



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: | November 13, 2019 |
| EXPIRATION DATE: | December 13, 2019 |
| REFERENCE NUMBER: | POA-2013-00068 |
| WATERWAY: | Nechelik Channel |

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 Janet Post at (907) 753-2831, toll free from within Alaska at (800) 478-2712 or by email at janet.l.post@usace.army.mil if further information is desired concerning this notice.

APPLICANT: Lanston Chinn, Kuukpik Corporation, lcjimm@kuukpik.com, 582 East 36th Ave Suite 600, Anchorage, AK 99508 (907) 279-6220

AGENT: Mark Allison Major, MM Consulting LLC, majorinor@live.com, 13101 Meadows Road, While City, OR 97503 (541) 826-4195

LOCATION: The project site is located within Section 16, T.11 N., R. 4 E., Umiat Meridian; Latitude 70.3034° N., Longitude 151.1387° W.; near Nuiqsut, Alaska.

PURPOSE: The applicant's stated purpose is to provide additional storage for staging of equipment and materials related to current and future exploration and development as well as other business needs.

PROPOSED WORK: Discharge 59,000 cubic yards of clean, gravel fill into 4.93 acres of wetlands to expand the K Pad. All work would be performed in accordance with the enclosed plan (sheets 1-8), dated July 19, 2019.

ADDITIONAL INFORMATION: Other authorizations include North Slope Borough Development Permits, North Slope Borough IHLC Clearance.

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 Project is connected to existing development and sited in a location that optimizes its purpose and need, but complete avoidance and minimization of adverse impacts to high value wetlands and other resources is not possible. However, Kuukpik has taken additional measures to avoid impacts to waters of the United States (WOTUS) to the maximum extent practicable through project design. Proposed mitigation measures specific to avoidance of impacts to WOTUS are described below.

Kuukpik has designed the Project with the minimum pad size required to provide the immediate storage space necessary, within the economic and technological constraints of North Slope oil development. These measures include:

Siting the pad expansion so that it is connected to existing infrastructure, which maximizes use of upland habitat and avoids approximately 0.32-acres of jurisdictional wetlands.

The pad expansion is situated in an area of drier (saturated) wetlands and avoids permanently inundated wetlands to the extent practicable.

The pad expansion will avoid placement of gravel in locations with documented polar bear dens and denning habitat. A polar bear denning survey will be completed prior to construction to further avoid impacts to polar bears.

The pad expansion location avoids placing fill adjacent to documented eider nests and yellow billed loon nests.

The pad expansion will not initially be connected to electrical service. Any future electrical connection to the pad expansion will be performed by burying the power cable in the pad, avoiding the use of light poles and potential impacts to birds.

The pad expansion will be constructed in the winter from existing gravel infrastructure, avoiding potential impacts to wetlands and vegetation.

Kuukpik will source the gravel necessary for the Project from the Arctic Slope Regional Corporation Mine Site.

Kuukpik will utilize ice roads and existing gravel roads to haul the gravel to the Project site.

The pad expansion will occur during the winter and from existing gravel infrastructure to avoid potential impacts to wetlands and avoid impacts to migratory birds.

b. Minimization:

The Project has been designed to reduce impacts from equipment by using machinery and techniques to minimize wetland impacts.

The construction of the Project will conform to standard North Slope project industry practices and will be subject to numerous other permit and regulatory requirements including, but not limited to the State of Alaska oil spill prevention and contingency plans and appropriate tundra travel restrictions.

Specialized equipment will be used to construct and maintain ice roads that are used for gravel haul so that construction can occur during the winter months to avoid associated impacts.

Kuukpik will use approved tundra travel vehicles to support construction and operations activities when access is required off-pad. Off-road vehicle operators will be trained to avoid tight turns on tundra, minimizing the risk of tearing or otherwise disturbing tundra.

The Project will have a minimum thickness of 5-feet. This thickness will maintain a stable thermal regime by insulating the underlying tundra and offsetting the loss of insulating effect caused by compression of the vegetated tundra below the gravel.

The Project will be constructed with a minimum 2V:1H side slopes to minimize fill area and impacts to wetlands.

Kuukpik will collect water for dust control activities from permitted raw water sources. The existing dust control plan approved by the Corps of Engineers (Corps) for initial K Pad construction and use will be utilized for this pad expansion.

Kuukpik will perform regular inspection and evaluation of facilities regarding dust control and inspect surrounding areas to determine if visible dust accumulation has occurred on adjacent vegetation.

Snow removal measures will include the use of snow-blowing equipment to minimize gravel carryover to the tundra and the placement of cleared snow in designated areas. The existing Kuukpik snow removal plan approved by the Corps for initial K Pad construction and use will be utilized for this pad expansion.

The expansion area will be incorporated into the current K Pad spill prevention control and countermeasures (SPCC) Plan as needed and appropriate.

Snow that contains spill residue or other contamination will be hauled to a snow melt or temporary storage area for contaminated material to await further treatment.

c. Compensatory Mitigation:

Constructing the Project will result in 0.16% total disturbance, including existing disturbance, in the associated watershed. Kuukpik has incorporated several project design features and adopted avoidance and minimization measures into the Project to avoid adverse aquatic resource impacts, while still meeting the overall project purpose and need. The avoidance and minimization in combination with the size of the overall watersheds and wetlands in those watersheds will result in minor overall impacts to aquatic resources. The mitigation provided through the Project's proposed avoidance and minimization measures, and the results of the Aquatic Site Assessment indicating the primary wetlands habitats being impacted currently have as much as 50 to 75 percent degraded functions due to existing development, additional compensatory mitigation for the 4.93-acres of jurisdictional wetlands is not necessary, in Kuukpik's view.

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 proposed 5.25 acre pad expansion. Consultation of the AHRs constitutes the extent of cultural resource investigations by the 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: The project area is within the known or historic range of the Spectacled eider (*Somateria fischeri*), Steller's eider (*Polysticta stelleri*) and polar bear (*Ursus maritimus*), all listed as threatened species.

We are currently gathering information regarding these species and have yet to make a determination of effect. Should we find that the described activity may affect the species listed above, and their designated critical habitat, we will follow the appropriate consultation procedures under section 7 of the Endangered Species Act of 1973 (87 Stat. 844). Any comments the U.S. Fish and Wildlife Service or the National Marine Fisheries Service (NMFS) 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).

No EFH species are known to use the project area.

We have determined the described activity would not adversely affect EFH.

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 authority:

(X) Discharge dredged or fill material into waters of the U.S. – 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 PN.

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-2013-00068, Nechelik Channel**, 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 Theresa Zimmerman 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.

Figure 1: Kuukpik Pad Expansion Vicinity Map

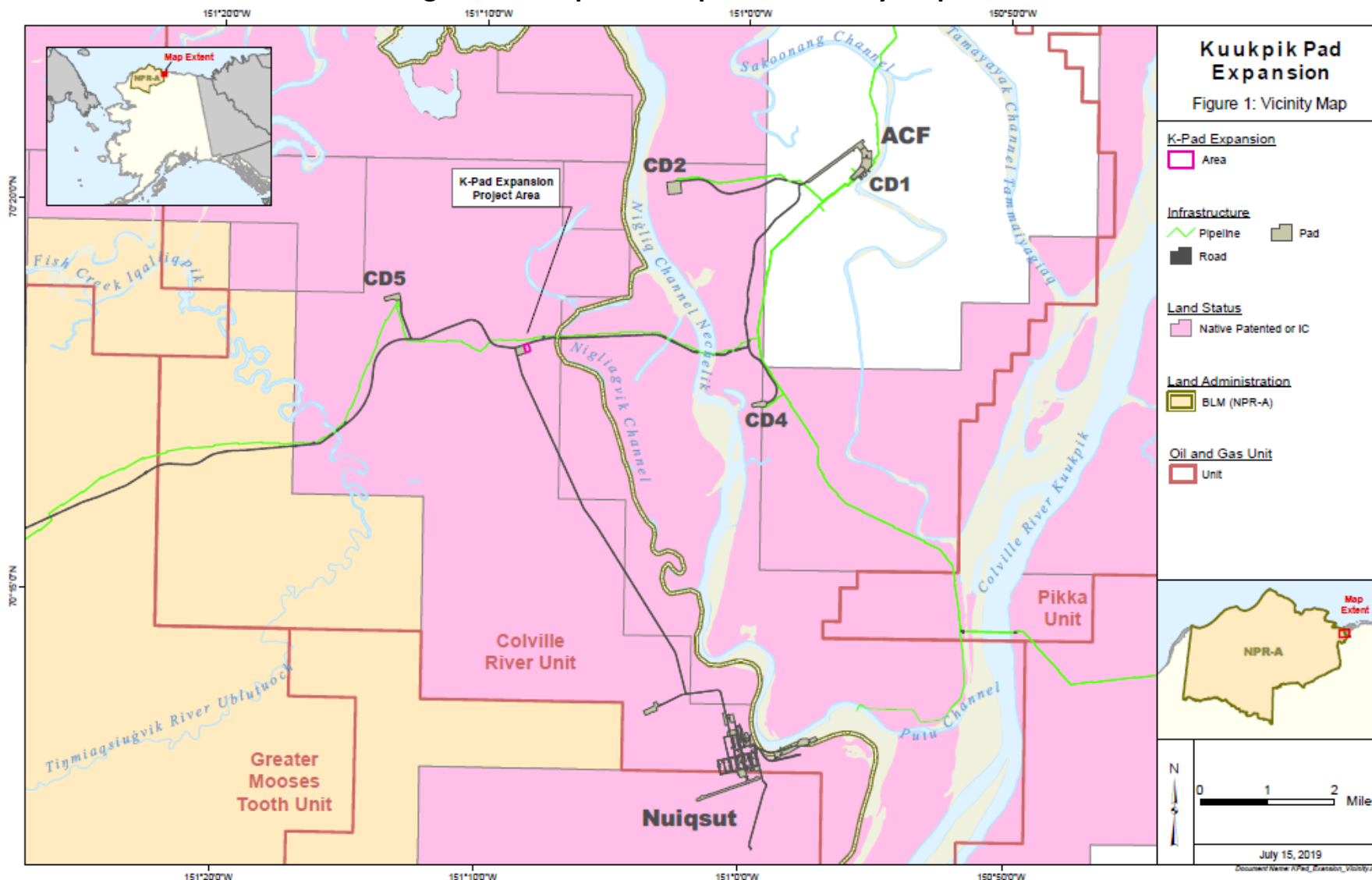
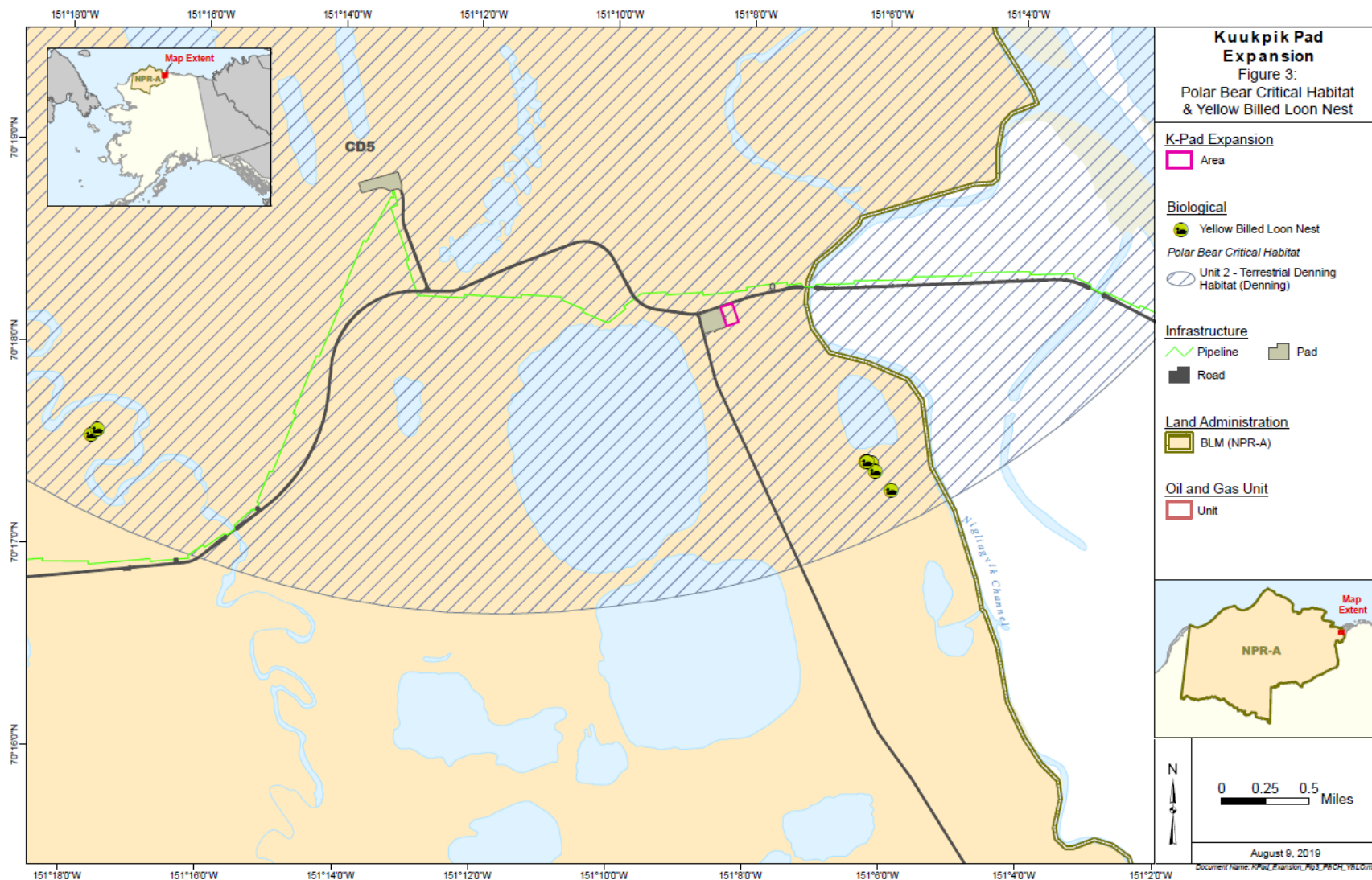


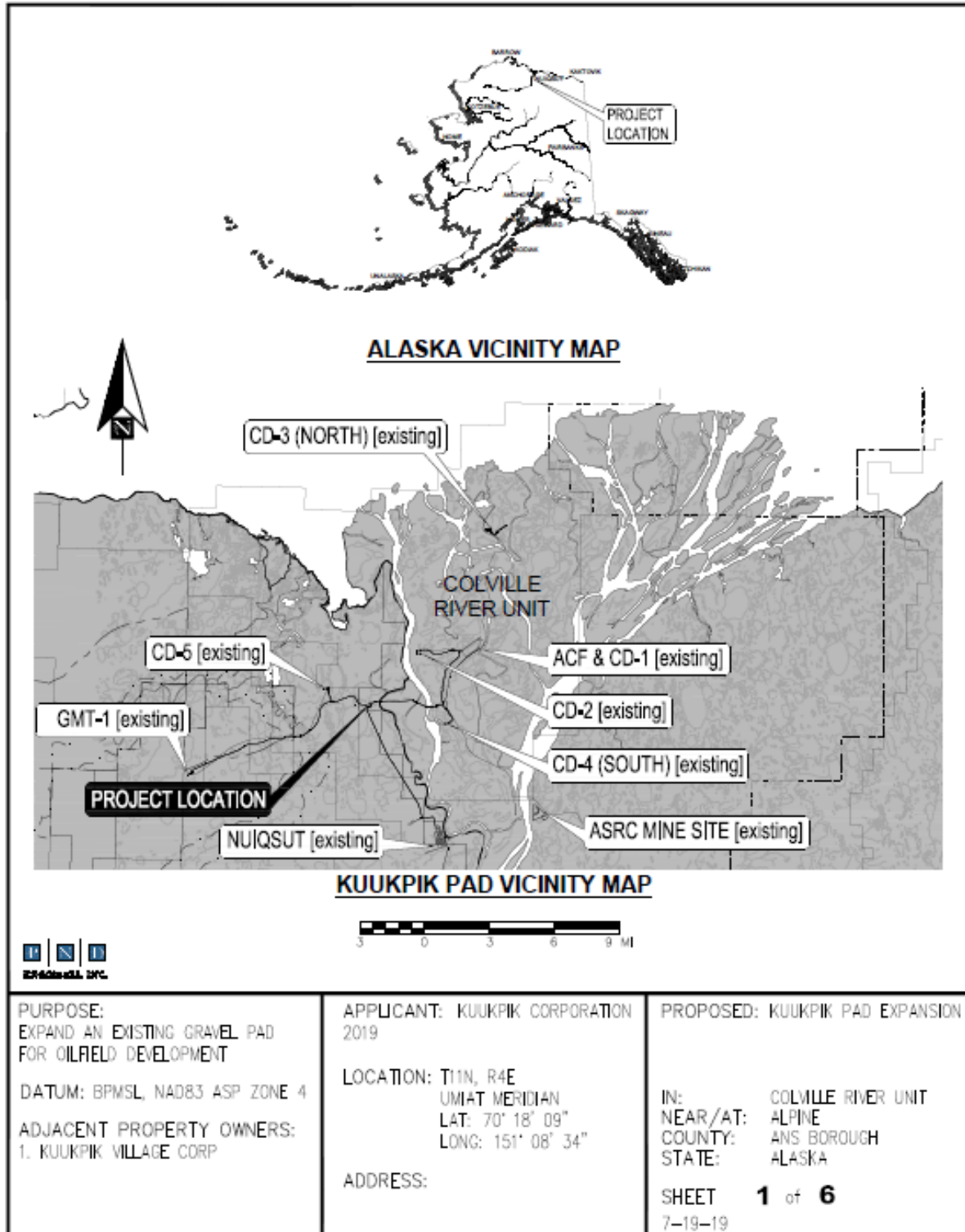
Figure 2: Kuukpik Pad Expansion Overview



Figure 3: Kuukpik Pad Expansion Polar Bear Critical Habitat & Yellow-billed Loon Nests

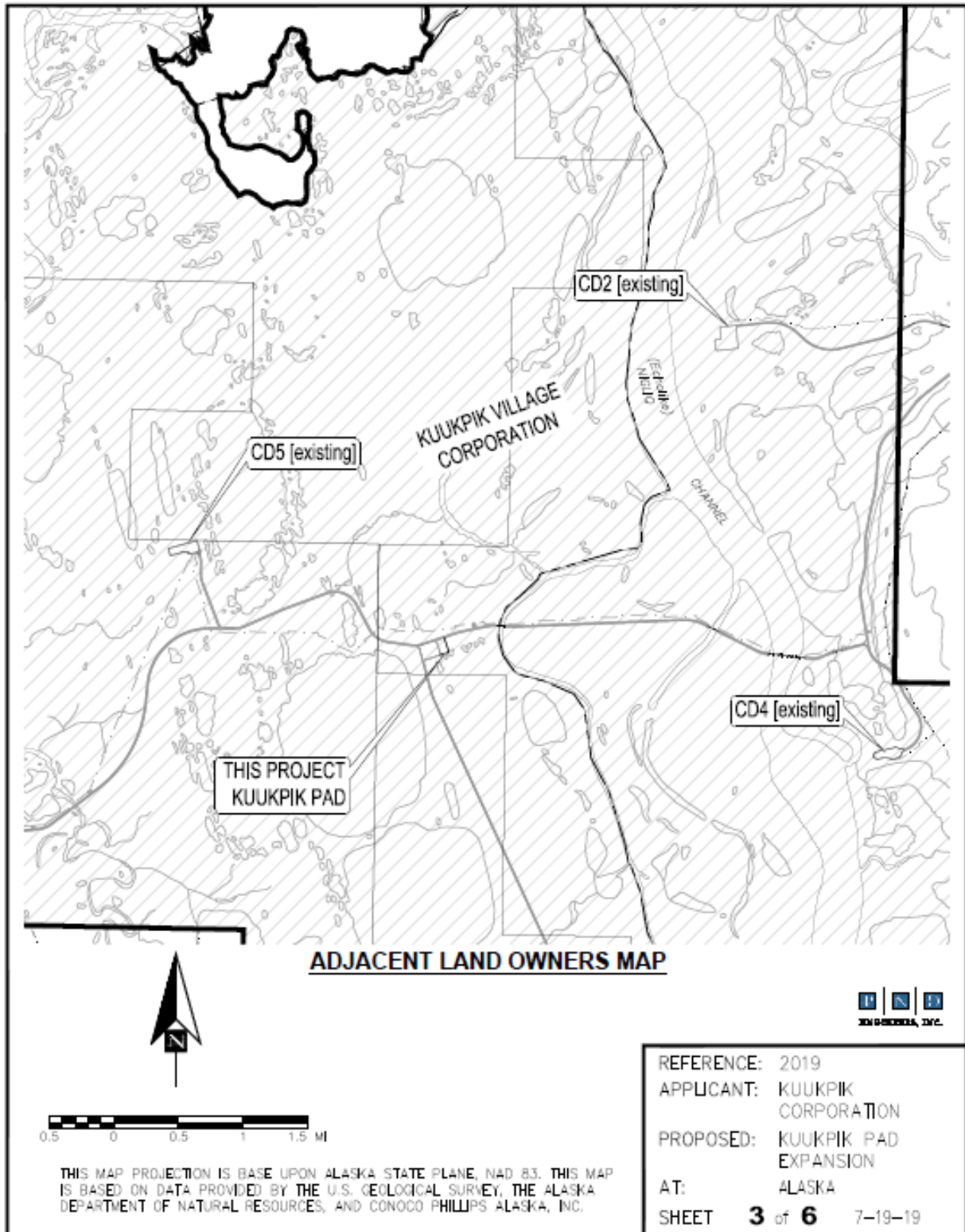


Sheet 1: Kuukpik Pad Vicinity Map



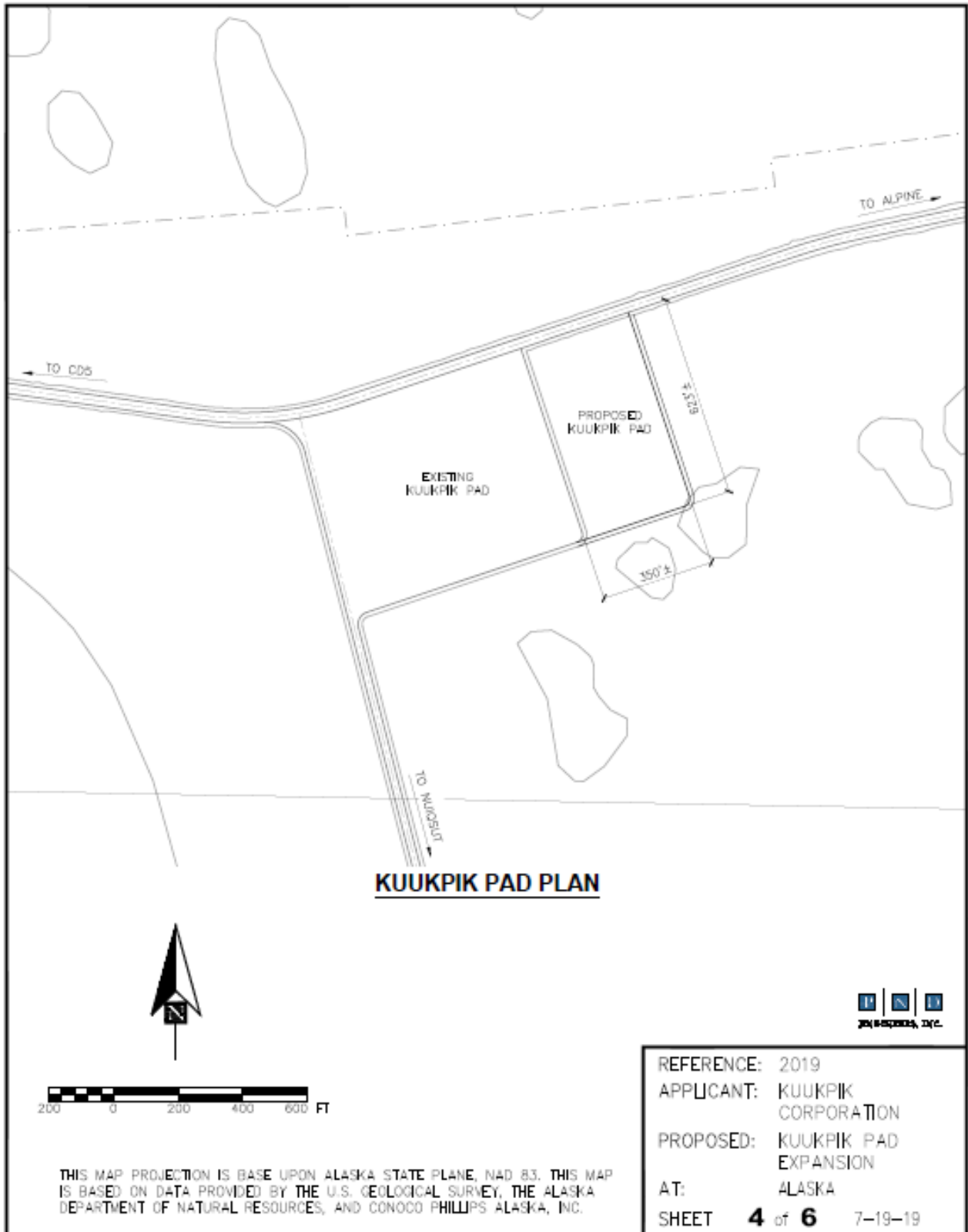
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Sheet 3: Adjacent Land Owners Map

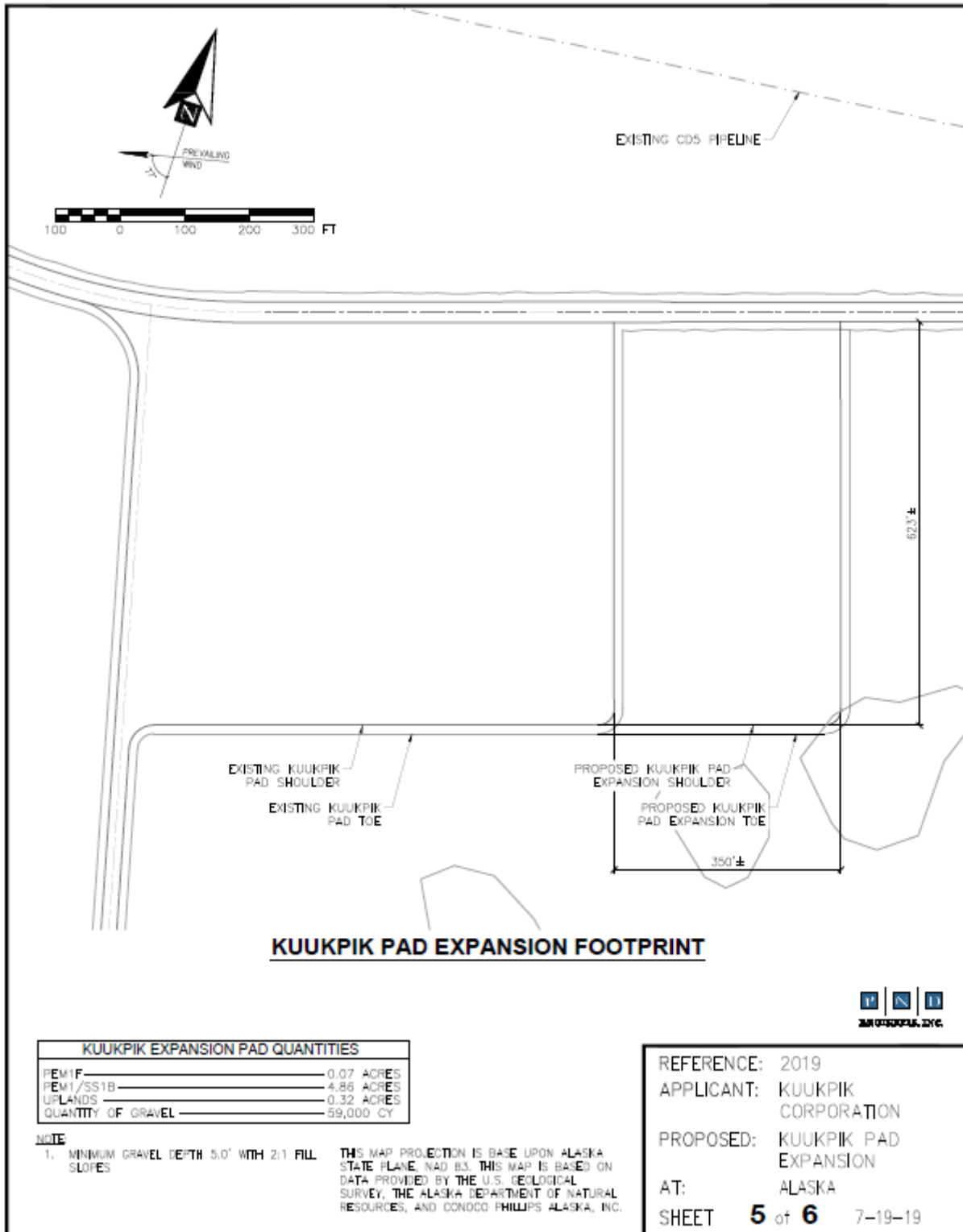


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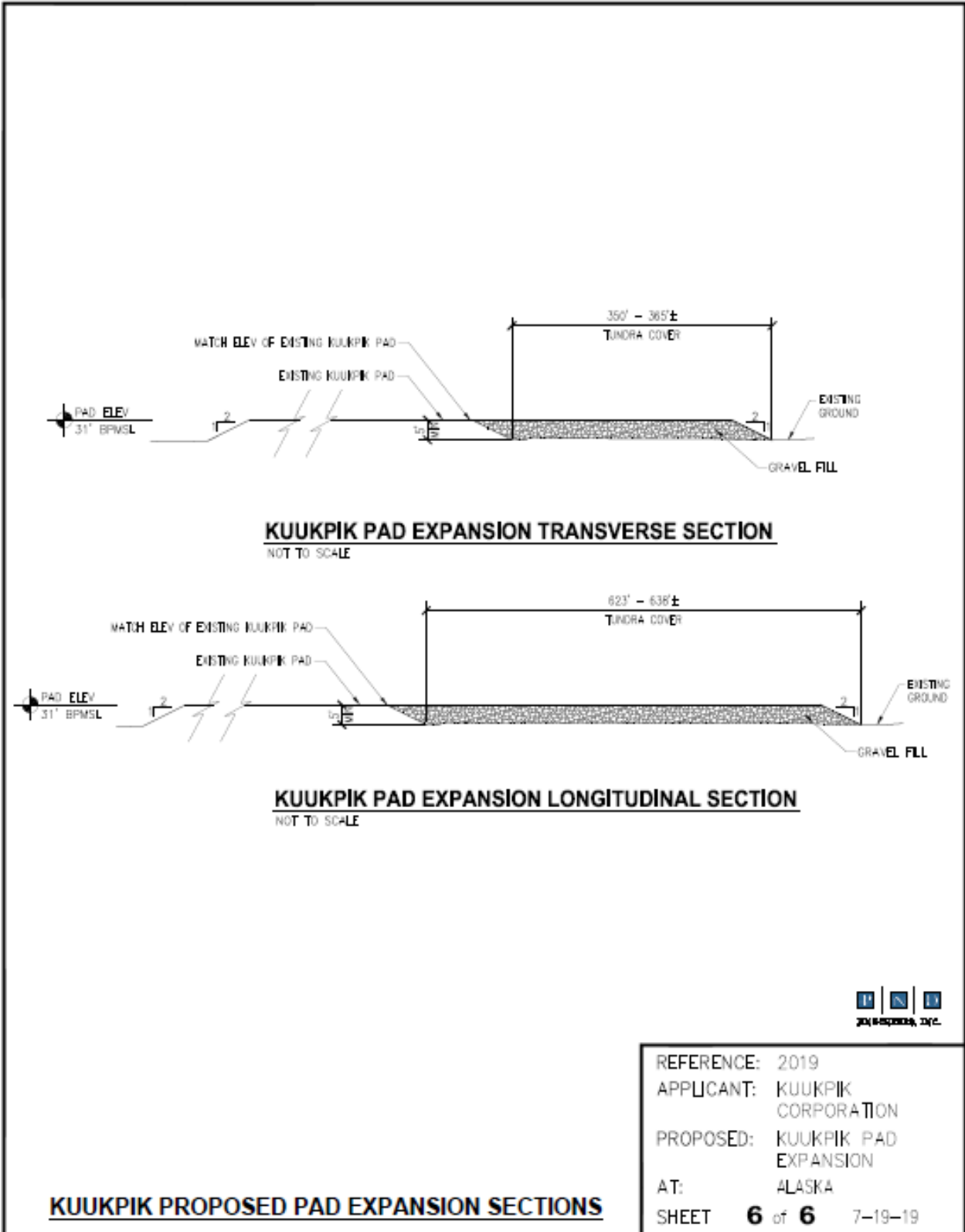
Sheet 4: Kuukpik Pad Plan



Sheet 5: Kuukpik Pad Expansion Footprint



Sheet 6: Kuukpiik Pad Expansion Footprint



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