



US Army Corps
of Engineers
Alaska District

Public Notice of Application for Permit

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

OCT 18 2017

PUBLIC NOTICE DATE:	October 18, 2017
EXPIRATION DATE:	November 17, 2017
REFERENCE NUMBER:	POA-2017-422
WATERWAY:	Kalubik Creek

Interested parties are hereby notified that a Department of the Army (DA) permit application has been received for work in waters of the United States as described below and shown on the enclosed project drawings.

Comments on the described work, with the reference number, 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 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: Mr. Gordon Brower, North Slope Borough (NSB), Post Office Box 69, Utquigvik, Alaska 99723, (907) 852-0320.

AGENT: Ms. Emily McDonald, UMIAQ Environmental, 6700 Arctic Spur Road, Anchorage, Alaska 99518, (907) 677-8288.

LOCATION: The project site is located within Sections 12 & 13, T. 11 N., R. 8 E., Umiat Meridian; USGS Quad Map Beechey Point B-5; Latitude 70.3183° N., Longitude 149.9801° W.; approximately 25 miles east of Nuiqsut, Alaska.

PURPOSE: The applicant's stated purpose is to develop a regional material site providing gravel for industry need while reducing the number of material sources opening and closing to meet individual project needs.

PROPOSED WORK: The applicant proposes to mechanically clear 45.41 acres of Palustrine emergent wetlands to develop a gravel mine site adjacent to the existing Mine Site F. The proposed mine site would approximate a square 1365' long x 1400' wide with a rough triangle

cut out of northeastern corner, impacting 40.9 acres. One stockpile would be created south of the mining area and would be 400' long x 150' wide, an impact of 1.38 acres. Additionally a berm would be created on the western side of the proposed project and would be 1365' long x 100' wide, impacting an additional 3.13 acres. The proposed project provides a 500' buffer to Kalubik Creek. A nearby existing pad would be utilized to stockpile gravel, house the operations office, an explosives connex storage area, and equipment storage.

The complete project would be mined in two phases; only Phase I is being proposed at this time. Phase I would occur over a two year period. Season 1 Mining Area would include the development of a 19.0 acre mine site with overburden being stockpiled in the area designated for Season 2 work as well as an 400' long x 150' wide area south of the mine site and would be accomplished using only ice roads in the winter. During Season 2 the overburden stockpile from the Season 1 would be placed back into the Season 1 Mining Area, a 21.9 acre mine site, and a berm would be created along the western border.

Phase II would open a new cell with an access road and would require a modification to this permit.

All work would be performed in accordance with the enclosed plan (sheets 1-5), dated October 3, 2017.

ADDITIONAL INFORMATION: The proposed project is part of the Mine Site F development but would be separately owned and operated east of the Kalubik River.

The goal of developing a large gravel mine is to reduce impacts by having this large site and thereby minimizing impacts by reducing the need for multiple access roads and other infrastructure. Although the complete project area is within 148.68 acres of wetlands, this proposal would impact 44.03 acres of those wetlands.

The NSB intends to deny permits for small gravel mines within the surrounding project area and require industry to utilize the large mine site to avoid pock marking the landscape.

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: Because the North Slope consists almost exclusively of wetlands, it is not possible to avoid them.

b. Minimization: Mine Site F was chosen by the NSB for development of a regional material site in part due to the existing infrastructure. There is an existing unnamed road which intersects Spine Road/Kuparuk Road and provides access to Mine Site F. Phase I of mining would be accessed entirely by ice roads. The existing gravel pad would be utilized for offices, equipment parking, fueling, and temporary explosives storage, and well as stockpiling material for sale.

Utilizing this existing gravel pad eliminates the need for constructing a new gravel pad and minimizes infrastructure on the eastern side of Kalubik Creek. It is estimated that a 400 by 1,000 foot gravel pad would be required to operate Mine Site F if the existing pad were unusable. This is a minimization of the project footprint by approximately (0.9 acres).

c. **Compensatory Mitigation:** The applicant has stated gravel is required for development, and it has been a long-term goal of the NSB to reduce the amount of land which is used for gravel mining across the North Slope. Mine Site F is the first step in that direction, and would reduce the overall impact of development in the Kuparuk Region. With current planned projects alone, NSB would offset unavoidable wetlands impact by 149.9 acres.

Minimization efforts including use of existing infrastructure at Mine Site F and beneficial use of the developed mine would contribute to overall reduction of wetlands development in the Kuparuk River Unit. For these reasons, the NSB respectfully proposes that additional Compensatory Mitigation is not appropriate for this project.

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.

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 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

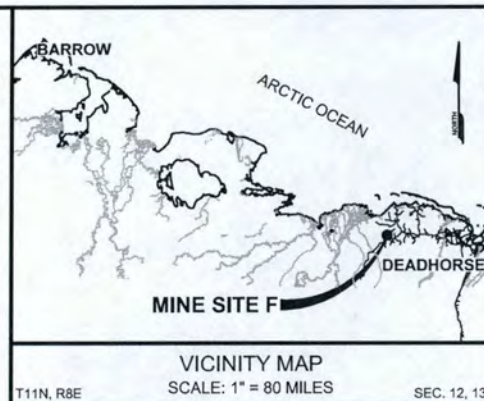
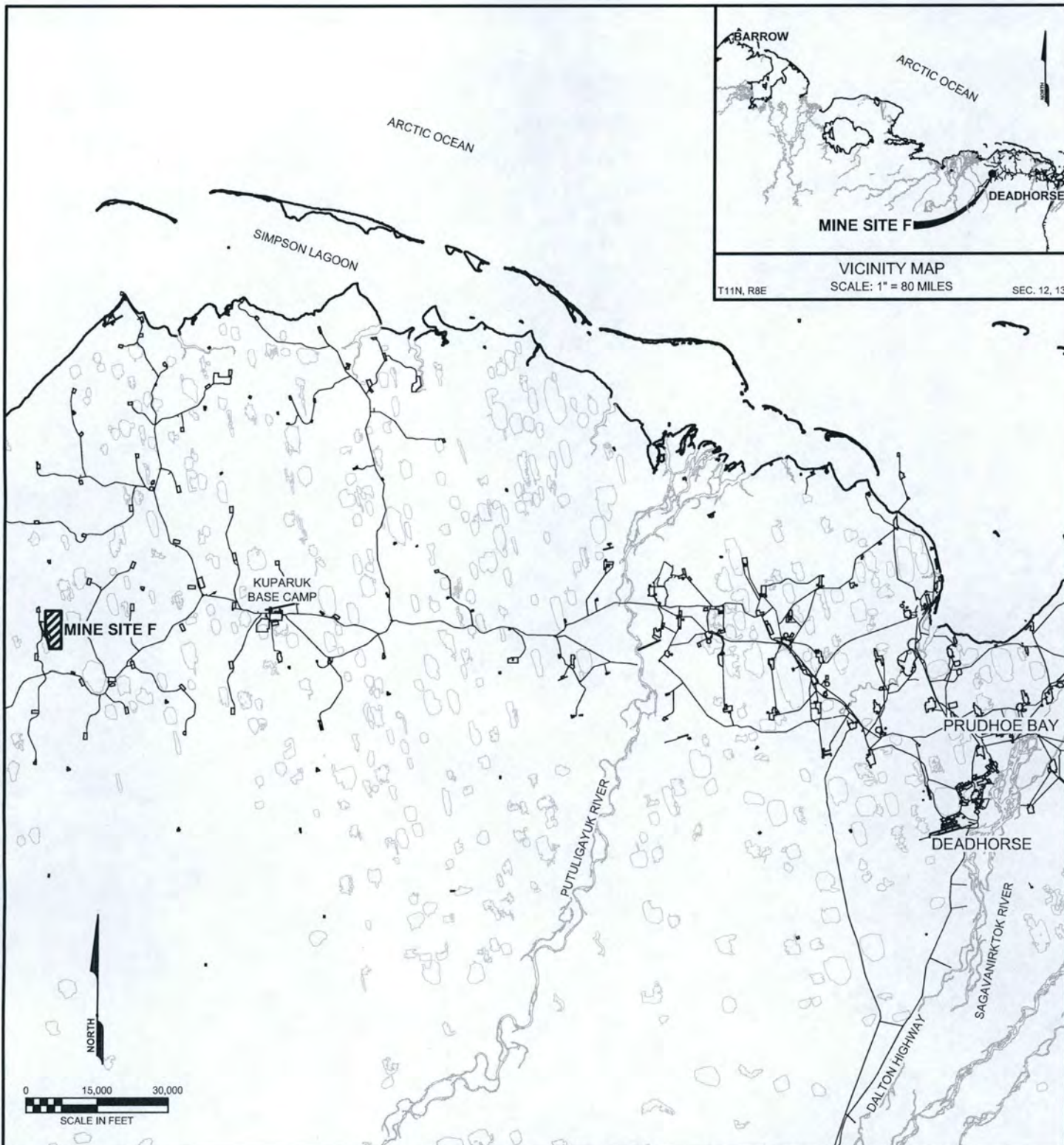
NOTICE OF APPLICATION FOR STATE WATER QUALITY CERTIFICATION

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-2017-422, Kalubik Creek**, 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:
GRAVEL MINING OPERATIONS

ADJACENT PROPERTY OWNERS:
STATE OF ALASKA

PROJECT LOCATION

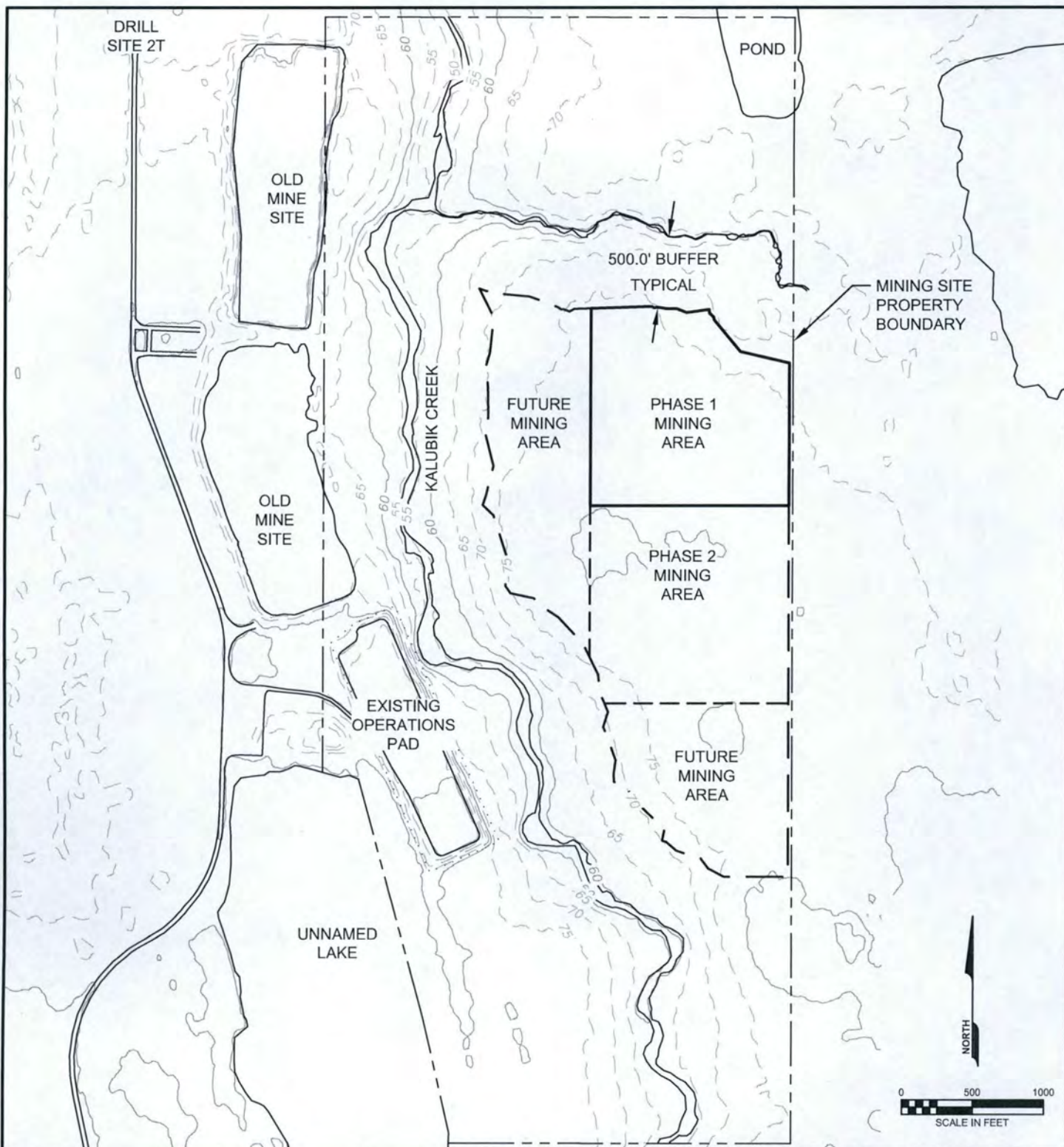
APPLICANT/AGENT:
NORTH SLOPE BOROUGH

AGENT:
UMIAQ ENVIRONMENTAL
6700 ARCTIC SPUR ROAD
ANCHORAGE, ALASKA 99516

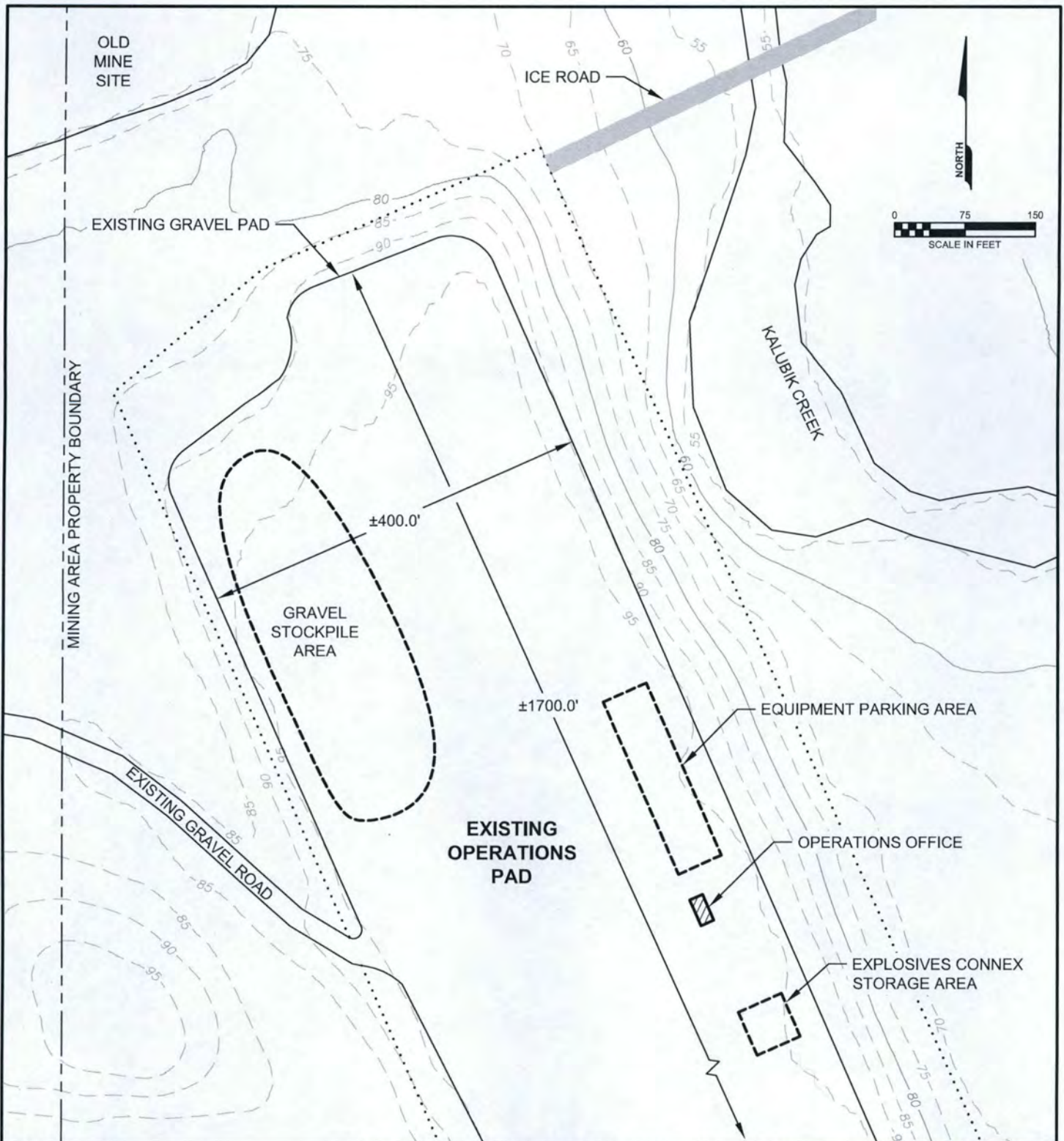
**NORTH SLOPE BOROUGH
MINE SITE F**

T11N, R8E, SEC 12, 13

DATE: 10/3/2017 SHEET: 1 OF 5

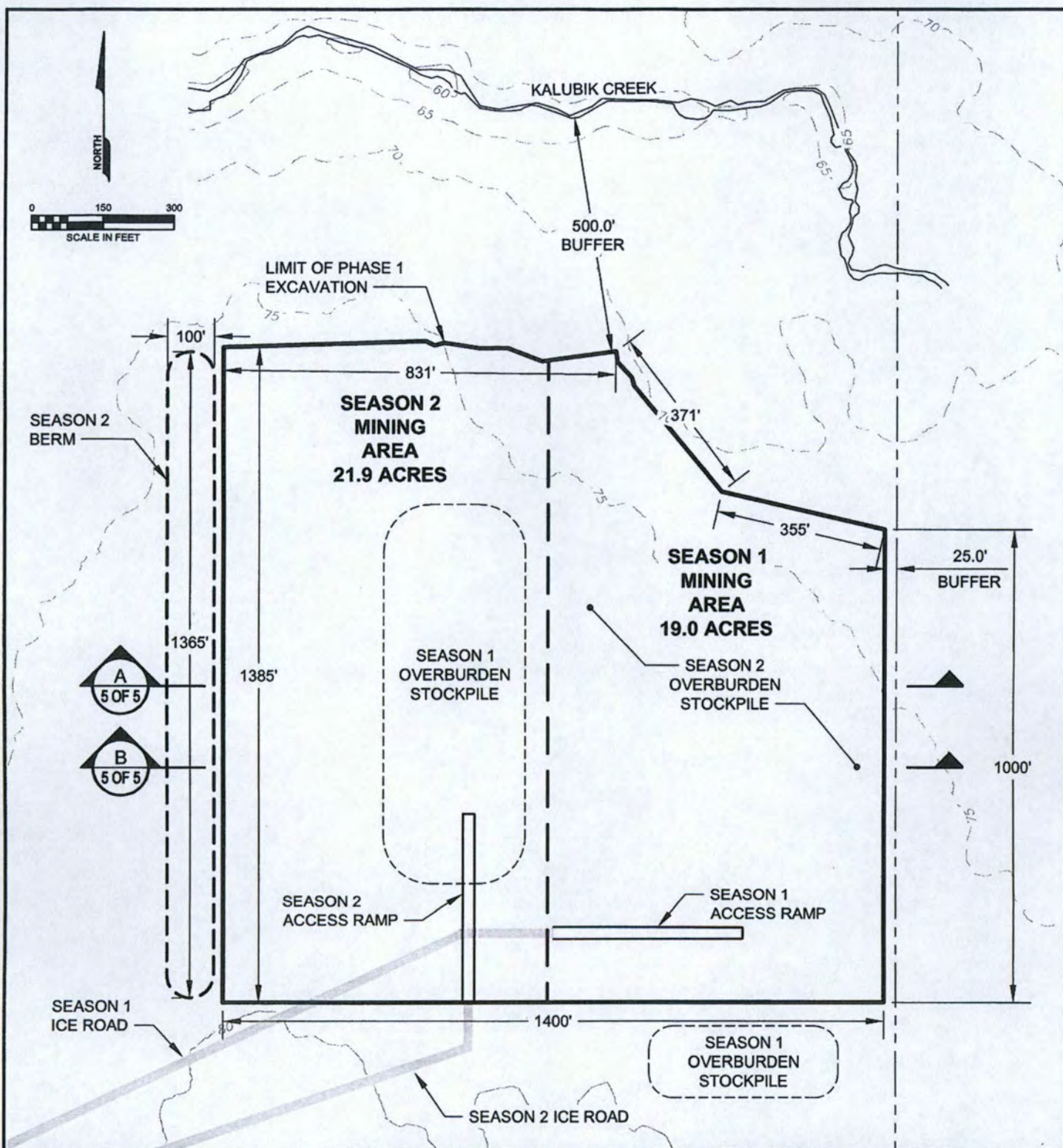


PURPOSE: GRAVEL MINING OPERATIONS ADJACENT PROPERTY OWNERS: STATE OF ALASKA	MINING AREA	NORTH SLOPE BOROUGH MINE SITE F T11N, R8E, SEC 12, 13	
	APPLICANT/AGENT: NORTH SLOPE BOROUGH AGENT: UMIAQ ENVIRONMENTAL 6700 ARCTIC SPUR ROAD ANCHORAGE, ALASKA 99516	DATE: 10/3/2017	SHEET: 2 OF 5



<p>PURPOSE: GRAVEL MINING OPERATIONS</p> <p>ADJACENT PROPERTY OWNERS: STATE OF ALASKA</p>	<p>OPERATIONS PAD LAYOUT</p> <p>APPLICANT/AGENT: NORTH SLOPE BOROUGH</p> <p>AGENT: UMIAQ ENVIRONMENTAL 6700 ARCTIC SPUR ROAD ANCHORAGE, ALASKA 99516</p>	<p>NORTH SLOPE BOROUGH MINE SITE F</p> <p>T11N, R8E, SEC 12, 13</p> <p>DATE: 10/3/2017 SHEET: 3 OF 5</p>
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FILE: M:\Design\Engineering\PROJECTS\70261.17 - Tech & Permitting\Sves - MS F and MS 3\DESIGN\Drawings\CIVIL\Mine Site F\70261_F COE Figs 3-5.dwg
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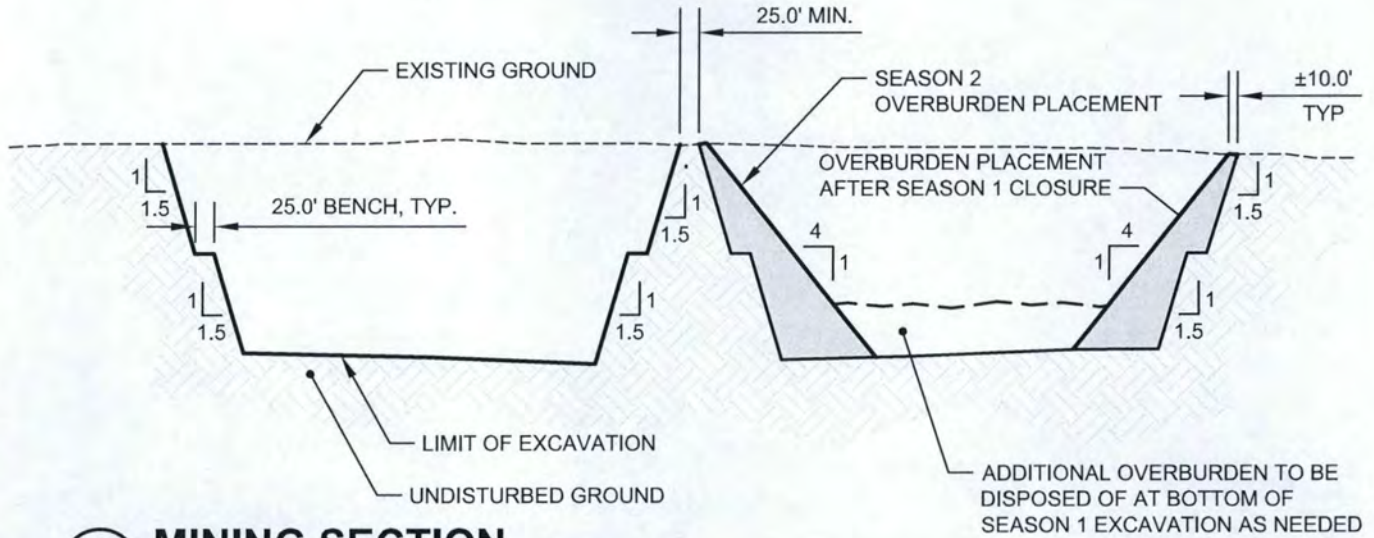


<p>PURPOSE: GRAVEL MINING OPERATIONS</p> <p>ADJACENT PROPERTY OWNERS: STATE OF ALASKA</p>	<p>PHASE 1 MINING PLAN</p> <p>APPLICANT/AGENT: NORTH SLOPE BOROUGH</p> <p>AGENT: UMIAQ ENVIRONMENTAL 6700 ARCTIC SPUR ROAD ANCHORAGE, ALASKA 99516</p>	<p>NORTH SLOPE BOROUGH MINE SITE F</p> <p>T11N, R8E, SEC 12, 13</p> <p>DATE: 10/3/2017 SHEET: 4 OF 5</p>
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NOTES

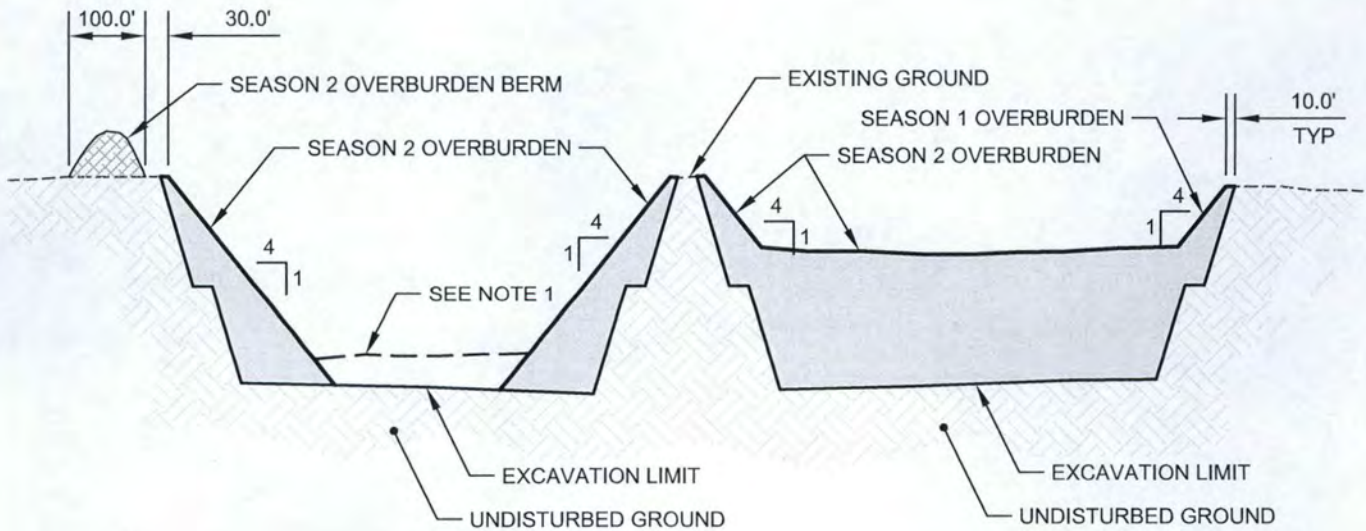
1. ADDITIONAL OVERBURDEN TO BE DISPOSED OF AT BOTTOM OF EXCAVATION AS NEEDED.



A
5 OF 5

MINING SECTION

SCALE: NONE



B
5 OF 5

RECLAMATION SECTION

SCALE: NONE

PURPOSE:

GRAVEL MINING OPERATIONS

ADJACENT PROPERTY OWNERS:

STATE OF ALASKA

TYPICAL SECTIONS

APPLICANT/AGENT:

NORTH SLOPE BOROUGH

AGENT:

UMIAQ ENVIRONMENTAL
6700 ARCTIC SPUR ROAD
ANCHORAGE, ALASKA 99516

NORTH SLOPE BOROUGH MINE SITE F

T11N, R8E, SEC 12, 13

DATE: 10/3/2017 SHEET: 5 OF 5