



US Army Corps
of Engineers
Alaska District

Joint Public Notice

Application for Department of the Army Permit

Application for Environmental Protection Agency and Alaska Department of Environmental Conservation Water Quality Certification

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

U.S. Environmental Protection Agency
Region 10
1200 Sixth Avenue
Mail Stop 19-C04
Seattle, Washington 98101-3140
Attention: Ms. Linda Storm

Department of Environmental Conservation
Division of Water
Wastewater Discharge Authorization Program (WDAP)/401 Certification
555 Cordova Street
Anchorage, Alaska 99501-2617

PUBLIC NOTICE DATE:	December 30, 2019
EXPIRATION DATE:	February 28, 2020
REFERENCE NUMBER:	POA-2015-00329
WATERWAY:	Multiple

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.

The U.S. Army Corps of Engineers (Corps) will review the work in accordance with Section 404 of the Clean Water Act (CWA), and Section 10 of the Rivers and Harbors Act of 1899 (RHA). The Environmental Protection Agency (EPA) and the State of Alaska Department of Environmental Conservation (ADEC) will review the work in accordance with Section 401 of the CWA.

CORPS COMMENTS: 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 Ms. Roberta Budnik at (907) 753-2785, toll free from within Alaska at (800) 478-2712, by fax at (907) 753-5567, or by email at: roberta.k.budnik@usace.army.mil if further information is desired concerning this notice.

EPA COMMENTS: Any person desiring to provide comments on water quality under Section 401 of the CWA for those proposed project features which would be located within Denali National Park and Preserve may do so by submitting written comments to the address noted above or by email at: R10_Wetlands_and_Oceans@epa.gov by the expiration date of this PN.

ADEC COMMENTS: See the attached "Notice of Application for State Water Quality Certification" for information on how to provide comments to the ADEC regarding Section 401 of the CWA for proposed project features which would be located outside of Denali National Park and Preserve.

APPLICANT: Alaska Gasline Development Corporation (AGDC); POC: Mr. Frank Richards, Senior Vice President, Program Management; 3201 C Street, Suite 201, Anchorage, AK 99503; FRichards@agdc.us; 907-330-6300

LOCATION: The proposed project spans the State of Alaska, beginning on the North Slope near Prudhoe Bay and ending in south central Alaska, near Nikiski. See Attachment 1, "Permit Application Supplemental Information," of this PN for coordinates of major project features.

SPECIAL AREA DESIGNATION: The proposed project would be routed through multiple specially designated areas, including, but not limited to, Denali National Park and Preserve, Denali State Park, and Minto Flats and Susitna Flats state game refuges. The location of the proposed project's route and attendant features can be viewed on the applicant's web-based mapper, the address for which can be found below in "Proposed Work."

PURPOSE: The applicant's stated purpose is to commercialize the natural gas resources on Alaska's North Slope during the economic life of the Prudhoe Bay and Point Thomson Units, by converting the available natural gas supply to liquefied natural gas (LNG) for export to foreign markets and to provide opportunities for in-state use.

PROPOSED WORK: To construct an integrated project that includes a new Gas Treatment Plant (GTP) on Alaska's North Slope and an 807-mile long natural gas pipeline to a new Liquefaction Facility near Nikiski, on Cook Inlet. Other major project components would include the construction of a Point Thomson Transmission Line (PTTL), a Prudhoe Bay Transmission Line (PBTL), West Dock Causeway expansion, and a marine terminal in Cook Inlet. For a detailed project description, please see Attachment 1, "Permit Application Supplemental Information."

A total of 10,323.78 acres of waters of the U.S., including wetlands, would be permanently lost as a result of the proposed project's completion. In addition, the applicant has identified a total

of 8,730.26 acres of waters of the U.S., including wetlands, would be temporarily impacted during project construction. For a detailed breakdown and summary of wetland impacts, please see Attachment 2, “Wetland Impacts Tables.”

The proposed project, including all attendant features, can be viewed at the following web-based mapper, on the applicant’s project website:

<http://agdc.maps.arcgis.com/apps/webappviewer/index.html?id=75c71217dd3048ad92121cdf2b593c55>.

All work would be performed in accordance with Attachment 3, “Project Figures” (sheets 1-195), dated September 1, 2018, and December 1 and 9, 2019.

ADDITIONAL INFORMATION: The Federal Energy Regulatory Commission (FERC) is the lead federal agency under the National Environmental Policy Act for the proposed project, and are completing an Environmental Impact Statement (EIS) for the proposed project. The draft EIS (DEIS; *Alaska LNG Project Draft Environmental Impact Statement*) was published on June 28, 2019, and can be reviewed at: <https://www.ferc.gov/industries/gas/enviro/eis/2019/06-28-19-DEIS.asp>. A final EIS (FEIS) has not yet been completed. The Corps is a cooperating agency in the development of the FEIS.

It should be noted that since FERC published the DEIS, AGDC has revised the proposed project to route the mainline pipeline through Denali National Park and Preserve.

Information, including the aforementioned route change, and comments submitted to FERC during the DEIS and FEIS development can be viewed on the proposed project’s FERC docket (search for docket number CP17-178-000): <https://www.ferc.gov/docs-filing/elibrary.asp>.

Information about the proposed project can also be found on the applicant’s website: <https://alaska-lng.com/>.

In addition to the aforementioned attachments, the following are attached to this PN:

- Attachment 4 – Waterbody Crossing Table
- Attachment 5 – Waterbody Crossing Plans

APPLICANT PROPOSED MITIGATION: For information on how the applicant has avoided, minimized, and proposes to compensate for unavoidable impacts to waters of the U.S., including wetlands, please see Attachment 6, “Wetlands Compensatory Mitigation Plan.” The attached plan is considered to be a draft, and has not yet received approval by the Corps.

In addition to the proposed project needing to meet the CWA Section 404 compensatory mitigation requirements, the FERC authorization process also includes recommendations for avoidance and minimization of environmental impacts. These FERC recommendations can be reviewed in Section 5.2 of the DEIS.

Compensatory mitigation requirements under Section 401 of the CWA will be determined by the EPA and ADEC.

WATER QUALITY CERTIFICATION: A permit for the described work will not be issued until certifications or waiver of certifications, as required under Section 401 of the Clean Water Act (Public Law 95-217), have been received from/by the EPA and ADEC. The EPA will be responsible for reviewing the proposed project components located within Denali National Park and Preserve under Section 401 of the CWA. The ADEC will be responsible for reviewing the proposed project components located outside of Denali National Park and Preserve under Section 401 of the CWA. Information on how to submit comments regarding Water Quality Certification for the proposed project is found above, and in the attached “Notice of Application for State Water Quality Certification.”

CULTURAL RESOURCES: The lead Federal agency, FERC, is responsible for ensuring the proposed project’s compliance with the requirements of Section 106 of the National Historic Preservation Act. The Corps will review FERC’s determination of effects under Section 106 and either concur with their determination or continue to work with them, the applicant, and the State of Alaska until any issues are resolved. A permit authorizing jurisdictional work to begin under Section 404 of the CWA and Section 10 of the RHA will not be issued until compliance with Section 106 is demonstrated.

ENDANGERED SPECIES: The lead Federal agency, FERC, is responsible for compliance with the requirements of Section 7 of the Endangered Species Act (ESA). The Corps will review FERC’s determination of effects to ESA listed species, and either concur with their determination or continue to work with them, the applicant, the National Marine Fisheries Service, and/or the U.S. Fish and Wildlife Service until any issues are resolved. Information regarding the proposed project’s potential impacts to ESA listed species can be found in Section 4.8 of the DEIS (see Additional Information above).

ESSENTIAL FISH HABITAT: The lead Federal agency, FERC, is responsible for compliance with the requirements of the Magnuson-Stevens Fishery Conservation and Management Act, as amended by the Sustainable Fisheries Act of 1996. The Corps will review the FERC’s determination of effects to Essential Fish Habitat (EFH), and either concur with their determination or continue to work with them, the applicant, and the National Marine Fisheries Service until any issues are resolved. Information regarding the proposed project’s potential impacts to EFH can be found in Section 4.7.4 of the DEIS (see Additional Information above).

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 rights or resources. 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 CWA Section 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).

Project drawings and a Notice of Application for State Water Quality Certification are enclosed with this Public Notice. This Notice serves as the Public Notice for soliciting comments to EPA for Water Quality Certification for the portion of the project proposed within the Denali National Park and Preserve.

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-2015-00329**, 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.