



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:	June 14, 2018
EXPIRATION DATE:	July 13, 2018
REFERENCE NUMBER:	POA-1983-00478-M8
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 (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. 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: Ms. Sarah Kenshalo, ConocoPhillips Alaska, Inc., PO Box 100360, Anchorage, Alaska 99501, (907) 265-1550, Sarah.M.Kenshalo@conocophillips.com

LOCATION: The project site is located within Section 24 T. 13 N., R. 9 E., Umiat Meridian; USGS Quad Map Beechey Point B-5; Latitude 70.4645° N., Longitude 149.6982° W.; Milne Point Unit, 35 miles northwest of Prudhoe Bay, Alaska.

PURPOSE: The applicant's stated purpose is to develop a new gravel material cell at Mine Site E.

PROPOSED WORK: Mechanized land clearing for the development of a material site and placement of 12,600 cubic yards of mineral overburden for the construction of thermal berms along three sides of the material site to prevent permafrost thawing, this is proposed within 24.1 acres of palustrine wetlands to support continued maintenance of existing roads and pads throughout the Kuparuk River Unit. The new cell within Mine Site E would be called Cell 5. Access would be through the existing infrastructure of Mine Site E, the Mine Site E road and cell 2 of Mine Site E.

All work would be performed in accordance with the enclosed plan (sheets 1-8), dated June 6, 2018.

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: The applicant states it will not be possible to avoid work in waters of the U.S., including wetlands due to Mine Site E being located completely within jurisdictional wetlands on the Arctic Coastal Plain. However, it is possible to avoid higher value areas, and for this reason ConocoPhillips Alaska Inc. (CPAI) has proposed an area north of the existing Cell 2. This area contains habitat type that is less preferred by nesting spectacled eiders than other areas adjacent to the existing mine site. All construction activities would take place from existing roads and previously disturbed area to avoid additional fill for access roads and overburden stockpiles. There is no viable alternative that will avoid impacts to waters of the U.S., including wetlands.

b. Minimization: For minimization CPAI states the Mine Site E Expansion design was revised from a surface area of 26.6 acres down to the currently proposed 24.1 acres in order to minimize impacts to wetlands and maintain a 500-foot buffer from a sensitive resource identified by agencies to the east of the site. By accessing the proposed new Cell 5 through existing Cell 2 from the south, the project has minimized the need for additional impacts that would be required to access Cell 5 from the north or east. CPAI is only expanding the existing mine site and would not require any new drill sites/boreholes, cross-country pipelines, access roads or power lines as part of this project.

c. Compensatory Mitigation: CPAI proposes to update the previously approved Rehabilitation Plan and begin early restoration of Cell 1 as potential permittee responsible mitigation. The Rehabilitation Plan includes final design features such as minimum 3:1 slopes around deep-water habitats, and includes a littoral zone of approximately 20% of the total area of existing Cells 1, 2 and the proposed Cell 5. The shallow littoral zone would contain four "duck islands" located in Cell 1 in accordance with the approved 2007 Rehabilitation Plan. Likewise, as part of this proposed project, CPAI would begin the rehabilitation of the large existing Overburden Stockpile located northeast of the existing Cells 1 and 2. Refer to the Mine Site E Mitigation Plan for additional information.

Deepwater habitats provide valuable overwintering fish habitat which is rare on the North Slope. Duck islands have been shown to provide important nesting and rearing habitat for waterfowl if the islands are at least 50-feet from the shoreline.

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 entire 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.

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)(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 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

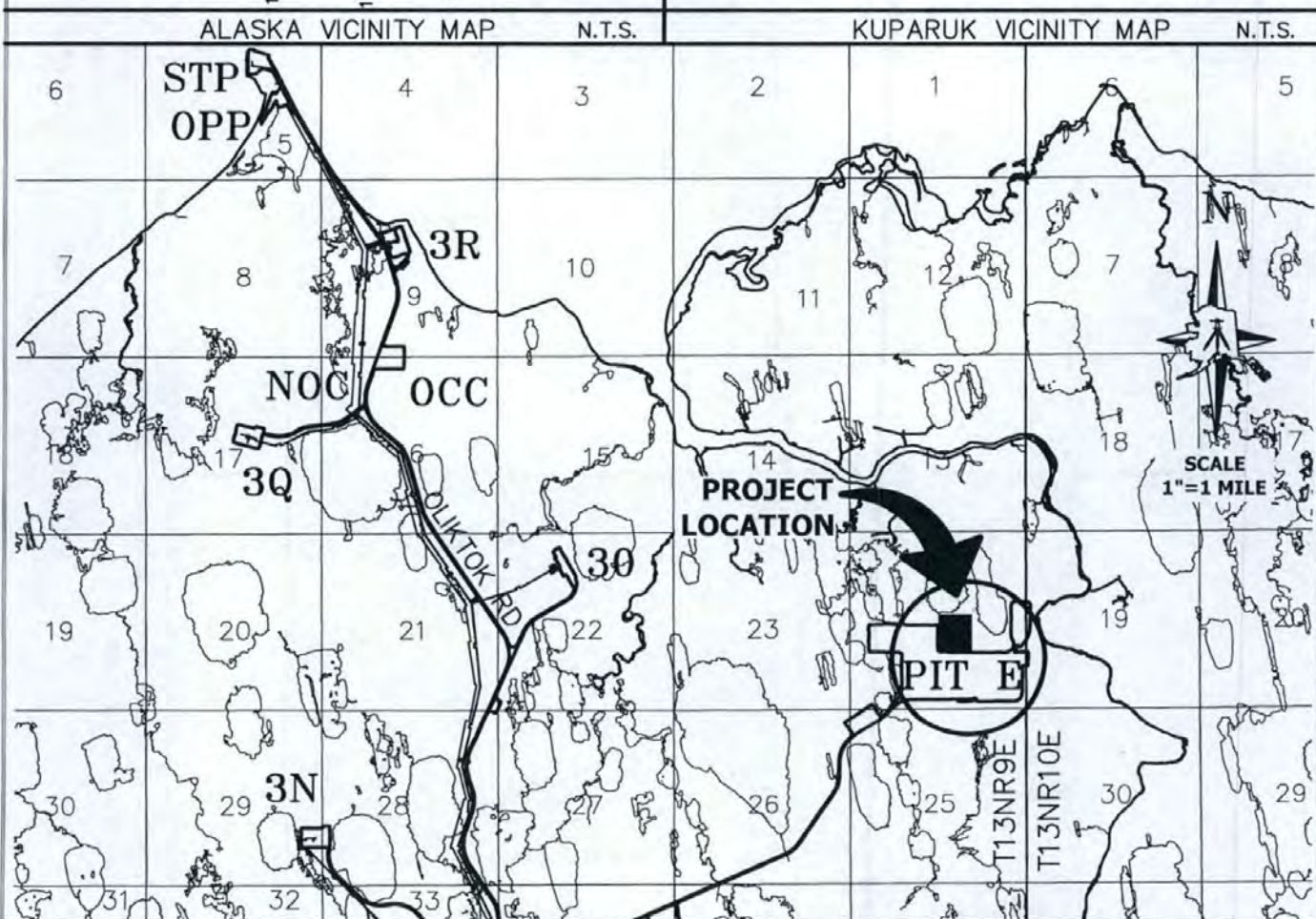
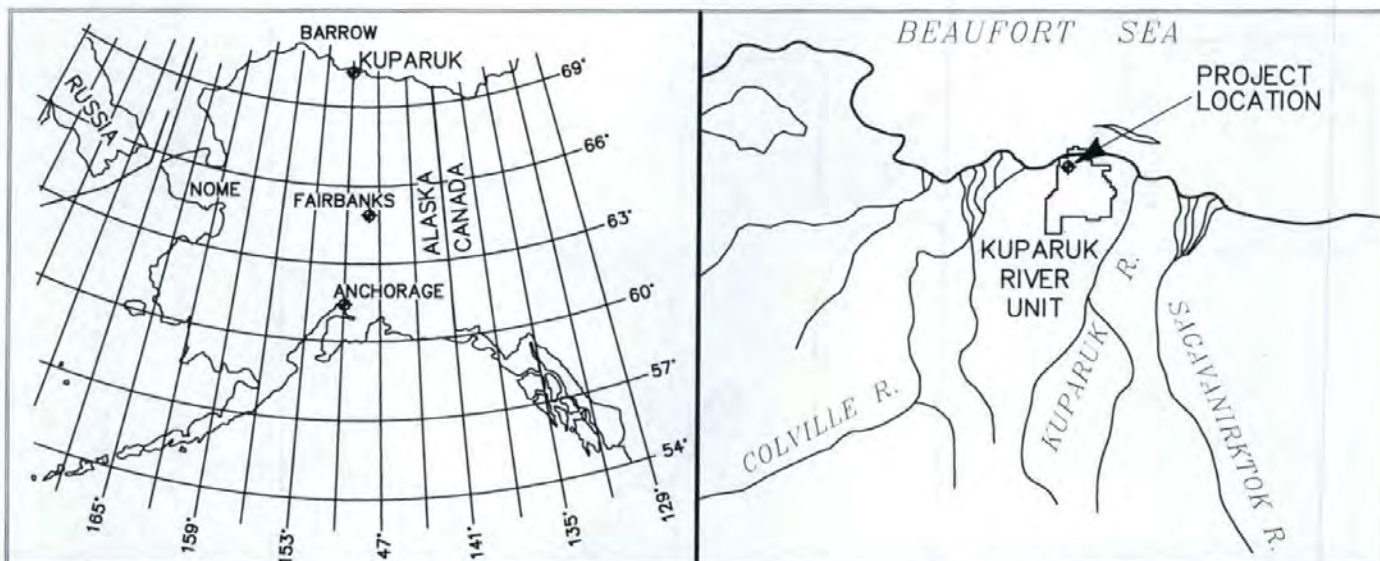
NOTICE OF APPLICATION FOR STATE WATER QUALITY CERTIFICATION

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-1983-00478-M8, 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.



PURPOSE:
EXPAND EXISTING GRAVEL MATERIAL
SOURCE FOR OILFIELD DEVELOPMENT

DATUM:
BPMSL, NAD83 ASP ZONE 4

ADJACENT PROPERTY OWNERS:
1. STATE OF ALASKA DNR
2. NORTH SLOPE BOROUGH

APPLICANT: CONOCOPHILLIPS
ALASKA INC.

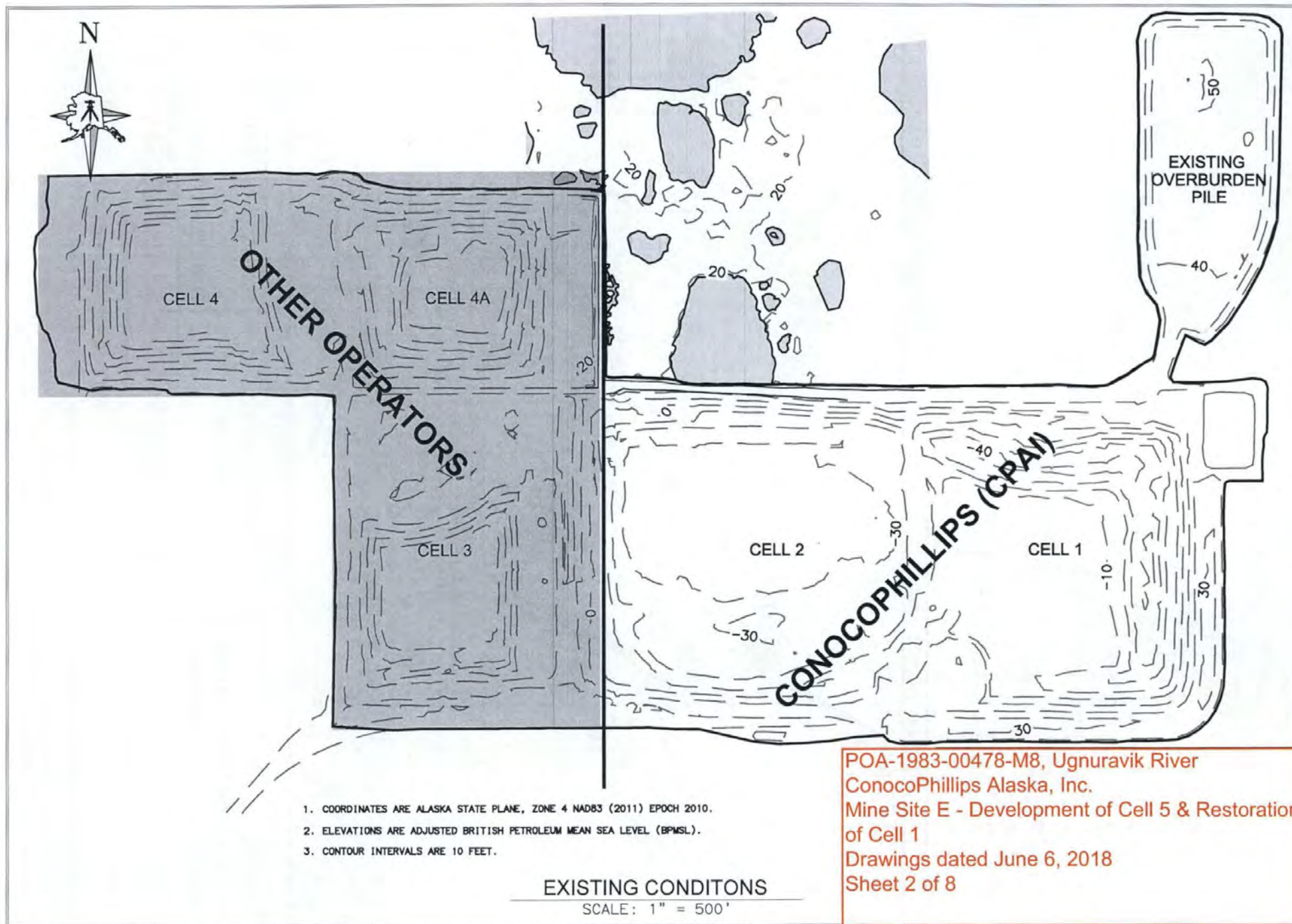
LOCATION: T13N, R9E
UMIAT MERID

ADDRESS: 700 G STREET
ANCHORAGE
99501

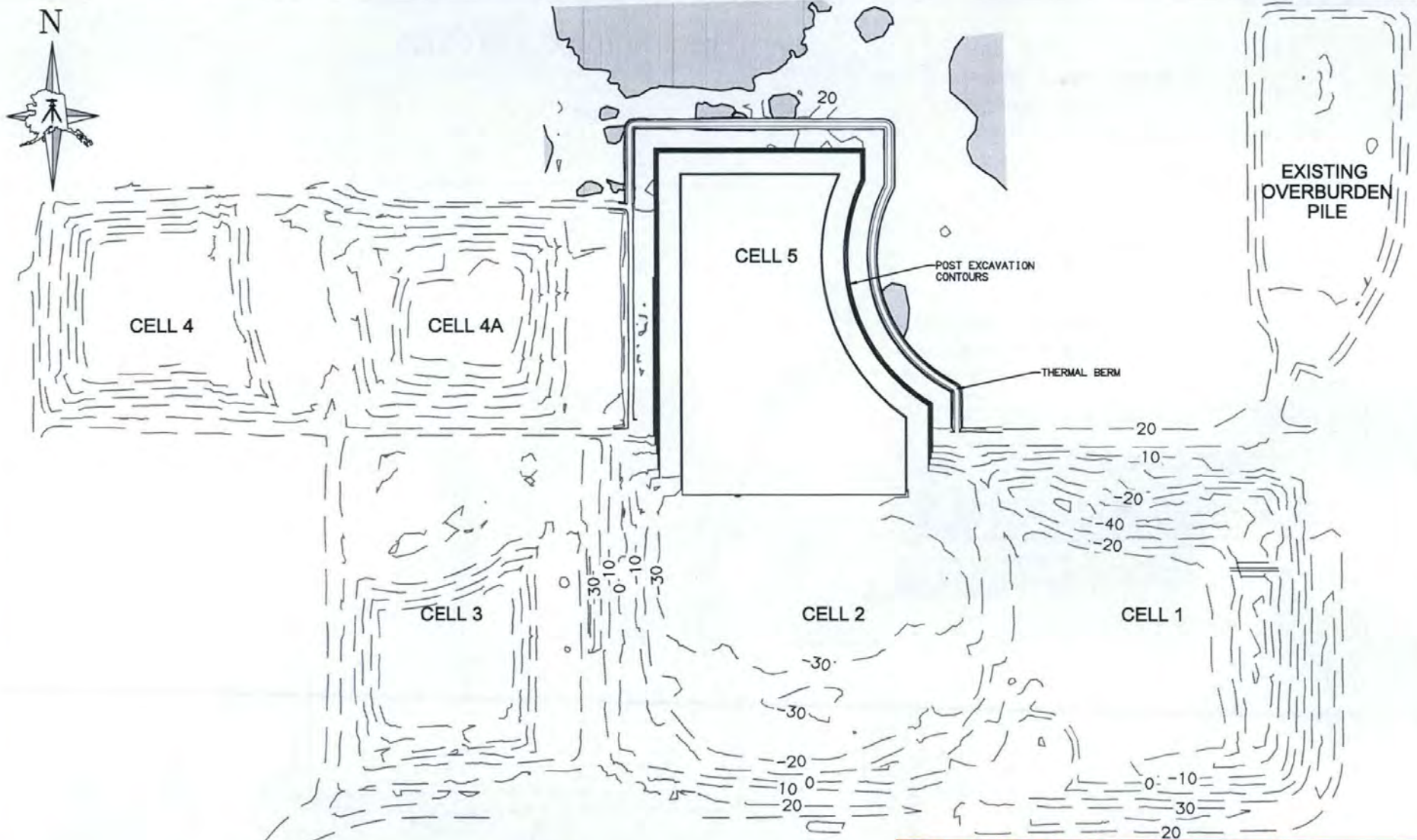
FILE NO. POA-1983-478

PROPOSED: EXPANDED MINE
SITE BOUNDARY

**POA-1983-00478-M8, Ugnuravik River
ConocoPhillips Alaska, Inc.
Mine Site E - Development of Cell 5 &
Restoration of Cell 1
Drawings dated June 6, 2018
Sheet 1 of 8**



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 ConocoPhillips Alaska, Inc.
 Mine Site E - Development of Cell 5 & Restoration
 of Cell 1
 Drawings dated June 6, 2018
 Sheet 2 of 8

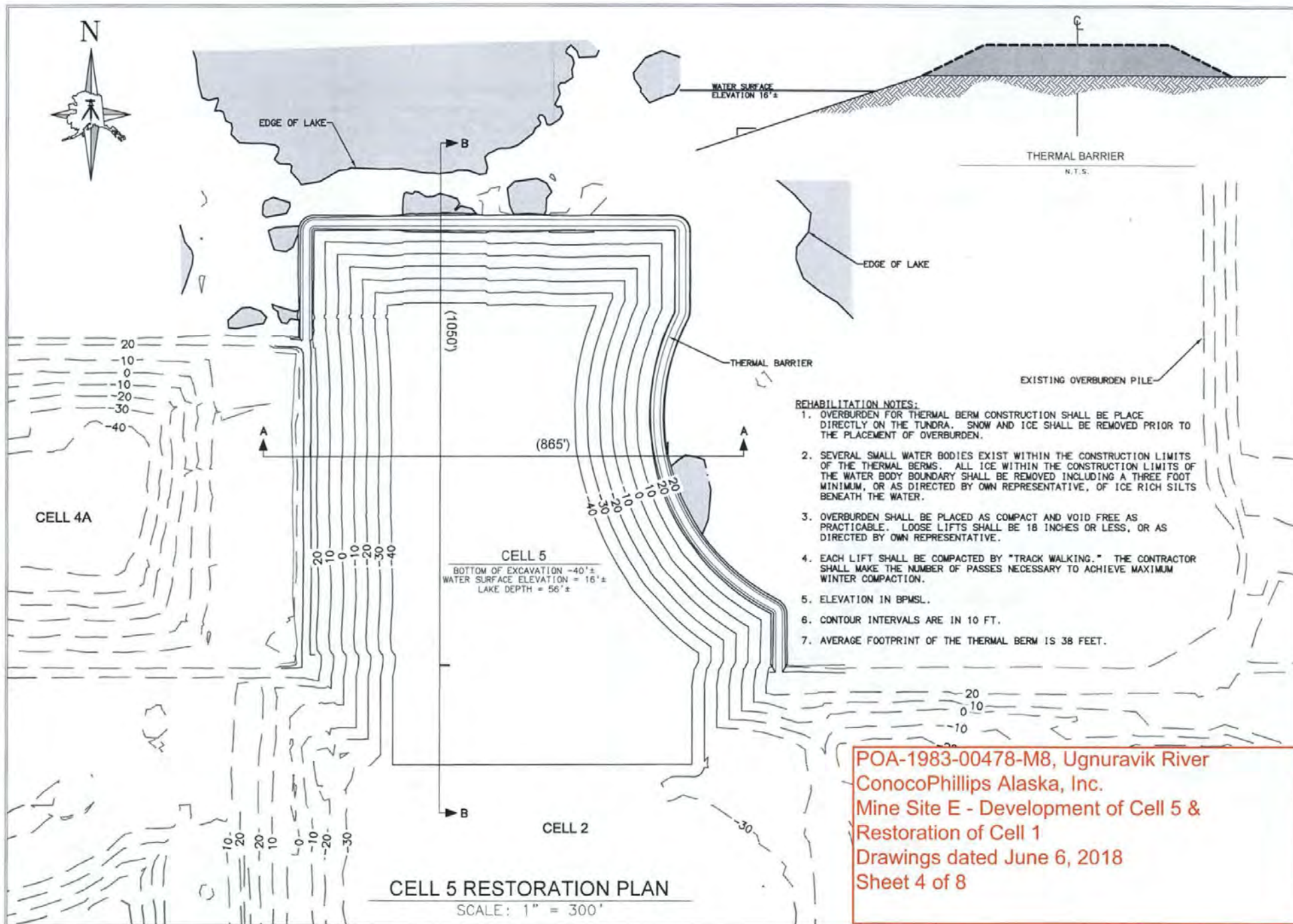


1. COORDINATES ARE ALASKA STATE PLANE, ZONE 4 NAD83 (2011) EPOCH 2010.
2. ELEVATIONS ARE ADJUSTED BRITISH PETROLEUM MEAN SEA LEVEL (BPMSL).
3. CONTOUR INTERVALS ARE 10 FEET.
4. AVERAGE FOOTPRINT OF THE THERMAL BERM IS 38 FEET.

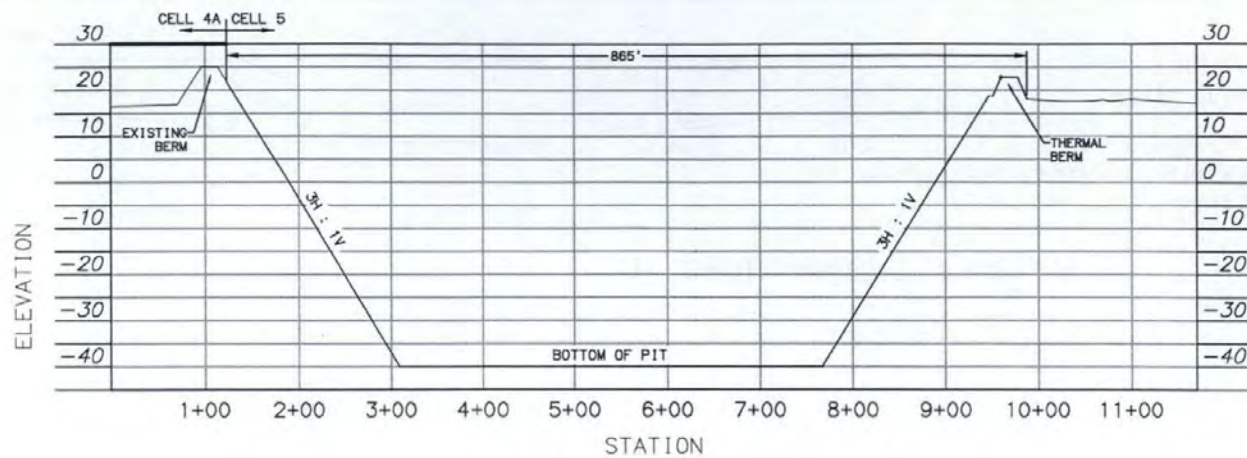
PROPOSED MINE SITE EXPANSION

SCALE: 1" = 500'

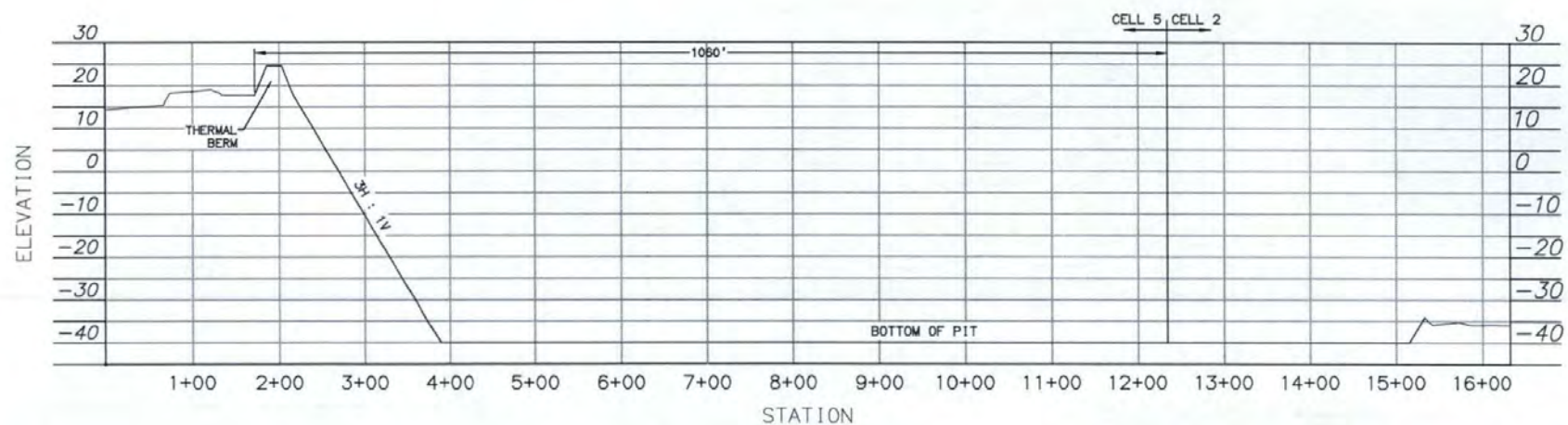
POA-1983-00478-M8, Ugnuravik River
 ConocoPhillips Alaska, Inc.
 Mine Site E - Development of Cell 5 & Restoration
 of Cell 1
 Drawings dated June 6, 2018
 Sheet 3 of 8



POA-1983-00478-M8, Ugnuravik River
ConocoPhillips Alaska, Inc.
Mine Site E - Development of Cell 5 &
Restoration of Cell 1
Drawings dated June 6, 2018
Sheet 4 of 8



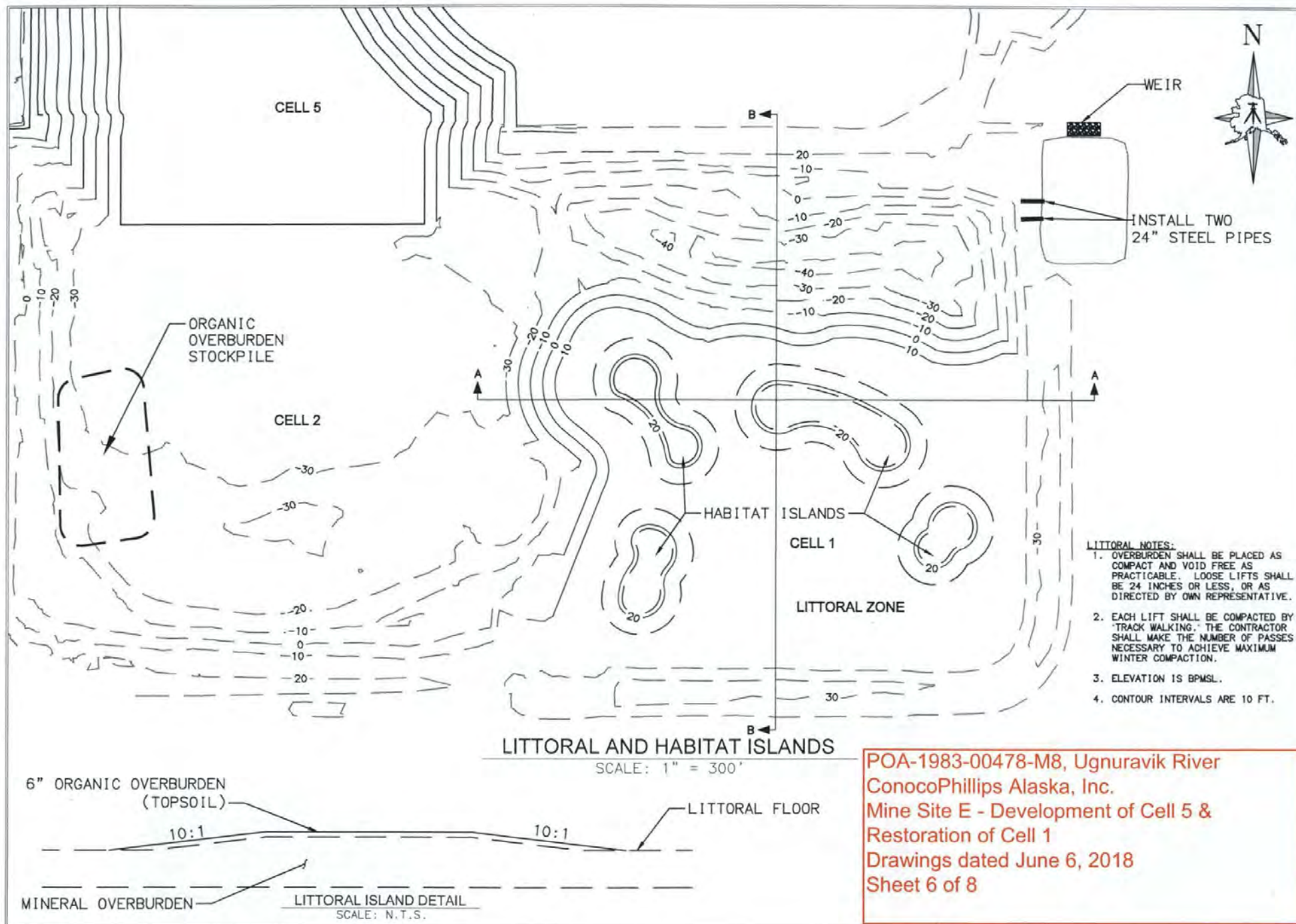
SECTION A-A
SCALE: H200' : V5'



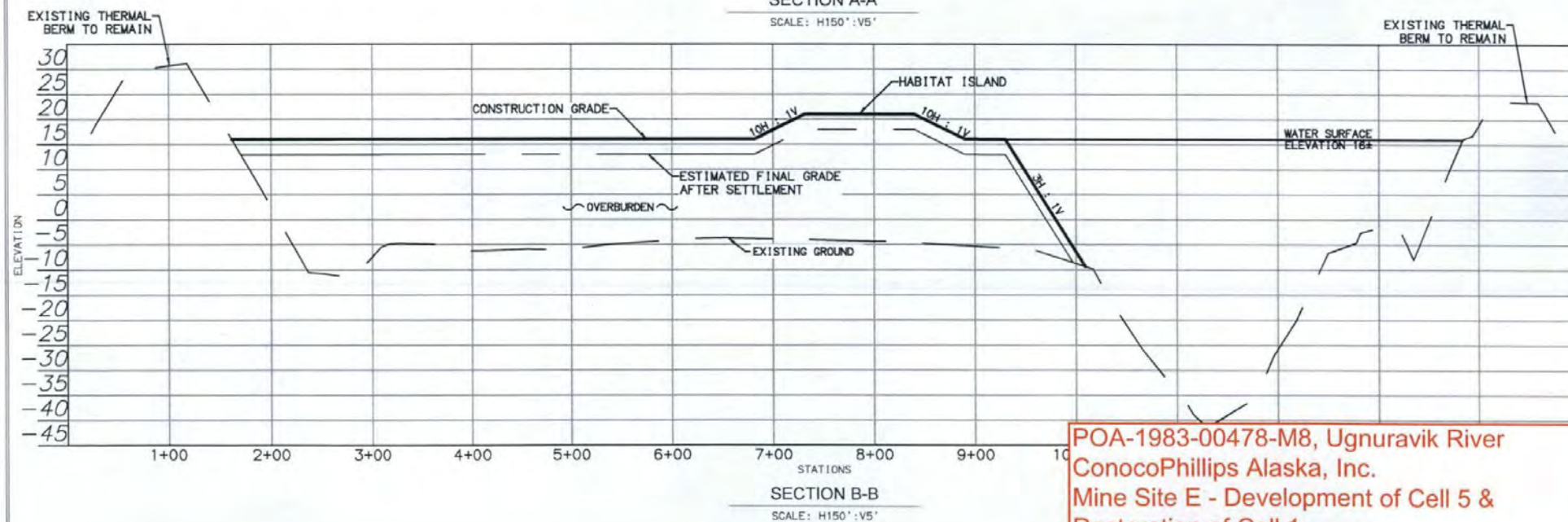
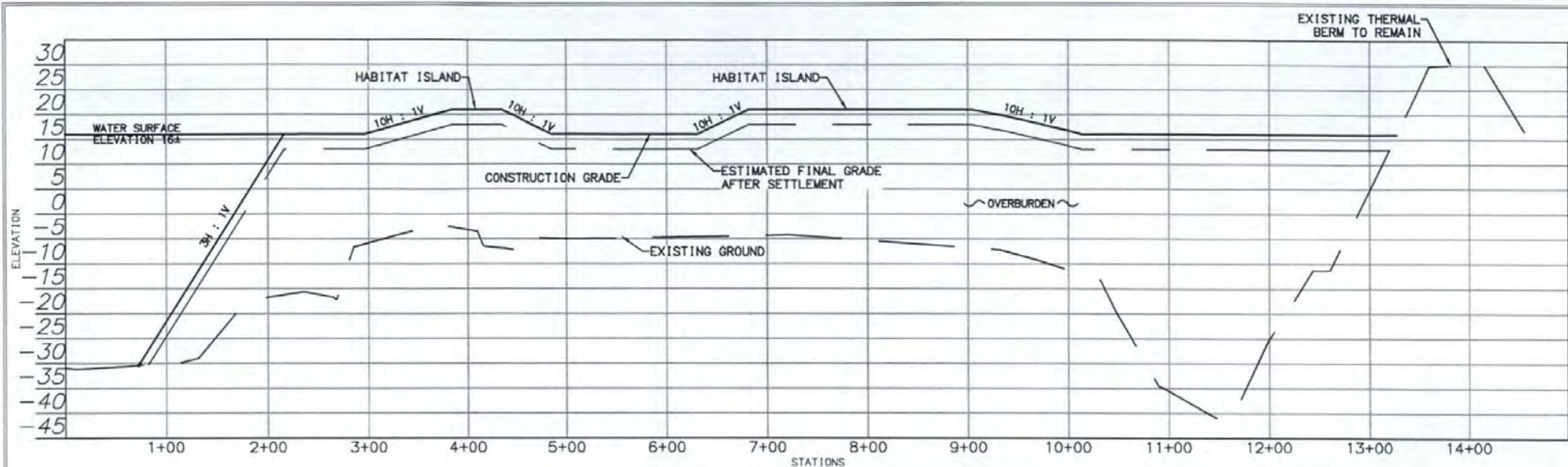
SECTION B-B
SCALE: H200' : V5'

CELL 5 RESTORATION SECTIONS

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ConocoPhillips Alaska, Inc.
Mine Site E - Development of Cell 5 &
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Drawings dated June 6, 2018
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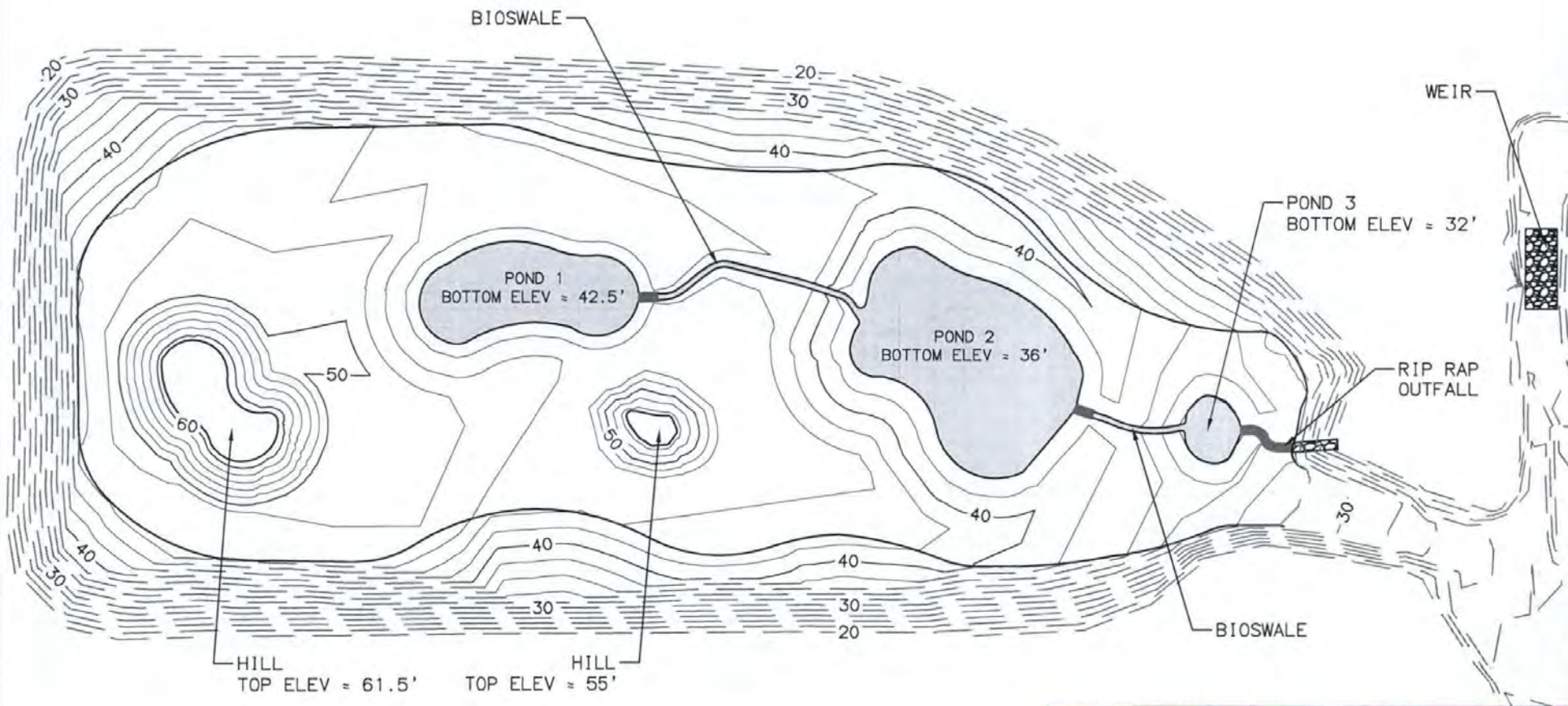
POA-1983-00478-M8, Ugnuravik River
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 Mine Site E - Development of Cell 5 &
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LITTORAL SECTIONS

SCALE: 1" = 150'

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Mine Site E - Development of Cell 5 &
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Drawings dated June 6, 2018
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OVERBURDEN RESTORATION NOTES:
1. ELEVATIONS ARE BPMSL.
2. CONTOUR INTERVALS ARE 2 FOOT.

OVERBURDEN PILE RESTORATION

SCALE: 1" = 150'

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Mine Site E - Development of Cell 5 &
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