



US Army Corps
of Engineers
Alaska District

Public Notice of Application for Permit

Regulatory Division (1145)
CEPOA-RD
44669 Sterling Hwy, Suite B
Soldotna, Alaska 99669-7915

PUBLIC NOTICE DATE:	April 9, 2015
EXPIRATION DATE:	April 23, 2015
REFERENCE NUMBER:	POA-1966-51-M2
WATERWAY:	Kustatan River

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 Katherine A. McCafferty at (907) 753-2692, or by email at Katherine.A.McCafferty2@usace.army.mil if further information is desired concerning this notice.

APPLICANT: Cook Inlet Pipe Line Company (CIPL), Pete LaPella, 3800 Centerpoint Drive, Suite 1400, Anchorage, Alaska 99503; Phone (907)777-8331; Fax (907)777-8530

LOCATION: The project site is located within Section 3, T. 8 N., R. 15 W., Seward Meridian; USGS Quad Map Kenai D-6; Latitude 60.80583° N., Longitude 151.90481° W.; 3 miles west of the Trading Bay Production Facility, accessible via public access road ADL 40360; Kenai Peninsula Borough parcel numbers 221-030-01, 211-250-06, 211-250-05, and 211-250-41; 27 miles northwest of Kenai, Alaska.

SPECIAL AREA DESIGNATION: The temporary gravel pad site is located within the Redoubt Bay Critical Habitat Area, which is managed by the Alaska Department of Fish and Game (ADF&G).

PURPOSE: CIPL's stated purpose is to replace a section of a buried 20-inch crude pipeline using horizontal directional drilling (HDD) methods.

PROPOSED WORK: CIPL, owned by Harvest Alaska, LLC (Harvest) proposes to modify permit number POA-1966-51-M1 to allow for 6 additional months to complete removal and reclamation of a 1.2 acre temporary fill pad.

CIPL, owned by Harvest Alaska, LLC (Harvest) discharged up to 8,000 cubic yards (cy) of clean gravel into 1.2 acres of jurisdictional wetlands for the purpose of constructing a 1.2 acre temporary gravel pad which supported a work area for the HDD rig and all associated equipment.

The gravel pad was constructed of geotextile material and gravel, on top of the existing vegetation. Construction of the pad was completed. Reclamation of the gravel pad site was scheduled for March 2015. The applicant proposes to complete reclamation by the end of September 2015.

Due to warm temperatures, the access road to the pad has become unstable and would not support the equipment needed to remove the pad. The applicant has requested an additional six months to complete removal and reclamation of the gravel pad. The applicant expects that the road would dry out sufficiently by June or July.

The gravel and geotextile material would be removed. The 8,000 cy of pit run gravel (to construct the temporary gravel pad) would be returned to an existing material site, located in uplands on land owned by Hilcorp, Alaska, LLC (a subsidiary of Harvest). The site is not expected to return to pre-construction elevations. The substrate may be compressed at much as 1 foot.

All work would be performed in accordance with the enclosed plan (sheets 1, 2, and 7), dated September 24, 2014, and (sheet 3), dated September 26, 2014 and the "Rehabilitation Plan for CIPL Pipeline Maintenance Temporary Gravel Pad, Cook Inlet Pipeline Company, CIPL Routine Maintenance, West Cook Inlet, Alaska, October 2, 2014." (sheets 1-6).

ADDITIONAL INFORMATION: All work areas would be accessed via an existing public access road (ADL 40360) and an existing gravel spur road from ADL 40360 to the pipeline.

CIPL operates a U.S. Department of Transportation-regulated 20-inch crude oil onshore pipeline between the Granite Point Tank Facility and the CIPL Drift River Terminal Facility, located within the Kenai Peninsula Borough, on the west side of Cook Inlet.

Department of the Army authorization of the 42-mile pipeline was issued on September 2, 1966 under file number POA-1966-51. Discharges into waters of the U.S. resulting from maintenance activities have been authorized on eight different occasions, by Nationwide Permit, for portions of the pipeline. Permit number POA-1966-51-M1 authorized the discharge up to 8,000 cubic yards (cy) of clean gravel into 1.2 acres of jurisdictional wetlands for the purpose of constructing a 1.2 acre temporary gravel pad which supported a work area for a HDD (horizontal directional drill) rig and all associated equipment.

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 applicant has proposed no avoidance measures.
- b. Minimization: The applicant reduced the time extension request from 1 year to 6 months. All elements of the Site Rehabilitation Plan for the temporary gravel pad site and southern tie-in excavation area would be implemented.
- c. Compensatory Mitigation: CIPL does not propose any compensatory mitigation because the project would not result in a conversion of wetlands to uplands. The temporary gravel pad would be removed.

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. After consultation on the activities described in permit number POA-1966-51-M1, the State Historic Preservation Office (SHPO) concurred with our determination of “no historic properties affected” in a letter dated November 4, 2014. We do not propose to reopen consultation for this proposed modification.

ENDANGERED SPECIES: No threatened or endangered species are known to use the project area. We have determined the described activity would have no effect on any listed or proposed threatened or endangered species, and would have no effect on any designated or proposed critical habitat, under the Endangered Species Act of 1973 (87 Stat. 844). Therefore, no consultation with the U.S. Fish and Wildlife Service or the National Marine Fisheries Service is required. However, 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. No streams or lakes that contain EFH are present at the project site; there are no water bodies that support salmonids in the project components 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:

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-1966-51-M2, Kustatan 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.