



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:	June 12, 2020
EXPIRATION DATE:	June 29, 2020
REFERENCE NUMBER:	POA-2020-00293
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 (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. 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 Jason Berkner at (907) 753-5778, toll free from within Alaska at (800) 478-2712, by fax at (907) 753-5567, or by email at: Jason.R.Berkner@usace.army.mil if further information is desired concerning this notice.

APPLICANT: Trans Alaska Pipeline System (TAPS) Owners

AGENT: Mr. Peter Nagel, Alyeska Pipeline Service Company

LOCATION: The project site is located within Sections 22, 27, 26, T4N, R14E. Umiat meridian; Latitude 69.675° N., Longitude 148.649° W.; near Dalton Highway MP 374, approximately 41.5 miles south of Deadhorse, Alaska.

PURPOSE: The project purpose is to prepare for planned and contingent gravel use in anticipation of continued flooding.

PROPOSED WORK: Alyeska proposes selective gravel mining from a location in the Sagavanirktok River approximately three miles south of the Franklin Bluffs Pad which is at Dalton Highway Milepost (DHMP) 377. Approximately 100,000 cubic yards of material is proposed to be mined from an un-vegetated gravel bar for deployment in 2020 to TAPS work sites or to stockpile on the existing gravel pad adjacent to the pipeline right-of-way near the old Franklin Bluffs Pad. The mining would consist of removing the top 1 to 3 feet of the gravel bar surface.

Mining would be performed during low water conditions using an excavator and bulldozer to excavate the top of the bar above the water line. Hauling and stockpiling the material would be used primarily by articulating 40-ton rock trucks along the pipeline workpad, bolstered as needed by highway transportation routes.

The gravel bar is located on a braided but stable reach of the river with multiple islands, mid-channel and point bars. The bar is approximately one mile long and a third of a mile wide, depending on water levels. Surface of the point bar is almost exclusively bare mineral soils such as gravels and sands with little or no vegetation. Soils adjacent to the river in this area consist of erosive fine sands overlying thaw stable gravel which is covered by Arctic tundra consisting of sedges, grasses, mosses, and dwarf shrub communities.

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 gravel mining will not occur in wetlands. The project will avoid adverse impacts to water flow, floodplain and existing vegetation in riparian areas. Heavy equipment use will be confined to the existing TAPS workpad and spur dikes and un-vegetated gravel bars.

b. Minimization: Access to the mining sites, will be routed as much as practical to avoid any small isolated waters or very minor braids, and best management practices such as silt fencing, tundra mats and/or temporarily filling or rock-lining the crossings if avoidance is not practical. Gravel ramps will be installed if needed for equipment access from the end of the existing access roads and then removed after mining is completed. The piling of gravel on the gravel bar/s for loading the hauling equipment will be of short-term duration only. All fueling will be done on the R.O.W. outside the active floodplain.

c. Compensatory Mitigation: The applicant states that: The gravel mining will not occur in wetlands. The proposed source bar have been subjected to disturbances from recent floods and icing events and supports only sparse vegetation, if any. Therefore, impact to local flora will be minimal. No additional mitigation is planned.

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 limits of work as shown on the attached figure, and the area immediately adjacent to the perimeter. 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: We have determined the described activity would have no effect on any listed or proposed threatened or endangered species, and would have no effect on any designated or proposed critical habitat, under the Endangered Species Act of 1973 (87 Stat. 844). Therefore, no consultation with the U.S. Fish and Wildlife Service or the National Marine Fisheries Service (NMFS) is required. However, 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).

We are currently gathering information 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 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 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).

A project drawing 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.

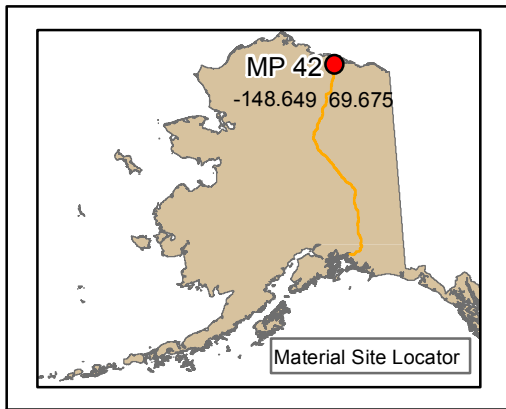
Notice is hereby given that the application for a Department of the Army Permit described in the Corps of Engineers' Public Notice (PN) Reference Number **POA-2020-00293, Sagavanirktok River**, serves as application for State Water Quality Certification from the Department of Environmental Conservation.

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 Kate Orozco 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.

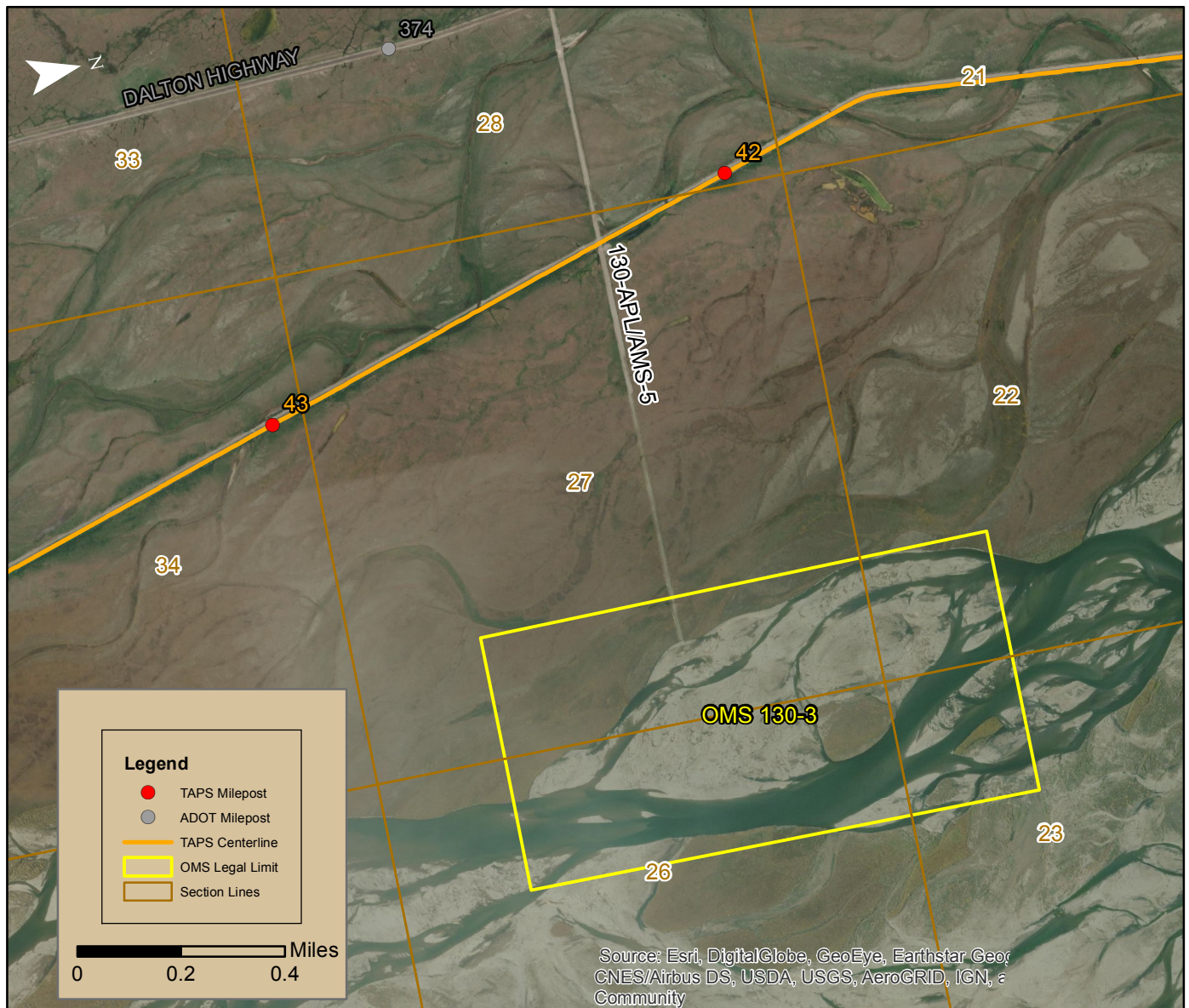


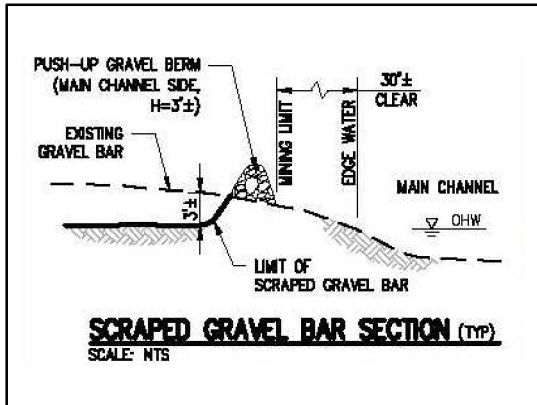
Legal Description of Material Site Tract:
T4N, R14E, U.M,
SEC 22: SE1/4 SE1/4, SEC 23: SW1/4 SW1/4,
SEC 27: E1/2 NE1/4, NE1/4 SE1/4 &
SEC 26: W1/2 NW1/4, NW1/4 SW1/4
OMS Legal Limits: Approximately 320 acres

Property Owner: State of Alaska
U.S.G.S Sagavanirktok (C-3)
North Slope Borough, Alaska



Proposed OPERATIONS MATERIAL SITE 130-3 Sagavanirktok River Location and Vicinity Map



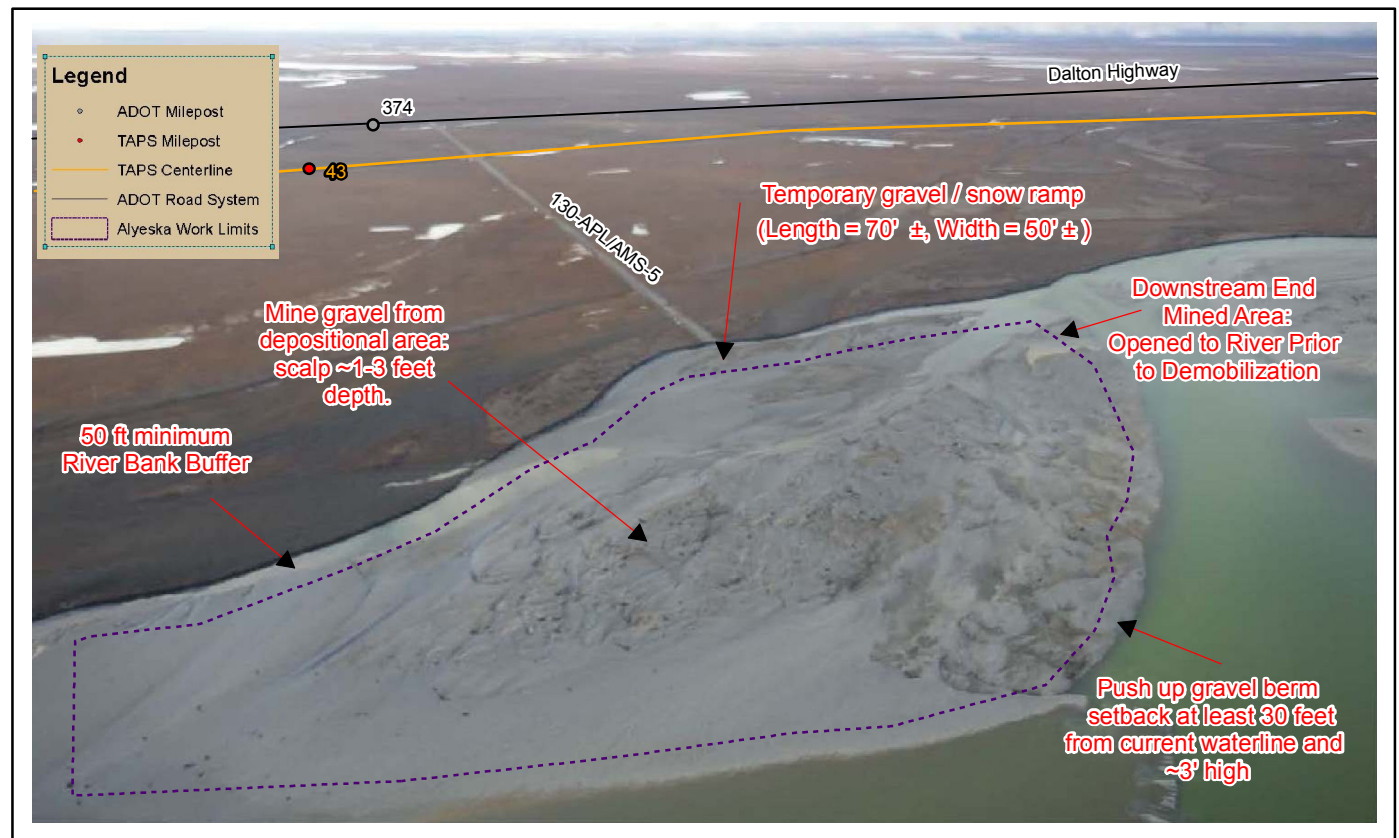


Legal Description of Material Site Tract:
T4N, R14E, U.M,
SEC 22: SE1/4 SE1/4, SEC 23: SW1/4 SW1/4,
SEC 27: E1/2 NE1/4, NE1/4 SE1/4 &
SEC 26: W1/2 NW1/4, NW1/4 SW1/4
Alyeska Work Limits: Approximately 129 acres

Property Owner: State of Alaska
U.S.G.S Sagavanirktok (C-3)
North Slope Borough, Alaska



Proposed OPERATIONS MATERIAL SITE 130-3 Sagavanirktok River Material Site Photo



Annette Nauheim: GIS Specialist

Photo is not geo-referenced or ortho-rectified.

Date of Photo: September 2019