



US Army Corps  
of Engineers  
Alaska District

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

# Public Notice of Application for Permit

<b>PUBLIC NOTICE DATE:</b>	<b>October 30, 2023</b>
<b>EXPIRATION DATE:</b>	<b>November 29 2023</b>
<b>REFERENCE NUMBER:</b>	<b>POA-2023-00027</b>
<b>WATERWAY:</b>	<b>Ublutuooh River</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 as described below and shown on the enclosed project drawings.

All comments regarding this public notice 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 public notice reference number listed above.

All comments 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 Kerri Hancock at (907) 753-2719, toll free from within Alaska at (800) 478-2712, or by email at [Kerri.C.Hancock@usace.army.mil](mailto:Kerri.C.Hancock@usace.army.mil) if further information is desired concerning this public notice.

**APPLICANT:** Kuukpik Corporation (Kuukpik), Attention: Willow Hetrick, 582 East 36th Avenue, Alaska 99503, (907) 333-9085

**AGENT:** ASRC Consulting and Environmental, LLC (ASRC), Attention: Joseph Christopher, 3900 C Street, Suite 701, Anchorage, Alaska 99503, (907) 339-5483

**LOCATION:** The project site is located within Section 32, T. 10 N., R. 2 E., Umiat Meridian; Latitude 70.179786° N., Longitude 151.673436° W.; North Slope Borough; approximately 16 miles west of Nuiqsut, Alaska.

**SPECIAL AREA DESIGNATION:** The project is located within the Greater Mooses Tooth Unit (GMT) National Petroleum Reserve-Alaska (NPR-A).

PURPOSE: The applicant's stated purpose is to provide a Kuukpik-owned lay down and staging area on Kuukpik land that generates revenue for, and reduces impacts to, Kuukpik shareholders and Nuiqsut residents. The pad will be leased to one or more oil and gas operators, oil field support companies and contractors, and/or Kuukpik-affiliated companies and joint ventures to reduce impacts of traffic and construction within and around the City of Nuiqsut, generate revenue for the benefit of Kuukpik's shareholders and offset impacts of oil and gas development to the community Nuiqsut.

PROPOSED WORK: Discharge 389,000 cubic yards of clean, gravel fill into 32.48 acres of wetlands. All work would be performed in accordance with the enclosed plan (sheets 1-6), dated October 10, 2023.

ADDITIONAL INFORMATION: Additional permits, approvals, and other requirements:

- Bureau of Land Management (BLM) – Right of Way Permit
- United States Fish and Wildlife Service (USFWS) – Endangered Species Act (ESA) Section 7 consultation
- Alaska Department of Natural Resources (ADNR) State Historic Preservation Office (SHPO) – National Historic Preservation Act (NHPA) Section 106 consultation
- ADNR Division of Mining, Land and Water – Temporary water use authorizations and water rights
- Alaska Department of Fish and Game (ADF&G) – Public Safety Permit
- Alaska Department of Environmental Conservation (ADEC) – Clean Water Act (CWA) Section 402 Alaska Pollutant Discharge Elimination System (APDES) Permit
- North Slope Borough (NSB) – Traditional Land Use Inventory Clearance, development permits, and administrative approvals
- ASRC – Mine Site and Gravel Extraction Agreement
- Kuukpik Corporation – Land Use Authorization for facilities constructed on Kuukpik land

APPLICANT PROPOSED 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.

a. Avoidance: The entire project area contains jurisdictional waters of the United States. Therefore, complete avoidance is not practicable. Kuukpik proposes to include the following practicable avoidance measures. No fill will be placed in documented locations of Endangered Species Act listed bird species. Fill will be placed during winter months when migratory birds are not present. The pad expansion will avoid placement of gravel near documented polar bear dens and denning habitat. Project limits will be delineated with silt fencing or similar material to avoid impacts outside the proposed pad area. Fuel will not be stored on the pad and fueling would not occur within 100 feet of the tundra. K2 pad will be connected at grade to existing infrastructure to avoid additional placement of fill in wetlands. Kuukpik will utilize currently permitted gravel sources to avoid opening a new mine site. Kuukpik intends to source gravel for the K2 Pad from the ASRC Gravel Pit. In the event the ASRC Gravel Pit supply is inadequate, gravel may be obtained from the Willow Mine Site or Mine Site C. Kuukpik's

original January 2023 proposal involved 32.68 acres of wetland impacts. Kuukpik has since revised those original plans and minimized the footprint to 32.48 acres of impact.

b. Minimization: Kuukpik will incorporate the following minimization measures into project design and construction to reduce overall impacts on waters of the United States. Construction would occur during frozen ground conditions. The pad will have a minimum thickness of 5-feet to insulate underlying permafrost. Regular pad surface watering will occur during operation to minimize fugitive dust deposition to the tundra. The wetlands proposed for impact have already experienced a reduction function in the form of direct and indirect impacts from surrounding development. Kuukpik selected this location to minimize overall functional impacts in the watershed.

c. Compensatory Mitigation: Kuukpik's longstanding position that requiring compensatory mitigation for development of Kuukpik's own ANCSA lands is inappropriate in light of the purpose of ANCSA, Kuukpik continues to believe that no mitigation should be required. Kuukpik has concluded that the project is not located in rare, difficult to replace, or threatened wetlands or areas of designated Critical Habitat. The project does impact greater than 1/10<sup>th</sup> acre of wetlands, however, the single watershed in which the proposed project is located is not significantly deteriorated. The project is located outside the Colville River Delta and does not impact any intertidal waters associated with special aquatic sites. No fill would occur in, or within 500-feet of, anadromous waters. The closest anadromous water (Ublutuoch River) is located 1.75 miles south. The project is not federally funded. The project is not a large-scale project with adverse aquatic resource impacts. Therefore, Kuukpik is not proposing compensatory mitigation at this time.

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 footprint of the proposed discharge and the adjacent upland staging area where construction equipment may operate and be stored. Consultation of the AHRs constitutes the extent of cultural resource investigations by the U.S. Army Corps of Engineers (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), Federally recognized Tribes, and other consulting parties. Any comments SHPO, Federally recognized Tribes, and other consulting parties 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*), spectacled eider (*Somateria fischeri*), and Steller's eider (*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, 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 (Magnuson-Stevens 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).

The project area is not within mapped EFH.

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

TRIBAL CONSULTATION: The Corps 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 Corps, 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 rights or resources. Consultation may be initiated by the affected Tribe upon written request to the District Commander. If applicable this application will be coordinated with federally recognized tribes and other consulting parties. Any comments federal recognized tribes and other consulting parties may have concerning presently unknown archeological or historic data that may be lost or destroyed by the work under the requested permit will be considered in the Corps final assessment of the described work.

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.

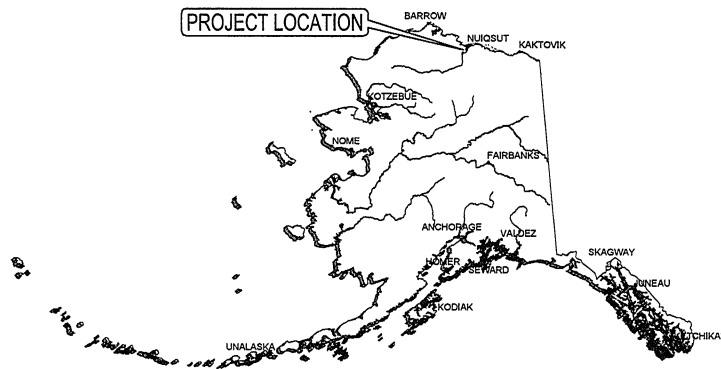
AUTHORITY: This permit will be issued or denied under the following authority:

(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).

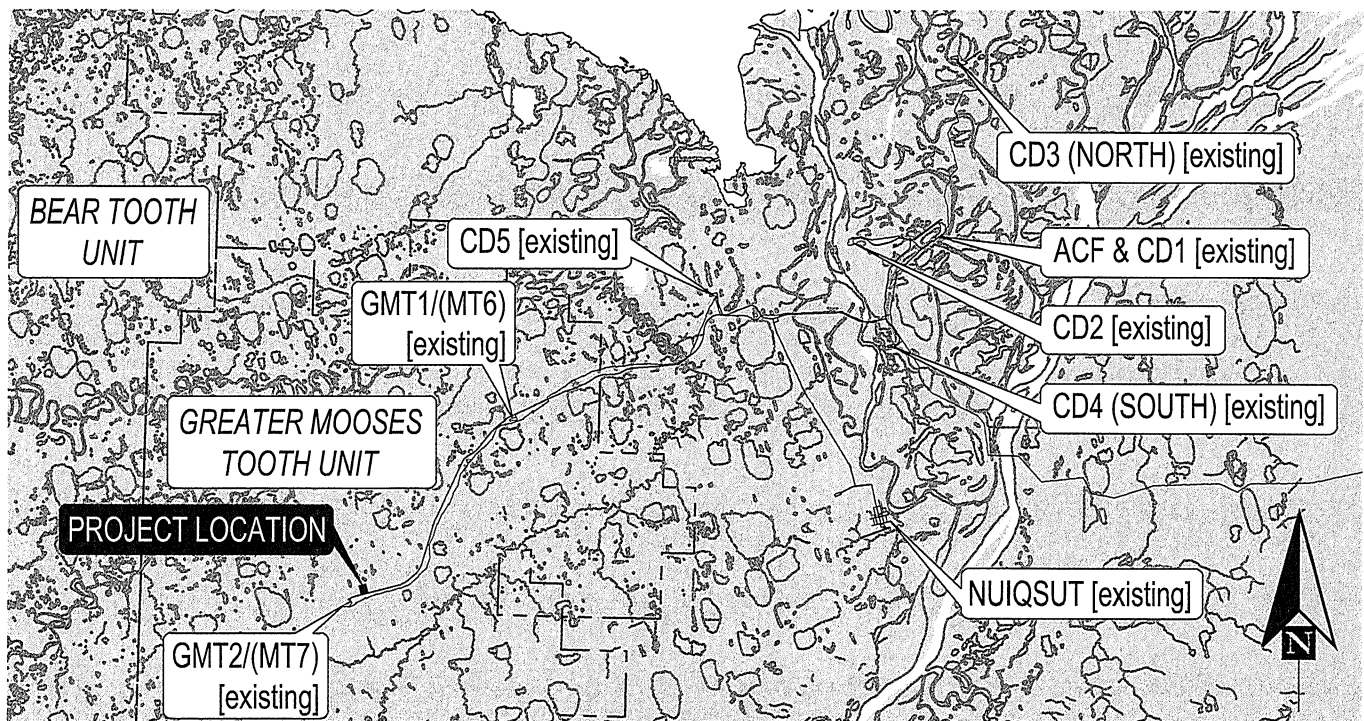
Project drawings are enclosed with this public notice.

District Commander  
U.S. Army, Corps

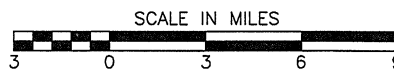
Enclosures



**ALASKA VICINITY MAP**



**VICINITY MAP**



PURPOSE:  
CONSTRUCT GRAVEL PAD FOR  
OILFIELD SUPPORT

DATUM: BPMSL, NAD83 ASP ZONE 4

REFERENCE: POA-2023-00027

APPLICANT: KUUKPIK CORPORATION

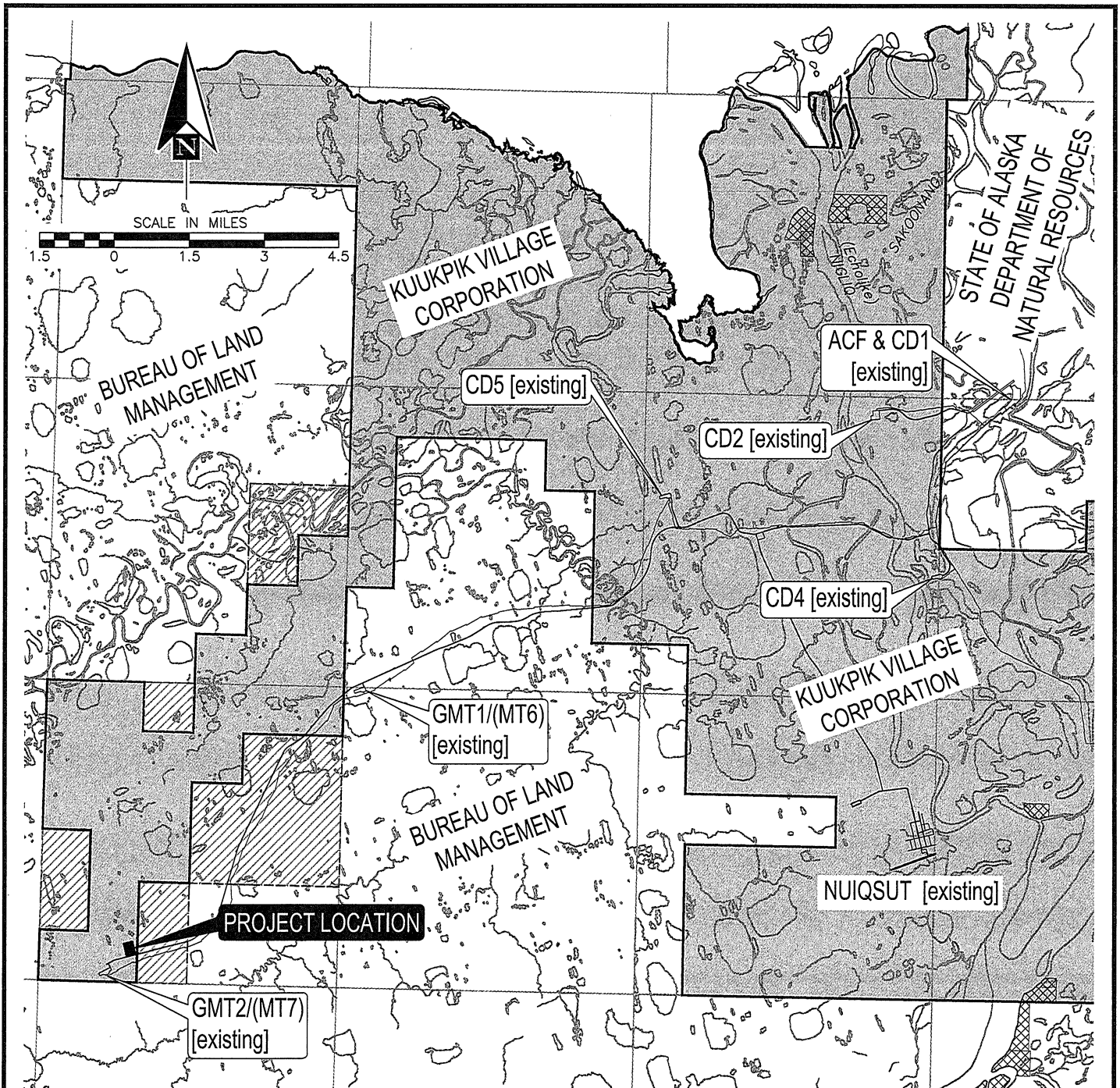
LOCATION: S32 T10N R2E  
UMIAT MERIDIAN  
LAT: N70.179786  
LONG: W151.673436

PROPOSED: K2 PAD CONSTRUCTION

IN: GREATER MOOSES  
TOOTH UNIT




COUNTY: NORTH SLOPE BOROUGH  
STATE: ALASKA

SHEET **1** of **7** 09/11/2023



### ADJACENT LAND OWNERS MAP

#### LEGEND

-  KUUKPIIK VILLAGE CORPORATION – CONVEYED
-  KUUKPIIK VILLAGE CORPORATION – SELECTED LANDS
-  NATIVE ALLOTMENT

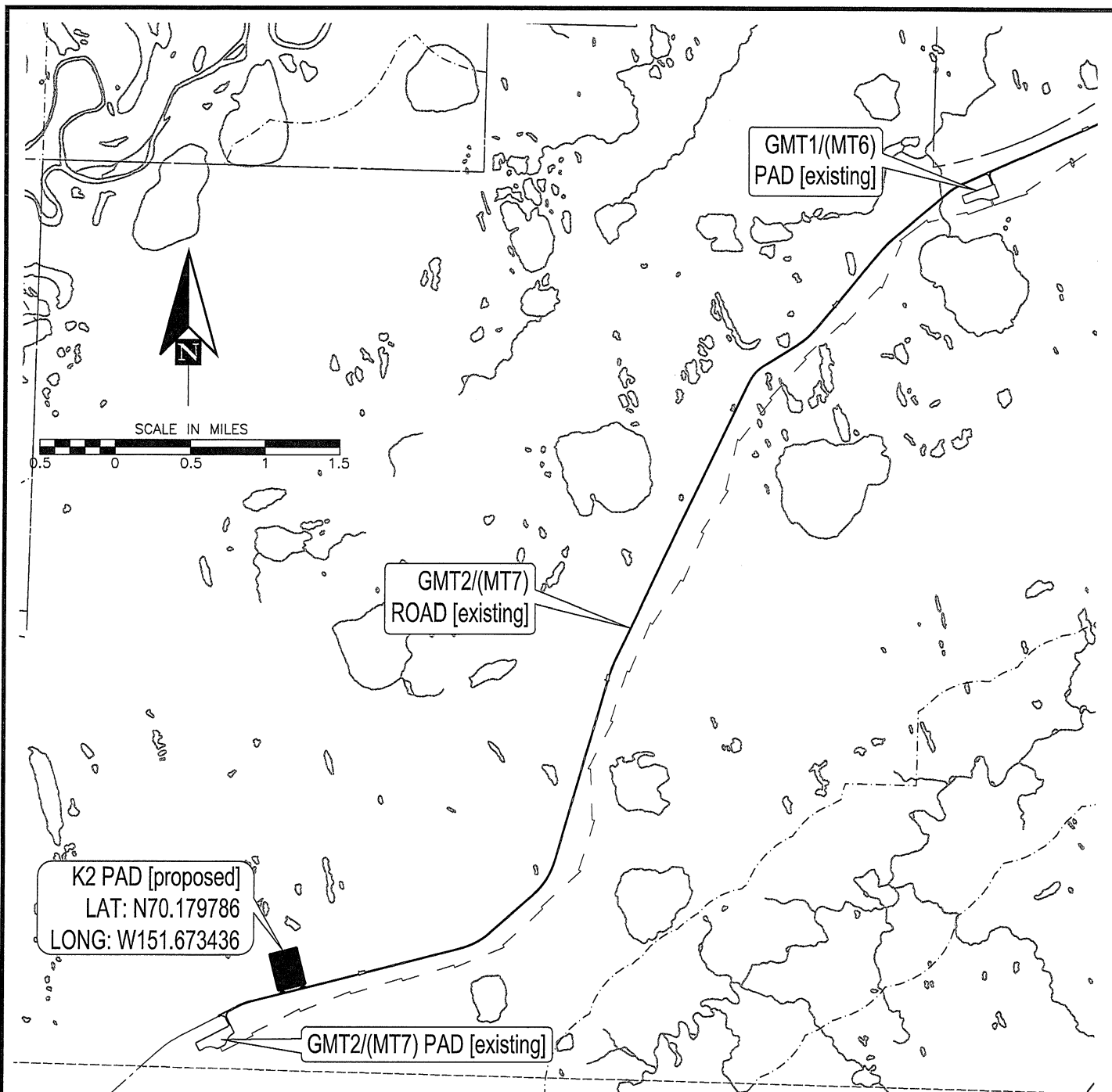
**P | N | D**  
ENGINEERS, INC.

REFERENCE: POA-2023-00027  
 APPLICANT: KUUKPIIK CORP.  
 PROPOSED: K2 ROAD AND PAD  
 CONSTRUCTION

THIS MAP PROJECTION IS NAD 83, ALASKA STATE PLANE ZONE 4. THIS MAP IS  
 BASED ON DATA PROVIDED BY THE U.S. GEOLOGICAL SURVEY AND THE ALASKA  
 DEPARTMENT OF NATURAL RESOURCES.

AT: ALASKA  
 SHEET **3** of **7** 09/11/2023





## PROJECT OVERVIEW

### LEGEND

- EXISTING GRAVEL INFRASTRUCTURE
- - - - - EXISTING PIPELINE
- - - - - 1/2 MILE RIVER BUFFER
- - - - - 3 MILE FISH CREEK BUFFER
- - - - - RAPTOR PROTECTION AREA

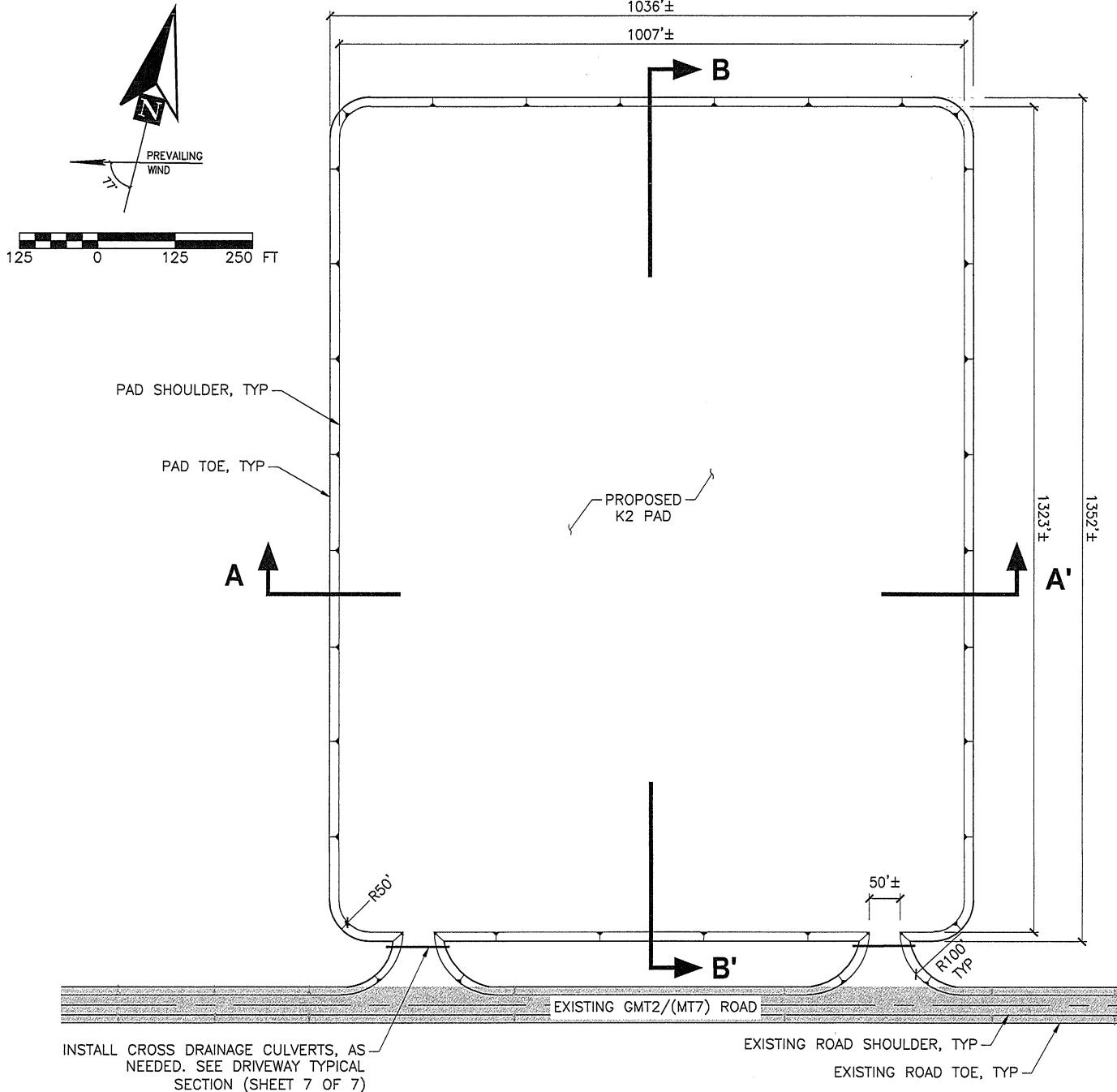
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**P | N | D**  
ENGINEERS, INC.

REFERENCE: POA-2023-00027  
APPLICANT: KUUKPIK CORP.  
PROPOSED: K2 ROAD AND PAD  
CONSTRUCTION

AT: ALASKA  
SHEET **4** of **7** 09/11/2023





K2 PAD AND ACCESS ROAD QUANTITIES	
TOTAL PROJECT FOOTPRINT	32.65 ACRES
UPLANDS FOOTPRINT	0.17 ACRES
WETLAND FOOTPRINT	32.48 ACRES
TOTAL PROJECT GRAVEL VOLUME	389,000 CY

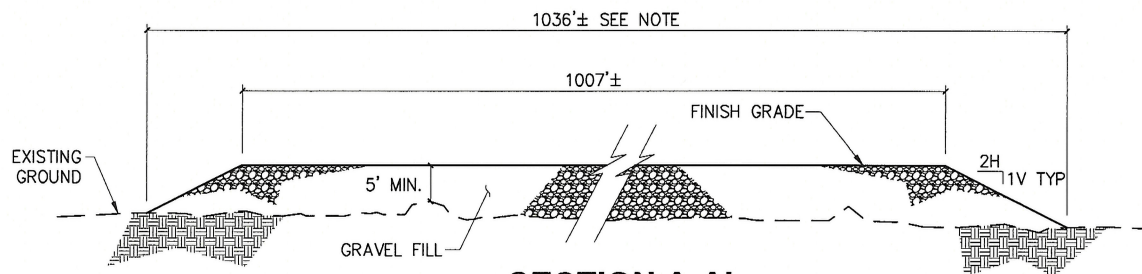
- NOTE:
1. MINIMUM GRAVEL DEPTH 5.0' WITH 2H:1V FILL SLOPES, TYPICAL.
  2. SEE SHEET 6 FOR TYPICAL SECTIONS.
  3. CROSS DRAINAGE CULVERTS TO BE INSTALLED AT PAD ENTRANCES AS NEEDED. CULVERT LOCATIONS, SIZES AND QUANTITIES TO BE DETERMINED BASED UPON SITE DRAINAGE AND TOPOGRAPHY DURING DETAILED DESIGN.

## PROPOSED K2 PAD

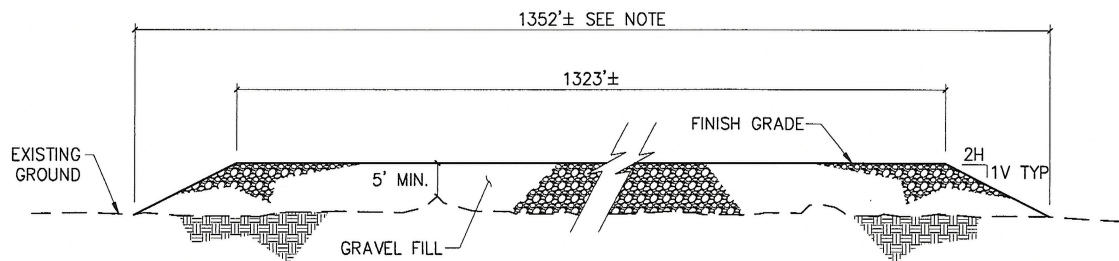
**P | N | D**  
ENGINEERS, INC.

REFERENCE: POA-2023-00027  
 APPLICANT: KUUKPIK CORP.  
 PROPOSED: K2 ROAD AND PAD CONSTRUCTION

AT: ALASKA  
 SHEET **5** of **7** 09/11/2023



**SECTION A-A'**  
**K2 PAD TRANSVERSE SECTION**  
 NOT TO SCALE



**SECTION B-B'**  
**K2 PAD LONGITUDINAL SECTION**  
 NOT TO SCALE

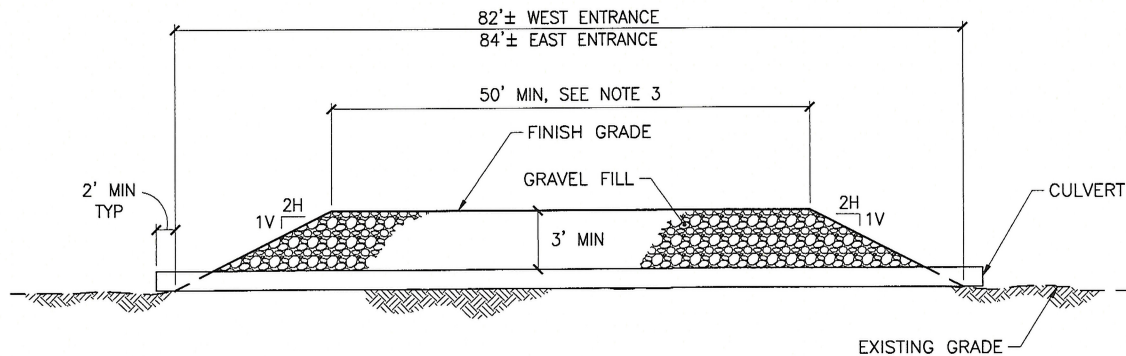
**NOTE:**

1. FILL FOOTPRINT WILL VARY BASED UPON TOPOGRAPHY AND FINISH GRADE ELEVATION. HOWEVER, THE TOTAL PROJECT FOOTPRINT WILL NOT BE EXCEEDED.



REFERENCE: POA-2023-00027  
 APPLICANT: KUUKPIK CORP.  
 PROPOSED: K2 ROAD AND PAD  
 CONSTRUCTION

AT: ALASKA  
 SHEET **6** of **7** 09/11/2023



### **DRIVEWAY TYPICAL SECTION**

NOT TO SCALE

#### **NOTES:**

1. CULVERTS TO BE INSTALLED AT PAD ENTRANCES AS NEEDED. CULVERT LOCATIONS, SIZES, AND QUANTITIES TO BE DETERMINED BASED UPON SITE DRAINAGE AND TOPOGRAPHY DURING DETAILED DESIGN.
2. CULVERT MATERIALS WILL CONSIST OF SMOOTH WALL STEEL PIPE CONFORMING TO AMERICAN PETROLEUM INSTITUTE (API) 5L SPECIFICATION, OR EQUIVALENT, FOR STEEL GRADES BETWEEN X42 TO X70. CULVERT DIAMETERS WILL BE SIZED BASED UPON HYDRAULIC NEED WITH A MINIMUM DIAMETER OF 24 INCHES. THE CULVERT PIPE WALL THICKNESS WILL BE SIZED TO ACCOMMODATE MAXIMUM AXLE LOADS FOR COMMON OIL FIELD EQUIPMENT.
3. DRIVEWAY WIDTH AND SHOULDER RADII HAVE BEEN DESIGNED TO ACCOMMODATE THE MINIMUM SWEEPED PATH TURNING MOVEMENTS FOR COMMON OIL FIELD EQUIPMENT INCLUDING DRILL RIGS, COIL TUBING UNITS, AND SEMI-TRUCKS AND TRAILERS.



### **TYPICAL DRIVEWAY SECTIONS**

REFERENCE: POA-2023-00027  
 APPLICANT: KUUKPIK CORP.  
 PROPOSED: K2 ROAD AND PAD  
 CONSTRUCTION

AT: ALASKA  
 SHEET **7** of **7** 09/11/2023