US Army Corps
of Engineers
Alaska District

Public Notice of Application for Permit

Regulatory Branch
CEPOA-CO-R
Post Office Box 6898
Elmendorf AFB, Alaska 99506-0898

PUBLIC NOTICE DATE: May 17, 2006

EXPIRATION DATE: June 15, 2006

REFERENCE NUMBER: POA-2006-807-2

WATERWAY: Sagavanirktok River

Interested parties are hereby notified that an application has been received for a Department of the Army permit for certain work in waters of the United States as described below and shown on the attached plan.

APPLICANT: BP Pipelines (Alaska) Inc., ExxonMobile Pipeline Company, ConocoPhillips Transportation Alaska, Inc., Koch Alaska Pipeline Co., L.L.C., UNOCAL Pipeline Company.

AGENT: Alyeska Pipeline Service Company, P.O., Box 196660, MS 596, Anchorage, Alaska 99519-6660; Attn: Mr. Peter C. Nagel, Sr., at (907) 787-8170.

LOCATION: The proposed project is located within sections 9 and 16, T. 5 S., R. 14 E., Umiat Meridian; Latitude 69.0163° N., Longitude 148.8197° W.; Dalton Highway Milepost 324.6, aka Ice Cut Hill, TAPS Access Road 122 AMS-3, approximately 91 miles south of Deadhorse, Alaska.

PURPOSE: To enhance response team access in accordance with TAPS Oil Discharge Prevention and Contingency Plan.

WORK: To re-align existing access road and construct a boat launch and turnaround area by placing approximately 4,030 cubic yards of clean fill consisting of 2,400 cy of clean unclassified fill, 1.050 cy of surface course material, and 580 cy of class III rip rap within approximately 0.62 acres.

MITIGATION: None proposed.

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.

COASTAL ZONE MANAGEMENT ACT CERTIFICATION: Section 307(c)(3) of the Coastal Zone, Management Act of 1972, as amended by 16 U.S.C. 1456(c)(3), requires the applicant to certify that the described activity affecting land or water uses in the Coastal Zone complies with the Alaska Coastal Management Program. A permit will not be issued until the Office of Project Management and Permitting, Department of Natural Resources has concurred with the applicant's certification.

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.

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 Engineer 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.

TRIBAL CONSULTATION: The Alaska District fully supports tribal self-governance and government-to-government relations between the Federal government and Federally recognized Tribes. This notice invites participation by agencies, Tribes, and members of the public in the Federal decision-making process. In addition, 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 Engineer during the public comment period.

ENDANGERED SPECIES: No threatened or endangered species are known to use the project area.

Preliminarily, the described activity will not affect threatened or endangered species, or their critical habitat designated as endangered or threatened, under the Endangered Species Act of 1973 (87 Stat. 844). This application is being coordinated with the U.S. Fish and Wildlife Service and the National Marine Fisheries 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 proposed work is being evaluated for possible effects to Essential Fish Habitat (EFH) pursuant to the Magnuson Stevens Fishery Conservation and Management Act of 1996 (MSFCMA), 16 U.S.C. et seq and associated federal regulations found at 50 CFR 600 Subpart K. The Alaska District includes areas of EFH as Fishery Management Plans. We have reviewed the January 20, 1999, North Pacific Fishery Management Council's Environmental Assessment to locate EFH area as identified by the National Marine Fisheries Service (NMFS).

We have determined that the described activity within the proposed area will not adversely affect EFH, including anadromous fish and federally managed fishery resources.

SPECIAL AREA DESIGNATION: None.

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 decision whether to authorize a proposal, and if so, the conditions under which it will be allowed to occur, are therefore

determined by the outcome of the general balancing process. That 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 Engineer 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.

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. If further information is desired concerning this notice, please contact Mr. Robert W. Jobson, Jr. at (907) 753-2712, toll free from within Alaska at (800) 478-2712, or by email at robert.w.jobson@poa02.usace.army.mil.

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 plan, Notice of Application for Certification of Consistency with the Alaska Coastal Management Program, and Notice of Application for State Water Quality Certification are attached to this Public Notice.

District Engineer
U.S. Army, Corps of Engineers

Attachments

2006-807

Alyeska pipeline SERVICE COMPANY

P.O Box 196660 ANCHORAGE, ALASKA 99519-6660 TELEPHONE (907) 787-8700

May 3, 2006

APSC Letter No. 8481

Mr. Michiel E. Holley, Unit Coordinator
U.S. Army Corps of Engineers
P.O. Box 898
Anchorage, AK 99506-0898

RECEIVED

RE: Trans-Alaska Pipeline System, Access Road 122 AMS-3
Partial Realignment and Boat Launch to Sagavanirktok River at Ice Cut Hill

Dear Mr. Holley:

On behalf of its owner companies, Alyeska Pipeline Service Company hereby submits the enclosed application (Form - OMB Approval No. 0710-003) for the subject work at the referenced location. A Coastal Project Questionnaire is also enclosed.

Also, this letter also serves to provide notification under 33 CFR 330.1(e), in the event that such notice is required.

Also, Alyeska, and other Alaska applicants for individual Corps permits, have routinely requested short term variance from water quality standards for work associated with individual permits. In the event that a variance approval is needed, we request that approval of the variance be explicitly stated in the 401 Certification document for clarification purposes. In the event that the State indicates it will not process a variance application, if needed, or is simply silent on the request please accept our application without consideration of the issuance of the variance. Alyeska will institute the necessary institutional controls to ensure that the existing uses of the waters are protected consistent with the Alaska antidegradation policy and the applicable Alaska water quality standards.

Thank you for your attention to this request. Please contact me at 787-8170 if we can provide additional information.

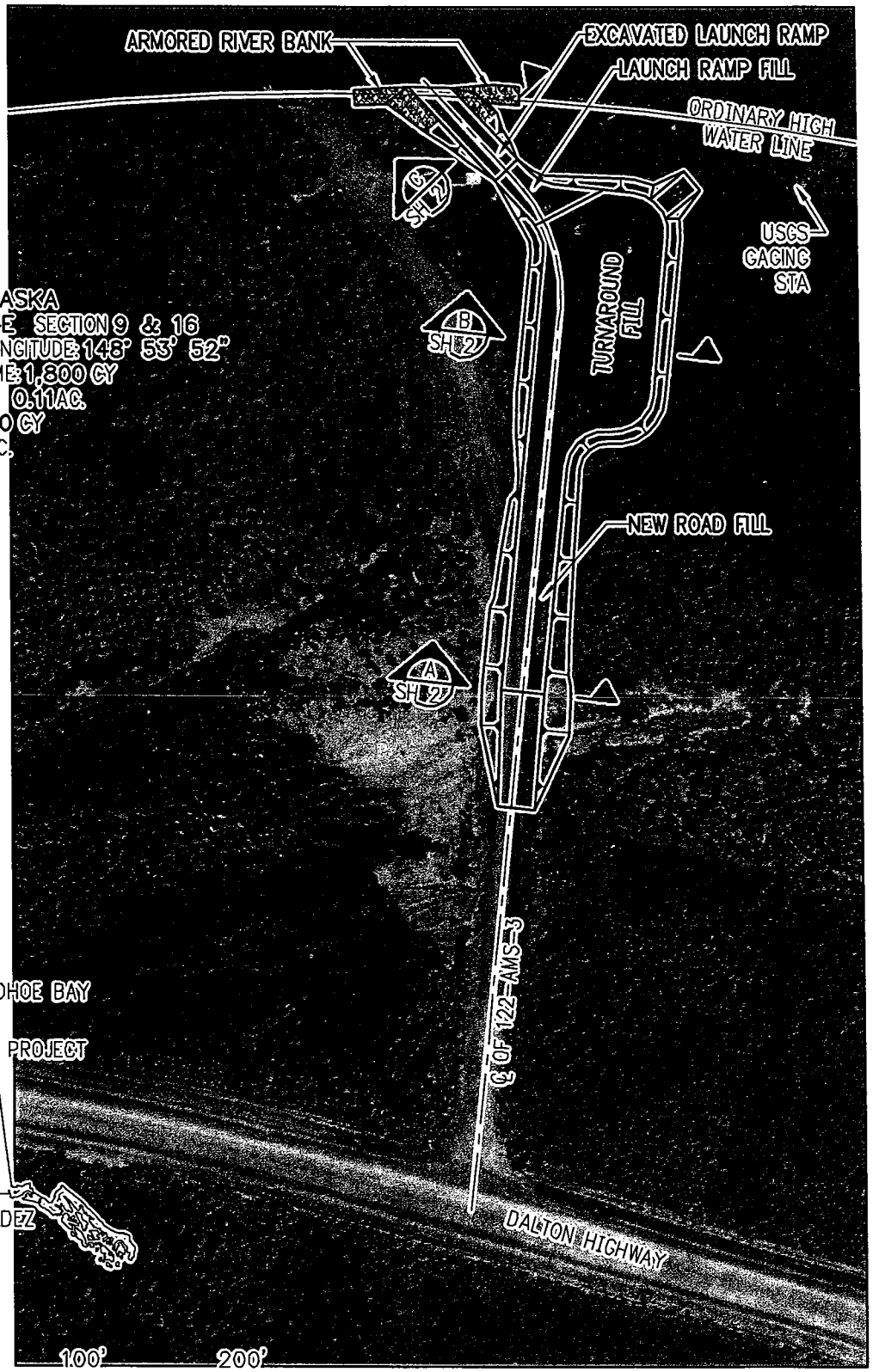
Sincerely,

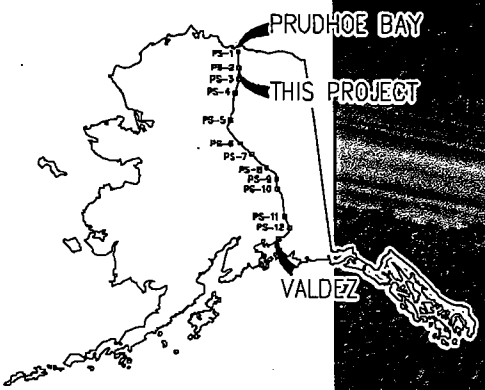
Peter C. Nagel, SR/WA
Land and Right-of-Way

Enclosure

cc: Mel Langdon, ADEC
Mike Thompson, Acting State Pipeline Coordinator

G100 ALIGNMENT SHEET **17**
LAND OWNER: **STATE OF ALASKA**
MERIDIAN: **UMIAT T5S R14E** SECTION **9 & 16**
LATITUDE: **68° 53' 26"** LONGITUDE: **148° 53' 52"**
ESTIMATED EXCAVATION VOLUME: **1,800** CY
ESTIMATED EXCAVATION AREA: **0.11**AC.
ESTIMATED FILL VOLUME: **4,030** CY
ESTIMATED FILL AREA: **0.62** AC.





100' 50' 0 100' 200'

SCALE: 1" = 100'

S043 – PUMP STATION 3 BOAT LAUNCHES 122-AMS-3 (ICE CUT) PLAN				ALYESKA PIPELINE SERVICE CO.	
				TRANS ALASKA PIPELINE SYSTEM	
				DATE: 04-28-06	COEICECUT
REV. 1	DWN. WCW	CKD. –	APPR. –	SCALE: 1"=100'	SHEET 1 OF 2

AUTOCAD DWG. DO NOT REVISE MANUALLY.

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DATE: 04-28-06
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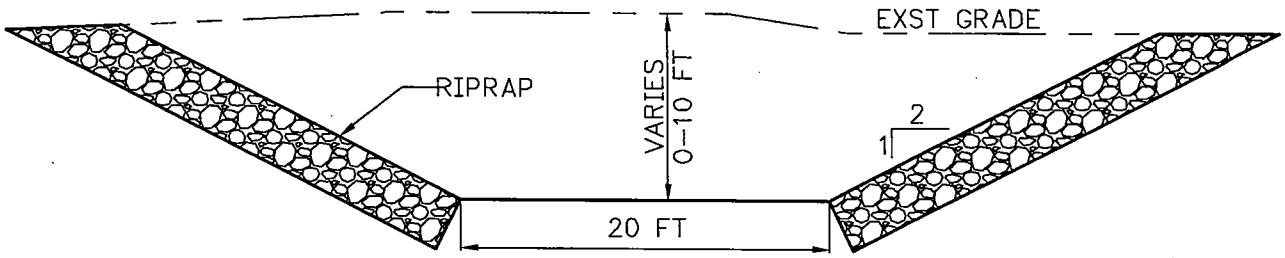

SECTION C SH 1
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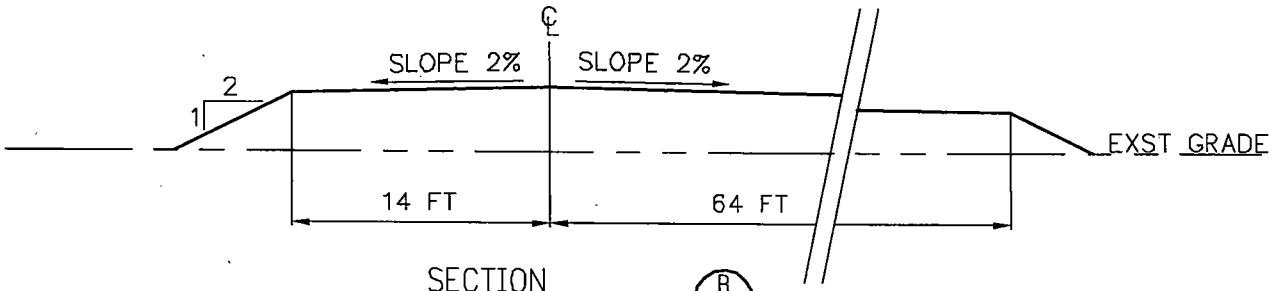

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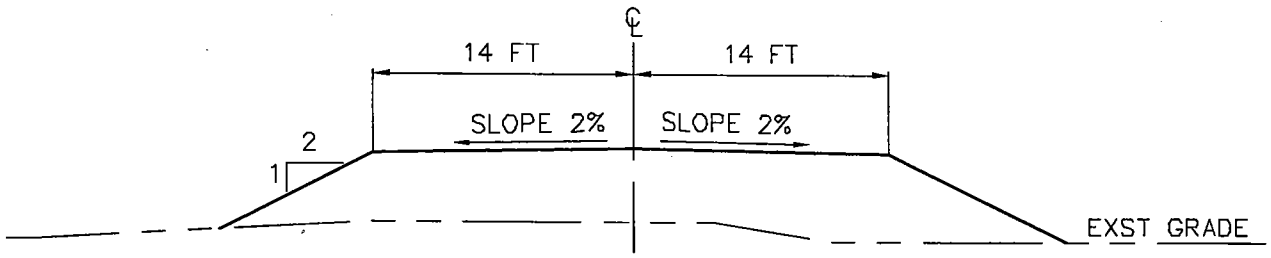

SECTION A SH 1
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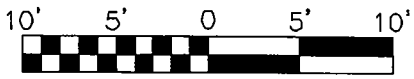

SCALE 1"=10'

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DATE: 04-28-06

FILENAME:COEICECUTS21 PLOT SCALE:1=10

S043 – PUMP STATION 3 BOAT LAUNCHES 122-AMS-3 (ICE CUT) TYPICAL SECTIONS				ALYESKA PIPELINE SERVICE CO. TRANS ALASKA PIPELINE SYSTEM	
				DATE: 04-28-06	COEICECUT
REV. 1	DWN. WCW	CKD. -	APPR. -	SCALE: 1"=10'	SHEET 2 OF 2

AUTOCAD DWG. DO NOT REVISE MANUALLY.

FRANK H. MURKOWSKI, GOVERNOR

STATE OF ALASKA

OFFICE OF THE GOVERNOR

DEPARTMENT OF NATURAL RESOURCES
OFFICE OF PROJECT MANAGEMNT AND PERMITTING

ALASKA COASTAL ZONE MANAGEMENT
550 WEST 7TH AVENUE, SUITE 1660
ANCHORAGE, ALASKA 99501-3568

NOTICE OF APPLICATION
FOR
CERTIFICATION OF CONSISTENCY WITH THE
ALASKA COASTAL MANAGEMENT PROGRAM

Notice is hereby given that a request is being filed with the Office of Project Management and Permitting for a consistency determination, as provided in Section 307(c)(3) of the Coastal Zone Management Act of 1972, as amended [16 U.S.C. 1456(c)(3)], that the project described in the Corps of Engineers Public Notice No.: **POA-2006-807-2, Sagavanirktok River**, will comply with the Alaska Coastal Management Program and that the project will be conducted in a manner consistent with that program.

The Office of Project Management and Permitting requests your comments, particularly on the proposed project's consistency with the affected local coastal district management program. For more information on the consistency review contact OPMP at (907) 269-7470 or (907) 465-3562, or visit the ACMP web site at http://www.gov.state.ak.us/gdc/Projects/projects.html.

Attachment 2

FRANK H. MURKOWSKI, GOVERNOR

STATE OF ALASKA

OFFICE OF THE GOVERNOR

DEPT. OF ENVIRONMENTAL CONSERVATION

DIVISION OF WATER
401 Certification Program
Non-Point Source Water Pollution Control Program

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-2006-807-2, Sagavanirktok River**, State Water Quality Certification from the Department of Environmental Conservation.

After reviewing the application, the Department may certify that there is reasonable assurance that 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 within 30 days of the date of the Corps of Engineer's Public Notice to:

Department of Environmental Conservation
WQM/401 Certification
555 Cordova Street
Anchorage, Alaska 99501-2617
Telephone: (907) 269-6281
FAX: (907) 269-7508

Attachment 3