



US Army Corps
of Engineers
Alaska District

Public Notice of Application for Permit

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

PUBLIC NOTICE DATE:	November 2, 2021
EXPIRATION DATE:	December 2, 2021
REFERENCE NUMBER:	POA-2021-00520
WATERWAY:	Putuligayuk 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 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 Kerri Hancock at (907) 753-2719, toll free from within Alaska at (800) 478-2712, by fax at (907) 753-5567, or by email at Kerri.C.Hancock@usace.army.mil if further information is desired concerning this notice.

APPLICANT: ConocoPhillips Alaska, Inc.

LOCATION: The project site is located within Section 32 and 33, T. 11 N., R. 14 E., Umiat Meridian; Latitude 70.25961° N., Longitude 148.61686° W.; in Prudhoe Bay, Alaska.

PURPOSE: The applicant's stated purpose is to increase safety for equipment and vehicle traffic, support additional pigging infrastructure, and provide adequate staging space for mobile equipment required for emergency response preparedness.

PROPOSED WORK: The proposed project would involve the discharge of 11,121 cubic yards of gravel fill material into 1.58-acres of wetlands in order to expand the existing turnaround pad and connect the Kuparuk Pipeline (KPL)/Oliktok Pipeline (OPL) Construction Road to the Spine Road, and to discharge 680 cubic yards of gravel fill material into 0.11-acres of wetlands

in order to widen the shoulder at the existing intersection of the X Pad Road and the KPL/OPL Construction Road, for a total discharge of 11,807 cubic yards of gravel fill material into 1.69-acres of wetlands. All work would be performed in accordance with the enclosed plan (sheets 1-7), dated October 13, 2021.

ADDITIONAL INFORMATION: North Slope Borough Admin Approval, permit number NSB 22-073, applied October 19, 2021. North Slope Borough TLUI Clearance, permit number NSB 22-073, October 19, 2021.

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 stated they will avoid impacts to nesting birds by not allowing ground disturbing work to occur during the nesting season. The proposed project route was developed to avoid an existing pipeline corridor. The project will also avoid high value wetlands, the area proposed for filling has a functional capacity index significantly reduced due to the existing surrounding infrastructure. Gravel will be placed in the winter when soils are frozen. Gravel harvest and placement will be conducted in a single winter season to avoid the need for construction of a gravel stockpile pad and to minimize safety risks, costs, and gravel mining impacts. The gravel will be sourced from authorized gravel sources within the Kuparuk River Unit avoiding the impacts to wetlands of opening a new site. The project will utilize existing airstrips for transporting equipment and personnel to the area. Ice infrastructure will not be required for this project and damage to the underlying tundra will be avoided.

b. Minimization: Personnel will be housed in existing or temporary camps and/or hotels during construction and operations, eliminating the need to design a larger pad to accommodate the footprint of additional housing. The project was designed to use and expand existing infrastructure, minimizing the overall impact by filling wetlands that have experienced reduced aquatic resource functional capacity. The project was designed using insulation board in areas where a gravel thickness of 5 feet cannot be achieved to protect permafrost. Application of dust control measures to roads, pads, and mining activities will occur to protect vegetation and minimize dust settlement on adjacent snow surfaces which could increase thermal conductivity and promote earlier spring thaw. CPAI has an extensive training program for employees and contractors on environmental compliance and safety. CPAI employs Field Environmental Coordinators to monitor compliance with permits and CPAI best practices. CPAI requires adherence to strict guidelines for travel on all roads to avoid tundra damage including speed and weight limits, and installation of delineators along both sides of the road. Spill prevention strategies are implemented in the Prudhoe Bay Unit, including the use of fuel transfer standard operating procedures, the use of duck ponds or integrated drip pans under motorized equipment, placement of spill response kits at selected locations, training of field staff for spill response, and use of a spill response Incident Management Team with spill responders on call at all times. CPAI maintains membership in the Alaska Clean Seas spill response cooperative and is a member of the North Slope Operators Mutual Aid Agreement to provide readily available equipment and trained personnel to effectively respond to spills.

c. Compensatory Mitigation: CPAI evaluated the PS1 Gravel Addition project using the Operational Draft Regional Guidebook for Rapid Assessment of Wetlands in the North Slope Region of Alaska (ASA) (USACE 2017) to assist in determining if compensatory mitigation may be necessary. The ASA findings indicate the current wetlands have a functional capacity index (FCI) of 0.58, out of a possible 1.00 (Attachment A, North Slope Rapid Wetlands Assessment/Debit Analysis). This indicates the current wetlands that will be impacted have lost close to half of their functional capacity due to existing surrounding development and may not be providing significant aquatic resource function to the local watershed. The proposed avoidance and minimization measures in combination with the adherence to any required special conditions and current low functional capacity of the existing wetlands indicate the project is not expected to have a significant impact therefore, compensatory mitigation is not considered necessary.

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 gravel discharge. 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 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 polar bear designated critical habitat, spectacled eider (*Somateria fischeri*), and Steller's eider (*Polysticta stelleri*).

We have determined the described activity may affect the threatened polar bear and its designated critical habitat, spectacled eider, and Steller's eider. We will initiate 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 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:

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 of Engineers

Enclosures