



**US Army Corps  
of Engineers®**

# JOINT PUBLIC NOTICE

**Tulsa District  
Application No. SWT-2022-475**

Published: December 9, 2025  
Expires: January 8, 2026

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:** Mr. John Rempe  
Oklahoma Department of Wildlife Conservation (ODWC)  
1801 N Lincoln Blvd  
Oklahoma City, OK 73105

**AGENT:** Mr. Steve Votaw  
Eagle Environmental Consulting, LLC  
PO Box 335  
Vinita, OK 74301

**WATERWAY AND LOCATION:** The proposed project is located in Sections 4 and 5, Township 28 North, Range 11 East, in Osage County, Oklahoma. The project site can be found on the Whippoorwill, OK 7.5 Minute USGS Quadrangle map at North Latitude 36.93471 and West Longitude 96.13625.

**EXISTING CONDITIONS:** The proposed project site remains in its natural state with no prior construction activity. A portion of the project site is located within the floodplain and experiences frequent inundation.

## **PROJECT PURPOSE:**

**Basic:** The basic purpose of the proposed project is to construct a road. There are special aquatic sites (wetlands) within the project site. This project is not a water dependent activity.

**Overall:** The overall purpose of this work is to construct a road within the Hulah Wildlife Management Area (WMA) to facilitate public access to Federal Lands.

**PROPOSED WORK:** The application is to construct a public access road on U.S. Army Corps of Engineers (USACE) property leased to the ODWC across the Turkey Creek arm of Hulah Lake in Osage County, Oklahoma. The proposed road would connect to existing county roads on either side of Turkey Creek. Access to this portion of WMA is currently restricted due to neighboring private property. The proposed road would be approximately 1 mile in length and approximately 30 feet wide. Construction activity within waters of the U.S. would consist of the placement of approximately 15,000 cubic yards of fill material consisting of native earthen and aggregate base materials into forested wetlands directly abutting Turkey Creek and the placement of approximately 600 cubic yards of material associated with culvert construction within Turkey Creek.

**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 (acre and/or lf)
FS-1	Discharge of fill material	Forested Wetland	Native earthen material/aggregate base	15,000 cys	0.85 acre
Turkey Creek	Discharge of fill material	Perennial	2-10x40' & 1-6'x40' corrugated metal pipes	600 cys	0.02 acre (40 lf)
<b>Total</b>				<b>15,600 cys</b>	<b>0.87 acre</b>
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: The project proponent discussed multiple options to avoid and/or minimize impacts to the delineated waters of the US. Complete avoidance and minimization of the identified aquatic resources was not considered possible in order to accomplish the project purpose and need. Two other existing roads were considered as possible avoidance/minimization measures. One alternative option to provide access to the public use area west of Turkey Creek evaluated the potential use of a formerly used, existing unimproved road extending south from Spring Hill Road that transitions along Turkey Creek. This option was considered lengthy, would require extensive tree removal, and would require new road construction near the southern terminus. The second considered alternative involved attempting to re-open the county road closed by a private land owner. The second option was not considered possible due to legal rights of the private landowner. The Osage County Commissioner was not able to reopen the road and the USACE legal evaluation reflected the same. No other roads are available to provide access to the western portion of the Turkey Creek Public Use Area. The only current access facilitates use of boat.

**COMPENSATORY MITIGATION:** The applicant offered the following compensatory mitigation plan to offset unavoidable functional loss to the aquatic environment:

The proposed 10.8-acre wetland mitigation area, as depicted in Enclosures 6 and 7, would be situated 2.60 miles west-southwest of the proposed impact site, between Pond Creek and the Caney River and be accomplished by wetland creation methodologies. The proposed wetland impact site is situated adjacent to Turkey Creek, a first order tributary to the Caney River. The proposed wetland mitigation area would be constructed through basin excavation to achieve the accurate elevation and grade to retain relatively shallow water levels within the floodplain setting. No berms or water control structures are proposed within this mitigation plan. Hydrology necessary to support the proposed mitigation area will be derived from direct precipitation, surface water drainage associated with an upstream remnant channel of the Caney River between the river and Pond Creek (also a first order tributary to the Caney River), as well as overbank flooding from either, and back-flooding from Hulah Lake during periods of elevated pool conditions. Based on comparative flood-induced surface water at the mitigation site with the lake level gauge at Hulah Dam, the proposed mitigation area becomes back-flooded on an approximate 7 to 8-foot pool surface rise above normal pool. Tree plantings are proposed within the mitigation area. The proposed mitigation area will be identified and demarcated by posts and signage stating any disturbance to said area is prohibited.

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.

**CULTURAL RESOURCES:** The Corps is evaluating the undertaking for effects to historic properties as required under Section 106 of the National Historic Preservation Act. This public notice serves to inform the public of the proposed undertaking and invites comments including those from local, State, and Federal government Agencies with respect to historic resources. Our final determination relative to historic resource impacts may be subject to additional coordination with the State Historic Preservation Officer, federally recognized tribes, and other interested parties.

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 **2023-0051918**. 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.

<b>Species Common Name and/or Critical Habitat Name</b>	<b>Scientific Name</b>	<b>Federal Status</b>
Piping Plover	<i>Charadrius melodus</i>	Threatened
Red Knot	<i>Calidris canutus rufa</i>	Threatened
Monarch Butterfly	<i>Danaus plexippus</i>	Proposed Threatened
American Burying Beetle	<i>Nicrophorus americanus</i>	Threatened
Tricolored Bat	<i>Perimyotis subflavus</i>	Proposed Endangered
Alligator Snapping Turtle	<i>Macrochelys temminckii</i>	Proposed 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 will be required from ODEQ. 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.

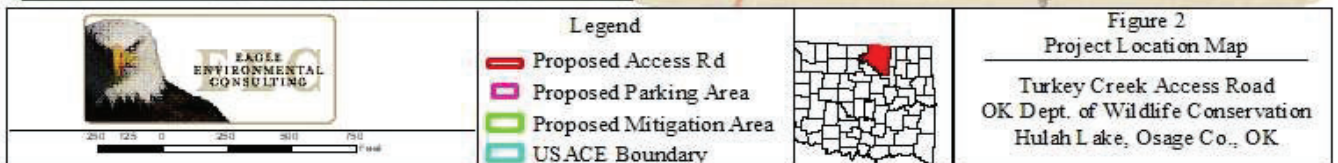
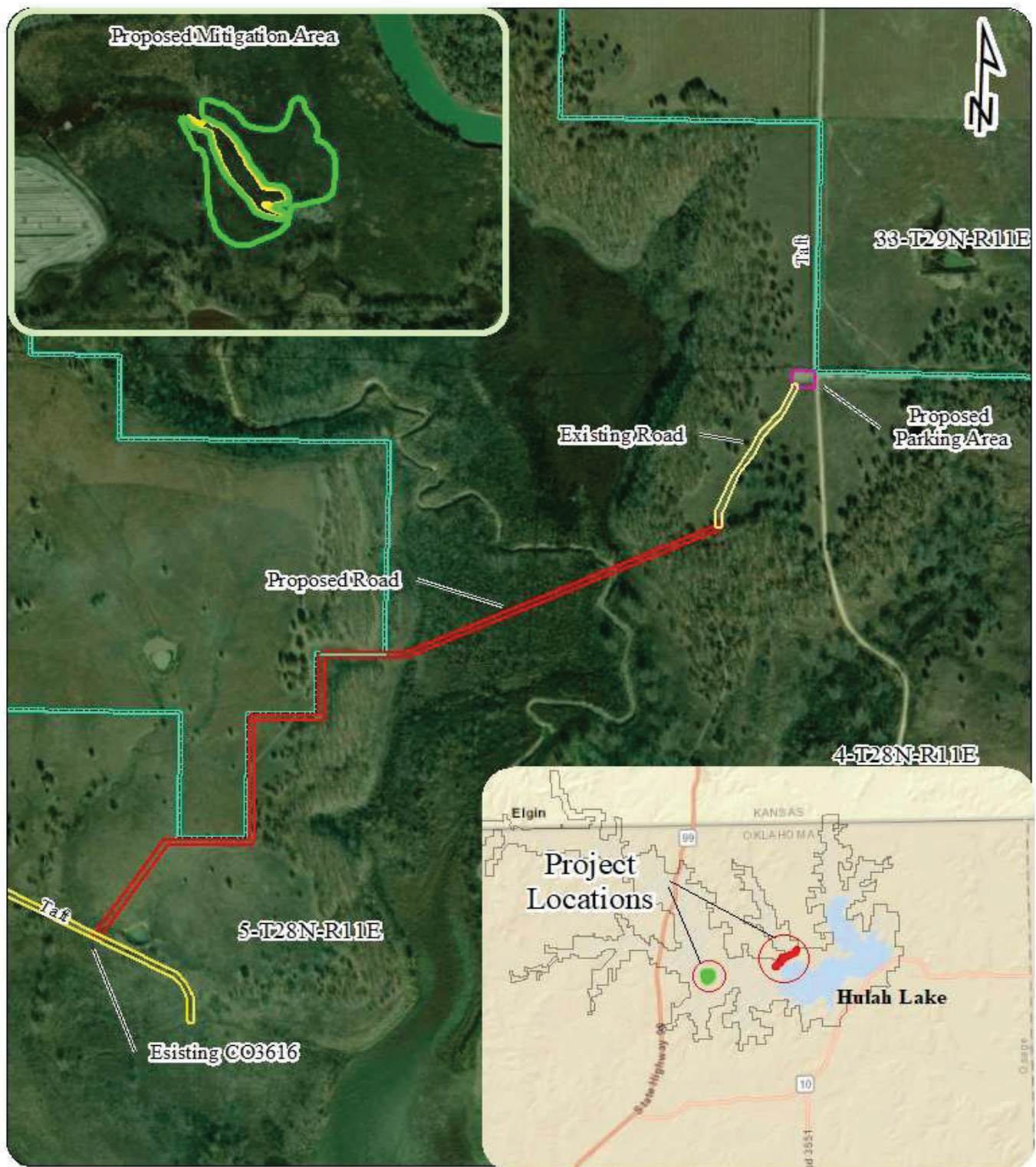
**EVALUATION:** The decision whether to issue a permit will be based on an evaluation of the probable impacts, including cumulative impacts of the proposed activity and its intended use on the public interest. That decision will reflect the national concern for both protection and utilization of important 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 Mr. Brett Adams at CESWT-RO@usace.army.mil. Please include the public notice number SWT-2022-00475 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.

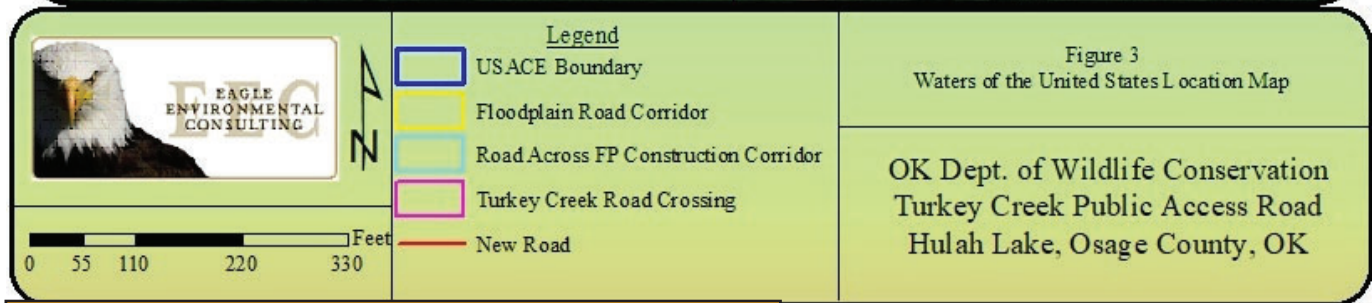
Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider the application. Requests for public hearings shall state, with particularity, the reasons for holding a public hearing. Requests for a public hearing will be granted, unless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





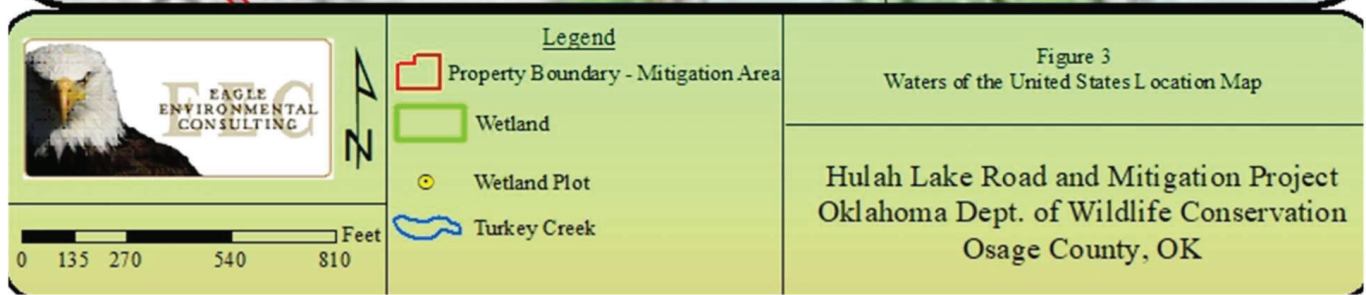
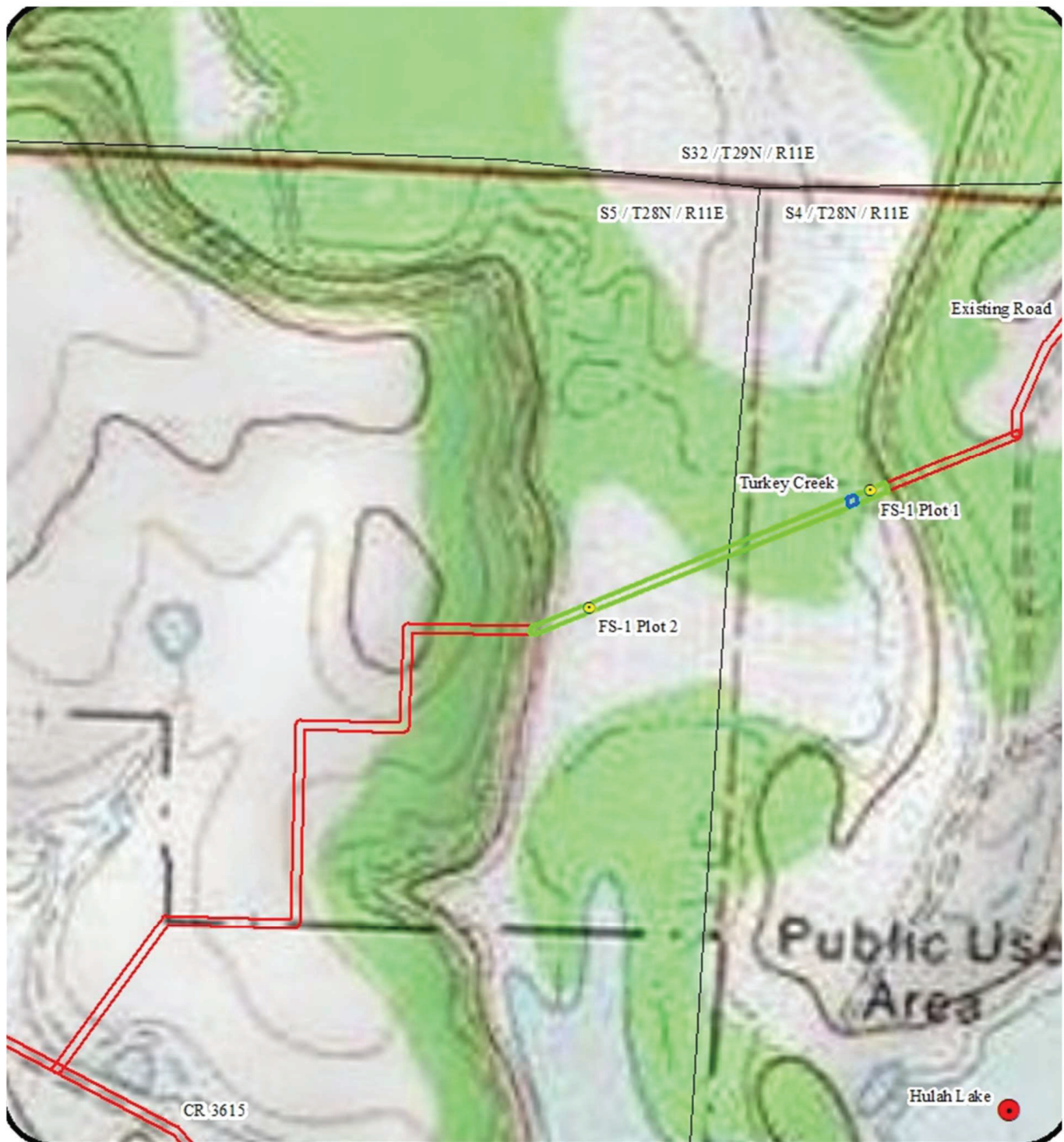
SWT-2022-00475  
 ODWC TURKEY CREEK WMA ACCESS ROAD  
 TURKEY CREEK  
 OSAGE COUNTY, OKLAHOMA  
 ENCLOSURE 1 OF 7



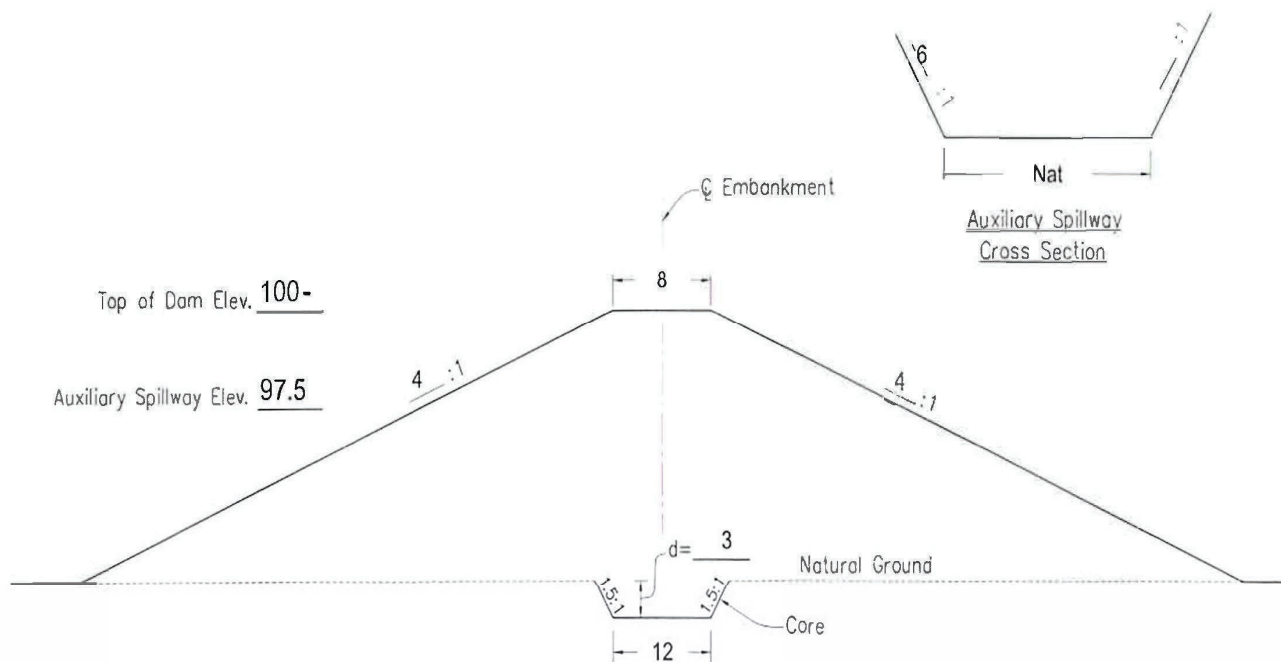


SWT-2022-00475  
 ODWC TURKEY CREEK WMA ACCESS ROAD  
 TURKEY CREEK  
 OSAGE COUNTY, OKLAHOMA  
 ENCLOSURE 2 OF 7









CROSS SECTION OF EMBANKMENT

QUANTITIES	
Earthwork	5533.5 cu. yds.

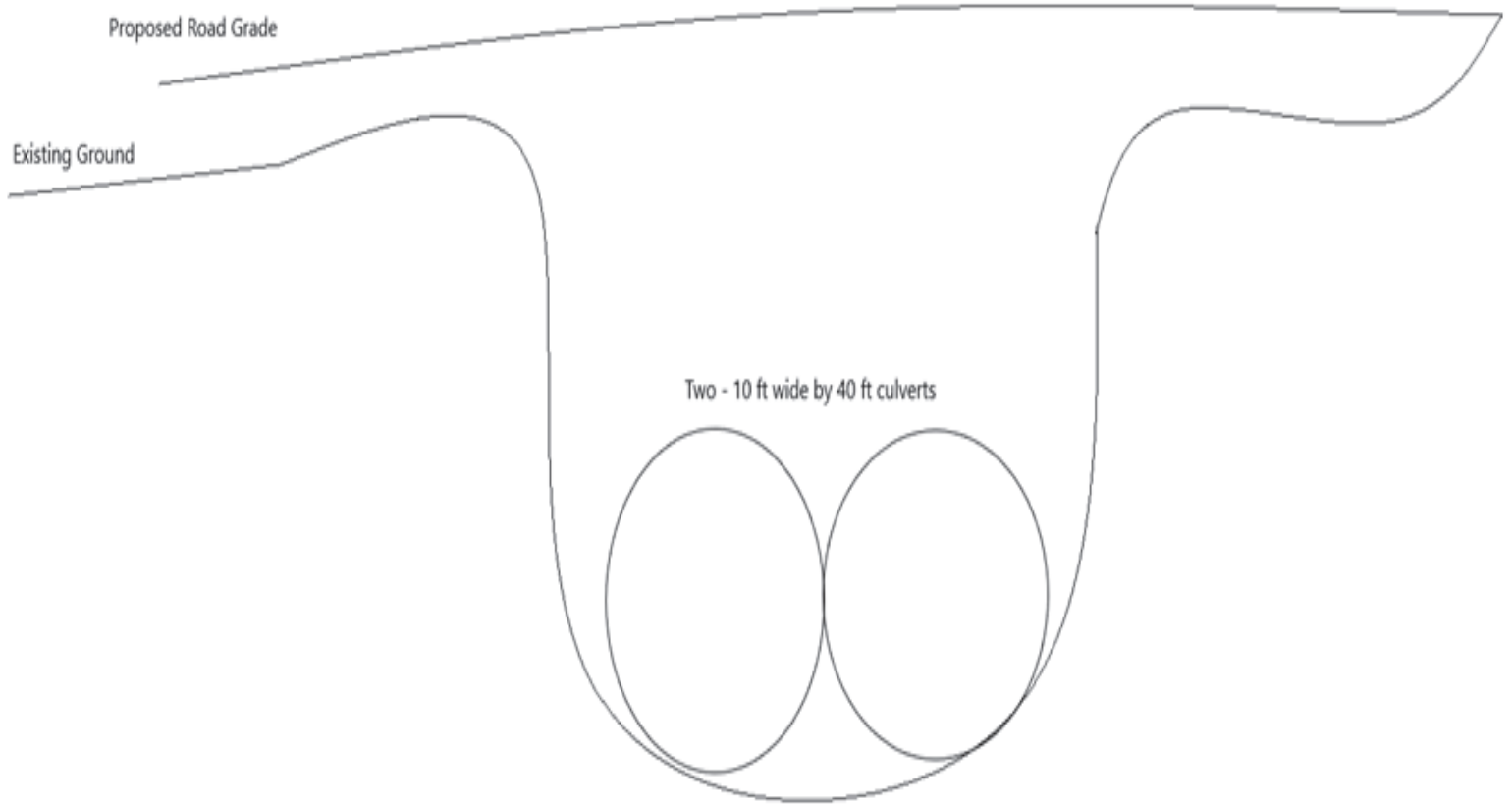
NOT TO SCALE

File Name	Okdwg214.dwg
Drawing Name	OK-DWG-214
Sheet	1 of 1
Date	07/20/2023
Designed	Bailey 08/16/2023
Drawn	T.R. Potter
Checked	Collyar 08/16/2023
Approved	[Signature]

EMBANKMENT STRUCTURE  
ODWC  
Osage County, OK  
S 22 T 20N R 10E

USDA  
United States  
Department of  
Agriculture  
Natural Resources  
Conservation Service

SWT-2022-00475  
ODWC TURKEY CREEK WMA ACCESS ROAD  
TURKEY CREEK  
OSAGE COUNTY, OKLAHOMA  
ENCLOSURE 4 OF 7



**Turkey Creek Crossing  
Typical Cross Section**



## Wetland Mitigation Area

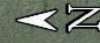
Hulah Lake  
Turkey Ck Road  
ODWC

### Legend

- Channel
- Depression
- Existing Wetland
- Existing Wetland - 2.57ac
- Island Tree Zone
- Mit Area Sign
- Proposed Wetland - 10.8ac
- Proposed Wetland Basin
- Tree Zone
- USACE Boundary

Mit Area Sign

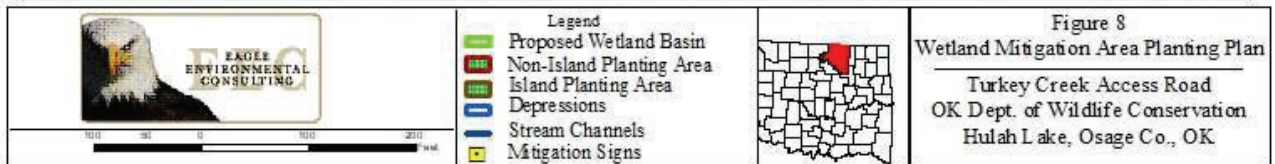
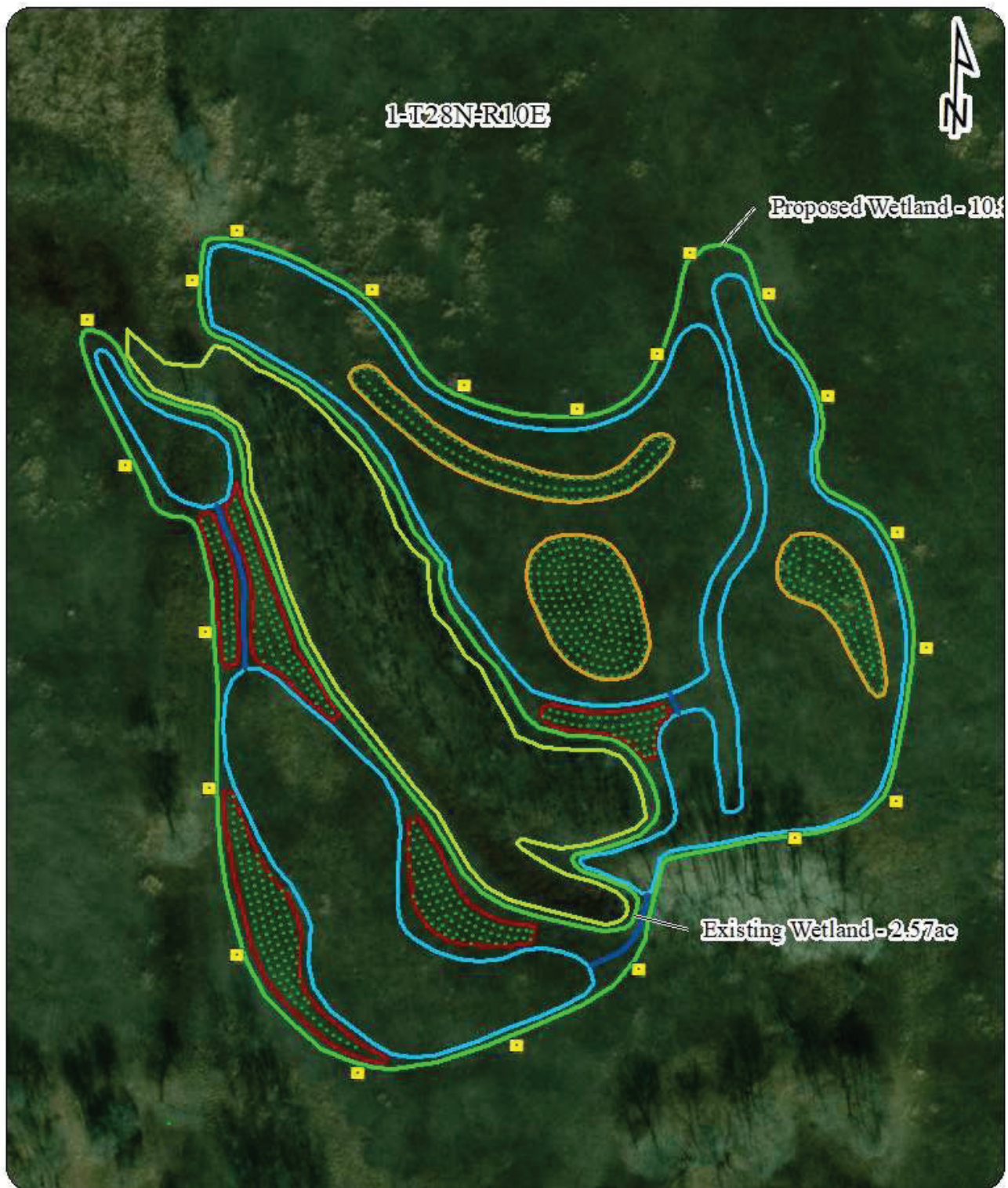
Existing Wetland - 2.57ac



400 ft

SWT-2022-00475  
ODWC TURKEY CREEK WMA ACCESS ROAD MITIGATION  
TURKEY CREEK  
OSAGE COUNTY, OKLAHOMA  
ENCLOSURE 6 OF 7





1 inch = 150 feet

SWT-2022-00475  
ODWC TURKEY CREEK WMA ACCESS ROAD MITIGATION  
TURKEY CREEK  
OSAGE COUNTY, OKLAHOMA  
ENCLOSURE 7 OF 7