



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

<b>PUBLIC NOTICE DATE:</b>	<b>March 13, 2014</b>
<b>EXPIRATION DATE:</b>	<b>April 14, 2014</b>
<b>REFERENCE NUMBER:</b>	<b>POA-2014-31</b>
<b>WATERWAY:</b>	<b>Klawock Inlet</b>

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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 Ms. Amanda Whittier by email at [Amanda.L.Whittier@usace.army.mil](mailto:Amanda.L.Whittier@usace.army.mil) or by phone (907) 753-5582, toll free from within Alaska at (800) 478-2712, or by fax at (907) 753-5567, if further information is desired concerning this notice.

**APPLICANT:** Klawock Heenya Corporation, P.O. Box 129, Klawock, AK 99925; (907) 755-2270; Point-of-Contact: Ms. Mary Edenshaw.

**AGENT:** Southeast Roadbuilders, Inc., HC 60, Box 4800, Haines, AK 99827; (907) 766-2833; Point-of-Contact: Mr. Kelly Dean Nickerson.

**LOCATION:** The project site is located within Section 10, T. 73 S., R. 81 E., Copper River Meridian; USGS Quad Map Craig C-4; Latitude 55.5659° N., Longitude 133.0777° W.; in Klawock, Alaska.

**PURPOSE:** The applicant's stated purpose is a five year plan to expand the existing sand and gravel source; the applicant also states that the overburden would be utilized to reclaim the material source in an effort to return the land back to wetland condition type.

**PROPOSED WORK:** The applicant proposes a five year plan to excavate 8.5 acres of wetlands to expand the existing sand and gravel source. After the sands and gravels have been excavated, the excavated areas would be back filled with 75,000 cubic yards (CY) of muskeg/overburden and 5,000 CY of clay. An existing man made pond of 2 acres would also be back filled. The excavated areas would be back filled to an elevation that would prevent large ponds from forming. All work would be performed in accordance with the enclosed plan (sheets 1-3), dated January 13, 2014.

**ADDITIONAL INFORMATION:** The applicant has applied for an APDES permit from the Alaska Department of Environmental Conservation on September 2013.

**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: Due to the nature of the activity, expanding an existing sand and gravel source, avoiding impacts to wetlands was not possible.

b. Minimization: The applicant states in an effort to minimize impacts to waters a perimeter ditch would be constructed around the expansion area. This would prevent excessive water from entering the work site and the surface water would be able to avoid the disturbance of the excavation area and remain clean. The perimeter ditch would also minimize the amount of dirty water in the work area that would need to be treated.

c. Compensatory Mitigation: The applicant does not believe that compensatory mitigation would be necessary because the applicant is proposing to recreate the wetlands currently proposed to be impacted and to reclaim already disturbed areas to a wetland type condition.

The majority of the material necessary to recreate the wetland would be generated on site with the use of salvaged overburden which would be used to recreate the uppermost layer of all of the newly constructed wetland areas. Other materials used as fill materials would be from on site areas of unsuitable material that would be encountered during the aggregate extraction process. Additionally, other overburden materials from the immediate Klawock area may be used to make up the difference between the overburden materials generated on site and the fill material needed to bring the new wetlands up to the proper elevation. The hydrology would be maintained by mimicking the existing conditions. The reclamation plan would involve duplicating the current conditions of a relatively flat profile with minor undulations in the surface, only at a lower elevation than what is existing. The existing upper soil layer would be salvaged in order to make up the upper soil layer of the newly constructed wetlands with the intent that this soil layer would support similar plant growth as to what is currently at the site. Along with that, the applicant proposes to transplant cuttings from the adjacent area to the newly constructed wetlands in an effort to promote these native species. The site would be monitored on a yearly basis for up to 5 years in an effort to assure that the native species are healthy. During this 5 year time period, if the native species are struggling, additional plants would be transplanted from adjacent lands.

**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 site is not within the known range of any threatened or endangered species or designated critical habitat.

**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

## JUNEAU

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-2014-31, Klawock Inlet**, 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.