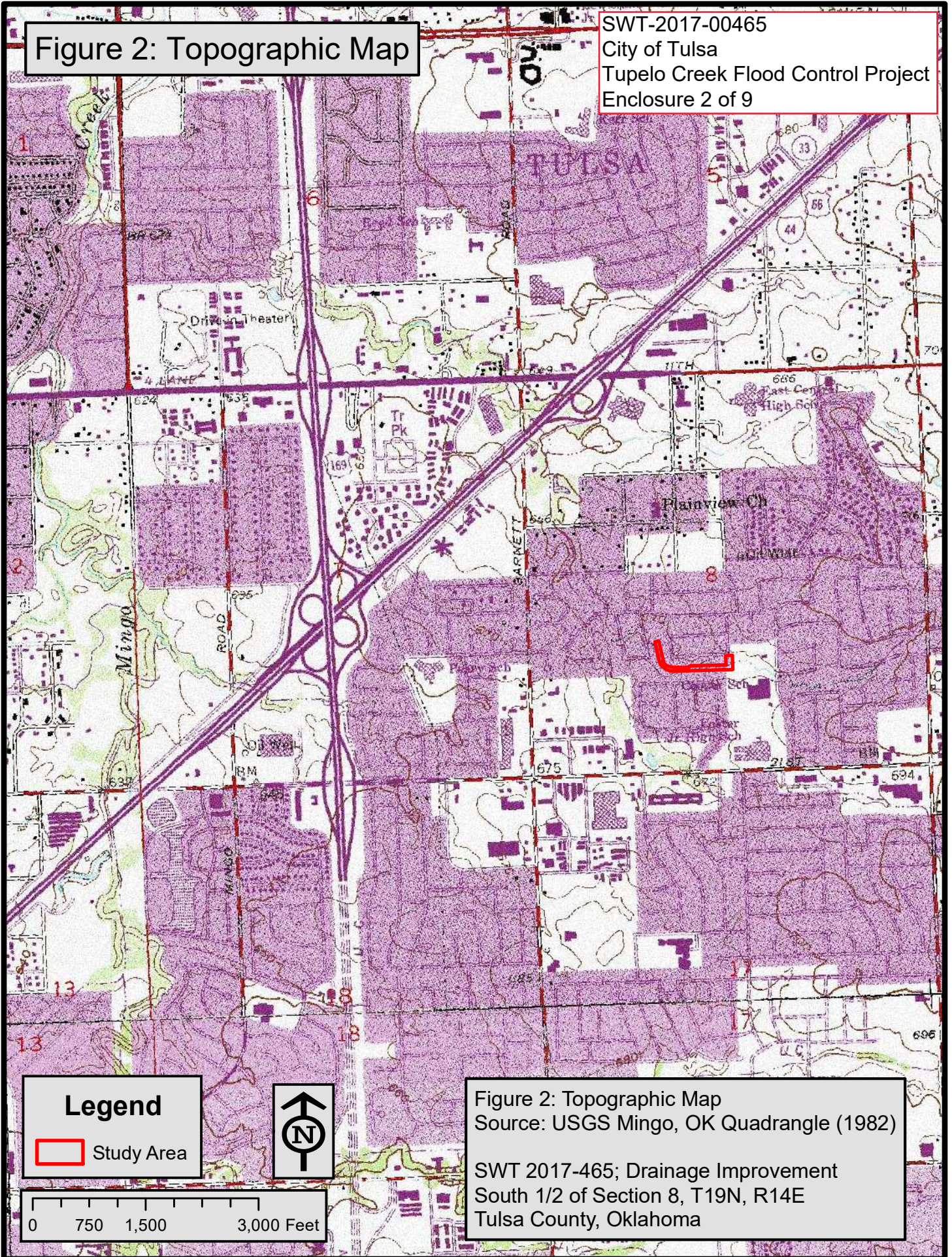



Figure 1: General Location Map  
Source: USDA NAIP Data (2013)  
SWT 2017-465; Drainage Improvement  
South 1/2 of Section 8, T19N, R14E  
Tulsa County, Oklahoma

Figure 2: Topographic Map

SWT-2017-00465  
City of Tulsa  
Tupelo Creek Flood Control Project  
Enclosure 2 of 9



**Legend**

 Study Area



0 750 1,500 3,000 Feet

Figure 2: Topographic Map  
Source: USGS Mingo, OK Quadrangle (1982)

SWT 2017-465; Drainage Improvement  
South 1/2 of Section 8, T19N, R14E  
Tulsa County, Oklahoma





# Figure 3: National Wetland Inventory Map

SWT-2017-00465  
City of Tulsa  
Tupelo Creek Flood Control Project  
Enclosure 3 of 9



## Legend

-  Study Area
-  NWI Map Features

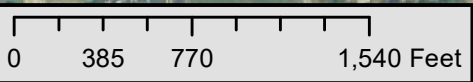


Figure 3: National Wetland Inventory Map  
Source: USFWS Mingo, OK Quadrangle (1980)



SWT 2017-465; Drainage Improvement  
South 1/2 of Section 8, T19N, R14E  
Tulsa County, Oklahoma

Figure 4: Soil Survey Map

SWT-2017-00465  
City of Tulsa  
Tupelo Creek Flood Control Project  
Enclosure 4 of 9



**Legend**

-  Study Area
-  Tulsa Co. Soil Map

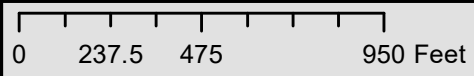
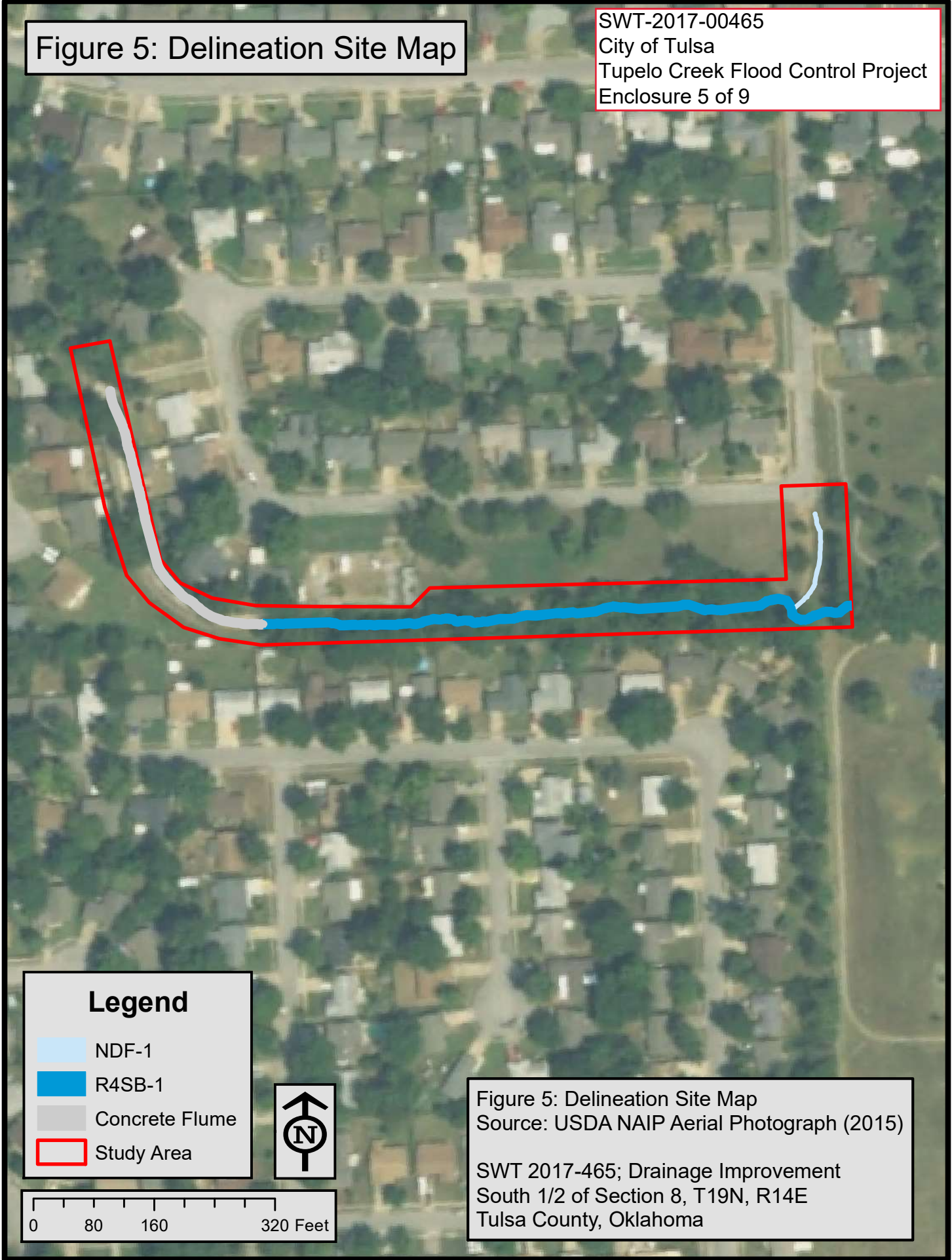


Figure 4: Soil Survey Map  
Source: USDA NRCS Data (2018)  
SWT 2017-465; Drainage Improvement  
South 1/2 of Section 8, T19N, R14E  
Tulsa County, Oklahoma

Figure 5: Delineation Site Map

SWT-2017-00465  
City of Tulsa  
Tupelo Creek Flood Control Project  
Enclosure 5 of 9



**Legend**

- NDF-1
- R4SB-1
- Concrete Flume
- Study Area

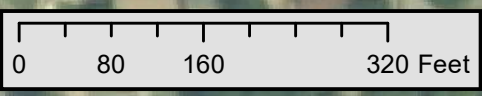
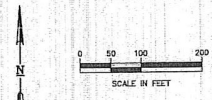
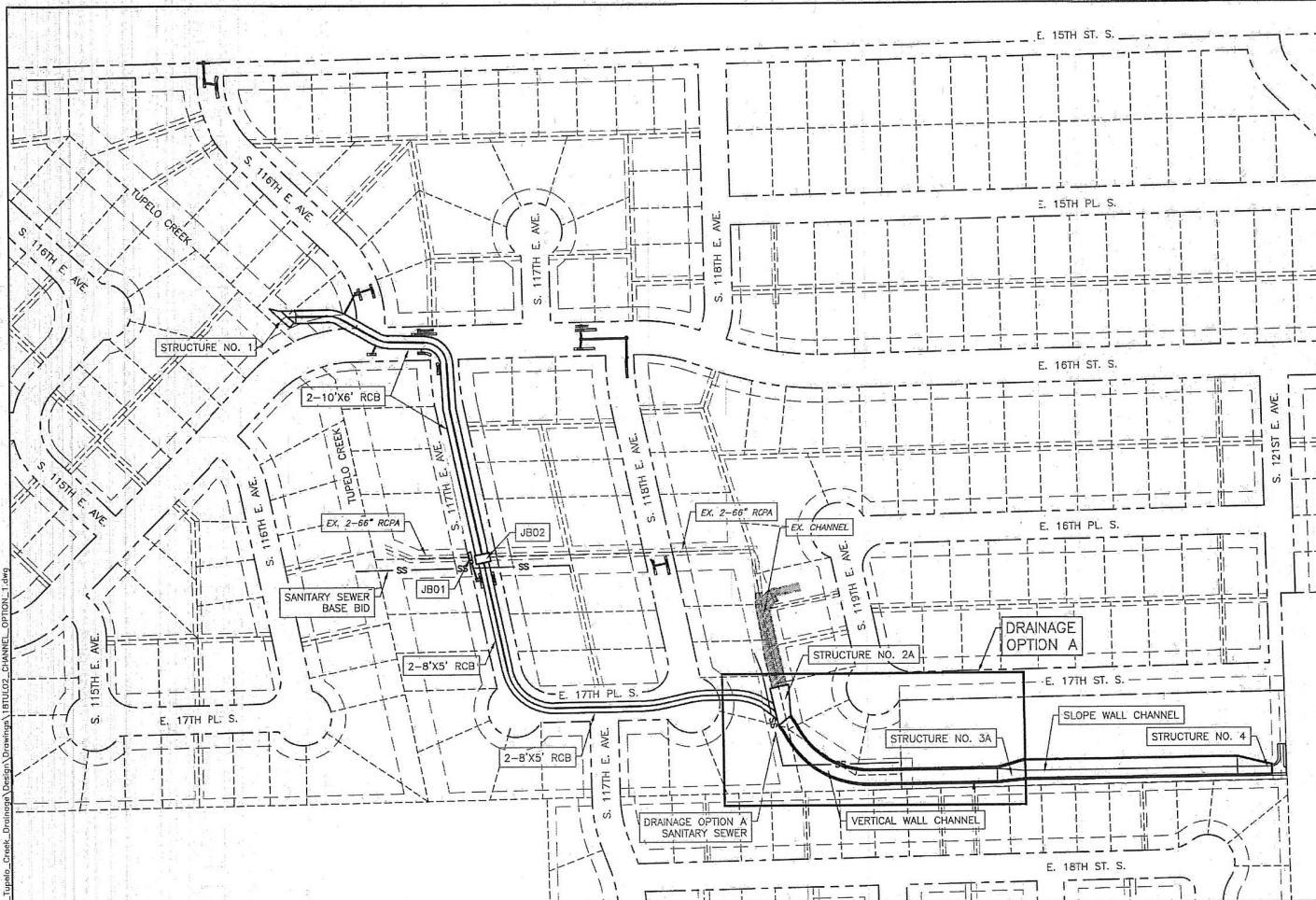


Figure 5: Delineation Site Map  
Source: USDA NAIP Aerial Photograph (2015)  
SWT 2017-465; Drainage Improvement  
South 1/2 of Section 8, T19N, R14E  
Tulsa County, Oklahoma

PRINT DATE: 03/29/2021  
 I:\City of Tulsa\18710102 - MZ6028 - Tupelo Creek Drainage\Design\Drawings\18710102 - Channel Option 1.dwg



- STORM SEWER BASE BID + DRAINAGE OPTION A
- STRUCTURE NO. 1 (SEE SHEETS 23-26, 94)
  - \*2-10'x6" RCB (SEE SHEETS 94-95)
  - JBO1 TO EX. 2-66" RCPA (SEE SHEET 27, 95)
  - JBO2 (SEE SHEET 28-31, 95)
  - \*2-8'x5" RCB (SEE SHEETS 95-97)
  - STRUCTURE NO. 2A (SEE SHEETS 32-36, 97)
  - VERTICAL WALL CHANNEL (SEE SHEETS 42-43, 97-98)
  - STRUCTURE NO. 3A (SEE SHEETS 44-45, 98)
  - SLOPE WALL CHANNEL (SEE SHEETS 48, 98-99)
  - STRUCTURE NO. 4 (SEE SHEETS 49-50, 99)
  - RCB TRANSITIONS - PRECAST TO CIP OR CIP TO PRECAST (SEE SHEET 51)

SANITARY SEWER  
 SANITARY SEWER BASE BID (SEE SHEET 120)  
 DRAINAGE OPTION A SANITARY SEWER (SEE SHEETS 121-122)

\*ALL RADIUS RCB TO BE CIP

SWT-2017-00465  
 City of Tulsa  
 Tupelo Creek Flood Control Project  
 Enclosure 6 of 9

*Bis*  
  
 3/29/2021



**BASE BID + DRAINAGE OPTION A  
 KEY PLAN**

**PROJECT #144628-W, TMUA-W 18-16**  
**MAINTENANCE ZONE 6028-W**  
**TUPELO CREEK DRAINAGE**  
**CITY OF TULSA, OKLAHOMA**  
**ENGINEERING SERVICES DEPARTMENT**

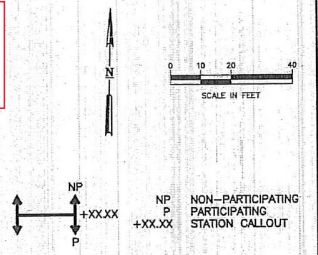
PLANS AND ESTIMATES PREPARED BY:  
**Meshek & Associates, L.L.C.**  
 1437 S. Boulder Avenue, Suite 1550 Tulsa, OK 74119 (918)292-5620

REVISION	BY	DATE	PLAN SCALE	DRAWN	ENCL	DATE	APPROVED:
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				SURVEY	MR	11/23	
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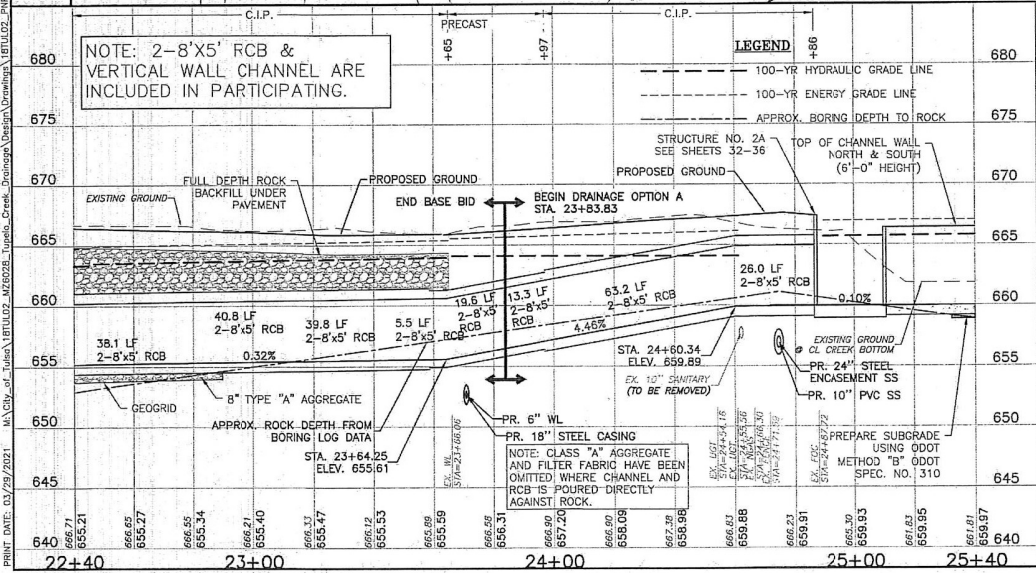
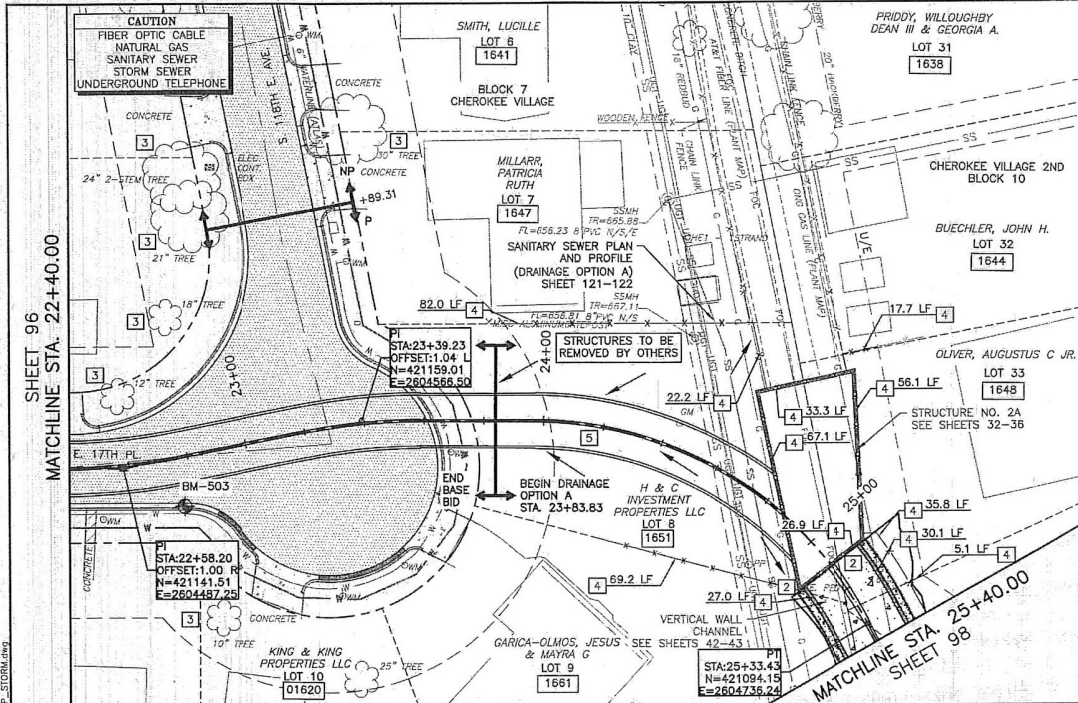
CITY ENGINEER

SHEET 63 OF 174 SHEETS

SWT-2017-00465  
 City of Tulsa  
 Tupelo Creek Flood Control Project  
 Enclosure 7 of 9



- LEGEND:**
- PROPOSED MAJOR CONTOURS — 670 —
  - PROPOSED MINOR CONTOURS — 675 —
  - FULL DEPTH RECONSTRUCTION [hatched pattern]
  - 2" MLL AND OVERLAY [diagonal lines]
  - TYPE 1 AC PATCH [dotted pattern]
  - CONSTRUCT CONCRETE DRIVEWAY [solid line]
  - CONSTRUCT 2-2" CURB & GUTTER [solid line]
  - CONCRETE CHANNEL [solid line]
  - (VERTICAL WALL CHANNEL SEE SHEETS 42-43, SLOPE WALL CHANNEL SEE SHEET 48)
- CONSTRUCTION NOTES:**
- 1 TO BE RELOCATED BY OTHERS
  - 2 8" DOME GRATE AND LIST OF STATION LOCATIONS SEE SHEET 21 DETAIL 1
  - 3 PROTECT TREE/BUSH
  - 4 REMOVE AND REPLACE EXISTING FENCE
  - 5 GRADE LOT TO DRAIN TO STREET AND AWAY FROM HOUSES



TREE REMOVAL STA. 21+80.00 - STA. 25+60.00	
SIZE	TOTAL
6"-12"	2
13"-18"	2
19"-24"	2
25"+	2

REFER TO DEMOLITION SHEETS 69 TO 75 FOR TREE REMOVALS.

Professional Engineer Seal for Benjamin W. Fleckner, No. 4921, State of Oklahoma. Date: 3/29/2021.



**DRAINAGE OPTION A PLAN & PROFILE**

PROJECT #144628-W, TMUA-W 18-16  
 MAINTENANCE ZONE 6028-W  
 TUPELO CREEK DRAINAGE

CITY OF TULSA, OKLAHOMA  
 ENGINEERING SERVICES DEPARTMENT

PLANS AND ESTIMATES PREPARED BY:  
**Meshek & Associates, L.L.C.**  
 1437 S. Boulder Avenue, Suite 1550 Tulsa, OK 74110 (918)392-5620

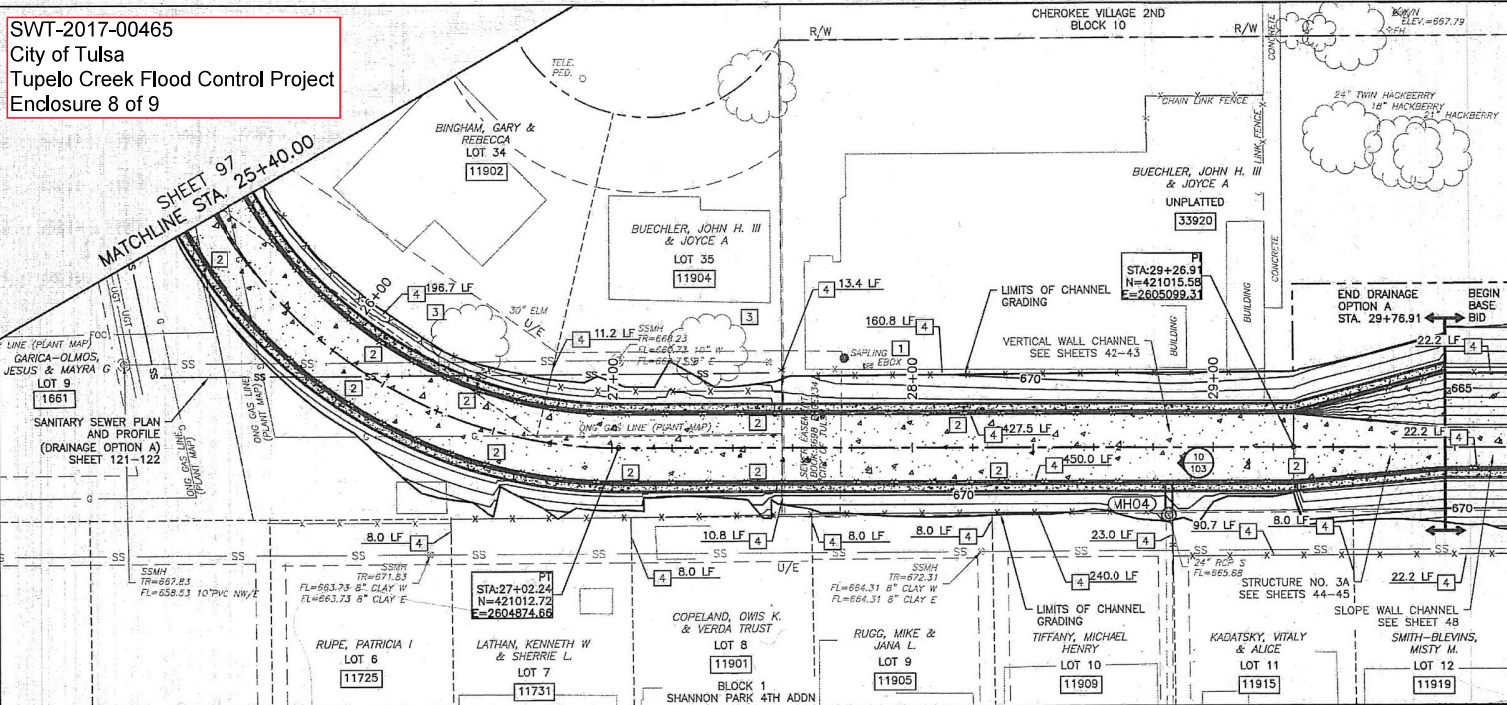
REVISION	BY	DATE

PLAN SCALE	DRAWN	DATE	APPROVED:
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	SURVEY	03/21	
	PROF. MGR.	04/01	
	FIELD ENGR.	04/01	
	RECORDED	04/01	
	ISSUED	04/01	

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SWT-2017-00465  
 City of Tulsa  
 Tupelo Creek Flood Control Project  
 Endure 8 of 9



**CAUTION**  
 NATURAL GAS  
 SANITARY SEWER  
 STORM SEWER  
 UNDERGROUND ELECTRIC  
 UNDERGROUND TELEPHONE

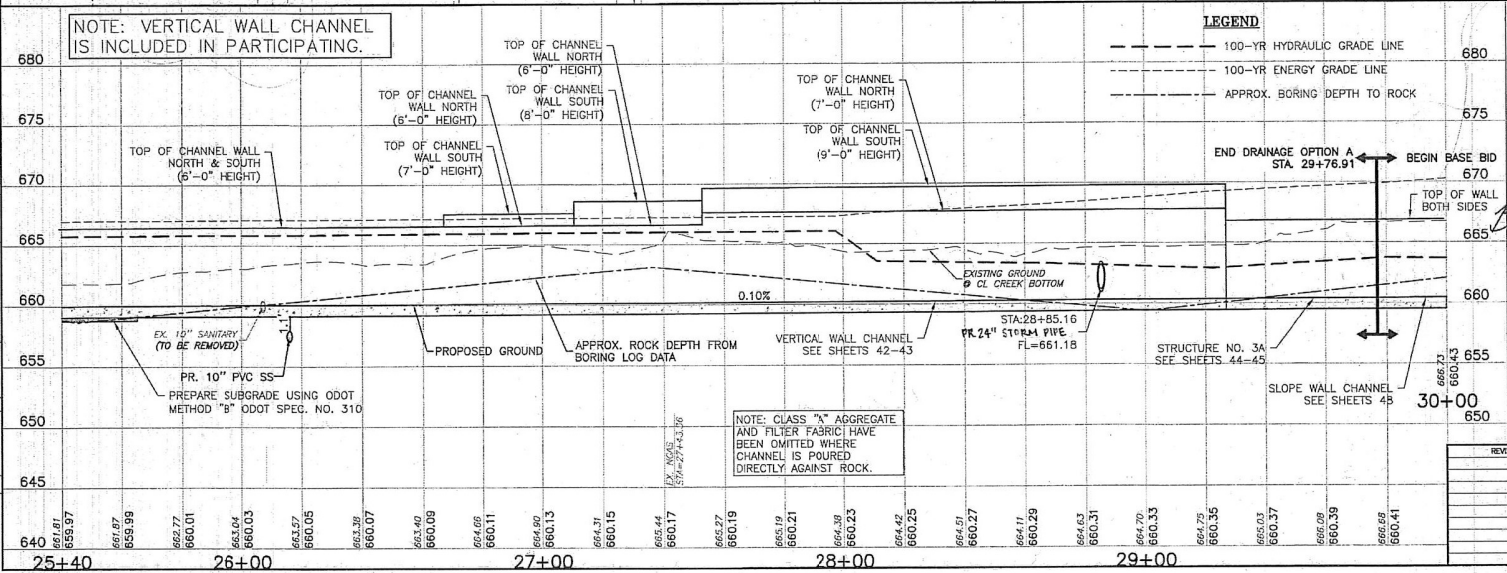
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**LEGEND:**

- PROPOSED MAJOR CONTOURS — 670
- PROPOSED MINOR CONTOURS —
- FULL DEPTH RECONSTRUCTION
- 2" MILL AND OVERLAY
- TYPE 1 AC PATCH
- CONSTRUCT CONCRETE DRIVEWAY
- CONSTRUCT 2"-2" CURB & GUTTER
- CONCRETE CHANNEL
- (VERTICAL WALL CHANNEL SEE SHEETS 42-43, SLOPE WALL CHANNEL SEE SHEET 48)

**CONSTRUCTION NOTES:**

- 1] TO BE RELOCATED BY OTHERS
- 2] B" DOME GRATE AND LIST OF STATION LOCATIONS SEE SHEET 21 DETAIL 1
- 3] PROTECT TREE/BUSH
- 4] REMOVE AND REPLACE EXISTING FENCE



TREE REMOVAL STA. 25+60.00 - STA. 30+00.00

SIZE	TOTAL
6"-12"	43
13"-18"	10
19"-24"	11
25"+	6

REFER TO DEMOLITION SHEETS 69 TO 75 FOR TREE REMOVALS.

PROFESSIONAL ENGINEER  
 BENJAMIN W. FLECHER  
 P.E.  
 OKLAHOMA  
 3/29/2021

**OKIE 811**  
 www.okie811.com  
 Call before you dig

**DRAINAGE OPTION A  
 PLAN & PROFILE**

PROJECT #144628-W, TMUA-W 18-16  
 MAINTENANCE ZONE 6028-W  
 TUPELO CREEK DRAINAGE  
 CITY OF TULSA, OKLAHOMA  
 ENGINEERING SERVICES DEPARTMENT

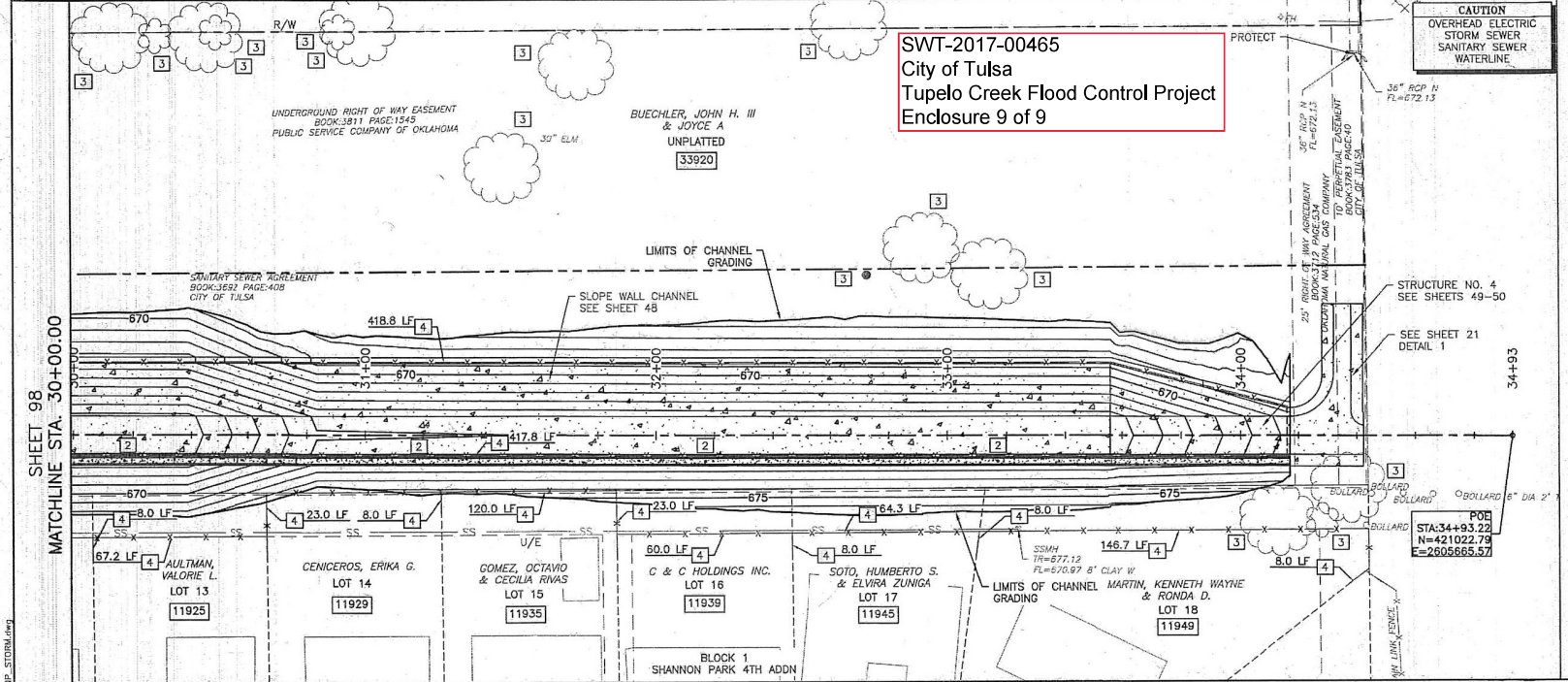
PLANS AND ESTIMATES PREPARED BY:  
**Mestek & Associates, L.L.C.**  
 1437 S. Boulder Avenue, Suite 1500 Tulsa, OK 74119 (918)392-5620

REVISION	BY	DATE	PLAN SCALE	DRAWN	SMC	DATE	APPROVED:
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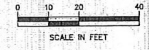
ATLAS PAGE NO. 135 SHEET 88 OF 174 SHEETS

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**SWT-2017-00465**  
**City of Tulsa**  
**Tupelo Creek Flood Control Project**  
**Enclosure 9 of 9**



**CAUTION**  
**OVERHEAD ELECTRIC**  
**STORM SEWER**  
**SANITARY SEWER**  
**WATERLINE**

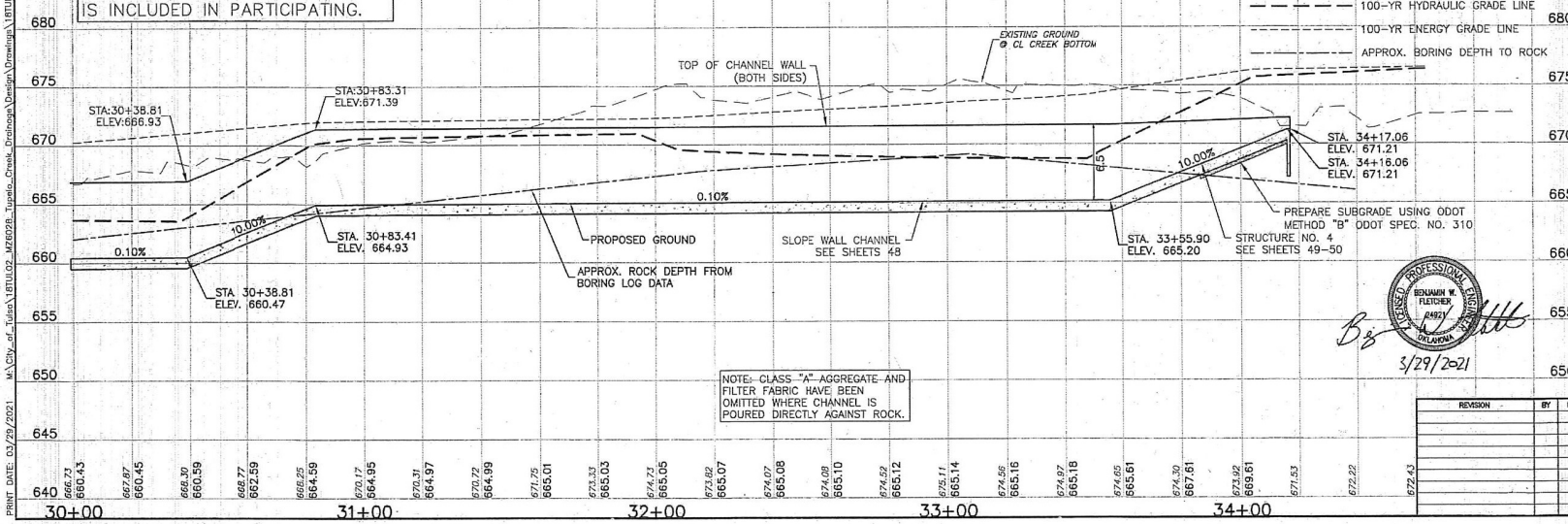


- LEGEND:**
- PROPOSED MAJOR CONTOURS — 670
  - PROPOSED MINOR CONTOURS
  - FULL DEPTH RECONSTRUCTION
  - 2" MILL AND OVERLAY
  - TYPE 1 AC FATCH
  - CONSTRUCT CONCRETE DRIVEWAY
  - CONSTRUCT 2'-2" CURB & GUTTER
  - CONCRETE CHANNEL (DETAIL 1)
  - (VERTICAL WALL CHANNEL SEE SHEETS 42-43, SLOPE WALL CHANNEL SEE SHEET 48)

- CONSTRUCTION NOTES:**
- 1 TO BE RELOCATED BY OTHERS
  - 2 8" DOME GRATE AND LIST OF STATION LOCATIONS SEE SHEET 21 DETAIL 1
  - 3 PROTECT TREE/BUSH
  - 4 REMOVE AND REPLACE EXISTING FENCE

**NOTE: SLOPE WALL CHANNEL IS INCLUDED IN PARTICIPATING.**

**LEGEND**



TREE REMOVAL STA. 30+00.00 - STA. 35+00.00	
SIZE	TOTAL
6"-12"	33
13"-18"	7
19"-24"	10
25"+	3

REFER TO DEMOLITION SHEETS 69 TO 75 FOR TREE REMOVALS.



*B*  
**BENJAMIN W. REICHERT**  
**REGISTERED PROFESSIONAL ENGINEER**  
**OKLAHOMA**  
 3/29/2021

**CHANNEL PLAN & PROFILE**

**PROJECT #144628-W, TMUA-W 18-16**  
**MAINTENANCE ZONE 6028-W**  
**TUPELO CREEK DRAINAGE**  
**CITY OF TULSA, OKLAHOMA**  
**ENGINEERING SERVICES DEPARTMENT**

**PLANS AND ESTIMATES PREPARED BY:**  
**Meshek & Associates, L.L.C.**  
 1437 S. Hollister Avenue, Suite 5500 Tulsa, OK 74119 (918)392-5420

REVISION	BY	DATE

PLAN SCALE:	DRAWN:	SMC:	03/21	APPROVED:
1" = 20'	DESIGNED:	BMF:	03/21	
PROFILE SCALE:	DRAWN:	WJR:	11/29	
1" = 20'	PROJ. MGR:	JJK:	1/21	
VERTICAL:	LEAD ENGR:	DMJ:	1/21	
1" = 2"	FIELD MGR:	DMJ:	1/21	
FILE:	DESIGNED BY:	JJK:		
	DESIGNED:	JJK:		
	DESIGNED:	JJK:		