



US Army Corps
of Engineers
Alaska District

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

Public Notice of Application for Permit

PUBLIC NOTICE DATE: January 16, 2015
EXPIRATION DATE: February 18, 2015
REFERENCE NUMBER: POA-2012-236-M1
WATERWAY: Miluveach 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 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: Mark Wiggin, Brooks Range Petroleum Corporation, 510 L Street, Suite 601, Anchorage, Alaska 99516, 907.339.9965

AGENT: David Trudgen, ERM Alaska, Inc., 825 West 8th Ave., Anchorage, Alaska 99501,

LOCATION: The project site is located within Section 1, T. 10 N., R. 7 E., Umiat Meridian; USGS Quad Map Harrison Bay B-1; Latitude 70.2527° N., Longitude 150.2334° W.; Southern Miluveach Unit adjacent to the western boundary of the Kuparuk River Unit; North Slope Borough; approximately 15 miles east of Nuiqsut, Alaska, and 48 miles west of Prudhoe Bay, Alaska.

PURPOSE: The applicant's stated purpose is to develop a gravel pad and access road that will provide year round water for domestic (non-drilling) use in the development and operations of the Mustang project.

PROPOSED WORK: The placement of 33,600 cubic yards (cy) of clean fill material into 2.5 acres of jurisdictional wetlands to add a water pad and access road for the Mustang Development Project (MDP) completed in 2013. The access road would be 1000' long x 38'- 46' wide and require 8,800 cy of fill material in 0.83 acre of jurisdictional wetlands. 24,800 cy of fill material would be required for the 270' x 270' pad in 1.67 acres of jurisdictional wetlands. Material for the project has already been stockpiled in the gravel mine site at the MDP. If permitted construction would begin in the first quarter of 2015. All work would be performed in accordance with the enclosed plan (sheets 1-4), dated October 15, 2014.

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: there are no practicable, non-wetland alternatives to develop the Water Access and Road Pad (WARP). However, construction will occur in winter to minimize and avoid damage to tundra and soils. All equipment will remain on the existing Mustang road system and on top of new gravel as it is laid, for construction of WARP.

b. Minimization: The WARP project components have been positioned to avoid streams, rivers, lakes and ponds, and most high value wetlands to the greatest extent practicable. WARP features have also been designed to minimize footprint while providing a safe access to the lake water. The following provides details of how BRPC has minimized their impacts to wetlands and waters of the U.S.

Water Access and Road Pad

The WARP was sited to be as close as possible to the water source lake, with a minimal access road length connecting to the existing road system, thereby reducing gravel discharge. The access road will be a one lane road with a surface width of 16 feet, instead of the typical 32-foot width of Mustang's other roads. The gravel pad has been designed with the minimal footprint necessary to safely place water withdrawal equipment and maneuver the water trucks.

BRPC initially envisioned a 17 acre pad at a similar location that was to be used as both the water withdrawal pad and a storage pad. However, after further evaluation it was determined there was enough storage space on the main development pad that additional storage was not necessary. This resulted in the pad size being reduced to the proposed 1.67 acres and a reduction in the road width as noted above. The reduced size of the road and pad also means that no additional gravel will need to be extracted from the gravel mine. BRPC has stockpiled enough gravel for this small addition to the project.

Fugitive dust generation from the gravel pad and roads will be controlled by watering the surfaces when necessary.

Hydrologic Considerations

The proposed gravel infrastructure locations of WARP has been planned to minimize impacts to natural stream flows. No major streams will be filled or crossed by the gravel fill. A cross-drainage culvert with a diameter of 24 or 36 inches will be installed to match the topography of the surrounding terrain to avoid ponding and allow water movement from one side of the road to the other side. Large ponds and lakes were avoided altogether.

Spill Prevention and Response

Spill prevention and response measures will be implemented to lessen possible impacts to wetlands. Personnel will be trained in both prevention and response techniques. Water transport trucks will be added to the inventory of project equipment listed in oil spill response documents.

c. Compensatory Mitigation: The applicant has indicated they will pursue compensatory mitigation via an In-Lieu Fee.

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 Polar Bear (*Ursus maritimus*), Steller's eider (*Polysticta stelleri*), Spectacled eider (*Somateria fischeri*), and Candidate for Listing species Yellow-billed loon (*Gavia adamsii*).

We have determined the described activity may affect the Polar bear, Spectacled eider, and Yellow-billed loon. We will initiate 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 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

DEPARTMENT OF ENVIRONMENTAL CONSERVATION
WQM/401 CERTIFICATION
555 CORDOVA STREET
ANCHORAGE, ALASKA 99501-2617
PHONE: (907) 269-7564/FAX: (907) 334-2415

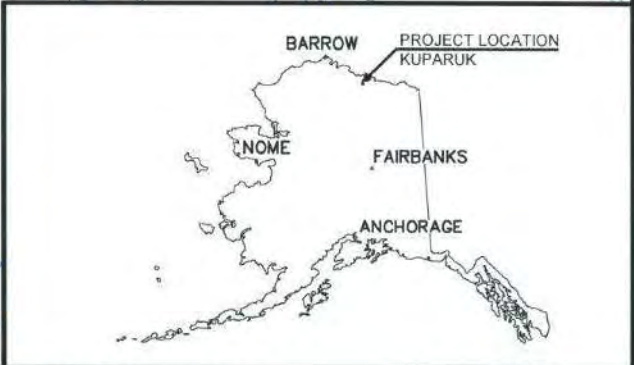
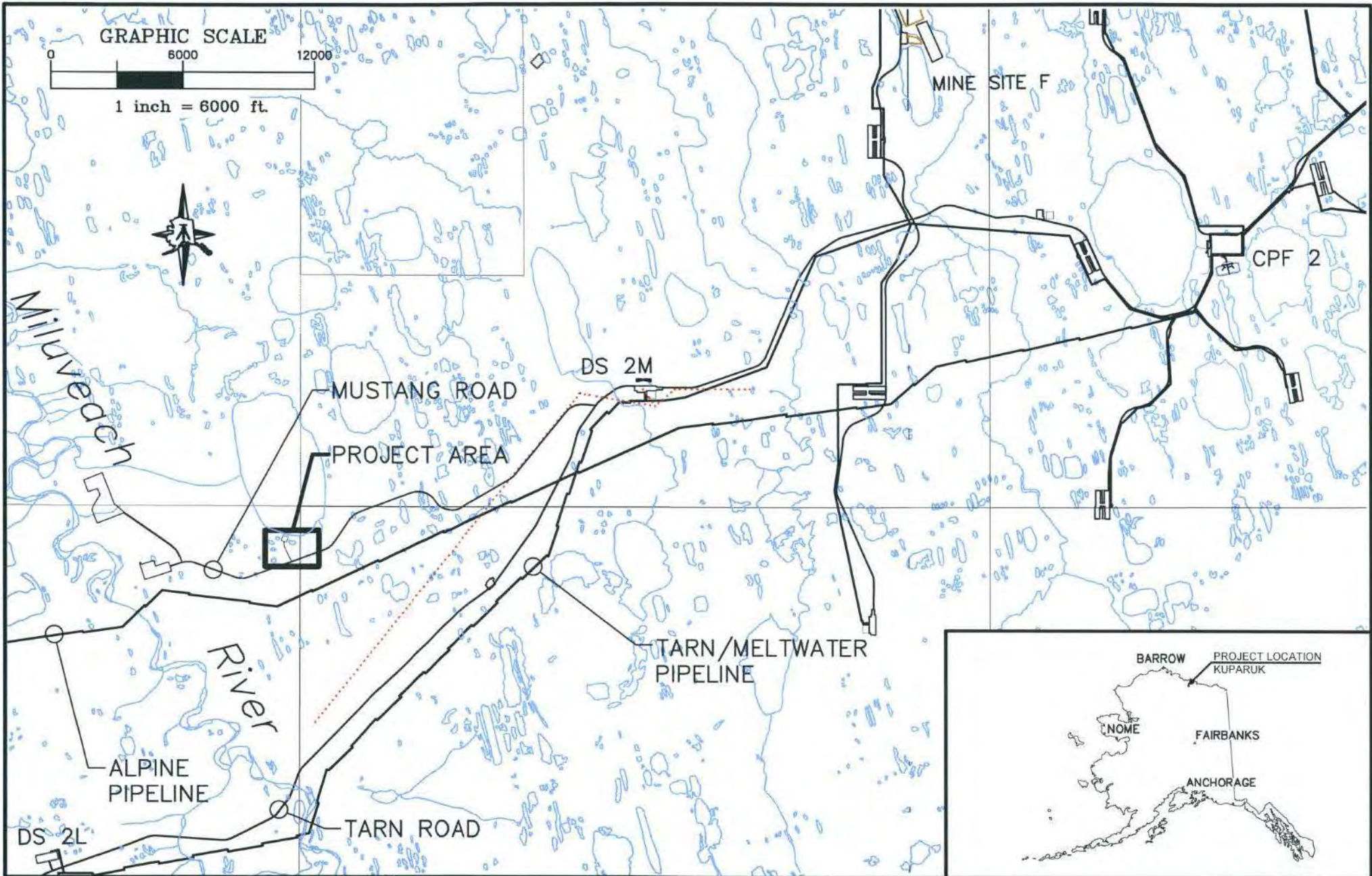
NOTICE OF APPLICATION FOR STATE WATER QUALITY CERTIFICATION

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-2012-236-M1, Miluveach 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.

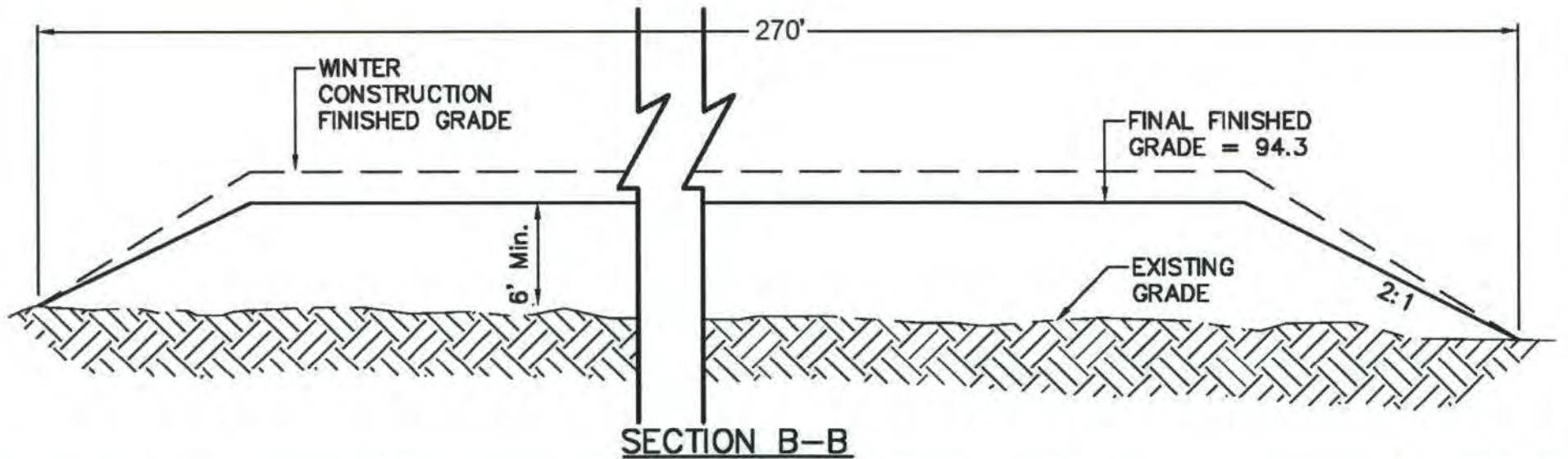
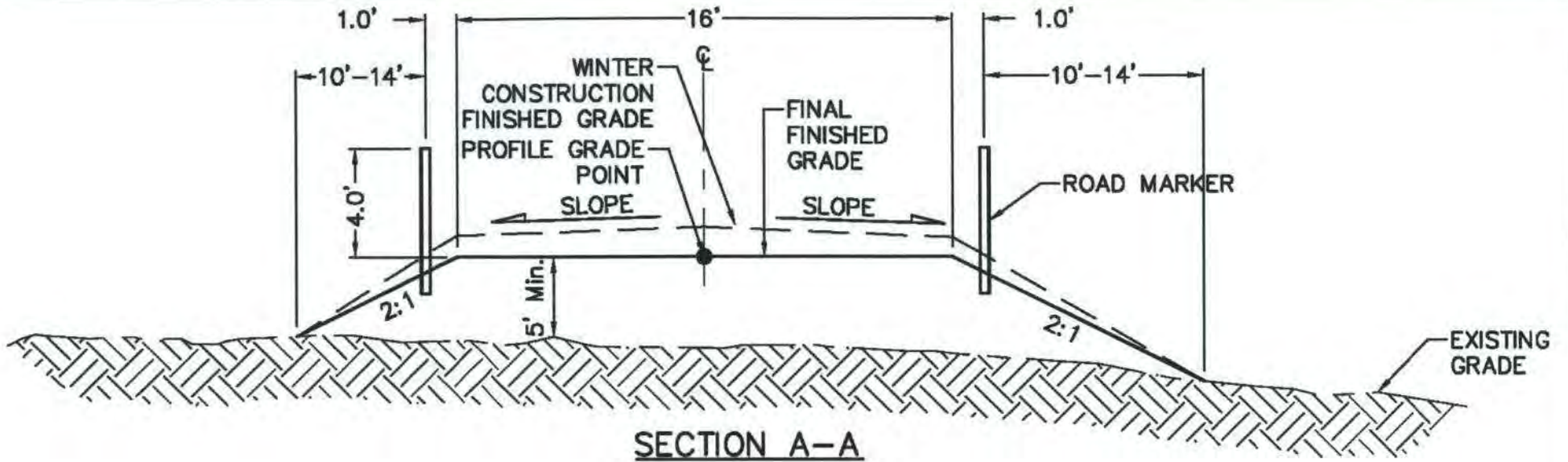


DATE: 10/15/2014	DRAWN: HH
SCALE: 1" = 6000'	DESIGN: HH
APPROVAL:	CHECKED: LB



VICINITY MAP FIGURE 1		
JOB NO: 11-039	SHEET: 1 OF 3	REV:

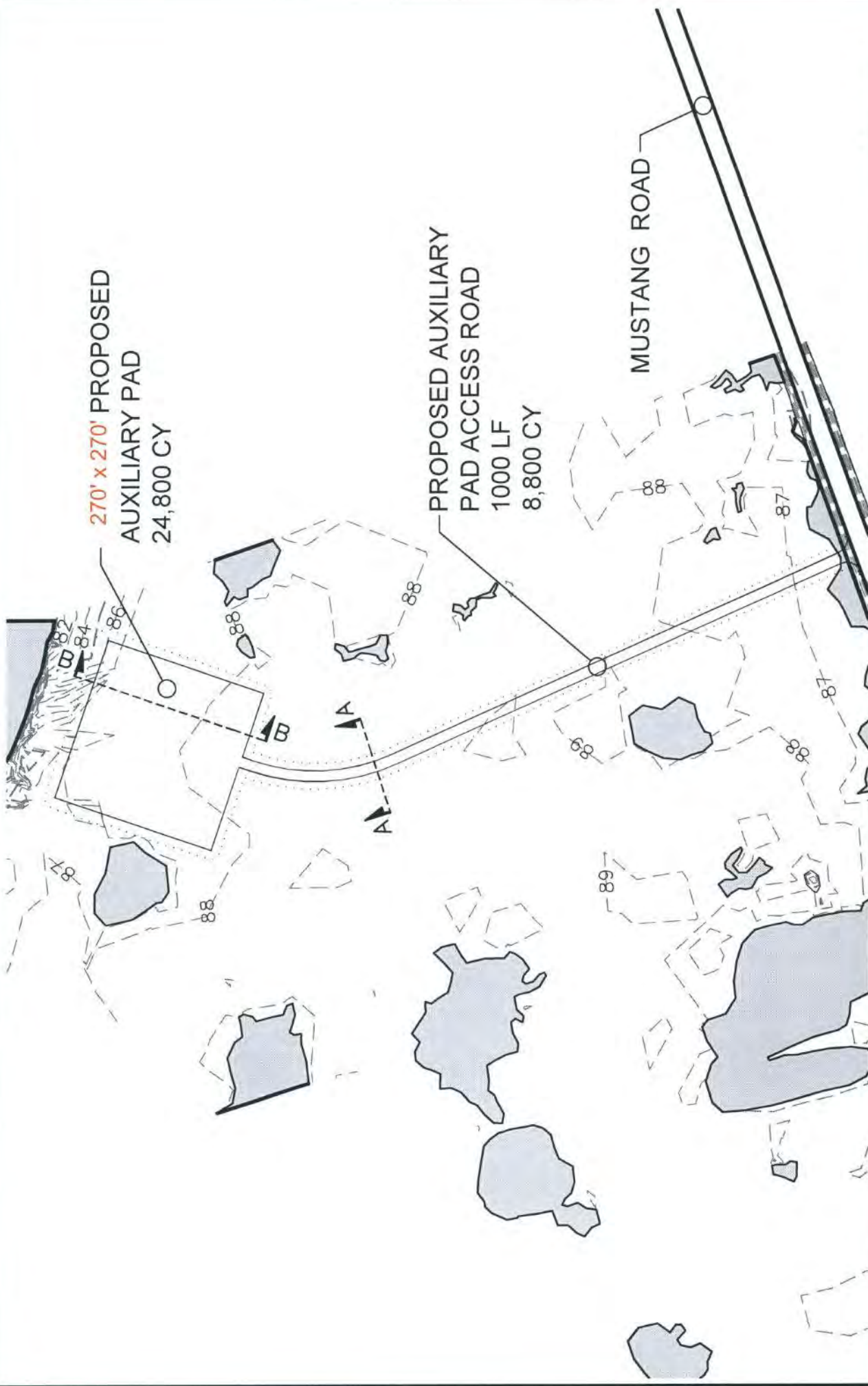
EXISTING LEGEND	
	LAKES, RIVERS, CREEKS
	EXISTING ROAD
	EXISTING PIPELINE
	OVERHEAD UTILITIES





TYPICAL SECTION
FIGURE 3

DATE: 10/15/2014	DRAWN: HH	JOB NO: 11-039		REV:		
SCALE: N.T.S.	DESIGN: HH					
APPROVAL:	CHECKED: LB					



AUXILIARY PAD & ACCESS ROAD
FIGURE 3

DATE: 10/15/2014	DRAWN: HH	JOB NO: 11-039
SCALE: 1"=200'	DESIGN: HH	SHEET: 3 OF 3
APPROVAL:	CHECKED: LB	REV: