



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>May 3, 2018</b>
<b>EXPIRATION DATE:</b>	<b>June 1, 2018</b>
<b>REFERENCE NUMBER:</b>	<b>POA-1994-00757-M5</b>
<b>WATERWAY:</b>	<b>Simpson Lagoon</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 (U.S.) 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](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 PN to become part of the record and be considered in the decision. Please contact Mary Romero at (907) 753-YOURDESKPHONE, 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](mailto:mary.r.romero@usace.army.mil) if further information is desired concerning this notice.

**APPLICANT:** Hilcorp, Alaska, LLC., Attention: Deborah Heebner, 3800 Centerpoint Drive, Suite 1400, Anchorage, Alaska 99503

**LOCATION:** The project site is located within Section 6, T. 13 N., R. 10 E., Umiat Meridian; USGS Quad Map Beechey Pt. C-5; Latitude 70.5076° N., Longitude 149.6606° W.; approximately 35 miles from Prudhoe Bay, Alaska.

**PURPOSE:** The applicant's stated purpose is maintenance dredging and beach nourishment.

PROPOSED WORK: The screeding/dredging of a 100' x 60' area (0.14 acre Estuarine Subtidal) in front of the barge landing at F Pad, down to 3.5' below Mean Lower Low Water (MLLW) to provide enough clearance for incoming barges. If material needs to be dredged, it would be placed in a roughly rectangular area 800' x 95' (1.5 acres of Estuarine Intertidal) on the northwestern side of F Pad as beach nourishment. All work would be performed in accordance with the enclosed plan (sheets 1-4), dated April 25, 2018.

ADDITIONAL INFORMATION: Hilcorp would likely need to do maintenance screeding/dredging in this area every spring. The maximum draft of the vessels utilizing the Barge Landing at F Pad in the open water season will be 4.5 feet. Hilcorp is requesting a water depth of approximately 3.5 feet below MLLW, which will provide 1 foot of clearance. Hilcorp proposes to level the bottom in the approach area immediately off of F Pad and if needed remove material depending on the initial survey.

APPLICANT PROPOSED MITIGATION: The applicant proposes the following mitigation measures to avoid, minimize, and compensate for impacts to waters of the U.S. from activities involving discharges of dredged or fill material.

a. Avoidance: Hilcorp has reviewed several options to avoid and minimize the amount of dredged material that would need to be deposited above the Mean Higher High Water (MHHW), including screeding or back dragging the area to restore the sea floor to depths of approximately 3.5 feet below MLLW. No gravel/seafloor sediment will be recovered if only screeding is necessary. All gravel/seafloor sediment recovered during dredging would be stored along the shoreline to the northwest of the F Pad extension or off shore below MHHW. The attached Figure 2 shows an area of approximately 1.5 acres to the west of the F Pad extension.

Methods of moving the material would be mechanical. Options to dredge/screed along the F Pad face area include the following: (1) utilizing equipment with a bucket from the Barge Landing face and F Pad face; (2) utilizing equipment with a bucket from a barge-type vessel; (3) utilizing equipment with a rake-type system from the Barge Landing Face or Barge-type vessel; (4) screed dredging to recontour the sea floor bottom. The barge will back drag the area and restore the sea floor to depths of approximately 3.5 feet below MLLW. The screed is mounted on the end of the barge and adjusted to the required sediment depth immediately adjacent to the face. The barge is then pulled by a tug straight off shore, with the Screed leveling the seafloor sediment at the set depth, perpendicular to the shoreline as necessary, to level an approximate area 60 feet wide by 100 feet in length along the face of F Pad.

The proposed area of screeding/dredging will be 60 feet by 100 feet or 6000 square feet (~0.14 acre) as shown on the attached figures. Up to a total of 500 cubic yards per year of surplus material or sea floor may be dredged in the Barge Landing approach at F Pad. The proposed location for discharge of gravel/sea floor sediment cannot be avoided because if we do not screed or dredge, the barge will experience additional wear and tear and Hilcorp will not

be able to move the drilling equipment to Northstar and Endicott. This will mean no drilling at Endicott and Northstar. Due to warmer weather, the ice road season is more limited resulting in a shorter drilling season with uneconomical results if we depend on moving drill rigs and equipment to Endicott and Northstar using ice roads.

b. Minimization: Hilcorp has minimized the size and amount of area that will be dredged or screeded. By minimizing the area to immediately offshore of the face of the existing Milne Point F Pad, the amount of material dredged or screeded will be minimized.

Location for placement of the dredged material identified as potential beach nourishment – By placing the dredged material as beach nourishment in the proposed area, Hilcorp will raise the elevation of the area to 5.0 feet with a 10:1 side slope, which will improve the ecological success of the watershed through filtration. The dredged material is expected to be a mixture of sand, gravel and seafloor sediments. The existing plant communities are expected to improve as the dredged material will operate as beach nourishment and will protect the area from irregular disposition along the coastline. This will stabilize the plant communities and decrease the concentrations of ions associated with seawater. The decrease in inundation with seawater and modification of water flow and/or quality will result in the following benefits:

- i) Habitat restoration and development by raising the elevation and stabilizing the plant communities - this coastal habitat could potentially be used by Migratory Birds, including Brants and Eiders;
- ii) Beach nourishment to restore this beach that is subject to erosion – this area is subject to erosion by storms. Raising the elevation of this area will protect the area from erosion by storms by creating a berm protection and stabilizing the shoreline.
- iii) Wetlands Creation – Beach nourishment by adding dredged material to shoreline area will result in the following:

(1) Improvement of hydrologic functions and shoreline anchoring – Placement of the dredged material consisting of a mixture of sand, gravel and seafloor sediments will improve the soils of the area, which are typically low permeability, thick organic histosols and histic epipedons containing a dark mineral layer beneath the thinner organic surface layer. Improvement of the soils with the placement of the dredged material as beach nourishment will provide for more plant cover and more diverse species. Vegetative cover in partially inundated, soils with high seawater infiltration is lower and typically only *Puccinellia phryganodes* species. With the increase in elevation and less seawater inundation, typical species will include *Carex subspathaceae* and there will be less bare ground visible. Improvement of water quality functions, sediment trapping, nutrient retention and removal – Patterns of plant cover and species composition in arctic salt marsh and salt affected tundra reflect gradients in elevation, soil conductivity, and soil concentrations of the ions prevalent in seawater. Soil conductivity and soil concentration of  $\text{Ca}^{2+}$ ,  $\text{Mg}^{2+}$ ,  $\text{Na}^{+}$ ,  $\text{K}^{+}$ ,  $\text{SO}_4$  and  $\text{Cl}^{-}$  are significantly related to site elevation, decreasing as elevation increased. Vascular plant species richness will increase as soil conductivity and soil ion concentrations decrease, and site elevation increases. A complex topographic gradient related most closely to elevation and site distance

from the coast best explains variation in the vegetation cover. Irregular deposition along the coastline partially or completely buries sites in peat or sand up to 20 (cm) deep. Such rapid changes in plant cover and species composition contributes to the community patch mosaic typical of these marshes. By adding the dredged material as beach nourishment to this area, Hilcorp will encourage species diversity and site stability resulting in increased species richness. Soil conductivity and soil concentration of  $\text{Ca}^{2+}$ ,  $\text{Mg}^{2+}$ ,  $\text{Na}^{+}$ ,  $\text{K}^{+}$ ,  $\text{SO}_4$  and  $\text{Cl}^{-}$  will also decrease resulting in greater plant cover and less bare ground. The plant communities will improve in species richness. Adding the dredged material to this area will provide for greater filtration of the ions prevalent in seawater, which will also result in greater species diversity and ecological success.

c. Compensatory Mitigation:

Hilcorp continues to commit to continued improvement of fish passage routes where existing roads and pads meet streams, creeks and rivers.

Through Avoidance and Minimization, Hilcorp has worked to limit the impact to wetlands. Hilcorp conducted due diligence analysis to investigate methods of compensation, including options through payment to an approved wetlands mitigation bank or in-lieu fee agency. No approved wetlands mitigation bank or in-lieu fee agency is currently available.

Hilcorp examined permittee responsible mitigation; including creation/restoration and preservation. Wetland creation/restoration on the North Slope is impracticable because wetlands are primarily developed through permafrost action (taking hundreds of years to develop) and the growing season is only 60 days. Also the perpetual protection instrument that would be required cannot be accomplished because of land ownership and constitutional protection restrictions.

Wetland preservation is also impracticable. Lands within the watershed are owned by the State of Alaska, United States Government, or private native corporations. There are currently no parcels of land available for purchase for preservation of the watershed. State lands on the North Slope are identified for resource development, and any purchase/preservation of those lands would appear to contradict the Alaska Constitution that states those lands are for maximum resource development. The federal lands on the North Slope are not available for private purchase. According to communication with the Arctic Slope Regional Corporation's Director of Land Management and Enforcement, there are no private Native owned lands available for purchase in the area.

**Hilcorp offers the following mitigation:** The location for placement of the dredged material identified as potential beach nourishment is a gravel beach filled with a tangled jumbled mat of drift wood brought in by 100 year storm events. The Ecological Land Survey in the Milne Point Area, 2008 prepared by ABR, Inc. classified this area as "Moist Salt-Killed Meadow" or

“Partially Vegetated”. The Geomorphic Unit is classified as Beach Deposit. The Ecotype is Coastal Barrens and Coastal Salt-killed Meadow. The Wildlife Habitat classification is Salt-killed Tundra. The Wildlife Habitat Sensitivity is classified as Negligible, which is the lowest ranking for Wildlife Habitat Sensitivity. Species listed as Endangered under the Endangered Species Act were given higher habitat sensitivity rankings than non-listed species.

Beach nourishment by adding dredged material to shoreline area will result in the following mitigation of approximately 1.5 acres:

- (1) Habitat restoration and development by raising the elevation, decreasing the amount of seawater inundation and stabilizing the plant communities - this coastal habitat could potentially be used by Migratory Birds, including Brants and Eiders.
- (2) Beach nourishment to restore this beach that is subject to erosion and protect the area from erosion by storms by creating a berm protecting and stabilizing the shoreline.
- (3) Improvement of hydrologic functions and shoreline anchoring – Placement of the dredged material consisting of a mixture of sand, gravel and seafloor sediments will improve the soils of the area.
- (4) Improvement of water quality functions, sediment trapping, nutrient retention and removal - Patterns of plant cover and species composition in arctic salt marsh and salt affected tundra reflect gradients in elevation, soil conductivity, and soil concentrations of the ions prevalent in seawater. By adding the dredged material as beach nourishment to this area, Hilcorp will raise the elevation of the area to 5.0 feet, which will encourage species diversity and site stability resulting in increased species richness. Adding the dredged material to this area will provide for greater filtration of the ions prevalent in seawater, which will also result in greater species diversity and ecological success.

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 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). 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*), 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.

The project area is within the known or historic range of spotted seal (*Phoca largha*), Beluga whale (*Delphinapterus leucas*), gray whale (*Eschrichtius robustus*), killer whale (*Orcinus orca*), and bowhead whale (*Balaena mysticetus*).

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 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, 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 arctic cod (*Arctogadus glacialis*).

We are currently gathering information regarding this 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 course of action under Section 305(b)(2) of the Magnuson-Stevens Act. Any comments the National Marine Fisheries Service may have concerning essential fish habitat will be considered in our final assessment of the described work.

**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)(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 authorities:

(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

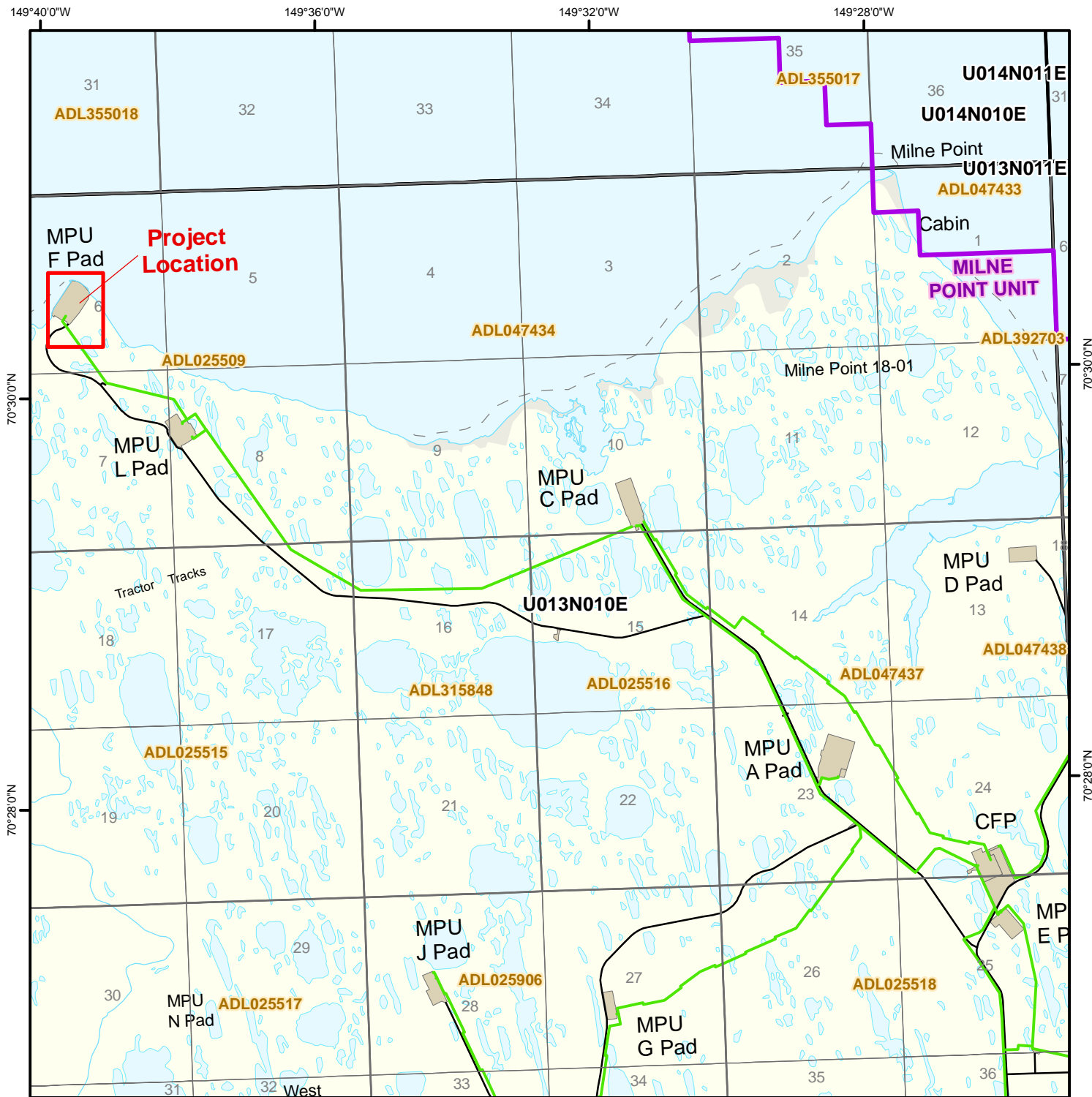
## NOTICE OF APPLICATION FOR STATE WATER QUALITY CERTIFICATION

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-1994-00757-M5, Simpson Lagoon**, 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.



**Project Location:**  
Milne Point Unit - F-PAD

Latitude (Decimal Degrees): 70.507606, NAD 1983  
Longitude (Decimal Degrees): -149.660607, NAD 1983

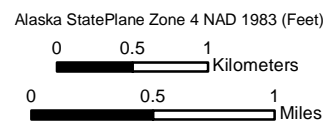
Alaska State Plane Zone 4, NAD 1983  
X = 1193256.2  
Y = 6035247.6

Sec. 6, T13N, R10E, Umiat Meridian

ADL 025509  
Adjacent Property Owner: State of Alaska

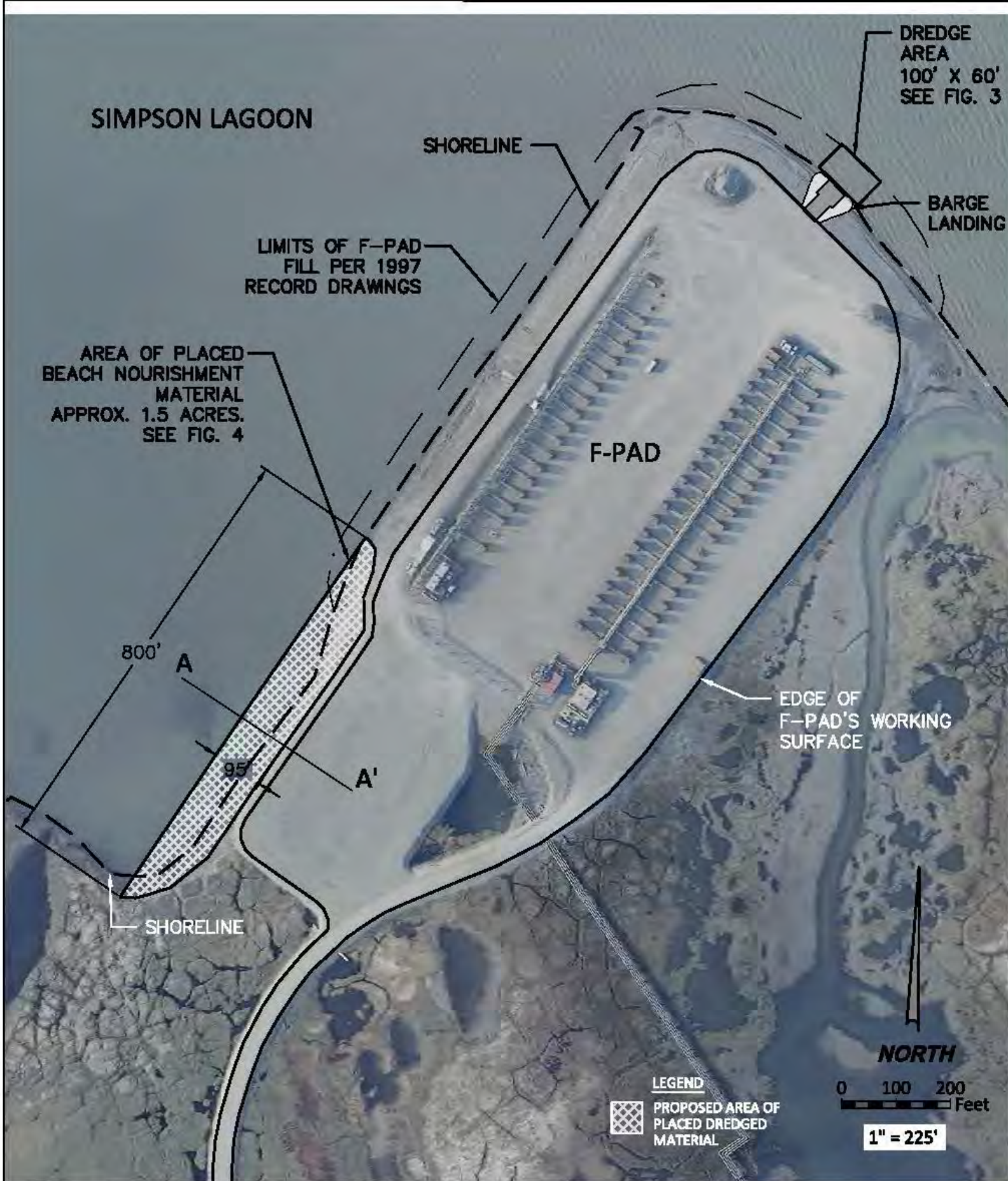
### Legend

- Existing Pipeline
- Existing Roads
- Oil and Gas Unit Boundary
- Gravel Footprints



Map Date: 8/14/2017

## Milne Point Unit MPU F-PAD Vicinity Map



ADDRESS: RECON LLC, 481 W. RECON CIRCLE,  
PALMER AK 99645

ENGINEER: STEVE ROWLAND, PE

CONTACT: (907)355-3006, [steve@reconllc.net](mailto:steve@reconllc.net)

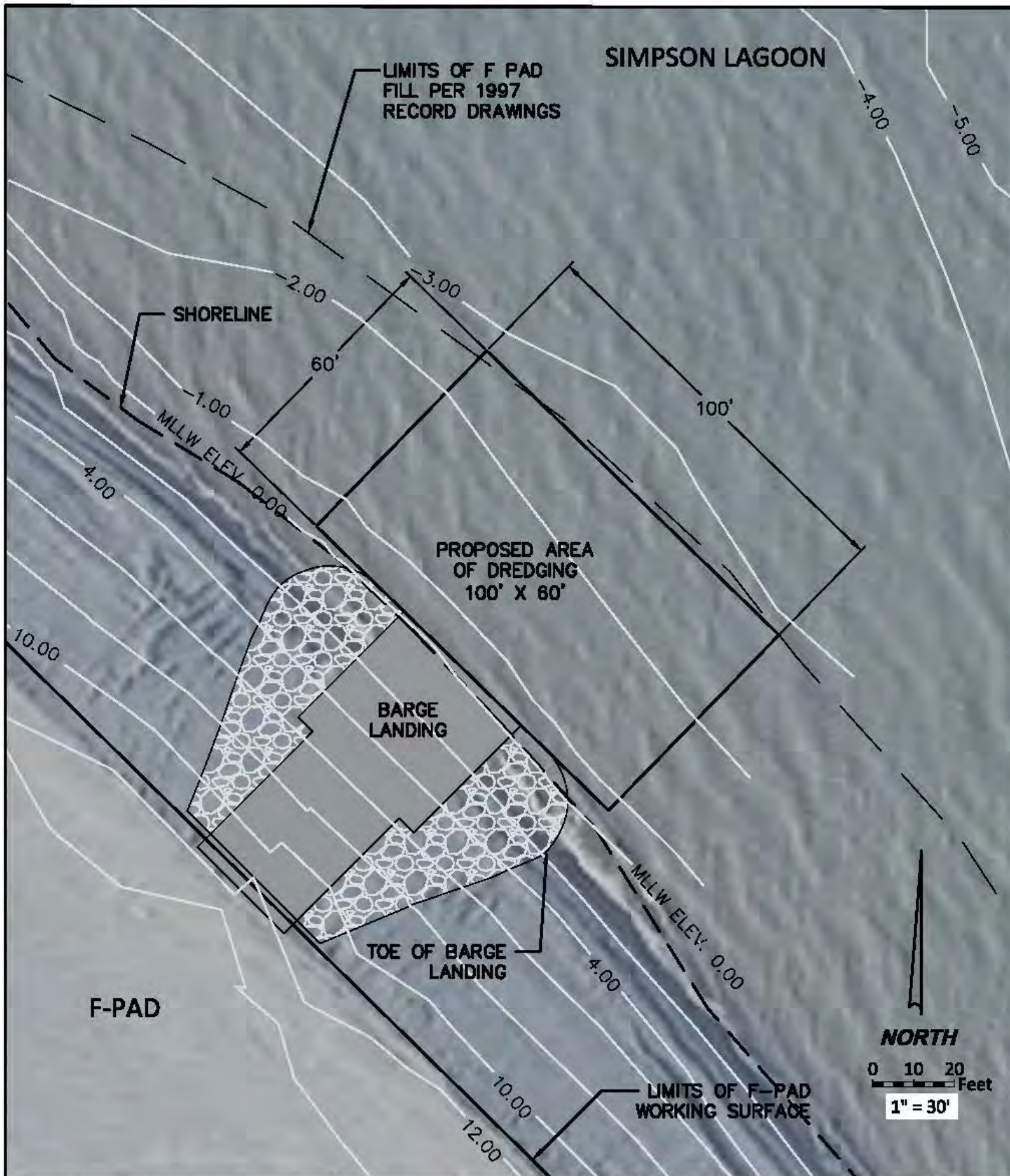
**FIGURE 2. MILNE POINT UNIT MPU F-PAD  
PROPOSED REMOVAL AND PLACEMENT  
AREA OF DREDGED MATERIAL**

8 1/2" X 11"

04/25/2018



**SHEET NO: 2 OF 4**



ADDRESS: RECON LLC, 481 W. RECON CIRCLE,  
PALMER AK 99645

ENGINEER: STEVE ROWLAND, PE

CONTACT: (907)355-3006, [steve@reconllc.net](mailto:steve@reconllc.net)

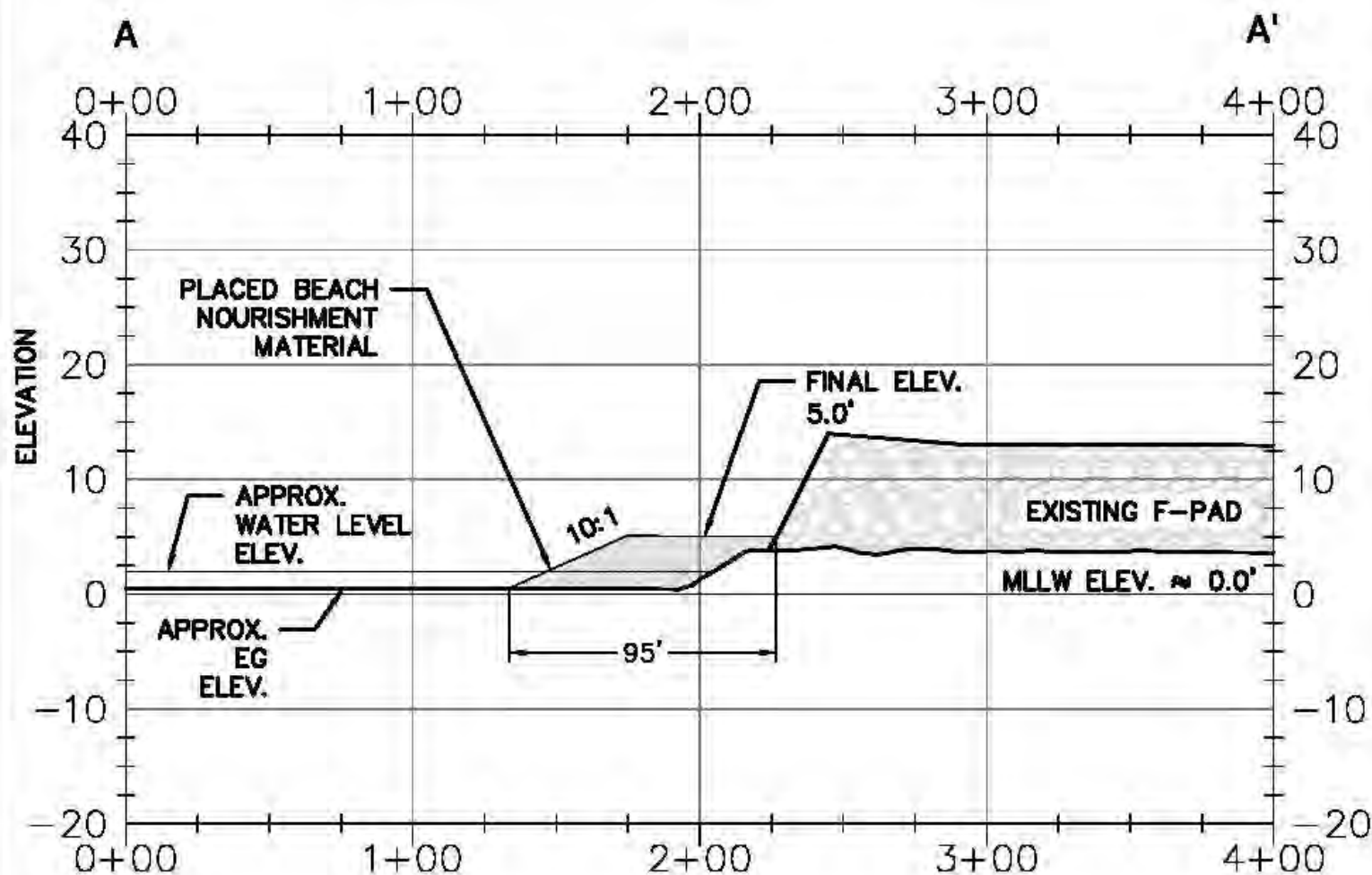
FIGURE 3.  
PROPOSED AREA OF DREDGING

8 1/2" X 11"

04/25/2018



SHEET NO: 3 OF 4



H: 1" = 60'  
VERTICAL EXAGGERATION: 1:4

ADDRESS: RECON LLC, 481 W. RECON CIRCLE,  
PALMER AK 99645

ENGINEER: STEVE ROWLAND, PE

CONTACT: (907)355-3006, [steve@reconllc.net](mailto:steve@reconllc.net)

FIGURE 4. MILNE POINT UNIT MPU F-PAD  
CROSS SECTION  
PLACED BEACH NOURISHMENT MATERIAL

8 1/2" X 11"

04/25/2018



SHEET NO: 4 OF 4