



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

<b>PUBLIC NOTICE DATE:</b>	<b>February 26, 2015</b>
<b>EXPIRATION DATE:</b>	<b>March 30, 2015</b>
<b>REFERENCE NUMBER:</b>	<b>POA-2012-922</b>
<b>WATERWAY:</b>	<b>Miluveach River</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 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 Janet Post at (907) 753-2831, toll free from within Alaska at (800) 478-2712, by fax at (907) 753-5567, or by email at janet.l.post@usace.army.mil if further information is desired concerning this notice.

**APPLICANT:** ConocoPhillips Alaska, Inc. Att: Steve Brashner, PO Box 100360 Anchorage AK 99501 Tel. 907-263-4691

**LOCATION:** The project site is located within Section 7, T. 10 N., R. 8 E., Umiat Meridian; USGS Quad Map Harrison A-3; Latitude 70.2316° N., Longitude 150.1932° W.; In the Kuparuk Oil Field, 20 miles east of Nuiqsut, Alaska.

**PURPOSE:** The applicant's stated purpose is to address safety and operational needs associated with DS-2S. "This gravel placement is necessary to accommodate continued development of the Greater Kuparuk area. It will be used to support the DS-2S pipeline tie-in; provide a turnaround point on the DS-2S Access Road; serve as a staging area for vehicles and equipment; and provide access to the pipeline for maintenance and inspection activities."

**PROPOSED WORK:** The project would include a pad approximately 120 feet long by 90 feet wide toe-to-toe with an access road approximately 525 feet long by 40 feet wide toe-to-toe. A total of 4,500 cubic yards of fill will be placed, impacting a surface area of 0.72 acres. Gravel will be hauled from Mine Site C or another permitted source. A guard rail approximately 70 feet long will be placed on the southeastern edge of the pad approximately 5 feet from the shoulder to protect the existing pipeline. In addition, a culvert will be placed under the pad road to facilitate proper drainage. The proposed project schedule is to place gravel in April 2015; Tie-in to the DS-2S water injection line in May 2015; and tie-in to the DS-crude oil line in June 2015. All work would be performed in accordance with the enclosed plan (sheets 1-3), dated 2/11/15.

**ADDITIONAL INFORMATION:** The applicant is applying for the following Certifications or Approvals from State or Local agencies for work described in this application, including: ADNR-DO&G Plan of Development; North Slope Borough Administrative Approval; ADNR-SHPO Archeological; and North Slope Borough IHLC.

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.

1. Avoidance of impacts to waters of the U.S., including wetlands:

The proposed action will include placement of approximately 4,500 cubic yards of gravel fill material to construct a small pad and access road. The action will result in the impact of 0.72 acres of wetlands. The gravel pad is necessary for safety and business reasons. It will serve as a turnaround point on the DS-2S Access Road; allow for the staging of vehicles and equipment; and provide access for pipeline maintenance and inspection activities. The first use of the gravel pad will be to access the work location for completion of the DS-2S pipeline tie-in work, which will contribute to the increase of oil production in the Kuparuk River Unit. Specifically, fill will be placed north of the intersection of the DS-2S Access Road and the existing pipeline. There is no viable alternative that will avoid impacts to waters of the U.S. including wetlands.

2. Minimization of unavoidable impacts to waters of the U.S., including wetlands:

The DS-2S pipeline pad design focuses on minimizing impacts to waters and wetlands by limiting the gravel fill discharge to the minimal amount of surface area required to support the purpose of the pad. For example, the original design was for the pad to be approximately 120 feet long by 120 feet wide, and the road was to be 52 feet wide. To minimize impacts to wetlands, CPAI changed its design to a pad of 120 feet long by 90 feet wide with a road of only 40 feet wide. The revised design minimizes impacts to wetlands to the maximum extent possible.

3. Compensation for unavoidable impacts to waters of the U.S., including wetlands:

Incorporating appropriate and practical avoidance and minimization measures, the proposed DS-2S pipeline pad will result in approximately 0.72 acres of unavoidable impacts to wetlands, due to the placement of fill and other activities in wetlands.

If compensatory mitigation is required, then ConocoPhillips Alaska, Inc. proposes in-lieu fees as a means of compensatory mitigation for the unavoidable impacts to waters of the U.S. resulting from 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 listed or eligible properties in the vicinity of the worksite. Consultation of the AHRS constitutes the extent of cultural resource investigations by the District Commander at this time, and he is otherwise unaware of the presence of such resources. 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. No historic properties affected Alaska State Historic Preservation Officer dated 10-28-2013 File No. 3130-1RCOE.

ENDANGERED SPECIES: The project area is within the known or historic range of the Polar Bear, Steller's Eider and Spectacled Eider.

We have determined the described activity may meet the requirements for the U.S. Fish and Wildlife Service North Slope Programmatic Biological Opinion. 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.

We have determined the described activity would not adversely affect EFH in 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:

(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).

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-2012-922, Miluveach 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.