



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: April 18, 2013
EXPIRATION DATE: May 16, 2013
REFERENCE NUMBER: POA-2005-1243
WATERWAY: Beaufort Sea

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 Estrella Campellone at (907) 753-2518, toll free from within Alaska at (800) 478-2712, by fax at (907) 753-5567, or by email at Estrella.f.campellone@usace.army.mil if further information is desired concerning this notice.

APPLICANT: Larry Burgess, Nikaitchuq Unit, ENI U.S. Operating Co. Inc. (ENI)

LOCATION: The proposed project site is located within Section 5, T. 13 N., R. 9 E., Umiat Meridian; USGS Quad Beechey Point C-5; at Oliktok Production Pad (OPP) located on Oliktok Point, Latitude 70.5101° N. and Longitude -149.8635° W.; and at Spy Island Drillsite (SID) located on Simpson Lagoon, Latitude 70.5580° N. and Longitude 149.9000° W. (approximately 4 miles offshore); these sites are at approximately 165 aerial-miles southeast Barrow, North Slope Borough, Alaska.

PURPOSE: The applicant's stated purpose is to maintain sufficient draft for barge and boat landing and to maintain cover on subsea pipeline. ENI U.S. Operating Co. Inc is proposing to conduct annual maintenance dredging for 10 years at its Nikaitchuq Development site to maintain sufficient draft for barge and boat landings and to cover the subsea pipeline.

PROPOSED WORK: To dredge approximately 7,100 cubic yards of sediment per year on 6.1 acres of marine waters substrate, of which 0.92-acre would be dredged from two OPP's barge/boat ramps and 0.92-acre would be dredged from two SID's barge/boat ramps (see table below). Dredged material would be placed on 4.61 acres along the 3.8-mile subsea pipeline between SID and OPP. Fill would be placed to restore 6 feet of cover material on top of the scoured pipeline (permit POA-2005-1243 requirement). Dredged material not used to cover the scoured pipeline would be

deposited on areas approved for brine sediment and reuse either as bulk fill or in sand bags.

All work would be performed in accordance with the enclosed plan (sheets 1-2 dated January 18, 2011; sheet 3 dated April 24, 2010; sheet 4 dated October 1, 2007, sheet 5 dated June 23, 2011; and Sheet 6 dated January 19, 2012).

Dredging Volumes:

	East SID (Barge/Boat Ramp)	West SID (Barge Ramp)	East OPP (Barge/Boat Ramp)	West OPP (Boat Ramp)
Clearance Needed	6 ft	6 ft	6 ft	6 ft
Dredge Area	200 ft x 100 ft	200 ft x 100 ft	200 ft x 100 ft	200 ft x 100 ft
Surface Area	20,000 sq ft	20,000 sq ft	20,000 sq ft	20,000 sq ft
Vertical Dredge Range	0-5 ft	0-5 ft	0-5 ft	0-5 ft
Maximum Annual Dredge	2,200 cu yds	2,200 cu yds	2,200 cu yds	500 cu yds

ADDITIONAL INFORMATION: Dredging will be performed using one or more of the following four dredging techniques:

- 1) Backhoe operations using an extended-reach backhoe from shore: A backhoe reaches out from the boat ramp edge and removes materials to a depth of approximately 6 feet below water line.
- 2) Drag line with a crane in proximity to the edge of the barge ramp face: The crane reaches out and places the bucket on the seafloor; a tag line attached to the bucket is then retracted drawing the bucket across the seafloor back towards the dock face.
- 3) Screed barge: Screeding may be conducted to recontour the seafloor bottom. A screed barge is used to back-drag the designated dredging areas. The screed is mounted on the edge of a barge and adjusted to the required sediment level. The barge is then pulled by a tug straight off-shore, with the screed leveling the seafloor sediment at the set depth, as necessary, to level the dredged areas. With this method, dredged sediment from the screed will be deposited in the most offshore portion of the permitted dredging area.
- 4) Backhoe or excavator from barge: For areas not reachable from the shore, a backhoe placed on a barge will be used as describe in 1) above with the operation occurring from a barge rather than from shore.

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.

1. Avoidance: The applicant did not propose any avoidance measures for the proposed dredging project because the barge ramps and boat ramps are located in Simpson Lagoon.
2. Minimization: ENI designed this project to minimize environmental impacts as follows:
 - a. The dredging area is sized to the smallest square footage needed for barge access.
 - b. The smallest volume needed will be dredged. Although 7,100 cubic yards is requested as a maximum annual dredging volume, most average years may only require 500 to 2,000 cubic yards of dredging.
 - c. Placing dredge material on the pipeline route will protect the pipeline from ice scouring and thus prevent damage to the subsea pipelines.
 - d. ENI will plan dredging after the early summer whaling season to minimize effects on subsistence whale hunting.
3. Compensatory Mitigation: ENI's stated that compensatory mitigation is not appropriate because the dredging would be used to restore the sea bottom

along the subsea pipeline to restore the seafloor to the topography existing before the installation of the pipeline.

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.

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. The closest registered or eligible property in the vicinity of the worksite is XBP-00039, which is located in a terrestrial landscape and more than 1.5 miles from the proposed project site. Because it has been determined to be outside of the project area, no further action is required. Consultation of the AHRS constitutes the extent of cultural resource investigations by the District Commander at this time. 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 bears. ENI obtained a Letter of Authorization for incidental/Intentional take of polar bears on August 15, 2012 with expiration date of August 15, 2013.

We are currently gathering information regarding this and other species and have yet to make a determination of effect. Should we find that the described activity may affect the species listed above, and/or its/their designated critical habitat, we will follow the appropriate consultation procedures under section 7 of the Endangered Species Act of 1973 (87 Stat. 844). Any comments the U.S. Fish and Wildlife Service or the National Marine Fisheries Service 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).

The project area is within the known range of the bowhead whale, Ringed seal, and Bearded seal.

We are currently gathering information regarding these species and have yet to make a determination of effect. Should we find that the described activity may affect the species listed above, we will follow the appropriate course of action under Section 305(b)(2) of the Magnuson-Stevens Act. Any comments the National Marine Fisheries Service may have concerning essential fish habitat will be considered in our final assessment of the described work.

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 authorities:

- (X) Perform work in or affecting navigable waters of the United States - Section 10 Rivers and Harbors Act 1899 (33 U.S.C. 403).

- (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-2005-1243, BEAUFORT SEA, 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.