



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

<b>PUBLIC NOTICE DATE:</b>	<b>31 January, 2018</b>
<b>EXPIRATION DATE:</b>	<b>2 March, 2018</b>
<b>REFERENCE NUMBER:</b>	<b>POA-1983-359-M40</b>
<b>WATERWAY:</b>	<b>Chukchi Sea</b>

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Interested parties are hereby notified that a Department of the Army permit application has been received for work in waters of the United States (US) 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](mailto: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, by fax at (907) 753-5567, or by email at [janet.l.post@usace.army.mil](mailto:janet.l.post@usace.army.mil) if further information is desired concerning this notice.

**APPLICANT:** Alaska Industrial Development and Export Authority, Attention: Elizabeth Greer, 813 West Northern Lights Blvd., Anchorage, Alaska 99503, Tel. 907-771-3015, email: [agreer@aidea.org](mailto:agreer@aidea.org)

**AGENT:** Teck Alaska Incorporated, Attention: Chris Eckert, 3105 Lakeshore Drive, Bldg. A, Suite 101, Anchorage, Alaska 99517, Tel. 907-754-5139, email: [chris.eckert@teck.com](mailto:chris.eckert@teck.com)

**LOCATION:** The project site is located within Section 10, T. 25N., R. 24W., Kateel River Meridian; Latitude 67.5770° N., Longitude 164.0480° W.; near Kivalina, Alaska.

**PURPOSE:** The applicant's stated purpose is the following: "Planned increases in fuel consumption at the Red Dog Mine require construction of an additional three million gallons of diesel storage. The facility is able to receive fuel deliveries from ocean going

fuel barges from approximately early July to mid-October, depending on sea and ice conditions. To meet operational needs, the facility needs to be able to store approximately nine months of diesel usage with a sufficient buffer to schedule fuel barge deliveries to minimize impacts to local subsistence activities”.

PROPOSED WORK: Discharge 11,460 cubic yards of sand and gravel fill into 1.3 acres of wetlands to construct a gravel pad for diesel bulk fuel storage. All work would be performed in accordance with the enclosed plan (sheets 1-6), dated December 20, 2017.

ADDITIONAL INFORMATION: Other certificates or approvals from other federal, state or local agencies for work described in this application are: NW Arctic Borough and Alaska Department of Environmental Conservation (ADEC).

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

a. Avoidance: “It is not practicable to avoid fill for placement of an additional fuel storage tank. The existing fuel tank farm infrastructure is surrounded by wetlands and there are no practicable upland alternatives available.”

b. Minimization: “The mine and mill must store fuel for operation from mid-October until after whaling season (typically early July) before fuel can be delivered to the port. Additional fuel is required for additional electrical generation and consumption at the mill. Only one fill pad is planned for the new three-million-gallon diesel fuel storage tank. The tank farm expansion has been designed to tie into and use the existing fill pad and tank facility. The existing fuel facility at the port has an operational fuel delivery and containment system. The original facility was built to hold an earlier projected and required capacity. The fill was minimized to the level required to support the existing tanks. The new tank fill pad will tie into two sides of this existing fill at the tank farm. The existing tank farm has lining, piping, and connection with all manifolds, pumps, and valves. This allows a new tank to be added and plumbed in to the existing system without impacting the integrity and operation of the existing system. This design minimizes fill into wetlands using the existing permitted operational structure. No overland travel to the pad is required, and therefore no additional access roads or wetland storage will be needed. Gravel for the fill pad would be laid on geotextile fabric to reduce the fill volume and acreage, and to protect the integrity of the underlying land surface. Construction site best management practices will be followed and implemented, including a Stormwater Pollution Prevention Plan complying with the requirements of the ADEC Alaska Pollutant Discharge Elimination System General Permit for Discharges from Large and Small Construction Activities (Permit Number: AKR100000)”.

c. Compensatory Mitigation: “Teck Alaska worked with NANA to identify lands in proximity to the Red Dog Mine that have a threat of destruction or adverse modification. Along the North Fork of Red Dog Creek, there is an area that has been considered for natural gas exploration and mine development including the drilling of exploration gas wells. The North Fork of Red Dog Creek has a long history of fish studies and habitat inventory. This data substantiates the fish value of the area (Ott and Bradley 2017).

“An area of high-value wetland riparian habitat in this exploration area is proposed to be protected with a deed restriction. This site provides important function for the watershed by providing habitat and water quality for anadromous and resident fish, both at the site and downstream, and for terrestrial mammals and vegetative subsistence resources. Permanently protecting this area will contribute to the ecological sustainability of the watershed by helping to maintain subsistence-related aquatic resources.

“Additionally, the North Fork of Red Dog Creek flows to the Wulik River, which is the source of drinking water for Kivalina. The area is under potential threat of development from natural gas and mineral development. A permanent deed restriction will ensure the stream and riparian areas are buffered from any future development”.

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 ADEC.

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. The permit area has been determined to be 1.3 acres of wetlands. The applicant has submitted a cultural resource survey prepared by WHPacific for the proposed bulk fuel tank pad expansion project. The survey states that the following cultural resources are located within a one-mile vicinity of the permit area:

Site NOA-00042  
Site NOA-00074  
Site NOA-00307

The Corps of Engineers (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 polar bear (*Ursus maritimus*) and Steller's eiders (*Polysticta stelleri*).

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/or 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 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 (NMFS) 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, and 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 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 Notice of Application for State Water Quality Certification is enclosed with this Public Notice. Project drawings can be viewed via the uploaded PN on Corps website.

District Commander  
U.S. Army, Corps of Engineers

Enclosure

# 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  
555 CORDOVA STREET  
ANCHORAGE, ALASKA 99501-2617  
PHONE: (907) 269-7564/FAX: (907) 334-2415

## NOTICE OF APPLICATION FOR STATE WATER QUALITY CERTIFICATION

Any applicant for a federal license or permit to conduct an activity that might result in a discharge into navigable waters, in accordance with Section 401 of the Clean Water Act of 1977 (PL95-217), also must apply for and obtain certification from the Alaska Department of Environmental Conservation that the discharge will comply with the Clean Water Act, the Alaska Water Quality Standards, and other applicable State laws. By agreement between the U.S. Army Corps of Engineers and the Department of Environmental Conservation, application for a Department of the Army permit to discharge dredged or fill material into navigable waters under Section 404 of the Clean Water Act also may serve as application for State Water Quality Certification.

Notice is hereby given that the application for a Department of the Army Permit described in the Corps of Engineers' Public Notice No. **POA-1983-359**, 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.