



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:** December 11, 2012  
**EXPIRATION DATE:** January 11, 2013  
**REFERENCE NUMBER:** POA-2012-693  
**WATERWAY:** Sagavanirktok 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 Mr. John Klutz at (907) 753-5553, toll free from within Alaska at (800) 478-2712, by fax at (907) 753-5567, or by email at john.r.klutz@usace.army.mil if further information is desired concerning this notice.

APPLICANT: Airport Equipment Rentals, Inc., Post Office Box 72578, Fairbanks, Alaska; Point of Contact: Mr. Jerry Sadler, (907) 456-2000.

AGENT: Travis/Peterson Environmental Consulting, Inc., 329 2nd Street, Fairbanks, Alaska 99709; Point of Contact: Mr. Edmond Packee, (907) 455-7225

LOCATION: The project site is located within Section 17, T. 10 N., R. 15 E., Umiat Meridian; USGS Quad Map Beechey Point A-3; Latitude 70.2249° N., Longitude 148.3883° W.; North Slope Borough, lease Lot 45B; directions Deadhorse Airport to Spine Road north, then turn left onto Tract 30, in Deadhorse, Alaska.

PURPOSE: The applicant's stated purpose is to expand existing commercial facilities on lease lot, Tract 45A, by providing: exterior storage for heavy equipment; exterior space for loading/unloading of heavy equipment; heated storage for parts and equipment.

PROPOSED WORK: Discharge 58,900 cubic yards of clean fill material (pit run-cobble, gravel, sand, silt) onto 7.02 acres of emergent and shrub wetlands. All work would be performed in accordance with the enclosed plan (sheets 1-3), dated November 29 and 30, 2012.

ADDITIONAL INFORMATION:

The following is the applicant's statement regarding the use of the property: "The State of Alaska designated approximately 6 square miles (including the FAA Lands Associated with the Deadhorse Airport) for industrial use under this plat. Thus there is a clear expectation from the State of Alaska dating to May 18, 1970 that the wetland areas around Deadhorse would be available and usable for industrial activity."

The proposal includes the filling of a 50' easement on 45B, between Tracts 45A and 45B.

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.

The following is a summarization of the applicant/agents statements:

a. Avoidance: In general the Deadhorse area is designated by the State of Alaska to be used for industrial purposes. The alternative of selecting another site may have more environmental impacts to fish and wildlife.

b. Minimization: Lot 45B is designated to carry a 200-foot setback from the southerly boundary (nearest) the Sagavanirktok River that cannot be developed. In addition, the applicant proposes to have an undisturbed 15-foot channel to allow runoff from this lot and adjacent lots to the North and East to drain towards the Sagavanirktok River.

c. Compensatory Mitigation: The applicant will pursue compensatory mitigation via an In-Lieu Fee program to compensate for unavoidable environmental impacts.

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.

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

We are currently gathering information regarding these species and have yet to make a determination of effect. Should we find that the described activity may affect

the species listed above, and/or their designated critical habitat, we will follow the appropriate consultation procedures under section 7 of the Endangered Species Act of 1973 (87 Stat. 844). Any comments the U.S. Fish and Wildlife Service or the National Marine Fisheries Service may have concerning endangered or threatened wildlife or plants or their critical habitat will be considered in our final assessment of the described work.

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  
410 WILLOUGHBY AVENUE  
JUNEAU, ALASKA 99801-1795  
PHONE: (907) 465-5321/FAX: (907) 465-5274

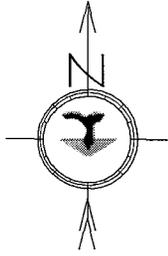
NOTICE OF APPLICATION  
FOR  
STATE WATER QUALITY CERTIFICATION

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-2012-693, Sagavanirktok 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.

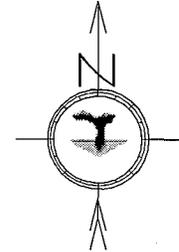
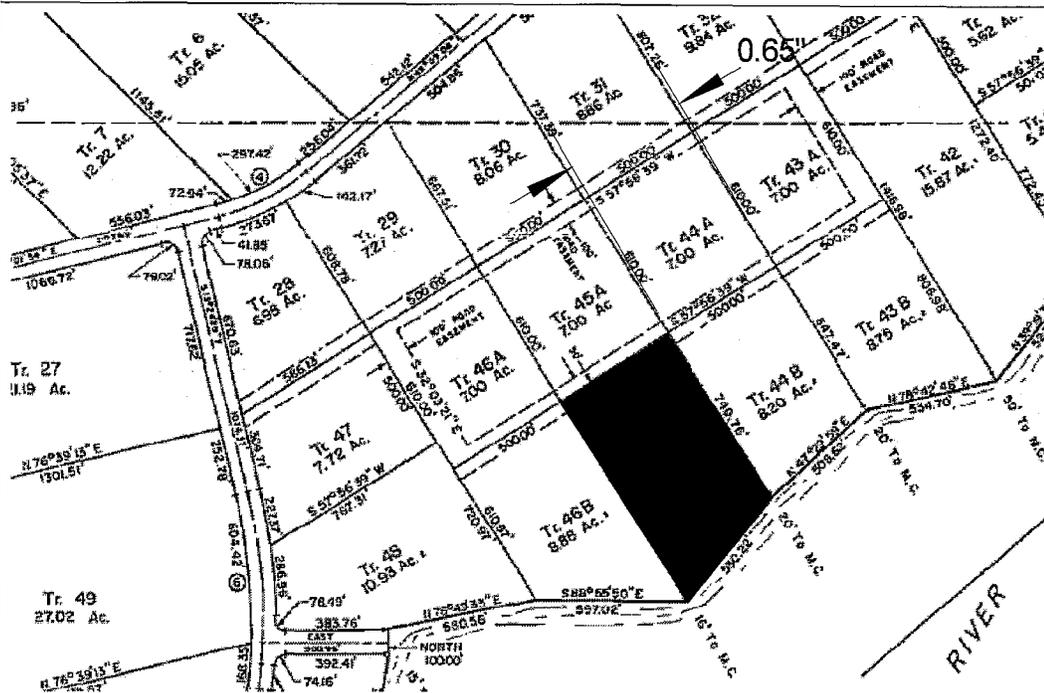
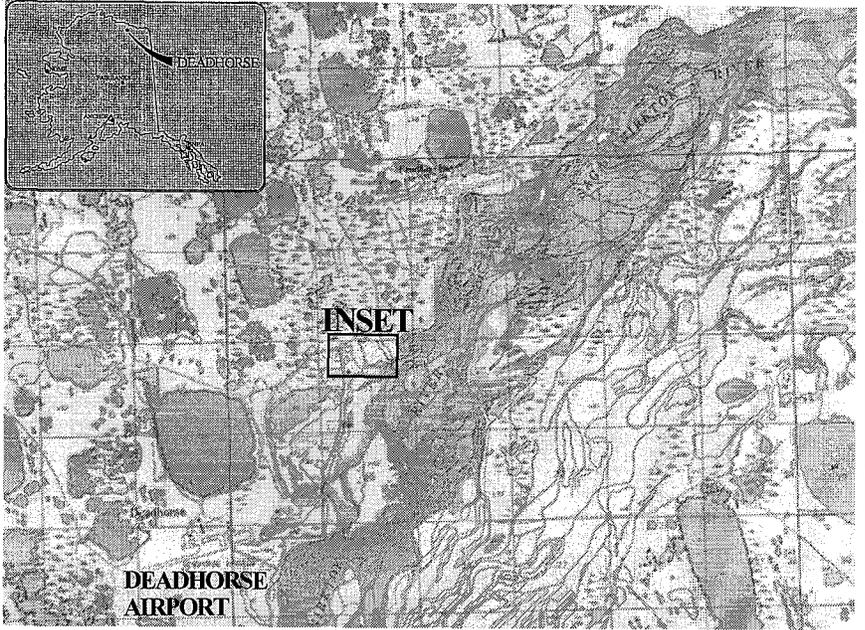
Any person desiring to comment on the project, with respect to Water Quality Certification, may submit written comments to the address above by the expiration date of the Corps of Engineer's Public Notice.



GRAPHIC SCALE



0 1.0 mile 2.0 miles



GRAPHIC SCALE



0 163 ft 325 ft

**SUBJECT PROPERTY**

### AER North Slope Lease Tract 45B

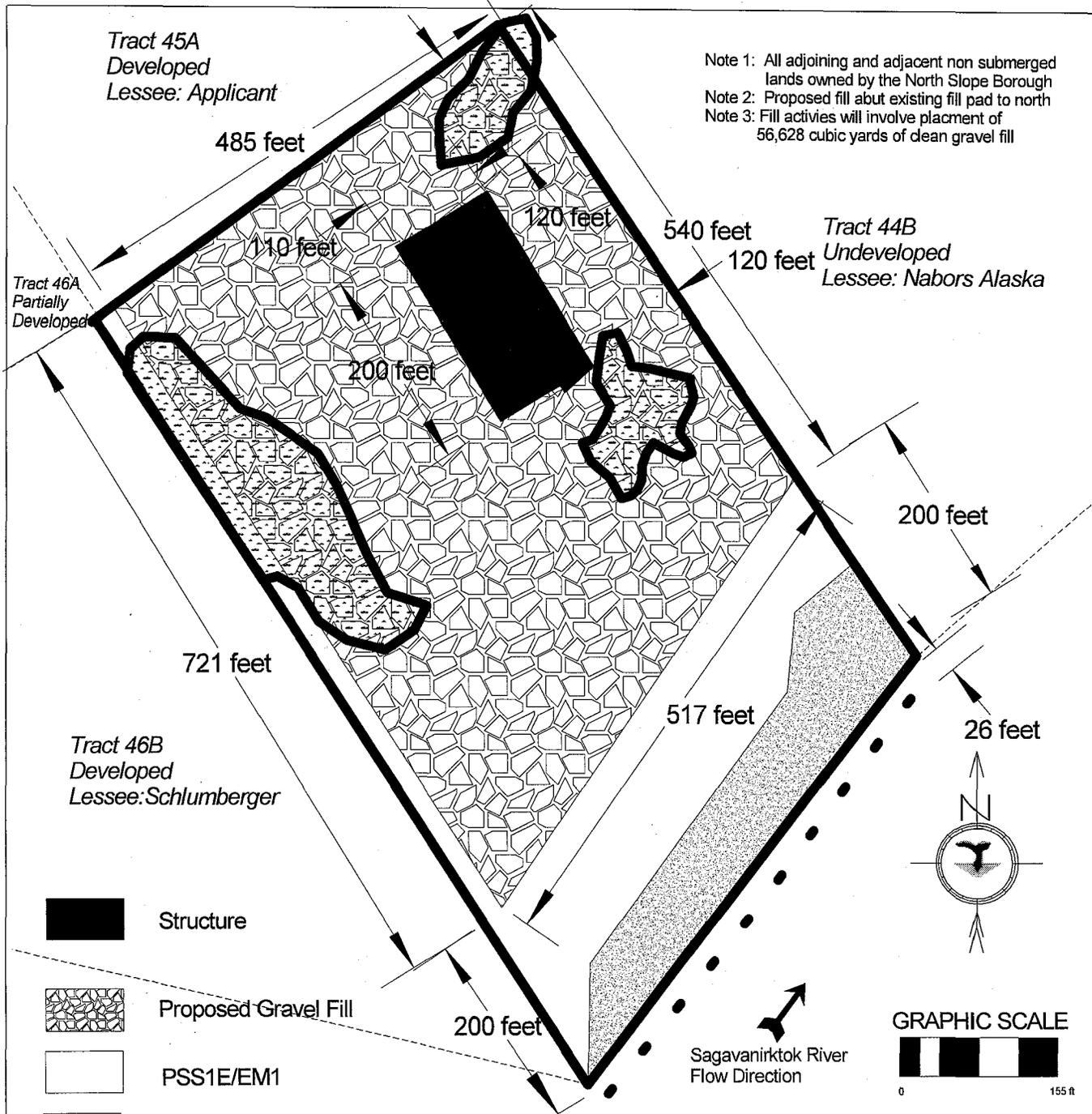
Activity: Project Location and Vicinity Map  
Purpose: Expand AER Deadhorse Equipment Storage Area  
COE File Number: POA-2012-693  
Waterway Name & Number: Sagavanirktok River,  
Date of Drawings: November 29, 2012  
Sheet 1 of 5

TRAVIS/PETERSON ENVIRONMENTAL CONSULTING, INC.  
329 2ND STREET  
FAIRBANKS, ALASKA 99701

PROJECT No: 1106-16

FILE: 1106-16/Sheet 1 of 5.SKF

DATE: 11/29/2012

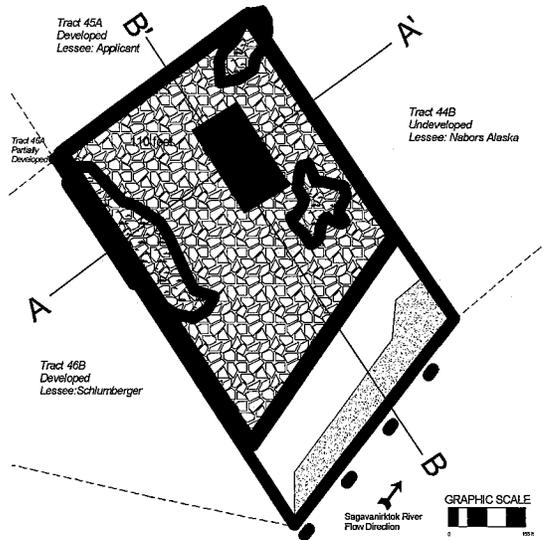


**AER North Slope Lease Tract 45B**

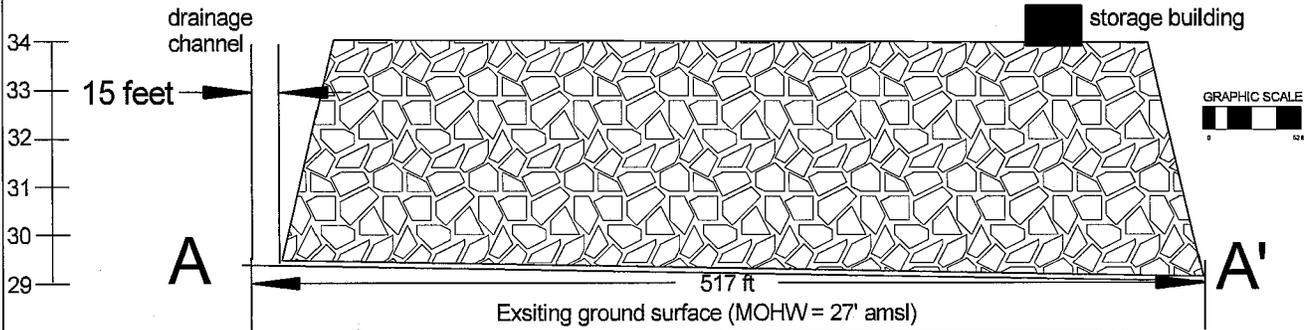
Activity: Proposed Fill Pad Plan View  
 Purpose: Expand AER Deadhorse Equipment Storage Area  
 COE File Number: POA-2012-693  
 Waterway Name & Number: Sagavanirktok River,  
 Date of Drawings: Novmeber 30, 2012  
 Sheet 2 of 3

TRAVIS/PETERSON ENVIRONMENTAL CONSULTING, INC.  
 329 2ND STREET  
 FAIRBANKS, ALASKA 99701

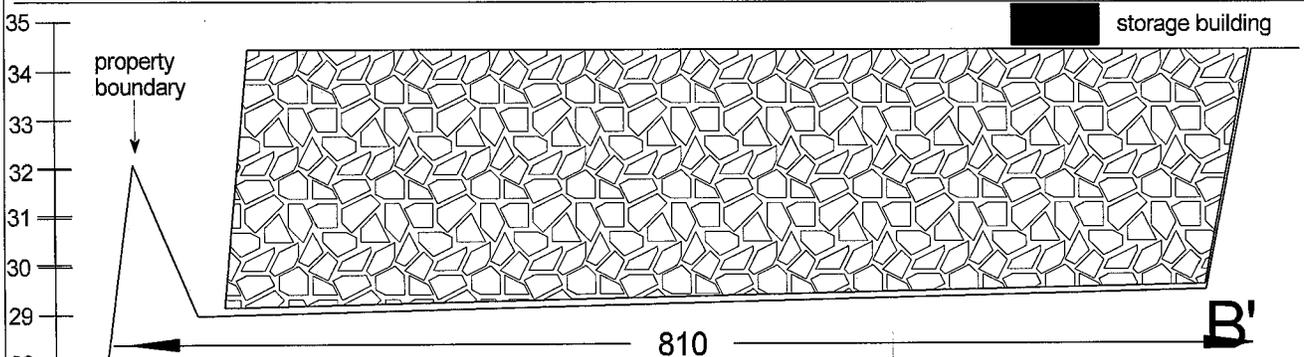
-  Proposed Structure
-  Proposed Gravel Fill
-  PSS1E/EM1
-  PEM1
-  Uplands
-  Property Boundary
-  OHWM Sagavanirktok River



### CROSS SECTION A to A'



### CROSS SECTION B to B'



Fill Thickness approximately 5 feet  
 Fill width A to A' approximately 485 feet  
 Fill width B-B' approximately 513 feet

TRAVIS/PETERSON ENVIRONMENTAL CONSULTING, INC.  
 329 2ND STREET  
 FAIRBANKS, ALASKA 99701

### AER North Slope Lease Tract 45B

Activity: Proposed Development Cross Section View  
 Purpose: Expand AER Deadhorse Equipment Storage Area  
 COE File Number: POA-2012-693  
 Waterway Name & Number: Sagavanirktok River,  
 Date of Drawings: November 30, 2012  
 Sheet 3 of 3