



US Army Corps
of Engineers
Alaska District

Public Notice of Application for Permit

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

PUBLIC NOTICE DATE: November 3, 2008

EXPIRATION DATE: December 3, 2008

REFERENCE NUMBER: POA-1981-243-M7

WATERWAY: Beaufort Sea

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 **Julie W. McKim** at (907) 753-2773, toll free from within Alaska at (800) 478-2712, by fax at (907) 753-5567, or by email at julie.w.mckim@usace.army.mil if further information is desired concerning this notice.

APPLICANT: BP Exploration (Alaska) Inc., Post Office Box 196612, Anchorage, Alaska 99519-6612; Contact: Ms. Katherine Hughes, (907) 564-5837

LOCATION: The project site is located within Section 20, T. 13 N, R. 11 E., Umiat Meridian; USGS Quad Map Beechey Point B-4; Latitude 70.4572° N., Longitude 149.3588° W.; Milne Point Unit, Milne Point Mine Site, northern area, near Deadhorse, Alaska.

PURPOSE: The applicant's stated purpose is "expansion of mine site to access new gravel for projects to build new or extend pads."

PROPOSED WORK: The applicant proposes to place approximately 410,000 cubic yards of overburden material into wetlands in association with the 16.8 acre expansion of the Milne Point Mine Site to meet the continued and growing demand for gravel for the planned Western Region Development projects and heavy oil pilot projects. All work would be performed in accordance with the enclosed mining plan, rehabilitation plan, and drawings (sheets 1-16), dated October 2008.

ADDITIONAL INFORMATION:

MINING PLAN

The overburden material would be stockpiled on approximately 12 acres of existing littoral benches to the west of the existing mine. The overburden is estimated to be approximately 15 feet deep over the gravel. The amount of gravel to be extracted would be approximately 750,000 cubic yards of material. This proposed expansion is consistent with the Mining and Rehabilitation Plan (dated December 1995) in that this area was deemed "future potential mine boundary expansion". The currently proposed plan includes a revised mining and rehabilitation plan that has been updated with environmental information and revised to reflect proposed future gravel extraction operations and revegetation techniques consistent with proven success and other recently approved rehabilitation plans. The mine site plan includes segregating the mine site expansion from East Creek to avoid a potential breach between the mine and the creek at high flow periods and conserving stockpiled, segregated organic overburden for use in potential revegetation projects. The expansion area to the north would follow approximately the 8 foot contour along its eastern boundary, which will provide a natural flood-prevention barrier. The expansion would extend westward and would require a slight re-routing to the west of the existing road to reduce the potential of flooding the mine site during high flow of East Creek. Access to the mine site is existing and available all year. Segregated overburden would be stockpiled on the larger of the two existing littoral benches to the west of the flooded mine pit within the original permitted area. Inorganic overburden could be used for restoration and erosion control projects. Gravel extracted may be stockpiled at various locations within the permitted footprint. Side slopes of the mining cut would be contoured to a 1:1.5 side slope as mining progresses. Most of the mining would be conducted in the winter months to avoid any potential disruption of nesting birds. Additional information and more details of the above can be found in the attached Mining Plan (sheets 1-6, 12-14 dated October 2008).

REHABILITATION PLAN

Flooding from the creek is not expected, but if severe flooding were to occur, overflowing the dike, breaching would be conducted to the extent practicable to allow flow through the mine-site created lake. Also, the access road leading into the gravel mine area at the west side of Milne Point gravel mine will be retained as long as necessary to provide continued access to mining area, overburden stockpiles for future re-vegetation projects, and possible future water withdrawal sites from the reservoir system. The final grade around the mine pit relative to final water level would be no more than 3:1 out to 5 or 6 feet of water depth. Areas excavated to tundra grade or backfilled areas would be seeded with *Puccinellia borealis*, a native grass that is short-lived and non-competitive to invasion by indigenous tundra plant species. Phosphorus fertilizer would be applied to seeded grass. The year following mine site close-out, seed and fertilizer would be applied during the growing season. Performance standards, monitoring, reporting, and details of the above can be found in the attached Rehabilitation Plan (sheets 7-12, 15-16 dated October 2008).

ANADROMOUS FISH

East Creek, the water body adjacent to the Milne Mine Site, is catalogued as an anadromous fish stream number 330-00-10560 for present and rearing whitefishes. Although the mining of the project is not likely to impact the water body, if freshwater from the mine site after rehabilitation were to enter East Creek, there may be impacts.

MITIGATION: The applicant proposes the following mitigation measures to avoid, minimize, and compensate for impacts to waters of the United States from activities involving discharges of dredged or fill material:

AVOIDANCE

BPXA chose to shift the expansion cell westward and slightly reroute the existing road. This was done to eliminate the potential of flooding the mine site and subsequent drainage a portion of East Creek during high flow periods. This decision would eliminate the impact to East Creek and the surrounding wetlands.

MINIMIZATION

BPXA contends that the current expansion avoids impact to the waters of the U.S. because it maximizes gravel recovery at an existing site in order to minimize the disturbance of wetlands. The Milne Point Mine Site has been a source of gravel since 1982. The current expansion plan is within mine site boundaries identified in the historic U.S. Army Corps of Engineers permits. Projects scheduled for the next several years indicate an increasing demand for gravel. BP Exploration (Alaska) Inc. believes that continued development of the Milne Point Mine Site is the least intrusive selection.

The choice to mine new gravel was only made after consideration of reuse gravel from site remediation projects. In fact most projects will use reclaimed gravel when at all possible. However, future development in the Western Operating Area (Prudhoe Bay Unit) and Milne Point Unit forecast the need for more gravel than can be provided from these reclamation projects.

COMPENSATION

BPXA makes a practice of salvaging and re-using organic overburden for rehabilitation projects throughout the Slope. This is a method of mitigation for past developments.

Additionally, BP Exploration (Alaska) Inc. will provide in-lieu fees to The Conservation Fund.

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 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 Division of Coastal and Ocean Management, Department of Natural Resources has concurred with the applicant's certification.

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 the Sterlller's eider (*Somateria fischeri*), Spectacled eider (*Polysticta stelleri*), and polar bear (*Ursus maritimus*).

Preliminarily, the described activity may affect threatened or endangered species, or modify their designated critical habitat, 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 (NMFS). 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).

Preliminarily, the described activity will not affect EFH in the project area. This Public Notice initiates EFH consultation with the NMFS. Any comments or recommendations they may have concerning EFH 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 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 authority:

(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).

The Project Mining Plan, Rehabilitation Plan, Drawings, Notice of Application for Certification of Consistency with the Alaska Coastal Management Program, and Notice of Application for State Water Quality Certification are enclosed with this Public Notice.

District Commander
U.S. Army, Corps of Engineers

Enclosures

**MINING AND REHABILITATION PLAN
MILNE POINT UNIT MINE SITE EXPANSION
MILNE POINT UNIT, NORTH SLOPE BOROUGH, ALASKA
REVISION 1***

as required by
Material Sale Contract ADL 417964
USACE Permit No. R-810243, Beaufort Sea 201

Revised by **BP Exploration (Alaska) Inc.**
October 13, 2008

INTRODUCTION

BP Exploration (Alaska) Inc. (BPXA) submits this updated mining and rehabilitation plan for operation of the Milne Point Unit (MPU) Mine Site. The mining and rehabilitation plan was developed to fulfill requirement of the federal permit issued for the mine. Revisions to the plan require review and approval by both federal and state agencies.

HISTORY

Milne Mine Site contains approximately 82 surface acres and has been a source of gravel for exploration and development since it was permitted in 1982.

The U.S. Army Corps of Engineers (USACE) permit 4-810243, Beaufort Sea 201, was issued to Conoco in 1982. Subsequent amendments were issued to Conoco in 1984 (M-810243, Q-810243) and 1991 (O-810243) and to BPXA in 1995 (P-810243, Q-810243) and in 1996 (R-810243).

A revised Milne Point Gravel Mine Site Mining and Rehabilitation Plan (Plan) was submitted for agency approval in December 1995, whereupon a Conclusive Consistency Determination (State I.D. NO. AK9602-01OG) and the above mentioned USACE permit, R-810243, were issued. The USACE permit expired in 2001; however the Plan did not have an expiration date. It was understood that any expansion outside the 1996 permitted footprint of the mine would require an updated Plan, a COE permit modification, and a multi-agency review and approval.

* Revision Log located on Page 11

The Alaska Department of Natural Resources (ADNR) Division of Mining Land and Water (DMLW) authorizations for mining were granted to Conoco through material sale contracts in 1982 (ADL 403604), 1988 (ADL 413649), and 1991 (ADL 414555). When BPXA acquired Conoco's assets in 1994, authorization for mining at Milne

Point was granted through BPXA's Material Sales Contract ADL 415140. A subsequent Material Sale Contract ADL 416559 was approved and issued to BPXA on March 6, 2001. In 2007 MSC 417964 was issued to BPXA and this will not expire until June 11, 2017.

Authorization to expand and rehabilitate the mine site was issued by the Alaska Department of Fish and Game (ADFG) to Conoco in 1991 (FG91-III-0067). The permit was transferred to BPXA in 1994. The current fish habitat permit (FG91-III-0067A) was approved on December 22, 1999 by ADFG and the fish habitat dewatering permit (FG96-III-0012A) was issued on December 30, 1999.

The North Slope Borough's original approval authorizing mining was granted to Conoco on January 27, 1982 with subsequent approvals granted on March 12, 1984; and February 11, 1991.

The United States Environmental Protection Agency authorized discharge under the National Pollutant Discharge Elimination System (NPDES) for facilities related to oil and gas extraction under permit number AKG-33-0000 effective January 2, 2004. This permit and the authorization to discharge expire on January 2, 2009.

2008 MINING & REHAB PLAN REVISION AND MINE EXPANSION

This Mining and Rehabilitation Plan has been revised to reflect proposed future gravel extraction operations and re-vegetation techniques consistent with proven success and other recently approved rehabilitation plans.

The mine site plan meets the following objectives:

- maximizing gravel recovery at an existing site while considering habitat in order to minimize the area disturbed,
- segregate the mine site expansion from East Creek to avoid a potential breach between the mine and the creek at high flow periods,
- conserving stockpiled, segregated organic overburden for use in potential re-vegetation projects.

The existing gravel mine site configuration has been updated. Figure 2 provides the location of the mine site and identifies the previously permitted expansion cell. The current Milne Point Mine Site permitted area is approximately 65.4 acres. The proposed extension is approximately 16.8 acres and is 1,130 feet long and

approximately 770 feet wide. It is located directly north of the previous mine excavations in the originally permitted area. The expansion area to the north will follow approximately the 8 foot contour along its eastern boundary. Preserving this topography along the eastern boundary will provide a natural flood-prevention barrier. The expansion will extend westward and will require a slight re-routing to the west of the existing road to eliminate the potential of flooding the mine site during high flow of East Creek. The mining and rehabilitation plan assumes that the entire extension area will be worked prior to final closure. The final area impacted by mining will be reduced if a lesser volume of gravel is required than is potentially extractable.

EXISTING CONDITION

The mine site is located west of East Creek, a shallow, tidally-influenced creek flowing into Simpson Lagoon. The mine site is located within sections 20 and 29 of Township 13 North, Range 11 East, Umiat Meridian (see Figures 1 and 2), and is about 10 miles along an established road from the proposed I-Pad, S-Pad and J-Pad sites and can be accessed all year.

The current size and basic configuration of the gravel mine area are unchanged from what was approved in the 1995 Milne Point Gravel Mine Site Mining and Rehabilitation Plan. Approximately 42 acres of mine pit within the 65-acre permitted area has been flooded with melt water and runoff. This flooded area includes the approximately 8 acres of shallow littoral habitat along the western perimeter of the reservoir.

Overburden material is currently stored in three areas. Overburden has been used to create a 20 foot high flood dike to the east of the mine site that was intended to protect the mine site's fresh water reservoir from salt water intrusion. There are two shallow littoral habitat areas, approximately 5.5 and 2.4 acres, located to the west of the mine site that were also created with overburden material (see Figure 2). There is a stockpile of overburden material located to the east of the flooded mine pit which is recognized as an important and valuable natural resource. Overburden material can be used as a source for future rehabilitation and abandonment projects on an as-needed basis. Located at the extreme south end of the stockpile are two perched, partially vegetated wetland areas, each encompassing approximately 0.5 acres. The southern-most of these includes a small pond.

As some measure of flexibility is required in mining and rehabilitation, the plans and figures presented in this document are provided as guidance, and not as a precise description of final configuration. However, the outer permit boundary and size of the mine site and the re-vegetation performance standards listed in Table 1 are considered compliance requirements under the permits that regulate this project.

Permits authorizing the current mining and rehabilitation plan are listed in the **HISTORY** section of this plan.

MINING PLAN

General Information

Active gravel mining is not currently underway at the Milne Point Gravel Mine. The additional area in the proposed expansion must be excavated to meet the gravel needs for planned Western Region Development (WRD) projects including the Z-Pad and I-Pad projects.

1. The 16.8 acre expansion is identified in Figure 2. The overburden of peat and organic silt from the proposed excavation area will be suitable for site restoration work. Approximately 15 feet of overburden will be removed. The segregated overburden will be stockpiled on the existing 12 acre littoral bench, as noted on Figure 4. Inorganic overburden can be used for restoration and erosion control projects.
2. The expansion is expected to provide approximately 750,000 cubic yards or more of gravel obtained in two standard 20-foot lifts. Gravel extracted may be stockpiled at various locations within the permitted footprint.
3. Mining in the existing pit to the south did not result in significant measurable interstitial flow between the mine pit and the river therefore we do not anticipate this being an issue in the northern expansion. Although most of the mining will be done in the winter, we could continue mining during periods of thaw and, if necessary, de-water the expansion pit into the existing pit to the south.

Summer Mining Plan

1. Summer mining will consist of mining gravel vertically to a depth of between 6 and 8 feet.
2. Gravel will be mined below the static water elevation if it is practical to do so and assuming continued authorization to discharge accumulated gravel mine water under the provisions of the existing National Pollutant Discharge Elimination Systems (NPDES) permit issued by the Environmental Protection Agency (EPA). Alternatively, water from the new mine pit in the proposed expansion area will be transferred to the already-flooded pit in the other cell. This will be facilitated by maintaining a berm between the two units. Mining below the static water table will be conducted so as to create a benched or shelved configuration. Generally, the shelf will extend laterally for a distance of approximately 100 feet. Beyond the shelf area, mining will continue vertically until it is determined to be no longer practical for reasons of safety, gravel quality or operational efficiency. See Figures 3-4.
3. Side slopes of the cut will be contoured to a 1:1.5 side slope as mining progresses (Fig 3).

Winter Mining Plan

1. Mining during the winter months will consist of deep mining, to a depth of approximately 40 to 60 feet. A sloped access ramp will be constructed into the pit as mining progresses deeper into the pit. This deep mining will accomplish two important goals: the disturbance of surface area will be reduced through greater recovery of the natural resource gravel within a specific area and the mined material can be stockpiled within the perimeter of the expanded extraction site if it is not immediately transported offsite where it is needed for construction.
2. Side slopes in Milne Point Mining Expansion during the winter mining will be contoured to a 1:1.5 side slope in those areas not already contoured during the summer. Some contouring may have to be performed during the following summer season.
3. Most of the mining will be conducted in the winter months to avoid any potential disruption of nesting birds.

REHABILITATION PLAN

INTRODUCTION

This plan describes procedures to be used for rehabilitating the MPU Mine Site Expansion located in the Milne Point Unit on the North Slope of Alaska.

Because flexibility is needed in rehabilitation, most of this plan is provided for information purposes only, with the understanding that some changes may be needed as rehabilitation progresses. Flexibility in the rehabilitation plan allows information from this site and other rehabilitation sites to be considered in the future; however, the monitoring requirements (see Table 1) and the Performance Standards (see Table 2) should be considered compliance requirements.

Surrounding Vegetation: The vegetation surrounding the MPU Mine Site Expansion has a rolling to flat landscape with minimal topographic relief. The wetland habitats of East Creek consist mostly of moist upland communities and wet meadow communities which are typical of the North Slope coastal plain. The moist upland vegetation occurs on the lowland areas that are well drained. The plant species of this vegetation type are primarily influenced by the moisture content of the soil and vary as moisture decreases from solely cottongrass to areas dominated by dwarf shrubs. The major species of the cottongrass tussock communities include: cottongrass (*Eriophorum vaginatum*), Bigelow's sedge (*Carex bielowii*) and dwarf birch (*Betula nana*). The dwarf shrub-heath communities are characterized by: dwarf birch (*Betula nana*), heather (*Cassiope tetragona*), Labrador tea (*Ledum palustre*), and netted willow (*Salix reticulata*). The wet meadow vegetation type is typical of the wetter areas with seasonally saturated soils which typically occur near the edges of ponds and streams. Depressed center polygons also typically include this plant community type. The dominant plant species of the wet meadow communities include: water sedge (*Carex aquatilis*), cottongrass (*Eriophorum* spp.), tundra grass (*Dupontia fisheri*), Bigelow's sedge (*Carex Bigelowii*), and other sedges (*Carex* spp.), rushes (*Juncus* spp.), horsetail (*Equisetum* spp.). Other grasses, mosses, lichens, and algae are also found in this vegetation type.

Rehabilitation Approach: Areas of stockpiled overburden will have elevations similar to the naturally occurring adjacent elevations so that the natural topography of the area is preserved as closely as possible. These areas of overburden will be fertilized, seeded, and monitored to achieve site conditions similar to the surrounding area.

Goals and Objectives: The goal of the Milne Point Gravel Mine rehabilitation plan is to establish productive, diverse, and self-sustaining plant communities on terrestrial areas upon final mine site abandonment.

SITE PREPARATION

1. The mine site will be left intact upon abandonment for possible future purposes such as stockpiling of reclaimed gravel, material staging areas, etc. As the mine pit is naturally filled by runoff and melt water, a freshwater reservoir will develop as it has in the old mine pit to the south. This will be a valuable fresh water source that will prevent other natural lakes from being drained and it will also provide bird habitat. We do not expect flooding from the creek due to its size and the nature of the coastal plain, but if severe flooding were to occur, overflowing the dike, breaching would be conducted to the extent practicable to allow flow through the mine-site created lake.
2. Unused overburden will be stockpiled for use in site reclamation and restoration projects.
3. The access road leading into the gravel mine area at the west side of Milne Point gravel mine will be retained as long as necessary to provide continued access to mining areas, overburden stockpiles for future re-vegetation projects, and possible future water withdrawal sites from the reservoir system.
4. The final grade around the mine pit relative to final water level will be no more than 3:1 out to 5 or 6 feet of water depth.

REHABILITATION TREATMENTS

Areas excavated to tundra grade or backfilled areas will be seeded with *Puccinellia borealis*, a native grass that is short-lived and non-competitive to invasion by indigenous tundra plant species. An application of approximately 3-5 lb/acre of *Puccinellia borealis* should be adequate (BP Exploration (Alaska), Inc. et al. 2004). *P. borealis* seed is available in limited quantities, and this seeding plan (either the species or the year of planting) may need to be revised if adequate seed is not available.

Based on past experience, applying phosphorus fertilizer will greatly benefit establishment of the seeded grass and encourage the invasion of the site by indigenous graminoids. A fertilizer application to deliver 20:20:10 NPK at 400 lbs/acre is recommended as specified in the North Slope Plant Establishment Guidelines Table dated May 11, 2004. The year following Milne Point Gravel Mine site close-out, seed and fertilizer will be applied during the growing season, after breakup and before freeze up in autumn, when the soil surface has thawed and drained of excess moisture. The seeded grass is expected to reach maturity by the third growing season following seeding and to begin declining after four to five growing seasons, allowing natural colonizers to occupy the site.

PERFORMANCE STANDARDS

By the tenth year following gravel removal, the mine site overburden will support 10% total live vascular plant cover, excluding seed grass cultivars. At least five species of naturally colonizing plants will be present, with at least 0.2% cover by each. These performance standards, intended to lead to a stabilizing plant cover on the site while also promoting eventual replacement of seeded grasses with naturally colonizing species, apply to areas that are not ponded for more than four weeks during the growing season.

MONITORING FOR PERFORMANCE STANDARDS

Monitoring will be used to evaluate the progress of vegetation relative to performance standards. The final monitoring will establish whether the re-vegetation performance standards have been met.

Canopy cover and species composition will be assessed using BP's standard "BPXA Revegetation and Compliance Monitoring; Standardized Methods for Documenting Plant Community Development" according to the schedule in Table 1. If intermediate sampling indicates vegetation is not establishing according to standards, remedial actions may be required to strengthen the stand.

DISCRETIONARY RESEARCH

Vegetation Recolonization: On the overburden capped habitats, natural re-colonization may be monitored to identify which indigenous species enter the site and when they establish. This information may be useful for identifying stages of secondary tundra plant succession.

REPORTING

Progress reports following BP's standard format will be submitted by 1 February of the year following the site visit scheduled in Table 1. Reports will be provided to State of Alaska Department of Natural Resources, U. S. Army Corp of Engineers, and the U. S. Fish and Wildlife Service

REMEDIAL ACTION

If monitoring suggests that performance standards may not be met by year 10, additional seeding, fertilizing, and/or other planting approaches will be considered in consultation with agency representatives.

Table 1. Proposed schedule for application of rehabilitation treatments, monitoring, reporting.		
Year	Treatment & Monitoring	Reporting
Year 1	Sample soil and have it tested for fertility and other features	Progress report.
Year 2	Apply seed and fertilizer.	Progress report.
Year 6	Measure vegetation cover and species composition, and compile a species list, using BP's standard method. Sample soil where revegetation success appears lacking. Observe surface stability qualitatively. Measure relative elevations.	Progress report.
Year 10	Measure vegetation cover and species composition, and compile a species list, using BP's standard method. Observe surface stability qualitatively.	Final report.

Table 2. Goals, objectives, performance standards, and monitoring methods.	
Goals	Establish diverse and productive wetland and upland plant communities on the site similar to those of the surrounding area, thereby improving the appearance of the site and improving its suitability for some wildlife species.
Objectives	Short-term establishment of seeded grass that will not persist, allowing natural tundra plant species to invade the site over time.
Performance Standard	By year 10, 10% cover by live vascular plants, including seeded grasses, with at least 1% cover of naturally colonizing species. Species composition consisting of at least 5 naturally colonizing species with 0.2% canopy cover each, on the reserve pit area and the gravel pad removal area.
Monitoring Methods	For vegetation cover, use BP's standard method for measuring plant cover.

REFERENCES

BP Exploration (Alaska), Inc, Conoco Phillips Alaska, Inc., ABR, Inc., and Lazy Mountain Research. 2004. North Slope Plant Establishment Guidelines Table May 11, 2004. Prepared by Oasis Environmental, Inc. 10 pp.

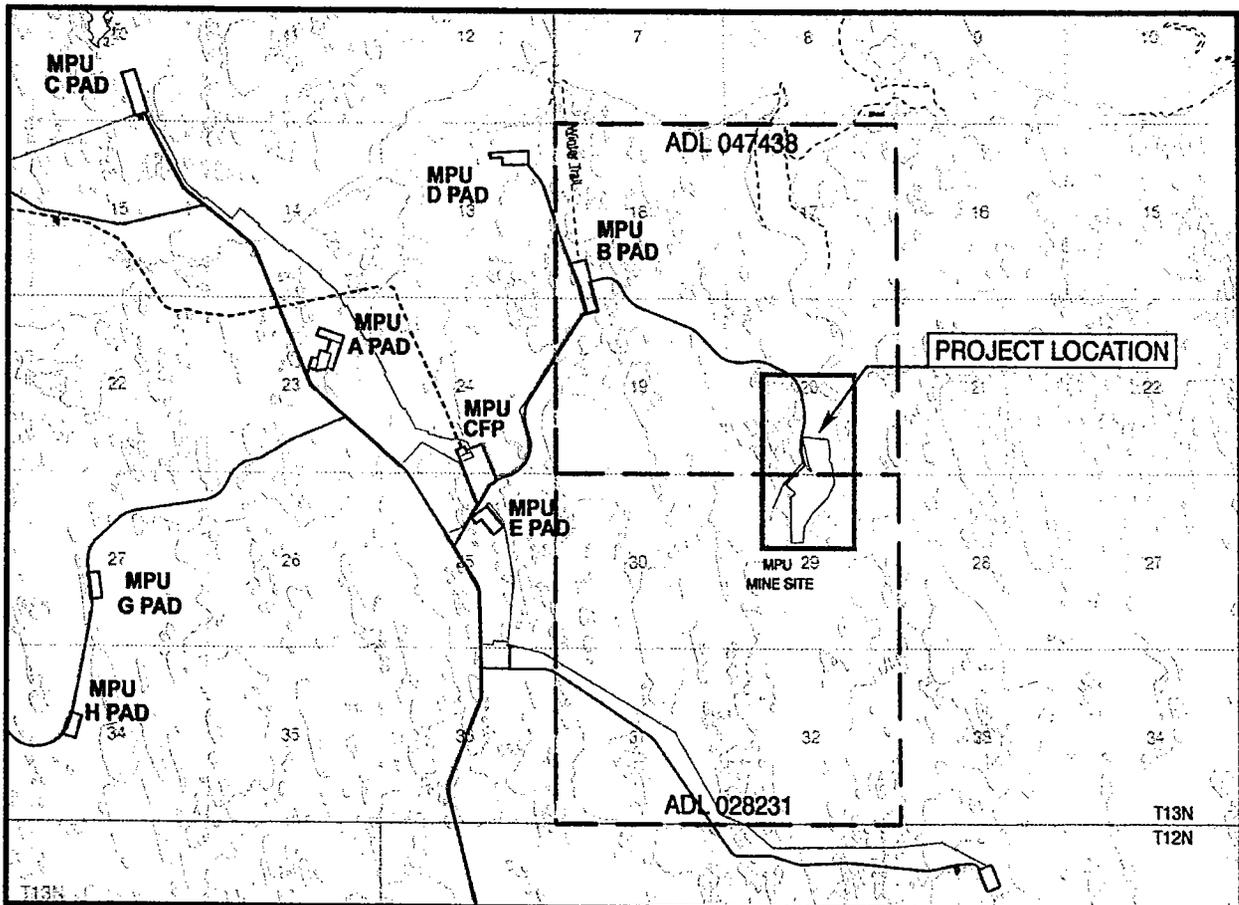
Six Strategies for Rehabilitating Land Disturbed by Oil Development in Arctic Alaska Jorgenson and Joyce. **ARCTIC VOL. 47, NO. 4** (December 1994) P. 374-390

BP Exploration (Alaska), Inc., Duane Miller and Associates LLC, and Nana-Colt Engineering. August 22, 2007. 2007 Geotechnical Exploration – Milne Point Unit Mine Site Expansion.

REVISION LOG

Revision 1, October 8, 2008

1. Corrected Consistency Determination number (AK 9602-01OG)
(pg 1, paragraph 4)
2. Reference in text to overburden place for this project was amended
(pg 4, General Information # 1)
3. Corrected acreage chart on Figure 2 to reflect quantity of overburden created
by this project (approx. 410,000 CY)
4. Corrected reference on Figure 2 that indicated east boundary overburden
dike was "proposed". It was previously permitted and has been constructed.
5. Amended Figure 4 to better identify area for proposed placement of
overburden from this project.



This map is based on U.S.G.S. quad Beechy Point (B-5, C-5) and on the Unit Operator's Facility Maps.



PROJECT LOCATION:

MILNE POINT UNIT - MINE SITE

NAD 83

LAT. = 70° 27' 25.99"

LONG. = -149° 21' 31.76"

ALASKA STATE PLANE ZONE 4, NAD 83

X = 1,718,974.32 FEET

Y = 6,017,105.13 FEET

ADL 047438 SEC. 20 T13N, R11E

DATUM: MEAN SEA LEVEL

PURPOSE: MINE SITE EXCAVATION AND REHABILITATION

ADJACENT PROPERTY OWNER:
STATE OF ALASKA

BP EXPLORATION (ALASKA) INC.

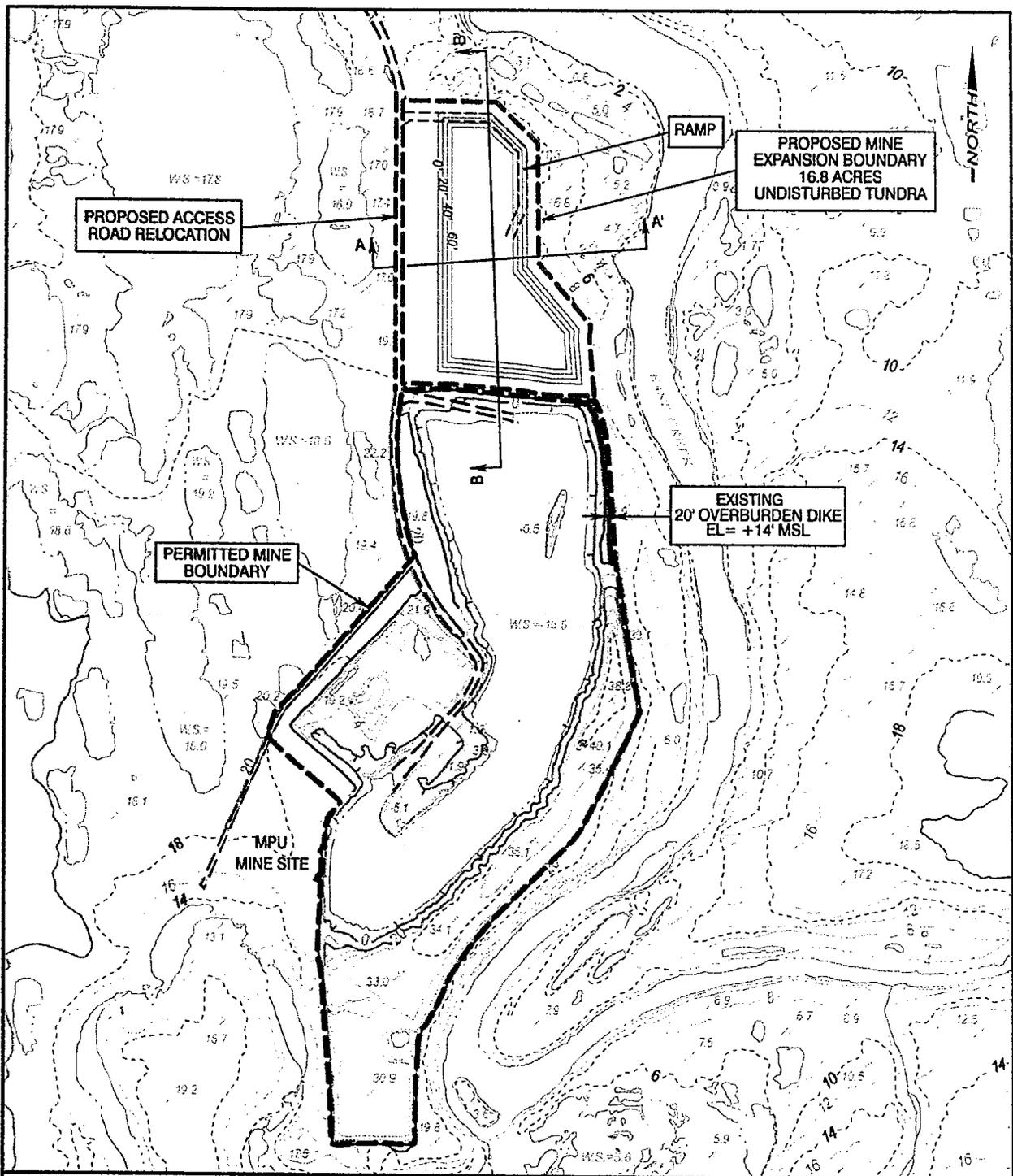
**MILNE POINT UNIT
MINE SITE PLAN
VICINITY MAP**

POA-1981-243-M7, Beaufort Sea
October 2008 Sheet 12 of 16

DATE:
October 2008

SCALE:
1" = 1 Mile

FIGURE:
1



Mapped from photography of July 10, 1973, updated from July 24, 2006 photography. This map meets National Map Standards at 1" = 500'. Horizontal datum NAD1927 based on USC&GS monumentation, coordinate system Alaska State Plane Zone 4. Vertical datum mean sea level established by observation at East Dock in 1968 by F.M. Lindsey and Associates. Prepared by Aeromap US Inc. of Anchorage, AK for BP Exploration (Alaska) Inc.

BP EXPLORATION (ALASKA) INC.

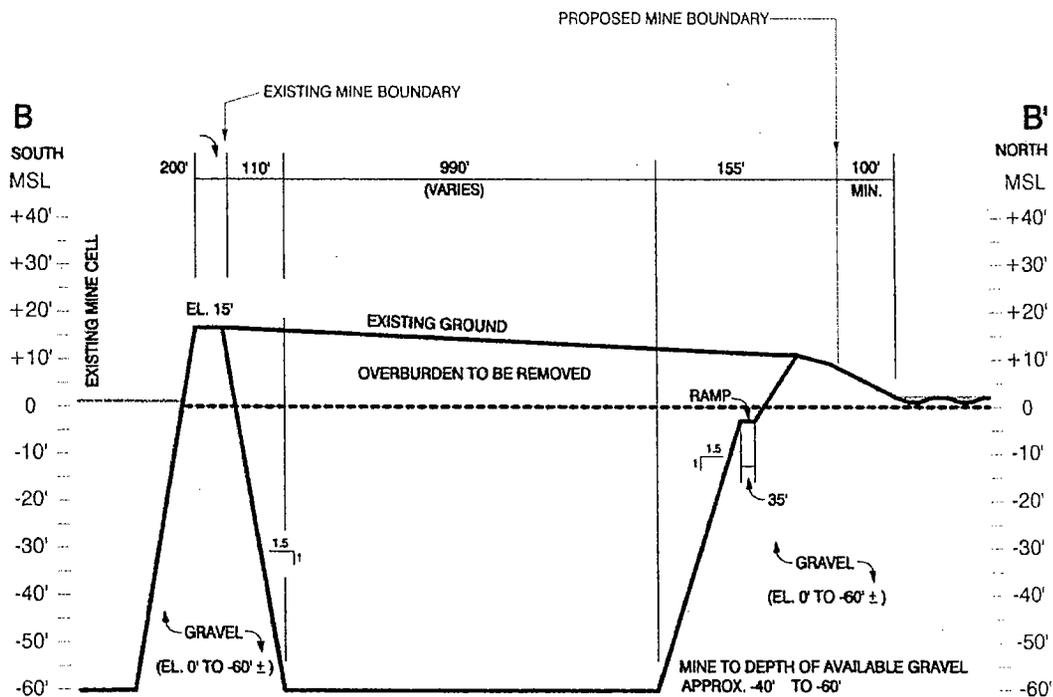
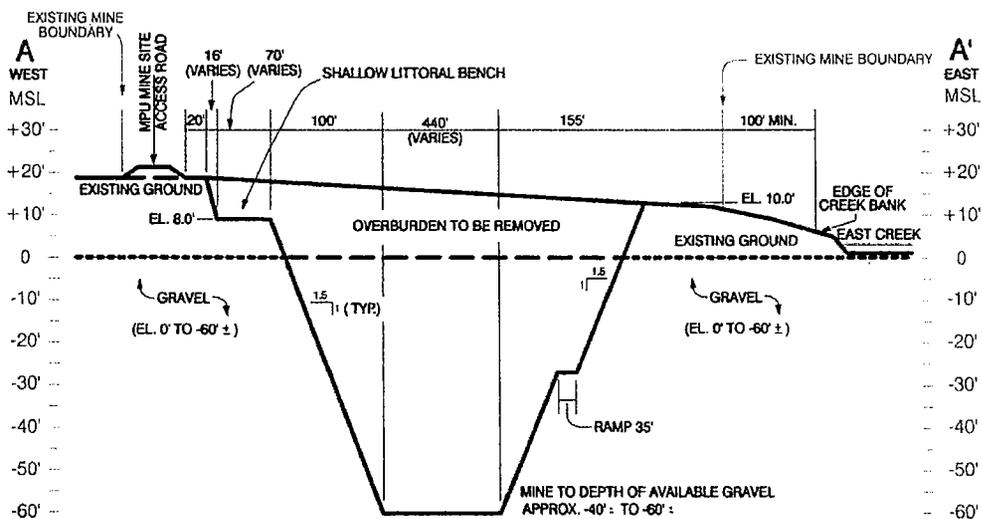
**MILNE POINT UNIT
MINE SITE REHABILITATION PLAN
PROPOSED
DEVELOPMENT PLAN**

	EXISTING MINE	THIS PROJECT
PERMITTED MINE AREA	65.4 ACRES	16.8 ACRES
PERMITTED EXPANSION CELL MINE AREA 1995-99	14.8 ACRES	
LITTORAL BENCH	7.9 ACRES	
MINE CELL OVERBURDEN	390,000 CY	410,000 CY
LITTORAL BENCH OVERBURDEN	30,000 CY	
GRAVEL (TO ELEV. -60')	850,000 CY	685,000 - 760,000 CY

DATE:
October 2008

SCALE:
1" = 600'

FIGURE:
2



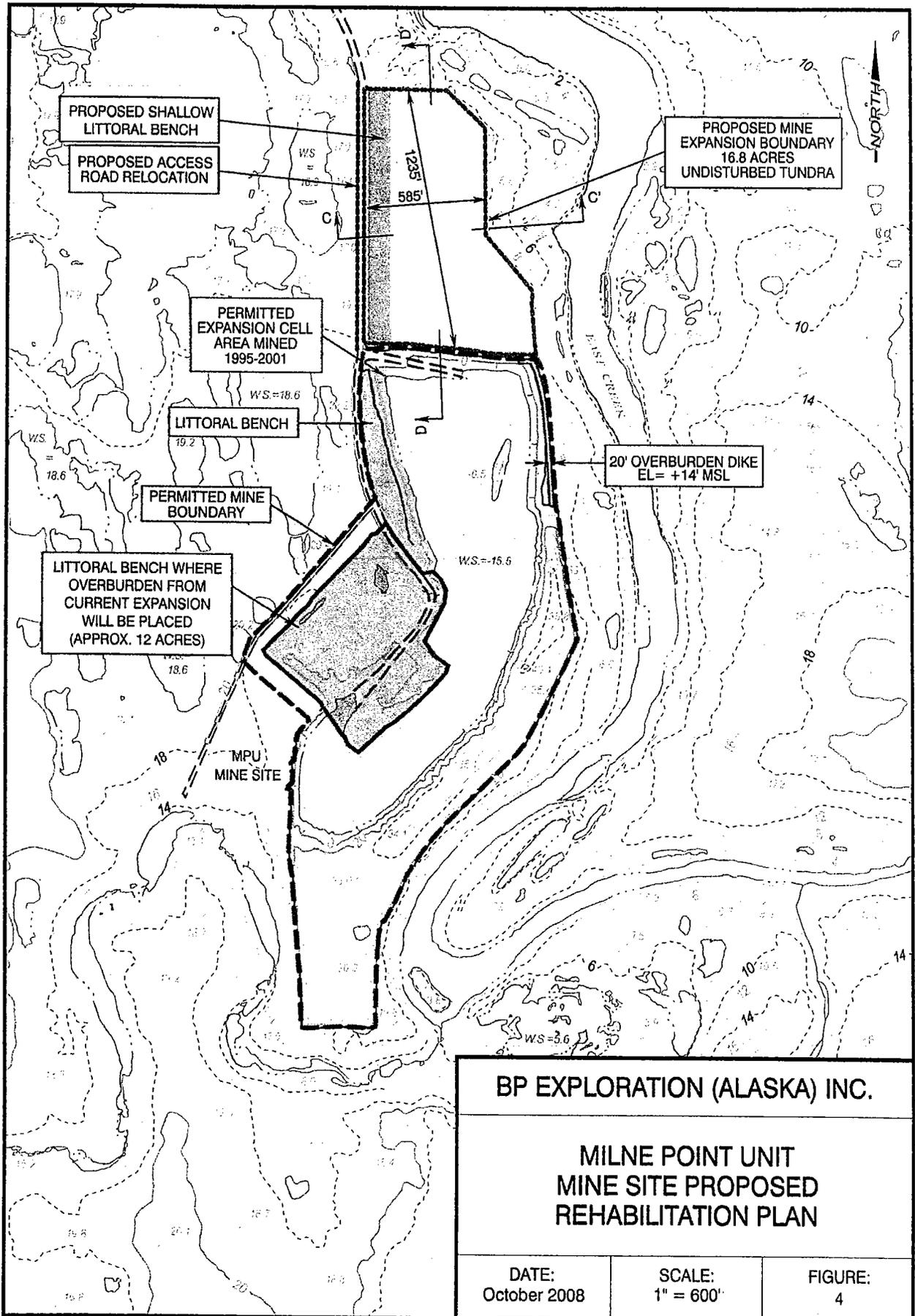
BP EXPLORATION (ALASKA) INC.

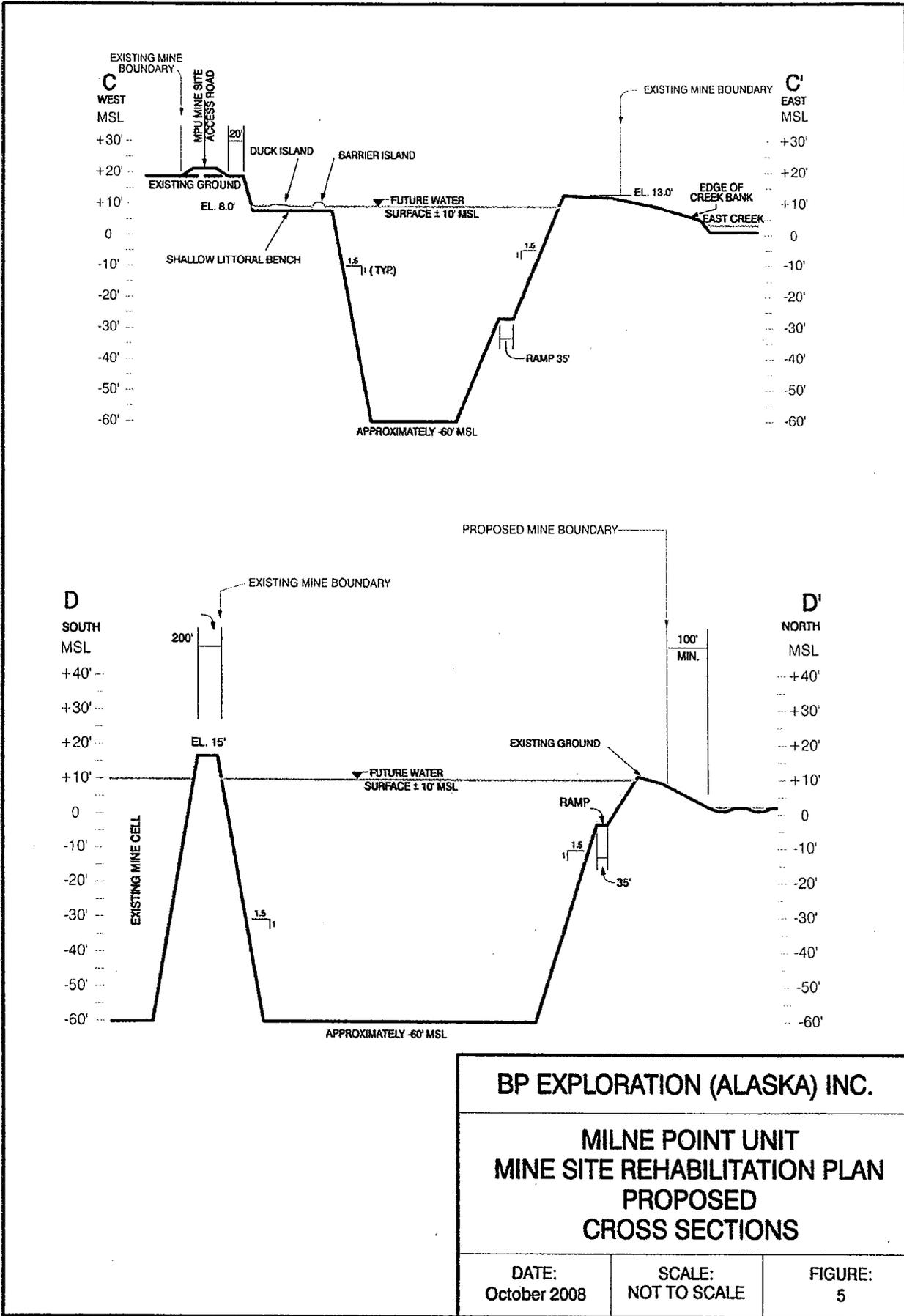
**MILNE POINT UNIT
MINE SITE REHABILITATION PLAN
PROPOSED
CROSS SECTIONS**

DATE:
October 2008

SCALE:
NOT TO SCALE

FIGURE:
3





STATE OF ALASKA

DEPARTMENT OF NATURAL RESOURCES
DIVISION OF COASTAL AND OCEAN MANAGEMENT

DIVISION OF COASTAL AND OCEAN MANAGEMENT
550 WEST 7TH AVENUE, SUITE 705
ANCHORAGE, ALASKA 99501-3559
PHONE: (907) 269-7470/FAX: (907) 269-3981

**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 Division of Coastal and Ocean Management 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-1981-243-M7, Beaufort Sea**, will comply with the Alaska Coastal Management Program and that the project will be conducted in a manner consistent with that program.

This project is being reviewed for consistency with the Alaska Coastal Management Program. Written comments about the consistency of the project with the applicable ACMP statewide standards and district policies must be submitted to the Division of Coastal and Ocean Management (DCOM). For information about this consistency review, contact DCOM at the address or phone number above, or visit the ACMP web site at <http://www.alaskacoast.state.ak.us//Projects/projects.html>.

STATE OF ALASKA

DEPT. OF ENVIRONMENTAL CONSERVATION
DIVISION OF WATER
401 Certification Program
Non-Point Source Water Pollution Control Program

DEPARTMENT OF ENVIRONMENTAL CONSERVATION
WQM/401 CERTIFICATION
410 WILLOUGHBY AVENUE
JUNEAU, ALASKA 99801-1795
PHONE: (907) 465-5321/FAX: (907) 465-5274

**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-1981-243-M7, Beaufort Sea, 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.