



Public Notice

**U S Army Corps
of Engineers**
Huntington District

In reply refer to Public Notice No.

Issuance Date: **JUL 3 1 2008**

LRH-2008-555-GUY

Stream:

Closing Date: **AUG 3 0 2008**

Unnamed Tributary of Smokehouse Fork

Please address all comments and inquiries to:

U.S. Army Corps of Engineers, Huntington District

ATTN: CELRH-OR-F Public Notice No. (*reference above*)

502 Eighth Street

Huntington, West Virginia 25701-2070

Phone: (304) 399-5710

PUBLIC NOTICE: The purpose of this public notice is to inform you of a proposal for work in which you might be interested. It is also to solicit your comments and information to better enable us to make a reasonable decision on factors affecting the public interest. We hope you will participate in this process.

REGULATORY PROGRAM: Since its early history, the U.S. Army Corps of Engineers (Corps) has played an important role in the development of the nation's water resources. Originally, this involved construction of harbor fortifications and coastal defenses. Later duties included the improvement of waterways to provide avenues of commerce. An important part of our mission today is the protection of the nation's waterways through the administration of the Corps Regulatory Program.

SECTION 10: The Corps is directed by Congress under 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 (U.S.). The intent of this law is to protect the navigable capacity of waters important to interstate commerce.

SECTION 404: The Corps is directed by Congress under Section 404 of the Clean Water Act (33 USC 1344) to regulate the discharge of dredged and fill material into all waters of the United States, including wetlands. The intent of the law is to protect the nation's waters from the indiscriminate discharge of material capable of causing pollution and to restore and maintain their chemical, physical and biological integrity.

TO 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. This notice serves as the Corps of Engineers' request to the West Virginia Department of Environmental Protection (WVDEP) to act on Section 401 Water Quality Certification for the following application.

APPLICANT: Chesapeake Energy Corporation
900 Pennsylvania Ave.
Charleston, WV 25302

LOCATION: The proposed project would be located in an unnamed tributary of Smokehouse Fork of Big Harts Creek, southeast of Chapmanville, Logan County, West Virginia (latitude 37.925792, longitude -82.08387). The attached Location Map shows the project location. Smokehouse Fork flows into Big Harts Creek and into the Guyandotte River, a traditional navigable river.

DESCRIPTION OF THE PROPOSED WORK: The applicant proposes to discharge dredged and/or fill material into a total of 1,226 linear feet of waters of the U.S. in conjunction with the proposed Smokehouse Compressor Station. The project would involve excavation and placement of approximately 40,000 cubic yards of fill material along the base of the watershed in order to create an approximate 3.2-acre area for the construction of a natural gas compressor station, processing facility, control room, shop and equipment buildings, and a truck turnaround area (nearest to Smokehouse Fork Road). One natural gas pipeline would be relocated around the cut/fill area. The project would permanently fill 873 feet of intermittent stream and 353 feet of ephemeral stream. A trapezoidal ditch would be constructed on each side of the proposed fill area to carry flow from the undisturbed streams through the project area. The project site would be accessed using the existing entrance on Smokehouse Fork Road. The attached Drawings 1 through 4 (titled "Impact Maps") show proposed project construction limits, cut limits and fill limits.

The stated project purpose is to produce and deliver an additional 20,000 decatherms of pipeline-quality natural gas from Chesapeake Appalachia LLC's gathering system in Logan, Lincoln, Mingo and Wayne Counties to Columbia Gas Transmission's SM-116 transmission pipeline for delivery to markets. The existing natural gas supply that is connected to Chesapeake's system is presently constrained due to limited transmission pipeline take-away capacity. The proposed project would provide incremental pipeline delivery capacity and would allow for increased development of natural gas reserves in the region.

ALTERNATIVES ANALYSIS: This project is not considered to be water dependent; therefore, the applicant is required to show that other less damaging practicable alternatives are not available that would achieve the overall project purpose. No permit will be issued until our review of the alternatives analysis clearly shows that upland alternatives are not available to achieve the overall project purpose. The applicant has submitted information concerning their alternatives analysis, which is currently under review. The information states that the applicant selected the proposed site due to the close proximity of Columbia Gas Transmission's SM-116 pipeline to their main gathering system V-55 pipeline; access to good roads for transportation of the natural gas liquids; separation from areas of dense population; and the inability to purchase/lease suitable alternative property. The applicant considered other facility layout configurations but the alternatives were either not economically feasible or would not result in adequate space for constructability and maintenance.

MITIGATION PLAN: The applicant has not yet submitted a compensatory mitigation plan to compensate for unavoidable adverse impacts to waters of the United States, but has indicated they would compensate for loss of aquatic resources through payment into the West Virginia In-Lieu Fee (ILF) Program. The ILF program is administered by the WVDEP, which plans, funds,

and implements stream and wetland creation, restoration and enhancement projects in the State, as appropriate for project impacts.

WATER QUALITY CERTIFICATION: A Section 401 Water Quality Certification is required for this project. It is the applicant's responsibility to obtain certification from the WVDEP.

HISTORIC AND CULTURAL RESOURCES: The National Register of Historic Places (NRHP) has been consulted and it has been determined there are no listed properties in the area that may be affected by the proposed undertaking. This public notice serves as coordination with the State Historic Preservation Officer regarding historic properties. If the West Virginia Division of Culture and History (WVDCH) believes any potential effects to historic properties may result from the proposed permitting action, we request the WVDCH provide information to this office pursuant to Section 106 of the National Historic Preservation Act.

ENDANGERED/THREATENED SPECIES REVIEW: The project area lies within the natural range of the endangered Indiana bat (*Myotis sodalis*). A survey was not performed to determine the absence or existence of the species within the project area. However, only 4 acres (maximum) of woodland would be cleared within the construction limits during the project (including pipeline relocation). An on-site inspection revealed no caves, rock shelters or mine portals within the project area. It has been determined the proposed project is not likely to adversely affect federally listed threatened or endangered species or their critical habitat. This public notice serves as a request to the U. S. Fish and Wildlife Service (USFWS) for a determination of concurrence or non-concurrence, pursuant to Section 7(c) of the Endangered Species Act of 1972 (as amended).

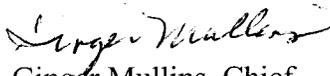
PUBLIC INTEREST REVIEW AND COMMENT: Any person who has an interest that may be adversely affected by the issuance of a permit may request a public hearing. The request must be submitted in writing to the District Engineer on or before the expiration date of this notice and must clearly set forth the interest which may be adversely affected and the manner in which the interest may be adversely affected by the activity.

This application will be reviewed in accordance with 33 CFR 320-332, the Regulatory Program of the USACE, and other pertinent laws, regulations, and executive orders. Our evaluation will also follow the guidelines published by the U.S. Environmental Protection Agency pursuant to Section 404(b)(1) of the CWA. 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 impacts, 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 that reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors that may be relevant to the proposal will be considered, including the cumulative effects thereof; of those are 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

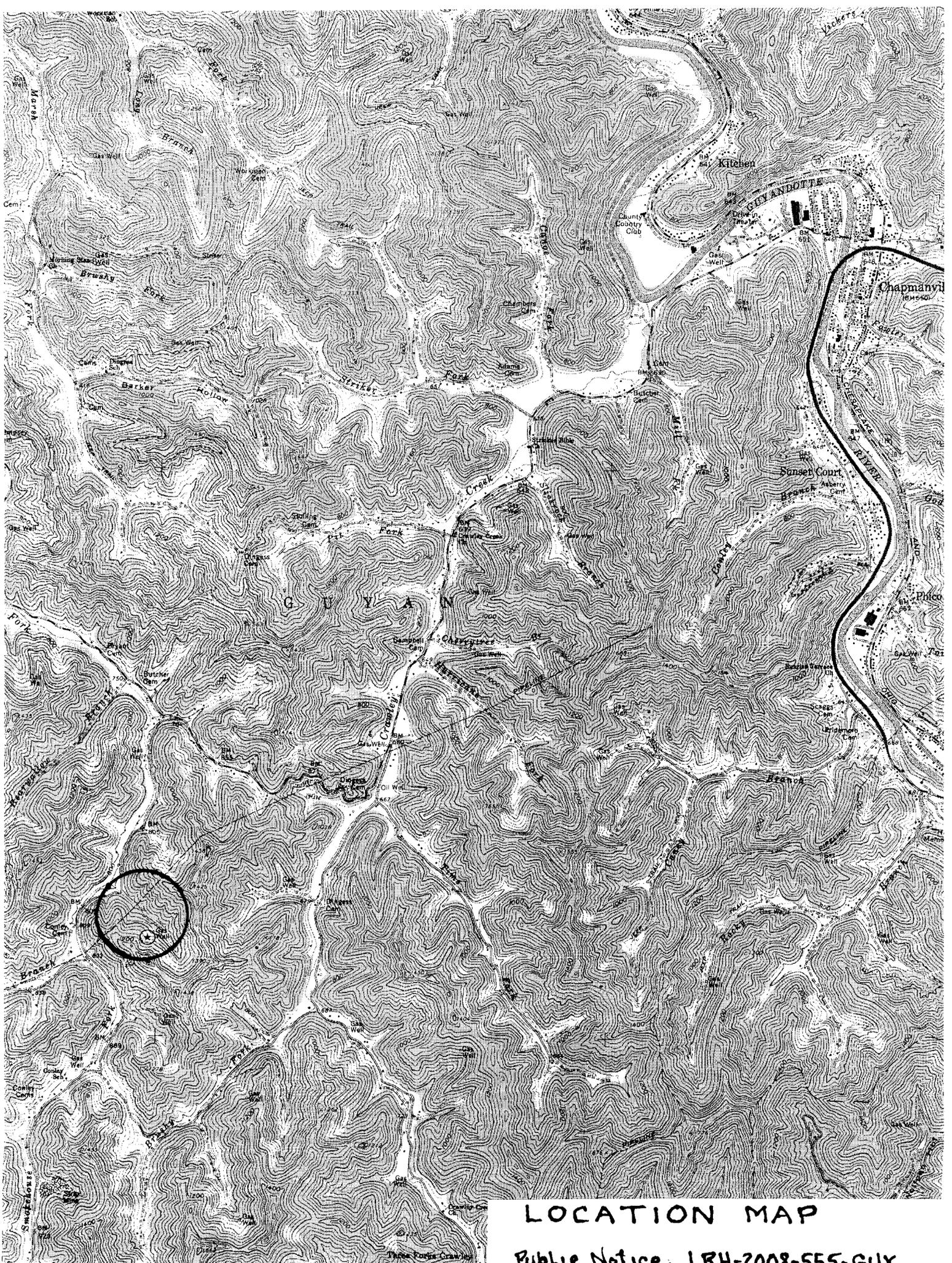
needs, safety, food and fiber production, mineral needs, considerations of property ownership and, in general, the needs and welfare of the people. Written statements on these factors received in this office on or before the expiration date of this public notice will become a part of the record and will be considered in the final determination. A permit will be granted unless its issuance is found to be contrary to the public interest.

SOLICITATION OF COMMENTS: The USACE 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. For accuracy and completeness of the administrative 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. Any comments received will be considered by the USACE 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.

CLOSE OF COMMENT PERIOD: All comments pertaining to this Public Notice must reach this office on or before the close of the comment period listed on page one of this Public Notice. If no comments are received by that date, it will be considered that there are no objections. Comments and requests for additional information should be submitted to Richard Berkes, Regulatory Specialist, Energy Resources Section, CELRH-OR-FE, U. S. Army Corps of Engineers - Huntington District, 502 Eighth Street, Huntington, West Virginia 25701-2070. Please note names and addresses of those who submit comments in response to this public notice become part of our administrative record and, as such, are available to the public under provisions of the Freedom of Information Act. Thank you for your interest in our nation's water resources. If you have any questions concerning this public notice, please call Richard Berkes of the Energy Resources Section at 304-399-5610.

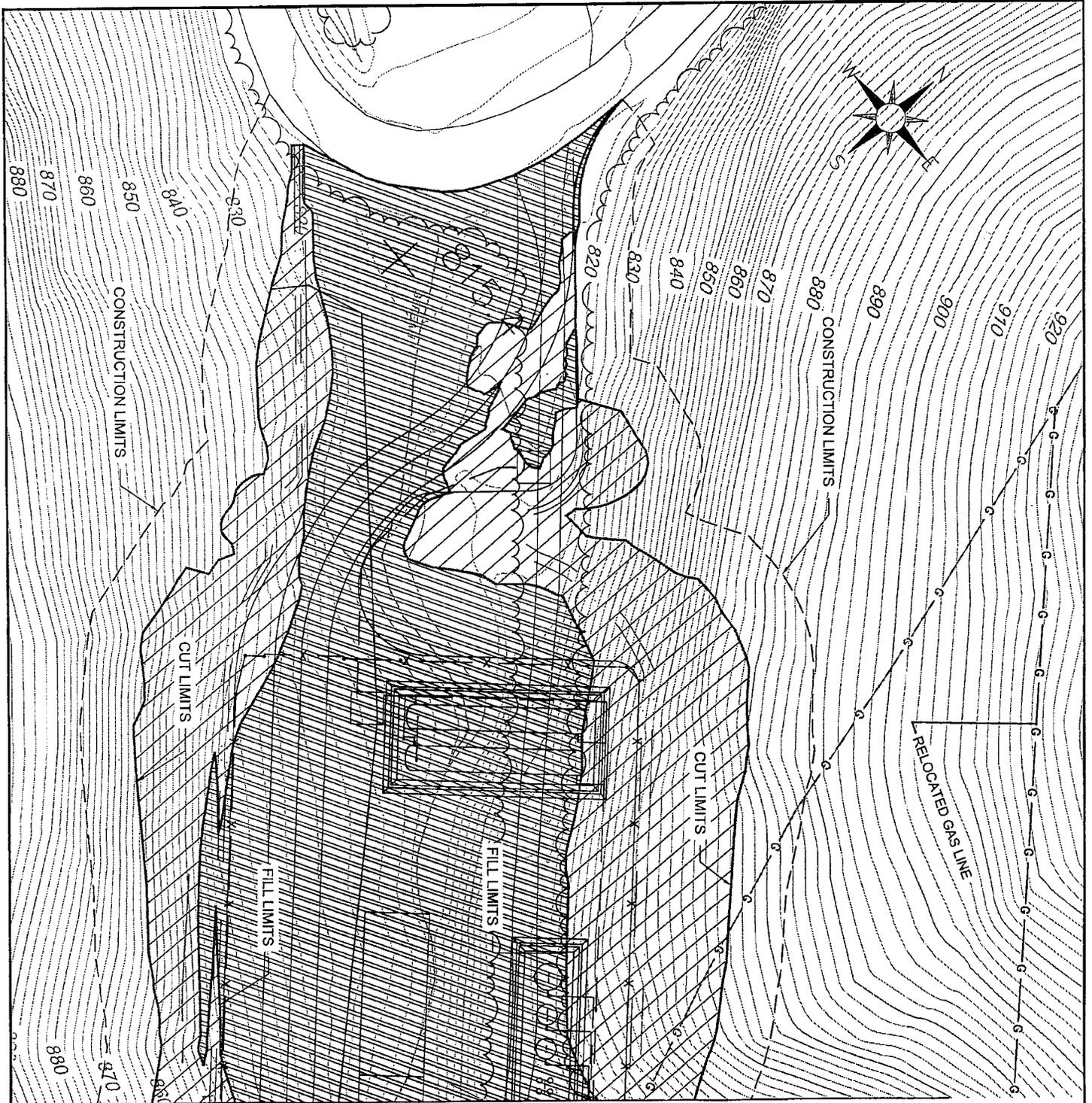

Ginger Mullins, Chief
Regulatory Branch

(W)



LOCATION MAP

Public Notice: LRH-2008-555-GUY

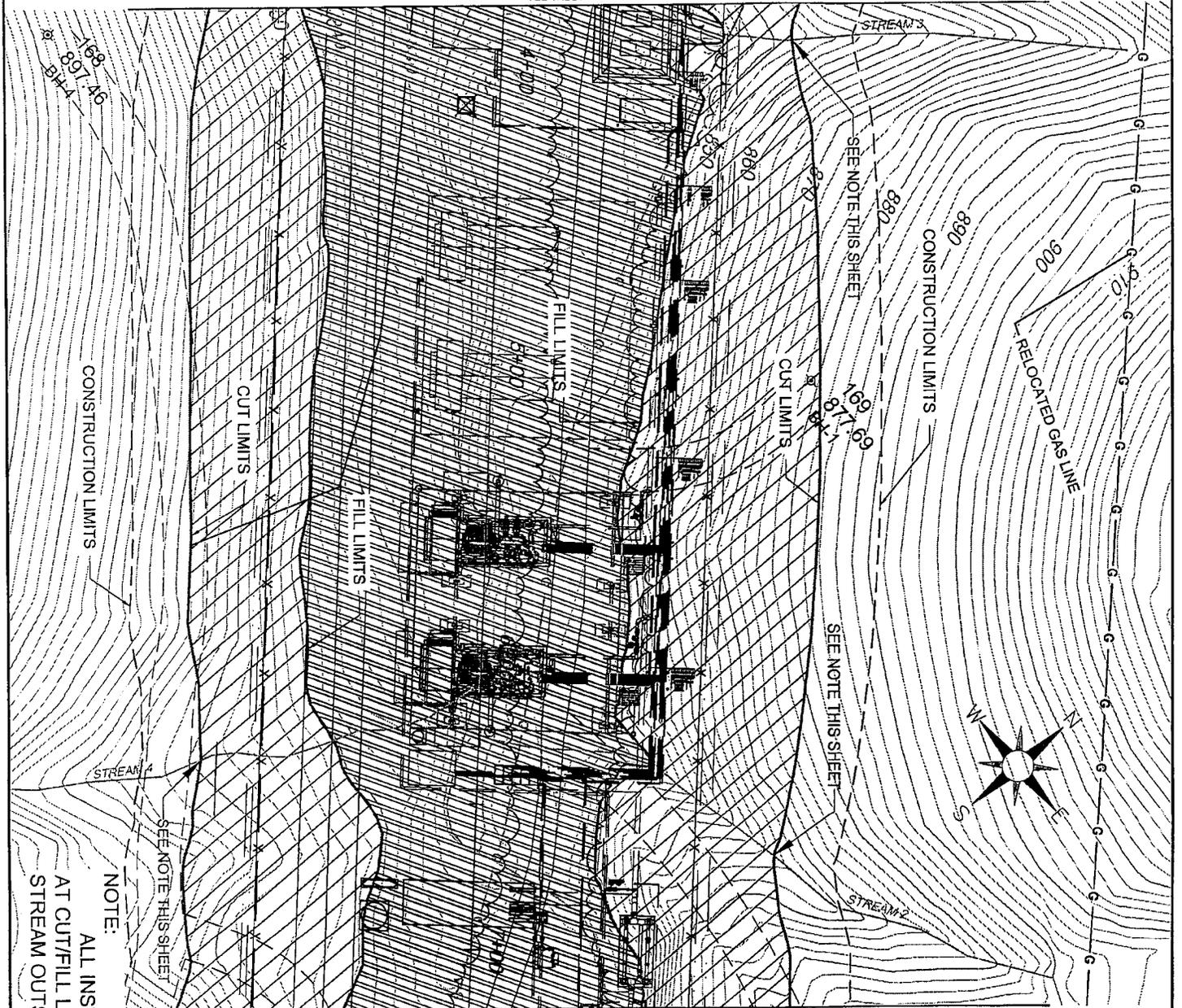


MATCH MARK
SEE SHEET 2 OF 3

STREAM IMPACT
 STREAM 1 = 873 LF
 STREAM 2 = 120 LF
 STREAM 3 = 107 LF
 STREAM 4 = 126 LF
 TOTAL = 1226 LF

1	IMPACT MAPS	PRELIMINARY	TERRADON Engineering - Surveying - Landscape Architecture P.O. Box 519 Nitro, West Virginia 25143 (304) 756-8281 FAX 756-2836 www.terradon.com	DATE	NO.	REVISION
	CHESAPEAKE ENERGY L.L.C. SMOKEHOUSE FORK, LOGAN COUNTY					

MATCH MARK
SEE SHEET 1 OF 3



MATCH MARK
SEE SHEET 3 OF 3

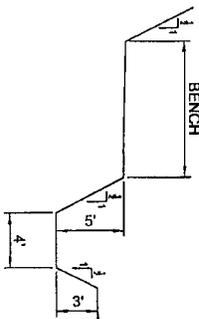
NOTE:

ALL INSTREAM ACTIVITY IS TO STOP
AT CUT/FILL LIMITS. DO NOT DISTURB
STREAM OUTSIDE OF CUT/FILL LIMITS.

SEE NOTE THIS SHEET

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DITCH DETAIL

NO SCALE

STREAM IMPACT

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Project No.	TERRADON
Client	TERRADON
Scale	1"=40'
Date	7-21-08
Drawn By	ASHMERE C.S.A. CAD
Sheet No.	2

IMPACT MAPS

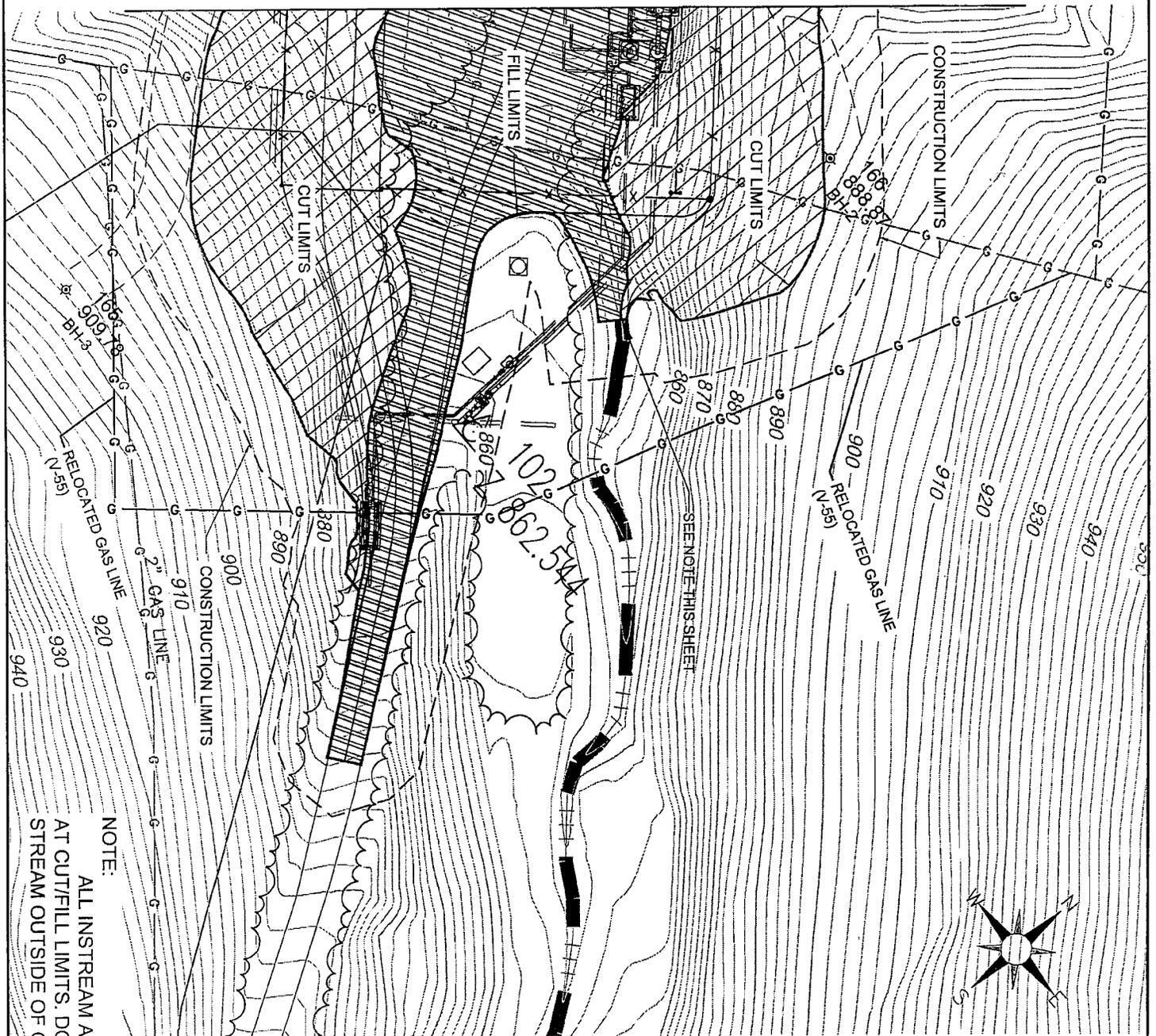
CHESAPEAKE ENERGY L.L.C.
SMOKEHOUSE FORK, LOGAN COUNTY

PRELIMINARY

TERRADON
Engineering - Surveying - Landscape Architecture
P.O. Box 519
Hiro, West Virginia 26143
(304) 755-8291 FAX 755-2835
www.terradon.com

DATE	NO.	REVISION

MATCH MARK
SEE SHEET 2 OF 3



STREAM IMPACT
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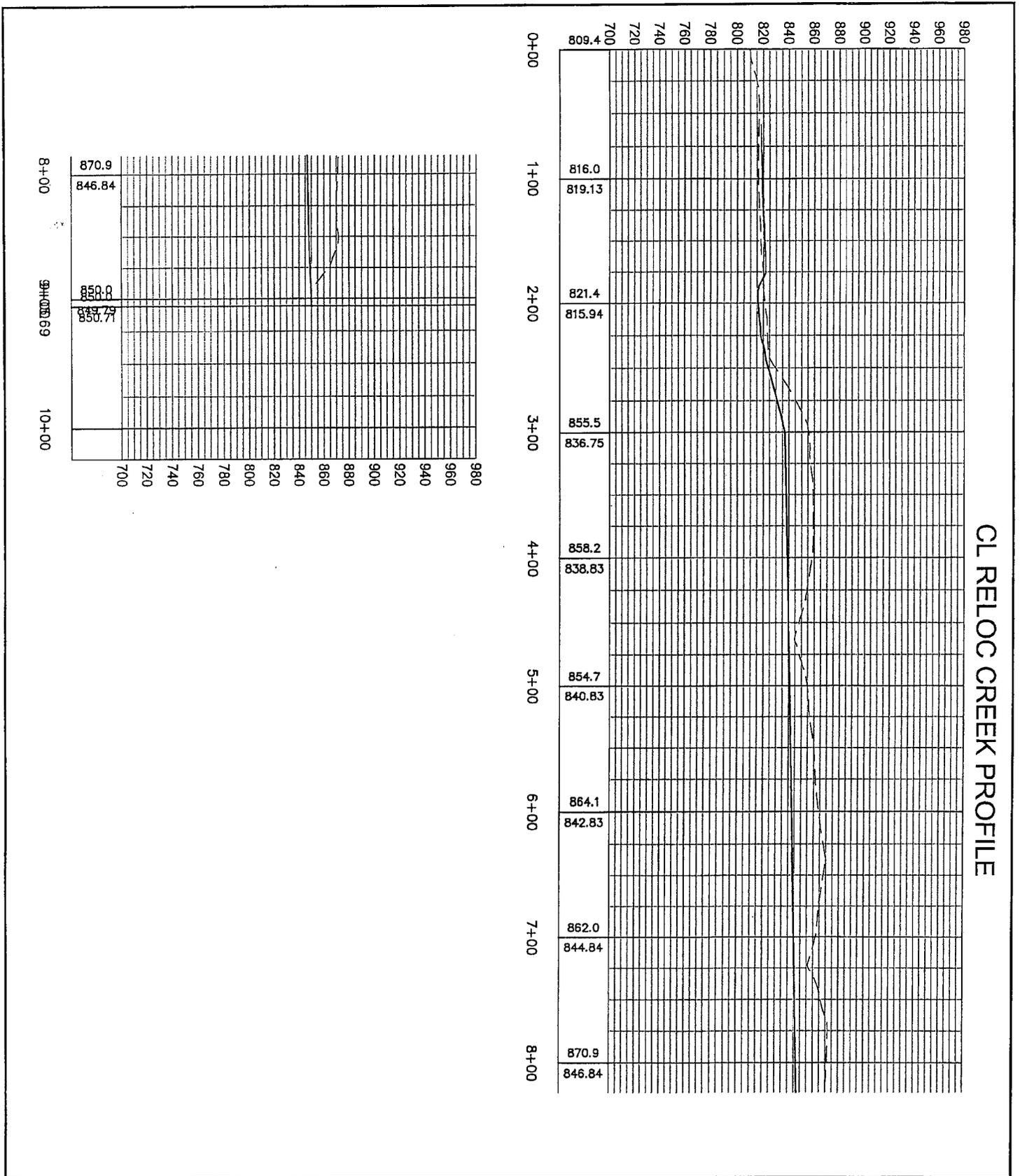
Project No.	TERRADON
Client	
Scale	1"=50'
Date	7-21-08
Drawn by	CS7348
Checked by	
Sheet No.	3

IMPACT MAPS
 CHESAPEAKE ENERGY L.L.C.
 SMOKEHOUSE FORK, LOGAN COUNTY

PRELIMINARY

TERRADON
 Engineering - Surveying - Landscape Architecture
 P.O. Box 518
 Nitro, West Virginia 25143
 (304) 755-5231 FAX 755-2656
 www.terradon.com

DATE	NO.	REVISION



CL RELOC CREEK PROFILE

4	IMPACT MAPS	PRELIMINARY	TERRADON Engineering - Surveying - Landscape Architecture P.O. Box 519 Nitro, West Virginia 25143 (304) 755-8231 FAX 755-2436 www.terradon.com	DATE	NO.	REVISION
	CHESAPEAKE ENERGY L.L.C. SMOKEHOUSE FORK, LOGAN COUNTY					