



US Army Corps
of Engineers
Alaska District

Public Notice of Application for Permit

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

PUBLIC NOTICE DATE:	3 May 2017
EXPIRATION DATE:	3 June 2017
REFERENCE NUMBER:	1996-869-M11
WATERWAY:	Colville 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 Leslie W. Tose at (907) 753-5515, toll free from within Alaska at (800) 478-2712, by fax at (907) 753-5567, or by email at leslie.w.tose@usace.army.mil if further information is desired concerning this notice.

APPLICANT: Arctic Slope Regional Corporation, 3900 C Street, Suite 1000, Anchorage, AK 99503

AGENT: Tom Mortensen Associates LLC; Post Office Box 113192, Anchorage, Alaska 99511 -3192 Phone: 907-229-7400 Email: tom@mortensen.com

LOCATION: The project site is located within Sections 10, 11, 14, 15, and 23, T. 10 N., R. 5 E., Umiat Meridian; Latitude 70.22551° N., Longitude 150.79165° W.; North Slope Borough, near Nuiqsut, Alaska

PURPOSE: The applicant's stated purpose is to provide sand and gravel material for ongoing and future oilfield development and North Slope Borough and local needs in the Colville River Delta area.

PROPOSED WORK: Applicant proposes to conduct blast and mine up to 15 million cubic yards of sand and gravel material, and discharge up to 9.7 million cubic yards of organic overburden into 430 acres of waters of the U.S. located within the Phase 3 area of the Arctic Slope Regional Corporation (ASRC) Colville River Consolidated Use Gravel Material Site, over a ten year period, to conduct gravel mining and reclamation. The work would occur in approximately 30 acre phases, one cell at a time, with mining, reclamation and closure completed before moving on to the next cell. A typical mining plan for a recent 44 acre cell producing 2.5 million cubic yards (cy) of organic material and gravel would involve:

- Up to 1 million cy of organic overburden removed to a depth of approximately 20 feet, and stockpiled for one winter season on an adjacent ice pad, for use in restoration of aquatic resources. Once mining is complete, the organic overburden will be discharged back into the gravel pit, to construct 9.4 acres of shallow littoral islands.
- Up to 1.5 million cy of gravel removed to a depth of approximately 60 feet, and transported offsite for processing and use on other Corps permits.
- Additional organic material, generated offsite from other infrastructure activities in the area, may be discharged into the gravel pit to augment the islands.
- For each cell, approximately 1000 cy of organic overburden will be removed from wetlands adjacent to the gravel pit, then discharged into .25 acre of wetlands to construct uplands.

The actual size, configuration and timing of mining for each future mining cell, would depend on actual need for gravel and determined after additional geotechnical analysis has provides an accurate determination of the extent, volume and quality of gravel present.

Details on the proposed modification and restoration activities are included on the enclosed plans (sheets 1-7), dated January, 2017.

ADDITIONAL INFORMATION

Table of Impacts, Yields, and Project Need Over Time for the ASRC Gravel Site					
Phase	Year Developed	Size (Acres)	Mine Area (Acres)	Gravel Material (Cubic Yards)	Project Need
Phase 1	1998-1999	67	30	1.03 Million	Alpine CD1, CD2 North Slope Borough
Phase 2	2005-2015	83	5	1.65 Million	Alpine CD3, CD4, CD5 North Slope Borough Kukpik Corp.
Phase 3	2017	44	44	1.5 Million	GMT-1 Native Village of Nuiqsut
Phase 3	2018 and forward	386	300+ (projected)	15 Million (projected)	GMT2, Nanushuk, North Slope Borough and other projects
Total		580			

Other required authorizations:

- ADEC Section 401 Certification, POA-1996-869. Original issued on August 15, 2012, and reissued on November 3, 2016.
- North Slope Borough Permit 13-329, for POA-1996-869. Issued on Feb. 22, 2013.

Additional Information available on request:

- "Functional Assessment and Wildlife Habitat Evaluation, April 2013", Alaska Biological Research, 2013.
- "Alaska District: Credit Debit Methodology, Version 1.0", Special Public Notice POA-2016-187, dated September 21, 2016.

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.

Avoidance:

- Prior to mining, additional exploratory drilling will be done to fine tune the extent, volume and quality of gravel reserves. Only areas with proven economic reserve would be mined.
- The applicant has established a 500 foot minimum buffer between the project area and the Colville River, to reduce the likelihood that future gravel pits would be breached by the river.

- The Tokfat Exploratory Well has a safety buffer with a 250' radius, which may not be mined, but may be used as an area for enhancements. The area contained within the buffer area, totaling 4.5 acres, is wetlands and may count towards avoidance.
- To avoid impacts to nesting birds, the applicant would not blast during pre-nesting and nesting seasons (20 May through 1 August).

Minimization:

- The applicant proposes to develop and complete mining and reclamation on one cell at a time, and to open up new pits on an as needed basis.
- The permit will expire every five years and be subject to updated review at that time.
- To minimize impact to wetlands from heavy equipment, the applicant would conduct gravel mining activities during winter. No mining shall occur after spring break up.
- To minimize impact to wetlands from stockpiled materials, organic overburden shall be stockpiled over the winter on an adjacent ice pad, with final enhancement activities occurring in winter before spring break-up.
- As long as the Phase 3 site is being actively mined, corrective measures may be required on previously completed cells to ensure that Performance Standards are satisfied.

c. Compensatory Mitigation: The applicant has avoided and minimized to the extent practicable. For the unavoidable impacts to aquatic resources, the applicant proposes on site, out-of-kind, permittee responsible mitigation (PRM). The PRM plan proposes enhancement of aquatic resources that will be converted from one type of wetland to another type of wetland as a result of mining activities. The enhancements for each gravel mining cell will be preserved under a deed restriction. The deed restriction will consist of a written notice describing the limitations on the property, and the legal land description of the enhancements. The written notice will describe the restriction on future gravel mining, including other subsurface resource access activities that may adversely affect the aquatic resources within the enhancement mitigation areas of constructed waterfowl islands, shallow littoral areas and wetland-upland complexes. The written notice will be recorded by the permittee (ASRC) in the Alaska Department of Natural Resources Recorder's Office, Barrow Recording District. The locations of the mitigation features in the recorded notice will be based on the post-mining as-built survey of the mining cell, as described in the Performance Standards section of the Permittee Responsible Mitigation Plan. A copy of the recorded deed restriction will be submitted directly to the Alaska District Office, Corps of Engineers - Regulatory, within 60 days of the completion of the as-built survey plan. A copy of the Permittee Responsible Mitigation Plan for the Phase 3 area is attached.

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: A Public Notice describing the entire Phase 3 project area (430 acres) was issued on June 6, 2012. The State Historic Preservation Office responded to the public notice and provided a letter on August 9, 2012 with a finding of no known historic resources affected within the permit area. At that time, the Corps made a No Potential to Cause Effects determination for the proposed project; conditions have not changed since that time. Additional consultation with the State Historic Preservation Office (SHPO) is not required, however, 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*), Steller's eider (*Polysticta stelleri*), and the Spectacled eider (*Somateria fischeri*). The project is proposed to occur during the winter months when none of the ESA species will be present, therefore 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 (NMFS) 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.

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).

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

ANCHORAGE

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-1996-869-M11, Colville 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.