



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:	March 20, 2019
EXPIRATION DATE:	April 19, 2019
REFERENCE NUMBER:	POA-2019-00131
WATERWAY:	Sagavanirktok 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 (U.S.) as described below and shown on the enclosed project drawings.

All comments regarding this Public Notice should be sent to the address noted above. If you desire to submit your comments by email, you should send it to the Project Manager's email as listed below or to regpagemaster@usace.army.mil. All comments should include the Public Notice reference number listed above.

All comments 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 Nicholas Lucore at (907) 753-5783, toll free from within Alaska at (800) 478-2712, by fax at (907) 753-5567, or by email at Nicholas.Lucore@usace.army.mil if further information is desired concerning this notice.

APPLICANT: BP Exploration (Alaska) Inc., Post Office Box 196612, Anchorage, Alaska 99519

AGENT: Jennifer Collins, BP Exploration (Alaska) Inc.

LOCATION: The project site is located within Section 26, T. 11 N., R. 15 E., Umiat Meridian; USGS Quad Map Beechey Point B-3; Latitude 70.276939° N., Longitude -148.27539° W.; near Prudhoe Bay, Alaska.

PURPOSE: The applicant's stated purpose is to construct a gravel pad for the siting of an updated Class I waste disposal facility (WDF).

PROPOSED WORK: The applicant has proposed the discharge of 20,000 cubic yards of fill into 2.58 acres of wetlands in order to construct a pad for a waste disposal facility. All work would be performed in accordance with the enclosed plan (sheets 1-3), dated March 13, 2019.

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: BP Exploration (Alaska) Inc., (BPXA) has reviewed all options to avoid discharging gravel onto tundra to expand roads and construct a gravel pad to accommodate an updated Class I Waste Disposal Facility (WDF). The gravel pad expansion is necessary to accommodate the WDF and provide ample turnaround area for large trucks while keeping the WDF a safe distance from DS4.

b. Minimization: BPXA selected the area north of DS 4 for the WDF because it will impact tundra that is located within an overall larger industrial area that is already impacted by DS4 and the Fire Training Area. To minimize the acreage of wetlands impacted, the gravel pad design incorporates existing gravel roads and access routes and has been designed at the smallest area practicable while keeping the WDF a safe distance from DS4 and allowing waste-hauling trucks to safely access the facility. Installation of culverts under the expanded gravel road will help maintain adequate hydrologic patterns to minimize impacts to wetlands adjacent to the new gravel fill placement.

c. Compensatory Mitigation: BPXA has avoided and minimized to the extent practicable impacts to wetlands to construct a WDF. Currently there are no third-party mitigation instruments available within the service area to purchase credits. This proposed project is close to existing gravel roads and pads and will result in minor impacts to wetlands. Therefore, BPXA proposes that no compensatory mitigation be required for this project.

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 cultural resources in the permit area or within the vicinity of the permit area. The permit area has been determined to be the footprint of the proposed project which would occur only in waters of the U.S., including wetlands. Consultation of the AHRs constitutes the extent of cultural resource investigations by the Corps at this time, and we are otherwise unaware of the presence of such resources. The Corps has made a No Historic Properties Affected (No Effect) determination for the proposed project. 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. The Corps is requesting the SHPO's concurrence with this determination.

ENDANGERED SPECIES: The project area is within the known or historic range of the Polar bear (*Ursa maritimus*), Steller's Eider (*Polysticta stelleri*), and Spectacled Eider (*Somateria fischeri*).

We have determined the described activity may affect the threatened Polar bear, Steller's Eider and Spectacled Eider. 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. 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

Wastewater Discharge Authorization Program (WDAP) / 401 Certification

DEPARTMENT OF ENVIRONMENTAL CONSERVATION
WDAP/401 CERTIFICATION
555 CORDOVA STREET
ANCHORAGE, ALASKA 99501-2617
PHONE: (907) 269-6285 | EMAIL: dec-401cert@alaska.gov

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.

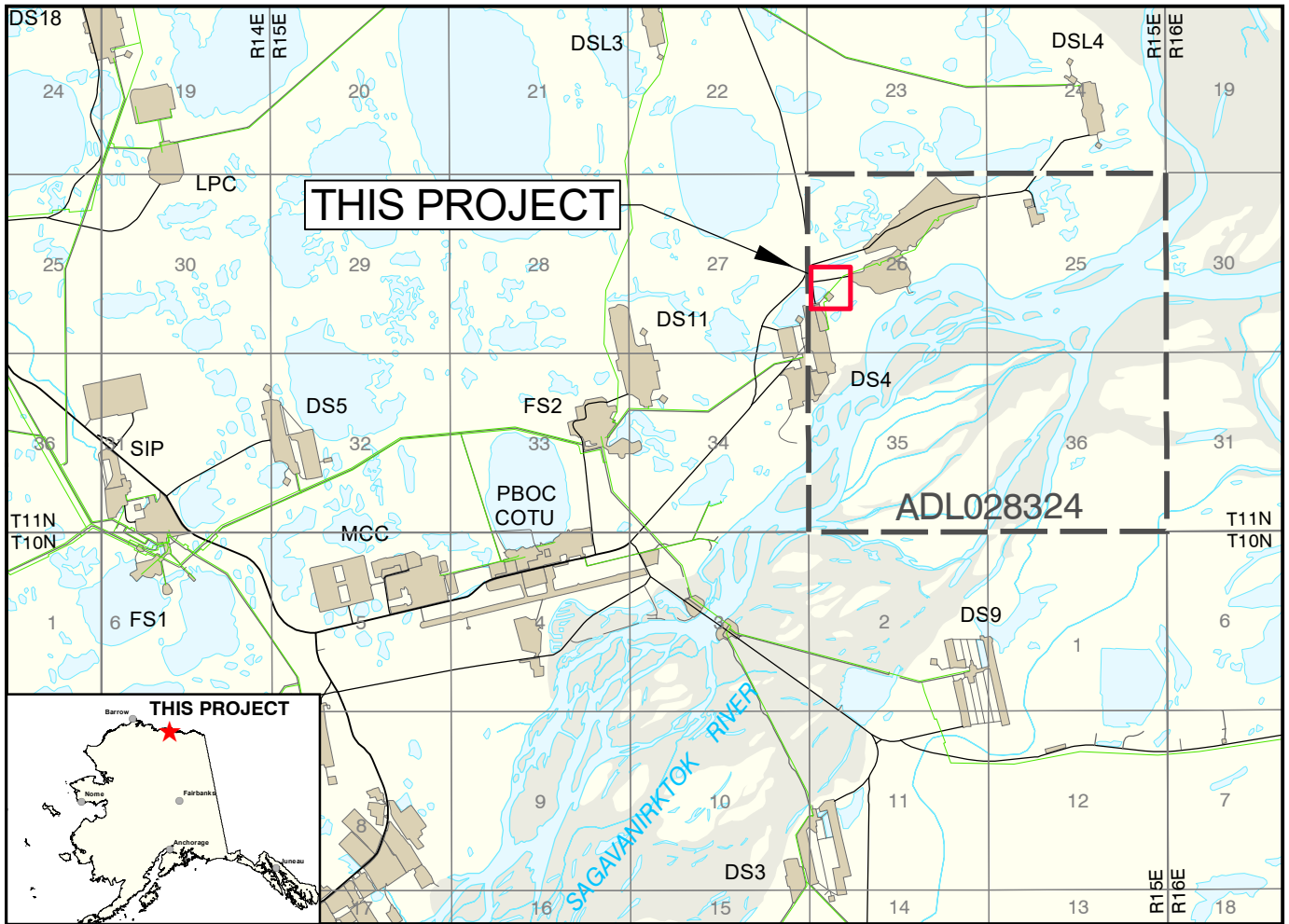
Notice is hereby given that the application for a Department of the Army Permit described in the Corps of Engineers' Public Notice (PN) Reference Number **POA-2019-00131, Sagavanirktok River**, serves as application for State Water Quality Certification from the Department of Environmental Conservation.

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 or via email to dec-401cert@alaska.gov by the expiration date of the Corps of Engineer's Public Notice. All comments should include the PN reference number listed above. Mailed comments must be postmarked on or before the expiration date of the public notice.

Disability Reasonable Accommodation Notice

The State of Alaska, Department of Environmental Conservation complies with Title II of the Americans with Disabilities Act of 1990. If you are a person with a disability who may need special accommodation in order to participate in this public process, please contact Theresa Zimmerman at 907-465-6171 or TDD Relay Service 1-800-770-8973/TTY or dial 711 within 5 days of the expiration date of this public notice to ensure that any necessary accommodations can be provided.



This map is based on U.S.G.S quad Beechey Point (B-3) and on the Unit Operator's Facility Maps.



PROJECT LOCATION:

PRUDHOE BAY UNIT - WDF
 NAD83
 LAT. = 70° 16' 36.980" / DD 70.276939
 LONG. = -148° 16' 31.404" / DD -148.27539

ALASKA STATE PLANE ZONE 4, NAD83
 X = 1,853,566.36 FEET
 Y = 5,953,728.76 FEET

ADL 028324 SEC. 26 T11N, R15E UMIAT M.

DATUM: MEAN SEA LEVEL

PURPOSE: WDF GRAVEL PAD

ADJACENT PROPERTY OWNER:
 STATE OF ALASKA

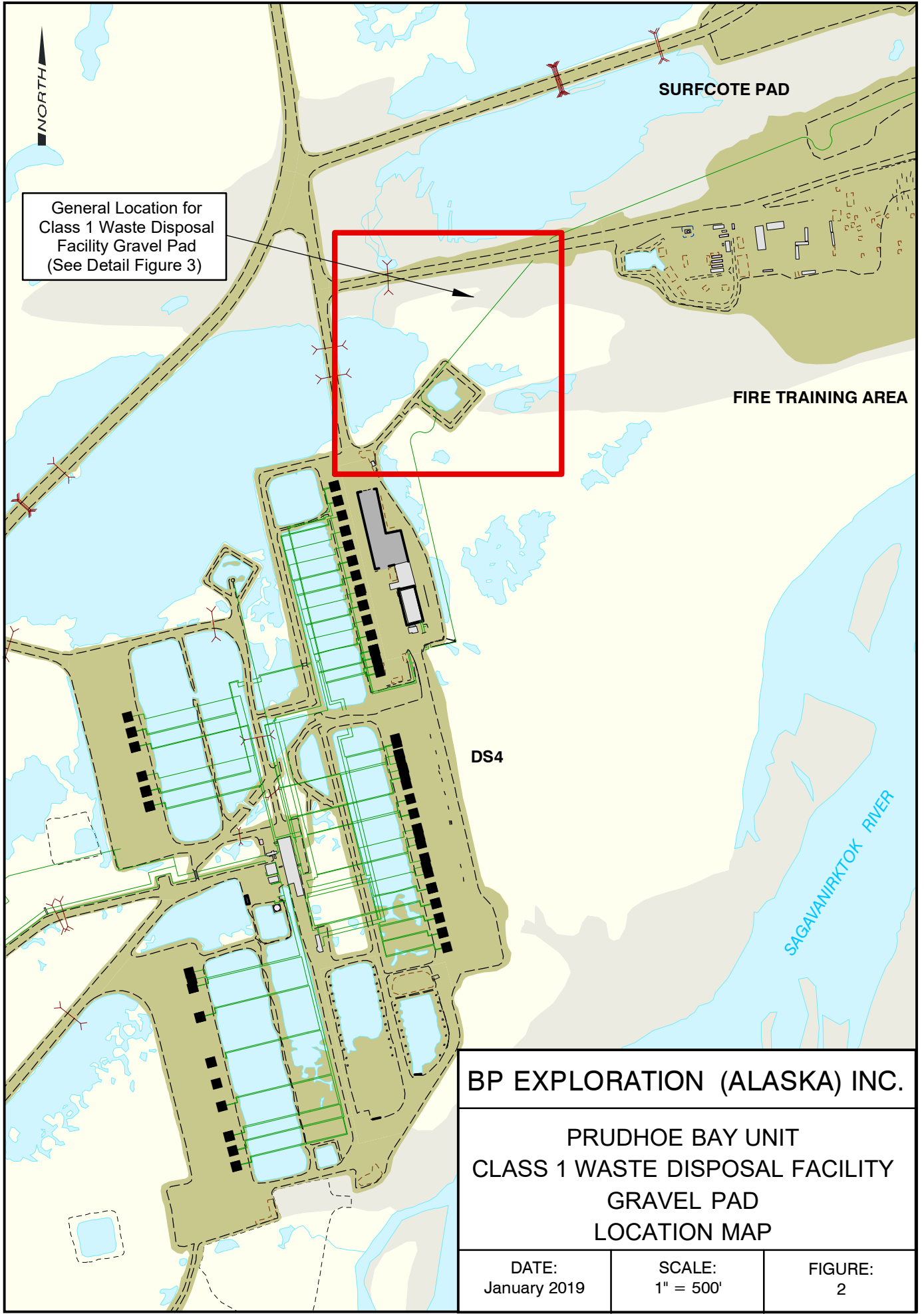
BP EXPLORATION (ALASKA) INC.

**PRUDHOE BAY UNIT
 CLASS 1 WASTE DISPOSAL
 FACILITY GRAVEL PAD
 VICINITY MAP**

DATE:
 January 2019

SCALE:
 1" = 1 Mile

FIGURE:
 1



BP EXPLORATION (ALASKA) INC.

**PRUDHOE BAY UNIT
CLASS 1 WASTE DISPOSAL FACILITY
GRAVEL PAD
LOCATION MAP**

DATE:
January 2019

SCALE:
1" = 500'

FIGURE:
2

