



US Army Corps  
of Engineers  
Alaska District

# Public Notice of Application for Permit

ANCHORAGE  
Regulatory Division (1145)  
CEPOA-RD  
Post Office Box 6898  
JBER, Alaska 99506-0898

**PUBLIC NOTICE DATE:** January 28, 2014

**EXPIRATION DATE:** February 12, 2014

**REFERENCE NUMBER:** POA-2013-642

**WATERWAY:** Kuskokwim River

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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 Jason Berkner at (907) 753-5778, toll free from within Alaska at (800) 478-2712, by fax at (907) 753-5567, or by email at Jaosn.R.Berkner@usace.army.mil if further information is desired concerning this notice.

**APPLICANT:** Lower Kuskokwim School District

**AGENT:** CRW Engineering Group, LLC.

**LOCATION:** The project site is located in Section 8 & 9, T. 007 N., R. 071W., Seward Meridian; USGS Quad Map Bethel C-8; Latitude 60.70806° N., Longitude 161.76611° W.; on the east bank of the Kuskokwim River, along the Napaskiak Slough, 7 miles southeast of Bethel, in Napaskiak, Alaska.

**PURPOSE:** The applicant's stated purpose is to replace the Napaskiak School's existing sewage treatment lagoon with a new facultative lagoon that will provide sufficient treatment capacity based on the future estimated population of students and faculty.

**PROPOSED WORK:** The applicant proposes to construct a two-cell sewage treatment lagoon for the treatment of domestic wastewater. The lagoon would measure approximately 120,000 square feet (2.8 acres) in area, and be situated entirely in wetlands. The lagoon would be bounded by berms built in 1-foot lifts to create 3:1 interior slopes and 4:1 exterior slopes, with a final height 8 feet above the existing grade. This berm height provides a 3-foot freeboard height above the liquid volume, and a 2-foot depth for sludge storage, in accordance with the ADEC design criteria. With this geometry, the berm construction would require approximately 17,000 CY of granular silt. Approximately 1 foot of organic silt would cap the exterior slopes to be vegetated for erosion control and bank stability.

Based on ADEC design criteria, which requires minimum hydraulic detention times to provide secondary treatment of domestic wastewater, the lagoon's wet surface area would be approximately 1.3 acres. By excavating 2 feet inside the lagoon, a total lagoon depth of 10 feet would be provided from top of berm to floor. To maintain service to the existing school while the new school is being constructed, the new lagoon would be constructed adjacent to the old lagoon. The old lagoon would be closed in accordance with ADEC regulations after its contents are transferred to the newly-commissioned lagoon.

To obtain fill material to construct the lagoon berms, the applicant proposes to utilize locally sourced borrow. The proposed borrow source would measure approximately 600 feet by 375 feet (4.5 acres) in area and be situated entirely in wetlands. Located west of the community runway, the borrow site would be accessed by a haul route of approximately 5,000 feet in length, most of which would be comprised of an ice-road along the Napaskiak Slough. The borrow area would supply the 17,000 CY of granular silt fill required for lagoon construction, and 12,800 CY of material needed for other work associated with the Napaskiak Replacement School Project.

All work would be performed in accordance with the enclosed plan (sheets 1-6), dated October 28, 2013.

ADDITIONAL INFORMATION The proposal is also subject to authorization from the ADEC pursuant to 18 AAC 72.

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 Village of Napaskiak and the entire surrounding area consist of freshwater-emergent or freshwater-forested/shrub wetlands, severely limiting the options for wetland impact avoidance. Three alternatives were considered for treating and disposing of the school's wastewater:

- Expand the existing wastewater lagoon and provide treatment using primary and secondary cells.
- Pump wastewater to an existing community lift station, which would then discharge the wastewater into the community's existing wastewater lagoon.
- Treat the wastewater using advanced membrane bioreactor techniques in an enclosed facility.

1) The first alternative was selected based on treatment reliability and cost-effective operability. The second alternative was dismissed due to concern about operational reliability of the community wastewater facilities. Further, the community wastewater lagoon would need expansion to receive school discharges. The third alternative was eliminated due to high capital and operational costs.

2) As an alternate to impacting wetlands for development of a local borrow source, the import of fill material from an upriver gravel supplier was considered. However, due to its estimated cost, this option was deemed not practicable.

b. Minimization: The dimensions of the proposed sewer lagoon provide the smallest footprint area that would meet ADEC design requirements, while providing stable embankment construction using local soil materials. The groundwater elevation limits the depth below grade to which the lagoon floor can be established.

The borrow source was sized to provide a single borrow source for the entire overall Napaskiak Replacement School Project. To use this fill source, excavation would need to occur during the winter season, when frozen soils can support heavy equipment and also prevent significant water infiltration. It is anticipated that this pit would fill with water during the warm season and become a shallow ponded wetland area, limited to 6 feet in depth.

Additional efforts to minimize adverse effects to wetlands have been incorporated into the lagoon and borrow source construction plan. During construction, equipment would be mobilized from the barge landing or would be transported from Bethel to project areas after freeze-up to protect wetlands outside of the borrow area and work areas.

Any leveling required for access would be performed above the frozen ground by plowing snow. No grading of the existing surface or filling of access routes would occur. Existing vegetation would not be removed or damaged unless absolutely necessary. The peat and vegetative mat from the borrow area would be cleared and stockpiled for use as the capping material for all disturbed areas. Disturbed areas would be stabilized and reseeded as soon as practical.

c. **Compensatory Mitigation:** The applicant has indicated the proposed action would facilitate construction of a new school facility for the community, and improve water quality and public health by preventing exposure to the wastewater. The applicant regards compensatory mitigation as unnecessary because of the project's perceived long term benefits to public health and the environment.

**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 three registered or eligible properties, designated BTH-00007, BTH-00009, and BTH-00170, in the vicinity of the permit area (33 CFR 325 App. C). The permit area includes the worksite footprints of the proposed sewer lagoon, the new proposed school, the proposed borrow source, and the wetlands and uplands immediately adjacent to these footprints. Properties BTH-00009, and BTH-00170 are located outside of the permit area, therefore consultation over these properties will not be undertaken. We have made an initial determination that BTH-00007 lies within the permit area, therefore a determination of effect will be made for this property in consultation with the State Historic Preservation Officer (SHPO). Consultation of the AHRS constitutes the extent of cultural resource investigations by the District Commander at this time. Any comments the 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 two species listed as threatened; the Steller's eider (*Polysticta stelleri*) and the Spectacled eider (*Somateria fischeri*). We have determined the described activity may affect these species and/or their designated critical habitat. We will initiate the appropriate consultation procedures under section 7 of the Endangered Species Act with the U.S. Fish and Wildlife Service. 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).

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-2013-642, Kuskokwim 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.