



Public Notice

U.S. Army Corps
of Engineers
Tulsa District

Reply To:

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

SWT-2019-00621
Public Notice No.

February 27, 2020
Public Notice Date

March 28, 2020
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 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

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

Application No. SWT-2019-00621

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. Mike Wallace
Jenks Land, LLC
114 South 3rd Street
Jenks, OK 74037

Agent: Mr. Clint Porter
Blackbird Environmental, LLC
P.O. Box 720100
Norman, OK 73070

Location: The proposed project is in the northwest 1/4 of Section 36, Township 18 North, Range 12 East, in Jenks, Tulsa County, Oklahoma. The project site can be found on the Jenks, Oklahoma 7.5 Minute USGS Quadrangle map at North Latitude 35.99786 and West Longitude 95.99164.

Project Description: The after-the-fact application is for the discharge of fill material into 753 linear feet of an unnamed tributary of Coal Creek and the discharge of fill material into 1.13 acres of emergent wetland to accommodate approximately 45 acres of residential development.

Purpose: The basic purpose of this work is to construct a residential development. The project is not a water dependent activity. The overall purpose of this project is to construct a residential development on 45 acres within the City of Jenks, to accommodate 120 single-family dwellings.

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)
Unnamed Tributary of Coal Creek	Channel Fill and Relocation	Intermittent Stream	Earthen	447 cys	753 lf (0.138 ac)
Emergent Wetland (1)	Fill/Redistribution	Emergent Wetland	Earthen	3,255 cys	1.003 ac
Emergent Wetland (2)	Fill	Emergent Wetland	Earthen	1,150 cys	0.127 ac
			Total:	4,852 cys	753 lf (1.268 ac)
cubic yards (cys), ordinary high water mark (OHWM), acre (ac), linear feet (lf)					

Description of Work: The applicant proposes to construct a residential development known as Hickory Creek on approximately 45 acres that has been cleared and graded. The construction activity involved the redistribution of fill material into approximately 753 linear feet of unnamed tributary of Coal Creek and the placement of fill material into 1.13 acres of emergent wetland prior to DA authorization. The intermittent stream channel has been relocated to the northern property boundary and 0.127 acres of emergent wetland has been permanently filled. Approximately 1.003 acres of on-channel emergent wetland has been converted into a lentic waterbody of approximately 1.010 acres to meet stormwater management requirements. The riparian area surrounding the impacted aquatic resources has been removed.

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 avoided the placement and/or redistribution of fill material into the intermittent tributary at the southwestern corner of the study area. In addition, the placement and redistribution of fill material within the northernmost emergent wetland changed the ecological function of the feature; however, the applicant designed the development to include a permanent deep-water feature within the location of the previous emergent wetland. A storm water pipeline was constructed to convey some flow from the stream filled in the northeastern corner of the study area; however, an earthen channel was also constructed to convey storm water and minimize the total loss of stream channel functions.

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

The applicant suggests emergent wetland creation and stream riparian enhancement to offset ecosystem function losses associated with unauthorized discharge at the Hickory Creek residential development site. The enhancement mitigation includes approximately 840 linear feet of stream. The applicant would plant 28 native trees along the north and south banks of the restoration stream. The applicant also proposes to create approximately 1.70 acres of emergent wetland.

Table of applicant's proposed off-site mitigation:

Mitigation Ratio	Footprint and Mitigation Type
8:1 Stream Preservation	690 Linear Feet of Stream Preservation
1.25:1 Stream Enhancement	840 Linear Feet of Stream Enhancement
1.5:1 Wetland Creation	1.70 Acres of Creation Emergent Wetland
Total Area Protected by Deed Restriction	11 Acres Mitigation and Associated Buffer

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 located within the Osage Cuestas of the Central Irregular Plains ecoregion consisting historically of prairie grasses and eastern red cedar, scattered oaks, and elms. 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. Runoff from bituminous coal mining has degraded water quality and affected aquatic biota in a few streams.

Existing Condition: The parcel of land has been recently grubbed of all vegetation and has been graded and excavated. Prior to this disturbance the land was comprised of woodlands and grass prairies within the uplands and a natural intermittent stream channel with wetlands flowed through the property from east boundary to the north boundary. The intermittent stream channel and wetlands are jurisdictional waters of the United States.

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 has been completed of the state's records 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. Based on the preliminary information, there may be historic properties, as defined by the NHPA, in or within the vicinity of the proposed permit area. The Corps will comply with the NHPA to resolve any potential effects.

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*), American burying beetle (*Nicrophorus americanus*), least tern (*Sterna antillarum*), piping plover (*Charadrius melodus*), red knot (*Calidris canutus rufa*), and whooping crane (*Grus americana*). 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 02EKOK00-2020-SLI-0931.

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 activity and other data are enclosed with this notice. If additional information is desired, it may be obtained from Mr. Brett Adams, 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-2019-00621 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

Figure 2: Topographic Map

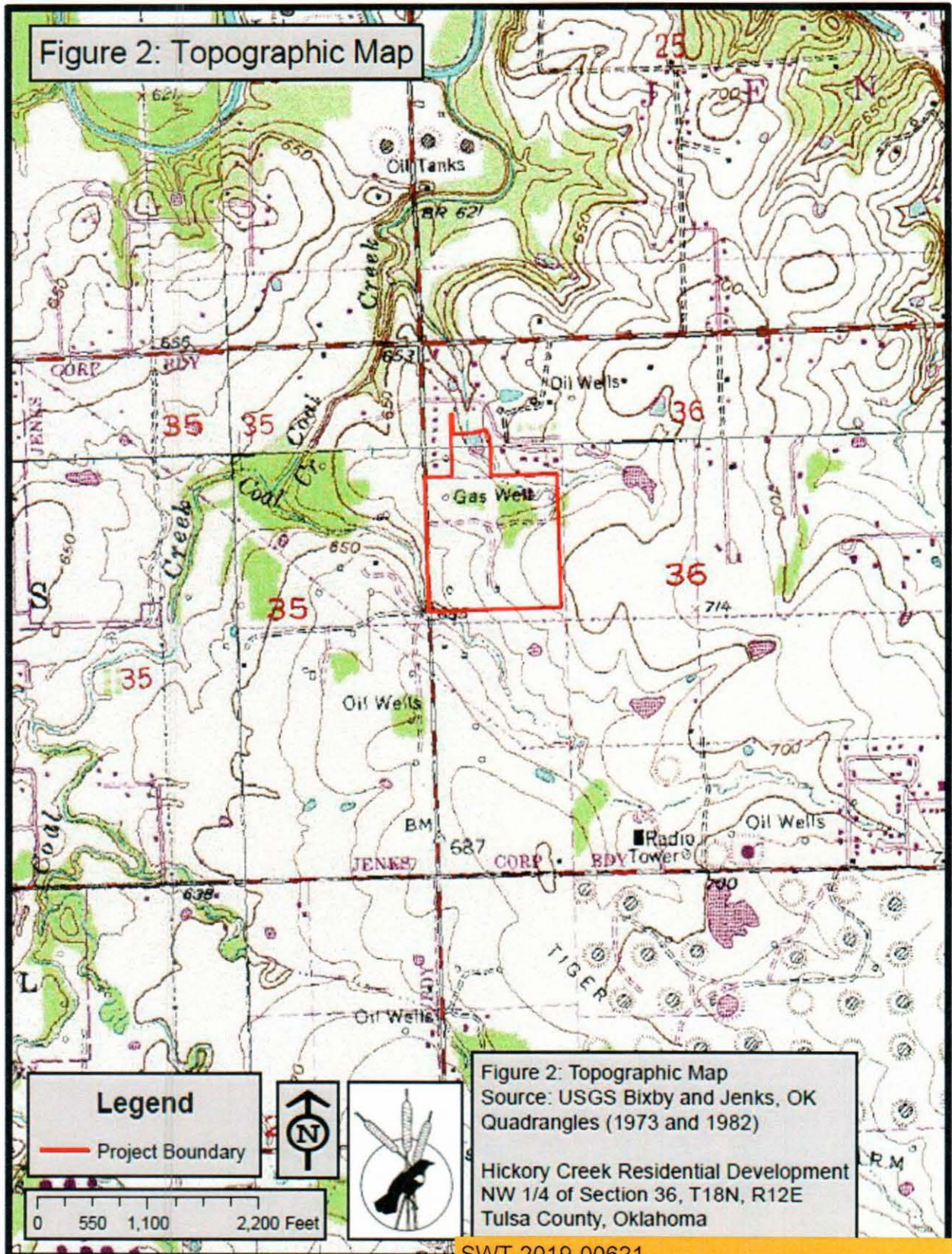


Figure 2: Topographic Map
Source: USGS Bixby and Jenks, OK
Quadrangles (1973 and 1982)
Hickory Creek Residential Development
NW 1/4 of Section 36, T18N, R12E
Tulsa County, Oklahoma

SWT-2019-00621
Hickory Creek Residential Development
Unnamed Tributary and Associated Wetlands to
Coal Creek
City of Jenks, Tulsa County, Oklahoma
Enclosure 2 of 10

Site and Utility Construction Plans

Hickory Creek of Jenks

ALL OF THE SOUTH-WEST QUARTER OF THE NORTHWEST QUARTER (SW/4 NW/4) OF SECTION THIRTY-SIX (36), TOWNSHIP 18 NORTH, RANGE TWELVE (12) EAST OF THE INDIAN MERIDIAN AND ALL OF LOT THREE (3), BLOCK TWO (2) "POLLY T 2ND ADDITION" (PLAT NO. 3681) A SUBDIVISION WITHIN THE CITY OF JENKS, TULSA COUNTY, STATE OF OKLAHOMA

General Project Information

PROJECT DATA	TOTAL
PROJECT AREA (ACRES)	14.126
NUMBER OF BLOCKS - LOTS	10 - 120
NUMBER RESERVED	7
CENTERLINE LENGTH (STREETS) (LVS)	6,632
LENGTH OF CURBS & GUTTER (LVS)*	12,751
AREA OF PAVING (SQ. FT)**	1,142,828
AREA OF SURFPADE (SQ. FT)***	24,262

SEWERAGE DATA

INSTALLATION AREA (SQUARE FEET)	42,55
ESTIMATED VOLUME, 1" DEEP (LVS)	14,127
OVERALL VOLUME, 4" DEEP (LVS)	83,344
NET DIST. NO. (SHRINKAGE) (LVS)	2,184
	10,96

* MEASURED AT HALF OF CURB
 ** MEASURED TO OUTER EDGE
 *** MEASURED TO 1/4" FINISH BACK OF CURB

General Notes

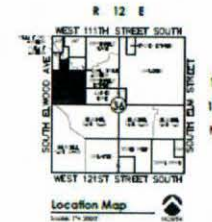
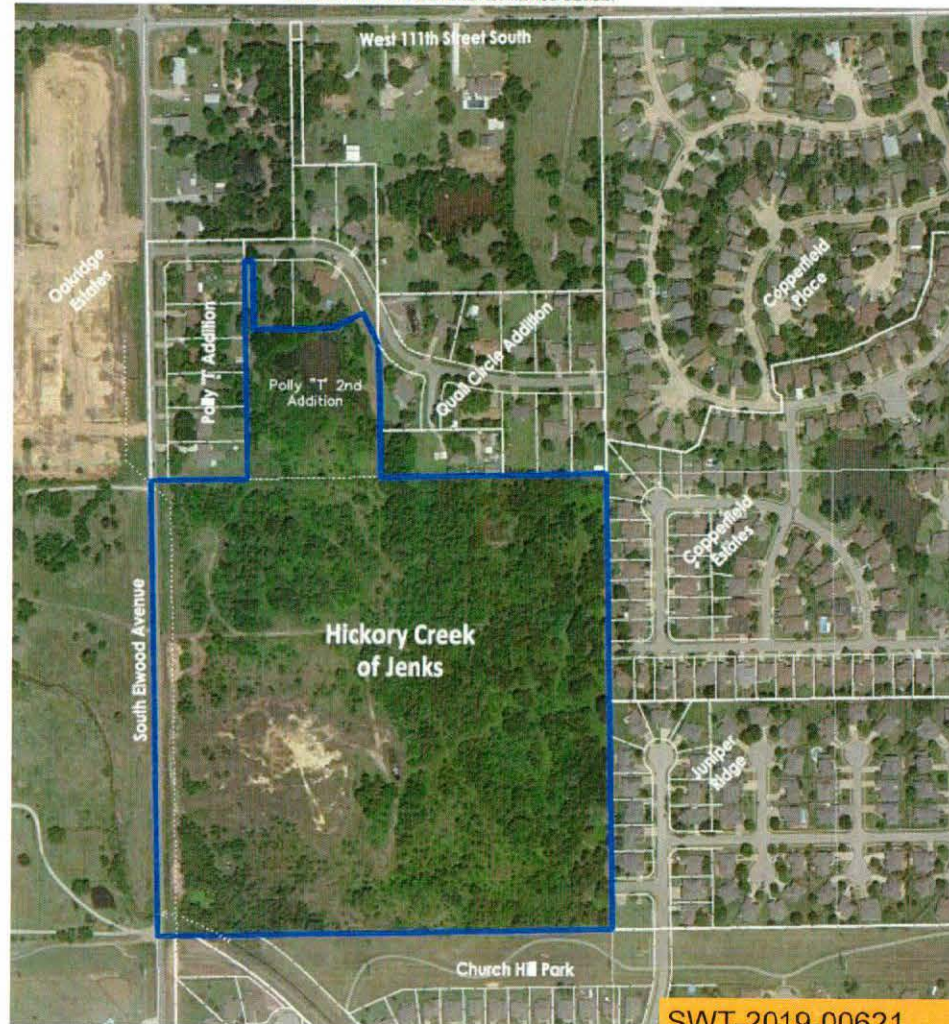
- 1.1 TOPOGRAPHIC INFORMATION SHOWN HEREIN WAS PROVIDED BY TAMMIE CONSULTING, LLC.
- 1.2 ALL GRADES ARE BASED ON NORTH AMERICAN VERTICAL DATUM 1988 (NAVD83).
- 1.3 WHEREVER THE WORD "CITY" APPEARS HEREIN THE SAME SHALL CONCLUSIVELY BE DEEMED TO MEAN THE CITY OF JENKS, OKLAHOMA UNLESS THE CONTEXT CLEARLY INDICATES OTHERWISE.
- 1.4 THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY WORK ORDERS AND PERMITS FROM THE CITY, INCLUDING PROVISION OF BOND AND INSURANCE AS REQUIRED.
- 1.5 THE CONTRACTOR SHALL NOTIFY THE CITY ENGINEERING AND CONSTRUCTION DEPARTMENT AT LEAST 24 HOURS PRIOR TO START OF CONSTRUCTION.
- 1.6 ONE-TIME CONSTRUCTION STAGING SHALL BE PROVIDED BY THE OWNER. ANY RESTAING WILL BE REQUESTED AND PAID FOR BY THE CONTRACTOR.
- 1.7 RIGHT-OF-WAY PERMIT IS REQUIRED FOR ALL WORK IN CITY OF JENKS. RIGHT-OF-WAY PERMIT CALL 918.759.3321 FOR PERMIT INFORMATION.

Benchmark 1 +

CONCRETE 1/2" ALUMINUM CAP/STAMPED "MPT 101" LOCATED APPROXIMATELY 10 FEET WEST OF THE INTERSECTION OF 101ST ST. AND BROADWAY. (SEE SHEET ELEVATION: 834.80 (NAVD83))

Benchmark 2 +

CONCRETE 1/2" ALUMINUM CAP/STAMPED "MPT 101" LOCATED APPROXIMATELY 10 FEET WEST OF THE INTERSECTION OF S. HICKORY AND S. CHURCH. (SEE SHEET ELEVATION: 834.80 (NAVD83))



Storm Sewer Index

SHEET NUMBER	NAME
SW01	BOUNDARY & EXISTING TOPOGRAPHY
SW02	SITE DEMONSTRATION PLAN
SW03	STORM SEWER PLAN (NOCTIVE)
SW04	EROSION CONTROL
SW05	GRAVING AND PAVING PLAN (SCOUTE)
SW06	PAVING AND GRAVING PLAN (MIDDLE)
SW07	PAVING AND GRAVING PLAN (NOCTIVE)
SW08	PAVING PROFILES (LINES A, B, E & F)
SW09	PAVING PROFILES (LINES C, D, G & H)
SW10	PAVING INTERSECTION DETAILS
SW11	PAVING, CONCING, & BRIDGE CENTER NOTES AND DETAILS
SW12	ORAINAGE AREA MAP
SW13	STORM SEWER DRAINAGE & PIPE SUMMARY TABLES
SW14	STORM SEWER PLAN (NOCTIVE)
SW15	STORM SEWER PLAN (LINES A & B)
SW16	STORM SEWER PROFILES (LINES B & D)
SW17	STORM SEWER PROFILES (LINES C & D)
SW18	STORM SEWER PROFILES (LINES E & F)
SW19	STORM SEWER PROFILES (LINES G & H)
SW20	STORM SEWER PROFILES (LINES A & B)
SW21	STORM SEWER ALIGNMENT DETAILS (LINES A)
SW22	STORM SEWER ALIGNMENT DETAILS (LINES B)
SW23	STORM SEWER ALIGNMENT DETAILS (LINES C)
SW24	STORM SEWER ALIGNMENT DETAILS (LINES D & E)
SW25	WE CHANNEL PLAN PROFILES & OUTLET DETAILS

Sanitary Sewer Index

SHEET NUMBER	NAME
SS01	SANITARY SEWER COVER SHEET
SS02	SANITARY SEWER PLAN (SCOUTE)
SS03	SANITARY SEWER PLAN (MIDDLE)
SS04	SANITARY SEWER PROFILES
SS05	SANITARY SEWER PROFILES
SS06	SANITARY SEWER DETAILS

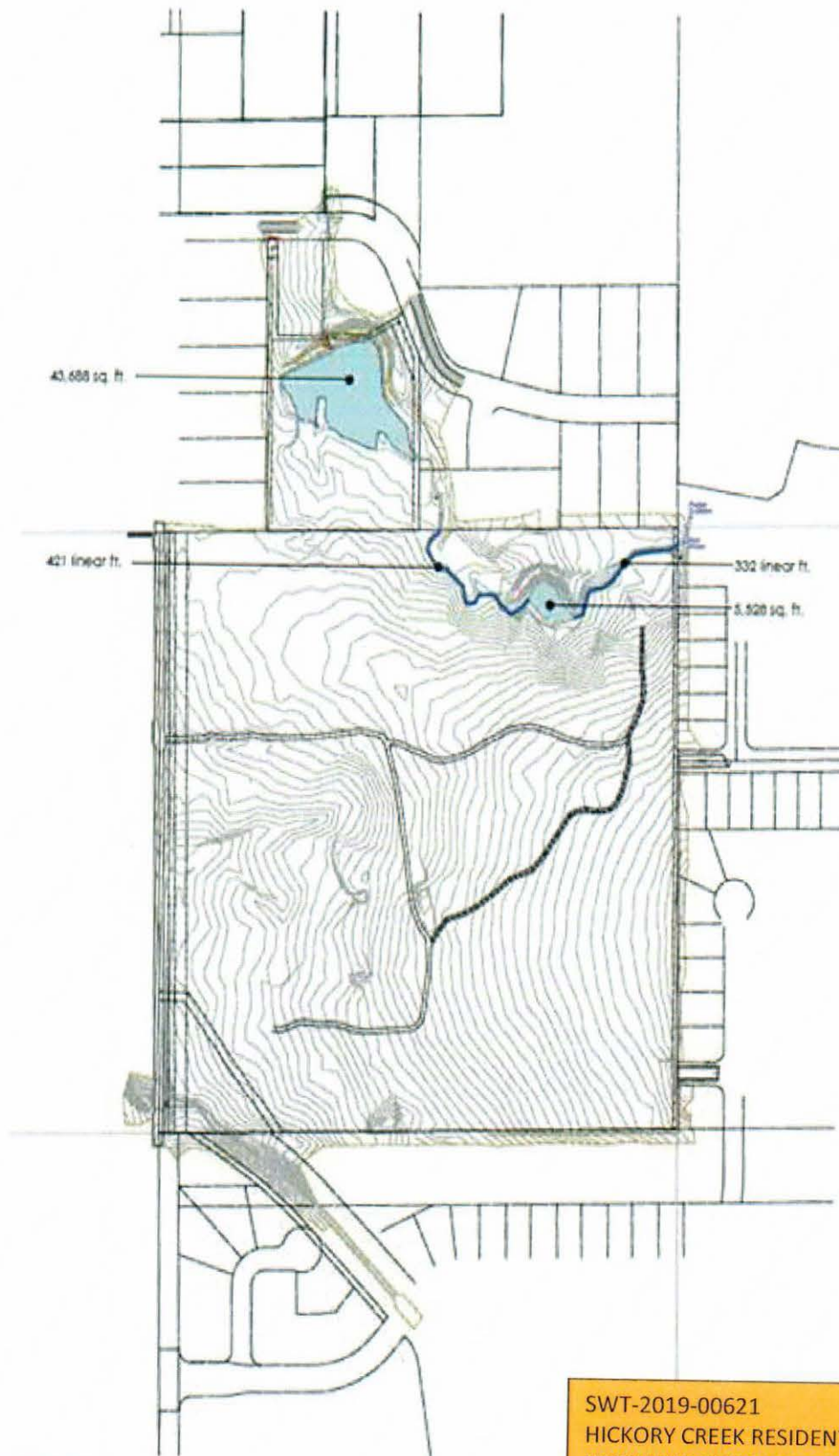
Waterline Index

SHEET NUMBER	NAME
WL01	WATER LINE COVER SHEET
WL02	WATERLINE PLAN (SCOUTE)
WL03	WATERLINE PLAN (MIDDLE)
WL04	WATERLINE PROFILES
WL05	WATERLINE PROFILES

OWNER:
Jenks Land, LLC.
 AN OKLAHOMA LIMITED LIABILITY COMPANY
 1010 W. WILSON, TULSA, OKLAHOMA
 124 SOUTH 2ND STREET
 JENKS, OKLAHOMA 74037
 PHONE: (918) 298-6200



SWT-2019-00621
 Hickory Creek Residential Development
 Unnamed Tributary and Associated Wetlands to
 Coal Creek
 City of Jenks, Tulsa County, Oklahoma
 Enclosure 3 of 10



Hickory Creek
Surface Area Exhibit
Project # 4224

December 23, 2014



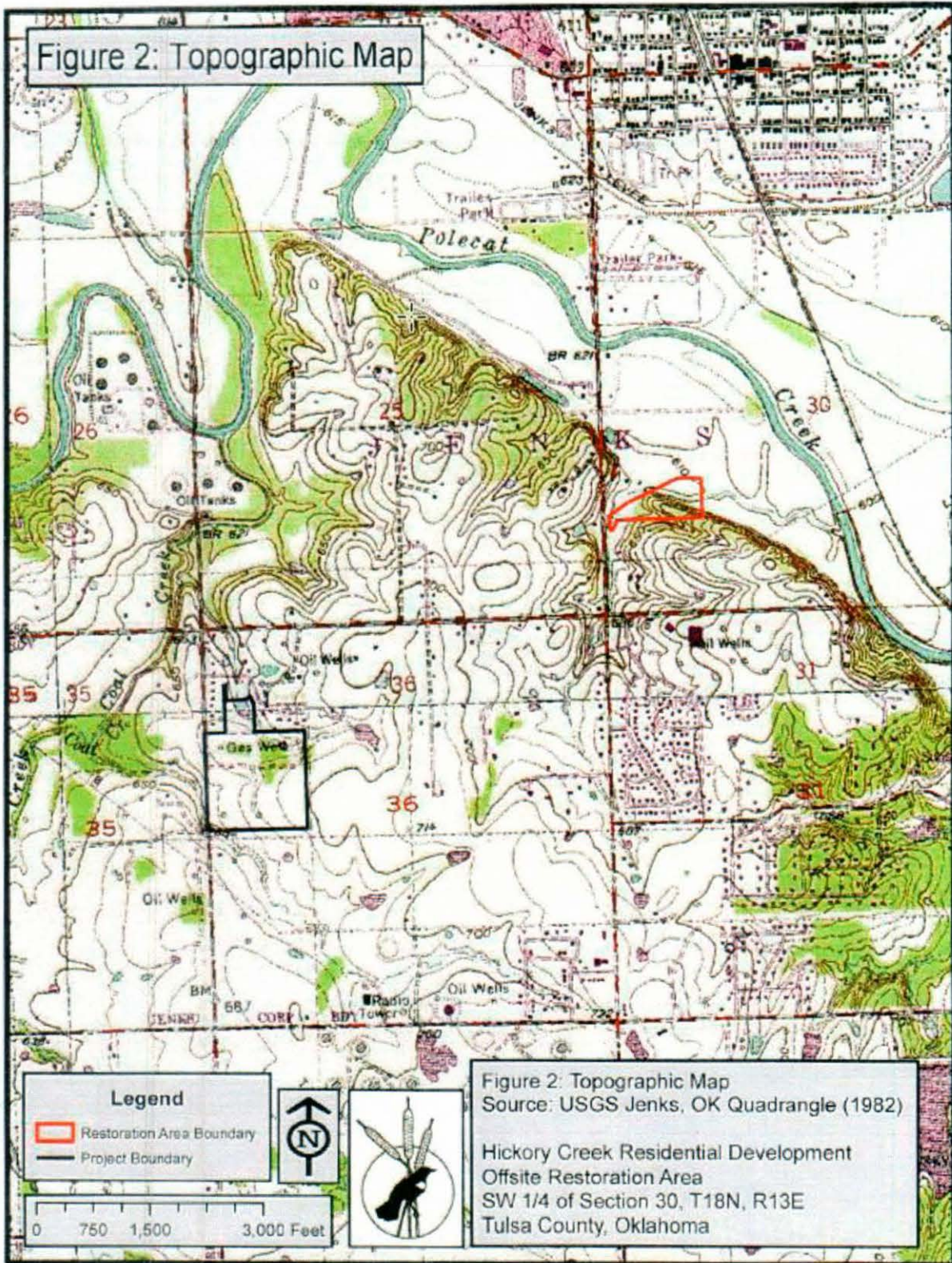
SWT-2019-00621
 HICKORY CREEK RESIDENTIAL DEVELOPMENT
 UNNAMED TRIBUTARY AND ASSOCIATED WETLANDS
 TO COAL CREEK
 CITY OF JENKS, TULSA COUNTY, OKLAHOMA
 ENCLOSURE 6 OF 10

Figure 3: National Wetland Inventory Map



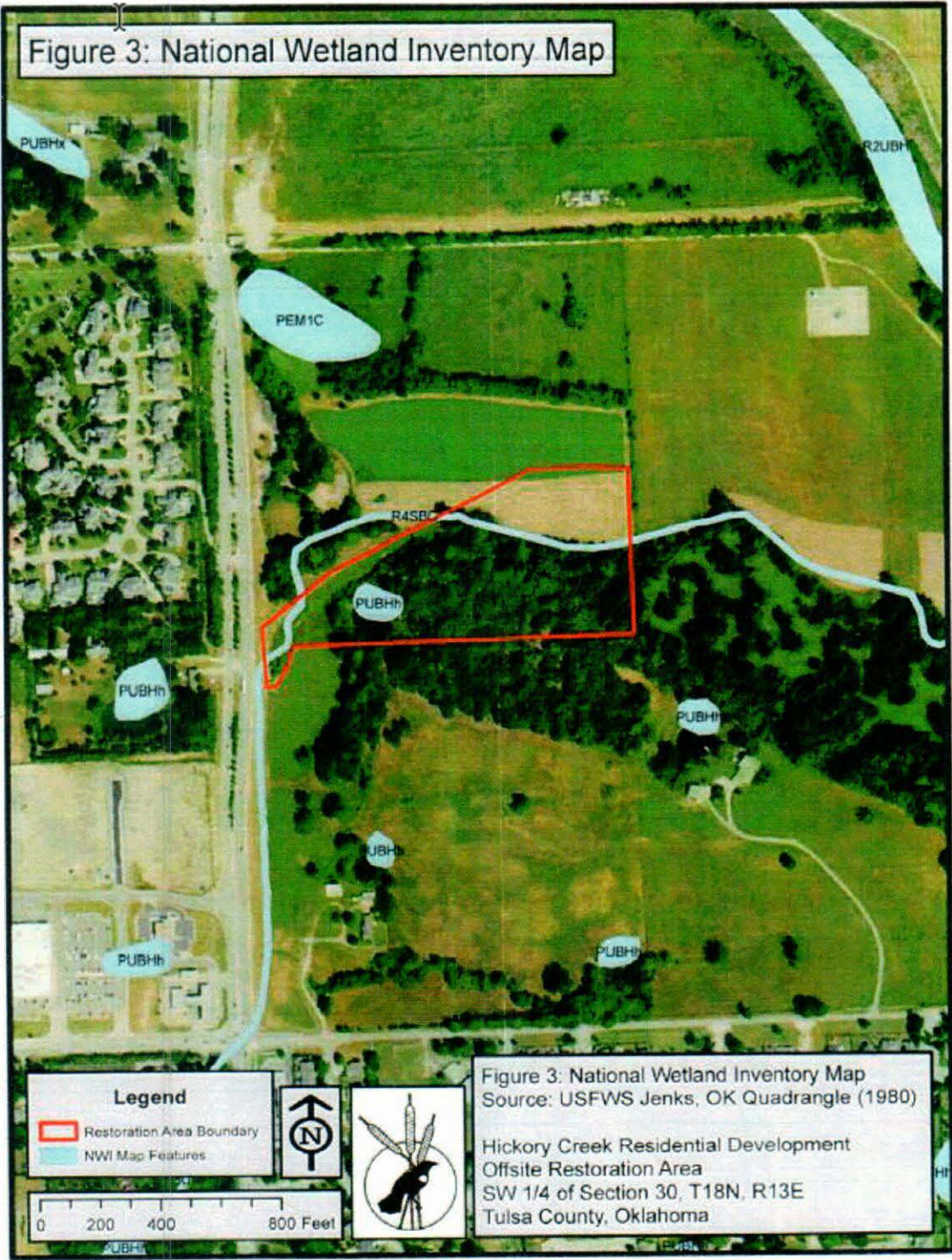
SWT-2019-00621
HICKORY CREEK RESIDENTIAL DEVELOPMENT
UNNAMED TRIBUTARY AND ASSOCIATED WETLANDS
TO COAL CREEK
CITY OF JENKS, TULSA COUNTY, OKLAHOMA
ENCLOSURE 7 OF 10

Figure 2: Topographic Map



SWT-2019-00621
HICKORY CREEK RESIDENTIAL DEVELOPMENT
UNNAMED TRIBUTARY AND ASSOCIATED WETLANDS
TO COAL CREEK
CITY OF JENKS, TULSA COUNTY, OKLAHOMA
ENCLOSURE 8 OF 10

Figure 3: National Wetland Inventory Map



SWT-2019-00621
HICKORY CREEK RESIDENTIAL DEVELOPMENT
UNNAMED TRIBUTARY AND ASSOCIATED WETLANDS
TO COAL CREEK
CITY OF JENKS, TULSA COUNTY, OKLAHOMA
ENCLOSURE 9 OF 10

Figure 5: Delineation Site Map

Native Trees Planted on 30-Foot Centers
North and South of Stream Channel
56 Total One-Inch Diameter Trees

Legend

- Restoration Area Boundary
- Upland 1
- Pipeline 20-Foot ROW
- Proposed Tree Planting
- Creation Emergent Wetland
- R4SB-1a
- R4SB-1b
- PEM1-1
- PFO1-1
- PUB-1

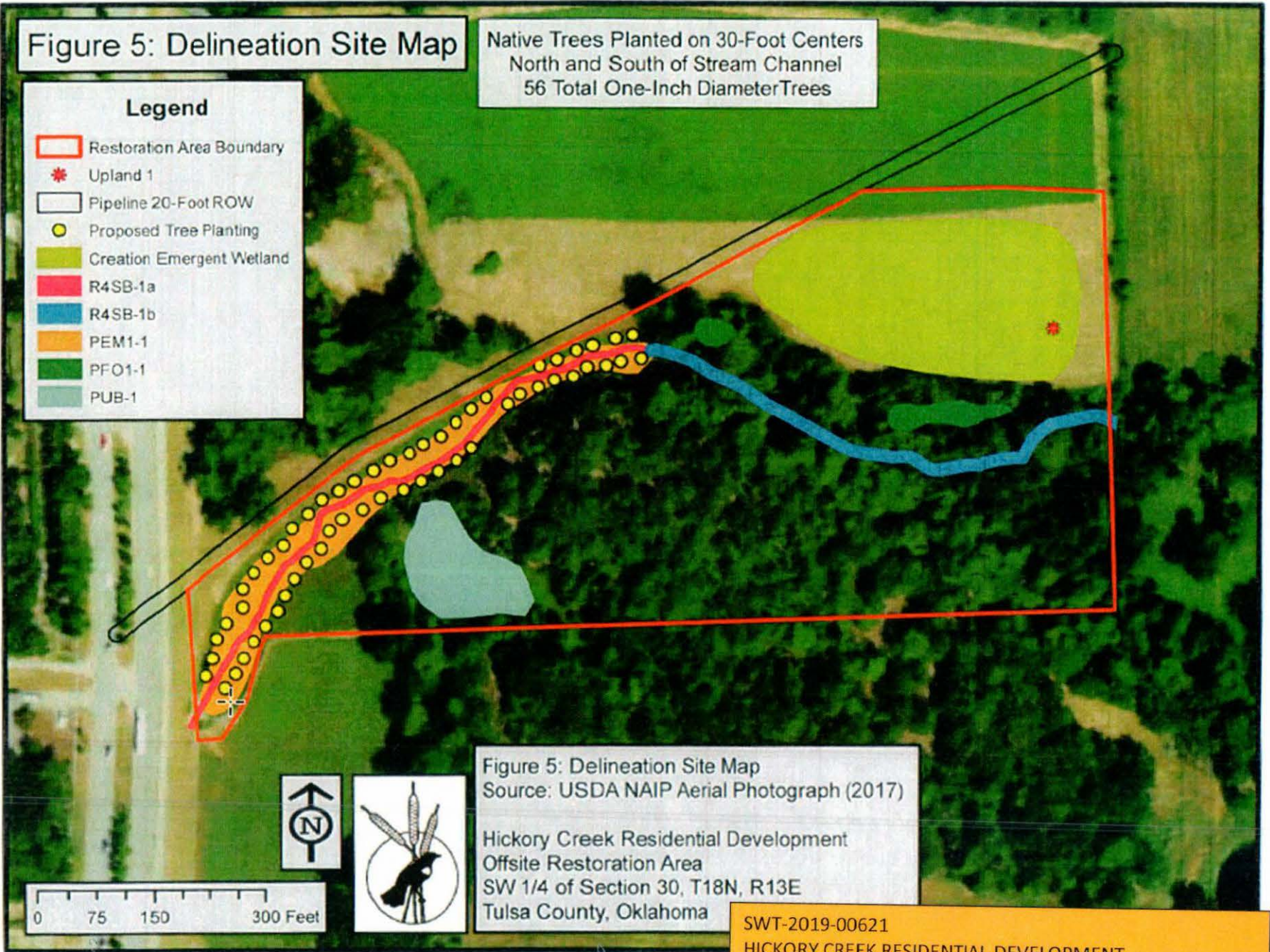


Figure 5: Delineation Site Map
Source: USDA NAIP Aerial Photograph (2017)
Hickory Creek Residential Development
Offsite Restoration Area
SW 1/4 of Section 30, T18N, R13E
Tulsa County, Oklahoma

SWT-2019-00621
HICKORY CREEK RESIDENTIAL DEVELOPMENT
UNNAMED TRIBUTARY AND ASSOCIATED WETLANDS TO
COAL CREEK
CITY OF JENKS, TULSA COUNTY, OKLAHOMA
ENCLOSURE 10 OF 10