



# Public Notice

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U.S. Army Corps  
of Engineers  
Tulsa District

Reply To:

U.S. Army Corps of Engineers  
ATTN: Regulatory Office  
2488 East 81<sup>st</sup> Street  
Tulsa, Oklahoma 74137-4290

SWT-2018-538  
Public Notice No.

October 10, 2019  
Public Notice Date

November 7, 2019  
Expiration Date

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## 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 U.S.C. 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 U.S.C. 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-2018-538

JOINT PUBLIC NOTICE  
U.S. ARMY CORPS OF ENGINEERS  
(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 pursuant to Sections 404 of the Clean Water Act (CWA).

The application is for an expansion of the Muskogee (Creek) Nation Casino parking lot. The applicant considers the expansion of the existing casino facilities as necessary to support operations on Indian Trust land.

Applicant: Mr. Greg Shaw  
Muskogee (Creek) Nation Casino  
8330 S. Riverside Parkway  
Tulsa, OK 74137

Agent: Mr. Lance Woolsey  
Wallace Engineering  
123 N. Martin Luther King Blvd.  
Tulsa, OK 74103

Location: The proposed project is in the Southeast ¼, Southwest 1/4 of Section 4, Township 18 North, Range 14 East, in Muskogee, Muskogee County, Oklahoma. The project site can be found on the Southwest Muskogee, Oklahoma 7.5 Minute USGS Quadrangle map at North Latitude 35.712668 and West Longitude -95.405747.

Project Description: The application is for the placement of fill material (a reinforced concrete box) into an unnamed tributary of Corta Creek to construct a parking lot to service existing and new commercial development.

Purpose: The overall purpose of this work is for commercial development and to prevent over topping of the stream bank during storm events and finally to manage the 100-year flood frequency event as required by an ordinance from the City of Muskogee. The project is not a water dependent activity and there are no special aquatic sites located within the project site.

Summary Table of Impacts:

Original Proposal					
Number or Location	Impact Activity	Type of Water	Type of Fill Material	Quantity of Material (CY) below OHWM	Footprint (AC and/or LF)
Reinforced Concrete Box and wingwall "RCB - A"	Placement of Fill Material	Riverine	Concrete and Steel	807	900 LF 0.04 AC
Turf Reinforce Mat	Placement of Fill Material	Riverine	Geotextile	0	350 LF
cubic yards (cy), ordinary high water mark (OHWM), acre (ac), linear feet (lf)					

Description of Work: The applicant's proposal would require the placement of 807 CY of earthen material, concrete, and steel into approximately 900 LF (0.04 AC) of stream channel. Also, the applicant proposes to widen the existing channel to allow for the construction of two double (14- by 6-foot) RCB's (with associated wingwalls). The applicant also proposes minor modifications to the 350 LF upstream of the double RCB (using erosion control applications on steep slopes and vegetated waterways) during construction activities. The fill material may consist of concrete, gravel, sand, and earthen material. The work would be performed using conventional earth moving equipment.

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 proposed RCB is limited to 920 lf (870 cy) of the unnamed tributary of Corta Creek, of which 170 lf is the replacement of existing RCB's. Also proposed is the replacement of 14,500 square feet of riprap with soil reinforcement and natural sod.

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

The applicant is proposing to utilize a mitigation bank to offset impacts to waters of the U.S.

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: The Corps has not reviewed any copies of other required permits.

Project Setting: This project is located within the Oklahoma Ecoregion of Central Irregular Plains. The Transition is characterized by a series of grasslands and prairies. The project is in the 100 year floodplain of Corta Creek.

Existing Condition: The parcel of land is currently being used as part of a commercial development. The intermittent stream channel is jurisdictional waters of the United States. The primary use for the land historically was for agriculture purposes, comprised mostly of grazing activities (commercial development since 1995). The Corps has not previously evaluated the existing stream channel work found within the property (as identified in the U.S. Geological Survey aerial imagery March 1995 and August 2003).

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: 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: gray bat (*Myotis grisescens*), northern long-eared bat (*Myotis septentrionalis*), least tern (*Sterna antillarum*), piping plover (*Charadrius melodus*), red knot (*Calidris canutus rufa*), whooping crane (*Grus americana*) and American burying beetle (*Nicrophorus americanus*). A copy of this notice is being furnished to the U.S. Fish and Wildlife Service and appropriate state agencies.

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.

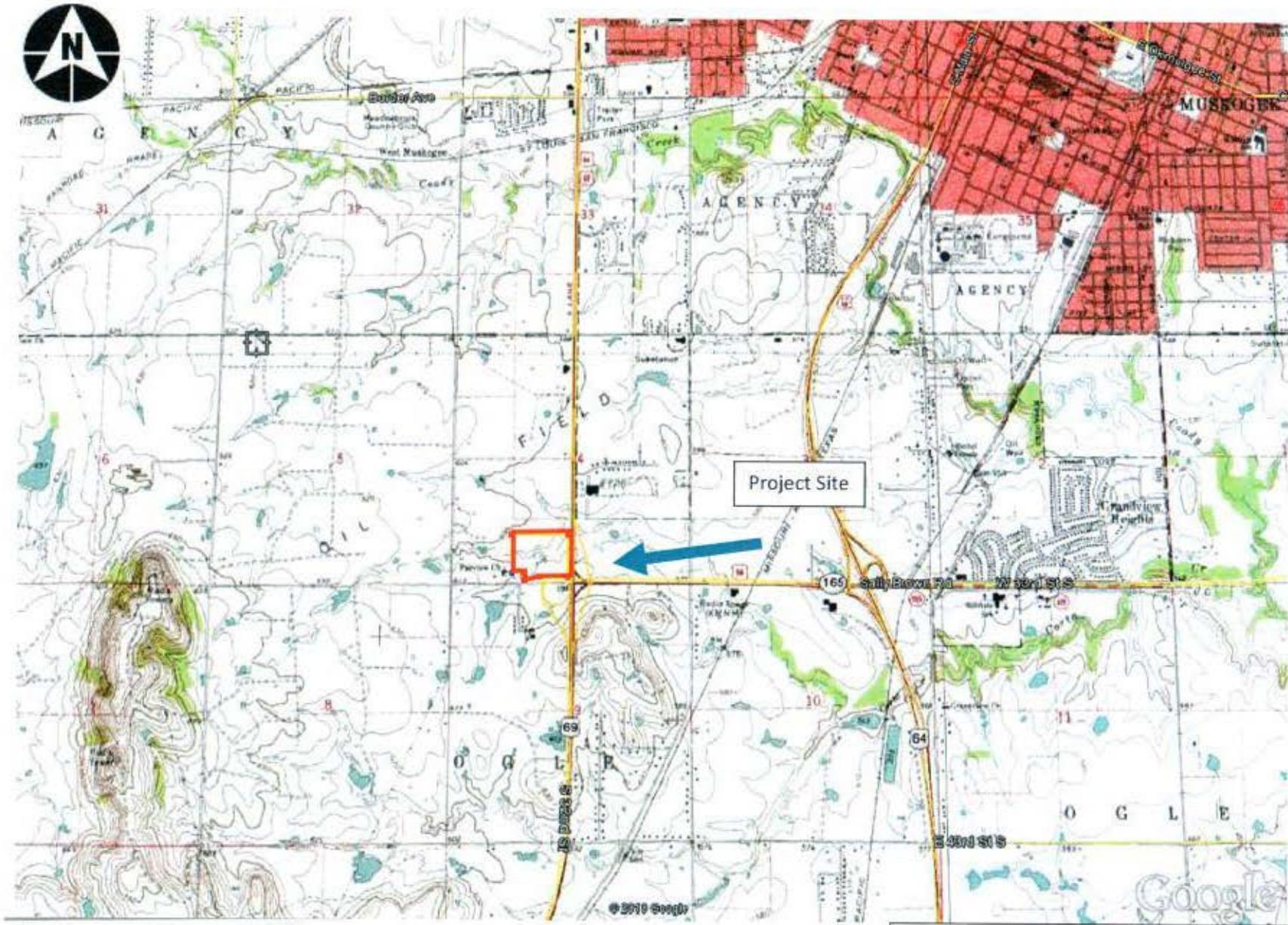
Plans and Data: Plans showing the location of the proposed activity and other data are enclosed with this notice (Enclosure 1 of 6). If additional information is desired, it may be obtained from Mr. Marcus Ware, Tulsa District Corps of Engineers, ATTN: Regulatory Office, 2488 East 81st Street, Tulsa, OK 74137; or telephone 918-669-7400.

Comments: In order to consider and evaluate the impacts of this proposed activity the Corps is soliciting comments from the public, federal, state, and local agencies and officials, floodplain administrators, state historic preservation officers, Indian tribes, and other interested parties. 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-2018-538 in the subject line of the message.

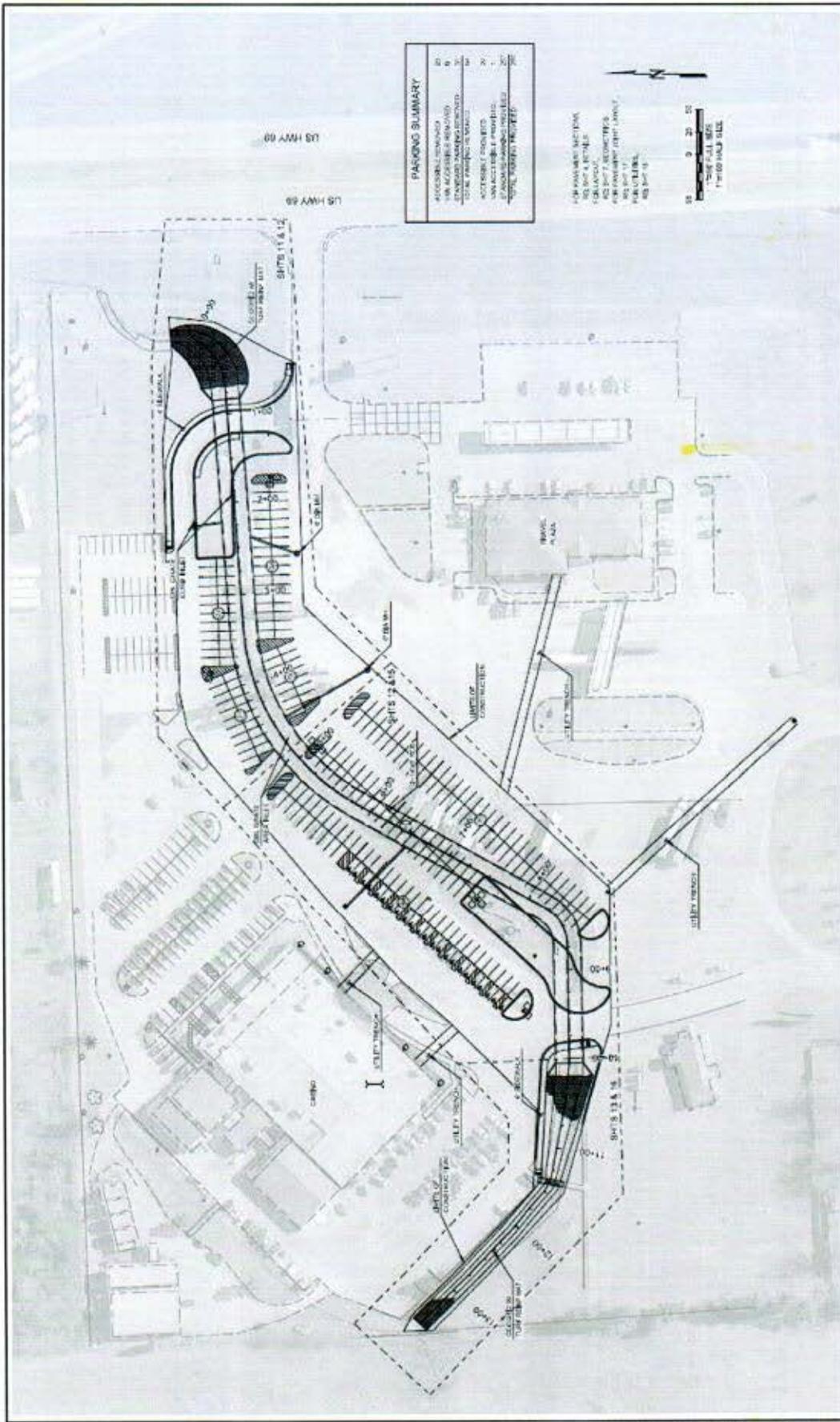
Comments concerning water quality impacts will be forwarded to ODEQ for consideration in issuing a Section 401 Water Quality Certification for the proposed project. Work may **not** commence until decisions have been made on both Sections 401 and 404.

Andrew R. Commer  
Chief, Regulatory Office

Enclosures



SWT-2018-538  
Muskogee Casino and Truck Parking Lot  
Reinforced Concrete Box and Turf Mat  
Unnamed Tributary of Corta Creek  
Muskogee County, Oklahoma  
Enclosure 1 of 6



**PARKING SUMMARY**

ACCESSIBLE SPACES	25
MAX ACCESSIBLE SPACES	0
STANDARD UNASSIGNED SPACES	24
TOTAL UNASSIGNED SPACES	24
ACCESSIBLE SPACES	25
UNASSIGNED SPACES	24
TOTAL UNASSIGNED SPACES	24
TOTAL UNASSIGNED SPACES	24

FOR PARKING SPACES  
SEE SET 4 SHEET 15  
FOR LANDSCAPE  
SEE SET 7 SHEETS  
FOR SITE PLAN  
SEE SET 11  
FOR UTILITIES  
SEE SET 13

**OVERALL SITE PLAN**

SHEET NO. 19 OF 31

PROJECT NO. 18072421

OWNER: MUSCOGEE

DATE:

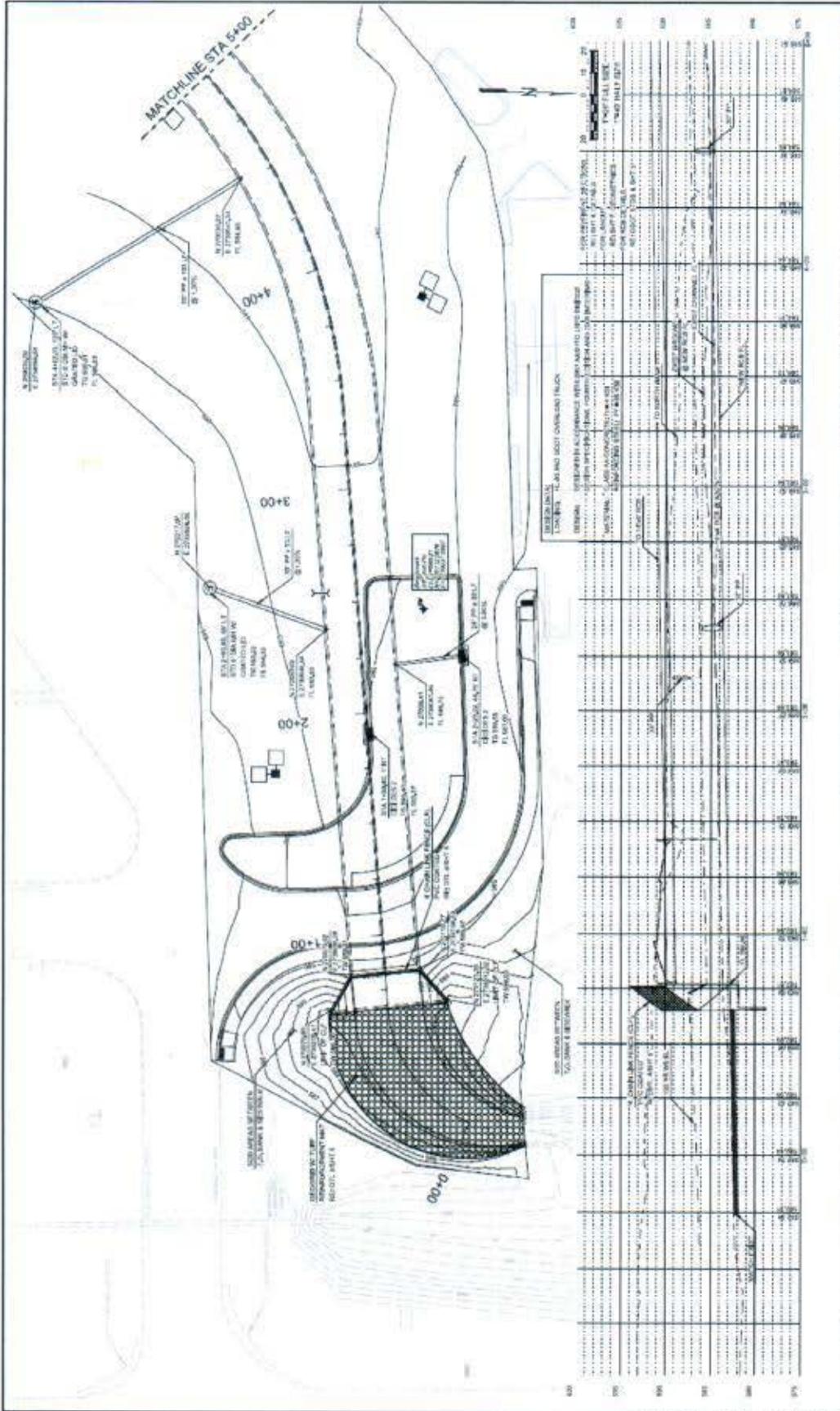
DESCRIPTION:

CREATION Casino  
**MUSCOGEE**

CAUTION  
NOT TO CONTRACTOR  
THE CONTRACTOR SHALL BE RESPONSIBLE FOR VERIFYING THE LOCATION AND DEPTH OF ALL UTILITIES AND OBSTRUCTIONS PRIOR TO ANY CONSTRUCTION. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL, STATE, AND FEDERAL AUTHORITIES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL, STATE, AND FEDERAL AUTHORITIES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL, STATE, AND FEDERAL AUTHORITIES.

REV: \_\_\_\_\_

**SWT-2018-538**  
**Muscogee Casino and Truck Parking Lot**  
**Reinforced Concrete Box and Turf Mat**  
**Unnamed Tributary of Corta Creek**  
**Muscogee County, Oklahoma**  
**Enclosure 2 of 6**



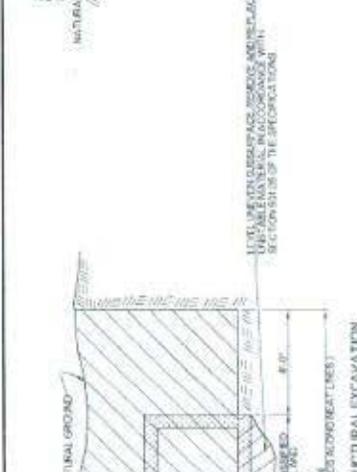
			<p><b>CAUTION</b>          DEEP EXCAVATION          ALL EXCAVATIONS SHALL BE PROTECTED BY SHIELDING          AND SAFETY DEVICES TO PREVENT COLLAPSE AND          TO PROTECT THE EXCAVATION FROM COLLAPSE          AND TO PROTECT THE EXCAVATION FROM COLLAPSE          AND TO PROTECT THE EXCAVATION FROM COLLAPSE</p>		<p>PROJECT NO. 18-000          CHANNEL ROB          STA 0+00 TO 5+00</p>	
REV	DESCRIPTION	DATE				

SWT-2018-538  
 Muskegon Casino and Truck Parking Lot  
 Reinforced Concrete Box and Turf Mat  
 Unnamed Tributary of Corta Creek  
 Muskogee County, Oklahoma  
 Enclosure 3 of 6

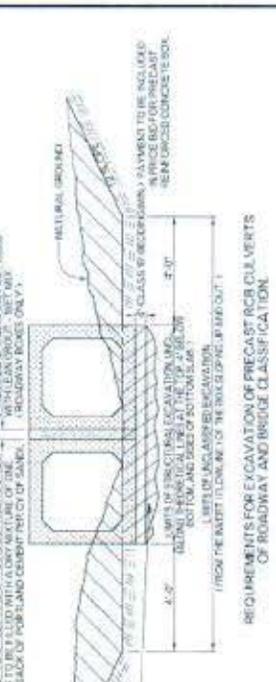
CONTRACT NO.	SWT-2018-538
PROJECT NO.	2018-0000000000
DATE	11/15/2018



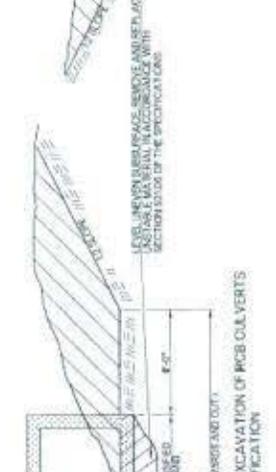
REQUIREMENTS FOR UNCLASSIFIED AND STRUCTURAL EXCAVATION OF RCB STORM SEWERS



REQUIREMENTS FOR UNCLASSIFIED AND STRUCTURAL EXCAVATION OF RCB STORM SEWERS



REQUIREMENTS FOR UNCLASSIFIED AND STRUCTURAL EXCAVATION OF RCB CULVERTS OF ROADWAY AND BRIDGE CLASSIFICATION



REQUIREMENTS FOR UNCLASSIFIED AND STRUCTURAL EXCAVATION OF RCB CULVERTS OF ROADWAY AND BRIDGE CLASSIFICATION

GENERAL NOTES

1. ALL CONSTRUCTION MATERIAL REQUIREMENTS SHALL BE IN ACCORDANCE WITH THE 2009 DOT STANDARD SPECIFICATIONS.
2. ALL EXCAVATION SHALL BE CLASSIFIED UNLESS OTHERWISE SPECIFIED.
3. ALL EXCAVATION SHALL BE CLASSIFIED UNLESS OTHERWISE SPECIFIED.
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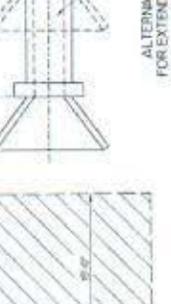
REQUIREMENTS FOR EXCAVATION OF PRECAST RCB CULVERTS OF ROADWAY AND BRIDGE CLASSIFICATION



REQUIREMENTS FOR EXCAVATION OF PRECAST RCB CULVERTS OF ROADWAY AND BRIDGE CLASSIFICATION

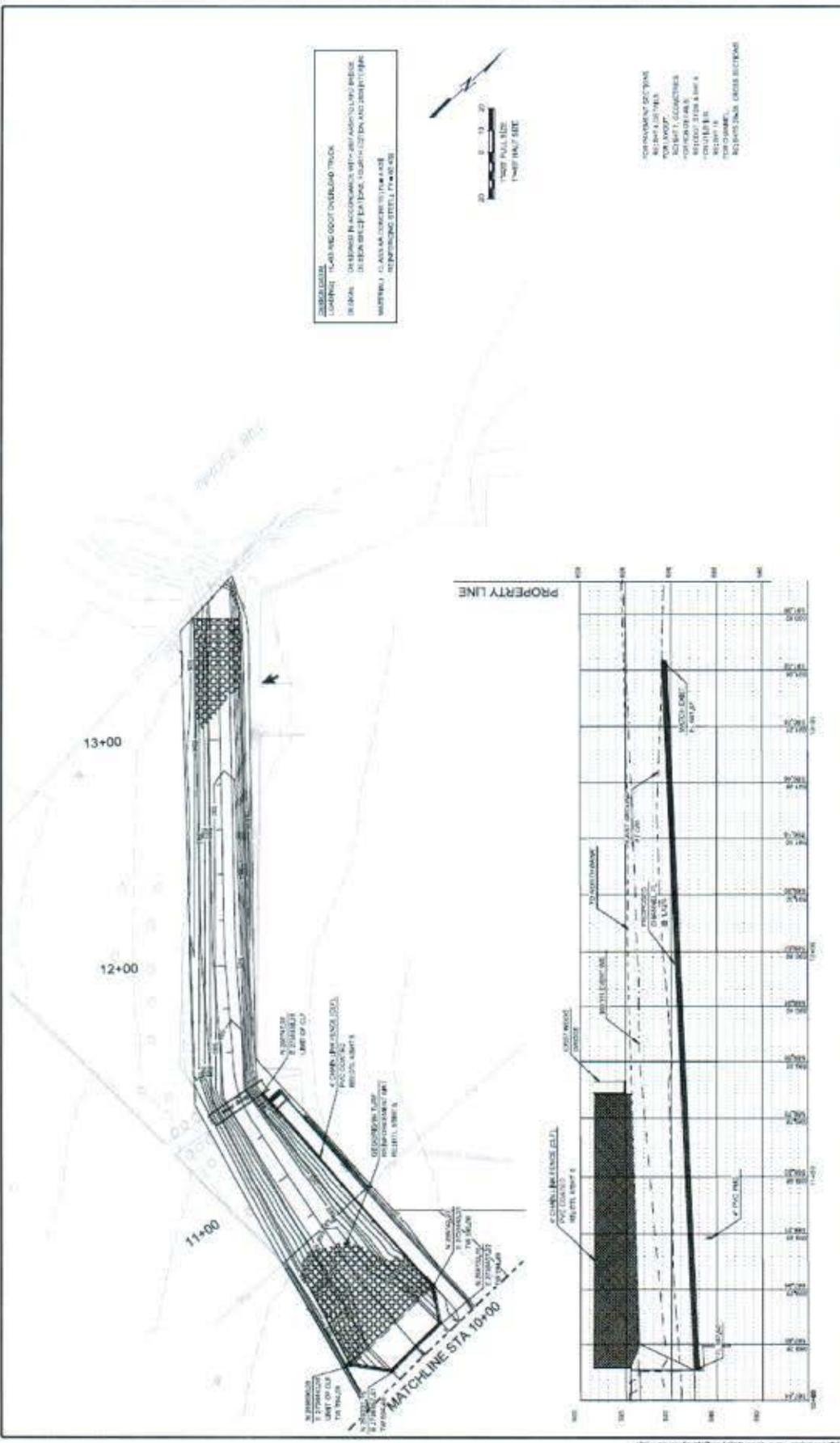


ITEM NO.	ITEM	UNIT
101.01	UNCLASSIFIED EXCAVATION	CY
101.02	STRUCTURAL EXCAVATION UNCLASSIFIED	CY
101.03	REMOVAL OF MATERIAL	T.O.




  
 OKLAHOMA DEPARTMENT OF TRANSPORTATION
   
 2008 SPECIFICATIONS
   
 SECTION 101
   
 STANDARD BOX INSTALLATION
   
 DRAWN BY: *Calder A. Calder*
  
 CHECKED BY: *Calder A. Calder*
  
 DATE: 11/15/2018

SWT-2018-538  
 Muscogee Casino and Truck Parking Lot  
 Reinforced Concrete Box and Turf Mat  
 Unnamed Tributary of Corta Creek  
 Muskogee County, Oklahoma  
 Enclosure 4 of 6



2.000000  
 1.000000  
 0.500000  
 0.250000  
 0.125000  
 0.062500  
 0.031250  
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 0.003906  
 0.001953  
 0.000977  
 0.000488  
 0.000244  
 0.000122  
 0.000061  
 0.000031  
 0.000015  
 0.000007  
 0.000004  
 0.000002  
 0.000001



CONCRETE CHANNEL  
 GRAVEL BED  
 CHANNEL BED ELEVATION  
 CHANNEL RCB  
 STA 10+00 TO 13+54.09

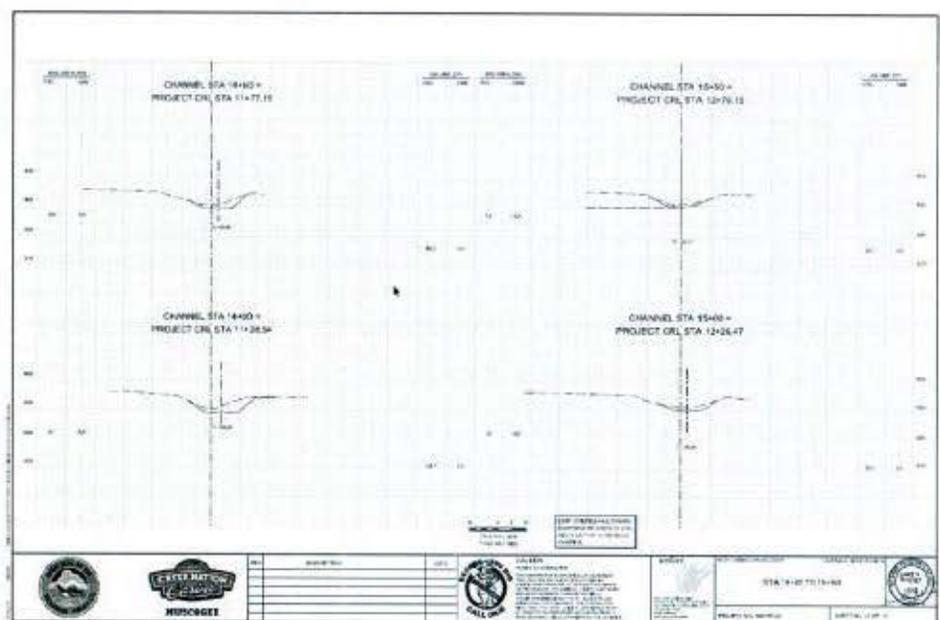
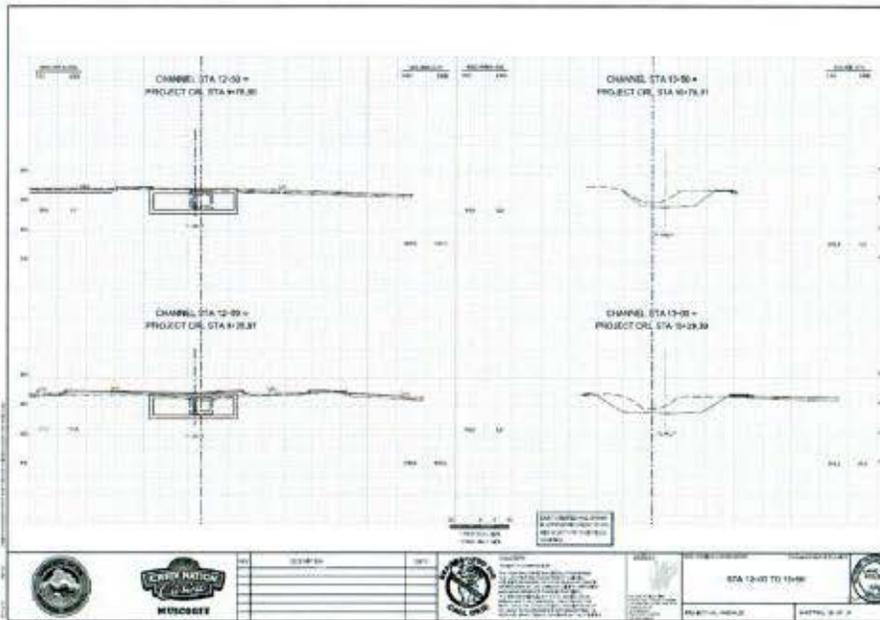
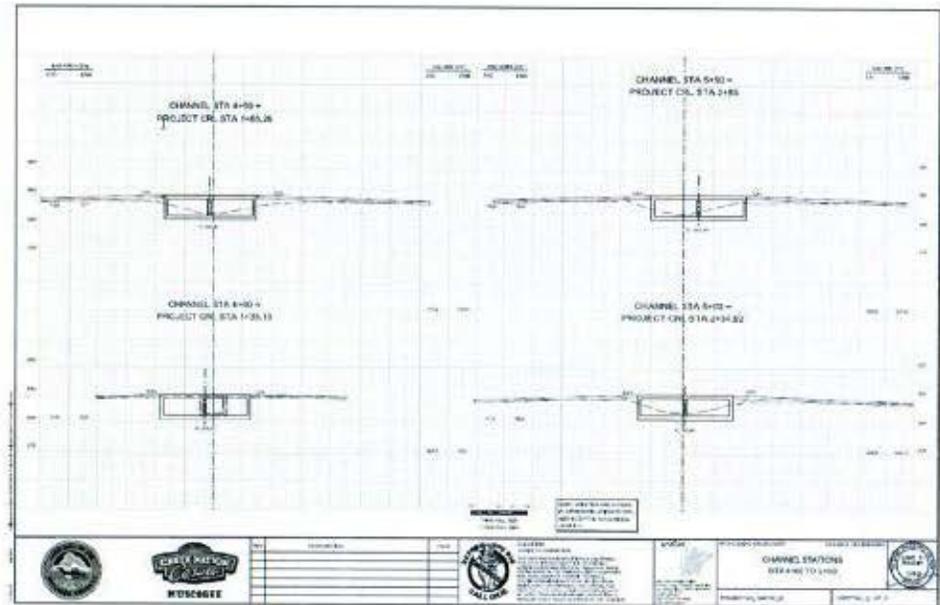
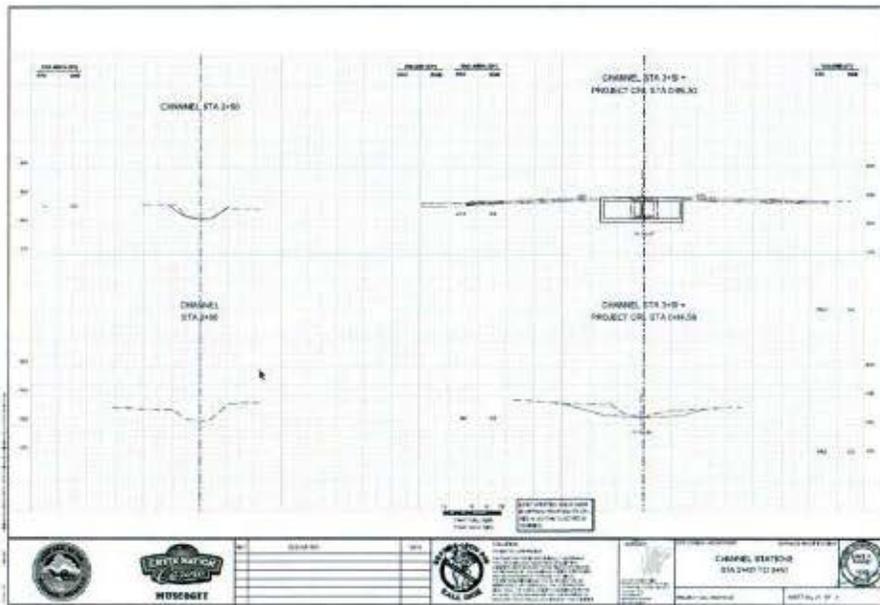
SWT-2018-538  
 Muscogee Casino and Truck Parking Lot  
 Reinforced Concrete Box and Turf Mat  
 Unnamed Tributary of Corta Creek  
 Muskogee County, Oklahoma  
 Enclosure 5 of 6

**CAUTION**  
**BEFORE YOU DIG**  
**CALL 811**

THE INFORMATION ON THESE PLANS IS THE PROPERTY OF THE ENGINEER AND ARCHITECT. IT IS TO BE USED ONLY FOR THE PROJECT AND SITE SPECIFICALLY IDENTIFIED HEREON. NO PART OF THESE PLANS IS TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF THE ENGINEER AND ARCHITECT.

REV	DESCRIPTION	DATE

PROJECT NO. 18M1010JF  
 SHEET NO. 18 OF 27



SWT-2018-538  
 Muskogee Casino and Truck Parking Lot  
 Reinforced Concrete Box and Turf Mat  
 Unnamed Tributary of Corta Creek  
 Muskogee County, Oklahoma  
 Enclosure 6 of 6