



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-2018-527
Public Notice No.

April 2, 2019
Public Notice Date

May 1, 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

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DEPARTMENT OF THE ARMY
CORPS OF ENGINEERS, TULSA DISTRICT
2488 EAST 81ST STREET
TULSA, OKLAHOMA 74137-4290

Application No. SWT-2018-527

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. Brian Doyle
OLT Greenhill Investment Company, L.L.C.
12150 E. 96th St. North
Owasso, OK 74055

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 17, Township 18 North, Range 13 East, in Tulsa, Tulsa County, Oklahoma. The project site can be found on the Mingo Oklahoma 7.5 Minute USGS Quadrangle map at North Latitude 36.21824 and West Longitude 95.854428.

Project Description: The application is for the placement of fill material into unnamed tributaries of Mingo Creek and associated on-channel ponds to construct a commercial and industrial development, to include associated utilities and roadways.

Purpose: The overall purpose of this work is for a commercial/industrial development within the Mingo Creek watershed of Tulsa County. The proposed project must also manage the 100-year flood frequency event as required by the City of Tulsa. The project is not a water dependent activity and there are 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 Stream S-2 (US-2)	Placement of Fill Material	Riverine	Earthen Material/Clay	20	485 LF (0.04) AC
Unnamed Tributary of Mingo Creek Stream S-2 (US-1)	Placement of Fill Material	Riverine	Earthen Material/Clay	40	1007 LF (0.09) AC
Unnamed Tributary of Mingo Creek Stream S-1 (US-1)	Placement of Fill Material	Riverine	Earthen Material/Clay	20	451 LF (0.04) AC
Unnamed Pond P-1	Placement of Fill Material	Pond	Earthen Material/Clay	823	0.34 AC
Unnamed Pond P-2	Placement of Fill Material	Pond	Earthen Material/Clay	1,791	0.74 AC
Unnamed Pond P-3	Placement of Fill Material	Pond	Earthen Material/Clay	871	0.36 AC
Unnamed Pond P-4	Placement of Fill Material	Pond	Earthen Material/Clay	847	0.35 AC
Wetland W-1	Placement of Fill Material	Wetland	Earthen Material/Clay	32	0.04 AC
cubic yards (cy), ordinary high water mark (OHWM), acre (ac), linear feet (lf)					

Description of Work: The applicant's proposal would require the placement of 80 CY of clay into approximately 1,943 LF (0.22 AC) in three stream channels and 4,332 CY for four ponds (1.79 AC) and 32 CY (0.04 AC) of emergent wetlands. Also, the applicant proposes to construct a new ditch to reroute waters of the United States in the uplands to facilitate the stormwater management from the City of Tulsa. 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 provide a statement to address avoidance and minimization of impacts to aquatic resources nor did the applicant provide a justification for the proposed project.

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

The applicant provided a conceptual mitigation drawing in order to offset the proposed impacts to the unnamed tributaries of Mingo Creek. The mitigation plan would enhance an existing stream channel for 2,332 LF, create four wetlands (to offset the proposed four pond impacts totaling 1.74 AC). See Table 1 (enclosure 6) for the Greenhill DC3 Stream Planting Plan list for trees, shrubs and herbs. The tree planting would be on 30 foot center and the herbs and shrubs would be planted on the 3 foot centers. The constructed channel would be sinuous in nature, including rocks and boulders in and along the channel to re-establish desired condition that simulate the reference stream channel and establish the riparian area.

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. The project is in the floodplain of Mingo Creek.

Existing Condition: The parcel of land is comprised mostly of improved pasture in the uplands. 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*), 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 6). 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.

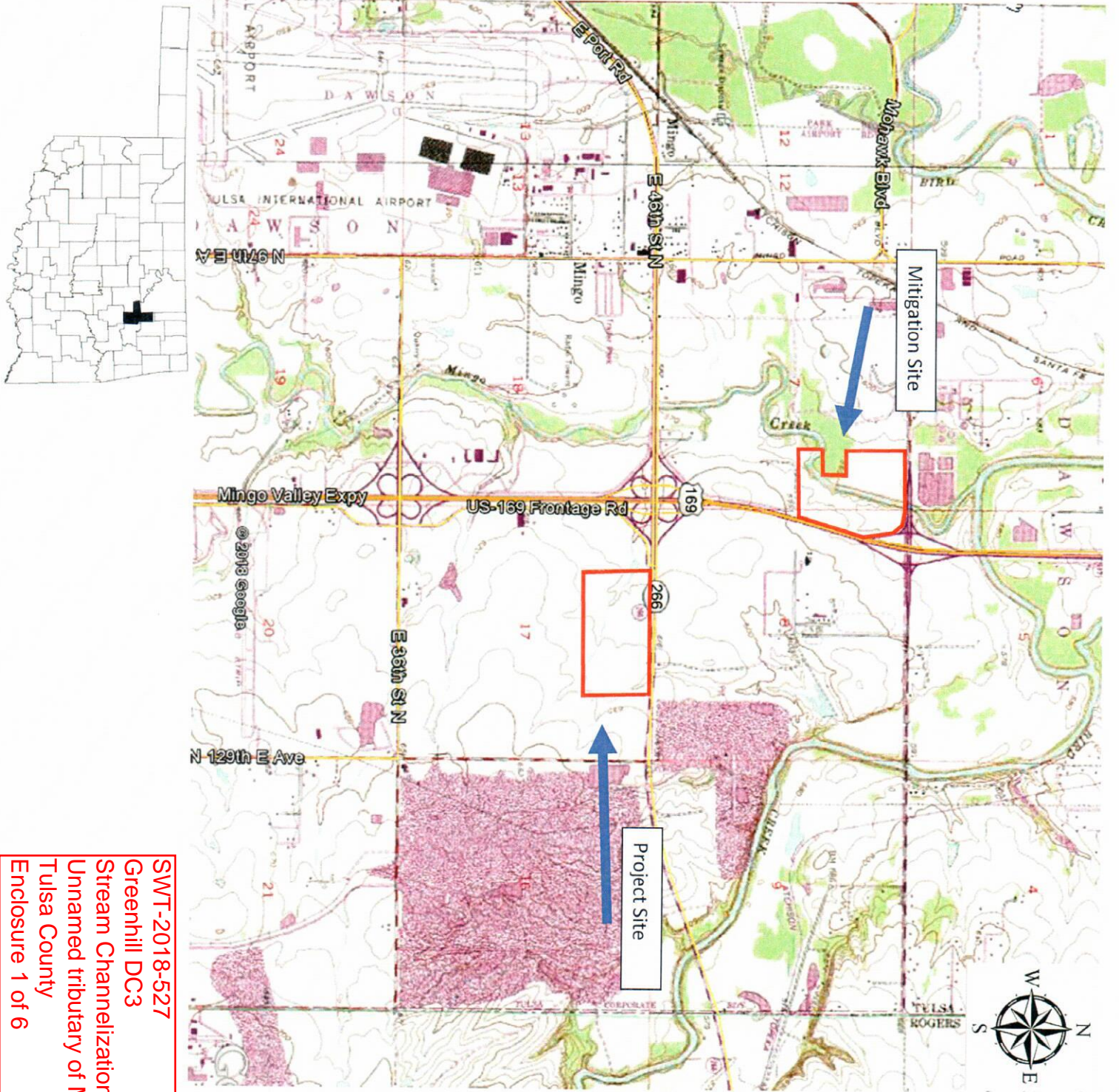
Comments: The Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps to determine 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-2018-527 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.

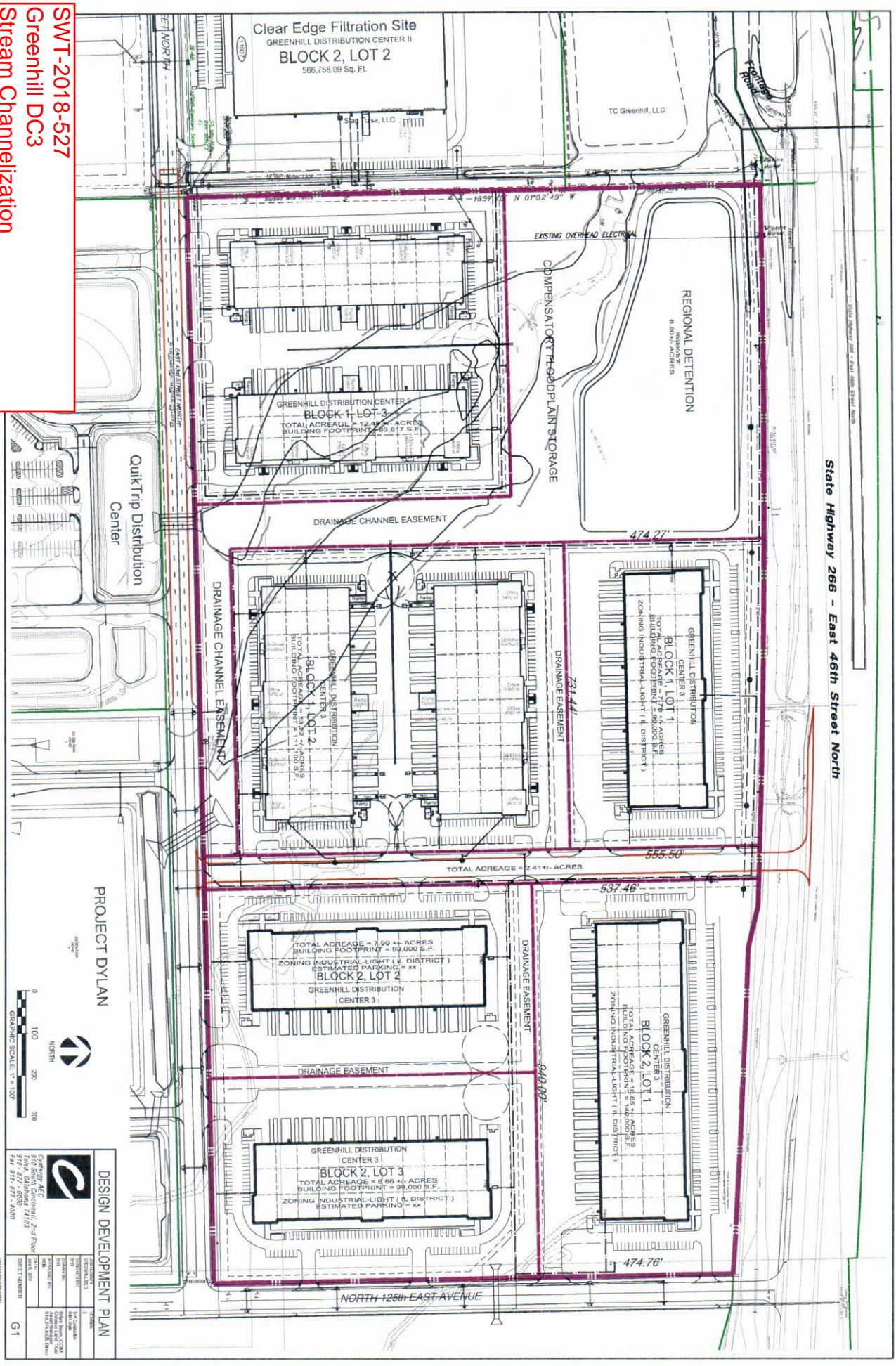
Andrew R. Commer
Chief, Regulatory Office

Enclosures



SWT-2018-527
 Greenhill DC3
 Stream Channelization
 Unnamed tributary of Mingo Creek
 Tulsa County
 Enclosure 1 of 6

SWT-2018-527
 Greenhill DC3
 Stream Channelization
 Unnamed tributary of Mingo Creek
 Tulsa County
 Enclosure 2 of 6



PROJECT DYLAN



DESIGN DEVELOPMENT PLAN	
DATE	11/20/2018
BY	TC Greenhill
CHECKED BY	TC Greenhill
APPROVED BY	TC Greenhill
PROJECT NO.	SWT-2018-527
SHEET NUMBER	G1
City of Tulsa 510 South Cincinnati, 2nd Floor Tulsa, Oklahoma 74103 918-487-4000 FAX 918-487-4000	

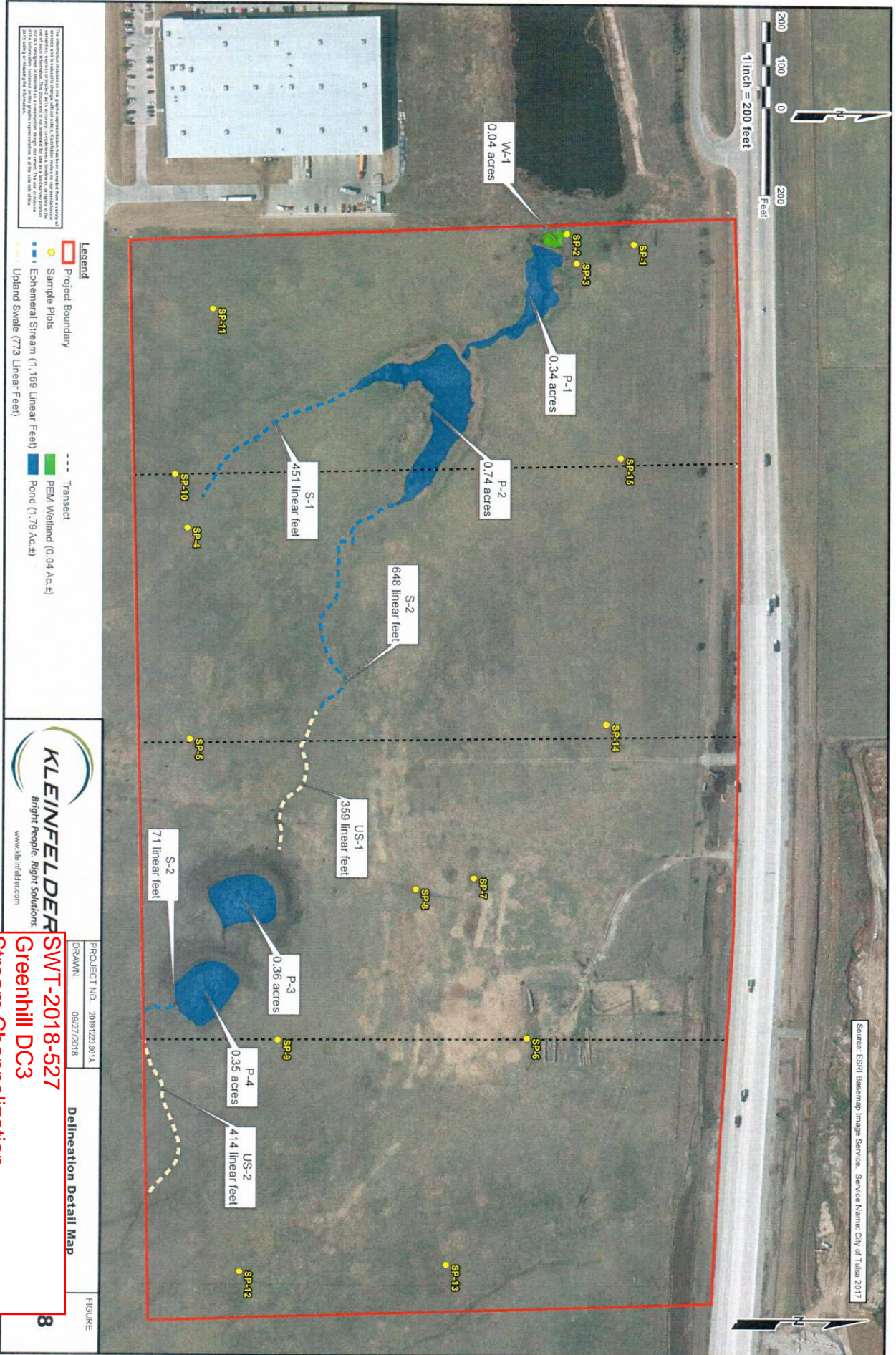


Table 1: Impacts, Mitigation Summary, and Permit Types for Greenhill DC3

Impacted Water of the U.S.	Permanently Impacted Resource Bio-Type & Length/Area	Mitigation Type	Mitigation Ratio & Acres/Linear Feet ¹	Proposed Mitigation	Mitigation Multipliers ¹	Permit Type
Stream S-1	Ephemeral Stream (R4UBJ) 451 feet	Enhancement	1:1.2 541 feet	Enhancement of existing streams	Reliance on enhancement strategies (+20%)	Individual
Stream S-2	Ephemeral Stream (R4UBJ) 719 feet	Enhancement	1:1.2 863 feet	Enhancement of existing streams	Reliance on enhancement strategies (+20%)	Individual
Upland Swale US-1	Ephemeral Stream (R4UBJ) 359 feet	Enhancement	1:1.2 431 feet	Enhancement of existing streams	Reliance on enhancement strategies (+20%)	Individual
Upland Swale US-2	Ephemeral Stream (R4UBJ) 414 feet	Enhancement	1:1.2 497 feet	Enhancement of existing streams	Reliance on enhancement strategies (+20%)	Individual
Pond P-1	Pond (PUB) 0.34 acre	Creation	1:0.95 0.32 acre	Creation of Wetland MW-1	Higher quality out-of-kind (-25%) Reliance on creation strategies (+20%)	Individual
Pond P-2	Pond (PUB) 0.74 acre	Creation	1:0.95 0.70 acre	Creation of Wetland MW-1	Higher quality out-of-kind (-25%) Reliance on creation strategies (+20%)	Individual
Pond P-3	Pond (PUB) 0.36 acre	Creation	1:0.95 0.34 acre	Creation of Wetland MW-1	Higher quality out-of-kind (-25%) Reliance on creation strategies (+20%)	Individual
Pond P-4	Pond (PUB) 0.35 acre	Creation	1:0.95 0.33 acre	Creation of Wetland MW-1	Higher quality out-of-kind (-25%) Reliance on creation strategies (+20%)	Individual
Wetland W-1	Wetland (PEM) 0.04 acre	Creation	1:1.2 0.05 acre	Creation of Wetland MW-1	In-Kind Reliance on creation strategies (20%)	Individual
APPROX. TOTALS	1,170 feet of ephemeral stream 773 feet of upland swale 1.79-acres pond 0.04 acre emergent wetland		2,332 feet of stream enhancement 1.74 acres of wetland creation			

SWT-2018-527
 Greenhill DC3
 Stream Channelization
 Unnamed tributary of Mingo Creek
 Tulsa County
 Enclosure 4 of 6

Legend

- Mitigation Site
- · - Potential Stream Enhancements
- Wet Planting Zone
- Transition Planting Zone

Erosion Repair at S-2 and S-4 confluence



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SWT-2018-527
 Greenhill DC3
 Stream Channelization
 Unnamed tributary of Mingo Creek
 Tulsa County
 Enclosure 5 of 6

PROJECT NO. 20181223.001A
DRAWN: 12/4/2018
DRAWN BY: JF
CHECKED BY: BN
FILE NAME: Figure_App_D_Fig_1.mxd

Potential Stream Planting Zones
Mitigation Site Greenhill DC3 Tulsa County, Oklahoma

FIGURE
1

Table 1 Greenhill DC3 Wetland Planting Plan.

Common Name	Scientific Name	Indicator Status	Strata	Zone	Spacing
Shumard oak	<i>Quercus shumardii</i>	FACW	Tree	PFO/PSS	30' centers
River birch	<i>Betula nigra</i>	FACW	Tree	PFO/PSS	30' centers
Shellbark hickory	<i>Carya laciniosa</i>	FACW	Tree	PFO/PSS	30' centers
Spicebush	<i>Lindera benzoin</i>	FACW	Shrub	PFO/PSS	30' centers
Button bush	<i>Cephalanthus occidentalis</i>	OBL	Shrub	PFO/PSS	30' centers
Smooth alder	<i>Alnus serrulata</i>	OBL	Shrub	PFO/PSS	30' centers
Soft rush	<i>Juncus ephesus</i>	OBL	Herb	PEM	3' centers
Fox sedge	<i>Carex vulpinoidea</i>	OBL	Herb	PEM	3' centers
Swamp milkweed	<i>Asclepias incarnata</i>	OBL	Herb	PEM	3' centers
Common boneset	<i>Eupatorium perfoliatum</i>	OBL	Herb	PEM	3' centers
Rough-leaf goldenrod	<i>Solidago patula</i>	OBL	Herb	PEM	3' centers
Common threesquare	<i>Schoenoplectus pungens</i>	OBL	Herb	PEM	3' centers
Hop sedge	<i>Carex lupulina</i>	OBL	Herb	PEM	3' centers

Table 1. Greenhill DC3 Stream Planting Plan.

Common Name	Scientific Name	Indicator Status	Strata	Zone	Rate
Shumard Oak	<i>Quercus shumardii</i>	FACW	Tree	Wet	30' centers
Sugarberry	<i>Celtis laevigata</i>	FACW	Tree	Wet	30' centers
Hydrolea	<i>Hydrolea ovata</i>	OBL	Shrub	Wet	30' centers
Button bush	<i>Cephalanthus occidentalis</i>	OBL	Shrub	Wet	30' centers
Soft rush	<i>Juncus ephesus</i>	OBL	Herb	Wet	3' centers
Buttercup	<i>Ranunculus sp.</i>	FACW	Herb	Wet	3' centers
Pecan	<i>Carya illinoensis</i>	FACW	Tree	Transitional	30' centers
Burr Oak	<i>Quercus macrocarpa</i>	FAC	Tree	Transitional	30' centers
Corralberry	<i>Symphoricarpos orbiculatus</i>	FACU	Shrub	Transitional	30' centers
Spicebush	<i>Lindera benzoin</i>	FACW	Shrub	Transitional	30' centers
Wood Oats	<i>Chasmanthium latifolium</i>	FACW	Herb	Transitional	3' centers
Common Milkweed	<i>Asclepias syriaca</i>	FACU	Herb	Transitional	3' centers
Little bluestem	<i>Schizachyrium scoparium</i>	FACU	Herb	Upland	3' centers
Switchgrass	<i>Panicum virgatum</i>	FACU	Herb	Upland	3' centers
Indian Grass	<i>Sorghastrum nutans</i>	FACU	Herb	Upland	3' centers
Black-Eyed Susan	<i>Rudbeckia hirta</i>	FACU	Herb	Upland	3' centers
Wild Blue Indigo	<i>Baptisia australis</i>	FACU	Herb	Upland	3' centers
Rough Leaf Dogwood	<i>Cornus drummondii</i>	FAC	Shrub	Upland	30' centers

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 Enclosure 6 of 6