**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:	**February 22, 2013**
EXPIRATION DATE:	**March 25, 2013**
REFERENCE NUMBER:	**POA-2005-1295-M9**
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 **Chelan Schreifels** at (907) 753-5527, toll free from within Alaska at (800) 478-2712, by fax at (907) 753-5567, or by email at **chelan.schreifels@us.army.mil** if further information is desired concerning this notice.

APPLICANT: Ms. Julie Lina, Pioneer Natural Resources Alaska, Inc. (Pioneer), 700 G Street, Suite 600, Anchorage, Alaska 99501

LOCATION: The project site is located within Sections 11, 12, 13 and 14, T. 13N., R. 7E.; Sections 18, 19, 20, 28, 29, 30, 32 and 33, T. 13N., R. 8E.; Sections 2, 3, 11, and 12, T. 12N., R. 8E.; Umiat Meridian; USGS Quad Map Harrison Bay B-1; Latitude 70.496º N., Longitude 150.247º W.; in the vicinity of the Colville River and Thetis Island, 26 miles northeast of Nuiqsut, Alaska.

PURPOSE: The applicant's stated purpose is to perform maintenance on the pipeline to support Oooguruk Development Project.

PROPOSED WORK: Pioneer is requesting approval to perform necessary maintenance activities on the subsea portion of its subsea pipeline, currently approved for execution under grounded ice conditions in permit number POA-2005-1295, during summer open water seasons. All work would be performed in accordance with the enclosed plan (sheets 1-3), dated February 2013.

ADDITIONAL INFORMATION:

Previously authorized work: Work conducted under POA-2005-1295 was originally authorized on February 1, 2006 to construct the Work includes the following: Construction of a 10.85 acre off-shore production pad (island) , placement of erosion protection (sea-bags) around the island, a single gravel surfaced access

ramp, a sheet-piled dock, excavation of two test trenches for the flowline bundle (1.8 acres), temporary stockpiling of the material excavated from the temporary test trench's on adjacent ice (3.55 acres), excavation of an off-shore trench to bury the flowline bundle (60 acres), temporary stockpiling of the material excavated from the off-shore trench on adjacent ice (60 acres), backfilling of the trench, blasting and excavation of an off-shore to on-shore transition trench for the flowline bundle, burial of the flowline bundle in the transition trench (0.5 acres), vertical boring of pipeline vertical support-member (VSM) post holes, placement of VSM's and backfilling of VSM holes (0.1 acres), placement of gravel fill material to expand the existing Drill Site 3H pad by 2.6 acres. Excavation and stockpiling of Mine Site E cell 4 organic and topsoil overburden (approximately 20.2 acres), backfilling (reclamation) of existing Cell 3 (28 acres), placement of fill to form Mine Site E thermal barriers (0.6 acres).

Approved maintenance work included the following: Up to 1,000 CY of gravel fill may be added or reclaimed from adjacent tundra to maintain the production pad expansion annually to address erosion and subsidence. Up to 1,000 CY of thaw stable fill may be added to the on-shore buried flowline trench annually to address subsidence. Up to 10,000 CY per year may be added along the subsea portion of the flowline alignment to address strudel scour, erosion, or loss of overlying substrate. Up to 5,000 CY of backfill may be added in any one year to points along the subsea flowline alignment that are excavated to perform maintenance. Up to 500 CY per year of gravel may be added to the islands gravel access ramp or reclaimed from the adjacent seafloor via island-based track-hoe to maintain the ramp. Up to 2,000 CY per year of gravel may be added to the islands gravel base or bags as maintenance. This element alone may be deferred up to three years and the preceding years gravel accumulated until the work is done in either the second or third year. No more than three years worth of gravel may be added in any single year (e.g. 6,000 CY if none was added in the preceding two years) without requesting a permit modification. Up to·4,000 CY of gravel may be added to the island's six-acre working surface in any one year as maintenance. Any required repairs (e.g. placement of fill or backfill) to the terrestrial portion of the buried flowline resulting from piping (e.g. subsurface flows) or coastal erosion is not permitted maintenance and will require a request for a modification of this permit. Any diversion of surface flows (e.g. capture of surface flows) along the terrestrial portion of the flowline alignment that occurs during more than a single consecutive growing season shall require Corps approval of proposed repairs to prevent draining adjacent wetlands. Any other placement of fill or backfill beyond the quantities listed above for each item requires Corps review and approval. Quantities not used as fill for any one item may not be added to another. The exception is maintenance of the island’s base and erosion bags as described above. Barge based excavation of eroded substrates requires application and review of a dredging permit and is therefore not an approved method of maintenance.

Current proposal: Under the current work proposal the maintenance activities conducted during the open-water season may include gravel hauling, placement of fill, and work on the pipelines. Access to the areas will likely require use of marine vessels (i.e. barges) and other equipment. Gravel fill will be purchased from other operators or removed from permitted North Slope mine sites. Maintenance activities may require temporary staging and storage areas for equipment and materials. The ODS and the OTP will be used as storage areas.

Similar operations have been conducted at BP’s Northstar Development since 2004 and at ENI’s Nikaitchuq Development in 2011. Based on experience gained during

monitoring programs conducted since 2005, maintenance operations are not expected to be required on an annual basis. The volume of backfill needed for a given maintenance operation will vary based on the type and scope of the operation. However, the volume required in any given year is not anticipated to exceed those approved in DA permit number POA-2005-1295.

Pioneer does not anticipate that the proposed maintenance activities will impact threatened or endangered species or other fish and wildlife. Maintenance activities proposed would be short duration, typically requiring one to two weeks to complete. Barge operations would be minimized to the extent possible with a typical maintenance event requiring approximately 10-15 barge trips. Fill material will be obtained from permitted mine sites with less than 10% fines. It is anticipated that any suspended sediments would settle quickly, returning the water column to pre-fill operations clarity soon after the activity. Fill material would be placed so that it would not measurably accumulate outside the fill target area to avoid potential environmental impacts and navigation hazards.
Pioneer implemented a monitoring program jointly with Eni and Shell Offshore, Inc. during the open-water season 2008 to measure industrial activities and in-water sounds. Four autonomous seafloor acoustic recorders (ASARs) were deployed for 45 days to characterize sounds near and distant from the ODS. The ODS and subsea pipeline are located in 4-6 ft of water. Results indicated that sounds from ODS activities were not detected at any of the ASARs, including the ones located at 1.2 miles east and 4 miles north of ODS. These results indicate that marine mammals would not likely be disturbed by industrial activities from Pioneer.

Activities performed during the open water season would utilize marine vessels, including shallow draft barges to support construction equipment and materials. The maintenance vessel would be transported along the pipeline alignment and anchored at locations where maintenance is to be performed. Backfill material may be placed over the pipeline alignment, as necessary, to ensure the height of the backfill mound above the sea bottom would adhere to DA permit conditions (Figure 2). Up to 5,000 CY of backfill may be added in any one year to points along the subsea pipeline alignment to perform maintenance.

An annual pipeline survey may be conducted during each open water season to monitor the condition of the sea bottom on the pipeline alignment. Any significant discrepancies from the design burial depth of the pipeline or the maximum allowable trench backfill protrusion above the sea bottom would be corrected by backfill or approved flattening of mounds, as appropriate. Follow-up survey activities would be conducted to the extent necessary to document the results of remedial actions.

Pipeline surveys conducted would identify areas of strudel scour along the pipeline route originating from linear crack drains observed in the sea ice at the time of the spring river overflood reconnaissance. The backfill volume would be estimated to fill the scour depression to the elevation of the seabed. Open-water season maintenance operations to repair the strudel scour would be conducted using a shallow draft barge, hydraulic excavator, and/or loader. The target fill area would be marked with buoys to provide visual guidance for the barge and equipment operators. Once on site, the recommended volume of material would be placed from the barge, using an excavator, a loader, or a combination thereof, in a 40 ft swath centered on the pipeline. A follow-up survey would be conducted to document the results of the maintenance action.

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: Pioneer states that they have avoided impacts to waters of the U.S. for the Oooguruk Development Subsea Pipeline project through the design aspects of the project. Specific measures include:

- The maintenance is necessary to maintain previously permitted facilities.
- Fill material would be placed so that it would not measurably accumulate outside the fill target area to avoid potential environmental impacts and navigation hazards.
- The proposed maintenance activities should not impact threatened or endangered species or other fish and wildlife.
- Maintenance activities proposed would be short duration, typically requiring one to two weeks to complete.
- Barge operations would be minimized to the extent possible with a typical maintenance event requiring approximately 10-15 barge trips.
- Fill material will be obtained from permitted mine sites with less than 10% fines.
- It is anticipated that any suspended sediments would settle quickly, returning the water column to pre-fill operations clarity soon after the activity.

b. Minimization: The project minimizes unavoidable impacts to Harrison Bay. The proposed activity is maintenance of the subsea pipeline and the project design minimizes impacts by limiting the fill amounts. Fill material will be obtained from permitted mine sites with less than 10% fines and it is anticipated that any suspended sediments would settle quickly, returning the water column to pre-fill operations clarity soon after the activity. Fill material would be placed so that it would not measurably accumulate outside the fill target area to avoid potential environmental impacts and navigation hazards.

c. Compensatory Mitigation: Compensation mitigation is not appropriate for the project since the proposed maintenance activities are within the existing previously-permitted fill (POA-2005-1295) and in any given year is not anticipated to exceed the approved amount.

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

Bowhead Whale (Balaena mysticetus), Stellar's eider (Polysticta stelleri), Spectacled Eider (Somateria fischeri), Polar Bear (Ursus Maritimus) and the proposed Yellowbilled Loon (Gavia adamsii)

We have determined the described activity may affect the Bowhead Whale (Balaena mysticetus)), and Polar Bear (Ursus Maritimus). We will initiate the appropriate consultation procedures under section 7 of the Endangered Species Act with the U.S. Fish and Wildlife Service and the National Marine Fisheries 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).

The project area is within the known range of the Chum Salmon (*Oncorhynchus keta*) and Pink Salmon (*Oncorhynchus gorbuscha*). 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)(l) 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

SEAN PARNELL, GOVERNOR

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-2005-1295-M9, 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.