



US Army Corps
of Engineers
Alaska District

Public Notice of Application for Permit

KENAI FIELD OFFICE
Regulatory Division (1145)
CEPOA-RD
44669 Sterling Highway, Suite B
Soldotna, Alaska 99669-7915

PUBLIC NOTICE DATE:	February 21, 2018
EXPIRATION DATE:	March 28, 2018
REFERENCE NUMBER:	POA-2017-509
WATERWAY:	Cook Inlet

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. 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 Andy Mitzel at (907) 753-2689, by fax at (907) 420-0813, or by email at andy.mitzel@usace.army.mil if further information is desired concerning this notice.

APPLICANT: Harvest Alaska, LLC, POC: Ms. Dunham, 3800 Centerpoint Drive, Suite 1400, Anchorage, AK 99503.

LOCATION: The project site is located within Section 6, T. 12 N., R. 9 W., Section 1, T. 11 N., R. 10 W., Sections 20, 27-29, 34-36, T. 12 N., R. 10 W., Seward Meridian; USGS Quad Map Tyonek A-3; Latitude 61.0969° N., Longitude 151.0412° W.; from the Beluga Pipeline Junction to Tyonek Platform via Ladd Landing, near Tyonek, Alaska.

PURPOSE: The applicant's stated purpose is to construct the new Tyonek W 10 gas and Tyonek W 8 oil pipelines between Tyonek Platform and Ladd Landing.

PROPOSED WORK: The applicant is proposing to discharge 3,300 cubic yards (cy) of secrete anchors and concrete guides into 1.23 acres of tidal waters for the installation of a

5.5 mile long 8 inch oil and a 10 inch gas pipeline from Ladd Landing to the Tyonek Platform across to the seabed of Cook Inlet. The proposed project would involve the following regulated activities:

- The installation of 5.5 miles of an 8 inch diameter oil and a 10 inch diameter gas pipeline.
- The placement of 290 seacrete pins per pipeline, for a total of 580 pins. Each pin would have a footprint of 78.5 square feet (sq ft) and involve the discharge of 4.3 cy of seacrete, for a total fill area of 1.05 acres and a total volume of 2,436 cy of seacrete.
- The placement of 32 sets of two 4.625 ft tall by 9.75 ft diameter concrete guides that would aid in the installation of the pipelines. The cumulative footprint of the guides would be 0.11-acre. The total volume of concrete placed would be 820 cy.
- The installation of class IV rock riprap below the high tide line (HTL, 25.6 ft above the MLLW) to stabilize an area 60 ft by 10 ft by 2 ft deep. The total volume of riprap to be placed would be 44.5 cy.
- The placement of six cathodic protection sleds per pipeline. Each sled would have a foot print of 164 sq ft for a total footprint of 0.045-acre.
- The placement of subsea tie-in at the Tyonek Platform would have one 10 ft by 40 ft skid resting on the sea floor for the subsea double wye pipeline connection.
- The temporary excavation and side casting of a trench 6 ft deep by 15 ft wide and up to 650 ft long below the HTL of Cook Inlet for the installation of the pipelines.

In addition to the activities listed above, that would occur in waters of the U.S., including wetlands, the applicant is also proposing the following:

- The installation of 1.3 miles of an 8 inch diameter oil and a 10 inch diameter gas pipeline from Kenai Pipeline (KPL) Junction to Ladd Landing.
- The construction of a pipe pull area and pipe laydown area at Ladd Landing.
- Grading of the existing bluff at Ladd Landing to allow for the installation of the pipe from the top of the bluff to the shore and allow offshore pipeline sections, constructed onshore at Ladd Landing, to be pulled safely into place.

Harvest Alaska and the Native Village of Tyonek reached an agreement regarding the protection of cultural resources associated with this project. Harvest Alaska has agreed to incorporate the following items into the project description for the proposed project.

- Harvest Alaska would facilitate 10 additional surface depression site investigations in the planned "laydown area." This investigation would include archeologists from the Native Village of Tyonek.
- Harvest Alaska would increase the 50 ft buffer zone around known cultural sites to 100 ft.
- Harvest Alaska would hire a representative from the Tyonek Tribe to observe civil construction activities when they occur.
- Harvest Alaska would include the Village of Tyonek as a signatory on the Cultural Resources Recovery Plan.

All work would be performed in accordance with the enclosed plan (sheets 1-18), dated February 13, 2018.

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 applicant has stated the following as methods to avoid impacts to the aquatic ecosystem:

- Use of existing infrastructure – The proposed project would utilize existing infrastructure whenever practicable:
 - Existing pipelines between Tyonek Platform and Moose Point Pad (Tyonek N 10 and Tyonek S 10) would be used to transport natural gas from the east side of Cook Inlet to Tyonek Platform.
 - Harvest would utilize existing gravel roads and barge landings, and helicopter support to access project areas, or access areas during winter when ground is frozen. Equipment and materials would be transported to existing barge landings from Anchorage to the project site. Each of the barge landing sites has road access, allowing material to be mobilized to laydown yards. Helicopters would be used for crew or material transport to remote locations and to transport some equipment via sling load.
 - Personnel would be housed in existing facilities, thereby eliminating the need for temporary camps.
- Site selection and design – Supporting activities such as the pipe pull and laydown areas were sited to avoid impacts to waters of the US (WOUS) including wetlands. WOUS have been mapped at Ladd Landing and supporting activities were sited to avoid all wetlands. The only impacts to WOUS are those unavoidable impacts associated with placement of the pipeline in Cook Inlet waters.

b. Minimization: The applicant has stated the following as methods to minimize impacts to the aquatic ecosystem

- Site selection and design – Project components of the proposed project have been designed to avoid and/or minimize impacts to WOUS whenever practicable.
 - The new pipelines would be installed in the most direct route between Tyonek Platform and Ladd Landing.
 - The new pipelines would be installed on the sea floor instead of being buried in a trench, except in the nearshore tidal transition zone. Concrete guides would be used to ensure that pipeline installation (i.e., pull) does not deviate from the proposed route. Sand bags would be used to ensure that the pipelines do not move from their designed locations. This will reduce discharges to WOUS during placement of the pipe by limiting the area of trenching and pipe burial.
 - An additional pipeline for future oil development and transportation from Tyonek Platform would be installed, eliminating the need for future pipeline installation. Both pipelines would be installed in parallel, thereby avoiding wider disturbance to WOUS.
- Use of existing pipeline – Impacts would be minimized by using existing pipelines between Tyonek Platform and Moose Point Pad (Tyonek N 10 and Tyonek S 10), thereby minimizing disturbance to WOUS.

c. Compensatory Mitigation: The applicant has stated the following as methods to compensate for impacts to the aquatic ecosystem.

Harvest believes that compensatory mitigation is not appropriate or practicable for this project due to the small amount of WOUS impacted and due to the high level of sediment common in Cook Inlet waters.

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 cultural resources within the vicinity of the permit area. Consultation of the AHRs and a survey conducted by the consultant constitutes the extent of cultural resource investigations by the Corps of Engineers (Corps) at this time. The Corps has made a No Adverse Effect determination for the proposed project. This application is being coordinated with 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.

ENDANGERED SPECIES: The project area is within the known or historic range of the Cook Inlet Beluga whale (*Delphinapterus leucas*), Western DPS Steller sea lion (*Eumetopias jubatus*), Humpback whale (*Megaptera novaeangliae*), and the designated Cook Inlet Beluga whale critical habitat.

We have determined the described activity would have no effect on Western DPS Steller sea lion (*Eumetopias jubatus*), and the Humpback whale (*Megaptera novaeangliae*).

We have determined the described activity may affect the endangered Cook Inlet Beluga whale (*Delphinapterus leucas*) and its designated critical habitat. We are initiating the appropriate consultation procedures under section 7 of the Endangered Species Act with the National Marine Fisheries Service (NMFS). 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).

The project area is within the known range of the Chinook (*Oncorhynchus tshawytscha*), chum (*Oncorhynchus keta*), Coho (*Oncorhynchus kisutch*), pink (*Oncorhynchus gorbuscha*), and sockeye (*Oncorhynchus nerka*) salmon.

We have determined the described activity would not adversely affect EFH in 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 Corps of Engineers 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 of Engineers 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) Perform work in or affecting navigable waters of the United States – Section 10 Rivers and Harbors Act 1899 (33 U.S.C. 403).

(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

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-2017-509, Cook Inlet**, 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.