

REPLY TO
ATTENTION OF:

DEPARTMENT OF THE ARMY
U.S. ARMY ENGINEER DISTRICT, MOBILE DISTRICT
P.O. BOX 2288
MOBILE, ALABAMA 36628-0001

CESAM-RD-I-S

August 22, 2011

**JOINT PUBLIC NOTICE SAM-2011-1062-SBC
U.S. ARMY CORPS OF ENGINEERS
AND
STATE OF ALABAMA
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT**

**FILLING OF WATERS OF THE UNITED STATES IN CONJUNCTION WITH THE
CONSTRUCTION OF AN ACCESS ROAD AND TWO OIL WELL PADS NEAR THE
CITY OF EVERGREEN, CONECUH COUNTY, ALABAMA**

TO ALL CONCERNED: The U.S. Army Corps of Engineers, Mobile District, (Corps) has received an after-the-fact application for a Department of the Army permit pursuant to Section 404 of the Clean Water Act (33 USC 1344). This public notice is being distributed to all known interested persons to assist in developing facts on which a decision by the Corps can be based. Please communicate this information to interested parties.

APPLICANT: Midroc Operating Company
Attention: Mr. Donald L. Clark
Post Office Box 191407
Dallas, Texas 75219

AGENT: Wetland Resources
Attention: Ms. Gena Todia
Post Office Box 2694
Daphne, Alabama 36526

LOCATION OF WORK: On west side of Frank Carter Road, in Sections 13 and 14 of Township 5 North, Range 13 East, Evergreen, Conecuh County, Alabama (Latitude 31.395°N, Longitude -86.717°W).

NEAREST WATERBODY: Sepulga River, which drains to the Conecuh River.

PROJECT PURPOSE: The overall project purpose is to construct two well pads for the production of oil and to construct a road for access to the well pads.

PROPOSED WORK: The applicant has filled approximately 4.79 acres of bottomland hardwood wetlands to construct a 350 foot x 350 foot well pad site, a 350 foot x 425 foot well pad site, and a 25-30 foot wide by 2,800 foot long access road.

AVOIDANCE & MINIMIZATION: The applicant has stated the following concerning avoidance and minimization to Waters of the United States: "Wetland impacts have been minimized by keeping the road fill footprint to the narrowest feasible. The road easement is 50 feet wide, but only 25 to 30 feet have been filled." The Corps has not verified the adequacy of the

applicant's avoidance and minimization at this time.

MITIGATION: The applicant has stated the following concerning mitigation for impacts to Waters of the United States: "Mitigation credits will be purchased from an approved mitigation bank. Since there is no bank whose service area includes the project site, it is understood that a proximity factor will be applied." The Corps has not verified the adequacy of this mitigation proposal at this time.

WATER QUALITY: The applicant has applied for certification from the State of Alabama in accordance with Section 401(a)(1) of the Clean Water Act, and upon completion of the required advertising, a determination relative to certification will be made by the Alabama Department of Environmental Management.

HISTORIC PROPERTIES: In accordance with Section 106 of the National Historic Preservation Act, and Appendix C of 33 CFR 325, the undertaking defined in this notice is being considered for the potential to affect cultural and historic properties within the permit area. Although the extent of federal control and responsibility for these considerations are confined to the limits of the permit area for this particular project, the potential indirect effects that may occur to historic properties as a result of the this undertaking are also being considered. We are seeking comment from the State Historic Preservation Officer, federally-recognized American Indian tribes, local historical societies, museums, universities, the U.S. Department of the Interior, National Park Service, Division of Archeological Services, and concerned citizens regarding the existence or the potential for existence of significant cultural and historic properties within the permit area.

ENDANGERED SPECIES: The U.S. Fish and Wildlife Service (USFWS) lists 8 endangered, threatened, or candidate species as occurring or potentially occurring in Conecuh County. Preliminary review of this application and the U.S. Department of the Interior List of Endangered and Threatened Wildlife and Plants indicate that the activities at the project site may affect but not adversely affect listed endangered or threatened species, or their critical habitat. This determination is being coordinated with the U.S. Fish and Wildlife Service via this Public Notice.

COMMENTS: This public notice is being distributed to all known interested persons and serves to solicit comments from the public, Federal, State, and local agencies and officials, Indian Tribes, and other interested parties, in order to assist in developing facts on which a decision by the U.S. Army Corps of Engineers (Corps) can be based.

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 person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for public hearings shall state with particularity, the reasons for holding a public hearing.

For accuracy and completeness of the record, all data in support of or in opposition to the proposed work should be submitted in writing setting forth sufficient detail to furnish a clear understanding of the reasons for support or opposition. The decision whether to issue a permit will be based on an evaluation of the probable impact, including cumulative impacts, of the proposed activity 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; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, flood plain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food production, and in general, the needs and welfare of the people.

Correspondence concerning this notice should refer to Public Notice Number SAM-2011-1062-SBC and should be directed to:

District Engineer
U.S. Army Engineer District, Mobile
Attention: Regulatory Division, Inland Branch
Post Office Box 2288
Mobile, Alabama 36628-0001

With copies to:

Alabama Department of Environmental Management
Water Division
1400 Coliseum Boulevard
Montgomery, Alabama 36110

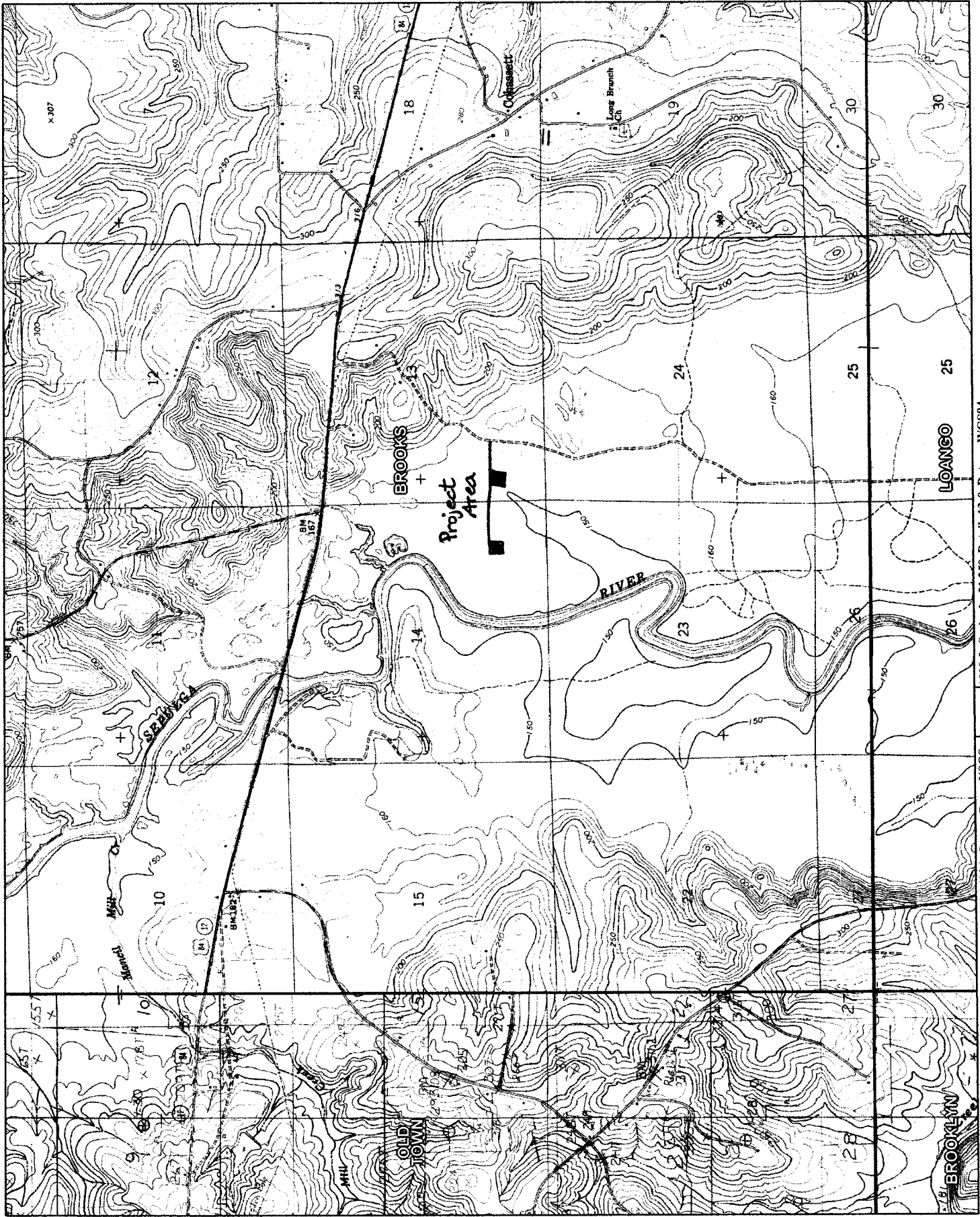
Comments should be received no later than **30 days** from the date of this Public Notice.

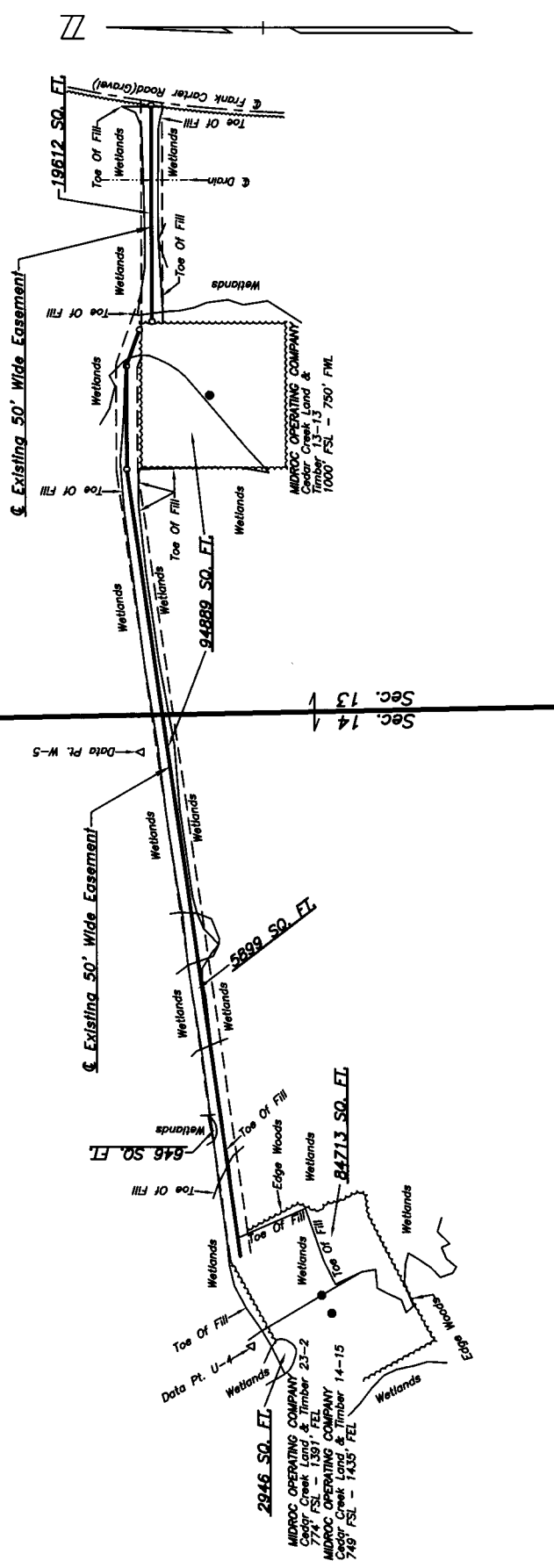
If you have any questions concerning this publication, you may contact the project manager, Mr. S. Brad Crosson at telephone number (251) 694-3664, or via e-mail at steven.b.crosson@usace.army.mil Please refer to the above public notice number.

For additional information about our Regulatory Program, please visit our web site at www.sam.usace.army.mil/RD/reg, and please take a moment to complete our customer satisfaction survey while you're there. Your responses are appreciated and will allow us to improve our services.

MOBILE DISTRICT
U.S. Army Corps of Engineers

Enclosures





PLAT FOR
MIDROC OPERATING COMPANY
 SECTION 14 & 13, T5N - R13E
 CONECUH COUNTY, ALABAMA

BY
 ENGINEERING SERVICE - MOBILE, ALABAMA



SEPTEMBER 28, 2010

307871-19 10M-5084 MIDROC362

AV177

Total Wetland Impact: 208,705 sq.ft.
 (4.79 ac.)