

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-2022-00319
Public Notice No.

May 22, 2023
Public Notice Date

June 21, 2023
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
U.S. ARMY CORPS OF ENGINEERS, TULSA DISTRICT
2488 EAST 81ST STREET
TULSA, OKLAHOMA 74137-4290

Application No. SWT-2022-00319

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: Ms. Lindsey Hutchison
Tulsa Zoo Management, Inc.
6421 E 36th St N
Tulsa, OK 74115

Agent: Mr. Derek Blackshare
Blackshare Environmental Solutions
5109 S Wheeling Ave
Tulsa, OK 74105

Location: The proposed project is in Section 15, Township 20 North, Range 13 East, in Tulsa, Tulsa County, Oklahoma. The project site can be found on the Tulsa, Oklahoma 7.5 Minute USGS Quadrangle map at North Latitude 36.20985 and West Longitude 95.90416.

Project Description: The application is to construct a roadway and fence in order to create an enclosure for an Asian Elephant exhibit at the Tulsa Zoo.

Purpose: The basic purpose is for the construction of an interior fence, perimeter road, and exterior fence within a 28 foot wide right of way surrounding a 10 acre enclosure. There are special aquatic sites (wetlands) on the project site. This project is not a water dependent activity.

The overall project purpose is to construct an enclosure/yard in order to contain Asian Elephants within the footprint of the Tulsa Zoo.

Summary Table of Impacts:

Number or Location	Impact Activity	Type of Water	Type of Fill Material	Qty of Material cys below OHWM	Footprint (ac)
FW-1	Discharge of fill material	Forested wetland	Native earthen material/aggregate base	1,500 cys/1,800 cys	2.1 ac
Total:				3,300 cys	2.1 ac
cubic yards (cys), ordinary high water mark (OHWM), acre (ac)					

Description of Work: The applicant proposes to discharge approximately 3,300 cys of fill material into 2.1 acres of forested wetland for the construction of the proposed perimeter fence, security fence, roadway, gates and access points within a 28 foot right of way surrounding the enclosure. The amounts per type of fill are 1,500 cubic yards of select earthen fill material and 1,800 cubic yards of aggregate base. The applicant proposes to use native earthen material and conventional earthwork methods and equipment to complete the construction.

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:

Complete avoidance would not allow the project to proceed. Minimization was paramount on the project since it is to be an elephant (natural) habitat. Avoidance was accomplished for streams as no stream losses are anticipated. Streams are small and will be spanned.

The project alternatives below were considered.

No-Action Alternative - A no action alternative to the project would reflect no construction of an Asian elephant habitat enclosure. This alternative would not provide a suitable habitat for the Asian elephant at the Tulsa Zoo, nor would it aid in conservation of the species, or the education of visitors to the zoo. The no action alternative will have no direct, indirect, or cumulative impacts on the project area. This proposed alternative would not fulfill the need for the proposed action.

Alternative 1 - The alternative action considered was to raise the elevation of a significant part of the project area for the construction of holding/feedings pens, support facilities, and/or public viewing areas. The configuration would extend farther east than the preferred alternative footprint and would require filling all areas for structures since they are in the floodplain. It would also require much more impact to wetlands as the enclosure fence would still need to be constructed. As a result, impacts would be far greater than the preferred alternative.

Preferred Alternative - The preferred alternative for the project would reflect the construction of an interior and exterior fence. 28 feet would be cleared in between the two fences in order to construct a gravel paved road necessary for fence construction. This would result in the disturbance of 2.1 acres of wetland area. The preferred alternative avoids the maximum aquatic resources possible while fulfilling the need for the proposed action.

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

The project proponent is proposing to purchase credits from the Honey Springs Mitigation Bank to offset losses of forested wetlands.

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:

Oklahoma Department of Environmental Quality, Water Quality, Approval Pending

Project Setting: This project is located within the Osage Questas, consisting of a plain that contains sandstone, shale, and limestone. Natural vegetation is mostly tall grass prairie. Land use and land cover in this ecoregion consists mostly of rangeland, grassland, cropland and woodland in rugged areas.

Existing Condition: The proposed project site is comprised of undeveloped, forested bottomlands, located within the Bird Creek floodplain, that have remained undisturbed. Additionally, the proposed project is located within an area of undeveloped city park land (Mohawk Park) managed by Tulsa Zoo Management, Inc. The proposed project area is comprised of forested wetlands, stream channels, and bottomland hardwood habitat within the proposed elephant habitat/enclosure that would not be modified by the construction of the perimeter fence and roadway.

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: 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. Brett Adams, Tulsa District Corps of Engineers, ATTN: Regulatory Office, 2488 East 81st Street, Tulsa, OK 74137; or telephone 918-669-7400.

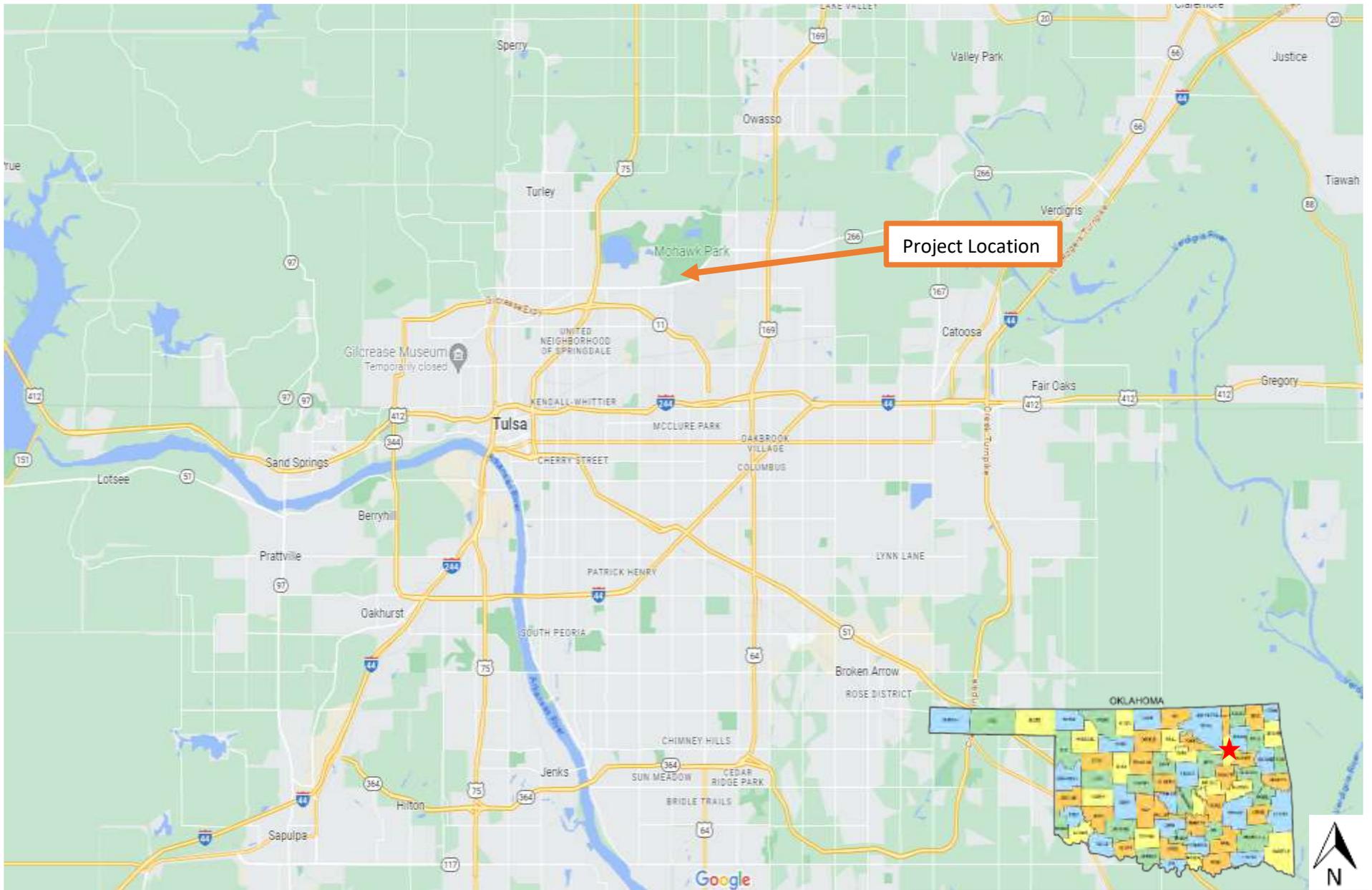
Comments: The Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps to determine 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-2022-00319 in the subject line of your email 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.

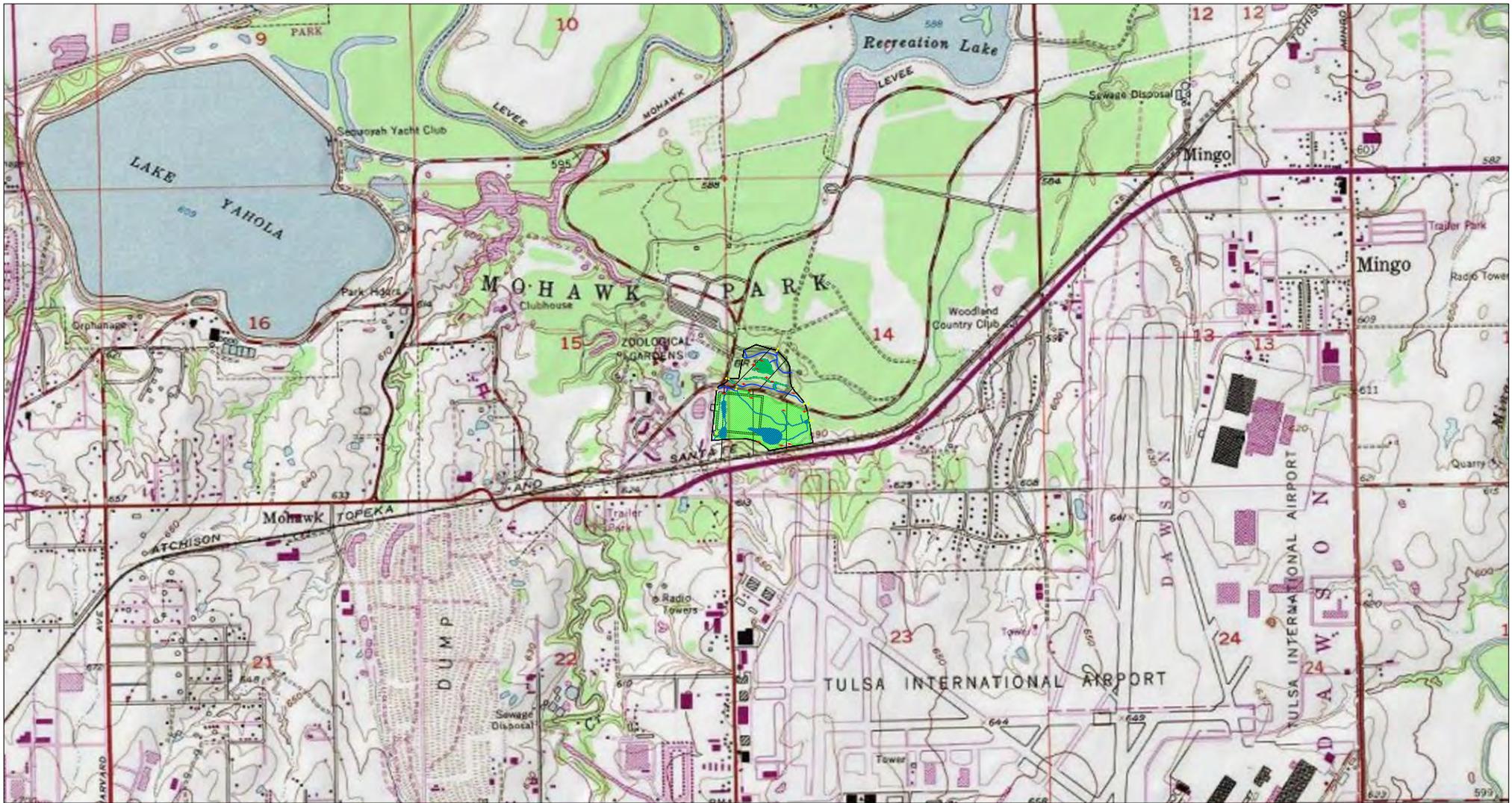
Andrew R. Commer
Chief, Regulatory Office

Enclosures



Project Location

SWT-2022-00319
TULSA ZOO ASIAN ELEPHANT ENCLOSURE
FORESTED WETLANDS/UNNAMED TRIBUTARIES OF BIRD CREEK
TULSA COUNTY, OKLAHOMA
ENCLOSURE 1 OF 6



SW/4 of S21 & SE/4 of S15
T21N R13E
Wagoner County, OK

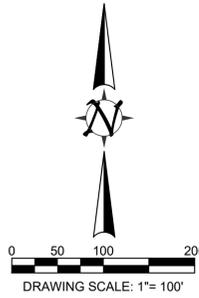


0 1200 2400
Feet

- = Survey Area
- = Waterways
- = Wetland
- = Sample Point
- = Photo Location
- = Transects
- = Culvert
- = Pond



SWT-2022-00319
TULSA ZOO ASIAN ELEPHANT ENCLOSURE
FORESTED WETLANDS/UNNAMED TRIBUTARIES OF BIRD CREEK
TULSA COUNTY, OKLAHOMA
ENCLOSURE 2 OF 6



SHEET LEGEND

-  CONCRETE SIDEWALK
-  CONCRETE PAVEMENT
-  GRAVEL
-  ELEVATED SIDEWALK AND DECK



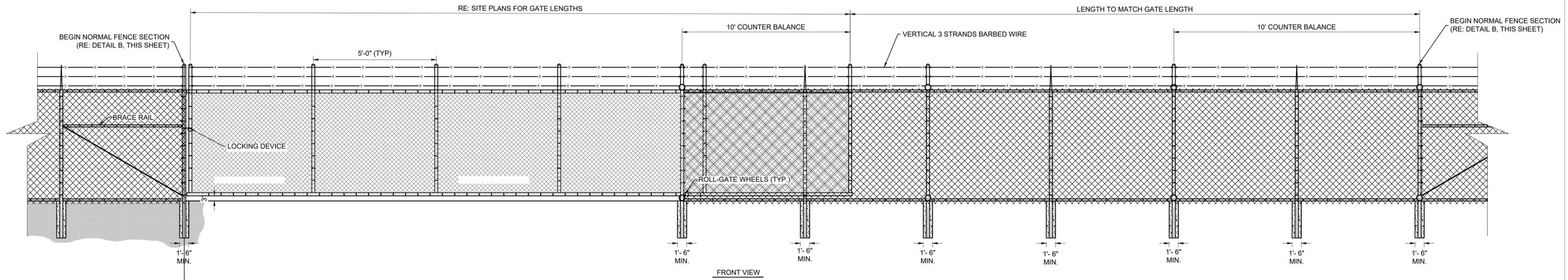
C103	OVERALL SITE PLAN
PROJECT NO.:	170050
TULSA ZOO - ELEPHANT EXPERIENCE + PRESERVE	
CITY OF TULSA, OKLAHOMA ENGINEERING SERVICES DEPARTMENT	
PLANS AND ESTIMATES PREPARED BY:	
SELSER SCHAEFER ARCHITECTS	
2002 EAST 6TH STREET TULSA, OKLAHOMA 74104	
918.587.2282 F 918.587.2285 WWW.SELSERSCHAEFER.COM	
	
PLAN SCALE:	DRAWN: AAB 07/21 APPROVED:

BENCHMARKS
MAG NAIL SETS AT 36' SOUTH OF GATE, SOUTH OF RAILWAY
ELEV = 597.28



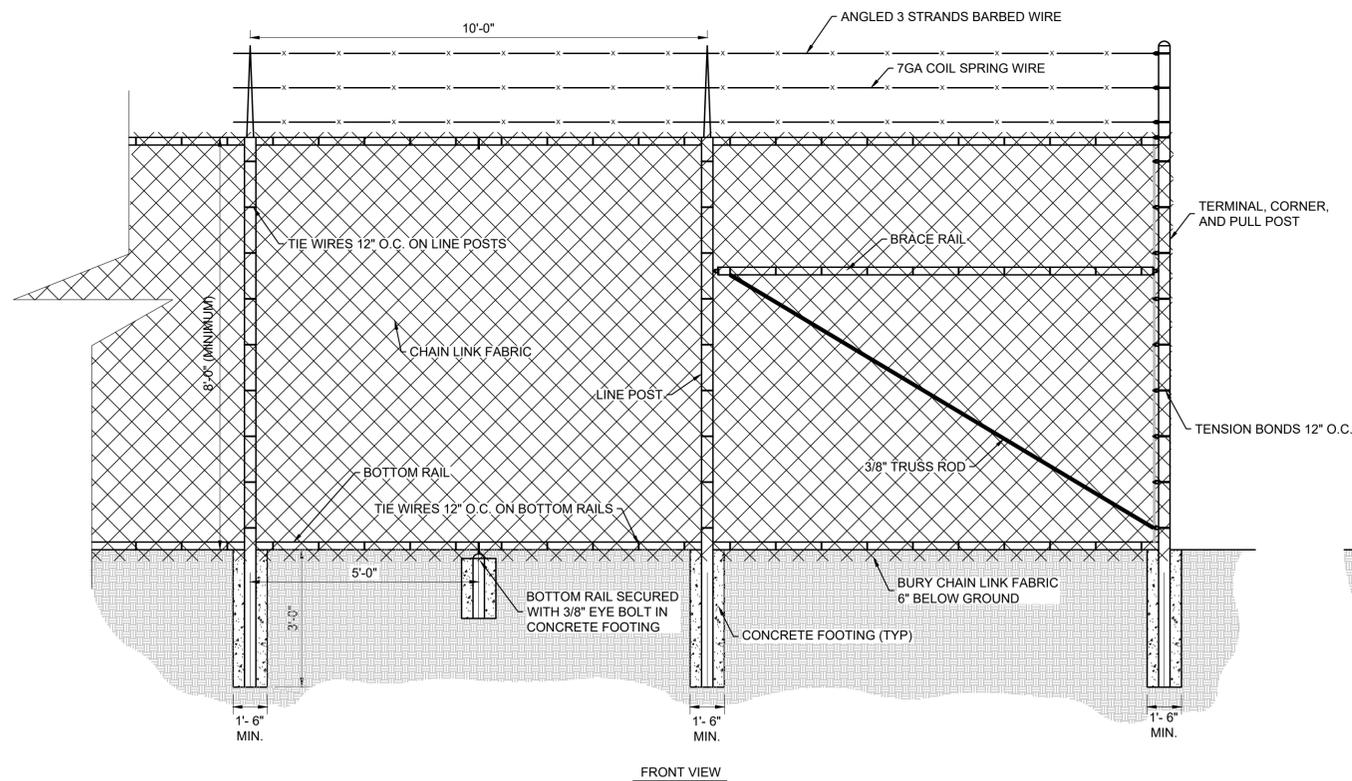
SWT-2022-00319
ULSA ZOO ASIAN ELEPHANT ENCLOSURE
FORESTED WETLANDS/UNNAMED TRIBUTARIES OF BIRD CREEK
TULSA COUNTY, OKLAHOMA
ENCLOSURE 3 OF 6

PLOT DATE: Thu, 14 Apr 2022 FILE: P:\2023\15\TULSA_ZOO_ELEPHANT_ENCLOSURE\TULSA_ZOO_ELEPHANT_ENCLOSURE.dwg



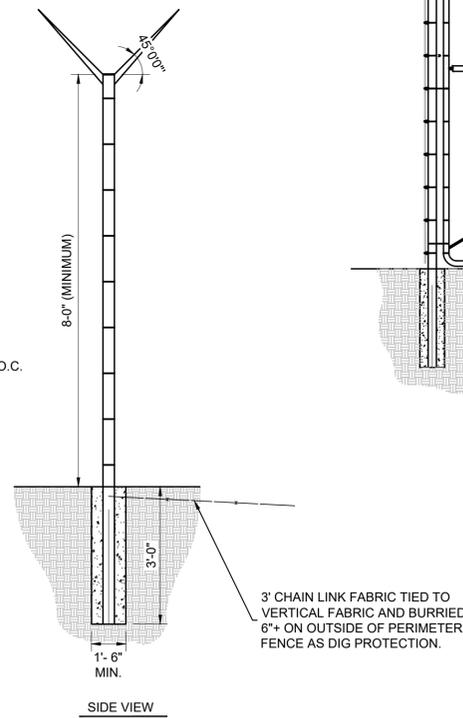
FRONT VIEW

A SECURITY FENCE GATE DETAIL
Scale: None

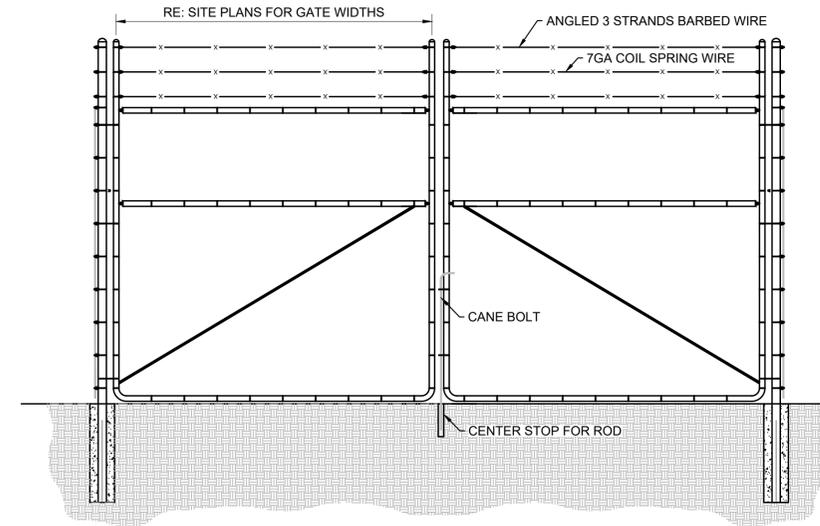


FRONT VIEW

B SECURITY FENCE DETAIL
Scale: None



SIDE VIEW



C SWING GATE DETAIL
Scale: None



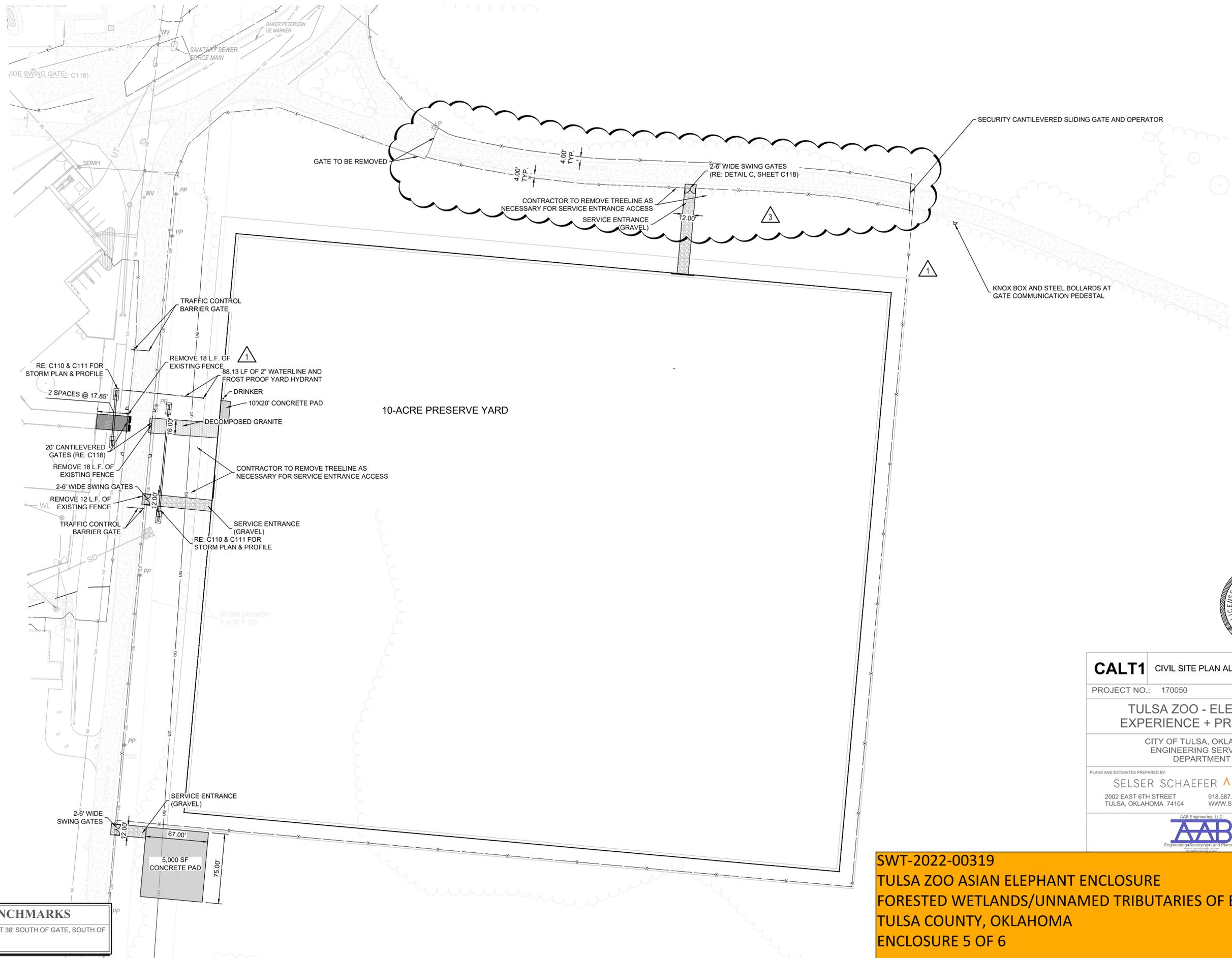
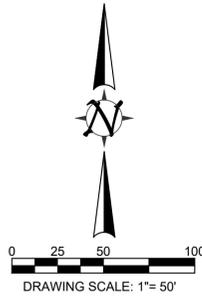
C118	FENCE DETAILS
PROJECT NO.:	170050
TULSA ZOO - ELEPHANT EXPERIENCE + PRESERVE	
CITY OF TULSA, OKLAHOMA ENGINEERING SERVICES DEPARTMENT	
PLANS AND ESTIMATES PREPARED BY:	
SELSER SCHAEFER ARCHITECTS	
2002 EAST 6TH STREET TULSA, OKLAHOMA 74104	
918.587.2282 F 918.587.2285 WWW.SELSERSCHAEFER.COM	



PLAN SCALE:	DRAWN	AAB	07/21	APPROVED:
N/A	DESIGNED	AAB	07/21	

SWT-2022-00319
TULSA ZOO ASIAN ELEPHANT ENCLOSURE
 FORESTED WETLANDS/UNNAMED TRIBUTARIES OF BIRD CREEK
 TULSA COUNTY, OKLAHOMA
 ENCLOSURE 4 OF 6





BENCHMARKS
 MAG NAIL SETS AT 36' SOUTH OF GATE, SOUTH OF RAILWAY
 ELEV = 597.28

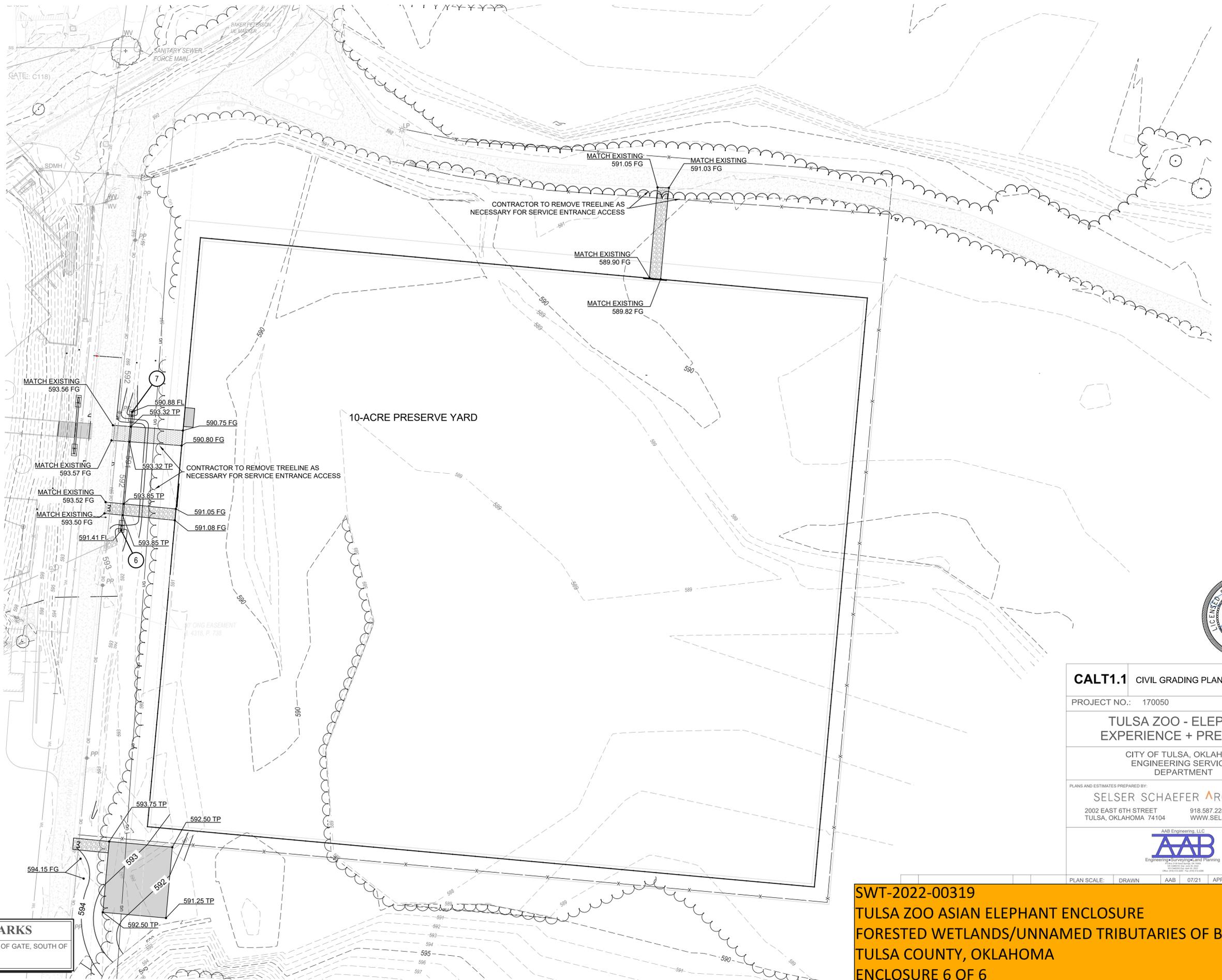
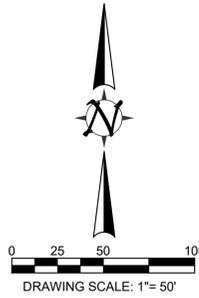


CALT1	CIVIL SITE PLAN ALTERNATE NO. 1
PROJECT NO.:	170050
TULSA ZOO - ELEPHANT EXPERIENCE + PRESERVE	
CITY OF TULSA, OKLAHOMA ENGINEERING SERVICES DEPARTMENT	
PLANS AND ESTIMATES PREPARED BY:	
SELSER SCHAEFER ARCHITECTS	
2002 EAST 6TH STREET 918.587.2282 F 918.587.2285 TULSA, OKLAHOMA 74104 WWW.SELSERSCHAEFER.COM	
AAB Engineering, LLC Engineering, Surveying, and Planning	

SWT-2022-00319
TULSA ZOO ASIAN ELEPHANT ENCLOSURE
FORESTED WETLANDS/UNNAMED TRIBUTARIES OF BIRD CREEK
TULSA COUNTY, OKLAHOMA
ENCLOSURE 5 OF 6

PLOT DATE: Tue, 21 Jun 2022 FILE: P:\0319\15\TULSA ZOO ELEPHANT ENCLOSURE\TULSA ZOO ELEPHANT ENCLOSURE - BASE





CALT1.1	CIVIL GRADING PLAN ALTERNATE NO. 1
PROJECT NO.:	170050
TULSA ZOO - ELEPHANT EXPERIENCE + PRESERVE	
CITY OF TULSA, OKLAHOMA ENGINEERING SERVICES DEPARTMENT	
PLANS AND ESTIMATES PREPARED BY:	
SELSER SCHAEFER ARCHITECTS	
2002 EAST 6TH STREET TULSA, OKLAHOMA 74104	
918.587.2282 F 918.587.2285 WWW.SELSERSCHAEFER.COM	
 <small>AAB Engineering, LLC Engineering - Surveying - Land Planning</small>	
PLAN SCALE:	DRAWN: AAB 07/21 APPROVED:

BENCHMARKS
MAG NAIL SETS AT 36' SOUTH OF GATE, SOUTH OF RAILWAY
ELEV = 597.28



SWT-2022-00319
TULSA ZOO ASIAN ELEPHANT ENCLOSURE
FORESTED WETLANDS/UNNAMED TRIBUTARIES OF BIRD CREEK
TULSA COUNTY, OKLAHOMA
ENCLOSURE 6 OF 6

PLOT DATE: Thu, 14 Sep 2022 FILE: P:\2023\15\TULSA_ZOO ELEPHANT ENCLOSURE\TULSA_ZOO ELEPHANT ENCLOSURE - BMB