

APPLICATION NO. SWL-2010-00111

JOINT PUBLIC NOTICE
CORPS OF ENGINEERS - STATE OF ARKANSAS
(25-Day Comment Period)
(Comment Expiration Date – June 18, 2012)

TO WHOM IT MAY CONCERN: Comments are invited on the work described below. Please see the Public Involvement section for details on submitting comments.

Point of Contact. If additional information is desired, please contact the project manager, Aaron W. Howell, telephone number: (501) 324-5295, mailing address: Little Rock District Corps of Engineers, Regulatory Division, PO Box 867, Little Rock, Arkansas 72203-0867, email address: Aaron.W.Howell2@usace.army.mil.

Project Information. Pursuant to Section 404 of the Clean Water Act (33 U.S. Code 1344), notice is hereby given that

**SEECO, Inc.
PO Box 789
Conway, Arkansas 72033**

has requested after-the-fact authorization for the placement of dredged and fill material in waters of the United States associated with the construction of an approximately 5.6-acre pond having a 14.6-foot dam height for a project known as the Collums Family Trust Pond. Specifically, the Corps determined that the completed project impacted approximately 213 linear feet of perennial stream from the placement of fill for the dam, and 504 linear feet of perennial stream due to pond inundation. The proposed project is located in an unnamed tributary of Linn Creek, in the SW 1/4 of section 35, T. 10 N., R. 13 W., south of Morganton, Van Buren County, Arkansas.

The basic project purpose is to provide a source of fresh water for the natural gas hydraulic fracturing process. The overall project purpose is to construct a 5.6-acre pond in the vicinity of Morganton. The construction of the pond is a water dependent activity.

The constructed pond captures rainwater from direct precipitation and runoff from the surrounding area. The water is used during the drilling and fracturing activities of natural gas wells in the region and may be used for needs such as dust control on area roads.

The applicant proposes to provide permittee-responsible, off-site, in-kind mitigation.

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The location and general plan for the proposed work are shown on the enclosed sheets.

Water Quality Certification. By copy of this public notice, the applicant is requesting water quality certification from the Arkansas Department of Environmental Quality (ADEQ) in accordance with Section 401(a)(1) of the Clean Water Act. Upon completion of the comment period and a public hearing, if held, a determination relative to water quality certification will be made. Evidence of this water quality certification or waiver of the right to certify must be submitted prior to the issuance of a Corps of Engineers permit.

Cultural Resources. A Corps staff archeologist will review topographic maps, the National Register of Historic Places, and other data on reported sites in the area. The District Engineer invites responses to this public notice from Native American Nations or tribal governments; Federal, State, and local agencies; historical and archeological societies; and other parties likely to have knowledge of or concerns with historic properties in the area. This public notice initiates consultation under Section 106 of the National Historic Preservation Act with any Tribe that has information or concerns with historic properties in the proposed permit area.

Endangered Species. Our preliminary determination is that the proposed activity will not affect listed Endangered Species or their critical habitat. A copy of this notice is being furnished to the U.S. Fish and Wildlife Service and appropriate state agencies and constitutes a request to those agencies for information on whether any listed endangered or threatened species may be present in the area which would be affected by the proposed activity.

Flood Plain. We are providing copies of this notice to appropriate flood plain officials in accordance with 44 CFR Part 60 (Flood Plain Management Regulations Criteria for Land Management and Use) and Executive Order 11988 on Flood Plain Management.

Section 404(b)(1) Guidelines. The evaluation of activities to be authorized under this permit which involves the discharge of dredged or fill material will include application of guidelines promulgated by the Administrator, Environmental Protection Agency, under authority of Section 404(b) of the Clean Water Act. These guidelines are contained in 40 Code of Federal Regulations (CFR) 230.

Public Involvement. Any interested party is invited to submit to the above-listed POC written comments or objections relative to the proposed work on or before **June 18, 2012**. Substantive comments, both favorable and unfavorable, will be accepted and made a part of the record and will receive full consideration in determining whether this work would be in the public interest. 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

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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 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. The District Engineer will determine if the issues raised are substantial and whether a hearing is needed for making a decision.

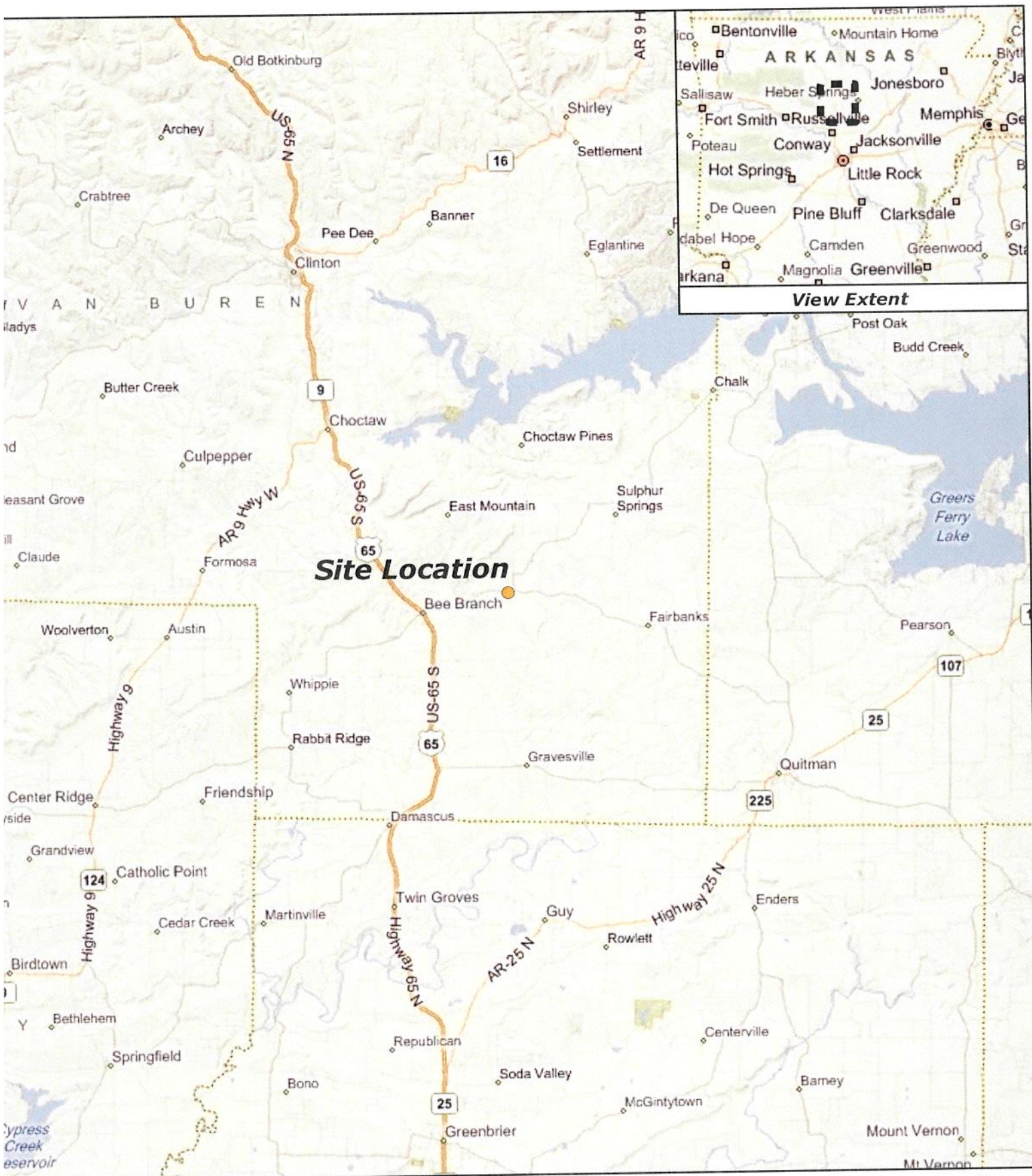
NOTE: The mailing list for this Public Notice is arranged by state and county(s) where the project is located, and also includes any addressees who have asked to receive copies of all public notices. Please discard notices that are not of interest to you. If you have no need for any of these notices, please advise us so that your name can be removed from the mailing list.

Enclosures

Approximate Coordinates of Project Center

Latitude: 35.45959384 Longitude: -92.35076690

UTM Zone: **15** North: 558910.8498 East: 3924205.8440



Collums Family Trust Pond

5
Miles

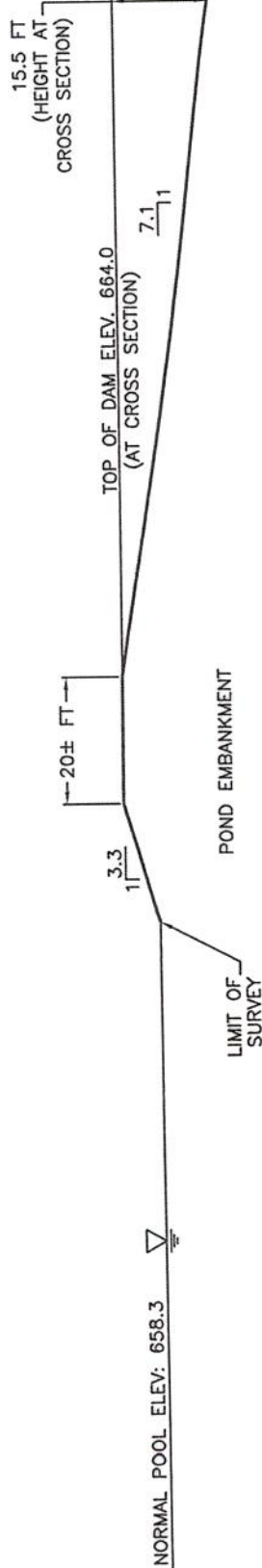
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Figure 1. Vicinity Map

● Site Location



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- NOTE:
1. EFFECTIVE HEIGHT OF DAM IS 14.6 FEET.
 2. LOW POINT ON TOP OF DAM, ELEV: 659.8
 3. TOE OF DAM ELEV: 645.2

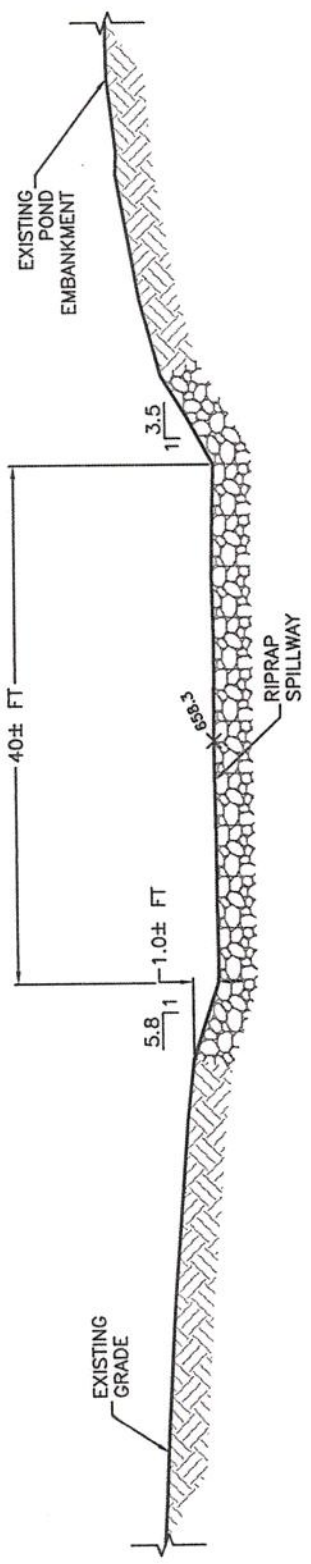
POND EMBANKMENT



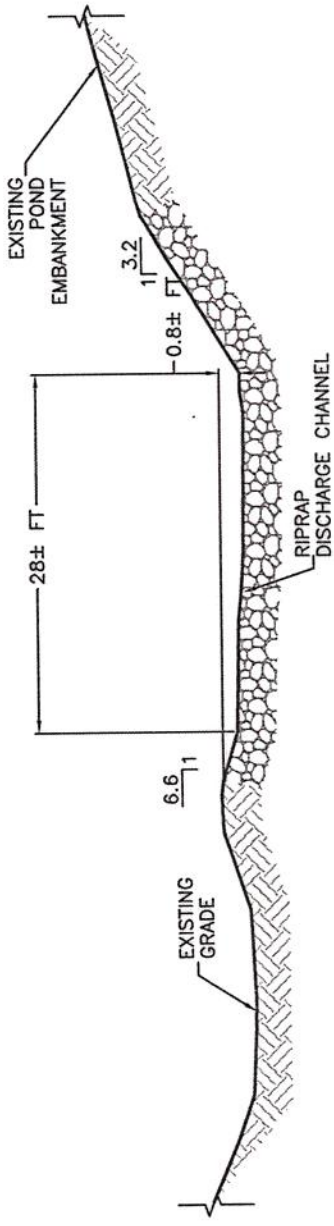
SEEEO, INC.

**COLLUMS FAMILY TRUST POND
DAM SECTION**

DRAWN BY: <i>ADD</i>	FILE NAME: <i>EXOT-COLFAM.DWG</i>	SCALE: NTS	SHEET NO. 2
APPROVED BY: <i>ADD</i>	PROJECT NO. 6493-651	DATE: 8/31/10	OF 3



RIPRAP LINED SPILLWAY



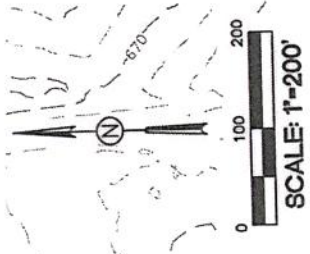
RIPRAP LINED DISCHARGE CHANNEL



SEEKO, INC.

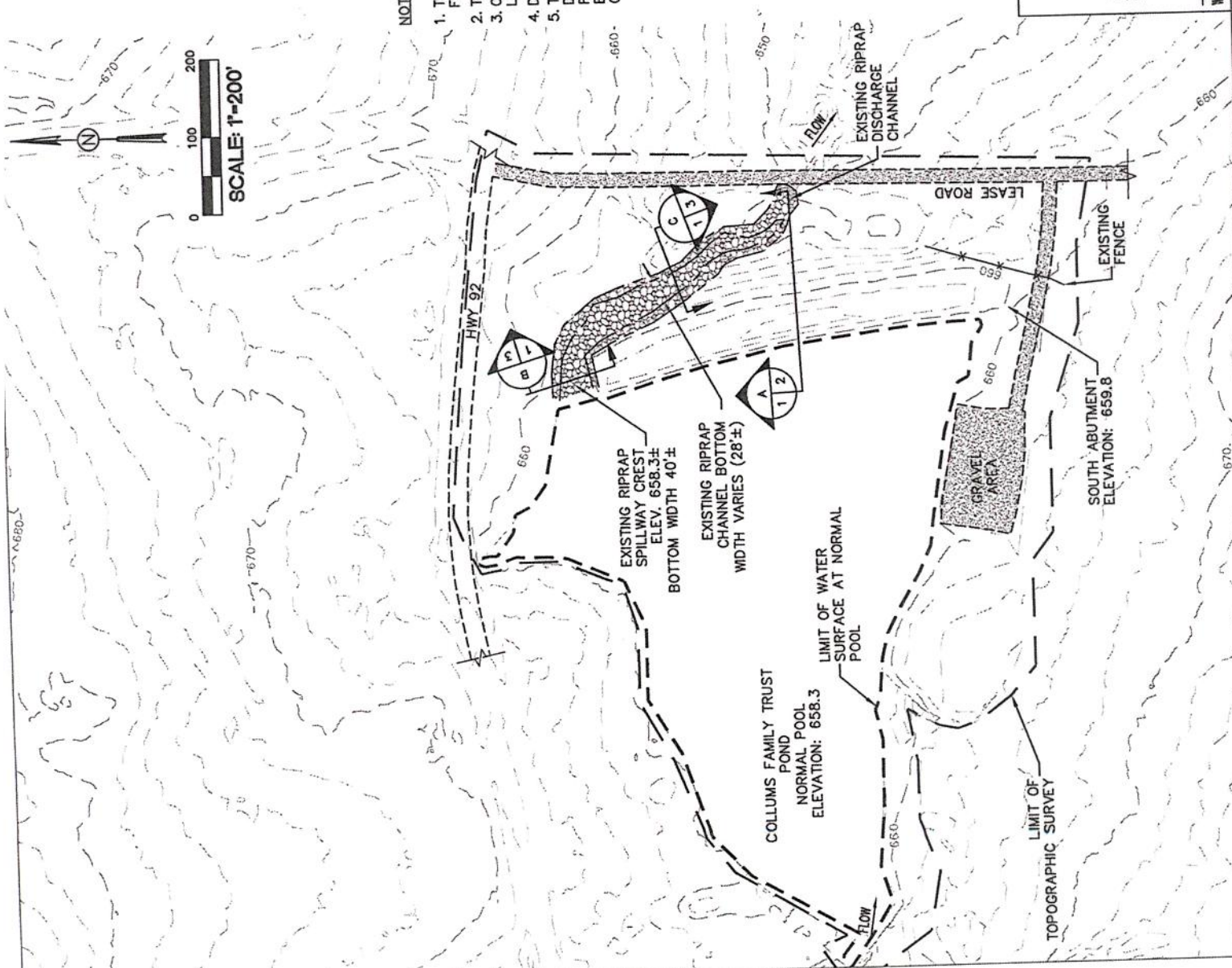
COLLUMS FAMILY TRUST POND SPILLWAY SECTIONS

DRAWN BY: 0000	FILE NAME: CX01-COLFAM.DWG	SCALE: NTS	SHEET NO. 3
APPROVED BY: 0000	PROJECT NO. 6493-651	DATE: 8/31/10	OF 3



- EXISTING INDEX CONTOURS (10')
- EXISTING INTERMEDIATE CONTOURS (2')
- DISCHARGE CHANNEL
- WATERS EDGE
- FENCE
- GRAVEL ROAD OR SURFACE
- GRIPRAP

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NOTES:

1. THIS SITE PLAN IS A REPRESENTATION OF EXISTING TOPOGRAPHICAL SITE FEATURES AS OF THE DATE OF SURVEY.
2. TOPOGRAPHIC SURVEY PROVIDED BY CRAFTON TULL SPARKS, DATED 5/25/2010.
3. CONTOURS OUTSIDE OF CRAFTON TULL SPARKS SURVEY LIMITS ARE BASED ON LIDAR DATA PROVIDED BY SEEEO, INC.
4. DAM HEIGHT = 14.6 FEET (PER CRAFTON TULL SPARKS SURVEY)
5. THE SPILLWAY HAS THE CAPACITY TO CONVEY THE 5-YEAR STORM EVENT. DURING THE 10-YEAR THROUGH THE 100-YEAR EVENTS, A PORTION OF THE FLOW IS CONVEYED AROUND THE SOUTH ABUTMENT. MAXIMUM WATER SURFACE ELEVATION DURING THE 100-YEAR EVENT IS 660.4. THE EMBANKMENT IS NOT OVERTOPPED DURING THE 100-YEAR EVENT.



SEEEO, INC.

**COLLUMS FAMILY TRUST POND
SITE PLAN**

DRAWN BY: JDD	FILE NAME: S01-COLFAM.DWG	SCALE: 1" = 200'	SHEET NO. 1
APPROVED BY: JDD	PROJECT NO. 6493-651	DATE: 11/15/10	OF 3