



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:	October 22, 2014
EXPIRATION DATE:	November 18, 2014
REFERENCE NUMBER:	POA-2005-1295-M13
WATERWAY:	Harrison Bay

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: Caelus Natural Resources Alaska, LLC Att: Julie Lina, 700 G Street, Suite 600, Anchorage AK 99501 907.343.2106

LOCATION: The project site is located within Section 11,12, T. 12 N., R. 8 E., Umiat Meridian; USGS Quad Map Harrison Bay B-1; Latitude 70.4128° N., Longitude 150.0165° W.; Kuparuk River Unit; near Nuiqsut, Alaska.

PURPOSE: The applicant's stated purpose is to provide onsite housing for work crews, increase the available area at the Oooguruk Tie-in Pad(OTP) for materials handling and storage, and decrease traffic along the road system in order to support the Oooguruk development project, including OTP, Oooguruk Drillsite (ODS),and Nuna Drillsite (NDS) facilities.

The proposed pad will initially be used primarily as a 120 bed construction camp for two years and upon completion of the construction work for the OTP expansion and the gravel lay down for Nuna infrastructure, the pad would then be used as a warehouse, 60 bed man camp and storage area.

PROPOSED WORK: The proposed work would include the placement of 40,000 cubic yards of gravel fill into 3 acres of wetlands in order to expand the existing OTP. The pad expansion would measure 130ft by 420ft by 325 ft at the south edge of the existing pad. All work would be performed in accordance with the enclosed plan (sheets 1-7), dated 8-29-14.

ADDITIONAL INFORMATION:

Gravel would be sourced from Mine Site E, located approximately 16.5 miles from Drillsite 35 (DS-35).

The proposed start date of the project is December 2014 and completion date is September 2016.

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: "While 100% avoidance was not possible due to the abundance of wetlands on the North Slope, Caelus avoids impacts to waters of the U.S. through the design and siting of the proposed facilities by consolidating onshore facilities at the OTP in order to share infrastructure and building upon existing facility concepts for new development. Utilizing existing infrastructure for power generation, gas and water treatment, personnel housing, and production processing will be used to avoid additional gravel pad acreage needed for duplicate facilities."

b. Minimization: "Due to the absence of uplands in the area, some impacts to wetlands are unavoidable with the project. However, the project design minimizes impacts by limiting the fill amounts and by using site-specific ecological information for siting. Support facilities for new development, including power generation, gas compression, water treatment and production processing, are consolidated at existing developed sites. Project transportation needs for construction and operations will be on surface roads or seasonal ice roads to avoid impacts to tundra. Additionally, the area proposed to be filled is already bounded by gravel pad infrastructure on two sides and is likely subject to indirect impacts that would limit the functions that the site currently provides to the watershed, which is in overall good condition."

c. Compensatory Mitigation: "Due to the limited options on the North Slope for restoration, establishment, preservation, and enhancement, Caelus proposes to provide fee in-lieu of compensation for the unavoidable impacts to aquatic resources associated with the OTP southern expansion activities."

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 has been coordinated with the Alaska State Historic Preservation Office (ASHPO) and on September 23, 2014 ASHPO concluded that no historic properties are affected.**

ENDANGERED SPECIES: The project area is within the known or historic range of the spectacled eider, steller's eiders and polar bear.

We have determined the described activity may affect the spectacled eider, steller's eiders and polar bear. We initiated the appropriate consultation procedures under section 7 of the Endangered Species Act with the U.S. Fish and Wildlife Service (USFWS). **October 9, 2014 the USFWS determined the proposed project to meet the criteria for coverage under USFWS Programmatic Biological opinion for the North Slope, and the USFWS concluded the proposed actions unlikely to adversely affect Steller's eiders or polar bears, and unlikely to jeopardize the existence of spectacled eiders.**

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).

The project area is within the known range of the Ninespine Stickleback.

We are currently gathering information regarding this species and have yet to make a determination of effect. Should we find that the described activity may affect the species listed above, we will follow the appropriate course of action under Section 305(b)(2) of the Magnuson-Stevens Act. Any comments the National Marine Fisheries Service may have concerning essential fish habitat 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 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 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-2005-1295-M13, Harrison Bay**, 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.