

**U.S. Army Corps of Engineers, Alaska District
PRECONSTRUCTION NOTIFICATION FORM**

May be used instead of Form ENG 4345 to request authorization under a Nationwide Permit (NWP)

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Location of the Proposed Project Site:

Nearest Waterway: West Mikkelsen State 1 is located approximately 500 feet from the Beaufort Sea Coastline.	
Section, Township, Range, and Meridian: Section 32, Township 10 North, Range 19 East, Umiat Meridian	
Latitude and Longitude (Decimal Degrees, NAD-83): Latitude: 70.18358N Longitude: -147.38214 W	
Nearest City: Deadhorse, AK	Subdivision:
Borough: North Slope	USGS Quad(s): Beechey Point A-1 Quad
Driving Directions to Site: It is located off the road system in the Foggy Island Bay/Mikkelsen Bay vicinity, about 25 miles east of Deadhorse, and 7 miles northwest of Badami.	

Project Description:

<p>To ensure your project meets the requirements for a NWP, read all of the NWP General Conditions and Regional Conditions, which can be found on our website at http://www.poa.usace.army.mil/reg/NWPs.htm.</p>
<p>Description of the proposed project, including the area of impacts and the volume of fill material to be used (If there is a NWP that you think would apply to your proposed project, please include that in this section):</p> <p>The Site is a 13.0 acre inactive exploration site undergoing corrective action activities in order to meet closure requirements for the State and the 'Charter for the Development of the North Slope'. No USACE permit currently exists for this Site; however, all remediation activities are expected to occur within the existing pad footprint. The corrective action consists of the classification and excavation of any hydrocarbon impacted material, and primarily capping a previously open reserve pit. After the corrective action is completed, the Site will be rehabilitated (revegetated) in accordance with the approved Rehabilitation Plan (Appendix B) of the Corrective Action and Closure Plan. Please see the attached Plan of Operations and for more information.</p> <p>NWP's which appear applicable to this project are: NWP 20 (Oil Spill Cleanup) NWP 33 (Temporary Construction, Access and Dewatering) NWP 27 (Aquatic Habitat Restoration, Establishment, and Enhancement Activities)</p>

See attached Figures for locations of Areas.

Area Name	Acreage
A	0.51
B	0.86
C	0.75
P1	1.57
P2	0.42
P3	1.15
P4	0.17
P5	0.75
P6	0.94
Reserve Pit	1.86
Overburden Pile	1.28

(The remaining 2.74 acres not included the Areas delineated below are currently occupied by gravel berms.)

Project purpose:

The objective of the corrective action is to provide a stable cap to the reserve pit cap that is currently open. In addition to construction of the cap, any on-site hydrocarbon impacted material will be removed, and the pad re-vegetated in order to receive site closure under the ADEC Solid Waste Program, 'The Charter for Development of the North Slope of Alaska', and to meet eventual lease closure requirements.

Describe any direct and/or indirect adverse environmental effects that may result from the proposed project:

There will not be any adverse environmental impacts from the proposed project as the activities are intended for the remediation and rehabilitation of the Site. The project activities will be carried out within the existing Site footprint with the intention to return the Site to natural conditions. Two alternative main ice roads have been proposed by others. Depending upon which one is selected, there will be either be a ice road (approximately 875-feet) constructed to connect the Site from a main sea ice road to Point Thomson (constructed by others), or a 2.2 mile route connected to the tundra ice road. Ice roads have been shown to have little or no adverse environmental effect. There is a possibility that hydrocarbon impacted materials on Site will be mobilized and transported to an off-site location, but all precautions are being taken to avoid such materials posing a risk to the environment. The Site will be a large construction project, and at cold temperatures there is the potential for a hydraulic or fuel spill; however, all equipment will be operating under cold weather regulations and within the existing and/or permitted Site footprint.

Do you intend to use any other authorizations for any part of the proposed project or any related activity, for example, a NWP, General Permit (GP), or Individual Permit (IP)?

YES or NO

If YES, specify what permit type (NWP, GP, IP) and for what aspect of the project:

NWP-Specifically, the most appropriate appear to be:

NWP 20 (Oil Spill Cleanup)

NWP 33 (Temporary Construction, Access and Dewatering)

NWP 27 (Aquatic Habitat Restoration, Establishment, and Enhancement Activities)

Will your proposed project result in the loss of greater than 1/10 of an acre of wetlands?

YES or NO

If YES, describe how you will satisfy the mitigation requirement in Nationwide Permit General Condition 20 (attached). If

additional space is needed, please attach sheets.

Are there any threatened or endangered species that may be affected by the proposed work or utilize the designated critical habitat that may be affected by the proposed work? Contact USFWS or NMFS...

YES or NO

If YES, list all species:

The corrective action activities are not anticipated to affect or use their critical habitat; however, the Site is located within their extended roaming area. CPAI is coordinating with USFWS and will be conducting polar bear den survey in December 2009.

Are there any historic properties that may be affected by the proposed work?

YES or NO

If YES, state which property or properties may be affected and/or attach a vicinity map indicating the location of the historic property or properties.

Reanier and Associates, Inc conducted a cultural resources assessment in August 2009 and determined that there were no cultural resources in the vicinity of the Site. According to Mr. Richard Reanier, the nearest AHRS sites lie about 0.8 miles to the west, and about 1.6 miles to the east of the Site. These sites lie along the shoreline of Foggy Island Bay, and because of the distances, would not be affected by the proposed CPAI ice road connector routes.

Will the proposed work involve ground disturbing activities?

YES or NO

If YES, attach a short narrative describing the topsoil or organic materials (including seed) that you intend to use for rehabilitation. If you intend to use other locally-obtained native materials, identify the source.

The West Mikkelsen State 1 Rehabilitation Plan is attached (Appendix B). All ground disturbances are expected to occur within the existing footprint of the site.

Attach the following in addition to the above applicable items:

- Drawings of the site and project plans (For more information on acceptable drawings and plans, please visit our website at <http://www.poa.usace.army.mil/reg/permitapp.htm> and click on "Guide to Drawings")
- Delineation of special aquatic sites including wetlands, riffle and pool complexes, sanctuaries and refuges, mudflats, vegetated shallows, and/or coral reefs. You may request a delineation from the Corps. Please visit our website for the Request Jurisdictional Determination from the Corps Form at <http://www.poa.usace.army.mil/reg/JD%20Request%20Form%20Web.pdf>.

Note: If you request a Corps delineation, you may be delayed in receiving authorization for your proposed project.

Application is hereby made for a permit or permits to authorize the work described in this preconstruction notification form. I certify the information in this preconstruction notification form is complete and accurate. I further certify that I possess the authority to undertake the work described herein or am acting as the duly authorized agent of the applicant.

Yuan G. Kendal 11-13-09
SIGNATURE OF APPLICANT DATE

SIGNATURE OF AGENT

DATE

NATIONWIDE PERMIT GENERAL CONDITION 20: MITIGATION

The district engineer will consider the following factors when determining appropriate and practicable mitigation necessary to ensure that adverse effects on the aquatic environment are minimal:

(a) The activity must be designed and constructed to avoid and minimize adverse effects, both temporary and permanent, to waters of the United States to the maximum extent practicable at the project site (i.e., on site).

(b) Mitigation in all its forms (avoiding, minimizing, rectifying, reducing, or compensating) will be required to the extent necessary to ensure that the adverse effects to the aquatic environment are minimal.

(c) Compensatory mitigation at a minimum one-for-one ratio will be required for all wetland losses that exceed 1/10 acre and require pre-construction notification, unless the district engineer determines in writing that some other form of mitigation would be more environmentally appropriate and provides a project-specific waiver of this requirement. For wetland losses of 1/10 acre or less that require pre-construction notification, the district engineer may determine on a case-by-case basis that compensatory mitigation is required to ensure that the activity results in minimal adverse effects on the aquatic environment. Since the likelihood of success is greater and the impacts to potentially valuable uplands are reduced, wetland restoration should be the first compensatory mitigation option considered.

(d) For losses of streams or other open waters that require pre-construction notification, the district engineer may require compensatory mitigation, such as stream restoration, to ensure that the activity results in minimal adverse effects on the aquatic environment.

(e) Compensatory mitigation will not be used to increase the acreage losses allowed by the acreage limits of the NWP. For example, if an NWP has an acreage limit of 1/2 acre, it cannot be used to authorize any project resulting in the loss of greater than 1/2 acre of waters of the United States, even if compensatory mitigation is provided that replaces or restores some of the lost waters. However, compensatory mitigation can and should be used, as necessary, to ensure that a project already meeting the established acreage limits also satisfies the minimal impact requirement associated with the NWP.

(f) Compensatory mitigation plans for projects in or near streams or other open waters will normally include a requirement for the establishment, maintenance, and legal protection (e.g., conservation easements) of riparian areas next to open waters. In some cases, riparian areas may be the only compensatory mitigation required. Riparian areas should consist of native species. The width of the required riparian area will address documented water quality or aquatic habitat loss concerns. Normally, the riparian area will be 25 to 50 feet wide on each side of the stream, but the district engineer may require slightly wider riparian areas to address documented water quality or habitat loss concerns. Where both wetlands and open waters exist on the project site, the district engineer will determine the appropriate compensatory mitigation (e.g., riparian areas and/or wetlands compensation) based on what is best for the aquatic environment on a watershed basis. In cases where riparian areas are determined to be the most appropriate form of compensatory mitigation, the district engineer may waive or reduce the requirement to provide wetland compensatory mitigation for wetland losses.

(g) Permittees may propose the use of mitigation banks, in-lieu fee arrangements or separate activity-specific compensatory mitigation. In all cases, the mitigation provisions will specify the party responsible for accomplishing and/or complying with the mitigation plan.

(h) Where certain functions and services of waters of the United States are permanently adversely affected, such as the conversion of a forested or scrub-shrub wetland to a herbaceous wetland in a permanently maintained utility line right-of-way, mitigation may be required to reduce the adverse effects of the project to the minimal level.