



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:	December 6, 2017
EXPIRATION DATE:	January 5, 2018
REFERENCE NUMBER:	POA-2017-427
WATERWAY:	Sagavanirktok 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.

All comments regarding this Public Notice (PN) should be sent to the address noted above. If you desire to submit your comments by email, you should send it to the Project Manager's email as listed below or to regpagemaster@usace.army.mil. All comments should include the Public Notice reference number listed above.

All comments should reach this office no later than the expiration date of this PN to become part of the record and be considered in the decision. Please contact Mary Romero at (907) 753-2773, toll free from within Alaska at (800) 478-2712, by fax at (907) 753-5567, or by email at mary.r.romero@usace.army.mil if further information is desired concerning this notice.

APPLICANT: Mr. Gordon Brower, Post Office Box 69, Utqiagvik, Alaska 99723; phone, (907) 852-0320; Gordon.Brower@north-slope.org

AGENT: Ms. Emily McDonald, UMIAQ Environmental, 6700 Arctic Spur Road, Anchorage, Alaska 99518; (907) 677-8288, Emily.McDonald@UICUmiaq.com

LOCATION: The project site is located within Sections 31 & 36, T. 10 N., R. 14 & 15 E., Umiat Meridian; USGS Quad Map Beechey Point A-3; Latitude 70.18305° N., Longitude 148.44805° W.; near Prudhoe Bay, Alaska.

PURPOSE: The applicant’s stated purpose is to develop a regional material site providing gravel for industry need while reducing the number of material sources opening and closing to meet individual project needs.

PROPOSED WORK: The applicant is proposing the development of a new gravel mine site (to be called Mine Site 3) within the Prudhoe Bay area, the current proposal would impact a total of 54.44 acres of Palustrine emergent wetlands, although future plans may be proposed to expand the mine and could increase impacts up to a total of 299.7 acres of wetlands.

This proposal, to impact 54.44 acres of wetlands, would be completed in two phases:

Phase I would include the construction of a 1080’ long x 75’ wide (1.85 acres) access road; a 418.2’ long x 218.2’ wide (2.1 acres) operations pad which would be utilized to stockpile gravel, house the operations office, an explosives connex storage area, and equipment storage; and the mechanized land clearing of a mostly rectangular shaped area, a portion would be 782’ long x 600’ wide and directly abut an almost triangular shaped section approximately 566’ long x 400’ wide x 400’ wide (12.74 acres). Two temporary overburden stockpile areas would be created, one on the north side would be 1200’ long x 208’ wide and the one south of the mining area would be 843’ long x 208’ wide, for a temporary impact to 9.76 acres of wetlands. Permanent impacts for Phase I would be to 16.69 acres.

Phase II will be accessed by travelling through the Phase I extraction area. Phase II wetland impacts would occur from the mechanical clearing of an area 1200’ long x 600’ wide (16.53 acres). Two temporary overburden stockpile areas would be created, one would be on the north side and one on the south side, each would be 1200’ long x 208’ wide, for a temporary impact to 11.46 acres. The overburden stockpiles would be used in the reclamation of each phase of the pit upon closure. Permanent impacts for Phase II would be to 16.53 acres.

The phases will be multi-year mining efforts. It is anticipated that extraction will vary from year to year, depending on demand. The table below provides project footprint broken down by component:

Project Component	Acreage
Access Road	1.85
Operations Pad	2.10
Phase 1 Excavation	12.74
Phase 1 North Overburden Stockpile	5.73
Phase 1 South Overburden Stockpile	4.03
Phase 2 Excavation	16.53
Phase 2 North Overburden Stockpile	5.73
Phase 2 South Overburden Stockpile	5.73
Future Mining Area	245.26
TOTAL	299.7

All work would be performed in accordance with the enclosed plan (sheets 1-6), dated November 21, 2017.

ADDITIONAL INFORMATION:

The general schedule of operations from start to closure consists of material extraction operations in multiple phases. The phasing windows may be modified somewhat depending on the market and material demand in the area. The estimated life of Phase I and II is 3.5 years each, should mining occur to a depth of 48'. Final reclamation of Phase I is expected to occur upon completion of Phase II, approximately seven years after the opening of Phase I.

Blasting is anticipated to occur in winter months, and will be coordinated with activities at the Deadhorse Airport. Blasting window requirements would be adhered to.

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: By opening Mine Site 3 as an alternative to project-specific gravel sources, the North Slope Borough (NSB) will avoid the impact of additional sites being opened along the Dalton Highway, as well as new sites in Prudhoe Bay. Industrial development within the NSB requires approval from the NSB Planning Department. The NSB Planning Department is able to deny permits to build project-specific gravel sources or expand existing sources in accordance with their municipal code. Utilizing a regional gravel source is best for the environment and cheaper for industry than developing or expanding a gravel mine. To the extent possible, NSB will commit to denying permits for project-specific gravel mines in the Prudhoe Bay Region and work with industry to ensure gravel is obtained at a fair price from a regional gravel source.

b. Minimization: Measures to minimize the impact to wetlands and the overall footprint of the project were taken during the design stage. The proposed gravel operations pad will be dual-purpose: to provide room for equipment storage and stockpiling, and to provide access to the Phase 1 mining area. This removes the need for an additional access road to the mining area. Access to the Phase 2 mining area will utilize the bottom of the mined Phase 1 area in order to avoid additional impact. The operations pad is the smallest required size for the needs of the operator at Mine Site 3. Material will be partially stockpiled in the bottom of the mined areas to minimize the amount of space needed on the operations pad. In addition, the pad location was chosen in an area known to have good gravel, so after removing overburden a minimal amount of additional gravel will have to be placed to provide surface coursing. There is a Department of Transportation (DOT) gravel pit directly south of Mine Site 3, and the NSB understands the potential of minimizing impact by sharing services. NSB intends to work with DOT to share facilities and services when possible, such as utilizing the same dewatering site, monitoring reclamation processes or water recharge, if required. Mine Site 3 may also provide a basin for flood control of the Sag River in high flooding events.

After reclamation of the developed mine site, gravel pits will gradually fill with water. These water reservoirs can be used by industry to construct ice roads, to supplement drilling activities, and for dust control and watering measures to minimize impacts to natural, fish bearing lakes. The NSB will offer water collected in the mining area to industrial entities to water area roads for dust control. Final reclamation may include beneficial reuse of the developed mining site, such as a future monofill. A landfill at this site is not considered due to the proximity of the Deadhorse Airport. An important goal of the NSB in opening Mine Site 3 is to minimize overall impact to lands and waters created by the opening of multiple small, project-specific gravel sources with all the additional infrastructure and multiple access roads needed for those sites. The Mine Site 3 proximity to Prudhoe Bay oil and gas activities and the Dalton Highway will result in shorter haul routes, reducing emissions from trucks and dust pollution, as well as potential for wildlife interactions and tundra damage from off road events.

c. Compensatory Mitigation: Gravel is required for development, and it has been a long-term goal of the NSB to reduce the amount of land which is used for gravel mining across the North Slope. Mine Site 3 is primarily within the Lower Sag River/Frontal Beaufort Sea watershed, which is primarily tundra wetlands and has few opportunities for compensatory mitigation projects. NSB proposes to undertake a compensatory mitigation project(s) in a nearby community aimed at enhancing and/or restoring wetlands and wildlife habitat. Projects in nearby communities have a broad impact due to their visibility to community members and can teach about the importance of conservation. Although nearby communities are in separate watersheds, the wetland types, wildlife uses, and climate is similar among North Slope communities. Compensatory mitigation project ideas include subsistence trail marking or hardening, improvement of community roads to important public facilities, industrial and recreational impact reduction along the Dalton Highway, and dust abatement projects. Upon further research and coordination with USACE, NSB will propose a mitigation project or group of projects to compensate for the unavoidable impact to wetlands by this development.

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 cultural resources in the permit area or within the vicinity of the permit area. The permit area has been determined to be the complete project area. Consultation of the AHRs constitutes the extent of cultural resource investigations by the Corps at this time, and we are otherwise unaware of the presence of such resources. The Corps has made a No Historic Properties Affected (No Effect) determination for the proposed project. 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. The Corps is requesting the SHPO's concurrence with this determination.

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 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).

No EFH species are known to use 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 PN 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 (Corps) 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 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).

Project drawings and a Notice of Application for State Water Quality Certification are enclosed with this Public Notice.

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

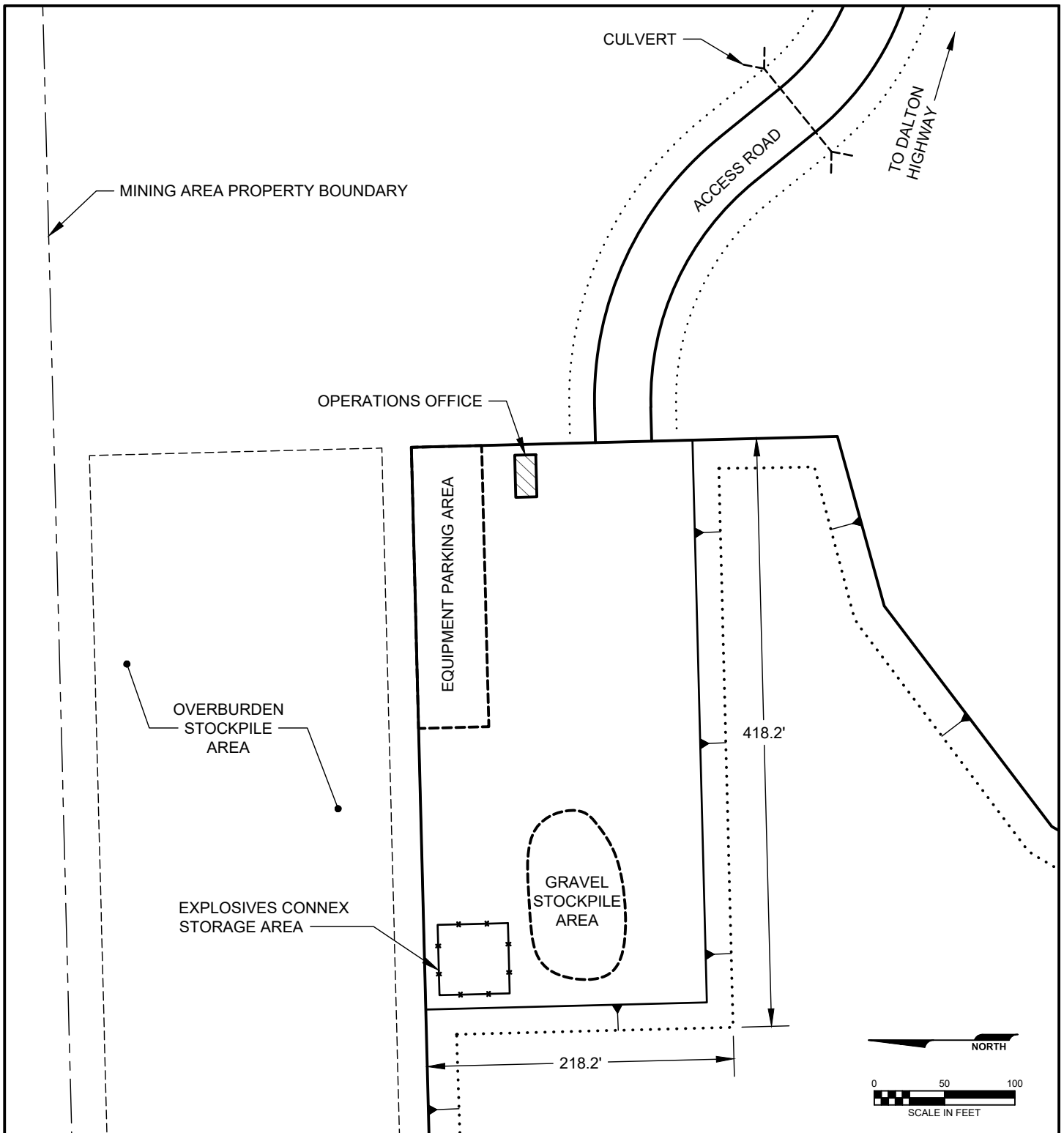
Any applicant for a federal license or permit to conduct an activity that might result in a discharge into navigable waters, in accordance with Section 401 of the Clean Water Act of 1977 (PL95-217), also must apply for and obtain certification from the Alaska Department of Environmental Conservation 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-2017-427, Sagavanirktok 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.

FILE: M:\Design\Engineering\PROJECTS\70261.17 - Tech & Permitting Svcs - MS F and MS 3\DESIGN\Drawings\CIVIL\Mine Site 3\70261_3 COE Figs 2-6.dwg
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PURPOSE:
 GRAVEL MINING OPERATIONS

OPERATIONS PAD LAYOUT

**NORTH SLOPE BOROUGH
 MINE SITE 3**

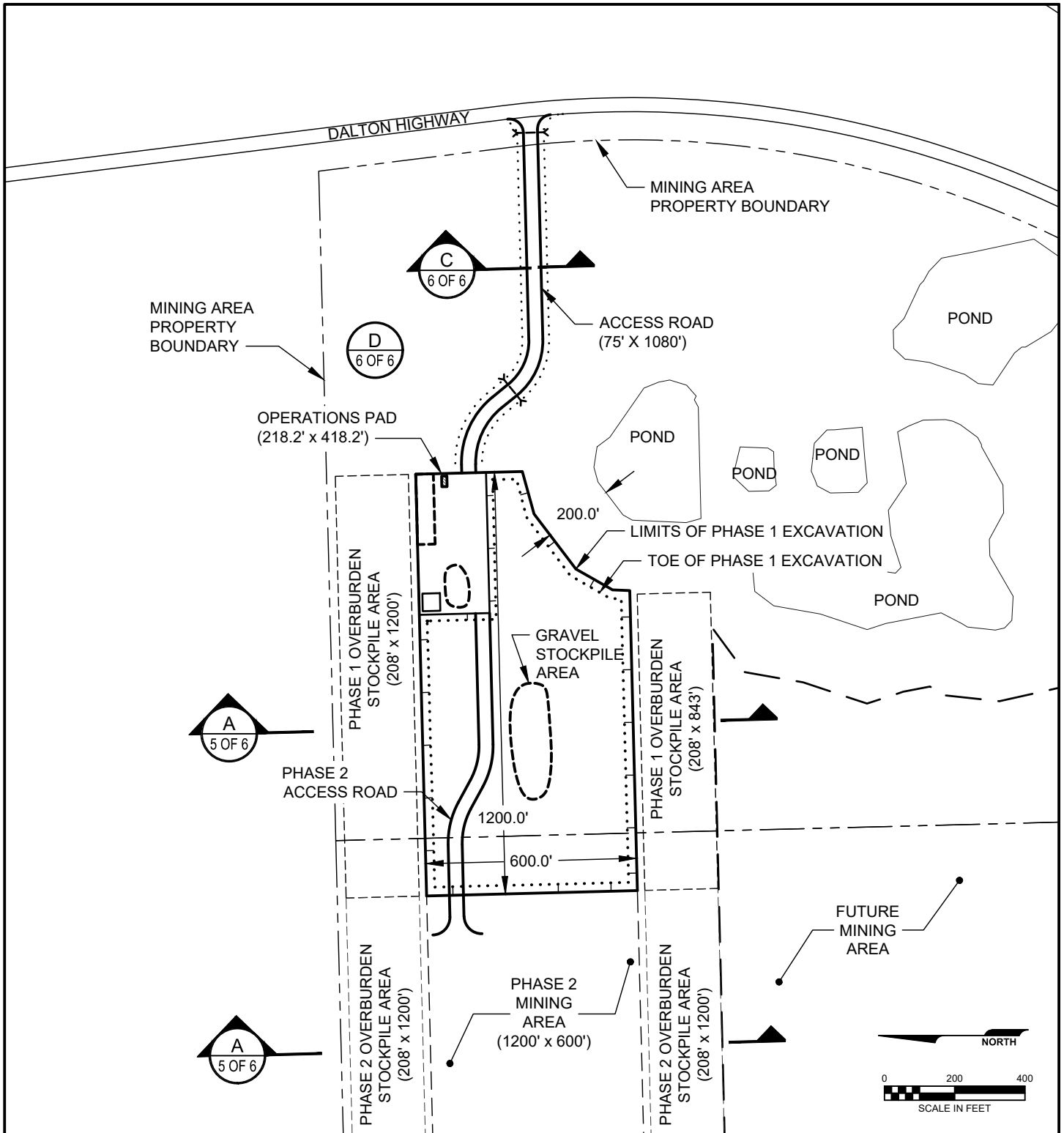
APPLICANT/AGENT:
 NORTH SLOPE BOROUGH

ADJACENT PROPERTY OWNERS:
 STATE OF ALASKA

AGENT:
 UMIAQ ENVIRONMENTAL
 6700 ARCTIC SPUR ROAD
 ANCHORAGE, ALASKA 99516

**POA-2017-427, Sagavanirktok River
 North Slope Borough
 Drawings dated December 1, 2017
 Sheet 2 of 6**

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PURPOSE:
 GRAVEL MINING OPERATIONS

ADJACENT PROPERTY OWNERS:
 STATE OF ALASKA

PHASE 1 MINING PLAN

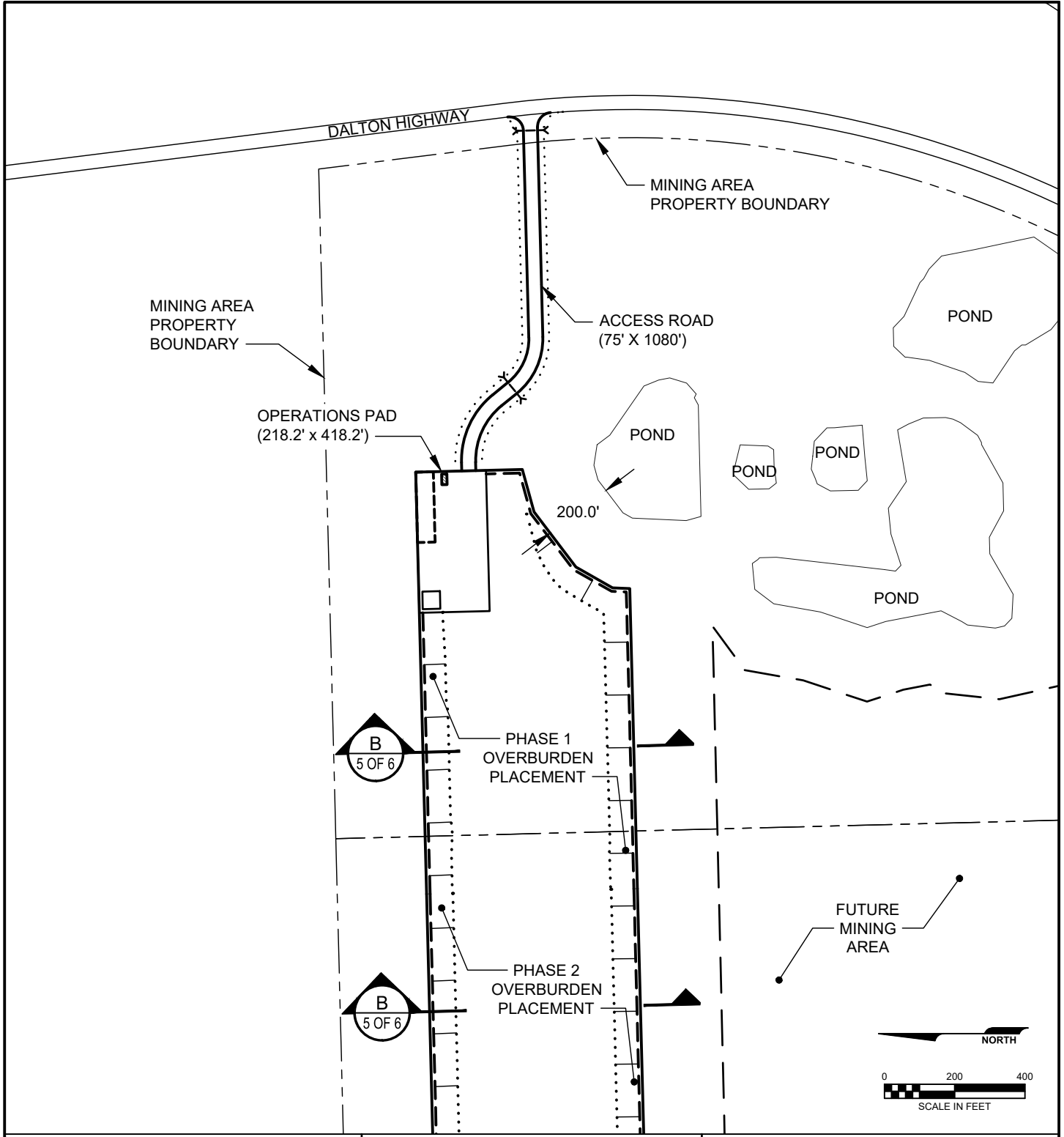
APPLICANT/AGENT:
 NORTH SLOPE BOROUGH

AGENT:
 UMIQA ENVIRONMENTAL
 6700 ARCTIC SPUR ROAD
 ANCHORAGE, ALASKA 99516

**NORTH SLOPE BOROUGH
 MINE SITE 3**

**POA-2017-427, Sagavanirktok River
 North Slope Borough
 Drawings dated December 1, 2017
 Sheet 3 of 6**

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PURPOSE:
GRAVEL MINING OPERATIONS

ADJACENT PROPERTY OWNERS:
STATE OF ALASKA

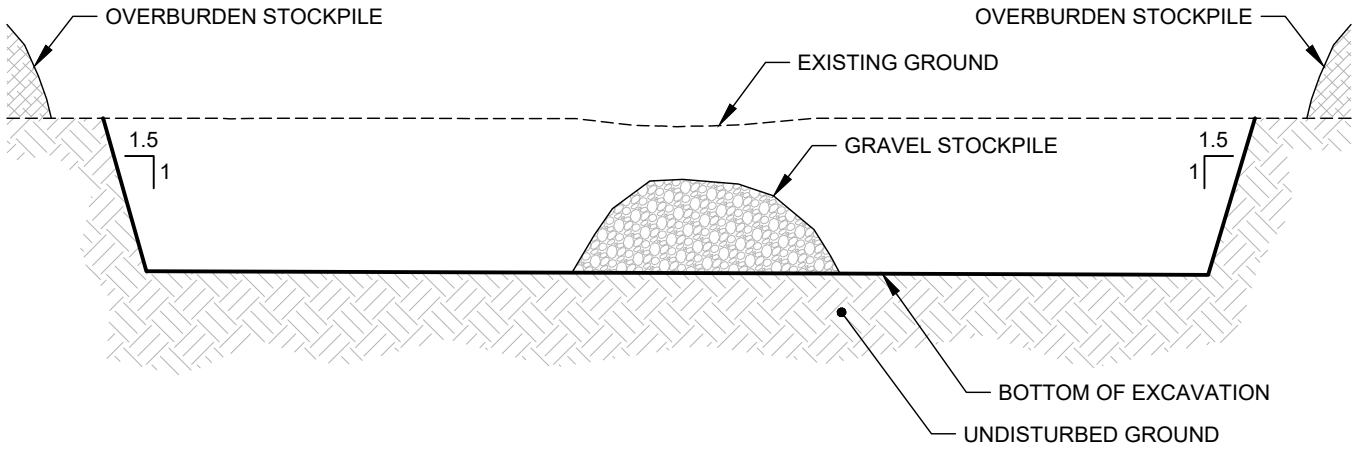
RECLAMATION PLAN

APPLICANT/AGENT:
NORTH SLOPE BOROUGH

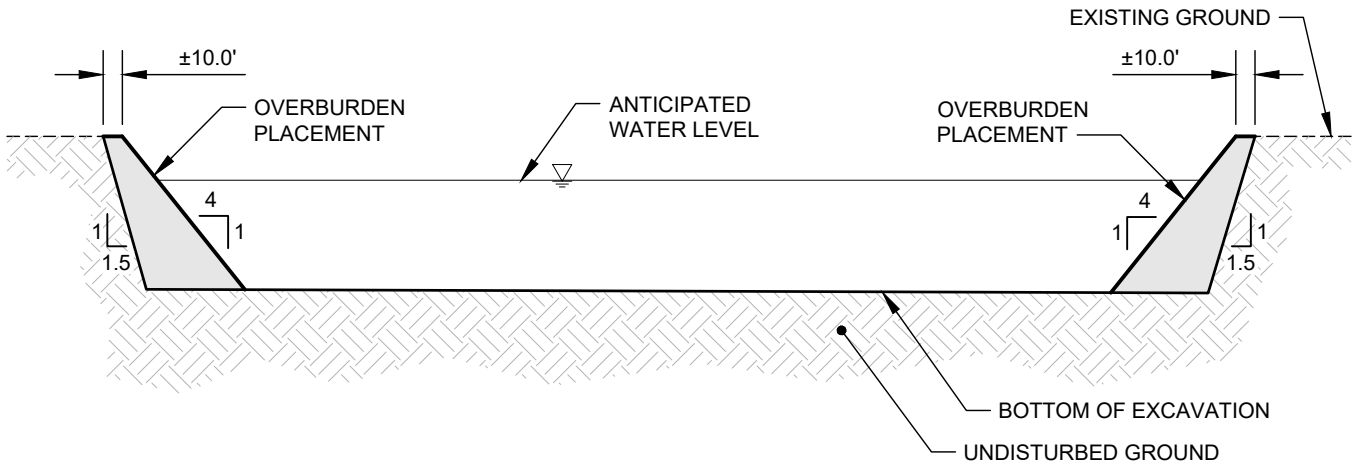
AGENT:
UMIAQ ENVIRONMENTAL
6700 ARCTIC SPUR ROAD
ANCHORAGE, ALASKA 99516

**NORTH SLOPE BOROUGH
MINE SITE 3**

**POA-2017-427, Sagavanirktok River
North Slope Borough
Drawings dated December 1, 2017
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A PHASES 1 & 2 MINING SECTION
 5 OF 6 SCALE: NONE



B RECLAMATION SECTION
 5 OF 6 SCALE: NONE

PURPOSE:
 GRAVEL MINING OPERATIONS

ADJACENT PROPERTY OWNERS:
 STATE OF ALASKA

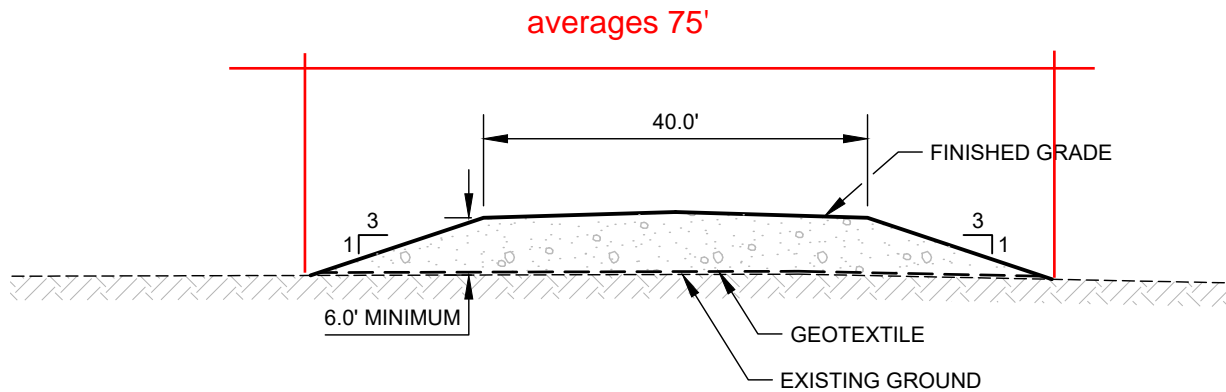
TYPICAL SECTIONS

APPLICANT/AGENT:
 NORTH SLOPE BOROUGH

AGENT:
 UMIAQ ENVIRONMENTAL
 6700 ARCTIC SPUR ROAD
 ANCHORAGE, ALASKA 99516

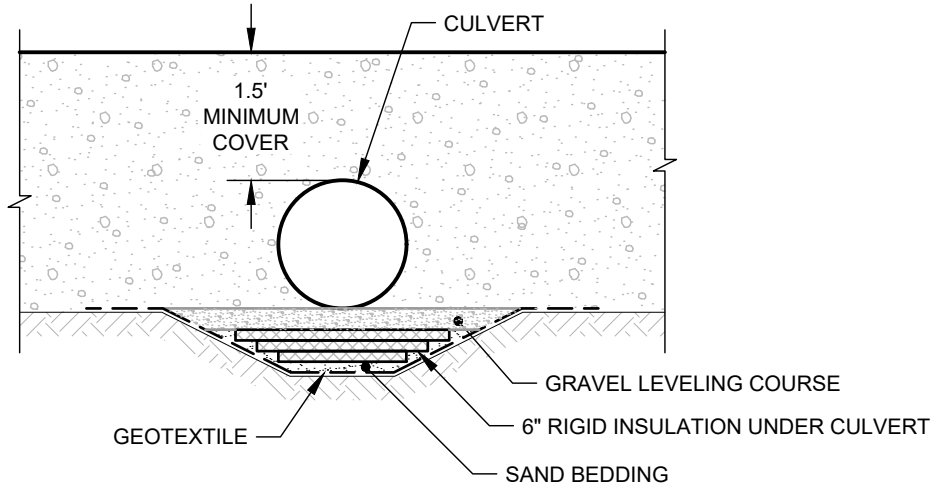
**NORTH SLOPE BOROUGH
 MINE SITE 3**

**POA-2017-427, Sagavanirktok River
 North Slope Borough
 Drawings dated December 1, 2017
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C OPERATIONS PAD ACCESS ROAD SECTION

6 OF 6 SCALE: NONE



D CULVERT SECTION

6 OF 6 SCALE: NONE

PURPOSE:
GRAVEL MINING OPERATIONS

TYPICAL ROAD SECTIONS

**NORTH SLOPE BOROUGH
MINE SITE 3**

ADJACENT PROPERTY OWNERS:
STATE OF ALASKA

APPLICANT/AGENT:
NORTH SLOPE BOROUGH

AGENT:
UMIAQ ENVIRONMENTAL
6700 ARCTIC SPUR ROAD
ANCHORAGE, ALASKA 99516

**POA-2017-427, Sagavanirktok River
North Slope Borough
Drawings dated December 1, 2017
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