



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

PUBLIC NOTICE DATE: June 6, 2012
EXPIRATION DATE: July 6, 2012
REFERENCE NUMBER: POA-1996-869-M4
WATERWAY: Colville 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 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 **Chelan Schreifels** at (907) 753-5527, toll free from within Alaska at (800) 478-2712, by fax at (907) 753-5567, or by email at **chelan.schreifels@us.army.mil** or the applicant's agent, Mr. Tom Mortenson at (907)345-3400 if further information is desired concerning this notice.

APPLICANT: Arctic Slope Regional Corporation (ASRC).

AGENT: Tom Mortenson Associates LLC.

LOCATION: The project site is located within Sections 10, 11, 14, 15 and 23, T. 10N., R. 5E., Umiat Meridian; USGS Quad Map Harrison Bay A-2; Latitude 70.225° N., Longitude 150.803° W.; the project area is located east of the East Channel of the Colville River approximately 4.5 miles east northeast of the Village of Nuiqsut, near Nuiqsut, Alaska.

PURPOSE: The applicant's stated purpose is to continue to provide sand and gravel material for public and private needs.

PROPOSED WORK: The proposed project is for gravel mining and gravel pit reclamation the proposed project area is a total of 580 acres consisting of 150 previously permitted acres and 430 new acres that are underlain with known sand and gravel deposits. The mined sand and gravel material will be available for use by public and private projects in the Colville River delta area and adjacent areas. Winter geotechnical exploration work would occur as needed to delineate and assess sand and gravel material deposits within the proposed permit area. All gravel mining work would be performed during the winter season. Work would include the

removal of organic-rich overburden using drilling and blasting to first loosen, then, using heavy equipment, to remove the overburden. Overburden would be temporarily stored on ice pads and then backfilled into a gravel pit excavation prior to spring break up. All overburden fill would be placed into mined gravel pits. All reclamation work would occur within the backfilled mined gravel pits unless otherwise authorized through additional permit modifications. A maximum of 5 acres of tundra may be filled if the construction of reclamation lakes with stable water levels were to require fill placed for lake-outlet water control structures.

Organic overburden and silty sand and gravel material obtained from beyond the mining boundary and within the Colville River delta area may be utilized on a case by case basis to assist in construction of the proposed shallow-water lake habitat and waterfowl islands.

All work would be performed in accordance with the enclosed plan (sheets 1-9), dated May 21, 2012.

All special conditions from the original permit will be carried forward with this modification as appropriate.

ADDITIONAL INFORMATION:

The existing ASRC gravel pit was permitted in 1997 for the mining over a 10-year period of approximately 5 million cubic yards (cy) of sand and gravel material located within a total footprint area of about 150 acres.

On June 23, 1997 the District Engineer issued a permit that authorized the 10-year phased development of a consolidated sand and gravel material site, this permit had 10 special conditions. The permit expired June 1, 2007. The authorization included the excavation of up to 5 million cy of sand and gravel, and excavation and placement of 2.9 million cy of overburden material within a 150-acre footprint in waters of the United States. Phase I consisted of 50 acres; Phase II consisted of 100 acres. It also authorized placement of 2.9 million cy of overburden into the gravel excavation pits and contouring of the material to create 122 acres of lakes of varying sizes with about 30 acres of islands.

On November 13, 1998, the permit was modified to adjust the boundary between Phases I and II to add 17 acres of wetlands to Phase I in order to accommodate reclamation recommendations of the Technical Reclamation Review Committee as stipulated in Special Condition 5 of the permit.

To date, the work that has been completed under the original authorization is as follows: The 67 acre Phase 1 mining area was the source of the 1.03 million cy of gravel that was used by ConocoPhillips for the development of Alpine and by North Slope Borough needs at Nuiqsut. The Phase 1 area is now closed to additional mining and reclamation work that was done under the initial permit between 1998 and 2007. During the winter season of 2007 all of the reclamation requirements were completed as required by the revised October 2004 plan for backfilling, contouring, and revegetation seeding and transplanting. The work was accomplished during the winter 2007 gravel mining operation in the Phase 2 area. The remaining 83 acre mining area known as the Phase 2 area, has had two cells mined; approximately 20 acres in 2005 and approximately 5 acres in 2007 (sheets 6 and 7). Phase 1 area will not be used for gravel mining but may be used for placing overburden from cells mined under this modification to create additional bird nesting islands and shallow water habitat.

The applicant has submitted a Long-Term Adaptive Management Plan for the proposed permittee-responsible compensatory mitigation. The applicant states that the

proposed project will be managed to ensure long-term sustainability of the reclamation and the enhanced waterfowl habitat resource values that are created.

The proposed Adaptive Management Plan is similar to what was approved for use during the previous 10-year permit term from 1997 to 2007. The proposal is to create a Reclamation Review Committee comprised of a single representative from each of the following:

- USF&WS
- ADF&G
- The Permittee

As done under the previous permit, the proposed Reclamation Review Committee will monitor the reclamation progress and will have the authority to address unforeseen changes in site conditions or other components of the mitigation project.

The proposed Reclamation Review Committee will have the authority to address various adaptive management measures that may include, but are not limited to site modification, design changes, revisions to maintenance requirements, and revised monitoring requirements. Significant changes to the plan may require prior review and approval by the Alaska District. Any such changes will not require a formal modification of the permit.

All proposed reclamation work will occur as part of an overall gravel mining operation. If and when previously constructed reclamation structures may need to be repaired, then such repair work would need to be done at such a time as when overburden material and equipment were available at the site during the winter gravel mining operating season. This opportunity would occur during a planned winter season gravel mining operation, and any reclamation repair work would be done then because both the overburden material and heavy equipment required for reclamation work would be available at the site as part of that seasons mining operation.

This proposed methodology is consistent with the approved October 5, 2004, reclamation plan that modified the original 1997 permit guidelines to require that the reclamation goal would be the same as the acreages and mitigation credits of each reclamation feature that was actually achieved. If it occurred that there was no future gravel mining in the permitted area then the existing reclamation work and mitigation requirements would be deemed complete, even if unexpected subsidence later occurred to the backfilled constructed reclamation work.

The proposed reporting requirements and schedule will be generally the same as were required by Special Condition 10 of the original permit. The permittee shall submit an annual report of mining construction, operation, and reclamation activities conducted between September 1 to August 31, and those activities proposed or planned for the following period. The annual report shall delineate: the locations of past, current and projected (next year) mining operations; reclamation activities completed, on-going, and proposed; and, an assessment of reclamation activities implemented which specifically relate to status in complying to performance standards. Supportive documentation shall be submitted, including photographs, summary data tables, etc. The annual reports shall be submitted directly to the Reclamation Review Committee members no latter than October 1 of each year for review, comment, and acceptance. Upon Reclamation Review Committee acceptance and not later than January 15, the annual report shall be submitted to the Alaska District, Corps of Engineers for concurrence. The annual reports shall be submitted for the term of the permit. The proposed reporting requirements and reporting schedule may be changed as needed with the concurrence of the Reclamation Review Committee and the Corps.

For additional information regarding project description, project history and long term management please contact Chelan Schreifels, with this office, or the applicant's agent, Mr. Tom Mortenson at (907)345-3400.

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: The applicant's plan proposes buffers around all adjacent water bodies to avoid impacts. The buffers are as follows: Colville River will have a minimum 500 foot buffer from OHW and larger lakes will have a minimum 200 foot buffer, as shown on sheet 4. The applicant's statement for avoidance is: "The existing gravel deposit, and hence the proposed mining area is entirely located in an area of tundra wetlands with several small shallow lakes. Avoidance is not possible."

b. Minimization: The applicant's plan will minimize impacts by limiting their gravel mining operations to winter only. The applicant's statement for minimization is: "overburden from the gravel mining operation will not be backfilled onto wetland tundra. The only proposed wetlands fill will be a maximum of 5 acres for lake outlet control that may be a necessary component of the overall reclamation and mitigation plan."

c. Compensatory Mitigation: The applicant is proposing permittee-responsible compensatory mitigation. The applicant is proposing that the reclamation activities for the gravel mine will offset impacts and provide a habitat lift by replacing tundra with shallow open water habitat for nesting birds; see sheets 8 and 9.

The applicant's compensatory mitigation statement is: "The minimum requirements for the replacement of the habitat values will be exceeded by the proposed permittee-responsible mitigation plan. All wetland tundra areas that are mined for gravel will be converted into a matrix of areas that will become deep water lakes (70%+/-), and shallow water areas less than 6 feet deep with waterfowl islands (30%+/-). Summary of Applicant Proposed Permittee-Responsible Wetland Debits/Credits: Total wetland impact debits resulting from the maximum gravel mining (430 acres) and reclamation is 535 debits. Total applicant proposed compensatory mitigation credits obtained from the proposed reclamation for the maximum gravel mining (430 acres) is 1,900 credits. The overall ratio of credits to debits is 3.6:1."

Contact this office or the applicant's agent for more information about the permittee-responsible compensatory mitigation plan.

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. One site was shown in the AHRS, it was designated **HAR-170**, which is a paleontological mammoth bone. This site is not eligible for inclusion in the National Register of Historic Places as it is a paleontological resource and is not a protected cultural resource under Section 106. There may be other unevaluated paleontological resources in the vicinity of the worksite; however, there are no known unevaluated or eligible sites.

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.

ENDANGERED SPECIES: The project area is within the known or historic range of the Spectacled eiders (*Somateria fischeri*) and Alaska-breeding Steller's eiders (*Polysticta stelleri*), the proposed project is located outside of the designated critical habitat for polar bears (*Ursus maritimus*).

Preliminarily, we have determined the described activity may affect but is not likely to adversely affect the endangered Spectacled eiders (*Somateria fischeri*), and Alaska-breeding Steller's eiders (*Polysticta stelleri*).

We have also preliminarily determined the activity is not likely to adversely affect the polar bears designated critical habitat, under the Endangered Species Act of 1973 (87 Stat. 844).

This application is being coordinated with the U.S. Fish and Wildlife Service and the National Marine Fisheries Service (NMFS). 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 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).

Project drawings, Permittee-Responsible Mitigation Plan 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

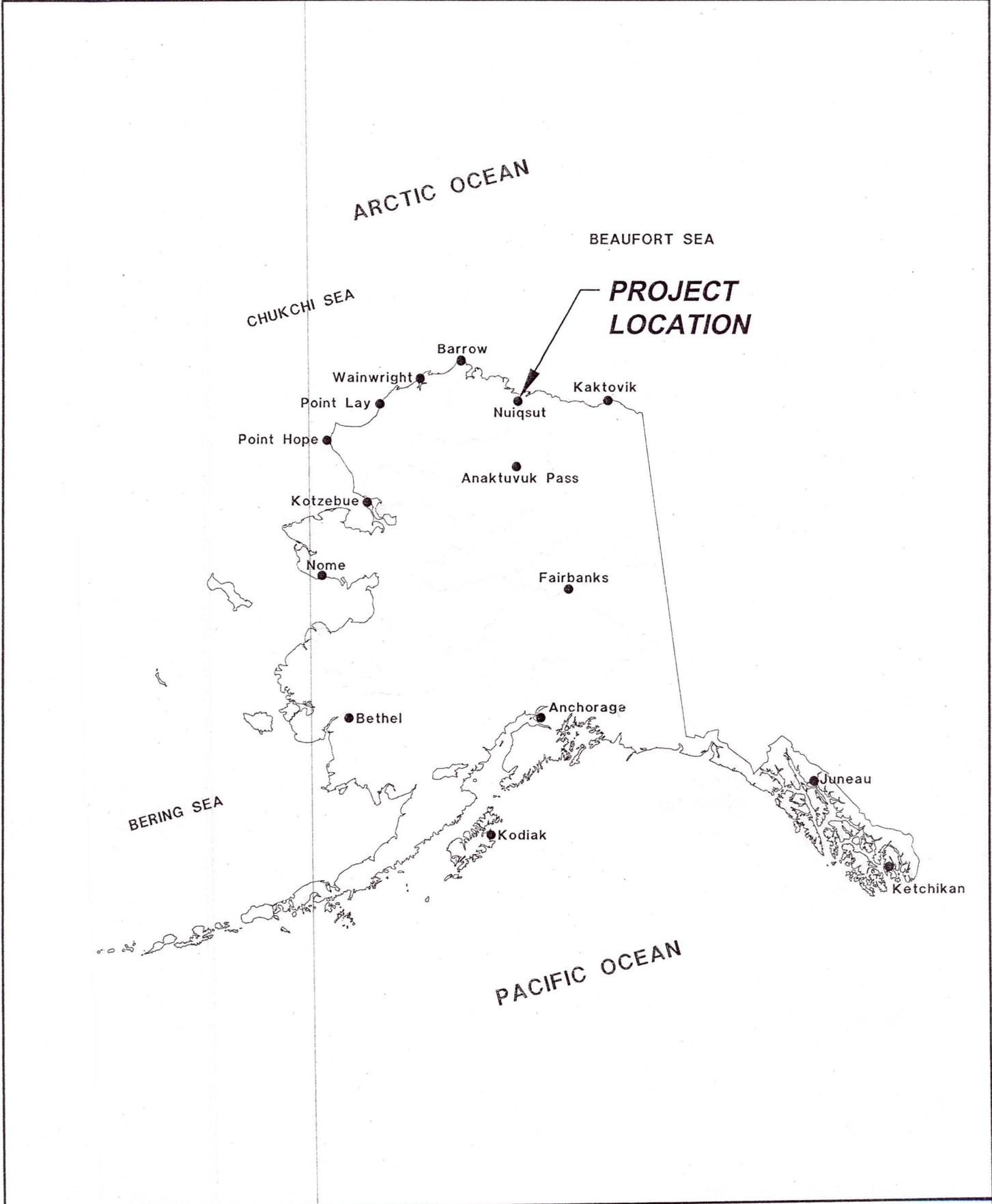
NOTICE OF APPLICATION
FOR
STATE WATER QUALITY CERTIFICATION

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.

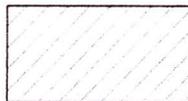
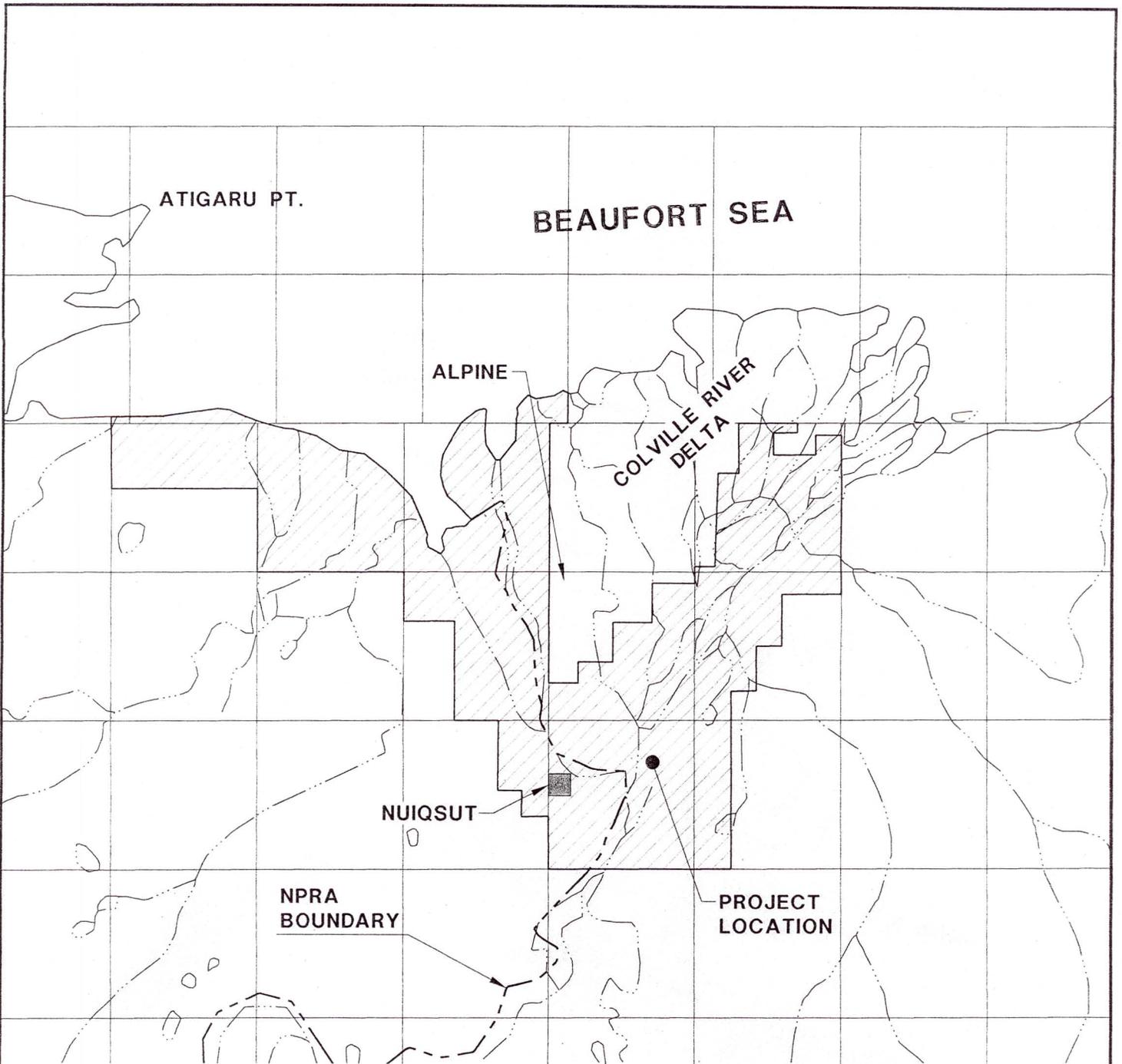
Notice is hereby given that the application for a Department of the Army Permit described in the Corps of Engineers' Public Notice No. POA-1996-869-M4, Colville River, serves as application for State Water Quality Certification from the Department of Environmental Conservation.

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.



ASRC CONSOLIDATED USE GRAVEL MATERIAL SITE
POA-1996-869-M4
COLVILLE RIVER
ASRC
MAY 21, 2012
SHEET 1 OF 9

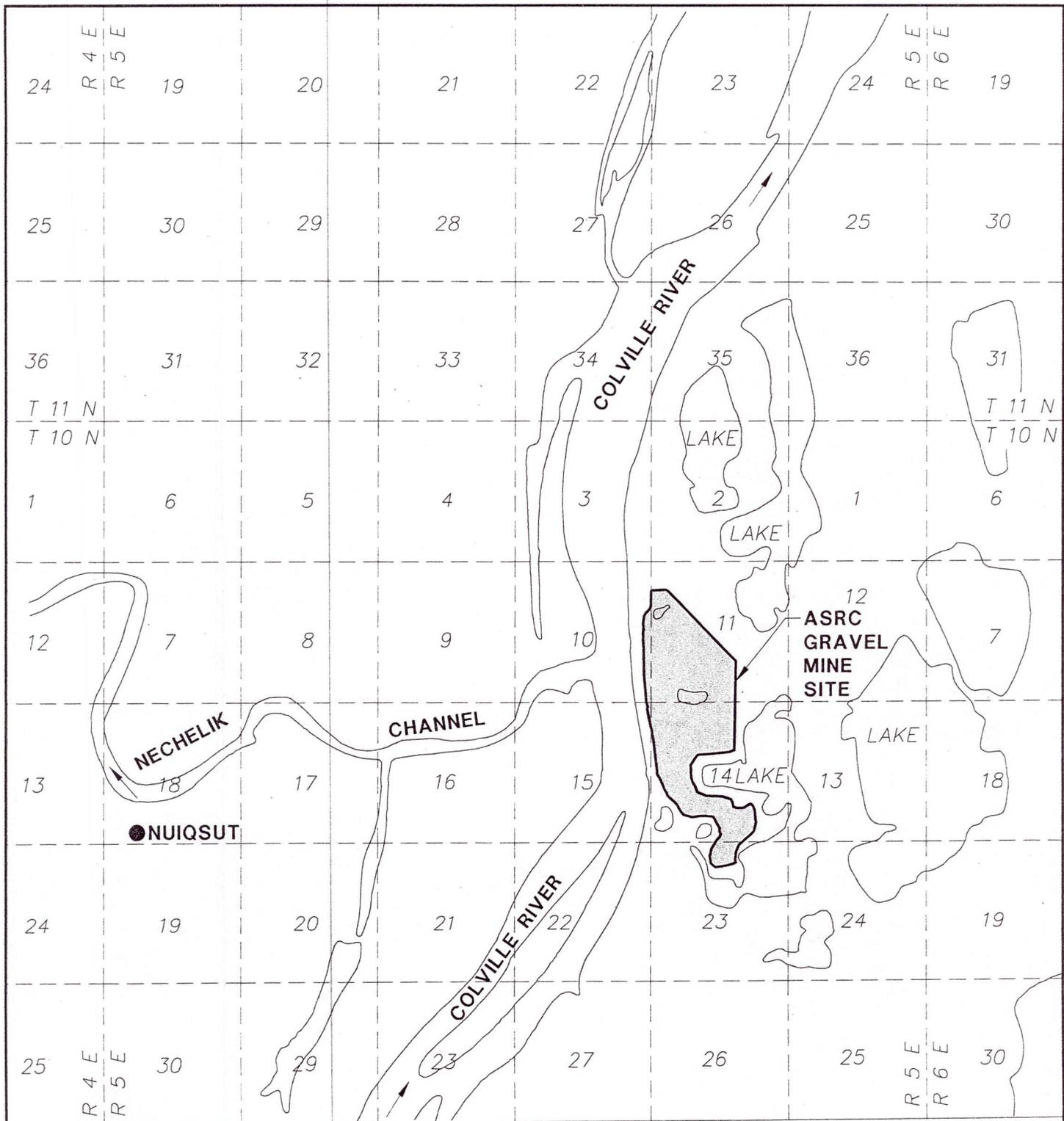


LAND OWNERSHIP KOOKPIK CORP.
AND/OR ARCTIC SLOPE REGIONAL CORP.

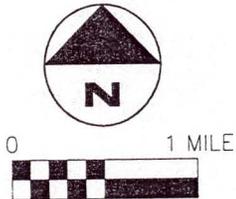
Applicant: Arctic Slope Regional Corporation
 Agent: Tom Mortensen Associates LLC
 Project: Consolidated Use Gravel Material Site
 Colville River Delta, North Slope, Alaska
 Located within sections 10, 11, 14, 15,
 23, T10N R5E, Umiat Meridian.
 Purpose: Continued development, reclamation and
 expansion of the existing ASRC Colville
 consolidated use gravel material site.

ASRC CONSOLIDATED USE GRAVEL MATERIAL SITE

**POA-1996-869-M4
 COLVILLE RIVER
 ASRC
 MAY 21, 2012
 SHEET 2 OF 9**

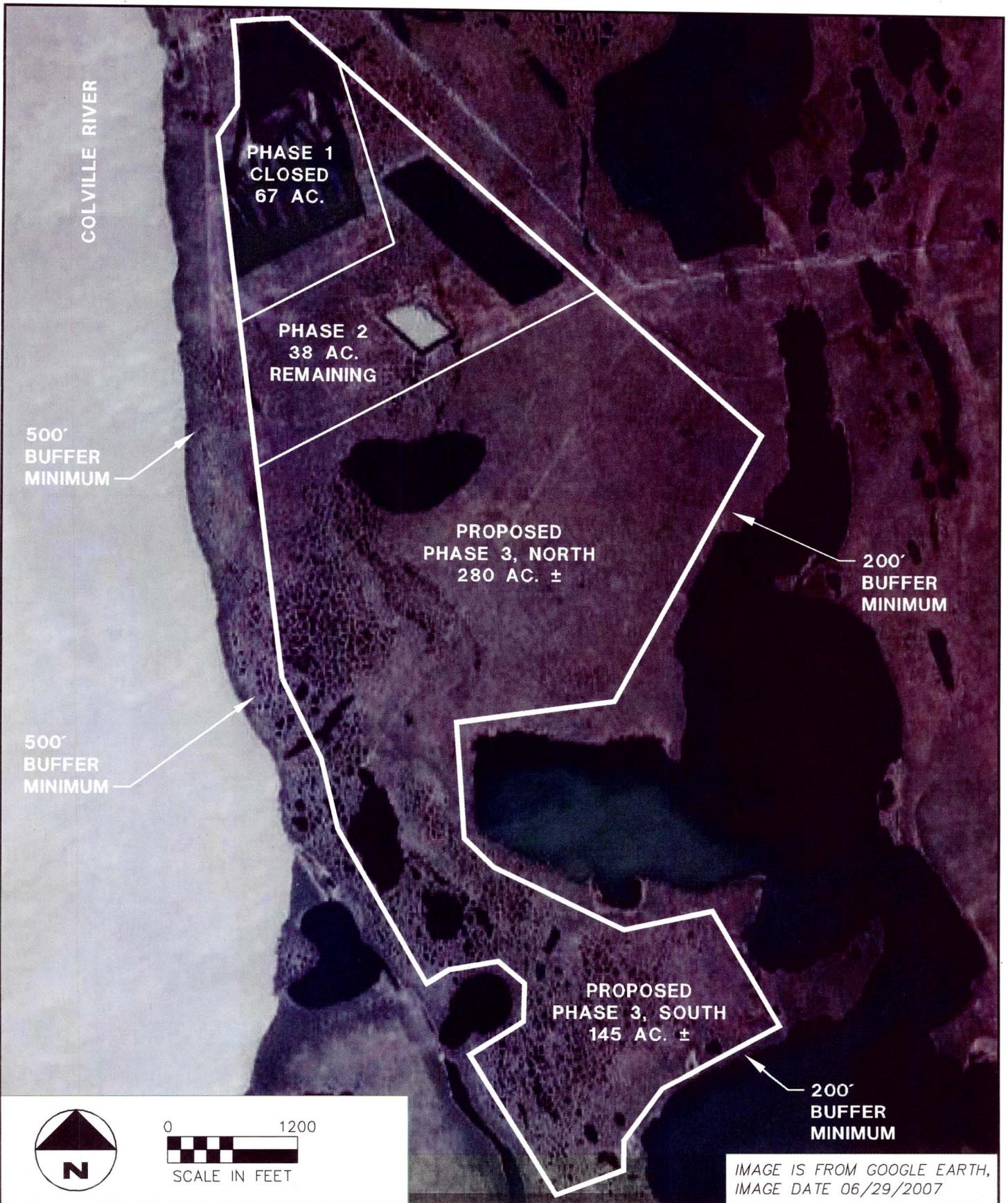


USGS MAP, HARRISON BAY A-2



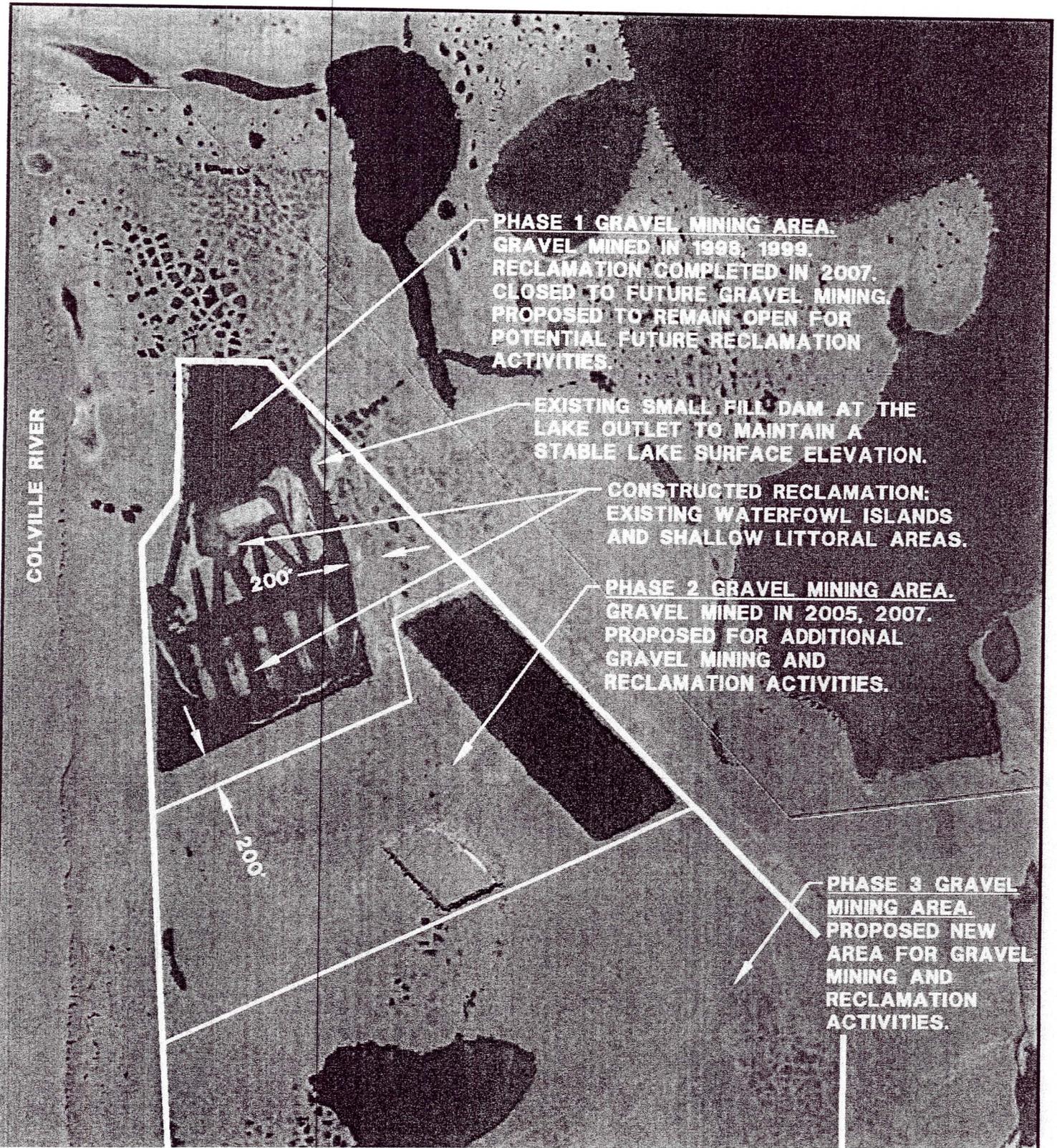
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POA-1996-869-M4
COLVILLE RIVER
ASRC
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SHEET 3 OF 9



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POA-1996-869-M4
COLVILLE RIVER
ASRC
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SHEET 5 OF 9



PHASE 1 GRAVEL MINING AREA.
 GRAVEL MINED IN 1998, 1999.
 RECLAMATION COMPLETED IN 2007.
 CLOSED TO FUTURE GRAVEL MINING.
 PROPOSED TO REMAIN OPEN FOR
 POTENTIAL FUTURE RECLAMATION
 ACTIVITIES.

EXISTING SMALL FILL DAM AT THE
 LAKE OUTLET TO MAINTAIN A
 STABLE LAKE SURFACE ELEVATION.

CONSTRUCTED RECLAMATION:
 EXISTING WATERFOWL ISLANDS
 AND SHALLOW LITTORAL AREAS.

PHASE 2 GRAVEL MINING AREA.
 GRAVEL MINED IN 2005, 2007.
 PROPOSED FOR ADDITIONAL
 GRAVEL MINING AND
 RECLAMATION ACTIVITIES.

**PHASE 3 GRAVEL
 MINING AREA.**
 PROPOSED NEW
 AREA FOR GRAVEL
 MINING AND
 RECLAMATION
 ACTIVITIES.

COLVILLE RIVER

200'

200'

NOTE: THE PURPOSE OF THE PLAN VIEW IS TO SHOW THE RELATIONSHIP BETWEEN THE PROPOSED PERMIT BOUNDARY WITH EXISTING MAN-MADE FEATURES AND NATURAL LANDFORMS. THE PROPOSED BOUNDARY OF THE GRAVEL PIT AREAS ON THIS SHEET ARE APPROXIMATE AND NOT TO SCALE.



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ASRC CONSOLIDATED USE GRAVEL MATERIAL SITE
 POA-1996-869-M4
 COLVILLE RIVER
 ASRC
 MAY 21, 2012

S3 S2
S10 S11



APPROXIMATE
SCALE IN FEET

1998
GRAVEL PIT
±9 ACRES

400'±

800'±

DEEP
LAKE

1800'±

POST MINING
RECLAMATION/MITIGATION
SHALLOW LITTORAL WATERS
AND WATER FOWL ISLANDS.
±42 ACRES.

PHASE 1
±67 ACRES

1800'±

1999
GRAVEL PIT
±21 ACRES

1750'±

DEEP
LAKE

PHASE 2
±83 ACRES

200'±

3350'±

DEEP
LAKE

2005
GRAVEL PIT
±20 ACRES

2007
GRAVEL PIT
±5 ACRES

1200'±

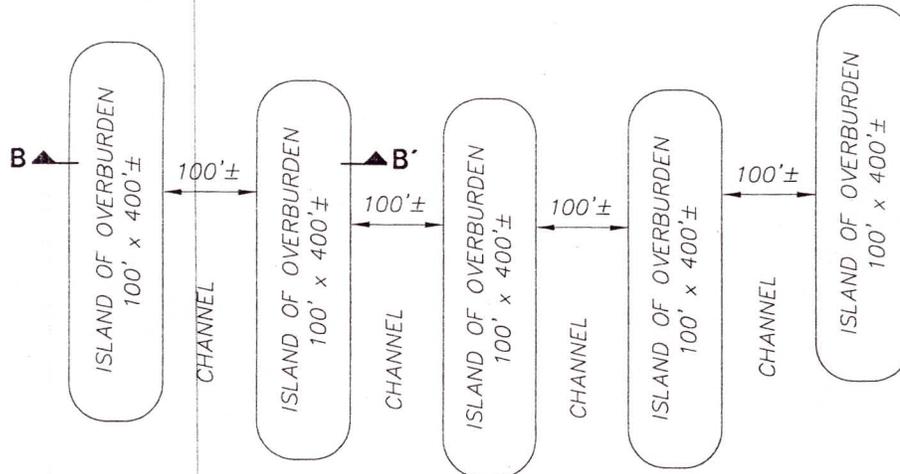
IN CASE OF DISCREPANCY ON THIS
SHEET 6, WRITTEN MEASUREMENTS ARE
SUPERIOR TO SCALED MEASUREMENTS.

S10 S11
S15 S14

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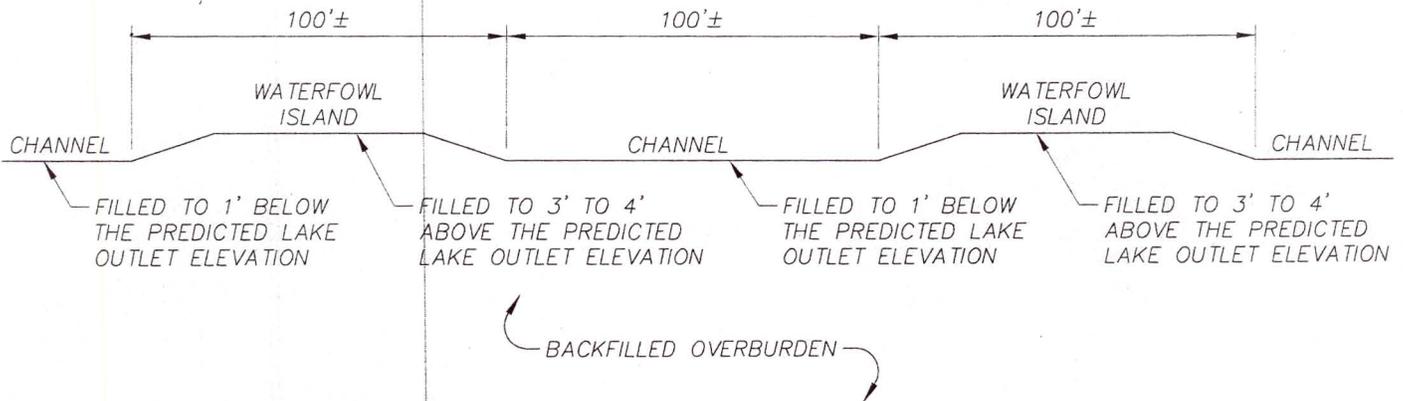
ASRC CONSOLIDATED USE GRAVEL MATERIAL SITE

**POA-1996-869-M4
COLVILLE RIVER
ASRC
MAY 21, 2012
SHEET 7 OF 9**



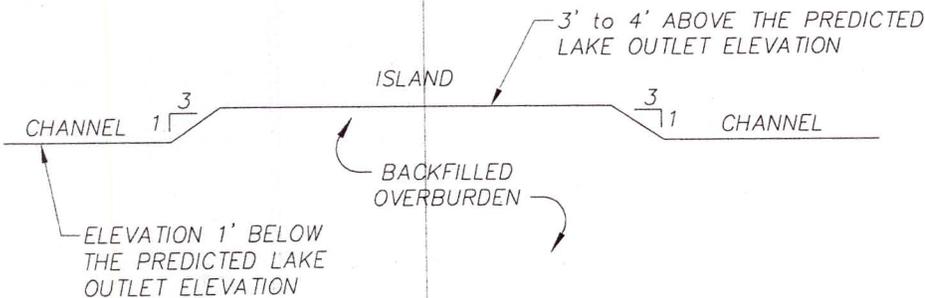
PLAN VIEW

SCALE: N.T.S.



SECTION B - B'

SCALE: N.T.S.



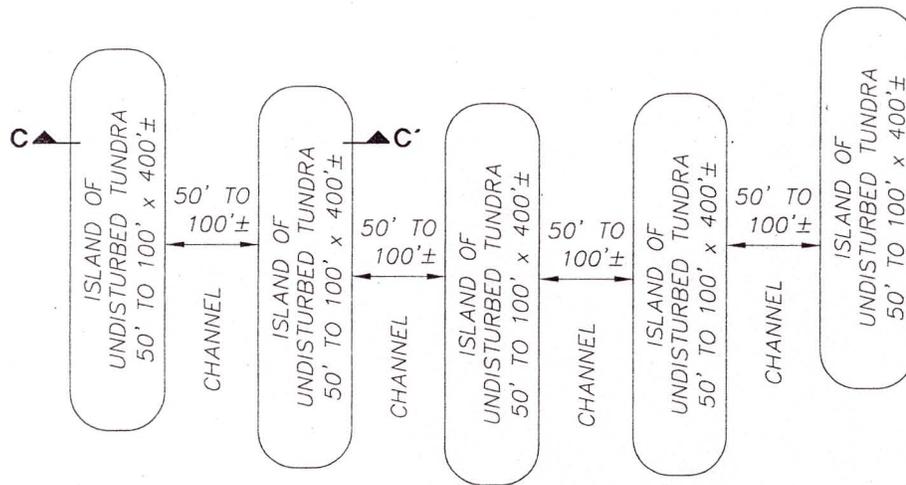
SECTION B - DETAIL

SCALE: N.T.S.

ASRC CONSOLIDATED USE GRAVEL MATERIAL SITE
RECLAMATION PLAN

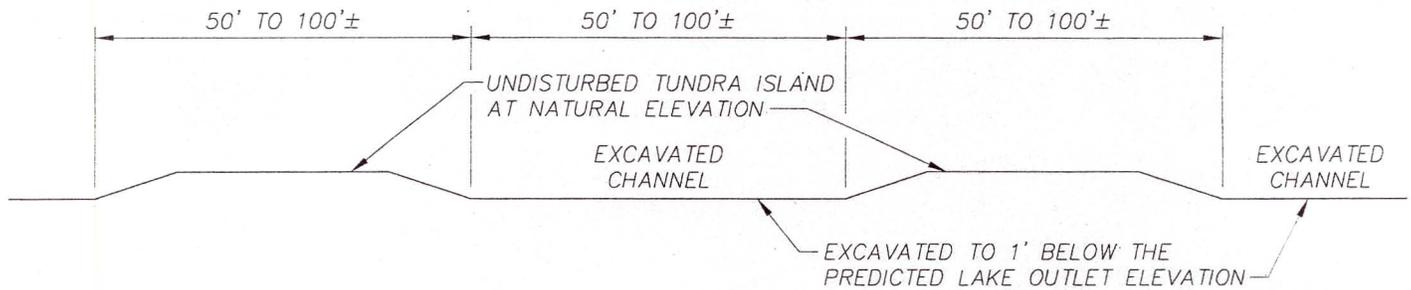
POA-1996-869-M4
COLVILLE RIVER
ASRC
MAY 21, 2012

CONSTRUCTION OF WATERFOWL ISLANDS
USING BACKFILL MATERIAL
NORTH SLOPE, ALASKA



PLAN VIEW

SCALE: N.T.S.



SECTION C - C'

SCALE: N.T.S.

ASRC CONSOLIDATED USE GRAVEL MATERIAL SITE
RECLAMATION PLAN

CONSTRUCTION OF WATERFOWL ISLANDS USING

POA-1996-869-M4
COLVILLE RIVER

NATURAL TUNDRA SURFACE & EXCAVATED CHANNELS
NORTH SLOPE, ALASKA

ASRC
MAY 21, 2012