



CIVIL WORKS
108 ARMY PENTAGON
WASHINGTON DC 20310-0108
29 APR 1999

REPLY TO
ATTENTION OF

Honorable Donald Barry
Assistant Secretary for Fish
and Wildlife and Parks
United States Department of the Interior
Washington, D. C. 20240

Dear Mr. Barry:

This is in reply to your letter of April 5, 1999, requesting that I review the proposed decision on the Army Corps of Engineers Alaska District Department of the Army permit to British Petroleum Exploration (Alaska) Incorporated (BPXA). Because your request was made pursuant to our Section 404(q) Memorandum of Agreement, my staff carefully reviewed the concerns raised in your letter, the District's decision documents and draft permit, information provided by the State of Alaska, and information from the applicant. The review also included information gathered during a meeting with representatives from the State of Alaska, BPXA, and the Corps of Engineers and a subsequent meeting with representatives of the U.S. Fish and Wildlife Service (FWS) and the Corps of Engineers. Additionally, follow-up conference calls were held with BPXA, the State of Alaska, and the FWS to ask questions and to clarify our understanding of the information presented at the individual meetings.

While the nearshore area of the Beaufort Sea (specifically Gwydry Bay and Simpson Lagoon) may qualify as an aquatic resource of national importance, we disagree that substantial and unacceptable adverse impacts to the aquatic environment will result with the implementation of the District Engineer's decision to authorize Alternative #2. We considered all of the information presented that was relative to the environmental effects of Alternative #2, Alternative #5 and a Modified Alternative #5 and have concluded that Alternative #2 will have less overall environmental effect on the aquatic ecosystem. Additionally, the full implementation of the twenty-four Special Conditions that will be included as part of the Department of the Army Permit and the 146 specific stipulations imposed on the State of Alaska approvals will also serve to provide protection to the aquatic resource.

In light of these findings, additional review pursuant to the Memorandum of Agreement is not warranted and the District will be allowed to proceed with issuance of the permit. Although we have not agreed to subject this proposed permit to further Corps review, we believe there has been value added to the process through your raising this case to our attention. The face-to-face meetings resulted in a better understanding at the Headquarters and field level about sources of disagreement on the North Slope of Alaska and in the Beaufort Sea and how those may be resolved.

Please do not hesitate to contact me if I can be of further assistance. Should your staff have any questions or comments concerning our decision in this case, please contact me or Mr. Chip Smith, Assistant for Environment and Regulatory Affairs, at (703) 693-3655.

Sincerely,

A handwritten signature in black ink, appearing to read "Joseph W. Westphal". The signature is written in a cursive, flowing style.

Joseph W. Westphal
Assistant Secretary of the Army
(Civil Works)