



US Army Corps
of Engineers®

JOINT PUBLIC NOTICE

Tulsa District
App No. SWT-2018-00539

Published: September 29, 2025
Expires: October 29, 2025

TO WHOM IT MAY CONCERN: The U.S. Army Corps of Engineers and Oklahoma Department of Environmental Quality (ODEQ) jointly announce that the District Engineer 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. The ODEQ hereby incorporates this public notice and procedure as its own public notice and procedure by reference thereto. 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. The purpose of this public notice is to solicit comments from the public regarding the work described below:

APPLICANT: Principal Chief David Hill
Muscogee Nation
PO Box 580
Okmulgee, OK 74447

AGENT: Steve Votaw
Eagle Environmental Consulting, Inc.
PO Box 335
Vinita, OK 74301

WATERWAY AND LOCATION: The project would affect a relic channel of Joe Creek, a water of the United States. The project/review area is located along the east side of Riverside Parkway between 81st and 91st Streets in Sections 17 and 18, Township 18 North, Range 13 East; at Latitude 36.0363 and Longitude -95.9563; in Tulsa, Tulsa County, Oklahoma.

EXISTING CONDITIONS: Prior to 2018 the project site was utilized as a mobile home community. The site has remained vacant since 2018 with minimal activity. Joe Creek and the unnamed ephemeral tributary at this location have remained relatively unaltered since the 1990s.

PROJECT PURPOSE:

Basic: Construction of a commercial and residential development.

Overall: Construction of a mixed use commercial and residential development venue comprised of retail building plazas, residential apartments, roads, parking areas, sidewalks, and utility infrastructure.

PROPOSED WORK: The applicant requests authorization to discharge fill material into approximately 1,783 feet of Joe Creek, an intermittent stream channel for the proposed commercial retail and residential development comprised of retail building plazas, residential apartments, roads, parking areas, sidewalks, and utility infrastructure. Based on the site plan design, a 1,783 foot-long section of Joe Creek is proposed to be relocated into a 10'x18' concrete box conduit constructed/installed beneath the central primary road that transitions through the project site. Approximately 2.9 acres of the proposed development would occur on lands previously utilized as compensatory mitigation for the extension of Riverside Drive to 101st Street (Enclosure 4, SWT-0-03080). Two sections of Joe Creek would be backfilled once the conduit is constructed. The northernmost section of channel to be backfilled is 1,371 feet long and the southernmost reach to be backfilled would be 412 feet in length. Between the two fill sections, 570 feet of the Joe Creek channel would be avoided and remain as an undisturbed open channel.

Table 1: Summary of impacts to waters of the United States.

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)
Joe Creek	Discharge of fill	Intermittent Stream	Earthen Fill & Concrete	2,500 cys	1,783 lf (1.22 ac)
cubic yards (cys), ordinary high water mark (OHWM), acre (ac), linear feet (lf)					

AVOIDANCE AND MINIMIZATION: The applicant has provided the following information in support of efforts to avoid and/or minimize impacts to the aquatic environment: Within the overall property boundary, a 244 foot long section of Joe Creek between an existing storm water detention pond (off property) and the proposed development would not be affected and avoided. A 219 foot long section of an ephemeral drainage (presumably a former section of the original Joe Creek alignment), subject to back flooding from Joe Creek, on the northern end of the site would also be avoided. Additionally, a 570 foot-long section of Joe Creek would also be avoided.

COMPENSATORY MITIGATION: The applicant offered the following compensatory mitigation plan to offset unavoidable functional loss to the aquatic environment: The applicant proposes to utilize the mitigation bank to purchase waterway credits to compensate for the 1,783 feet of intermittent stream.

CULTURAL RESOURCES: The Corps evaluated the undertaking pursuant to Section 106 of the National Historic Preservation Act utilizing its existing program-specific regulations and procedures along with 36 CFR Part 800. The Corps program-specific procedures include 33 CFR 325, Appendix C, and revised interim guidance issued in 2005 and 2007, respectively. The District Engineer consulted district files and records

and the latest published version of the National Register of Historic Places and initially determines that:

With regard to historic property matters, the Corps of Engineers has reviewed the proposed project in accordance with National Historic Preservation Act Section 106 regulations and 33 CFR 325 Appendix C and determined that, in this instance, there would be historic properties affected within the permit area. The Corps subsequently requests concurrence from the SHPO and/or THPO.

The District Engineer’s final eligibility and effect determination will be based upon coordination with the SHPO and/or THPO, as appropriate and required, and with full consideration given to the proposed undertaking’s potential direct and indirect effects on historic properties within the Corps-identified permit area.

ENDANGERED SPECIES: The Corps has performed an initial review of the application utilizing the U.S. Fish and Wildlife Service Information for Planning and Consultation (IPaC) to determine if any threatened, endangered, proposed, or candidate species, as well as the proposed and final designated critical habitat may occur in the vicinity of the proposed project. The IPaC consultation number is 2025-0018397. Based on this initial review, the Corps has made a preliminary determination that the proposed project may affect species and critical habitat listed below. No other ESA-listed species or critical habitat will be affected by the proposed action.

Table 2: ESA-listed species and/or critical habitat potentially present in the action area.

Species Common Name	Scientific Name	Federal Status
American burying beetle	<i>Nicrophorus americanus</i>	Threatened
Tri-colored Bat	<i>Perimyotis subflavens</i>	Proposed Endangered
Alligator Snapping Turtle	<i>Macrochelys temminckii</i>	Proposed Threatened
Least Tern	<i>Sterna antillarum</i>	Endangered
Piping Plover	<i>Charadrius melodus</i>	Threatened
Red Knot	<i>Calidris canutus rufa</i>	Threatened

This notice serves as request to the U.S. Fish and Wildlife Service for any additional information on whether any listed or proposed to be listed endangered or threatened species or critical habitat may be present in the area which would be affected by the proposed activity.

NAVIGATION: The proposed structure or activity is not located in the vicinity of a federal navigation channel.

SECTION 408: The applicant will not require permission under Section 14 of the Rivers and Harbors Act of 1899 (33 U.S.C. §408) because the activity, in whole or in part, would not alter, occupy, or use a Corps Civil Works project.

WATER QUALITY CERTIFICATION: Water Quality Certification would be required from the ODEQ. A request for Section 401 Water Quality Certification was submitted to ODEQ on September 18, 2025. 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.

NOTE: This public notice is being issued based on information furnished by the applicant. This information has not been verified or evaluated to ensure compliance with laws and regulation governing the Regulatory Program. The geographic extent of aquatic resources within the proposed project area that either are, or are presumed to be, within the Corps jurisdiction has not been verified by Corps personnel.

EVALUATION: 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 District Engineer determines that it would be contrary to the public interest.

COMMENTS: The Corps 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 determination, comments are used to assess impacts to 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.

The Tulsa District will receive written comments on this proposal until the expiration date of this public notice. Comments should be submitted electronically via the Regulatory Request System (RRS) at <https://rrs.usace.army.mil/rrs> or to Brett Adams at CESWT-RO@usace.army.mil. Please include the public notice number SWT-2018-00539 in the subject line of your email message. Alternatively, you may submit comments to mailing address Tulsa District Corps of Engineers, ATTN: Regulatory Office, 2488 East 81st Street, Tulsa, OK 74137. Please refer to the permit application number in your comments.

Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider the application. Requests for public hearings shall state, with particularity, the reasons for holding a public hearing. Requests for a public hearing will be granted, unless the District Engineer determines that the issues raised are insubstantial or there is otherwise no valid interest to be served by a hearing.



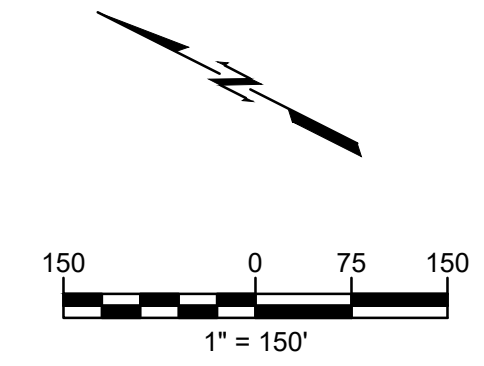
SWT-2018-00539
 MUSCOGEE NATION RIVERLINE DEVELOPMENT
 JOE CREEK
 TULSA COUNTY, OKLAHOMA
 ENCLOSURE 1 OF 5



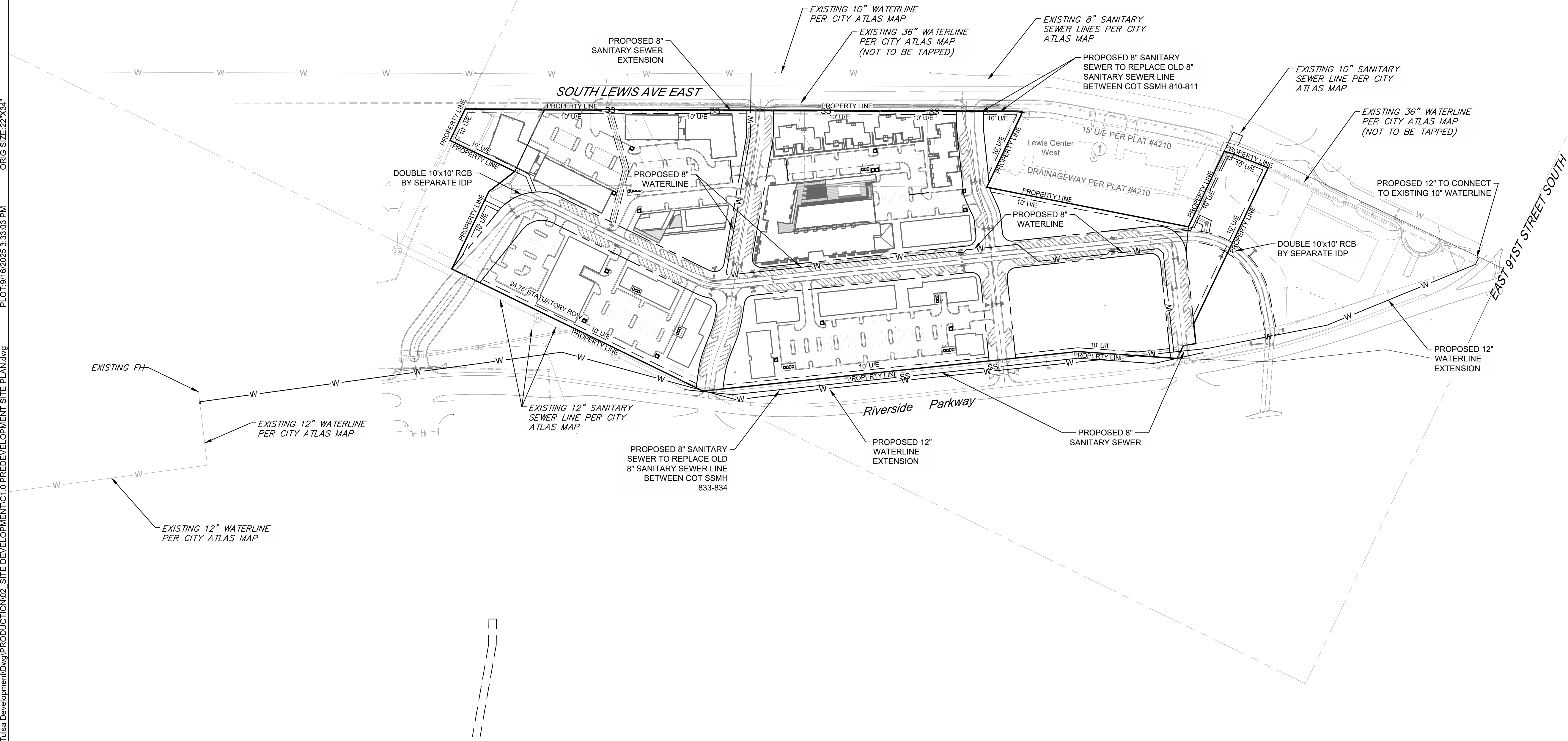
Legend	
	Project Boundary
	Joe Creek Impact Area
	Avoided Area
	Historic Bridge & Approach

Aquatic Resources Impact Exhibit

Riverline Development
 Muscogee (Creek) Nation
 Tulsa, Tulsa County, OK



ORIG SIZE: 22"x34"
 PLOT: 9/16/2025 3:33:03 PM
 C:\Users\jacob.d\OneDrive\Documents\Tulsa Development\Drawings\PRODUCTION02_Site Development\1.0 PREDEVELOPMENT SITE PLAN.dwg



RIVERLINE
 TULSA, OKLAHOMA

REV	DESCRIPTION	DATE

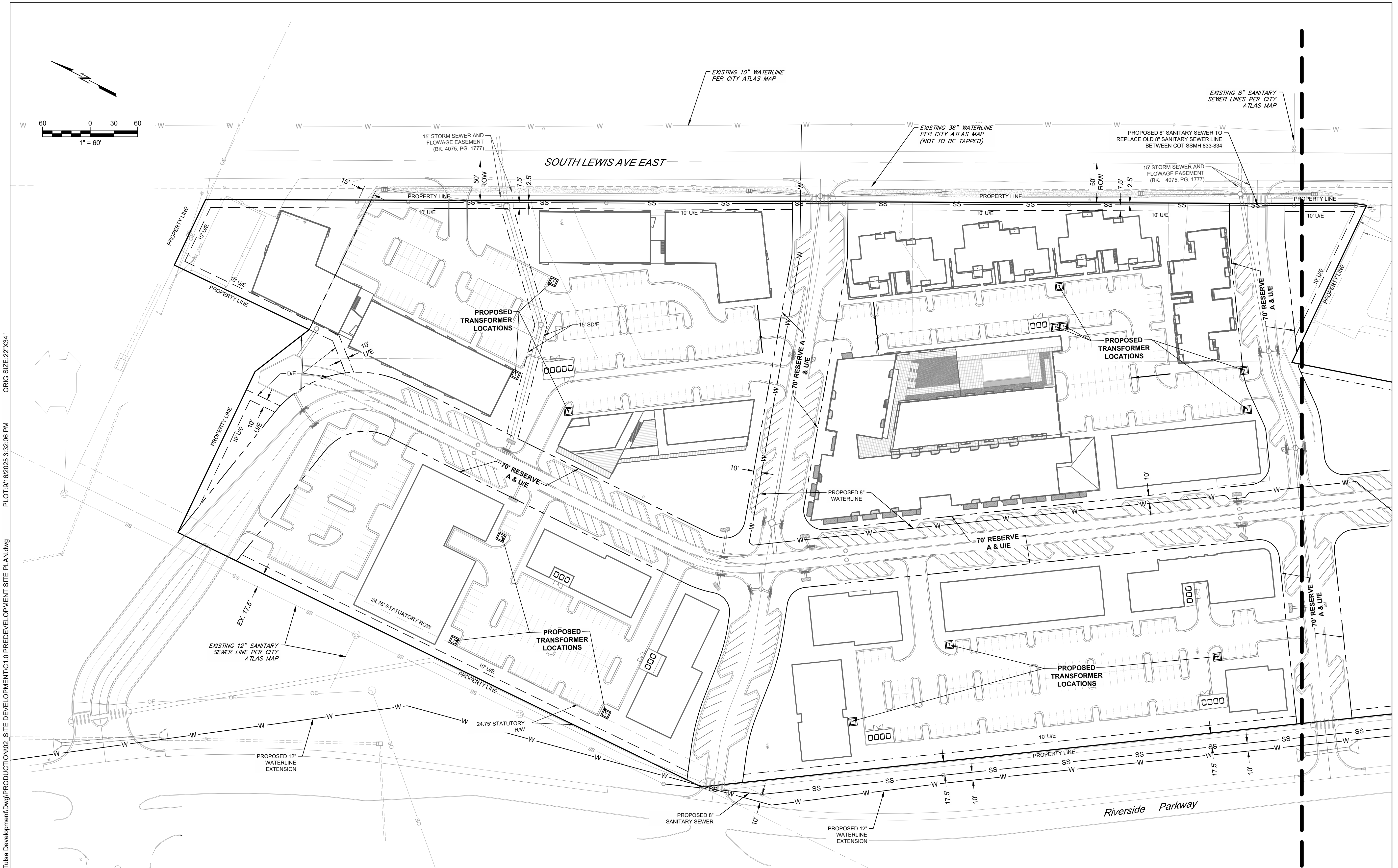
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PROJECT NO.	2440326
SHEET NAME	OVERALL SITE PLAN
SHEET NO.	C1.0

SWT-2018-00539
MUSCOGEE NATION RIVERLINE DEVELOPMENT
JOE CREEK
TULSA COUNTY, OKLAHOMA
ENCLOSURE 2 OF 5

RIVERLINE
TULSA, OKLAHOMA

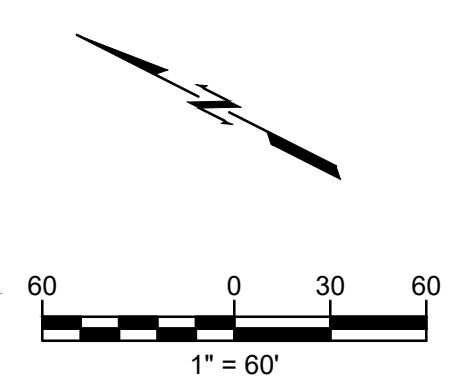
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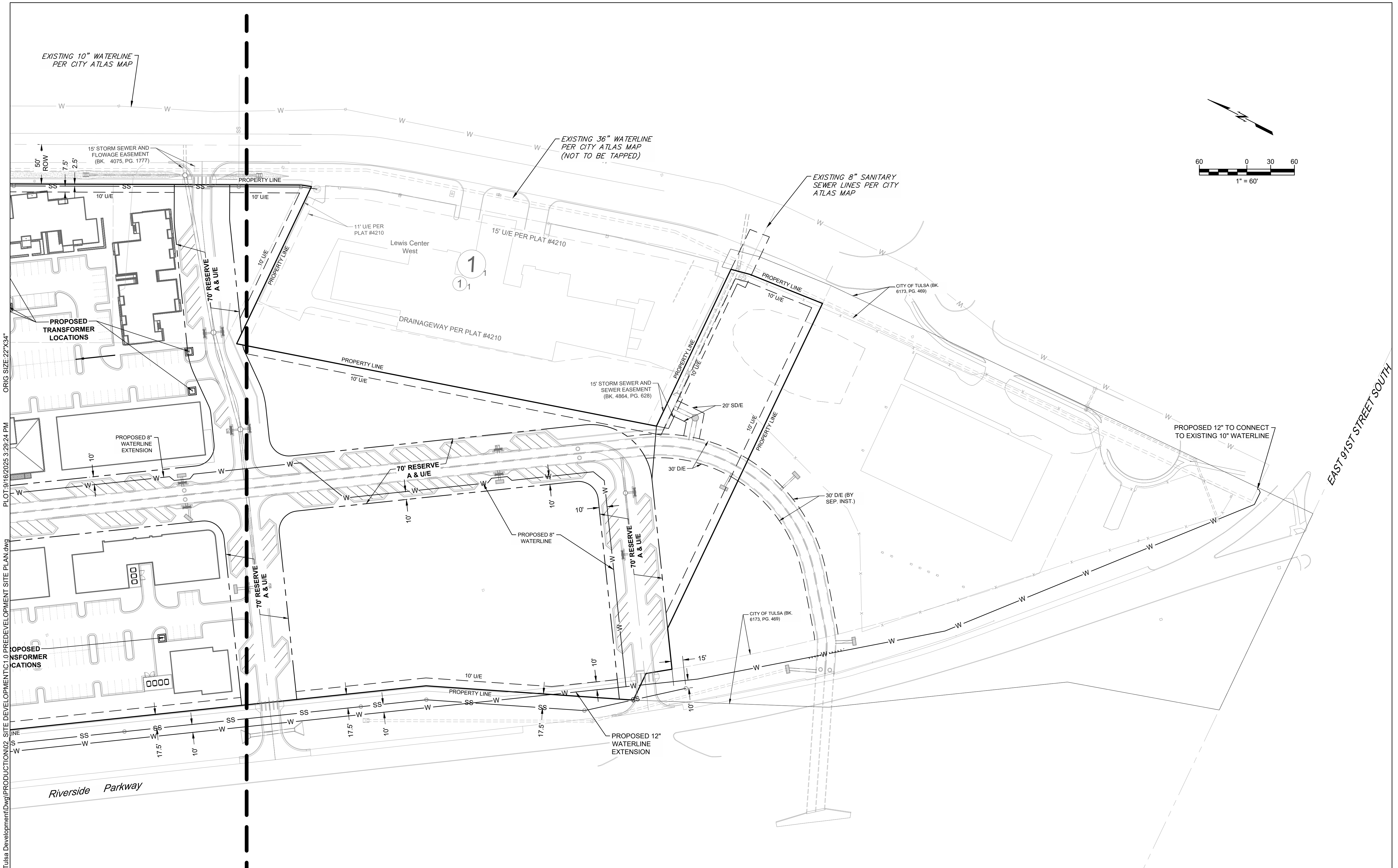
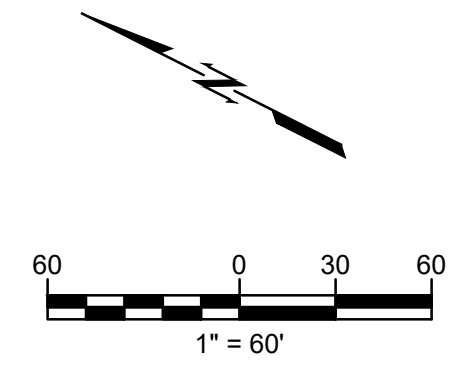
DATE	7/23/2025
PROJECT NO.	2440326
SHEET NAME	PHASE I / NORTH PROPERTY SITE PLAN
SHEET NO.	C1.1



SWT-2018-00539
MUSCOGEE NATION RIVERLINE DEVELOPMENT
JOE CREEK
TULSA COUNTY, OKLAHOMA
ENCLOSURE 3 OF 5

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SWT-2018-00539
MUSCOGEE NATION RIVERLINE DEVELOPMENT
JOE CREEK
TULSA COUNTY, OKLAHOMA
ENCLOSURE 4 OF 5

RIVERLINE
TULSA, OKLAHOMA

REV	DESCRIPTION	DATE

DATE	7/23/2025
PROJECT NO.	2440326
SHEET NAME	SOUTH PROPERTY SITE PLAN
SHEET NO.	C1.2

