



US Army Corps
of Engineers
Alaska District

Public Notice of Application for Permit

Regulatory Division (1145)
CEPOA-RD
Post Office Box 6898
JBER, Alaska 99506-0898

PUBLIC NOTICE DATE: January 28, 2014

EXPIRATION DATE: February 28, 2014

REFERENCE NUMBER: POA-1981-432-M4

WATERWAY: Charlie Creek

Interested parties are hereby notified that a Department of the Army permit application has been received for work in waters of the United States as described below and shown on the enclosed project drawings.

Comments on the described work, with the reference number, should reach this office no later than the expiration date of this Public Notice to become part of the record and be considered in the decision. Please contact Janet Post at (907) 753-2831, toll free from within Alaska at (800) 478-2712, by fax at (907) 753-5567, or by email at janet.l.post@usace.army.mil if further information is desired concerning this notice.

APPLICANT: ConocoPhillips Alaska Inc. (CPAI), PO Box 100360, Anchorage, Alaska 99501; Samuel Widmer, 907.265.1450

LOCATION: The project site is located within Section 1, T. 11 N., R. 9 E., Umiat Meridian; USGS Quad Map Beechey Point B-5; Latitude 70.3420° N., Longitude 149.7302° W.; Kuparuk River Unit, approximately 30 air miles west of Prudhoe Bay, Alaska.

PURPOSE: The applicant's stated purpose is to expand the existing Kuparuk Construction Services (KCS) Pad.

PROPOSED WORK: CPAI proposes to place 80,000 cubic yards of gravel on 10 acres of jurisdictional tundra wetlands to expand the existing KCS Pad to accommodate continued development and maintenance activities by providing space for bulk chemical tanks, maintenance office buildings, drilling office building, fabrication shop office building, wells tool shop, electrical and instrumentation shop, well house assembly shop, and consolidated warehouse and office buildings. All work would be performed in accordance with the enclosed plan (sheets 1-3), dated July 11, 2013.

ADDITIONAL INFORMATION: The proposed KCS gravel pad expansion would be located in the Kuparuk River Unit which is located approximately 25 miles east of the Village of Nuiqsut. The proposed project would be a 10 acre expansion on the south side of the existing pad. The proposed KCS pad expansion is approximately 145 feet from Charlie Creek.

Construction of the KCS pad expansion is scheduled to begin in the second quarter of 2014. Most gravel would be placed in 2014 and would be allowed to season and dry in 2015. The proposed expansion project would be completed by the end of 2015.

The gravel required for the expansion of these pads would be obtained from the existing Mine Site C and Mine Site E. CPAI has existing material sales from the State of Alaska (ADL 419337) for the purchase of the fill material. Gravel would be hauled over the existing road system and no ice roads would be constructed for the haul.

APPLICANT PROPOSED MITIGATION: The applicant proposes the following mitigation measures to avoid, minimize, and compensate for impacts to waters of the United States from activities involving discharges of dredged or fill material.

a. Avoidance: “The placement of fill would accommodate continued development and maintenance activities by providing space for current and potential future shops, offices, camps, and equipment storage. Expansion at KIC would allow equipment to be staged next to shops for service and maintenance. Existing infrastructure would be used to support the Projects for access, egress, and power supply. No new drill sites, cross-country pipelines, or power lines are proposed as part of these projects. Over the past 20 years, the work load within the Kuparuk River Unit has increased by 4% to 4.5% each year and these pad expansions would increase efficiency to continue to meet this increasing demand. As a result CPAI is currently outsourcing some of the work to Deadhorse shops to keep up with the demand; there is a lack of space on this pad to support this work. Utilizing more of the Deadhorse shops increases travel time by travel an extra 1 hour ½ each way, increases the risk of having a vehicle or off road incident, and increase air emissions. Without allowing for growth, it would increase air emissions, added driving time and personnel exposure, and increase operating costs. Specifically, this new pad expansion would allow equipment to be staged adjacent to the Equipment Shops when being serviced or maintained, result in greater efficiency and lower cost, improved response time in the event of an incident, and provide for greater vehicle and pedestrian safety in this area.”

b. Minimization: “The KCS Pad expansion design focuses on minimizing impacts to waters and wetlands and limiting the gravel fill discharge in area of ponds. The proposed pad expansion is on the south side of the pad and stays within the width of the existing pad. With only expanding the pad we will not require any new drill sites, cross country pipelines or power lines as part of these projects.”

c. Compensatory Mitigation: “CPAI proposes in-lieu fees as a means of compensatory mitigation for the unavoidable impacts to waters of the U.S. resulting from this project.”

WATER QUALITY CERTIFICATION: A permit for the described work will not be issued until a certification or waiver of certification, as required under Section 401 of the Clean Water Act (Public Law 95-217), has been received from the Alaska Department of Environmental Conservation.

CULTURAL RESOURCES: The latest published version of the Alaska Heritage Resources Survey (AHRs) has been consulted for the presence or absence of historic properties, including those listed in or eligible for inclusion in the National Register of Historic Places. There are no listed or eligible properties in the vicinity of the worksite. Consultation of the AHRs constitutes the extent of cultural resource investigations by the District Commander at this time, and he is otherwise unaware of the presence of such resources. The applicant has previously sent a survey to the State Historic Preservation Officer (SHPO) and received a concurrence of No Historic Properties Affected dated 10-7-2013 (3130-3RNSB).

ENDANGERED SPECIES: The project area is within the known or historic range of the Polar Bear (*Ursus maritimus*), Steller's eider (*Polysticta stelleri*), and Spectacled eider (*Somateria fischeri*).

We have determined the described activity may affect the Polar Bear, Steller's eider, and Spectacled eider. We have initiated the appropriate consultation procedures under section 7 of the Endangered Species Act with the U.S. Fish and Wildlife Service. Any comments they may have concerning endangered or threatened wildlife or plants or their critical habitat will be considered in our final assessment of the described work.

ESSENTIAL FISH HABITAT: The Magnuson-Stevens Fishery Conservation and Management Act, as amended by the Sustainable Fisheries Act of 1996, requires all Federal agencies to consult with the NMFS on all actions, or proposed actions, permitted, funded, or undertaken by the agency, that may adversely affect Essential Fish Habitat (EFH).

TRIBAL CONSULTATION: The Alaska District fully supports tribal self-governance and government-to-government relations between Federally recognized Tribes and the Federal government. Tribes with protected rights or resources that could be significantly affected by a proposed Federal action (e.g., a permit decision) have the right to consult with the Alaska District on a government-to-government basis. Views of each Tribe regarding protected rights and resources will be accorded due consideration in this process. This Public Notice serves as notification to the Tribes within the area potentially affected by the proposed work and invites their participation in the Federal decision-making process regarding the protected Tribal right or resource. Consultation may be initiated by the affected Tribe upon written request to the District Commander during the public comment period.

PUBLIC HEARING: 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, reasons for holding a public hearing.

EVALUATION: 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. Evaluation of the probable impacts, which the proposed activity may have on the public interest, requires a careful weighing of all the factors that become relevant in each particular case. The benefits, which reasonably may be expected to accrue from the proposal, must be balanced against its reasonably foreseeable detriments. The outcome of the general balancing process would determine whether to authorize a proposal, and if so, the conditions under which it will be allowed to occur. The decision should reflect the national concern for both protection and utilization of important resources. All factors, which may be relevant to the proposal, must 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, floodplain values, land use, navigation, shore 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. For activities involving 404 discharges, a permit will be denied if the discharge that would be authorized by such permit would not comply with the Environmental Protection Agency's 404(b)(1) guidelines. Subject to the preceding sentence and any other applicable guidelines or criteria (see Sections 320.2 and 320.3), a permit will be granted unless the District Commander determines that it would be contrary to the public interest.

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.

AUTHORITY: This permit will be issued or denied under the following authority:

(X) Discharge dredged or fill material into waters of the United States – Section 404 Clean Water Act (33 U.S.C. 1344). Therefore, our public interest review will consider the guidelines set forth under Section 404(b) of the Clean Water Act (40 CFR 230).

District Commander
U.S. Army, Corps of Engineers

Enclosures

STATE OF ALASKA

DEPT. OF ENVIRONMENTAL CONSERVATION
DIVISION OF WATER
401 Certification Program
Non-Point Source Water Pollution Control Program

DEPARTMENT OF ENVIRONMENTAL CONSERVATION
WQM/401 CERTIFICATION
555 CORDOVA STREET
ANCHORAGE, ALASKA 99501-2617
PHONE: (907) 269-7564/FAX: (907) 334-2415

NOTICE OF APPLICATION FOR STATE WATER QUALITY CERTIFICATION

Any applicant for a federal license or permit to conduct an activity that might result in a discharge into navigable waters, in accordance with Section 401 of the Clean Water Act of 1977 (PL95-217), also must apply for and obtain certification from the Alaska Department of Environmental Conservation that the discharge will comply with the Clean Water Act, the Alaska Water Quality Standards, and other applicable State laws. By agreement between the U.S. Army Corps of Engineers and the Department of Environmental Conservation, application for a Department of the Army permit to discharge dredged or fill material into navigable waters under Section 404 of the Clean Water Act also may serve as application for State Water Quality Certification.

Notice is hereby given that the application for a Department of the Army Permit described in the Corps of Engineers' Public Notice No. **POA-1981-432-M4** serves as application for State Water Quality Certification from the Department of Environmental Conservation.

After reviewing the application, the Department may certify there is reasonable assurance the activity, and any discharge that might result, will comply with the Clean Water Act, the Alaska Water Quality Standards, and other applicable State laws. The Department also may deny or waive certification.

Any person desiring to comment on the project, with respect to Water Quality Certification, may submit written comments to the address above by the expiration date of the Corps of Engineer's Public Notice.