



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

<b>PUBLIC NOTICE DATE:</b>	<b>May 20, 2013</b>
<b>EXPIRATION DATE:</b>	<b>June 20, 2013</b>
<b>REFERENCE NUMBER:</b>	<b>POA-2013-68</b>
<b>WATERWAY:</b>	<b>Nechelik Channel (Colville River)</b>

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Interested parties are hereby notified that a Department of the Army (DA) 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 F. Leykom** at (907) 753-2711, toll free from within Alaska at (800) 478-2712, by fax at (907) 753-5567, or by email at [Mary.F.Leykom@usace.army.mil](mailto:Mary.F.Leykom@usace.army.mil) if further information is desired concerning this notice.

**APPLICANT:** Kuukpik Corporation, 801 B Street, Suite 300, Anchorage, Alaska 99501; phone (907) 279-6220.

**AGENT:** MM Consulting, LLC, 13101 Meadows Road, White City, OR 97503; phone (541) 826-4195.

**LOCATION:** The proposed 5.8 mile Nuiqsut Spur Road (Spur Road) would connect the village of Nuiqsut, Alaska to the proposed CD-5 Road, a permitted ConocoPhillips Alaska, Inc. oil-field development road. Location of the Spur Road north terminus: Latitude 70.303° N., Longitude -151.143° W.; within SW¼ Section 16, T. 11 N., R. 4 E. Umiat Meridian. Location of the Spur Road south terminus: Latitude 70.237° N., Longitude -151.013° W.; within SE¼ Section 11, T. 10 N., R. 4 E., Umiat Meridian. The storage pad would be at the Spur Road north terminus. The project location can be viewed on USGS Quad maps Harrison Bay A-2 and B-2.

**SPECIAL AREA DESIGNATION:** The project is located within the boundaries of the Naval Petroleum Reserve No. 4; on Kuukpik Corporation lands.

PURPOSE: The applicant's stated purpose is to provide increased subsistence user access to subsistence resources; provide mitigation for potential impacts from both the CD-5 development and future satellite oil developments; and allow villagers the opportunity for increased employment and business opportunities at ConocoPhillips Alaska, Inc.'s (CPAI) nearby Alpine Development. The purpose of the storage pad is to meet existing needs of Nanuq, Inc. (a subsidiary of Kuukpik Corp.) for locating a concrete batch plant, aggregate stockpile, and storage of equipment and an exploration camp.

PROPOSED WORK: The Nuiqsut Spur Road and Storage Pad Project would require the placement of 455,000 cubic yards (cy) of clean gravel fill material into 51 acres of wetlands. The Spur Road would be 5.8 miles long with a 24-foot wide driving surface. It would connect the existing Nuiqsut Dump Road with ConocoPhillips Alaska, Inc.'s proposed CD-5 access road. The 0.8 mile Nuiqsut Dump road would be improved to match the new Spur Road width and surface. The 10-acre storage pad would be located at the junction of the Spur Road and the CD 5 access road.

All work would be performed in accordance with the enclosed plan (sheets 1-16), dated February 2013.

ADDITIONAL INFORMATION: In a 2008 Memorandum of Agreement with The Native Village of Nuiqsut, ConocoPhillips Alaska, Inc. (CPAI) agreed to provide substantial financial, design, and permitting assistance to construct the Spur Road. The Spur Road would mitigate the loss of hunting areas resulting from the proposed expansion of the Alpine Satellite Development into the Nuiqsut area. The Spur Road project was evaluated within the "Determination of Cumulative Effects" section in the "Alpine Satellite Development Plan Final Environmental Impact Statement", September 2004. Material to construct the road would be generated at the ASRC/Kuukpik Colville River gravel mine, now under consideration for expansion under DA permit POA-1996-869.

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: Recent habitat mapping was used to site the road away from higher value areas. Almost all road construction would occur in winter upon frozen soils and using ice roads; the exception would be culvert installation which must occur in summer.

b. Minimization: Road widths would be 24-feet instead of the usual 30-32 feet wide. Culverts would be installed to minimize drainage interruption or changes to normal surface water flows.

c. Compensatory Mitigation: The applicant is proposing permittee-responsible Mitigation. Kuukpik Corporation is proposing to put into preservation status a 76.5-acre parcel located in the Fish Creek drainage about 14 miles north-northwest of Nuiqsut. The proposed preservation site is in the coastal plain near the Beaufort Sea coast. The parcel lies within the Naval Petroleum Reserve Alaska, and may contain mineral resources of potential value. The area is used for insect relief by caribou, and is a high-density nesting site for shore birds and waterfowl. Traditional Inupiat subsistence uses would be allowed. The steward of the preservation parcel has not yet been determined.

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, spectacled and Steller Eiders.

Most of the road and pad construction would occur during winter when eiders are not present, and the birds would be unlikely to nest near the road after construction because of noise and human activity. Consequently, we have determined that eiders would not be affected by the proposed project. We are currently gathering information regarding the potential for impacts to polar bears, and have not yet made a determination of effect. Should we find that the described activity may affect polar bears, 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). 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 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 parties in order to 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-2013-68, 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.