

**U.S. Army Corps
of Engineers**
Pittsburgh District

Public Notice

In Reply Refer to
Notice No. below

US Army Corps of Engineers, Pittsburgh District
1000 Liberty Avenue
Pittsburgh, PA 15222-4186

Application No. 2011-122

Date: May 7, 2014

Notice No.14-23

Closing Date: June 6, 2014

AFTER-THE-FACT

1. TO ALL WHOM IT MAY CONCERN: The following application has been submitted for a Department of the Army Permit under the provisions of Section 404 of the Clean Water Act.

2. APPLICANT: StatOil USA Onshore Properties, Inc.
2103 City West Blvd, Suite 800
Houston, Texas 77042

AGENT: Wallace & Pancher
721 Boardman Poland Road, Suite 102A
Boardman, Ohio 44512

3. LOCATION: unnamed tributary to Opossum Creek along Long Ridge near Goodwin in Ohio Township, Monroe County, Ohio.

4. PURPOSE AND DESCRIPTION OF WORK: Development of the Eisenbarth well pad required the initial excavation of the ridgetop on the Eisenbarth farm to create a flat well pad. Excavated spoil material was placed on site and the western slope of the well pad failed filling a portion of the unnamed tributary to Opossum Creek. Initial attempts to stabilize the western slope failed as the fill material continued to slip down slope. Placement of a rock buttress at the toe of the western slope in the location of the stream channel was constructed. The hillside was terraced to reduce the overall slope angle and enhance slope stability. Catch basins and under drains were installed which outlet into the unnamed tributary to Opossum Creek providing hydrology to the downstream reach of the stream. The activity of mechanically modifying the slope and constructing the rock buttress resulted in an unauthorized fill of 635 linear feet of the unnamed tributary to Opossum Creek.

Mitigation for the loss of stream functions and values is being proposed at 2 off site locations. First one is removal of a submarine stream crossing on Washington Township Road 84 over Crabapple Creek, a tributary to Captina Creek in Belmont County and replace it with a concrete box culvert. The goal of the project is to remove the barrier posed by the existing structure to allow better upstream and downstream migration of aquatic fauna.

In addition to the Crabapple Creek crossing improvement, the Applicant is proposing to purchase a 118-acre plot of land to be designated as a preservation site. The entire 118-acre preservation

site has been placed under a conservation easement. The preservation site contains approximately 7,688 linear feet of stream channel in the Rocky Fork watershed in Washington Township, Belmont County. Rocky Fork is a tributary to Captina Creek. Sampling of the benthic macroinvertebrate community within the three perennial streams in the spring of 2014 is indicative of high quality streams. The property will be owned by StatOil.

Maps showing the location of the proposed mitigation sites are located at the following website by clicking on them just below the Public Notice number 14-23.
<http://www.lrp.usace.army.mil/Missions/Regulatory/PublicNotices.aspx>

5. ENCROACHMENT PERMIT: A Permit will not be granted until Water Quality Certification is received or waived from:

Ohio Environmental Protection Agency (Ohio EPA)
Section 401 Coordinator
PO Box 1049
Columbus, Ohio 43266-0149
Telephone Number: 614-644-2001

6. IMPACT ON NATURAL RESOURCES: The District Engineer has consulted the most recently available information and has determined that the project will have no effect on endangered species or threatened species, or result in destruction or adverse modification of habitat of such species which has been determined to be critical. This Public Notice serves as a request to the U.S. Fish and Wildlife Service for any additional information they may have on whether any listed or proposed to be listed endangered or threatened species may be present in the area which would be affected by the activity, pursuant to Section 7(c) of the Endangered Species Act of 1972 (as amended).

7. IMPACT ON CULTURAL RESOURCES: The National Register of Historic Places has been consulted, and it has been determined that there are no properties currently listed on the register which would be directly affected by the proposed work. If we are made aware, as a result of comments received in response to this notice, or by other means, of specific archeological, scientific, prehistorical, or historical sites or structures which might be affected by the proposed work, the District Engineer will immediately take the appropriate action necessary pursuant to the National Historic Preservation Act of 1966 - Public Law 89-665 as amended (including Public Law 96-515).

8. PUBLIC INVOLVEMENT: Any person may request, in writing, within the comment period specified in the paragraph below entitled "RESPONSES," that a public hearing be held to consider this application. The requests for public hearing shall state, with particularity, the reasons for holding a public hearing.

9. EVALUATION: Interested parties are invited to state any objections they may have to the proposed work. 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 proposals 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, historic properties, 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 and fiber production, mineral needs, considerations of property ownership and, in general, the needs and welfare of the people. 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 of Engineers 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 overall public interest of the proposed activity. The evaluation of the impact of the activity on the public interest will include application of the guidelines promulgated by the Administrator, Environmental Protection Agency, under the authority of Section 404(b) of the Clean Water Act (40 CFR Part 230).

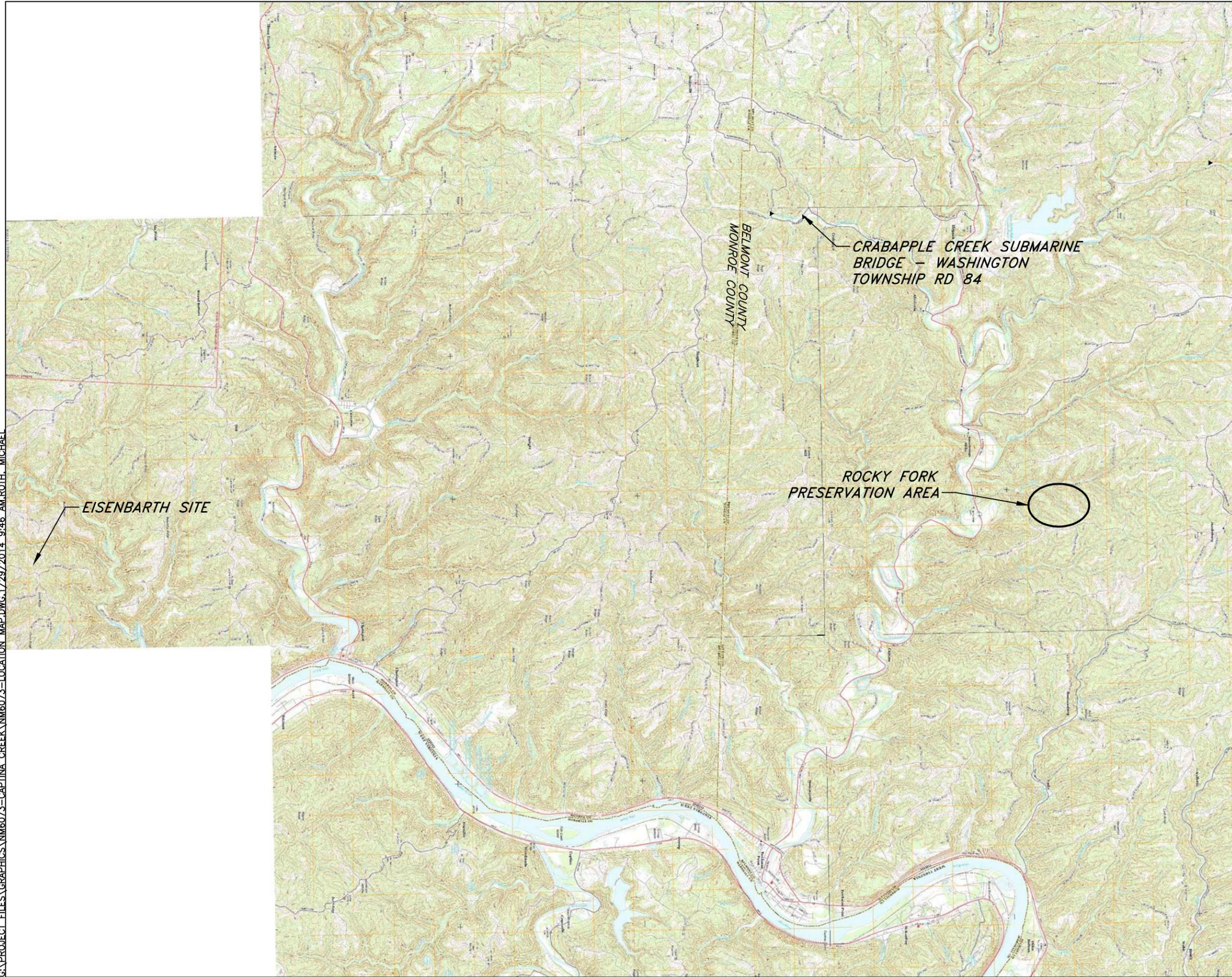
10. RESPONSES: A permit will be granted unless its issuance is found to be contrary to the public interest. Written statements concerning the proposed activity should be received in this office on or before the closing date of this Public Notice in order to become a part of the record and to be considered in the final determination. Any objections which are received during this period may be forwarded to the applicant for possible resolution before the determination is made whether to issue or deny the requested DA Permit. All responses to this notice should be directed to the Regulatory Branch, attn Matt Mason at the above address, by telephoning (412) 395-7129, or by e-mail at Matthew.R.Mason@usace.army.mil Please refer to CELRP-OP-F 2011-122 in all responses.

FOR THE DISTRICT ENGINEER:

//signed//

Nancy Mullen
Chief, Northern Section, Regulatory Branch

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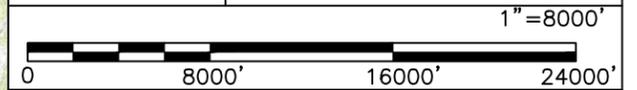


LEGEND



QUADRANGLE LOCATION

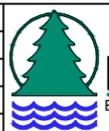
REFERENCE:
USGS 7.5-MIN TOPOGRAPHIC QUADRANGLE
ARMSTRONG MILLS, OH
BUSINESSBURG, OH
CAMERON, OH
HUNTER, OH
WOODSFIELD, OH
ROUNDBOTTOM, OH
POWHATAN POINT, OH
DATED 2013



EISENBARTH OFF-SITE
MITIGATION LOCATIONS
BELMONT COUNTY, OHIO

PREPARED FOR
STATOIL
HOUSTON, TEXAS

APPROVED MSK 1/29/2014
CHECKED MSK 1/29/2014
DRAWN DTL 1/29/2014
PROJECT NO. NM006073
DRAWING NUMBER
NM6073-01



Penn E&R
Environmental & Remediation, Inc.
323 N. MAIN STREET, NEW MARTINSVILLE, WV
26155; 304-455-0213