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

PUBLIC NOTICE DATE:	**November 16, 2017**
EXPIRATION DATE:	**December 18, 2017**
REFERENCE NUMBER:	**POA-2017-541**
WATERWAY:	**Ugnuravik River**

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. 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 Mary Romero at (907) 753-2773, toll free from within Alaska at (800) 478-2712, by fax at (907) 753-5567, or by email at mary.r.romero@usace.army.mil if further information is desired concerning this notice.

APPLICANT: Chris Wrobel, ConocoPhillips Alaska, Inc., PO Box 10036, Anchorage, Alaska 99510

LOCATION: The project site is located within Section 24 T. 11 N., R. 8 E.; Sections 1, 11, 12, 14, 15, 16, 19, 20, 21, 29, & 32, T. 11 N., R. 9 E.; Sections 5, 6, 8, & 9, T. 11 N., R. 10 E.; Sections 2, 3, 10, 11, 15, 22, 23, 25, 26, & 36, T. 12 N., R. 9 E.; Sections 25 & 36, T. 13 N., R. 8 E.; Sections 28 & 33, T. 13 N., R. 9 E., Umiat Meridian; USGS Quad Map Beechey Point B-5; and Sections 23, 24, 26, & 27, T. 11 N., R. 8 E., Umiat Meridian; USGS Quad Map Harrison Bay B-1; with a centroid Latitude 70.3371° N., Longitude -149.7316° W.; half way between Prudhoe Bay and Nuiqsut, Alaska.

PURPOSE: The applicant's stated purpose is to improve existing roads within the Kuparuk River Unit (KRU) by bringing them up to current engineering standards and providing safe travel for all types of equipment.

PROPOSED WORK: The placement of 293,000 cubic yards (cy) of gravel would be placed into 48 acres of Waters of the U.S., including wetlands (47.63 acres of Palustrine emergent (PEM) wetlands, 0.27 acre of Palustrine unconsolidated bottoms (PUB), and 0.1 Riverine lower perennial unconsolidated (R2U)) for the widening of 26 miles of KRU roads and drill site access roads. The roads would be 35 feet wide at the top of the road with the width varying at the toe-to-toe between 61 to 81 feet dependent upon the topography of the landscape. The project would be phased over five years (starting in 2018 with the completion expected in 2022) with approximately six miles of road being completed each year. The determining factor in which roads are completed first would depend on future drilling objectives.

The complete project would place a total of 1,300,000 cy of gravel for road improvements, most of which would be placed on top of existing fill. No new roads would be constructed under the proposed work.

The roads to be improved are listed below:

Road Area	Road Type	Segment
CPF3	Main	3C access - 3N access
CPF3	Access	3I - 3M
CPF3	Access	3N access
CPF1	Main	1Y intersection-1Q
CPF2	Access	2G access
CPF2	Main	2Z-2X access
CPF1	Main	1A Frontage
CPF2	Main	2B-2H access
CPF2	Main	2H access-2M
CPF1	Main	1A-1Y intersection
CPF1	Main	1Q-CPF3
CPF1	Main	CPF1-1A
CPF3	Main	CPF3-3C access
CPF2	Main	1Y intersection-2Z
CPF2	Main	2G access-2B
CPF2	Main	2X access-CPF2
CPF2	Main	CPF2-2G access

All work would be performed in accordance with the enclosed plan (sheets 1-22), dated November 14, 2017.

ADDITIONAL INFORMATION: Gravel would be sourced from Mine Site E, C, and potentially F. Culverts would be replaced if necessary with smooth wall steel pipe. There are no culverts in fish bearing streams planned for replacement.

Work is proposed to minimize impacts to migratory birds by placing the first lift of gravel on the tundra in April before the migratory bird nesting window begins.

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: Efforts to avoid impacts to waters of the U.S. were included in the project's planning and preliminary engineering stages, although complete avoidance is not possible due to the nearly ubiquitous occurrence of wetlands on the Arctic Coastal Plain. Measures taken to avoid impacts to waters of the U.S. include eliminating new pads by stockpiling material and equipment at existing pads, using the existing infrastructure in Kuparuk to house construction personnel, and avoiding temporary fill in wetlands. The increased road thickness that would result from the proposed project would provide thermal stability to the underlying permafrost, preventing thaw subsidence that could impact adjacent wetlands and waterbodies. Thus, the project itself would help avoid future impacts to adjacent wetlands and waterbodies already affected by the existing roads.

b. Minimization: Measures taken to minimize impacts to waters of the U.S. include using the maximum angle of shoulder slopes possible (2: 1), maintaining surface hydrology patterns by replacing damaged culverts, designing the roadway to the minimum width necessary for drilling rigs, and improving existing roads rather than constructing new roads. Fill material would be sourced from existing or expanded gravel mine sites rather than from new gravel mine sites. Two alternative designs were studied as part of our minimization efforts. The alternative designs would further reduce the project footprint by reducing the thickness of the upgraded road prism, which would therefore reduce the road width at the bottom of the shoulder slope. These alternatives included the use of geocells combined with geosynthetic fabrics (Alternative 1), and geosynthetic fabrics combined with insulation (Alternative 2). Compared with the proposed project, Alternative 1 would have increased construction costs by approximately $350,000 per mile, resulting in an overall increased cost of approximately $9 million over the length of the 26-mile-long project. Alternative 2 would have increased costs by approximately $750,000 per mile and nearly $20 million over the length of the project. The alternative designs were found to be cost prohibitive. They also would have delayed the project, impairing its value, and would have resulted in only limited reduction of the project footprint.

c. Compensatory Mitigation: Restoration, enhancement, and preservation options for compensatory mitigation were reviewed and were found to be impractical or so expensive as to be incommensurate with the relatively minor impact to wetlands in the watershed that might

result from this project. Options considered for compensatory mitigation included rehabilitating gravel roads and pads, replacing culverts in fish bearing streams, and purchasing compensatory mitigation credits within the watershed from a third party.

The surface area of the Arctic Coastal Plain contains roughly 16,615 acres of wetlands. This is 82.9 percent of the total land area (Hall et al. 1994, USAGE 2007). The proposed project would impact less than 0.3 percent of the wetlands on the Arctic Coastal Plain. On a watershed scale, the post-project land use pattern would not be significantly changed from the pre-project status. Further, the relative importance of the wetlands within the project footprint is determined to be low because the affected wetlands are adjacent to existing roads and thus already subject to disturbance from dust, runoff, and other typical roadside impacts.

Abandoned roads and pads near Kuparuk have already been reclaimed, and remaining sites that are not currently occupied are impractical to restore for this project for various reasons. Cost estimates range from several million to ten million dollars per site while the acreage restored would be small, and in most cases would involve some adverse environmental impacts such as tundra disturbance and air emissions that would, to some extent, undermine the public benefit associated with wetlands restoration. Many of the sites are subject to lease or permit conditions that require reclamation at the end of field life, if that is determined to be in the public interest at the time, which is not certain given the prevalence of wetlands and the relative lack of sites suitable for public facilities in the region. Several sites are permitted by the Alaska Department of Environmental Conservation to remain in-situ as capped and closed, formerly contaminated sites. Therefore, no site has been identified as a suitable restoration candidate to serve as compensatory mitigation for this project.

Drill Site (DS) 1M was evaluated as a potential reclamation option because it is connected to the existing gravel road network in Kuparuk and because the gravel could potentially be reused nearby for maintaining the Spine Road with little or no tundra disturbance. The DS-1M option includes an access road, a stream crossing (the culvert battery was previously removed) and a pad. The total gravel acreage for the DS-1M option is 14.4 acres, which is insufficient to compensate for the project impacts, and the restoration cost is estimated at approximately $1.9 million, or approximately $136,000 per acre. The ownership of this site is not aligned with the ownership of the roads that are the subject of the proposed project, which could make a commercial agreement impractical. Given the acreage, the cost, and the ownership, DS-1M was not deemed to be appropriate mitigation for the project.

The next largest potential site after DS-1M is located along the Itkillik River and contains an abandoned gravel airstrip. The Itkillik River site is 7.5 acres and is estimated to cost approximately $10 million dollars, or approximately $1.3 million per acre. Seven other possible restoration sites were evaluated and all of them are similarly small and expensive, ranging from four to seven acres per site and between $75,000 to $765,000 per acre. None of these sites is deemed to be appropriate mitigation for the project.

Independent of this road improvement project, the Kuparuk Operator is already planning to replace the culvert battery located between DS-2Z and DS-2X in the summer of 2018. The

project is permitted by the Alaska Department of Fish and Game with a Fish Habitat permit and would improve fish passage with larger diameter, smooth-wall steel pipe. CPAI would be open to working with the Corps of Engineers (Corps) to plan this work in a way that serves both the State's fish passage objective the Corps' wetlands function objective, consistent with the multiple program concept expressed in 30 CFR § 332.3U. However, we plan to proceed with that culvert work anyway, and since we conclude that compensatory mitigation is not necessary for this project, we do not propose the culverts as compensatory mitigation specifically for the road improvement project.

Given the project's purpose and need (maintenance of existing infrastructure), location within a resource development area, abundance of wetlands in the Arctic Coastal Plain, predominance of undeveloped land within the watersheds, previously impaired wetlands, lack of practicable restoration, enhancement, and preservation, and the guidance described within the 1994 Summary Report, CPAI is proposing no compensatory mitigation for this project.

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 complete project area. 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 Potential to Cause Effects determination for the proposed project. Consultation with the State Historic Preservation Office (SHPO) is not required, however, 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 polar bear (*Ursus maritimus*), Steller's eider (*Polysticta stelleri*), and spectacled eider (*Somateria fischeri*).

We have determined the described activity may affect the polar bear, Steller's and spectacled eider. We have initiated the appropriate consultation procedures under section 7 of the Endangered Species Act with the U.S. Fish and Wildlife Service. 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). No EFH species are known to use 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 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)(l) 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 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

BILL WALKER, GOVERNOR

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-2017-541, Ugnuravik River**, 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.