



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

PUBLIC NOTICE DATE:	April 9, 2015
EXPIRATION DATE:	May 8, 2015
REFERENCE NUMBER:	POA-2003-473-M1
WATERWAY:	Ikroavik Lake

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 Janet Post at (907) 753-2831, toll free from within Alaska at (800) 478-2712, by fax at (907) 753-5567, or by email at janet.l.post@usace.army.mil if further information is desired concerning this notice.

APPLICANT: North Slope Borough, NSB CIPM PO Box 350, Barrow AK 99723 907-852-0489

AGENT: UMIAQ, Whitney Moretti, 6700 Arctic Spur Road, Anchorage, AK 99518 907-677-8220

LOCATION: The project site is located within Section 24, T. 22 N., R. 18 W., Umiat Meridian; USGS Quad Map Barrow A-4; Latitude 71.2419° N., Longitude 156.5536° W.; 5 miles southeast of Barrow, Alaska.

PURPOSE: The existing Class 2 freezeback solid waste landfill is at capacity and requires expansion to maintain uninterrupted solid waste disposal services for Barrow. The Barrow Landfill was designed with the assumption that the Thermal Oxidation System (TOS), an incinerator, would be operational and reduce the volume of fill entering the landfill. Cell 1 of the landfill has prematurely filled due to the TOS explosion in 2009 with sporadic operation since. Large Barrow cleanup projects have also consumed space in the landfill earlier than expected. The existing landfill needs to

formally transition to Phase II and Phase III of development. This includes closure of Active Cell 1, completion of Active Cell 2, construction of a supporting working pad (Cell 3), and construction of Cell 4. Supplemental activities include installation of thermal monitoring wells for Cell 2 and updating wells for Cell 1. The landfill perimeter fence has become damaged from drifting snow and will also need to be repaired.

PROPOSED WORK: The applicant proposes to place 62,000 cubic yards of clean gravel fill material into 8.5 acres of wetlands. Twelve phases of development exist for this landfill. This project would construct the infrastructure for Phase II and Phase III, described as follows:

Phase I - Currently Cell 1 is full. Cell 2 is currently serving as the working pad for gravel cover and snow storage and the active cell for waste placement (Thus the need for the new expansion as soon as possible.)

Phase II: Construct Cell 3 as the new working pad for gravel cover and snow storage. Officially close Cell 1. Construct additional berms for Cell 2 to be finalized as the active waste placement cell.

Phase III: Construct Cell 4 to become the new active cell in the future. Cell 3 will remain the working pad. Officially close Cell 2 when it is full.

Fill Quantities/Area

The table below shows the area and volume of fill estimated for each of the project components. Gravel for the project would come from an approved gravel source.

	Volume (cubic yards)	Acres
Phase II (Cell #3)	20,900	4
Phase III (Cell #4)	41,100	4.5
Total	62,000	8.5

Schedule

Phase II of this project is proposed to begin in May 2015 and anticipated to be substantially completed in October 2015 depending on weather conditions. If funded, Phase III would be constructed simultaneously with Phase II and if it is not funded at this time, then Phase III would be constructed 3-5 years in the future.

All work would be performed in accordance with the enclosed plan (sheets 1-4), dated 1/9/2015.

ADDITIONAL INFORMATION: The entire 55-acre landfill was previously permitted by the USACE in 2003; however the permit expired before completion of the work.

The applicant will also be applying for the following permits: Alaska Department of Environmental Conservation MSW Permit; North Slope Borough LMR Permit.

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:

Barrow is isolated for 10 months of the year from ground transportation. Barges serve the Barrow vicinity during a two month window while the Arctic Ocean ice has receded. The new landfill was needed because the United States Environmental Protection Agency and Alaska Department of Environmental Conservation (ADEC) determined that the existing landfill was an environmental hazard and must be closed. A site selection study by Montgomery Watson in 2000 identified and examined five potential landfill sites in the Barrow vicinity to replace the original one from the 1950's. The scope included mapping physical, regulatory, economic, community constraints, and off-site disposal. Frequent removal of solid waste to a regional landfill was found not practical as the costs are much greater than local, permanent, solid waste storage. The site selection process included public involvement and the current site scored the highest for the following reasons: relatively high and drier ground than the other sites, surface water drains north and away from Ikroavik Lake (a popular subsistence area), the site is not upwind from of any water source lakes, close proximity to a gravel pit for construction and final closure materials, and would minimally affect visible aesthetics. The landfill is located four miles inland and away from areas subject to coastal flooding; eliminating the risk of flooding and contaminating the surrounding area. Designed as a freezeback landfill, the preserved permafrost underneath acts as an impermeable liner to contain leachate. The dikes surrounding the landfill will ensure no impacts to surrounding surface waters if vehicles leak. As the current landfill site is platted and complete design has been investigated and approved by various entities, no other location is practicable for solid waste storage expansion at this time.

b. Minimization:

Construction:

This project proposes opening only those cells that are projected to be needed by the Barrow landfill in the near future based on waste stream calculations and backed up by realized waste stream amounts from current operations since the landfill opened in 2007. The lateral expansion as proposed in Phase II and III will also minimize unavoidable impacts by placing culverts of sufficient size to effectively maintain the small amount of northward-flowing drainage under the landfill access road and avoid impounding water to the south of the landfill.

Design has also reduced the project footprint using a 2:1 slope for the working pads, access road, and dikes to minimize the amount of fill. As requested by the United States Fish & Wildlife Service (USFWS) the landfill design and operational measures reduce wildlife access to the landfill, thus reducing the numbers of predators attracted to eider nesting areas. Additionally, in order to avoid potential impacts to migratory birds no fill placement shall occur on undisturbed tundra during the nesting season recognized by USFWS as being 1 June - 10 August in the Arctic Region.

Operations:

Operations will continue to mitigate impacts as described in the 2003 New North Slope Borough Landfill Environmental Assessment. Wastes are to be screened for hazardous materials and presorted in combustibles and non-combustibles. The combustibles and organic wastes will be incinerated at the Thermal Oxidation System when operation is available. Fill material shall be placed as cover each day the landfill receives waste, except when weather prevents such operations. When operations are suspended due to weather, daily cover will be placed as soon as climatic conditions permit. No wastes will be landfilled until weather permits normal operations to continue. After operations return to normal, cover material will be spread once incoming waste is deposited and compacted.

Daily closure activities shall include verifying all waste is covered with minimum cover material, parking equipment in building, and/or plugging equipment into the bull rail and locking the facility. The applicant shall continue to record on specific data sheets, up to a maximum of two days per week, the presence or absence of wildlife inside the landfill fence on each day that garbage is delivered to the landfill. On garbage delivery days, two counts will be made. The operator shall continue to prepare an Annual Report, summarizing observations of wildlife in the vicinity of the landfill from January 1 to December 31. The report shall be provided to the USFWS Fairbanks office no later than February 28 of the following year. This report will also be sent to USDA Wildlife Services, Alaska Department of Fish and Game, and the NSB Department of Wildlife Management. If monitoring indicates significant numbers of predators are foraging on organic waste at the landfill, the NSB and USFWS will cooperatively develop means to reduce such activity. The concern about increased human access and activity is managed by restricting entrance on the landfill to authorized individuals. Human Activity will also be limited by scheduling travel to the landfill at least twice per week and restricting all landfill entrance by the security gate when authorized personnel are not present.

Compensatory Mitigation:

The proposed project would permanently impact 8.5 acres of Palustrine Emergent Persistent Semi permanently Flooded (PEM1F) wetlands. These wetlands are plentiful in the Barrow area and on the North Slope of Alaska, and therefore are not unique. Furthermore, the wetlands in the project area are already bounded on all sides by existing landfill infrastructure. An existing access road runs the perimeter of the landfill and waste placement activities are occurring to the south of the proposed new cells.

Compensatory mitigation may not be appropriate as this project was previously evaluated thoroughly in an Environmental Assessment (EA) resulting in a Finding of No Significant Impact (FONSI), permitted by USACE under POA-2003-473 with no mitigation fee, and USFWS determined the action was unlikely to violate section 7(a)(2) of the Endangered Species Act of 1973.

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 area is within the known or historic range of the Steller's eider (*Polysticta stelleri*) and spectacled eider (*Somateria fischeri*). A Biological Opinion was issued by the USFWS Fairbanks on December 1, 2003.

We have determined the described activity may affect the Steller's eider (*Polysticta stelleri*) and spectacled eider (*Somateria fischeri*). 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. We have determined the described activity would not adversely affect EFH in 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. **2003-473, Ikroavik Lake**, 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.