



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: May 3, 2017
EXPIRATION DATE: May 18, 2017
REFERENCE NUMBER: POA-1985-725-M8
WATERWAY: Yukon River

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 Jeremy Grauf at (907) 753-2798, toll free from within Alaska at (800) 478-2712, by fax at (907) 753-5567, or by email at Jeremy.Grauf@usace.army.mil if further information is desired concerning this notice.

APPLICANT: Maurice McGinty, City of Nulato, Post Office Box 65009, Nulato, Alaska 99765, (907) 898-2205, nulatotreasurer@gmail.com

LOCATION: The project site is located within the ordinary high water mark of the Yukon River near the confluence of the Nulato River, Latitude 64.7072° N., Longitude 158.1429° W, near Nulato, Alaska.

SPECIAL AREA DESIGNATION: The project is located within the Yukon River, which is a Navigable Water of the United States and an anadromous water. The project is also located adjacent to the Innoko National Wildlife Refuge.

PURPOSE: The applicant's stated purpose is to excavate gravel for road and public facilities maintenance.

PROPOSED WORK: The applicant is proposing to excavate 60,000 cubic yards of gravel fill material during the first year and 20,000 cubic yards of gravel material annually for four years

thereafter from an area approximately 3,400-feet by 350-feet (27.3 acres). All work would be performed in accordance with the enclosed plan (sheets 1-4), dated May 3, 2017.

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: There are no practicable alternative gravel sources for the City of Nulato that does not impact waters of the United States.

b. Minimization: To minimize unavoidable impacts to waters of the United States the applicant has proposed the following:

1. Vegetated portions of gravel bars and river banks would be avoided.
2. Existing shoreline vegetation would remain undisturbed except for vehicle corridor allowance.
3. No equipment would encroach upon any active flow channel of the river or its tributaries, nor would any such channel be blocked, diverted, or re-channeled.
4. No fuel, lubricant, or hazardous material storage, refueling, or service of equipment would occur below the ordinary high water mark of the river or in adjacent wetlands.
5. The use of explosives would be prohibited.
6. No dredged material would be removed below the depth of the water table of the river.
7. No material processing would be performed on the floodplain or in adjacent wetlands.
8. Following the completion of gravel removal operations each season, and prior to spring river breakup, the dredged area would be contoured to eliminate any pits or berms which may entrap fish, and gradually sloped to drain towards the active river channel.

c. Compensatory Mitigation: Due to the minimal development within the watershed of the proposed project and because most of the proposed work would be a section 10 of the Rivers and Harbors Act impact, the applicant has not proposed a compensatory mitigation plan for the proposed project.

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 cultural resources in the permit area or within the vicinity of the permit area. The permit area has been determined to be the entire project area. Consultation of the AHRs constitutes the extent of cultural resource investigations by the Corps of Engineers (Corps) at this time, and we are otherwise unaware of the presence of such resources. The Corps has made a No Potential to Cause Effects determination for the proposed project, because the proposed project would occur within a location that has previously been extensively modified.

Consultation with the State Historic Preservation Office (SHPO) is not required, however, 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: According to IPaC, no threatened or endangered species are known to use the project area.

We have determined the described activity would have no effect on any listed or proposed threatened or endangered species, and would have no effect on any designated or proposed critical habitat, under the Endangered Species Act of 1973 (87 Stat. 844). Therefore, no consultation with the U.S. Fish and Wildlife Service or the National Marine Fisheries Service (NMFS) is required. However, 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).

The project area is within the known range of Chum Salmon (*Oncorhynchus keta*), Chinook Salmon (*Oncorhynchus tshawytscha*), and Whitefishes (Undifferentiated).

We have determined the described activity would not adversely affect EFH in the project area, because the proposed work would not be conducted below the water table of the Yukon River and because of the applicants proposed minimization measures.

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 authorities:

(X) Perform work in or affecting navigable waters of the United States – Section 10 Rivers and Harbors Act 1899 (33 U.S.C. 403).

(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).

Project drawings and a Notice of Application for State Water Quality Certification are enclosed with this Public Notice.

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

ANCHORAGE

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-1985-725-M8, Yukon River**, serves as application for State Water Quality Certification from the Department of Environmental Conservation.

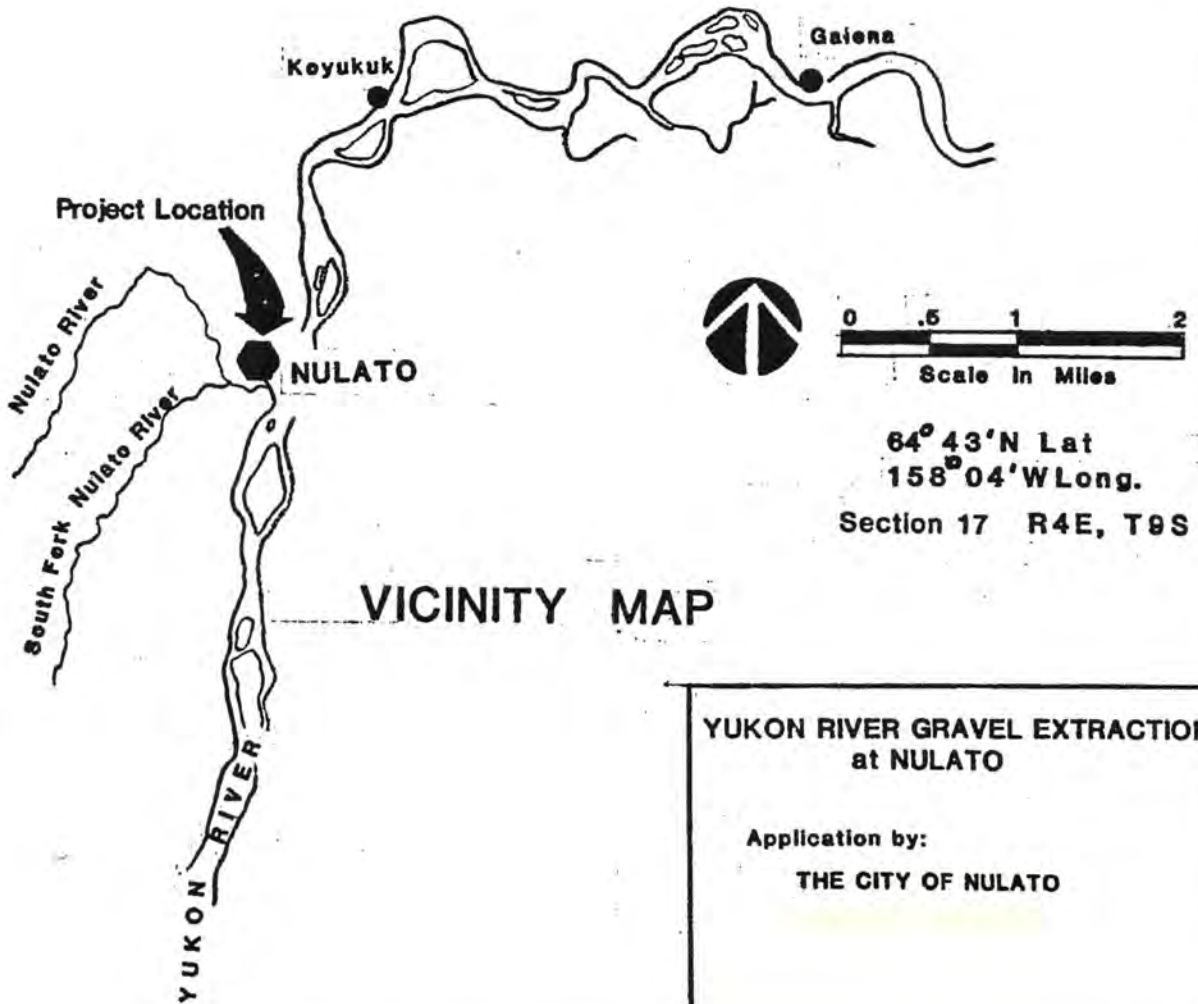
After reviewing the application, the Department may certify there is reasonable assurance the activity, and any discharge that might result, will comply with the Clean Water Act, the Alaska Water Quality Standards, and other applicable State laws. The Department also may deny or waive certification.

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.

DATUM: 1953 USGS MAP
NULATO, ALASKA, (C-5)

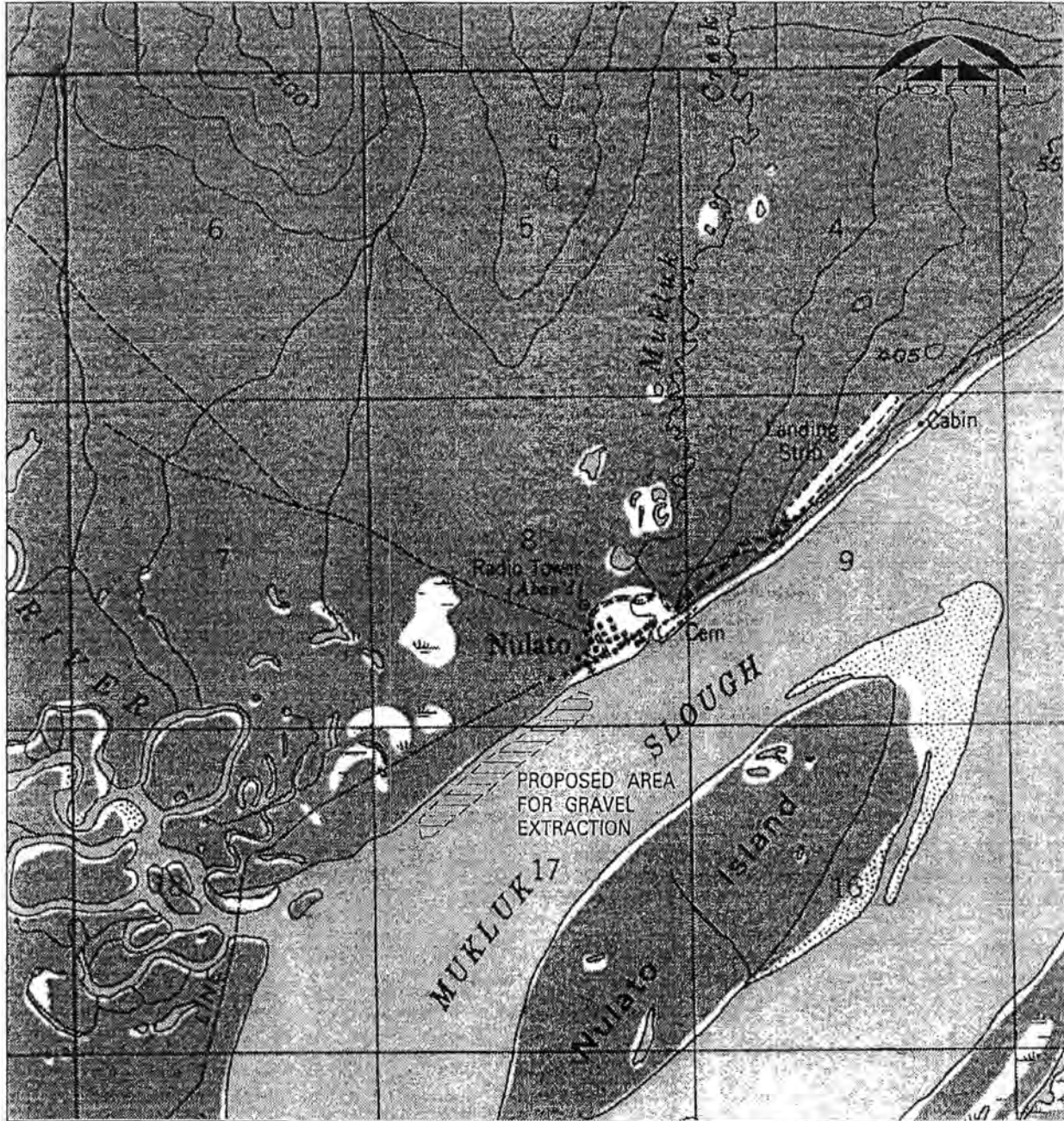
Nulato is located 305 air miles west of Fairbanks on the Yukon river, and 25 miles downstream from Galena.

Elevation of Nulato is 200 feet above mean sea level.



**YUKON RIVER GRAVEL EXTRACTION
at NULATO**

Application by:
THE CITY OF NULATO



PURPOSE: PROPOSED GRAVEL EXTRACTION

DATUM: ASSUMED

ADJACENT PROPERTY OWNERS: GANA - A'YOO, LTD.
PO BOX 38
GALENA, ALASKA 99741

DEPARTMENT OF NATURAL RESOURCES
DIVISION OF LANDS
3700 AIRPORT WAY
FAIRBANKS, ALASKA 99709

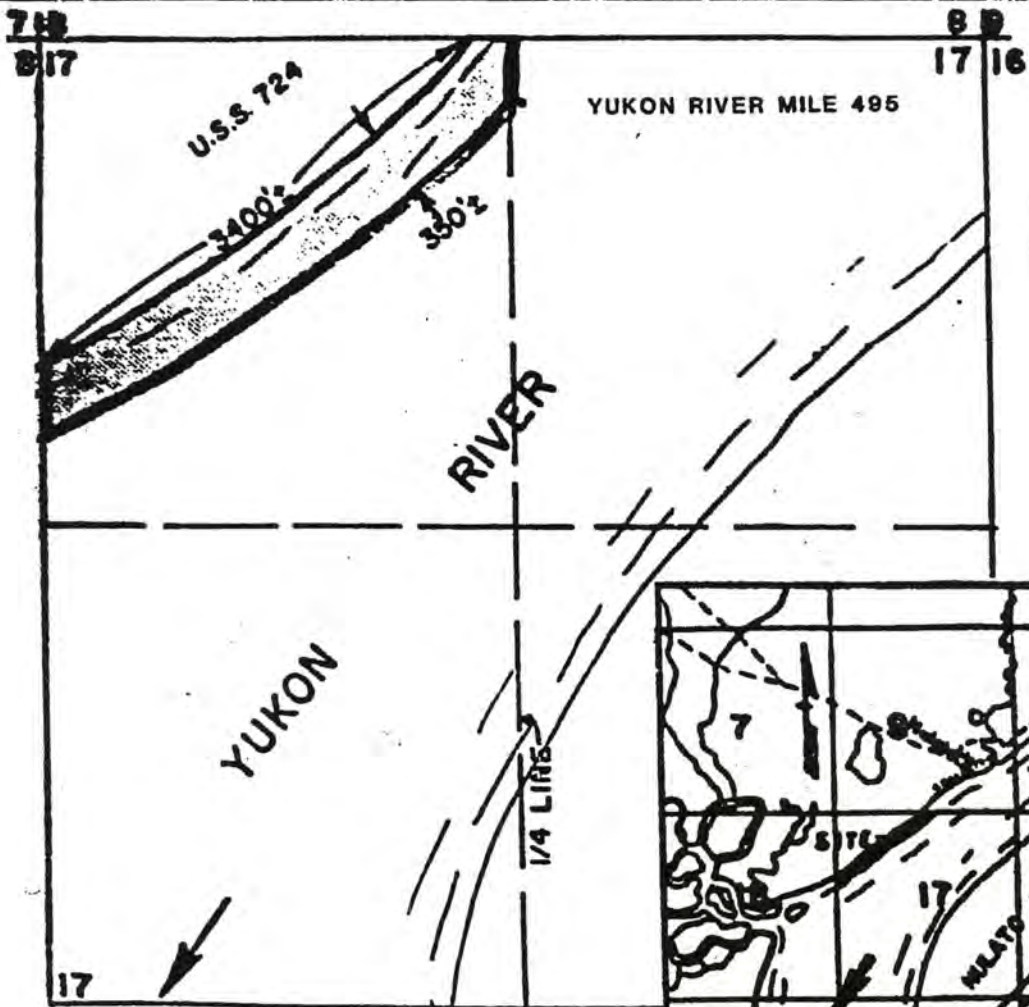
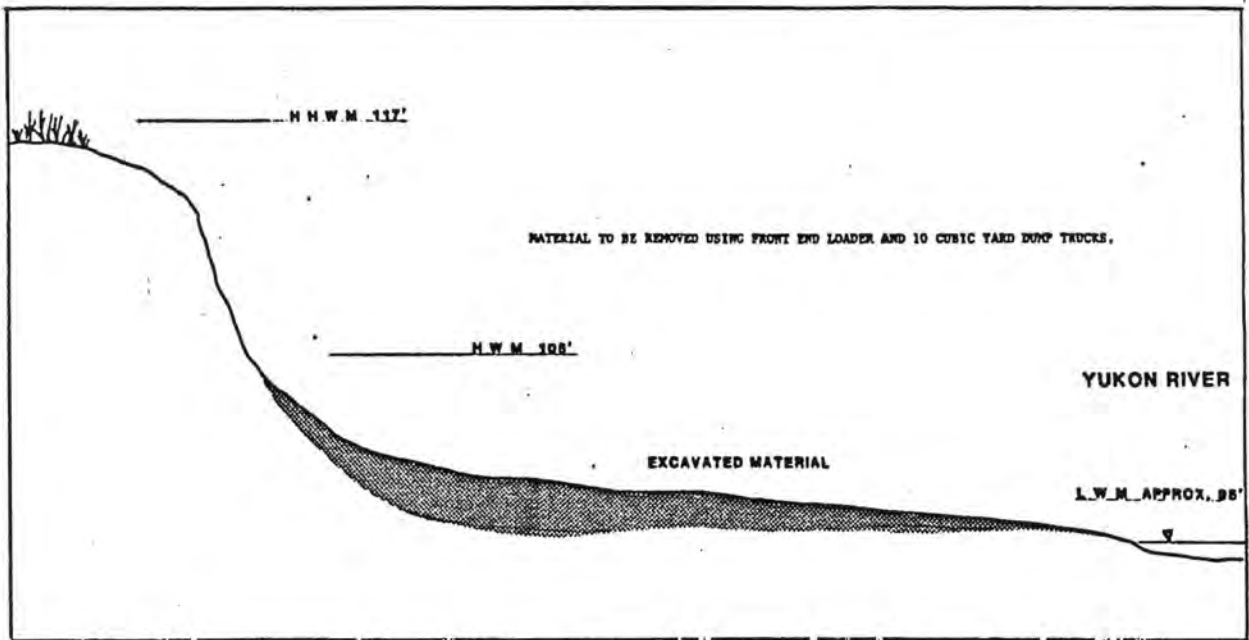
GRAVEL EXTRACTION PLAN

SCALE IN MILES

PROPOSED GRAVEL EXTRACTION
COMMUNITY INFRASTRUCTURE DEVELOPMENT
SECTIONS 8 & 17, T.9S., R.4E., K.R.M.

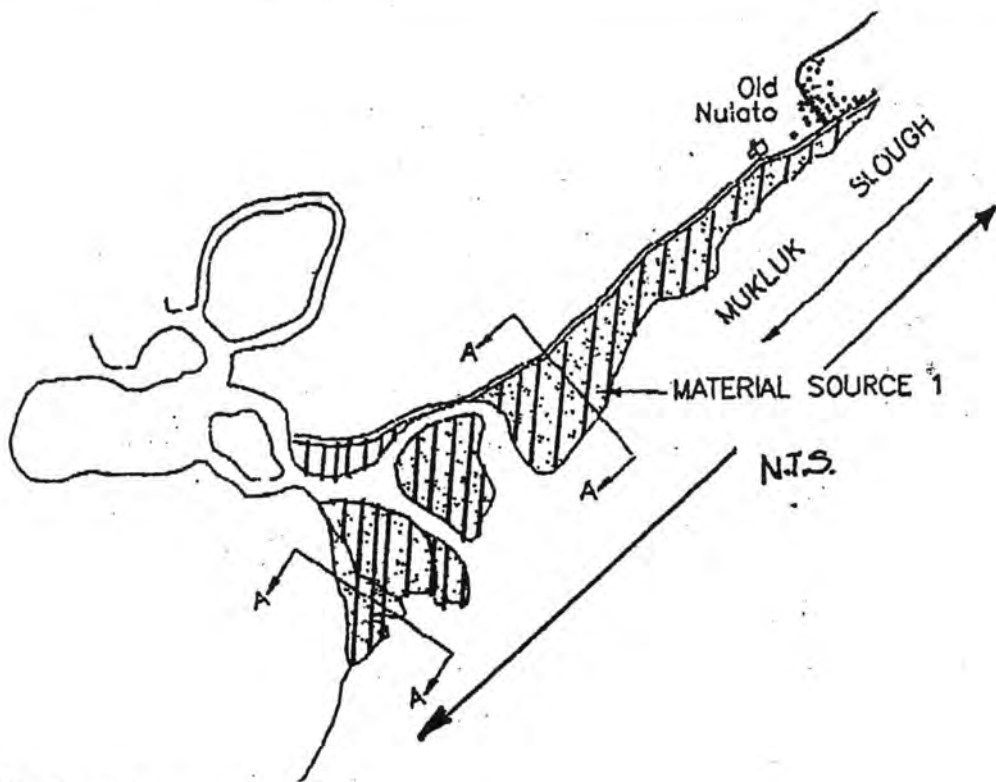
IN: YUKON RIVER
AT: NULATO, ALASKA
LOCATION: NULATO, ALASKA
APPLICATION BY: CITY OF NULATO

SHEET 1 OF 1 DATE: 1-28-94



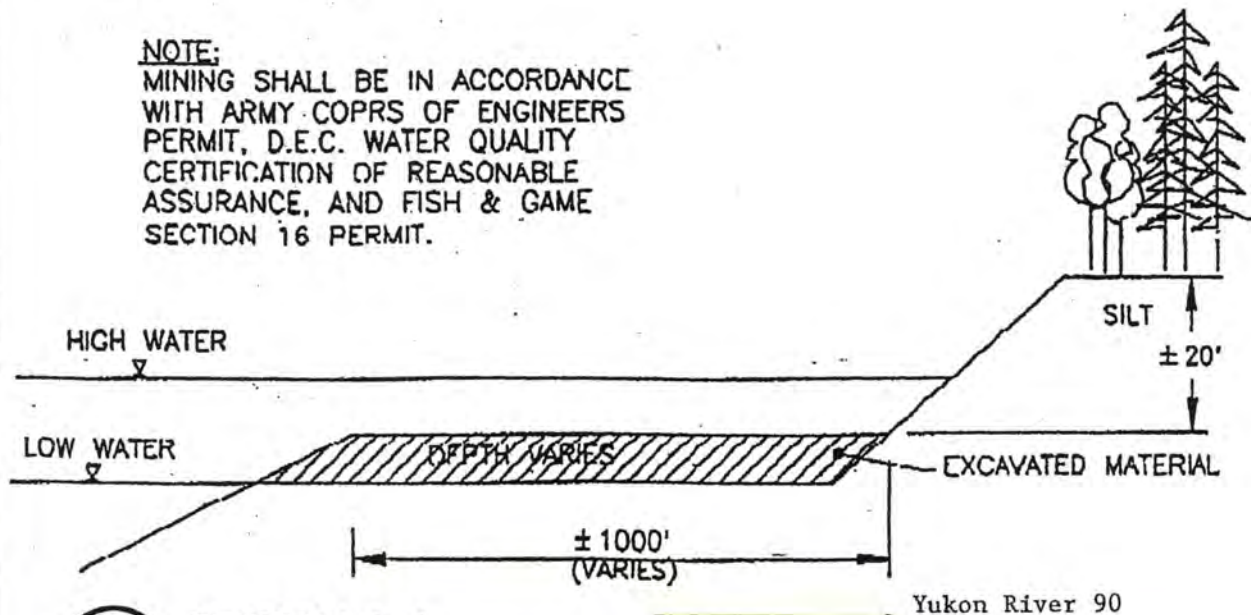
YUKON RIVER GRAVEL EXTRACTION at NULATO

Application by: THE CITY OF NULATO
NULATO, ALASKA



1 PLAN
2 NO SCALE

NOTE:
MINING SHALL BE IN ACCORDANCE
WITH ARMY COPRS OF ENGINEERS
PERMIT, D.E.C. WATER QUALITY
CERTIFICATION OF REASONABLE
ASSURANCE, AND FISH & GAME
SECTION 16 PERMIT.



2 SECTION A-A
2 NO SCALE