



**US Army Corps  
of Engineers®**

# JOINT PUBLIC NOTICE

---

**Tulsa District  
Application No. SWT-2024-00604**

Published: March 19, 2025  
Expires: April 18, 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:** Daniel Grisham  
City of Tulsa – Rogers County Port Authority (Tulsa Ports)  
5350 Cimarron Road  
Catoosa, Oklahoma 74015

**AGENT:** Michael Dyke  
Burns & McDonnell  
777 Main Street, Suite 2500  
Fort Worth, Texas 76102

**WATERWAY AND LOCATION:** The project would affect waters of the United States associated with Bird Creek. The project/review area is located on the east side of OK-167 in Section 18, Township 20 North, Range 15 East; at Latitude 36.2198 and Longitude -95.7513; in Catoosa, Rogers County, Oklahoma.

**EXISTING CONDITIONS:** The southern portion of the proposed project site has been routinely used for hay harvesting. The northern extent of the project site remains forested with relatively no prior disturbance.

## **PROJECT PURPOSE:**

**Basic:** Construction of railroad infrastructure.

**Overall:** Construction of a single unit-train receiving track and a single unit-train departure track to improve multimodal connections, increase capacity, improve safety, reduce dwell times, and support new types of future freight service.

**PROPOSED WORK:** The applicant requests authorization to discharge fill material into approximately 0.84 acre of emergent wetland, 0.70 acre of forested wetland, and approximately 255 linear feet of ephemeral stream channel for the proposed rail line construction.

**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)
WA-001	Discharge of fill	Forested Wetland	Earthen Fill & Gravel	1,129	0.70
WA-002	Discharge of fill	Emergent Wetland	Earthen Fill & Gravel	1,309	0.81
WA-003	Discharge of fill	Emergent Wetland	Earthen Fill & Gravel	48	0.03
SA-001	Discharge of fill	Ephemeral Stream	Earthen Fill & Gravel	19	0.01
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: Impacts to waters of the United States were not avoidable; therefore, the Project was designed to minimize impacts to wetlands while serving the purpose and need of the Project. Track segments impacting wetlands were reviewed during design for minimization; however, shifting northward would result in an increase in impacts to forested wetlands and shifting to the south would result in an increase in total impacts. Impacts associated with track embankment shoulders and ditch sections were minimized to the maximum extent practicable.

**COMPENSATORY MITIGATION:** The applicant offered the following compensatory mitigation plan to offset unavoidable functional loss to the aquatic environment: The applicant proposes to utilize a portion of the same parcel where wetland impacts are scheduled as a result of the Unit-Train Facilities project.

**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:

No historic properties (i.e., properties listed in or eligible for inclusion in the National Register of Historic Places) are present within the Corps permit area; therefore,

there will be no historic properties affected. 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.

<b>Species Common Name and/or Critical Habitat Name</b>	<b>Scientific Name</b>	<b>Federal Status</b>
American burying beetle	<i>Nicrophorus americanus</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 will be required from the ODEQ. A request for Section 401 Water Quality Certification was submitted to ODEQ on March 12, 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

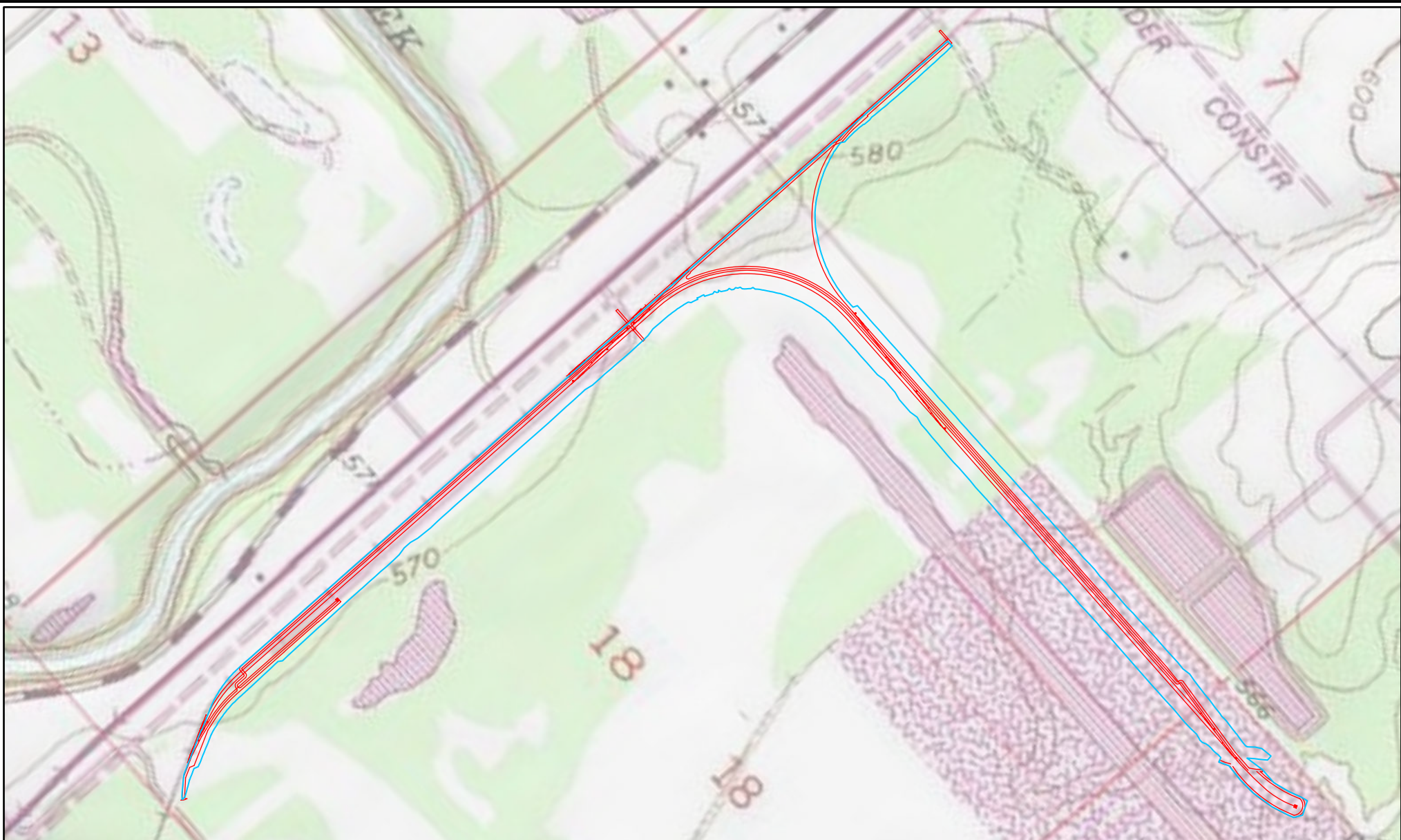
aquatic resources within the proposed project area that either are, or are presumed to be, within the Corps jurisdiction has not been verified by Corps personnel.

**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-2024-00604 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.



**Figure A-1: Project Location**

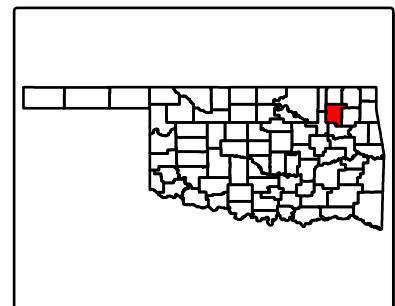
Tulsa Port of Catoosa Facilities Authority (TPCFA) Unit Train Facility  
Tulsa Port of Catoosa Facilities Authority - Rogers County, Oklahoma

— Project Limits  
— Proposed Work



Scale: 1:9,600  
Date: 2/27/2025  
Data Sources: Burns & McDonnell,  
Tulsa Port of Catoosa Facilities Authority,  
ESRI, USGS

800 400 0 800  
Scale in Feet



SWT-2024-00604  
TULSA PORTS UNIT TRAIN FACILITY  
WETLANDS ASSOCIATED WITH BIRD CREEK  
ROGERS COUNTY, OKLAHOMA  
ENCLOSURE 1 OF 6







**Figure A-2: Project Location**

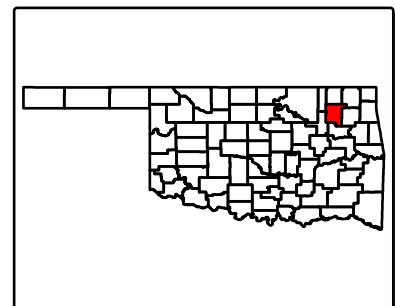
Tulsa Port of Catoosa Facilities Authority (TPCFA) Unit Train Facility  
Tulsa Port of Catoosa Facilities Authority - Rogers County, Oklahoma

— Project Limits  
— Proposed Work



Scale: 1:9,600  
Date: 2/27/2025  
Data Sources: Burns & McDonnell,  
Tulsa Port of Catoosa Facilities Authority,  
ESRI, USGS

800 400 0 800  
Scale in Feet

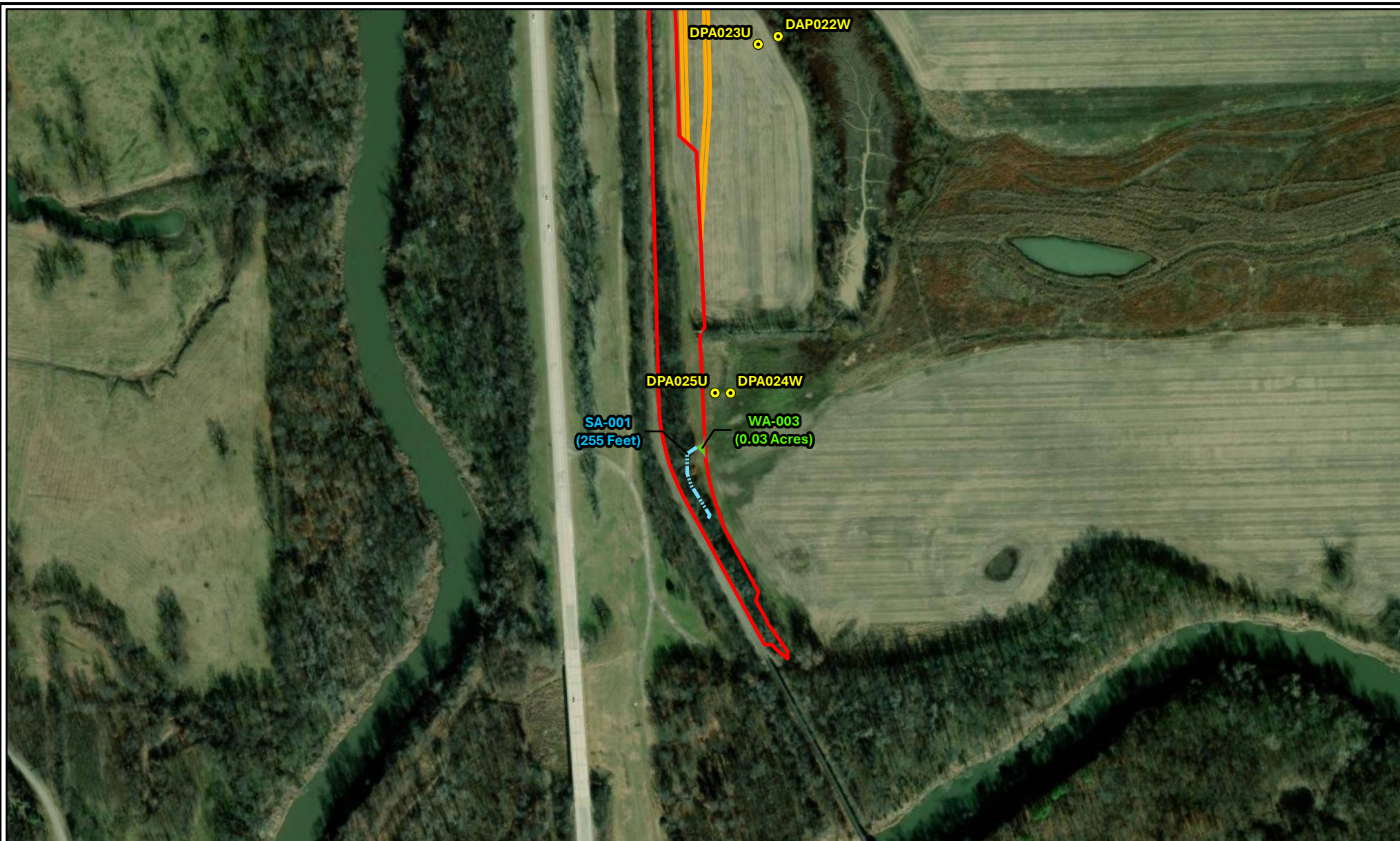


SWT-2024-00604

TULSA PORTS UNIT TRAIN FACILITY  
WETLANDS ASSOCIATED WITH BIRD CREEK  
ROGERS COUNTY, OKLAHOMA  
ENCLOSURE 2 OF 6



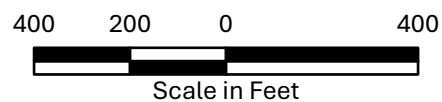




Tulsa Port of Catoosa Facilities Authority (TPCFA) Unit Train Facility  
Tulsa Port of Catoosa Facilities Authority - Rogers County, Oklahoma

SWT-2024-00604  
TULSA PORTS UNIT TRAIN FACILITY  
WETLANDS ASSOCIATED WITH BIRD CREEK  
ROGERS COUNTY, OKLAHOMA  
ENCLOSURE 3 OF 6

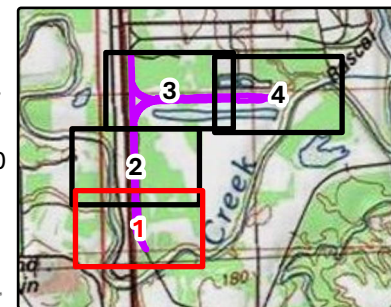
- Project Area
- Access Road
- Ephemeral Stream
- PEM Wetland
- Data Point



Scale: 1:4,800  
Date: 2/7/2025  
Data Sources: Burns & McDonnell,  
Tulsa Port of Catoosa Facilities Authority,  
ESRI



**BURNS  
MCDONNELL**  
www.burnsmcd.com







Tulsa Port of Catoosa Facilities Authority (TPCFA) Unit Train Facility  
Tulsa Port of Catoosa Facilities Authority - Rogers County, Oklahoma

SWT-2024-00604  
TULSA PORTS UNIT TRAIN FACILITY  
WETLANDS ASSOCIATED WITH BIRD CREEK  
ROGERS COUNTY, OKLAHOMA  
ENCLOSURE 4 OF 6

- Project Area
- Access Road
- PEM Wetland
- PFO Wetland

● Data Point



400 200 0 400



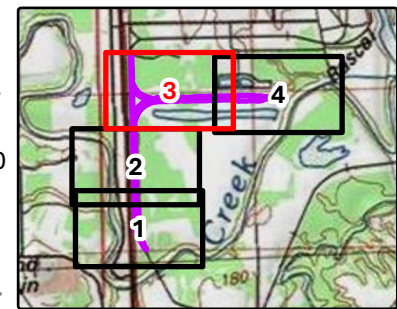
Scale in Feet



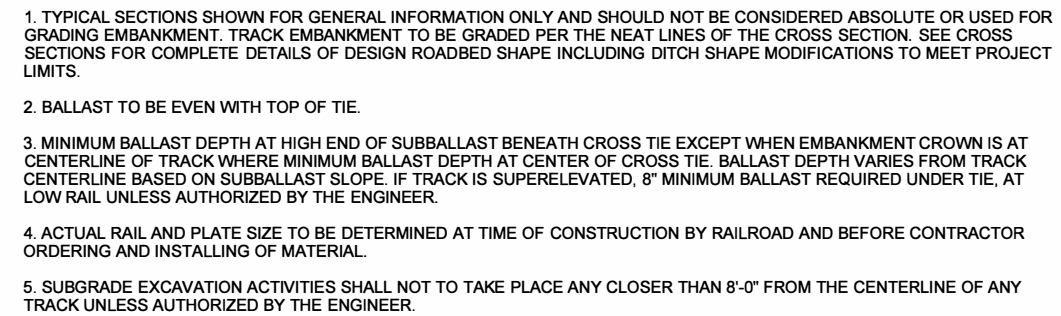
**BURNS  
MCDONNELL**  
www.burnsmcd.com

Scale: 1:4,800  
Date: 2/7/2025

Data Sources: Burns & McDonnell,  
Tulsa Port of Catoosa Facilities Authority,  
ESRI







NOT APPROVED FOR  
CONSTRUCTION



615 NORTH HUDSON, SUITE 200  
OKLAHOMA CITY, OK 73102  
405-200-0300  
LICENSE NO. 421 PE

date 12/13/2024	detailed J. MEYER
designed R. CLERK	checked M. ATZERT

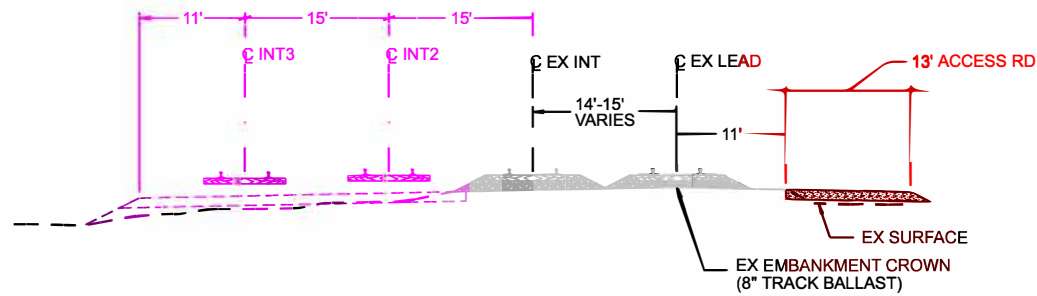


CATOOSA, OKLAHOMA

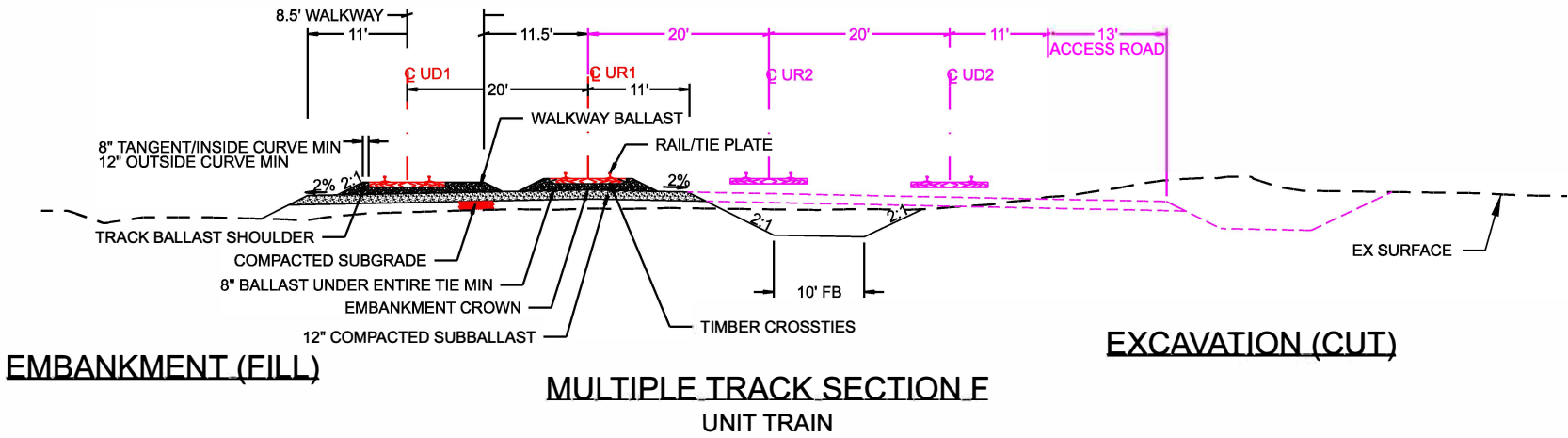
TPOC RAIL FEASIBILITY STUDY  
RAIL  
TYPICAL SECTIONS

project	149760	contract	
drawing	TS001	rev.	A
sheet	1 of 2	page	2
file 149760 TPOC SHT FET TYP.DGN			

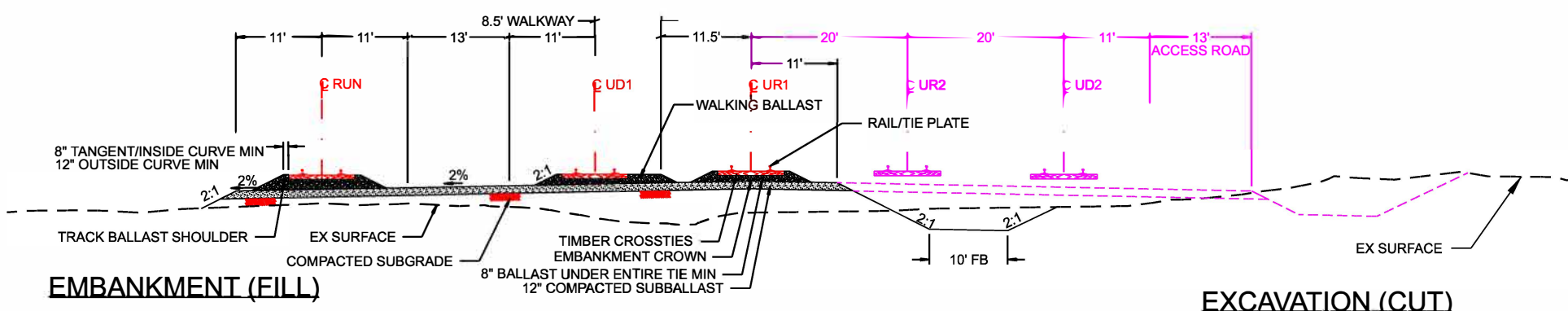
SWT-2024-00604  
TULSA PORTS UNIT TRAIN FACILITY  
WETLANDS ASSOCIATED WITH BIRD CREEK  
ROGERS COUNTY, OKLAHOMA  
ENCLOSURE 5 OF 6



INTERCHANGE TRACK SECTION E  
LEAD/INTERCHANGE



MULTIPLE TRACK SECTION F  
UNIT TRAIN

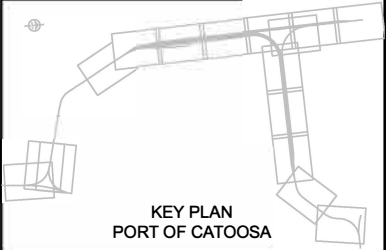


MULTIPLE TRACK SECTION G  
UNIT TRAIN, RUNAROUND

SWT-2024-00604  
TULSA PORTS UNIT TRAIN FACILITY  
WETLANDS ASSOCIATED WITH BIRD CREEK  
ROGERS COUNTY, OKLAHOMA  
ENCLOSURE 6 OF 6

no.	date	by	ckd	description
A	09/27/24	RCC	MPA	ISSUED FOR INFORMATION

NOT APPROVED FOR  
CONSTRUCTION



KEY PLAN  
PORT OF CATOOSA



615 NORTH HUDSON, SUITE 200  
OKLAHOMA CITY, OK 73102  
405-200-0300  
LICENSE NO. 421 PE

date	12/13/2024	detailed	J. MEYER
designed	R. CLERK	checked	M. ATZERT



CATOOSA, OKLAHOMA

TPOC RAIL FEASIBILITY STUDY  
RAIL  
TYPICAL SECTIONS

project	149760	contract	
drawing	TS002	rev.	A
sheet	2 of 2	page	2
file	149760_TPOC_SHT_FET_TYP.DGN		