



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 4, 2016
EXPIRATION DATE:	April 4, 2016
REFERENCE NUMBER:	POA-2016-102
WATERWAY:	Colleen Lake

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 Heather Markway at (907) 753-2797, toll free from within Alaska at (800) 478-2712, by fax at (907) 753-5567, or by email at Heather.N.Markway@usace.army.mil if further information is desired concerning this notice.

APPLICANT: Alaska Energy Services, LLC, 5505 E. 43rd Avenue, Anchorage, Alaska 99504.

Agent: ASRC Energy Services Alaska, Inc., 3900 C Street, Suite 701, Anchorage, Alaska 99503.

LOCATION: The project site is located within Section 24, T. 10 N., R. 14 E., on USGS Quad Map AK-Beechey Point A-3; Umiat Meridian; Latitude 70.204162°N, Longitude - 148.473372°W, West Lake Colleen Drive, Lot 9, Block 50, Deadhorse, Alaska.

PURPOSE: The overall project purpose is to create a facility to support the operational and logistical needs of North Slope oil and gas operators. The applicant states that the facility would be used to provide storage for oilfield equipment such as a 30,000 square foot (sf) area for a laydown yard and equipment storage; and 30,000 sf of camp space and supporting modules (diesel generators, potable & waste water, etc.). Additional space would be utilized for snow storage (26,250 sf), a driveway, and safe movement of vehicles, equipment, and pedestrians around the facilities and parking areas located on the pad.

PROPOSED WORK: The proposed work is to construct a 9.98-acre gravel pad within wetlands abutting a recently permitted and constructed 5.01-ac gravel pad. Specifically this work would result in the discharge of 80,900 cubic yards of clean fill material to provide a stable base for oilfield support equipment, vehicles, and facilities. All work would be performed in accordance with the plan view dated February 3, 2016 and the cross sectional view dated February 3, 2016 (attached).

ADDITIONAL INFORMATION: The project area will be leased by the applicant from the Alaska Department of Transportation & Public Facilities, Aviation Leasing.

APPLICANT PROPOSED MITIGATION: **The applicant provided the following statements (in italics)** regarding proposed measures to avoid, minimize, and compensate for impacts to waters of the United States from activities involving discharges of dredged or fill material. **The Corps has not evaluated the applicants proposed mitigation statements (below) at this time:**

a. Avoidance: *According to the aquatic sites assessment completed for the project, the 3.85 ac of depressional palustrine emergent wetlands have been determined as Category II and the 6.13 ac of flat palustrine emergent scrub shrub wetlands have been determined as Category III (Figure 4; see Attachment II for the aquatic sites assessment). Contractors typically prefer the majority of their pad be located in a west-east direction adjacent to the existing road, West Lake Colleen Drive; however, this would have resulted in impacts to permanently flooded waters (Figure 1). Thus, AES configured their proposed pad to avoid permanently flooded waters by aligning the pad in a north-south direction. Further, AES is avoiding 0.04 ac of wetlands and continuing natural drainage patterns by maintaining a 6 ft undisturbed tundra buffer between the pad and existing road and installing a culvert under the new driveway (Figures 2 and 3). AES proposes to construct the 30 ft driveway to match the existing grade of West Lake Colleen Drive to provide adequate ingress/egress for anticipated activity. The cost of constructing and maintaining a small gravel pad, such as the proposed one, is expensive as there is no subdivided land available in the area. However, the pad is necessary for business, accommodative, and safety purposes. Complete avoidance of wetlands is not practicable, and there is no viable alternative that will avoid impacts to these 9.98 ac of wetlands.*

b. Minimization: *Complete avoidance of wetlands and waters of the United States is not practicable to accomplish the purpose of this project. To minimize the impact of this project on the environment, the following measures are proposed:*

- *Project boundaries shall be clearly identified in the field (e.g. flagged or staked).*
- *Site preparation, excavation, fill placement, and construction activities will be conducted to prevent, minimize, and contain the erosion and suspension of fine material.*
- *AES will place geotextile fabric prior to placement of fill, and the single discharge will occur in early May to minimize potential impacts to nesting migratory birds.*
- *AES will incorporate down-shielded lighting to minimize impacts to migratory birds.*
- *The new pad would be constructed with 3:1 side slopes to minimize the footprint across wetlands.*
- *Natural drainage patterns shall be maintained to the extent practicable.*
- *AES will work from the uplands (roadways) surrounding the proposed fill site, and fill inward toward wetlands where practicable, to minimize disturbance to wetlands.*

- *Areas disturbed during project construction will be repaired in a manner that affords natural re-vegetation in order to reduce the introduction of native species. Erosion protection will be provided and remain in place until the soil is permanently stabilized.*
- *No temporary stockpiling would occur on wetlands that are not proposed for permanent fill placement.*

c. **Compensatory Mitigation:** The applicant is not offering any form of compensatory mitigation at this time, citing the projects location outside of any approved wetland bank service areas and unavailability of in-lieu fee credits (the Conservation Fund is not currently selling credits). The applicant states they have searched for opportunities for permittee responsible mitigation but determined that no practicable opportunities currently exist.

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 three threatened species, the Polar bear (*Ursus maritimus*), Steller's eider (*Polysticta stelleri*), and Spectacled eider (*Somateria fischeri*).

We have determined the described activity may affect the 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 species 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 authorities:

(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).

District Commander
U.S. Army, Corps of Engineers

Enclosures

STATE OF ALASKA

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-2016-102, Colleen Lake**, 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.