



US Army Corps
of Engineers
Alaska District

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

Public Notice of Application for Permit

PUBLIC NOTICE DATE: March 23, 2018

EXPIRATION DATE: May 7, 2018

REFERENCE NUMBER: POA-2015-486

WATERWAY: Colville River

Interested parties are hereby notified that a Department of the Army (DA) permit application has been received for discharge of dredged and/or fill materials into waters of the United States (US), including wetlands, as described below and shown on the enclosed project figures/drawings.

Comments on the described work, with the reference number (POA-2015-486), need to reach the U.S. Army Corps of Engineers, Alaska District (USACE) office no later than the expiration date of this Public Notice (PN) to become part of the record and be considered in the decision. Please contact Mr. Steve Moore by e-mail message at stephen.a.moore2@usace.army.mil, direct telephone line at 907-753-5713, toll free from within Alaska at 800-478-2712, or by fax at 907-753-5567 if you have questions or need further information concerning this PN.

APPLICANT: ConocoPhillips Alaska, Inc. (CPAI), Post Office Box 100360, Anchorage, Alaska 99510. Contact person for ConocoPhillips is Mr. Brad Thomas, Coordinator-New Developments, e-mail address Brad.C.Thomas@conocophillips.com, direct telephone line 907-263-4741, and fax number 907-265-1515.

PROJECT NAME: Greater Moose's Tooth Two (GMT2).

LOCATION: The entirety of the project is located on the Arctic Coastal Plain of Alaska in the National Petroleum Reserve–Alaska near the Beaufort Sea and west of the Colville River, approximately 12 miles northwest of Nuiqsut, Alaska, within the following areas:

- Sections 1, 11, 12, 14, 22, 23, 27, 32-34 of Township (T) 10 North (N), Range (R) 2 East (E), Umiat Meridian (UM);
- Section 6 of T. 10 N., R. 3 E., UM;
- Sections 24-28, 31-33 of T. 11 N., R. 3 E., UM;
- Sections 12-19 of T. 11 N., R. 4 E., UM;
- Sections 5-7 of T. 11 N., R. 5 E., UM;
- U.S. Geological Survey Quadrangle Maps Harrison Bay A-2 and Harrison Bay A-3. 70.1730° North, -150.6934° West (GMT2 Drill Pad);

The geographic start of the proposed project is the existing GMT1 drillsite gravel pad: Latitude 70.256952° and Longitude -151.479496°.

The end of the proposed project is the proposed GMT 2 drillsite gravel pad: Latitude 70.1730° and Longitude -150.6934°.

SPECIAL AREA DESIGNATION: The project would be located within the National Petroleum Reserve-Alaska (NPR-A).

PURPOSE: The applicant's stated purpose is to construct a road-accessible drillsite, associated pipelines, and ancillary facilities to safely develop, produce, and transport hydrocarbons from the GMT2 reservoir to the existing Alpine Central Processing Facility (ACF) at Colville Delta 1 (CD1) and eventually to market at a reasonable rate of financial return. The project would produce 3-phase hydrocarbons (oil, gas, and water) which would be carried by pipeline to the ACF at CD1 for processing. Sales-quality crude oil produced at the ACF would be transported from CD1 via the existing Alpine Sales Oil Pipeline and Kuparuk Pipeline to the Trans-Alaska Pipeline System (TAPS) for shipment to market.

PROPOSED WORK:

PROPOSED WORK: CPAI proposes the placement of 674,300 cubic yards (cy) of clean fill material into 78.1 acres, of which 77.9 acres are WOUS, including wetlands (see Table 1 below), to construct:

- An 8.2-mile gravel access road (62.8 acres total; 62.6 acres in WOUS);
- A drill pad with 48-well capacity at GMT2 (14.0 acres in WOUS);
- Three vehicle pullout pads (0.4 acre each in WOUS) for safety and subsistence activity access; and
- Vertical Support Members (VSM) for 8.6-mile pipeline from GMT1 to GMT2 (total fill footprint of 0.1 acre in WOUS).

The project components' footprint and associated fill requirements are provided in Table 1:

Table 1: Footprint of Project Components and Fill Requirements in WOUS					
Project Component	Fill Type	Total Footprint (acres)	Footprint in WOUS (acres)	Fill Quantity (cy)^a	Notes/Dimensions
GMT2 Drill Pad	Gravel	14.0	14.0	152,000	Approximately 310 feet to 530 feet wide by 1,384 feet long
GMT1 to GMT2 Access Road	Gravel	62.8	62.6	510,000	8.2 miles long; 32-foot surface width and minimum 5-foot depth
Vehicle Pullout Pads	Gravel	1.2	1.2	9,300	Three vehicle pullout pads at 0.4 acre per pullout. Each pullout would be 50 feet wide by 220 feet long.
GMT2 to GMT1 Pipeline VSMs	Sand/slurry/steel	0.1	0.1	3,000 ^b	8.6-mile pipeline requiring approximately 1,000 new VSMs spaced approximately 55 feet apart, each with 24-inch diameter
Total fill	All types	78.1	77.9	674,300	

Notes: WOUS: waters of the U.S.; cy: cubic yards; VSMs: vertical support members.

^a Clean fill to be purchased from ASRC Mine Site (POA-1996-869, Colville River)

^b VSM fill quantity is estimated to be approximately 3 cy per VSM.

The GMT2 Development Project would produce oil, gas, and water that would be carried from the GMT2 drill site to Greater Mooses Tooth One (GMT1) via new pipelines. From GMT1, produced fluids would be transported via the permitted GMT1 pipeline to the Colville River Delta 5 (CD5) pad. From CD5, produced fluids from GMT2 would be transported via a new pipeline placed on existing VSMs to the ACF at CD1 for processing. Sales-quality crude processed at the ACF would be transported from CD1 via the existing Alpine Sales Oil Pipeline and Kuparuk Pipeline to the Trans Alaska Pipeline System for shipment to market. Miscible injectant (MI), injection water, and lean gas would be delivered by both proposed and existing/permitted pipelines to the GMT2 drill site from CD1/ACF. The proposed drill site would be operated and maintained by Alpine staff and supported using CD1/ACF infrastructure.

Construction of the GMT2 Development Project facilities would occur over either two or three ice road seasons. The schedule would likely be selected in mid-2018, although may be modified as detailed design progresses. However, the identified work would generally occur in the indicated seasons and sequence.

Three-ice-road-season schedule:

- 4Q 2018: Begin first season ice road construction in support of GMT2 gravel road and pad construction.
- 1Q 2019: Gravel mining, haul, and construction.
- 4Q 2019: Begin second season ice road construction in support of GMT2 construction.
- 1Q 2020: Begin pipeline construction (e.g., VSMs, pipelines, etc.), perform tie-in work.
- 4Q 2020: Begin third season ice road construction in support of GMT2 construction.
- 1Q 2021: Complete pipeline construction, install power and communication cables, and facilities.
- 4Q 2021: Complete construction and hydrotest. First production.

Two-ice-road-season schedule:

- 4Q 2019: Begin first season ice road construction in support of GMT2 construction.
- 1Q 2020: Gravel mining, construction of the gravel road and pads, begin pipeline construction.
- 4Q 2020: Begin second season ice road construction in support of GMT2 construction.
- 1Q 2021: Install VSMs, pipelines, power and fiber optic cables, and facilities.
- 4Q 2021: Complete construction and hydrotest. First production.

All work would be performed in accordance with the enclosed plan Sheets 1-33, dated May 11, 2017.

ADDITIONAL INFORMATION: The expected gravel material source location is Phase III, of the ASRC Mine Site. The mine site excavation and associated gravel mining discharges of dredged and fill material are not being proposed by the applicant and have yet to be authorized by DA permit recently issued to the Arctic Slope Regional Corporation under DA permit number POA-1996-869. Only Phases I and II of the ASRC Mine Site have been authorized. USACE is currently evaluating a proposal to open Phase III in the near future, which would provide CPAI with their gravel needs for the GMT2 proposed project. Seasonal ice roads and ice pads are not regulated by the USACE as they do not include a discharge of dredged or fill material into waters of the US, including wetlands.

Development in the Colville River Unit began with the Alpine CD1 and CD2 drill sites and associated facilities. Oil production from CD1 commenced in November 2000 and from CD2 in November 2001.

In January 2003 the U.S. Bureau of Land Management (BLM) and cooperating agencies (including the USACE, the U.S. Environmental Protection Agency (EPA), the U.S. Coast Guard (USCG), and the State of Alaska) initiated the Alpine Satellite Development Plan (ASDP) Environmental Impact Statement (EIS) for the five proposed satellite drill sites (CD3 through CD7).

The Final EIS (FEIS) was issued in September 2004 and the BLM's Record of Decision (ROD), which regulates the two satellite development areas on public lands managed by BLM (GMT1 and GMT2, formerly known as CD6 and CD7), was issued in November 2004.

On August 23, 2004, CPAI requested prioritization of permits for CD3 and CD4 to meet the construction schedule for those two satellite developments. Most permits were issued by December 2004 and construction of CD3 and CD4 began in January 2005 and production began in 2006. Permitting for CD5 was completed in 2012, and construction began in 2014.

The Greater Moose's Tooth Unit (GMTU) was established in 2008 through petition to BLM to establish the unit and approve the GMTU Agreement. CPAI requested the BLM designate and approve the proposed Unit Area so CPAI could perform exploration and development operations under a unit plan of operations. Previous developments (CD1, CD2, CD3, and CD4) and CD5 are within the reservoir of the Colville River Unit. GMT1 was previously identified as CD6 but was renamed after it was determined to be within in the newly established GMTU.

In 2012, the BLM issued the *National Petroleum Reserve-Alaska Final Integrated Activity Plan/Environmental Impact Statement* (NPR-A IAP/EIS), followed by their ROD in 2013 to address development within the entire NPR-A, including the GMTU.

The GMT1 Development Project was re-analyzed in the Final Supplemental Environmental Impact Statement for the Alpine Satellite Development Plan for the Proposed Greater Moose's Tooth One Development Project (Final SEIS), which BLM issued in October 2014. The GMT1 Final SEIS addressed changes to the proposed GMT1 Development Project from the 2004 ASDP ROD and the 2012 NPR-A IAP/EIS, evaluated relevant new circumstances and information, and provided opportunities for public participation in accordance with National Environmental Policy Act (NEPA) requirements. BLM issued its ROD for GMT1 in February 2015. The USACE issued its ROD and permit (POA-2013-461) for the GMT1 Development Project in January 2015. Construction on the GMT1 Development Project began in 2017.

The BLM prepared a Draft Supplemental EIS (SEIS) for the GMT2 Development Project in March of 2017 to re-evaluate the proposed GMT2 Development Project. The Draft SEIS addresses changes to the proposed GMT2 Development Project from the 2004 ASDP ROD and the 2012 NPR-A IAP/EIS, evaluates relevant new circumstances and information, and provides opportunities for public participation in accordance with NEPA requirements. The GMT2 Draft SEIS can be accessed at this link: https://www.blm.gov/programs/planning-and-nepa/plans-in-development/alaska/GMT2_SEIS

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:

Proposed avoidance for activities involving discharges of dredged or fill material into WOUS include:

Site design/selection

The GMT2 Development Project would be generally located where economically recoverable minerals are found, and specifically designed to be in a location that optimizes resources recovery on one hand, and avoidance and minimization of adverse impacts to wetlands and other resources on the other. Since the GMT2 drill site must be built in the vicinity of the mineral resource to be extracted, total avoidance of impacts to WOUS is not practicable. However, the applicant has taken measures to, within the project, avoid impacts to the maximum extent practicable.

These measures include: 1) designing the GMT2 Development Project so that all power lines and communication cables will be hung underneath the horizontal support members via messenger cables to avoid the need to install power poles, thereby eliminating the potential impact to vegetation and wetlands for this aspect of the project's infrastructure; 2) using existing infrastructure to the maximum extent practicable; 3) using ice roads and pads for construction and drilling activities and limiting construction to the winter season; 4) avoiding locations having unique habitat or other value, including habitat of threatened or endangered species; 5) relocating the GMT2 road and drill site out of the Colville River Special Area and avoiding the Fish Creek setback; 6) avoiding river and stream crossings; 7) designing the GMT2 project and, if necessary, implementing measures to minimize the creation of any standing water bodies; and 8) treatment materials or binders in the gravel.

Relocation of facilities

Since publication of the 2004 ASDP, GMT2 facilities (referred to as CD7 in the ASDP) have been moved from the Fish Creek setback area. In addition, since publication of the BLM's 2012 NPR-A IAP/EIS and the BLM's 2014 GMT1 Final SEIS, the GMT2 drill pad site has been relocated outside of the Colville River Special Area. Relocation of the drill pad allowed for modifications to the access road and pipeline corridor lengths, resulting in road and pipeline length reductions 0.5 mile. These changes have resulted in a reduction of gravel fill footprint in WOUS of approximately 8.6 acres for development of the access road and pipelines.

Use of existing infrastructure

The proposed GMT2 Development Project would utilize various components of existing GMT1, Alpine, and commercial infrastructure, including:

- Pipelines required as part of the proposed GMT2 Development Project would be placed on permitted or existing VSMS from GMT1 to CD1/ACF. As these VSMS were an unavoidable impact of previous Colville River Unit developments, use of this existing infrastructure enables the applicant to avoid further impacts to WOUS associated with the GMT2 Development Project by transporting the GMT2 produced fluids over two-thirds the distance (i.e., almost 17 of the 25 miles) to the ACF using existing infrastructure.
- VSMS proposed for the pipeline from the GMT2 drill site to the GMT1 location would be sized with sufficient room to allow for additional future pipeline installation. The horizontal span of the VSMS would be sufficient not only to accommodate the required GMT2 Development Project pipeline infrastructure, but would have space available for a future 24-inch pipeline. This design would allow the applicant to avoid future wetland impacts should additional GMTU projects be considered.
- The GMT2 Development Project would utilize area airstrips for transporting equipment and personnel to the area. No airstrip is proposed for this project.
- Personnel would be housed in existing camp and/or hotel developments, thereby eliminating the need to design larger GMT2 facility locations to accommodate the footprint of permanent housing.
- Gravel for the GMT2 Development Project would be purchased from the ASRC Mine Site, an existing commercial gravel source, develop a new gravel source within the project vicinity.

Use and construction of ice roads and pads

The use of seasonal ice roads and pads during construction and drilling activities for the GMT2 Development Project replaces the need for additional gravel infrastructure from the ASRC mine site and avoids impacts to WOUS. Each year of drilling, well servicing activities such as hydraulic fracturing, would be focused in the winter time to allow those activities to be staged from a 10-acre ice pad rather than expanding the GMT2 pad by 10 acres to accommodate this additional equipment. Ice roads and pads construction would begin after the ground surface is sufficiently frozen to support the weight of equipment without damaging the underlying tundra. Ice roads would be constructed with a minimum thickness of 6 inches of ice to protect the underlying vegetation and terrain. The ice roads and temporary ice pads would be routed or positioned to avoid shrub areas and large areas of tussock tundra to the extent practicable. Specially designed vehicles that exhibit very low weight per area and would be used for off-gravel travel to avoid impacts. All required permits would be obtained for ice road/pad construction and operation.

Winter construction

GMT2 construction and development activities would occur in the winter months when wetlands are frozen and covered by snow and ice. Gravel harvest and construction would be conducted in a single winter season to avoid the need for construction of a gravel stockpile pad. Power and messenger cable trenches would be dug in winter and soils would be temporarily sidecast onto plywood or plastic sheeting adjacent to the trench. This would avoid a discharge of fill material into WOUS since sidecasting of soils would not change the bottom elevation of a WOUS, convert a WOUS to upland, or result in the loss of wetland function.

River Crossings

There are no new major stream or river crossings proposed for the GMT2 Development Project. The route of the proposed GMT2 access road includes a culvert crossing a seasonally flooded meadow connected by low-lying tundra polygon troughs to Lake M9925.

Standing water

The applicant has chosen the route and designed the GMT2 road infrastructure to minimize the amount of fill required while also minimizing the creation of standing water bodies. Strategic placements of culverts beneath the road surface would mitigate and minimize the chance of creating standing water. If standing water forms, the applicant would follow standard North Slope operating practices and insert additional culverts into the road bed. The applicant has also oriented the GMT2 drill pad location and associated GMT2 facilities to minimize wind-drifted snow accumulations that could potentially result in standing water and contribute to localized areas of gravel slumping and erosion.

Avoidance of gravel contaminants

The GMT2 Development Project has been designed to avoid adding treatment substances to the discharge material (gravel) that would be collected from the ASRC Mine Site. As adding any treatment substances (such as chemical binders) to the gravel fill needed for the GMT2 drill pad and access road would introduce these chemical substances into the tundra and wetland environments, the applicant would instead utilize water misting or spreading application methods to provide dust suppression. The gravel fill would be allowed to cure and settle after placement so that point and nonpoint sources of pollution from the gravel do not occur. This protocol would assist in maintaining the slope stability of the developments and preventing slumping of gravel onto adjacent tundra and wetland environments, thus reducing the impact of the GMT2 Development Project's operations. As gravel required for constructing the GMT2 Development Project would be obtained from the existing ASRC Mine Site, there is no reason to anticipate that the proposed fill material would contain contaminants that could affect surrounding water quality or cause State of Alaska water quality standards to be exceeded.

b. Minimization:

Proposed minimization for activities involving discharges of dredged or fill material into WOUS include:

Access road

The proposed all-season access gravel road connecting the GMT2 drill pad to the GMT1 location has been designed to minimize impacts to water flows across the area and during flood events. To maintain natural surface drainage patterns, culverts would be installed as required (approximately every 1,000 feet) to maintain hydrologic flow and to mitigate the risk of sheet flow interruption and thermokarst. The access road would not cross any major streams or rivers so no bridge crossings would be required.

The route includes only one culvert crossing of a seasonally flooded meadow connected by low-lying tundra polygon troughs to Lake M9925. The southern half of the proposed road alignment is largely on the divide between the Fish Creek and the Tinmiaqsiugvik watersheds. The northern half of the proposed route is farther from the drainage divide between Fish Creek and the Tinmiaqsiugvik but still close enough to minimize potential impacts to the natural drainage patterns. Thus, the route would, with few well-placed culverts, adequately maintain cross-drainage. The design criteria for all culverts would prevent raising the water level on the up-gradient side of the crossings by more than six inches compared to the down-gradient side for more than one week after peak discharge.

The applicant has further designed its proposed gravel road to have a minimum gravel thickness of five feet. This thickness would maintain stable permafrost conditions by insulating the underlying tundra and offsetting the loss of insulating effect caused by compression of the vegetated tundra below the gravel.

Equipment

The GMT2 Development Project has been designed to reduce impacts from equipment by using machinery and techniques to minimize wetland impacts. This includes machines with specially designed wheels or tracks, and the use of mats under heavy machines to reduce wetland surface compaction and rutting. The construction of the GMT2 Development Project would conform to standard North Slope project industry practices and would 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 would be used to construct and maintain ice roads so that construction can occur during the winter months to avoid associated impacts. The applicant would use approved tundra travel vehicles to support construction and operations activities when access is required off-pad. In addition, all road and pad construction would occur during the winter months to minimize impacts to tundra vegetation and used for equipment staging areas, thereby minimizing the volume of gravel fill placement.

Erosion control

The applicant has updated its Alpine Erosion Control Plan to accommodate the GMT2 Development Project. This Plan details the ways in which the applicant would prevent and mitigate erosion impacting both terrestrial and aquatic environments.

Included within this plan are Operations, Monitoring, and Maintenance Procedures which detail the actions the applicant would undertake to monitor, maintain and, if needed, remediate gravel fill impacting surrounding tundra and wetlands.

Design, spill prevention and response planning

Within the Fish Creek watershed, the GMT2 pipeline routing is designed to be located up-gradient of the access road, which would serve as a containment barrier in the event of a pipeline spill. Within the Tinmiaqsiugvik watershed, the pipeline would largely follow the drainage divide and would be on very level ground. Thus, any loss of pipeline containment there would be retained locally for recovery. In both cases, the pipeline and the road would be generally separated by about 500 feet allowing for year-round access for surveillance monitoring and repair. Pipelines would meet all design codes and North Slope standards, and operations would include regular inspection and maintenance. Additionally, the applicant would amend the existing Oil Discharge Prevention and Contingency Plan and Spill Prevention Control and Countermeasures Plan to address spill prevention measures and response actions for the GMT2 drill site.

Subsistence

During design of the GMT2 Development Project, the applicant consulted with the local community on the locations of proposed roads and pipelines. This included consultation with the Kuukpik Subsistence Oversight Panel, the Native Village of Nuiqsut, Kuukpik Corporation, and the Nuiqsut public to ensure that operations would not adversely affect subsistence activities. For example, the applicant proposes to coat new pipelines with a muted (non-shiny) coating to avoid bright flashes from sunlight that might frighten caribou. During operations at the current Alpine development, the applicant has developed processes to consult with subsistence users regarding daily planned oil and gas activities through local Subsistence Representatives and Ice Road Monitors to avoid interference with subsistence activities. These coordination and communication efforts have been identified as having reduced Alpine-related impacts on subsistence activities and would be expected to continue for the GMT2 Development Project. Additionally, there is a countervailing effect that roads would provide benefit to subsistence activities.

The applicant would continue to provide cultural awareness training for all project employees and contractors and prohibit employees from participating in hunting and trapping activities while on “work status” to reduce potential for increased competition for subsistence and recreational wildlife resources.

Finally, the applicant has included three vehicle pullout pad locations along the GMT2 access road. These pullouts would provide a safe location for subsistence hunters to park their vehicles and trailers while they hunt, while still allowing for safe industrial use of the road. Each of the three pads located along the road would be 50-feet by 220-feet.

c. Compensatory Mitigation:

The applicant has proposed mitigation and has submitted a draft Permittee Responsible Mitigation Plan. The proposed mitigation project is the repair of an existing undersized culvert bank located at the intersection of Fresh Water Road and an unnamed tributary to Nigliq Channel, southeast of the City of Nuiqsut. The draft mitigation plan can be accessed as an attachment to this public notice, online at our website:

<http://www.poa.usace.army.mil/Missions/Regulatory/Public-Notices-Section-Homepage/>

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 Alaska Heritage Resources Survey (AHRs) has been reviewed for the presence or absence of historic properties in the proposed permit area, including those listed in or eligible for inclusion in the National Register of Historic Places. One site is located less than 1 mile from the proposed project area.

Consultation of the AHRs constitutes the extent of cultural resource investigations by the District Commander at this time. This application is being coordinated with the State Historic Preservation Office (SHPO) and the North Slope Borough (NSB). Any comments SHPO or the NSB 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 applicant would immediately notify the North Slope Borough, state, and local entities in the event that prehistoric, historic, or archaeological objects are discovered during construction or operations. Surveys for archeological resources would be conducted ahead of ice road construction, and ice roads would be routed to avoid cultural resources.

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*). This proposed project is being coordinated with the US Fish and Wildlife Service (USFWS). We have determined the described activity may affect the above listed species under the ESA of 1973 (87 Stat. 844). Therefore, consultation procedures will be conducted under Section 7 of the ESA with the USFWS. 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 National Marine Fisheries Service (NMFS) on all actions, or proposed actions, permitted, funded, or undertaken by the agency, that may adversely affect Essential Fish Habitat (EFH).

There is no mapped essential fish habitat in the immediate vicinity of the proposed project footprint. No direct effects on marine or estuarine essential fish habitat are expected. We have preliminarily determined the described activity would not adversely affect EFH within the project area.

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 USACE 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 fully considered by the USACE 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 received will be used in the preparation of our decision document for the proposed action. 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:

Discharge dredged or fill material into waters of the United States – Section 404 Clean Water Act (33 U.S.C. 1344). Therefore, our public interest review will consider the guidelines set forth under Section 404(b) of the Clean Water Act (40 CFR 230).

Project drawings/figures (33 Sheets) a draft mitigation plan, and a Notice of Application for State Water Quality Certification are enclosed with this Public Notice.

District Commander
U.S. Army, Corps of Engineers

Enclosures