



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-2017-607
Public Notice No.

July 18, 2018
Public Notice Date

August 17, 2018
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-2017-607

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. Robert Jones
Woodland Valley Development LLC
1300 South Kalanchoe Avenue
Broken Arrow, OK 74012

Agent: Mr. Brent Neece
Kleinfelder
10835 E. Independence St., Suite 102
Tulsa, OK 74116

Location: The proposed project is in the Northeast 1/4 of Section 1, Township 18 North, Range 13 West, in Tulsa, Tulsa County, Oklahoma. The project site can be found on the Broken Arrow, Oklahoma 7.5 Minute USGS Quadrangle map at North Latitude 36.07264 and West Longitude 95.8721.

Project Description: The application is to permanently fill in an intermittent stream channel to construct an 8 acre residential development consisting of 40 housing lots and access road.

Purpose: The overall purpose of this work is to manage the 100-year flood frequency event (management of stormwater) as required by an ordinance from the City of Tulsa. The project is not a water dependent activity and there are no special aquatic sites 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)
Unnamed Tributary of Mingo Creek	Placement of Fill Material	Intermittent Stream	Earthen Material/Clay	360 CY	938.9 LF 0.05 AC
cubic yards (CY), ordinary high water mark (OHWM), acre (ac), linear feet (lf)					

Description of Work: The applicant's proposal requires the placement of 360 CY of clay into approximately 940 linear feet (0.05 acre) of stream channel. Also, the applicant proposes to construct a new 1,153.4 linear feet long ditch in the uplands and a headwall/concrete pipe to facilitate stormwater.

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 did not propose an avoidance and minimization plan to avoid impacts to aquatic resources.

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

The applicant provided a description of proposed mitigation for unavoidable impacts to the unnamed tributary of Mingo Creek. The applicant provided a mitigation plan with goals, objectives, and justification for construction of a stormwater drainage (ditch) as required by the City of Tulsa (Stormwater Management). A mitigation work plan, performance standards, site protection, maintenance, monitoring, adaptive management plan, and financial assurances has been submitted to the Corps. The mitigation stream will be longer than the impacted stream channel (1,153.4 linear feet). The applicant proposes a wet planting zone (0.32 acre) 6 feet wide on either side of the ditch and a transitional planting zone (0.32 acre) 6 feet wide on either of the wet zone. The wet planting zone would consist of nineteen 3-gallon Bald Cypress (*Taxodium distichum*) and nineteen 3-gallon Sugarberry (*Celtis laevigata*) on 30 foot centers for trees; nineteen 3-gallon Hydrolea (*Hydrolea ovate*) and nineteen 3-gallon Buttonbush (*Cephalanthus occidentalis*) on 30 foot centers for shrubs; and 767 bare foot seedlings Soft rush (*Juncus effusus*) and 767 bare foot seedlings Buttercup (*Ranunculus spp.*) on 3 foot centers for groundcover (herbs). The transitional planting zone (0.32 acre) consist nineteen 3-gallon Hornbeam (*Carpinus caroliniana*) and nineteen 3-gallon Burr Oak (*Quercus Macracarpa*) on 30 foot centers for trees; nineteen 3-gallon Beauty-berry (*Callicarpa americana*) and nineteen 3-gallon Americana holly (*Ilex opaca*) for shrubs; and 767 bare foot seedlings Broomsedge

(*Andropogon virginicus*) and 767 bare foot seedling Panic grass (*Panicum virgatum*) for groundcover (herbs). The applicant proposed 80% survival of the planted shrubs and trees.

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 Cross Timber Transition, which is part of the Central Great Plains geomorphic province. The Transition is characterized by a series of grasslands and prairies.

Existing Condition: The 8-acre parcel of land was comprised mostly of riparian forest in the uplands before the area was cleared by the applicant. The intermittent stream channel is a jurisdictional water of the United States and flows through the property. The primary uses for the land historically was for agricultural purpose, and has been fallow for several decades.

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*), 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.

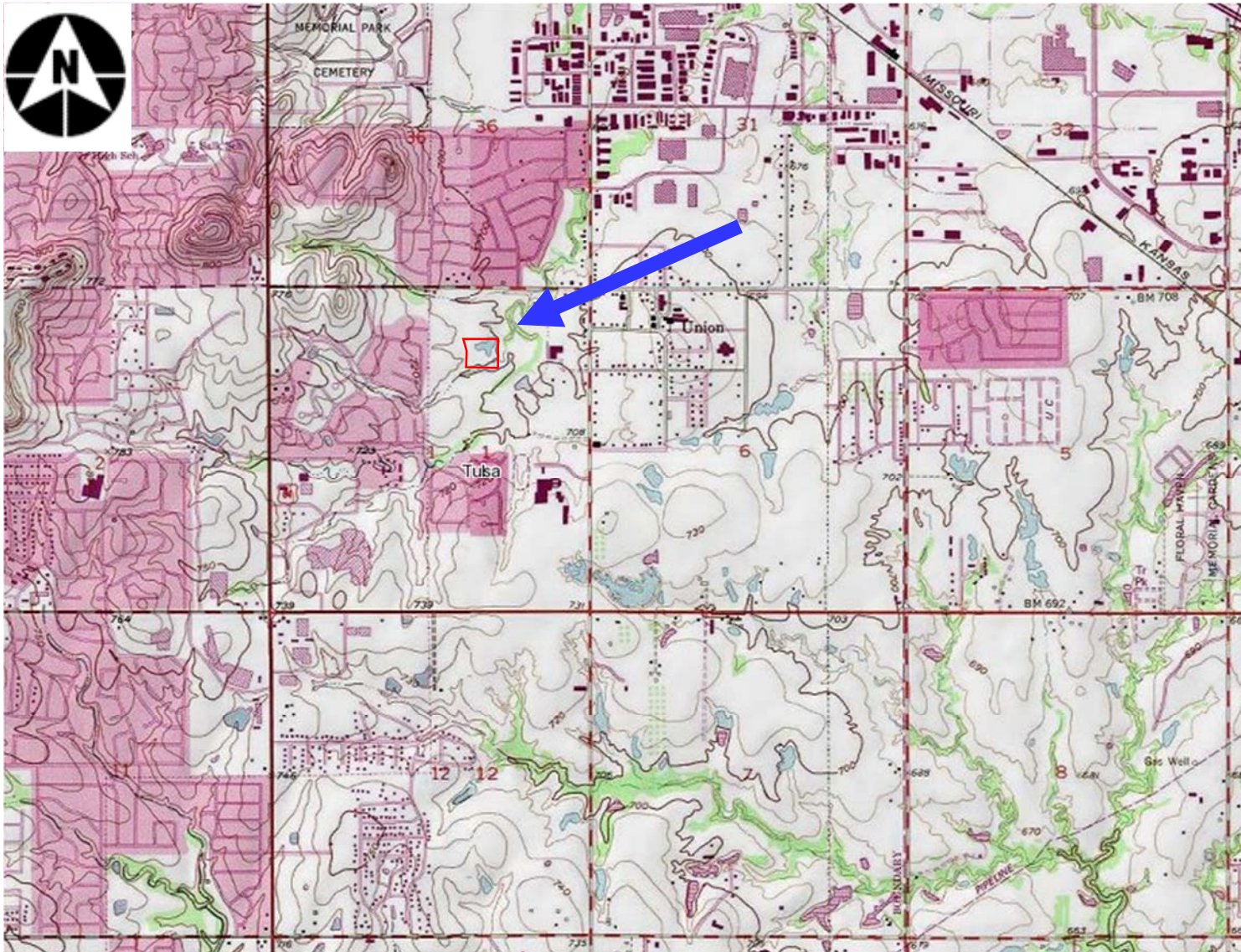
Plans and Data: Plans showing the location of the proposed activity and other data are enclosed with this notice. If additional information is desired, it may be obtained from Mr. Marcus Ware, Tulsa District Corps of Engineers, ATTN: Regulatory Office, 2488 East 81st Street, Tulsa, OK 74137; or telephone 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-2017-607 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

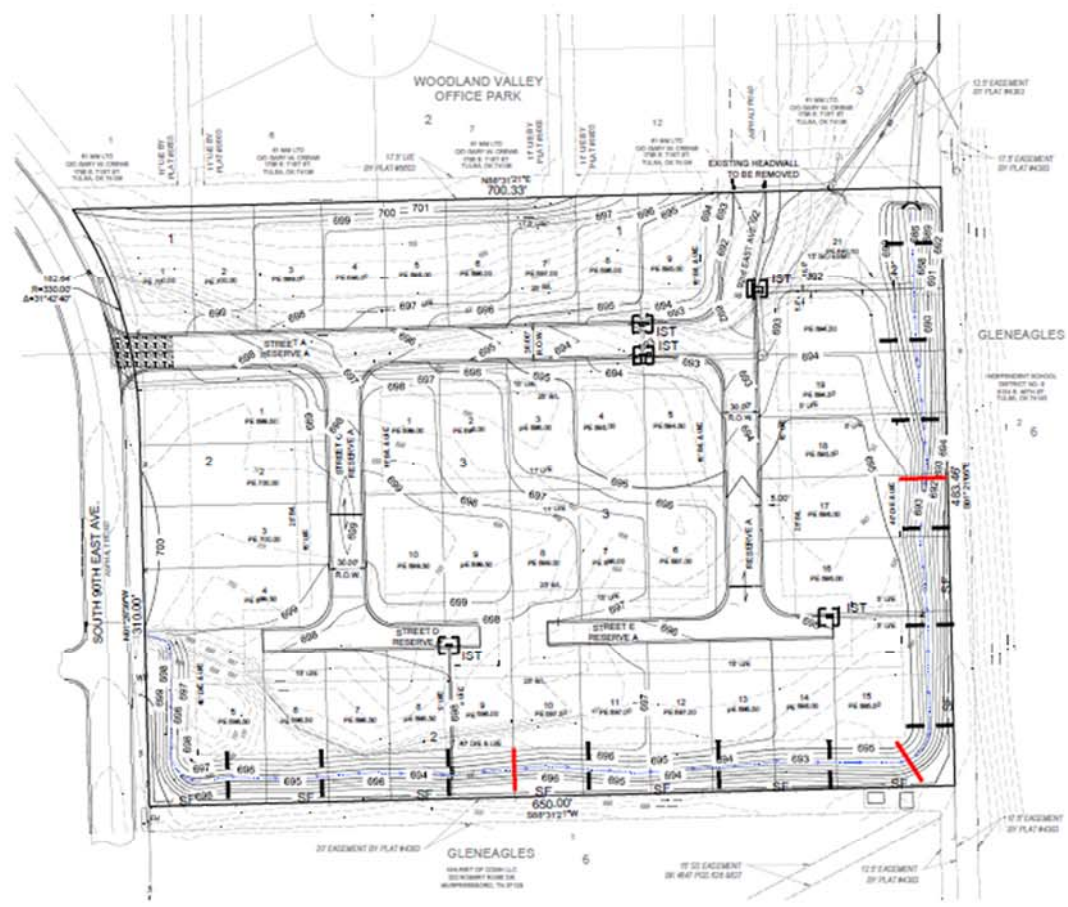
Enclosures



SWT-2017-607
Residential Development
Woodland Valley
Unnamed tributary of Mingo Creek
Tulsa, Tulsa County, Oklahoma
Enclosure 1 of 2



DRAWING SCALE: 1" = 50'

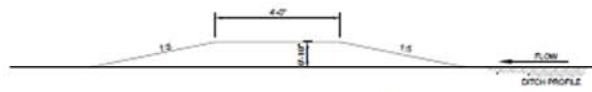


LEGEND

- - - - - EXISTING INDEX CONTOUR
- --- --- EXISTING INTERMEDIATE CONTOUR
- \$45 --- PROPOSED INDEX CONTOUR
- \$47 --- PROPOSED INTERMEDIATE CONTOUR
- --- STRAWBALE DWE
- --- SILT FENCE
- --- LOW ELEVATION SOIL BERM (DETAIL A, THIS SHEET)
- PEXXXXX PAD ELEVATION
- IST INLET SEDIMENT TRAP
- [Hatched Box] 24" HD STABILIZED CONSTRUCTION ENTRANCE
- - - - - GRADE BREAK

GRADING NOTES

1. ALL TOPSOIL SHALL BE STRIPPED, STOCKPILED, AND RESPAVED IN AREAS NOT TO BE PAVED OR CONSTRUCTED UPON.
2. FILLS SHALL BE COMPACTED TO A MINIMUM OF 95% OF STANDARD PROCTOR DENSITY, UNLESS OTHERWISE NOTED. MAXIMUM LIFT THICKNESS SHALL NOT EXCEED 8 INCHES.
3. ALL UTILITY CONSTRUCTION SHALL BE COMPLETED PRIOR TO SUBGRADE STABILIZATION.
4. SUBGRADE MATERIAL SHALL BE FREE OF ROOTS AND OTHER ORGANIC MATTER.
5. ALL SUBGRADES SHALL BE PROOF ROLLED TO ENSURE STABILITY. ANY AREAS SHOWING EVIDENCE OF INSTABILITY SHALL BE REWORKED TO OBTAIN OPTIMUM MOISTURE CONTENT AND RECOMPACTED. AT THE CONTRACTOR'S EXPENSE. REQUIRED REWORK SHALL BE AT THE SOLE DISCRETION OF THE OWNER'S REPRESENTATIVE OVERSEEING CONSTRUCTION.
6. AAB ENGINEERING, LLC HAS NOT PERFORMED ANY GEOTECHNICAL SERVICES FOR THIS PROJECT. IF A GEOTECHNICAL REPORT HAS BEEN PREPARED BY OTHERS ALL SUBGRADES SHALL BE PREPARED AND TESTED IN CONFORMANCE WITH THAT GEOTECHNICAL REPORT.
7. ALL EROSION CONTROL MEASURES SHALL BE IMPLEMENTED BEFORE EARTHWORK BEGINS AND MAINTAINED THROUGHOUT THE PROJECT. A STORMWATER POLLUTION PREVENTION PLAN HAS NOT BEEN PREPARED FOR THIS PROJECT SINCE IT IS LESS THAN ONE ACRE. CONSTRUCTION SHALL CONFORM WITH ALL APPLICABLE LOCAL, STATE, AND FEDERAL LAWS.
8. ALL DISTURBED AREAS SHOULD BE SOIL SLAB SOCCED UNLESS OTHERWISE AUTHORIZED.



A Low Elevation Soil Berm Detail
Scale: None

APPROVED FOR PERMIT ONLY

REVISION: _____ DATE: _____
 CONTRACTOR/ENGINEER: _____
 CITY OF TULSA

IDP # _____



Grading & Erosion Control Plan
Woodland Valley
City of Tulsa

PLANS AND EROSION CONTROL PLAN PREPARED BY: AAB ENGINEERING, LLC
 PROJECT NO. 2017-0607
 DATE: 05/18/2017

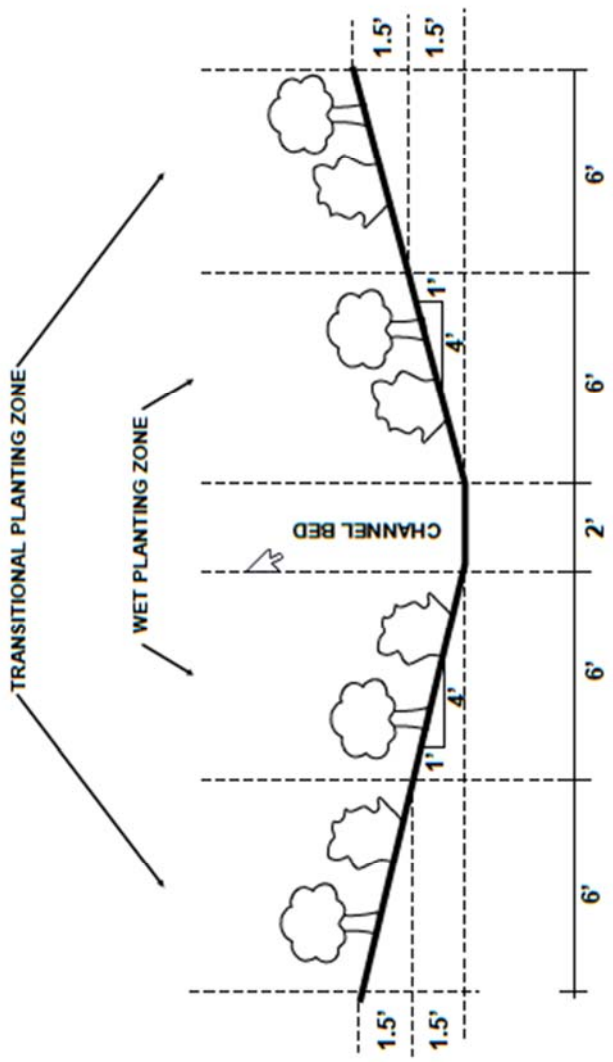
REVISION	BY	DATE	PLAN SCALE
			1" = 50'

PROFILE SCALE: N/A	
VERTICAL:	



BENCHMARK
 3/16" IRON PIN SET 77" SOUTH OF THE INTERSECTION OF E. 10TH CT. S. AND S. 90TH E. AVE. ON THE WEST SIDE OF S. 90TH E. AVE.
 ELEVATION: 701.629 (NAVD 1989)

SWT-2017-607
Residential Development
Woodland Valley
Unnamed tributary of Mingo Creek
Tulsa, Tulsa County, Oklahoma
Enclosure 2 of 3



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PROJECT NO. 2082195.001A
 DRAWN: 6/12/2018
 DRAWN BY: AL
 CHECKED BY: ACP
 FILE NAME: WoodlandValley_xaedson.jvb

Typical Cross-Section- Mitigation Stream Planting Zones

Woodland Valley Development
 Mitigation Plan
 Tulsa County, Oklahoma

FIGURE

SWT-2017-607
 Residential Development
 Woodland Valley
 Unnamed tributary of Mingo Creek
 Tulsa, Tulsa County, Oklahoma
 Enclosure 3 of 3