



US Army Corps  
of Engineers  
Alaska District

# Public Notice of Application for Permit

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

<b>PUBLIC NOTICE DATE:</b>	<b>March 17, 2021</b>
<b>EXPIRATION DATE:</b>	<b>April 1, 2021</b>
<b>REFERENCE NUMBER:</b>	<b>POA-2021-00084</b>
<b>WATERWAY:</b>	<b>Sagavanirktok River</b>

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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 (PN) 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](mailto:regpagemaster@usace.army.mil). All comments should include the PN reference number listed above.

All comments should reach this office no later than the expiration date of this PN to become part of the record and be considered in the decision. Please contact Joshua Moffi at (907) 753-2708, toll free from within Alaska at (800) 478-2712, by fax at (907) 753-5567, or by email at [Joshua.H.Moffi@usace.army.mil](mailto:Joshua.H.Moffi@usace.army.mil) if further information is desired concerning this notice.

**APPLICANT:** Northern Energy Services, LLC., Post Office Box 224889, Anchorage, Alaska 99522

**AGENT:** David Chaput

**LOCATION:** The project site is located within Section 18, T. 10 N., R. 15 E., Umiat Meridian; USGS Quad Map Beechy Point A-3; Latitude 70.233753° N., Longitude -148.381389° W.; in Deadhorse, Alaska.

**PURPOSE:** The applicant's stated purpose is to provide access to lots 40 and 41 of the Deadhorse contractor community.

PROPOSED WORK: The applicant's stated purpose is to place up to 15,000 cubic yards of gravel fill into 2.25 acres of jurisdictional Palustrine emergent wetlands for the construction of an road to access Lots 40 and 41 within the Deadhorse contractor community. All work would be performed in accordance with the enclosed plan (sheets 1-4), dated March 17, 2021.

ADDITIONAL INFORMATION: This project would result in the discharge of 15,000 cubic yards of gravel fill into 2.25 acres of an established road easement on land owned by the North Slope Borough thus would need a North Slope Borough Land Use Permit.

APPLICANT PROPOSED MITIGATION: The applicant proposes the following mitigation measures to avoid, minimize, and compensate for impacts to waters of the U.S. from activities involving discharges of dredged or fill material.

a. Avoidance: The applicant's plan is to avoid disturbing the tundra next to the road easement. This will allow for seasonal drainage and use by resident waterfowl and maintain the current vegetation. Additionally, in order to avoid potential impacts to migratory birds no fill placement shall occur on undisturbed tundra during the nesting season recognized by U.S. Fish and Wildlife Service (USFWS) as being 1 June – 10 August in the Arctic Region.

b. Minimization: The applicant stated: The project plans to minimize the volume of gravel by keeping the roadway surface to no more the 35 feet wide. In addition, the following efforts are proposed to minimize impact: clear definition of construction limits prior to construction, working from existing roadways to the extent possible, implementation of Best Management Practices during construction to minimize temporary disturbances and potential for erosion and sedimentation, implement standard spill prevention measures, and ensure spill clean-up equipment is available onsite during construction.

c. Compensatory Mitigation: The applicant has proposed no Compensatory Mitigation. The applicant's statement regarding Compensatory Mitigation is as follows: Compensation to a wetlands fund may not be necessary due to the State of Alaska's required easement that this work is to be done. Avoidance and minimization efforts reduced impacts; however, there are 2.25 acres of unavoidable new impacts to Palustrine emergent wetlands. The wetlands in this area are identified by the National Wetlands Inventory as Palustrine Emergent persistent seasonally saturated wetlands (PEM1). This type of wetland habitat is extensive across the North Slope and is not considered critical habitat for threatened or endangered species. Further, this project will be constructed between two existing gravel pads –while both of these properties are owned by the North Slope Borough the pad to the north is leased by ExxonMobil and the pad to the south is leased by Nabors Alaska Drilling.

The proposed access road would allow Northern Energy Services to access their existing pads and buildings constructed on Lots 40 and 41 without cutting through the property now leased by Nabors Industry Limited.

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 waters of the U.S. which would be directly affected by the proposed work. Consultation of the AHRs constitutes the extent of cultural resource investigations by the Corps of Engineers (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 threatened spectacled eiders (*Somateria fischeri*), the Alaska-breeding Steller's eiders (*Polysticta stelleri*), and polar bears (*Ursus maritimus*). The project area is also designated as polar bear critical habitat.

We have determined the described activity may affect the threatened spectacled eiders, and the Alaska-breeding Steller's eiders, as well polar bears, and their designated critical habitat. We will initiate the appropriate consultation procedures under section 7 of the Endangered Species Act with the USFWS. 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 National Marine Fisheries Service 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 PN 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 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 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:

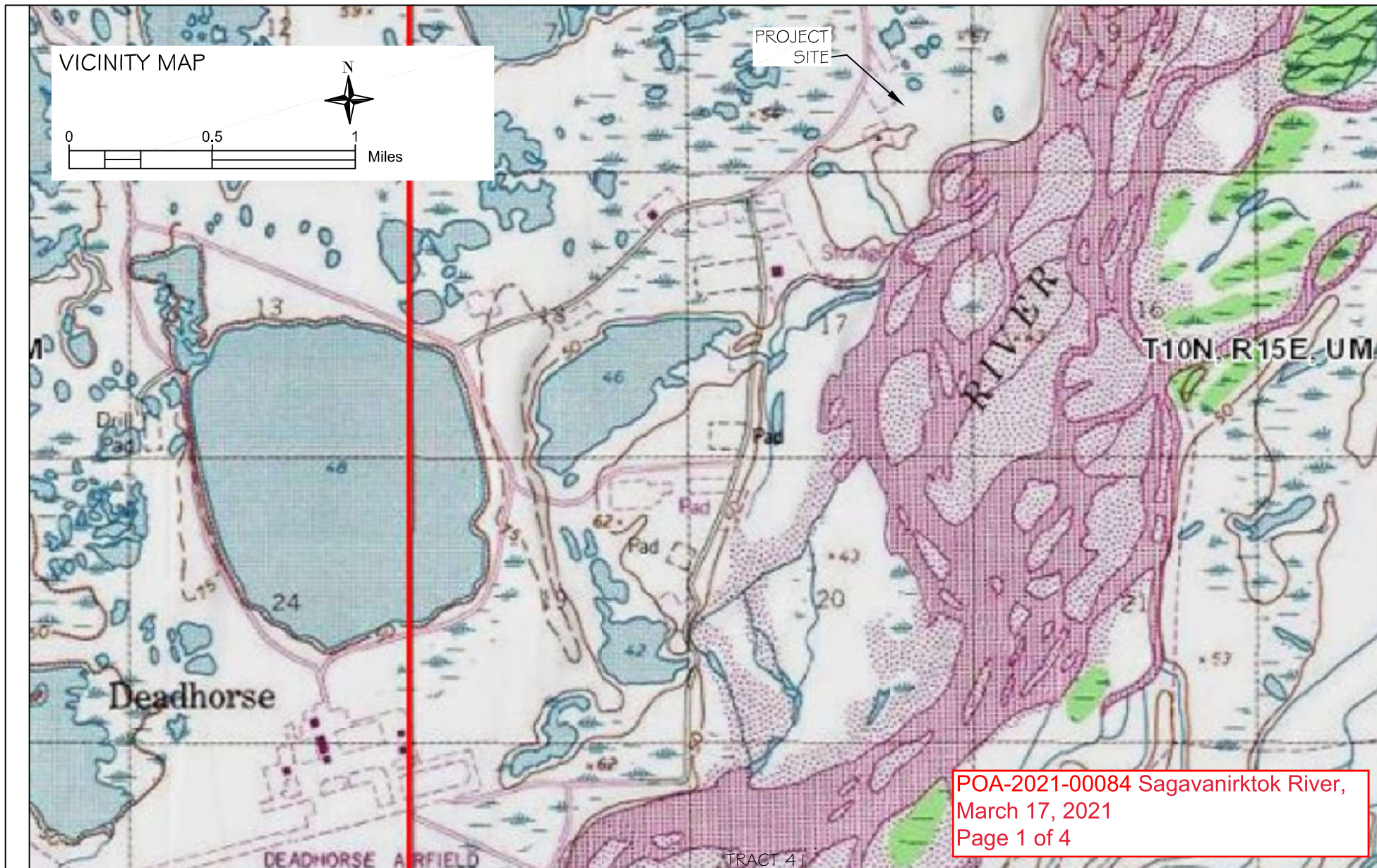
(X) Discharge dredged or fill material into waters of the U.S. – Section 404 Clean Water Act (33 U.S.C. 1344). Therefore, our public interest review will consider the guidelines set forth under Section 404(b) of the Clean Water Act (40 CFR 230).

Project drawings are enclosed with this Public Notice.

District Commander  
U.S. Army, Corps of Engineers

Enclosures





DEADHORSE, NORTH SLOPE BOROUGH, ALASKA

DIRECTIONS TO SITE: TRAVEL NORTHEAST ON SPINE ROAD FROM DEADHORSE AIRPORT. TURN RIGHT AT NABORS SHOP

APPLICANT: ALASKA FRONTIER CONSTRUCTORS, INC

FILE NO: POA-

WATERWAY: NONE

PROPOSED ACTIVITY: WETLAND FILL FOR ROAD

SEC. 8 T. 010N R. 015E M. UMIAT

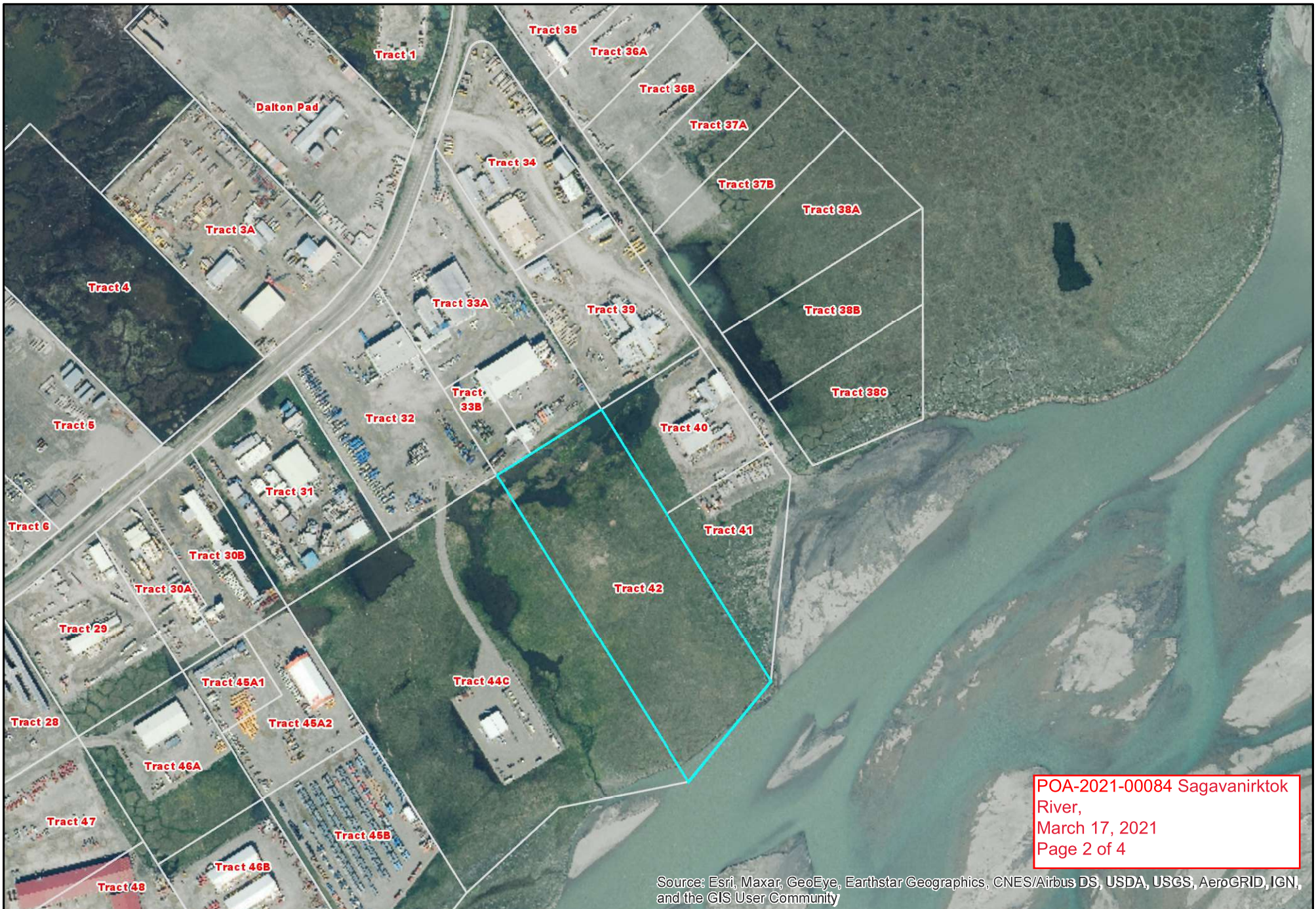
LATITUDE: 70.2311 N

LONGITUDE: 148.3755 W

SHEET 1 OF 3

DATE: 2/24/21





## ASLS 76-227 PLAT 77-3 TRACT 42



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Printed: 12/10/2020





SPINE  
ROAD  
(EXISTING)

TRACT 35

TRACT 36A

TRACT 36B

TRACT 37A

TRACT 37B

TRACT 38A

TRACT 38B

TRACT 38C

TRACT 40

TRACT 41

TRACT 34

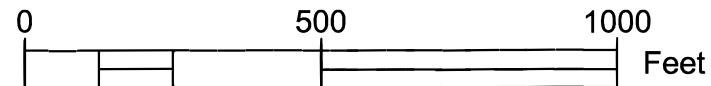
TRACT 39

WETLANDS

WETLANDS

PROPOSED ROADWAY  
ROAD LENGTH = 1675 FT  
ROAD BASE WIDTH = 55 FT  
FILL IN WETLAND = 98,000 SQ.FT.

TRACTS 34, 39, 40, 41  
OWNER: NORTH SLOPE BOROUGH  
LEASED BY: NABORS  
(REF. ASLS 76-227 PLAT 77-3)



## WETLAND FILL FOR ROAD - PLAN VIEW

TRACTS 35, 36A, 36B, 37A, 37B, 38A,  
38B, 38C OWNER: STATE OF ALASKA  
LEASED BY: EXXONMOBIL  
(REF. ASLS 76-227 PLAT 77-3)

DRAINAGE FLOW

PROPOSED  
CULVERT

A

A'

EASEMENT

100'

SAGAVANIRKTOK  
RIVER

POA-2021-00084 Sagavanirktok  
River,  
March 17, 2021  
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DEADHORSE, NORTH SLOPE BOROUGH, ALASKA

DIRECTIONS TO SITE: TRAVEL NORTHEAST ON SPINE ROAD FROM  
DEADHORSE AIRPORT. TURN RIGHT AT NABORS SHOP

APPLICANT: ALASKA FRONTIER CONSTRUCTORS, INC

FILE NO: POA-

WATERWAY: NONE

PROPOSED ACTIVITY: WETLAND FILL FOR ROAD

SEC. 8 T. 010N R. 015E M. UMIAT

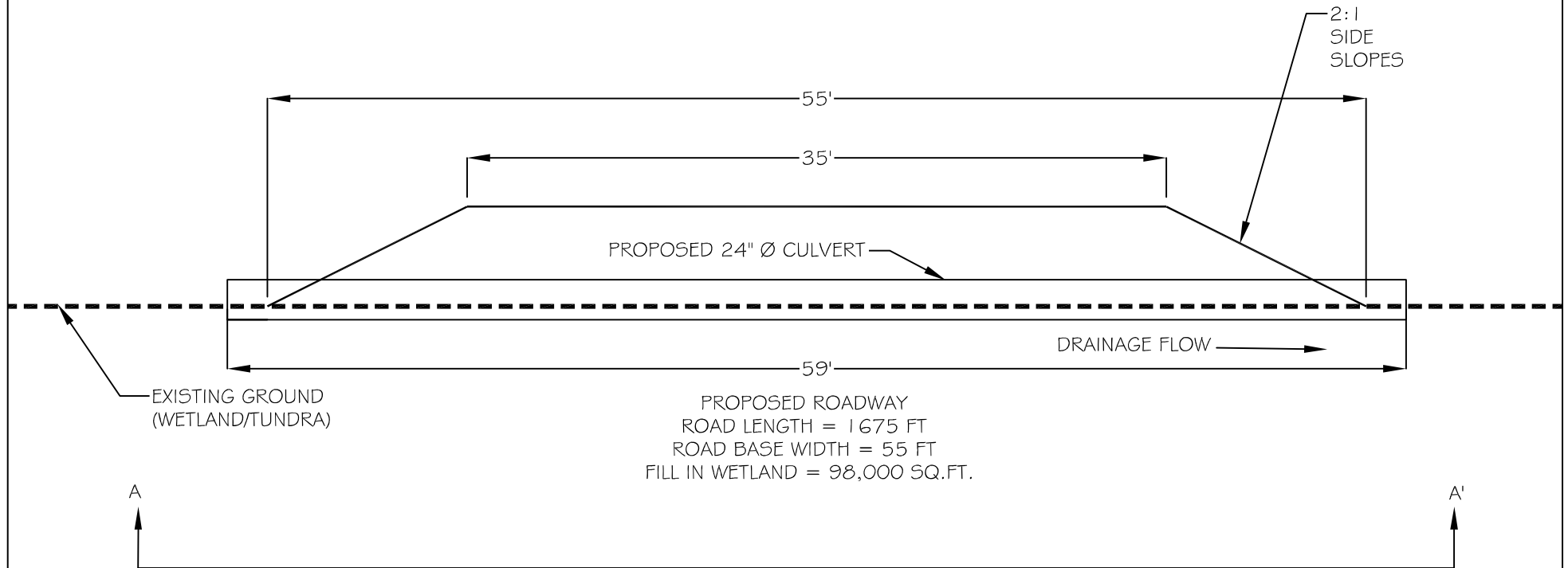
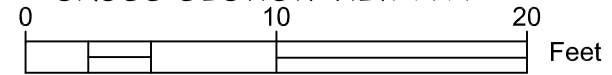
LATITUDE: 70.2311 N

LONGITUDE: 148.3755 W

SHEET 2 OF 3

DATE: 2/24/21

# WETLAND FILL FOR ROAD - CROSS SECTION VIEW A-A'



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March 17, 2021  
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DEADHORSE, NORTH SLOPE BOROUGH, ALASKA

DIRECTIONS TO SITE: TRAVEL NORTHEAST ON SPINE ROAD FROM  
DEADHORSE AIRPORT. TURN RIGHT AT NABORS SHOP

APPLICANT: ALASKA FRONTIER CONSTRUCTORS, INC

FILE NO: POA-

WATERWAY: NONE

PROPOSED ACTIVITY: WETLAND FILL FOR ROAD

SEC. 8 T. 010N R. 015E M. UMIAT

LATITUDE: 70.23111 N

LONGITUDE: 148.3755 W

SHEET 3 OF 3

DATE: 2/24/21