



# 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 E 81<sup>st</sup> Street  
Tulsa, OK 74137

SWT-2017-00276  
Public Notice No.

April 3, 2020  
Public Notice Date

May 3, 2020  
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 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-2017-00276

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. Reed Durfey  
Newfield Exploration  
24 Waterway Avenue, Suite 900  
The Woodlands, TX 77380

Agent: Mr. Tyler Williams  
Envirotech Engineering and Consulting, Inc.  
2500 N. 11<sup>th</sup> Street  
Enid, OK 73703

Location: The proposed project is in Section 8, Township 17 North, Range 10 West, near Willow Creek, Blaine County, Oklahoma. The project site can be found on the Hitchcock, Oklahoma 7.5 Minute USGS Quadrangle map at North Latitude: 35.963090 and West Longitude 98.283410.

Project Description: The Department of the Army permit application is to construct a dam within Willow Creek and an adjacent wetland to facilitate the creation of a pond, which will be used for oil and gas operations. The water retained in the pond would be used by oil and gas development. The applicant has excavated several upland areas, which are part of the proposed inundation area.

Purpose: The overall purpose of this work is to construct a dam to retain water. The project is not a water dependent activity.

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) |
|---|------------------|---------------|--------------------------|--------------------------------|--------------------------|
| Willow Creek  | Dam Construction | Stream        | Earthen fill and rip rap | 515                            | 145 lf                   |
| Willow Creek  | Inundation       | Stream        | N/A                      | N/A                            | 3,700 lf                 |
| W2  | Dam Construction | Wetland       | Earthen fill             | 240                            | 0.07 ac (40 lf)          |
| W1  | Inundation       | Wetland       | N/A                      | N/A                            | 0.10 ac                  |
| W3  | Inundation       | Wetland       | N/A                      | N/A                            | 2.00 ac                  |
| W4  | Inundation       | Wetland       | N/A                      | N/A                            | 0.16 ac                  |
| W5  | Inundation       | Wetland       | N/A                      | N/A                            | 0.55 ac                  |
| W6  | Inundation       | Wetland       | N/A                      | N/A                            | 0.30 ac                  |
| W7  | Inundation       | Wetland       | N/A                      | N/A                            | 0.13 ac                  |
| W8  | Inundation       | Wetland       | N/A                      | N/A                            | 0.18 ac                  |
| W9  | Inundation       | Wetland       | N/A                      | N/A                            | 0.55 ac                  |
| W10   | Inundation       | Wetland       | N/A                      | N/A                            | 0.12 ac                  |
| W11   | Inundation       | Wetland       | N/A                      | N/A                            | 0.14 ac                  |
| W12   | Inundation       | Wetland       | N/A                      | N/A                            | 0.13 ac                  |
| W13   | Inundation       | Wetland       | N/A                      | N/A                            | 0.04 ac                  |
| W14   | Inundation       | Wetland       | N/A                      | N/A                            | 0.06 ac                  |
| W15   | Inundation       | Wetland       | N/A                      | N/A                            | 0.10 ac                  |
| W16   | Inundation       | Wetland       | N/A                      | N/A                            | 0.10 ac                  |
| cubic yards (cys), ordinary high water mark (OHWM), acre (ac), linear feet (lf) |                  |               |                          |                                |                          |

**Description of Work:** The applicant proposes to construct a dam (420 linear feet) within 145 linear feet of Willow Creek and 0.07 acres of adjacent wetland, including embankment and spillway, utilizing soil earthen fill. The proposed construction will require the placement of 755 cubic yards of native soil material and rip rap below the Ordinary High Water Mark and within wetland boundaries. The work would be completed utilizing standard equipment for construction activities, such as excavators, bulldozers, frontend loaders, etc.

**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:

“To avoid as much of the existing wetlands and Willow Creek as possible, the pond configuration was modified to not disturb the ground in or around wetland areas or Willow creek. The soils and vegetation associated with the existing wetlands and Willow Creek, while not disturbed as part of the earthwork, will be inundated as the pond fills.”

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

Two mitigation sites have been identified to mitigate for the proposed impacts to Willow Creek and the adjacent wetlands. The proposed mitigation include stream and wetland mitigation areas. The mitigation proposal includes all required elements, per Section 404 (b)(1) Guidelines. Please see pages 6-8 of the attached maps.

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: None

Project Setting: The proposed project is approximately 145 acres. The site is within an area historically and currently dominated by agriculture, with increasing oil and gas development. The proposed site is found within the Prairie Tableland Ecoregion, which is nearly level, dominated by cropland, and underlain by Permian red shale, soft sandstone, and siltstone. Natural vegetation is mixed grass prairie; it is distinct from the sand sagebrush–bluestem prairie of the Pleistocene Sand Dunes and the oak savanna of the Cross Timbers. The Prairie Tableland has greater natural vegetation density, less rainfall variability, less evaporation, and receives more precipitation than the Red Prairie and Red River Tablelands. Rainfall is generally sufficient for small grains.

Existing Condition: The proposed site contains two ponds, excavated outside of Willow Creek and the adjacent wetlands. Willow Creek is indicated on the USGS 7.5 minute quad.

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. No known historic properties, as defined by the NHPA, in or within the vicinity of the proposed permit area was found during the records search. Additionally, an Archeological Survey was completed in June 2017 and found archeological resources were identified within the 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: black-capped vireo (*Vireo atricapilla*), interior least tern (*Sterna antillarum*),

piping plover (*Charadrius melodus*), red knot (*Calidris canutus rufa*), whooping crane (*Grus americana*), and Arkansas River shiner (*Notropis girardi*). 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-0688.

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

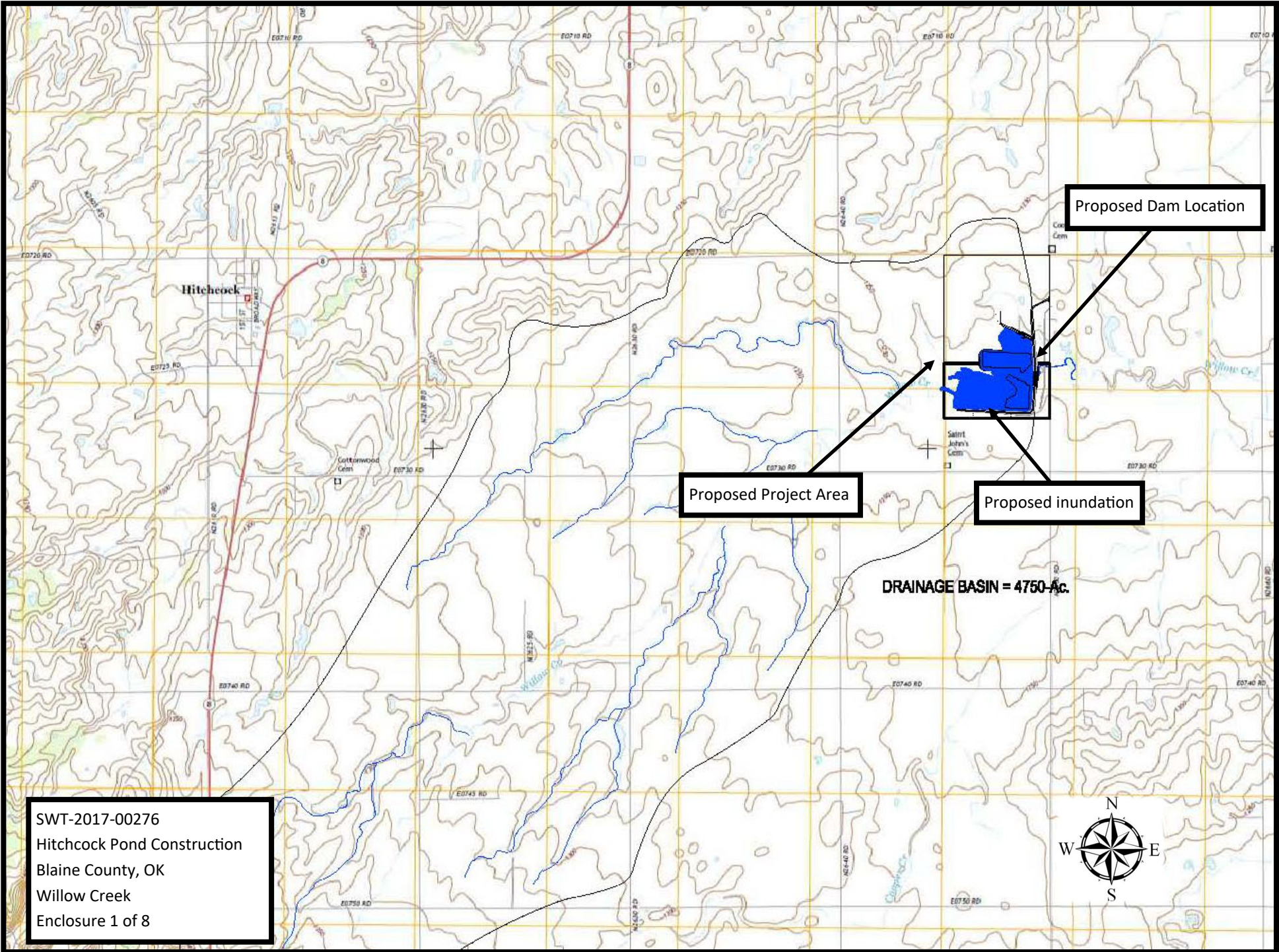
Comments: The Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps to determine 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-2017-00276 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



Proposed Dam Location

Proposed Project Area

Proposed inundation

DRAINAGE BASIN = 4750-Ac.

SWT-2017-00276  
Hitchcock Pond Construction  
Blaine County, OK  
Willow Creek  
Enclosure 1 of 8



N2650 Rd



Site Access Road

Add Fill to Complete Earthwork for Embankment

Existing Berm

Existing Berm

W-16

W-1

Existing North Pit  
530K BBL  
Bottom Elev. 1220.0  
Top Elev. 1228.0

Existing South Pit Volume  
575K BBL  
Bottom Elev. 1220.0  
To Elev. 1228.0

Top of Embankment 1235.75  
Spillway Elevation 1233.75

Willow Creek

W-3

Existing Berm

W-4

W-15

W-7

Add Fill as Needed to Maintain Berm at 1235.75

W-8

W-6

Original Fence

W-8

Existing Berm

- Phase 2 Construction:
- Complete embankment fill in USACE Jurisdictional areas with Approved Permit
  - Ensure Embankment maintains elevation 1235.75-ft.
  - Cut Spillways in new and existing embankment at 1233.75-ft.
  - Armor Spillway Areas

SWT-2017-00276  
 Hitchcock Pond Construction  
 Blaine County, OK  
 Willow Creek  
 Enclosure 2 of 8

W-13

W-12

W-14

W-10

W-11





SWT-2017-00276  
 Hitchcock Pond Construction  
 Blaine County, OK  
 Willow Creek  
 Enclosure 3 of 8

Top of Berm and Exterior Slopes Shall have 8-in topsoil placed and be re-vegetated crabgrass or owner approved equivalent.

WATER SURFACE AT SPILLWAY ELEV = 1233.75

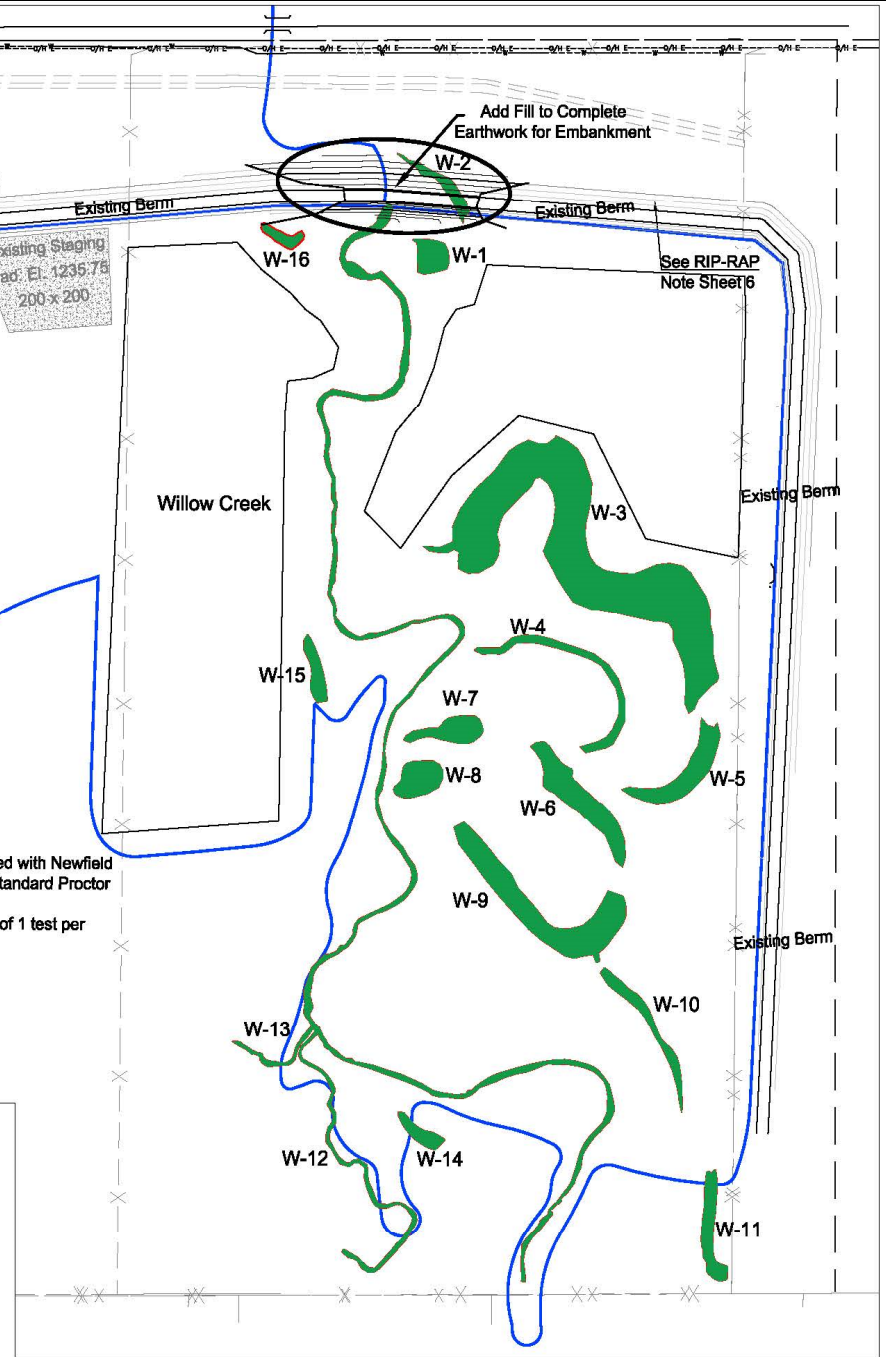
- Areas for excess cut stockpiles shall be coordinated with Newfield
- All Embankment Fill shall be compacted to 95% Standard Proctor Density
- All Embankment fill shall be tested at a frequency of 1 test per 10,000-SF.

SPILLWAY PLAN PENDING USACE APPROVAL



Preliminary Site Volume Table

|  |            |           |           |             | Cut        | Fill       | NET        |        |  |
|--|------------|-----------|-----------|-------------|------------|------------|------------|--------|--|
| Site   | Stratum    | Surface 1 | Surface 2 | Fill Factor | cubic yard | cubic yard | cubic yard | Method |  |
| Hitchcock  | North Pit  | Existing  | Proposed  | 20%         | 226,500    | 0          | 226,500(C) | Grid   |  |
|  | South Pit  | Existing  | Proposed  | 20%         | 155,300    | 0          | 155,300(C) | Grid   |  |
|  | Embankment | Existing  | Proposed  | 20%         | 0          | 56,300     | 56,300(F)  | Grid   |  |
| Quantities do not include removal and replacement of topsoil |            |           |           |             |            |            | 325,500(C) |        |  |



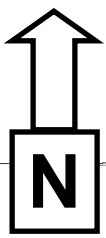
NE 1/4, SECTION 8, T 17 N, R 10 W.1.M.,  
BLAINE COUNTY, OKLAHOMA.

Top of Berm and Exterior Slopes Shall  
have 8-in topsoil placed and be  
re-vegetated crabgrass or owner approved  
equivalent.

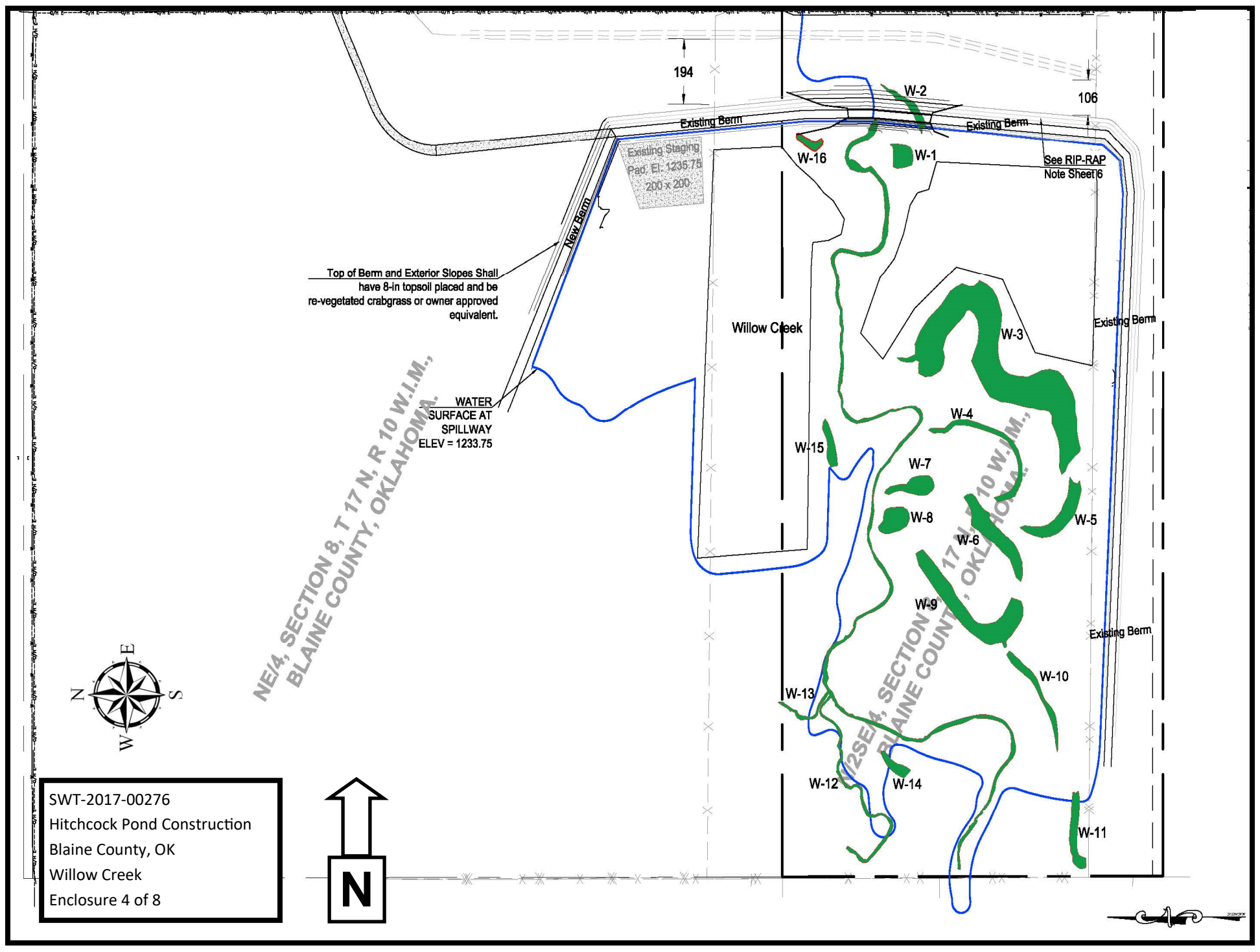
WATER  
SURFACE AT  
SPILLWAY  
ELEV = 1233.75

Existing Staging  
Pad: El. 1235.75  
200 x 200

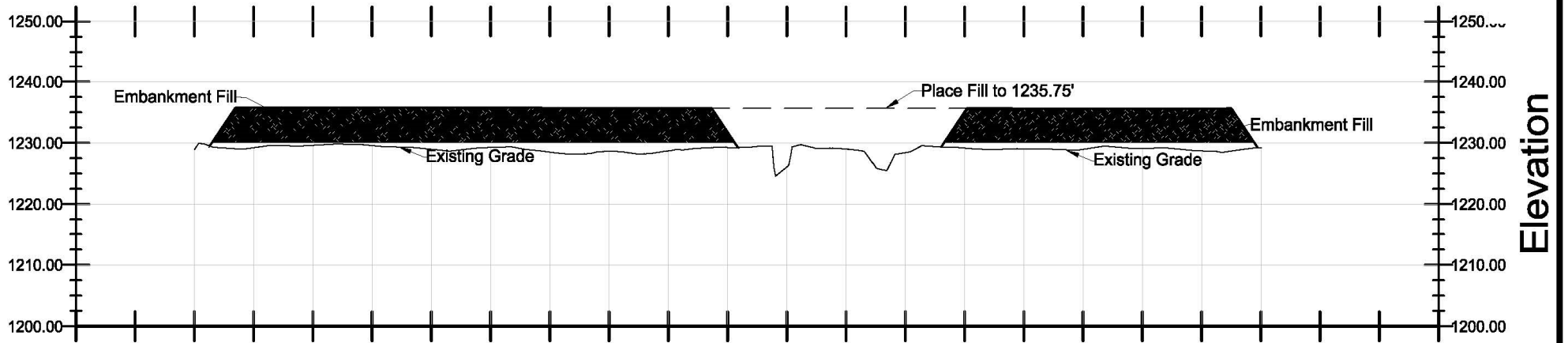
See RIP-RAP  
Note Sheet 6



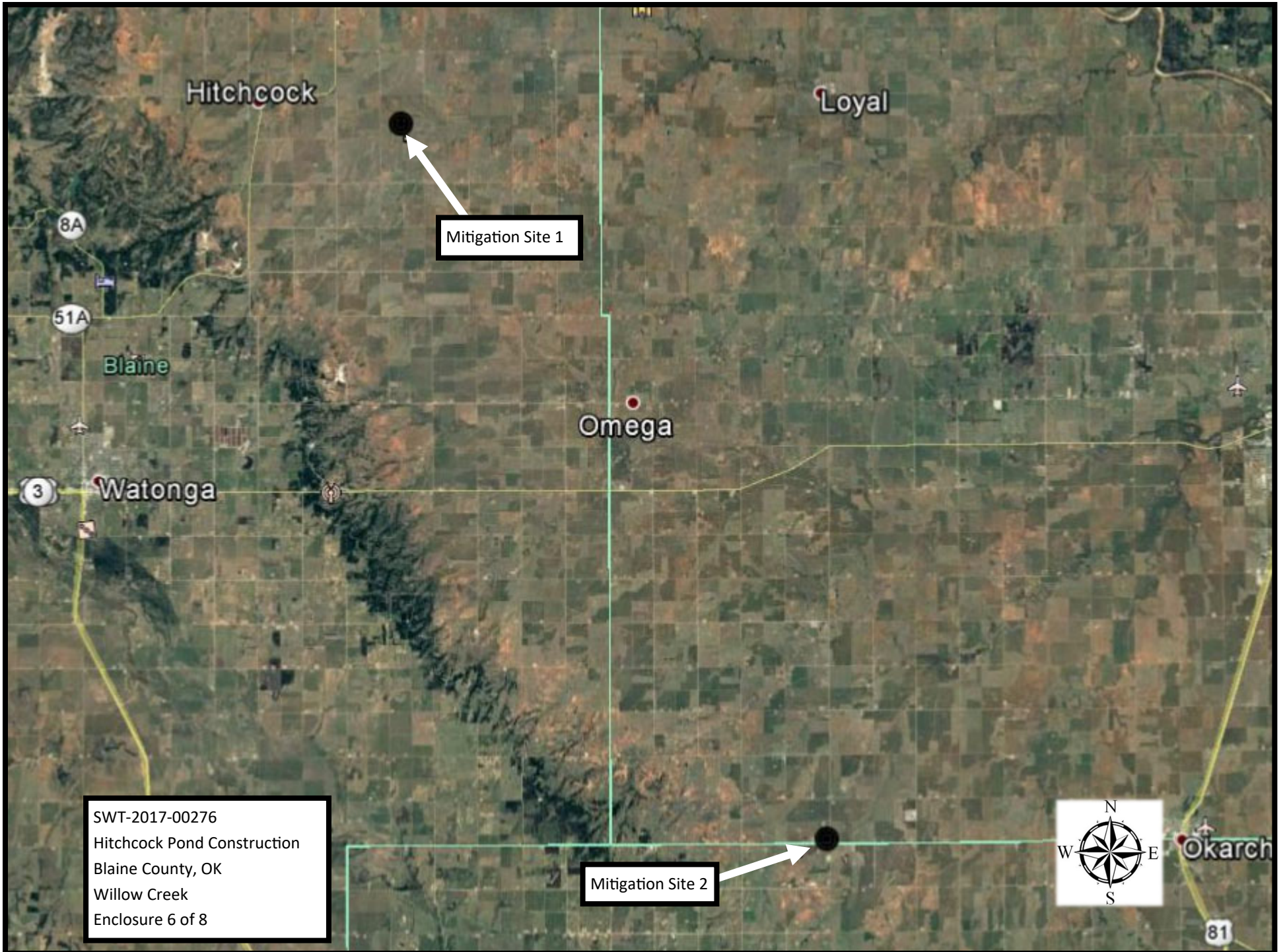
SWT-2017-00276  
Hitchcock Pond Construction  
Blaine County, OK  
Willow Creek  
Enclosure 4 of 8

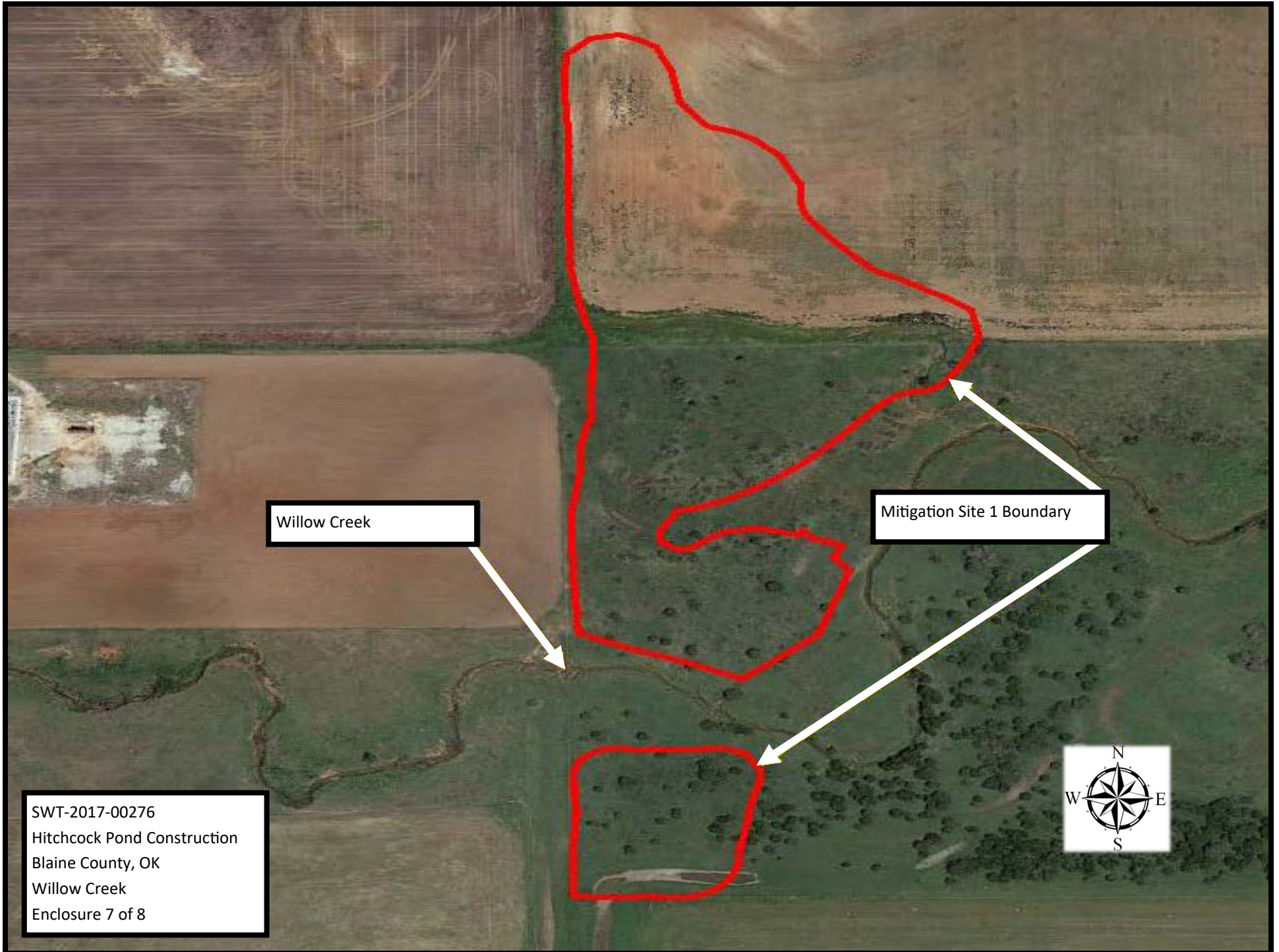


# Profile View of A - A



SWT-2017-00276  
Hitchcock Pond Construction  
Blaine County, OK  
Willow Creek  
Enclosure 5 of 8



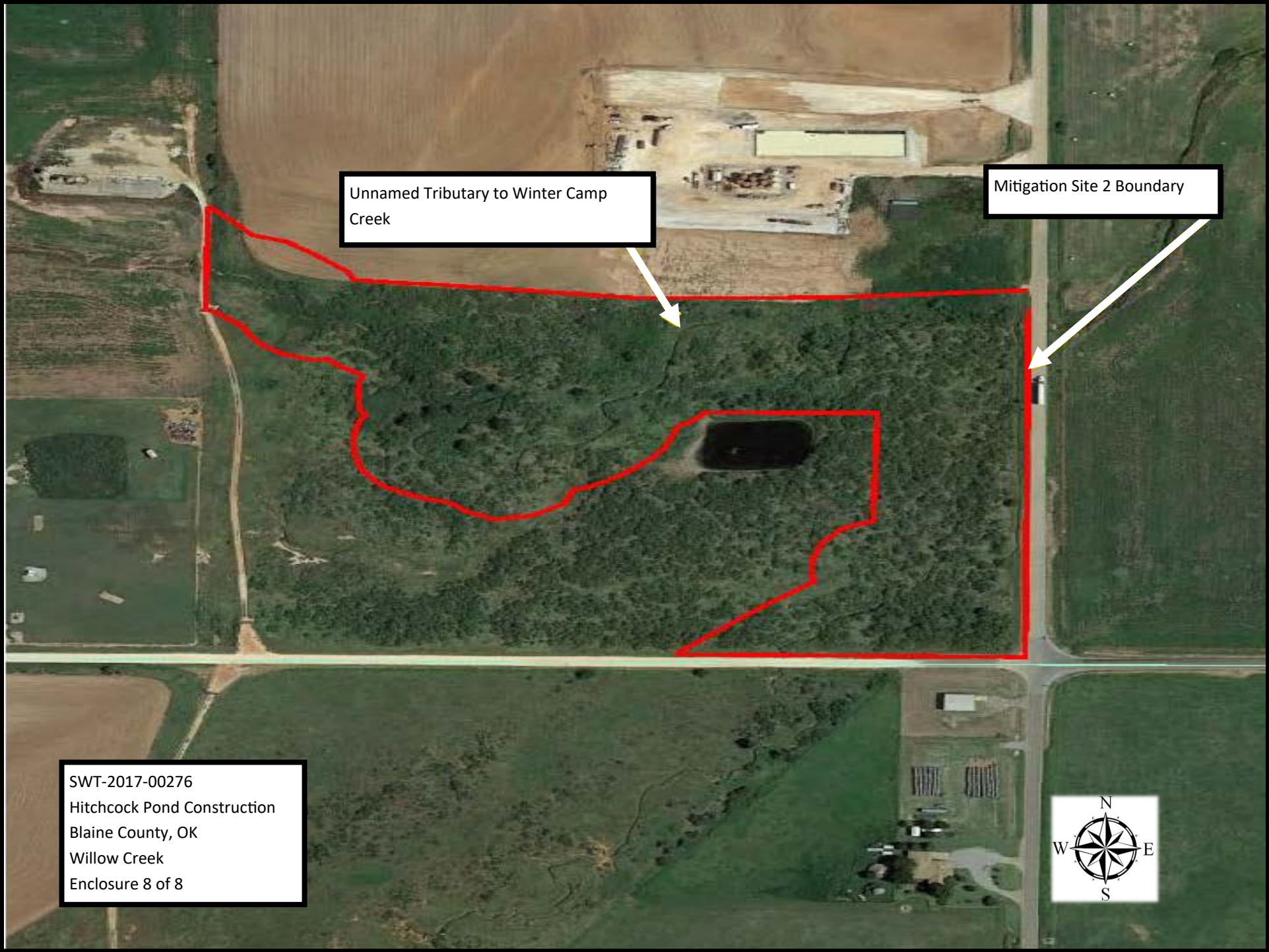


Willow Creek

Mitigation Site 1 Boundary

SWT-2017-00276  
Hitchcock Pond Construction  
Blaine County, OK  
Willow Creek  
Enclosure 7 of 8





Unnamed Tributary to Winter Camp Creek

Mitigation Site 2 Boundary

SWT-2017-00276  
Hitchcock Pond Construction  
Blaine County, OK  
Willow Creek  
Enclosure 8 of 8

