



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

<b>PUBLIC NOTICE DATE:</b>	<b>March 14, 2014</b>
<b>EXPIRATION DATE:</b>	<b>April 14, 2014</b>
<b>REFERENCE NUMBER:</b>	<b>1980-339-M4</b>
<b>WATERWAY:</b>	<b>Ugnuravik River</b>

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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; Tom Manson, 907.263.4627

**LOCATION:** The project site is located within Section 28, T. 12 N., R. 10 E., Umiat Meridian; USGS Quad Map Beechey Point B-5; Latitude 70.3578° N., Longitude 149.6009° W.; Kuparuk River Unit, approximately 40 air miles west of Prudhoe Bay, Alaska.

**PURPOSE:** The applicant's stated purpose is to place fill material to expand the existing DS-1H pad in order to support the continued development of the Kuparuk Oil Field reserves, located within the Kuparuk River Unit.

**PROPOSED WORK:** CPAI proposes to place 100,200 cubic yards of gravel fill material on 9.45 acres of jurisdictional tundra wetlands to expand the existing Drill Site 1H (DS-1H) gravel pad to accommodate the installation of 18 new wells, with space for 3 additional wells to be drilled at a later date, and the infrastructure to produce oil from the West Sak reservoir. All work would be performed in accordance with the enclosed plan (sheets 1-12), dated October 29, 2013.

**ADDITIONAL INFORMATION:** The proposed DS-1H gravel pad expansion would be located in the Kuparuk River Unit, in which is located approximately 34 miles east of the Village of Nuiqsut. The proposed project would be a 9.45 acre expansion on the north side of the existing pad. The proposed DS-1H pad expansion is approximately 700 feet from Ugnuravik River.

The scheduled project start date is the first quarter of 2015 with the completion of gravel work in the second or third quarter of 2015.

The gravel required for construction of the drill site pad will be obtained from existing Mine Site C which is located 2 miles south of the project. CPAI has an existing material sales contract with the State of Alaska (ADL 419337) for the purchase of the gravel fill. Gravel will be hauled over the existing Kuparuk road system and no dedicated ice roads will be constructed for the gravel 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: Measures to avoid wetland impacts include the construction of a new drill site pad adjacent to the existing DS-1H pad. This avoids the need to construct new roads and the associated gravel fill impacts. The existing pipeline infrastructure and power source on the DS-1H pad will be used, thus avoiding the need for additional cross country pipelines and power lines. Other existing facilities, such as telecommunications and the test separator, will be used and will avoid impacts that would be associated with such units, which typically require additional pad space and gravel fill. The existing DS-1H production heater will be used which eliminates any new air emissions that would be associated with a new heater unit.

b. Minimization: The design incorporates measures to minimize the unavoidable impacts to wetlands by limiting the gravel fill discharge using 30 foot well spacing and with the design of the slide slope along the edges of the drill site. The project will utilize much of the existing DS-1H and Kuparuk field infrastructure for site access, oil transport (pipelines), and power, thereby minimizing the gravel placement and tundra wetland impacts associated with new roads and pipelines.

The drill site shoulder slopes will be constructed to a 2:1 slope, reducing the overall size and project impacts of gravel placed in wetlands. As previously discussed, the wells will be drilled on 30ft. centers (spacing) which will minimize the pad size. This spacing reduces the project footprint without causing thaw bulbs and reduces subsidence concerns. The size of the gravel drill site pad was selected by CPAI as the minimum size necessary for safe operation through further optimization of facility design, equipment layouts, and where possible, sharing the existing DS-1H infrastructure and facilities. The gravel pad will have a minimum thickness of 5 feet to maintain the integrity of the underlying permafrost.

Existing overhead power lines that are abandoned will be removed as part of the project and which will minimize the potential of bird collisions with power lines in the project area.

c. Compensatory mitigation: ConocoPhillips Alaska, Inc. 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. This application is being coordinated with the State Historic Preservation Office (SHPO). Any comments SHPO may have concerning presently unknown archeological or historic data that may be lost or destroyed by work under the requested permit will be considered in our final assessment of the described work.

**ENDANGERED SPECIES:** The project area is within the known or historic range of the polar bear (*Ursus maritimus*), Spectacled Eiders (*Somateria fischeri*), and Steller's Eiders (*Polystica stelleri*). Polar bears could be adversely affected by the proposed project, but these affects are covered under current authorizations. Spectacled Eiders may, but are not likely to be affected by the project and Steller's Eiders are unlikely to occur near the project.

We will initiate 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).

No EFH species are known to use the project area.

We have determined the described activity would not adversely affect EFH in the project area.

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).

(X) Transport dredged material for the purpose of dumping it into ocean waters - Section 103 Marine Protection, Research, and Sanctuaries Act of 1972 (33 U.S.C. 1413). Therefore, our public interest review will consider the criteria established under authority of Section 102(a) of the Marine Protection, Research and Sanctuaries Act of 1972, as amended (40 CFR Parts 220 to 229), as appropriate.

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-1980-339-M4, Ugnuravik River** 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.