



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-2013-643

**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, 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 construct a state compliant (18 AAC 60) monofill for disposal of inert debris resulting from the demolition of the existing Napaskiak School.

**PROPOSED WORK:** The proposed monofill would provide disposal for inert construction debris from the demolition of existing school buildings. The monofill would measure approximately 200 feet by 275 feet (1.3 acres), and be situated entirely in wetlands. The monofill disposal materials would be collected and compacted, and all materials would be covered with a cap consisting of 24 inches of granular and organic silt. The top 6 inches of the cap would be seeded to encourage revegetation. Willow shoots would also be planted at 3 feet on-center in both directions over the top of the closed monofill. The cap would be constructed of approximately 5,000 CY of granular and organic silt. Project construction is proposed to begin in May 2014 and be completed by December 31, 2016. All work would be performed in accordance with the enclosed sheets (1-4), and plan dated October 28, 2013.

ADDITIONAL INFORMATION: The proposal is also subject to authorization from the ADEC pursuant to 18 AAC 60.

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: As an alternate to developing a local monofill, the applicant considered hauling the demolition debris to an existing approved disposal location outside the community. Due to its estimated transportation cost, this option was deemed not practicable. A local site was therefore pursued. The Village of Napaskiak and the entire surrounding area consist of freshwater-emergent or freshwater-forested/shrub wetlands, making wetland avoidance not practicable.

b. Minimization: The dimensions of the proposed monofill provide the smallest footprint area that would meet ADEC design requirements. Additional efforts to minimize adverse effects to wetlands have been incorporated into the 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 inert waste. 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) or area of potential effects. The permit area includes the worksite footprints of the existing school and proposed monofill, and the wetlands and uplands immediately adjacent to the 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-2013-643, 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.