



US Army Corps  
of Engineers  
Alaska District

# Special Public Notice

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

**ISSUANCE DATE:** June 25, 2019  
**EXPIRATION DATE:** July 25, 2019  
**REFERENCE NUMBER:** POA- 2013-00094 (RGP-05)

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**SPECIAL PUBLIC NOTICE POA-2013-00094  
Notice of Intent to Issue General Permit RGP-05  
North Slope Activities**

The public is hereby notified that the Alaska District, U.S. Army Corps of Engineers (Corps) is proposing to issue Regional General Permit (RGP) POA-2013-00094 (RGP-05), North Slope Activities, for a five year period. The proposed activities covered under RGP-05 are described in the attached draft copy of RGP-05.

The Corps is soliciting and accepting comments for the next 30 days on our intent to issue this RGP. Comments on the described work, with the reference number, should reach this office no later than the expiration date of this Public Notice (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](mailto:mary.r.romero@usace.army.mil) if further information is desired concerning this notice.

RGPs are considered appropriate for activities which are substantially similar in nature, cause only minimal adverse environmental impacts when performed separately, would have only minor cumulative effects on water quality, and would provide more effective administration of Section 10 of the Rivers and Harbors Act of 1899, and Section 404 of the Clean Water Act without creating an undue burden on the public.

If issued this RGP would be in effect for five years. The activities intended for authorization under this RGP are the discharge of dredged and/or fill material into waters of the United States (WOTUS) for the purpose of new construction or the expansion of roads, existing pads, and accompanying infrastructure, linear projects, and coastal erosion.

**PURPOSE:** The RGP was developed to streamline the permitting process for development across the North Slope of Alaska.

**AUTHORIZED ACTIVITIES:** The discharge of dredged and/or fill material into WOTUS for the purpose of new construction or the expansion of existing pads and accompanying infrastructure, linear projects, and coastal erosion for a maximum of ten acres.

WATER QUALITY CERTIFICATION: Anyone wishing to utilize this RGP would need to get a project specific certification or waiver of certification, as required under Section 401 of the Clean Water Act (Public Law 95-217), from the Alaska Department of Environmental Conservation (ADEC), unless the ADEC provides a certification for the overall RGP.

CULTURAL RESOURCES: For each project the Corps would review the latest published version of the Alaska Heritage Resources Survey (AHRs) for the presence or absence of historic properties, including those listed in or eligible for inclusion in the National Register of Historic Places. A permit area would be decided for each individual project using this RGP and an effects determination would be made. Consultation with the State Historic Preservation Office (SHPO) would occur for any determination of No Historic Properties Affected (No Effect), No Adverse Effect, or Adverse Effect. The proposal would also be coordinated with the Advisory Council on Historic Properties for any Adverse Effect determination. Any comments SHPO may have concerning presently unknown archeological or historic data that may be lost or destroyed by work under the requested permit would be considered in our final assessment of the described work.

ENDANGERED SPECIES: Most project areas would be located 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 that most activities may affect the polar bear, Steller's and spectacled eider. We would 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.

A few project areas involving coastal erosion protection measures may also be within the known or historic range of spotted seal (*Phoca largha*), Beluga whale (*Delphinapterus leucas*), gray whale (*Eschrichtius robustus*), killer whale (*Orcinus orca*), or bowhead whale (*Balaena mysticetus*).

We would gather information regarding those species and make a determination of effect for each individual case. Should we find that the described activity may affect the species listed above, we would 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).

For most projects EFH species would not be known to use the proposed project area. In the event there are EFH species, coordination with the appropriate agency would occur for any adversely affected EFH, and any comments or recommendations the agency may have concerning EFH 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 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 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: A permit may 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).

A Notice of Application for State Water Quality Certification is enclosed with this Public Notice.

District Commander  
U.S. Army, Corps of Engineers

Enclosures

# STATE OF ALASKA

DEPT. OF ENVIRONMENTAL CONSERVATION  
DIVISION OF WATER

Wastewater Discharge Authorization Program (WDAP) / 401 Certification

DEPARTMENT OF ENVIRONMENTAL CONSERVATION  
WDAP/401 CERTIFICATION

555 CORDOVA STREET

ANCHORAGE, ALASKA 99501-2617

PHONE: (907) 269-6285 | EMAIL: [dec-401cert@alaska.gov](mailto:dec-401cert@alaska.gov)

## 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 (PN) Reference Number **POA-2013-00094 (RGP-05), Multiple Waterways**, 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 or via email to [dec-401cert@alaska.gov](mailto:dec-401cert@alaska.gov) by the expiration date of the Corps of Engineer's Public Notice. All comments should include the PN reference number listed above. Mailed comments must be postmarked on or before the expiration date of the public notice.

### Disability Reasonable Accommodation Notice

The State of Alaska, Department of Environmental Conservation complies with Title II of the Americans with Disabilities Act of 1990. If you are a person with a disability who may need special accommodation in order to participate in this public process, please contact Theresa Zimmerman at 907-465-6171 or TDD Relay Service 1-800-770-8973/TTY or dial 711 within 5 days of the expiration date of this public notice to ensure that any necessary accommodations can be provided.



Beaufort Sea

Chukchi Sea

ALASKA

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