

**U.S. ARMY CORPS OF ENGINEERS  
APPLICATION FOR DEPARTMENT OF THE ARMY PERMIT**  
33 CFR 325. The proponent agency is CECW-CO-R.

USACE  
**RECEIVED**  
DEC 13 2016

Form Approved -  
OMB No. 0710-0003  
Expires: 31-AUGUST-2013

Public reporting for this collection of information is estimated to average 11 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of the collection of information, including suggestions for reducing this burden, to Department of Defense, Washington Headquarters, Executive Services and Communications Directorate, Information Management Division and to the Office of Management and Budget, Paperwork Reduction Project (0710-0003). Respondents should be aware that notwithstanding any other provision of law, no person shall be subject to any penalty for failing to comply with a collection of information if it does not display a currently valid OMB control number. Please DO NOT RETURN your form to either of those addresses. Completed applications must be submitted to the District Engineer having jurisdiction over the location of the proposed activity.

**PRIVACY ACT STATEMENT**

Authorities: Rivers and Harbors Act, Section 10, 33 USC 403; Clean Water Act, Section 404, 33 USC 1344; Marine Protection, Research, and Sanctuaries Act, Section 103, 33 USC 1413; Regulatory Programs of the Corps of Engineers; Final Rule 33 CFR 320-332. Principal Purpose: Information provided on this form will be used in evaluating the application for a permit. Routine Uses: This information may be shared with the Department of Justice and other federal, state, and local government agencies, and the public and may be made available as part of a public notice as required by Federal law. Submission of requested information is voluntary, however, if information is not provided the permit application cannot be evaluated nor can a permit be issued. One set of original drawings or good reproducible copies which show the location and character of the proposed activity must be attached to this application (see sample drawings and/or instructions) and be submitted to the District Engineer having jurisdiction over the location of the proposed activity. An application that is not completed in full will be returned.

**(ITEMS 1 THRU 4 TO BE FILLED BY THE CORPS)**

1. APPLICATION NO. <i>2017-28</i>	2. FIELD OFFICE CODE <i>CEPOA-AD-N</i>	3. DATE RECEIVED <i>12-8-16</i>	4. DATE APPLICATION COMPLETE <i>1-27-17</i>
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**(ITEMS BELOW TO BE FILLED BY APPLICANT)**

5. APPLICANT'S NAME First - <i>Harry</i> Middle - <i>Oslov</i> Last - <i>Commack Sr</i> Company - <i>Self</i> E-mail Address - <i>commackattack@gmail.com</i>		8. AUTHORIZED AGENT'S NAME AND TITLE (agent is not required) First - Middle - Last - Company - E-mail Address -	
6. APPLICANT'S ADDRESS: Address - <i>PO Box 73</i> City - <i>Shungnak</i> State - <i>AK</i> Zip - <i>99783</i> Country - <i>US</i>		9. AGENT'S ADDRESS: Address - City - State - Zip - Country -	
7. APPLICANT'S PHONE NOs. w/AREA CODE a. Residence <i>407-538-6744</i> b. Business c. Fax		10. AGENTS PHONE NOs. w/AREA CODE a. Residence b. Business c. Fax	

**STATEMENT OF AUTHORIZATION**

11. I hereby authorize, \_\_\_\_\_ to act in my behalf as my agent in the processing of this application and to furnish, upon request, supplemental information in support of this permit application.

*Harry Oscar Commack Sr.* *11-08-16*  
SIGNATURE OF APPLICANT DATE

**NAME, LOCATION, AND DESCRIPTION OF PROJECT OR ACTIVITY**

12. PROJECT NAME OR TITLE (see instructions) <i>Barge landing</i>	
13. NAME OF WATERBODY, IF KNOWN (if applicable) <i>Kobuk River</i>	14. PROJECT STREET ADDRESS (if applicable) Address City - State - Zip-
15. LOCATION OF PROJECT Latitude: <i>N 66.9°</i> Longitude: <i>W 157.1°</i>	
16. OTHER LOCATION DESCRIPTIONS, IF KNOWN (see instructions) State Tax Parcel ID Municipality Section - <i>17</i> Township - <i>17N</i> Range - <i>8E</i>	



17. DIRECTIONS TO THE SITE 2.8 miles south of Shungnak and is accessed by a 3 mile road from the village

18. Nature of Activity (Description of project, include all features)

Half mile gravel road to the river from my own property and build 100ft by 100ft lay down road, 100ft from the river. Open up approximately 11 acre area of the 160 acre allotment for gravel extraction up to 120,000 cubic yards of silt, sand and gravel material would be mined from the allotment

19. Project Purpose (Describe the reason or purpose of the project, see instructions)

TO bring heating fuel and gasoline as well as heavy materials to my village by barge to lower cost of living for the residents of Shungnak. It would be used for overburden used to close the adjacent city landfill. ultimate goal is for the allotment ~~to be~~ is to construct a new barge landing at its frontage on the Kobuk River and a permanent road connecting the landing to the village of Shungnak.

USE BLOCKS 20-23 IF DREDGED AND/OR FILL MATERIAL IS TO BE DISCHARGED

20. Reason(s) for Discharge *NA*

21. Type(s) of Material Being Discharged and the Amount of Each Type in Cubic Yards:

Type	<i>NA</i>	Type		Type
Amount in Cubic Yards		Amount in Cubic Yards		Amount in Cubic Yards

22. Surface Area in Acres of Wetlands or Other Waters Filled (see instructions)

Acres  
or *NA*  
Linear Feet

23. Description of Avoidance, Minimization, and Compensation (see instructions)

*NA*

24. Is Any Portion of the Work Already Complete?  Yes  No IF YES, DESCRIBE THE COMPLETED WORK

25. Addresses of Adjoining Property Owners, Lessees, Etc., Whose Property Adjoins the Waterbody (if more than can be entered here, please attach a supplemental list)

a. Address- *PO BOX 59*

City - *Shungnak*

State - *AK*

Zip - *99773*

b. Address-

City -

State -

Zip -

c. Address-

City -

State -

Zip -

d. Address-

City -

State -

Zip -

e. Address-

City -

State -

Zip -

26. List of Other Certificates or Approvals/Denials received from other Federal, State, or Local Agencies for Work Described in This Application.

AGENCY	TYPE APPROVAL*	IDENTIFICATION NUMBER	DATE APPLIED	DATE APPROVED	DATE DENIED

\* Would include but is not restricted to zoning, building, and flood plain permits

27. Application is hereby made for permit or permits to authorize the work described in this application. I certify that this information in this application is complete and accurate. I further certify that I possess the authority to undertake the work described herein or am acting as the duly authorized agent of the applicant.

*Henry Dean Comstock Jr.* *11-08-16*  
SIGNATURE OF APPLICANT DATE

\_\_\_\_\_  
SIGNATURE OF AGENT DATE

The Application must be signed by the person who desires to undertake the proposed activity (applicant) or it may be signed by a duly authorized agent if the statement in block 11 has been filled out and signed.

18 U.S.C. Section 1001 provides that: Whoever, in any manner within the jurisdiction of any department or agency of the United States knowingly and willfully falsifies, conceals, or covers up any trick, scheme, or disguises a material fact or makes any false, fictitious or fraudulent statements or representations or makes or uses any false writing or document knowing same to contain any false, fictitious or fraudulent statements or entry, shall be fined not more than \$10,000 or imprisoned not more than five years or both.



## Applicant Proposed Mitigation Statements

### 2. Minimization of unavoidable impacts to waters of the U.S., including wetlands:

Please describe how your project design incorporates measures that minimize the unavoidable impacts to waters of the U.S., including wetlands, by limiting fill discharges to the minimum amount/size necessary to achieve the project purpose.

The 11 acre proposed mining area is generally level, and sits atop a gentle ridgeline. The area is sparsely vegetated with black spruce, alder and birch and is covered mainly by tundra-type vegetation including mosses, berry plants dwarf birch, and sparse grasses/sedges. There is no standing surface water nor are there streams within the proposed mining area.

### 3. Compensation for unavoidable impacts to waters of the U.S., including wetlands:

Please describe your proposed compensatory mitigation to offset unavoidable impacts to waters of the U.S., or, alternatively, why compensatory mitigation is not appropriate or practicable for your project. Compensatory mitigation involves actions taken to offset unavoidable adverse impacts to waters of the U.S., including wetlands, streams and other aquatic resources (aquatic sites) authorized by Corps permits. Compensatory mitigation may involve the restoration, enhancement, establishment (creation), and/or the preservation of aquatic sites. The three mechanisms for providing compensatory mitigation are mitigation banks, in-lieu fee of mitigation, and permittee-responsible mitigation. Please see the attached definitions for additional information.

I will have spill response available with the companies that I am working with. Practice Safety, Safety measures for fuel spill. Report any spills. There is no wetlands on my project.

# Applicant Proposed Mitigation Statements

## Background:

The U.S. Army Corps of Engineers (Corps) and the Environmental Protection Agency issued regulations that govern national compensatory mitigation policy for activities in waters of the U.S., including wetlands, authorized by Corps permits. The final mitigation rule was published in the federal register on April 10, 2008, and became effective on June 9, 2008. The final rule establishes standards and criteria for the use of appropriate and practicable compensatory mitigation for unavoidable functional losses of aquatic resources authorized by Corps permits (33 CFR Part 332). Additionally, the rule requires new information to be included in Corps permit applications and public notices to enable meaningful comments on applicant proposed mitigation. In accordance with 33 CFR Part 325.1(d)(7), "For activities involving discharges of dredged or fill material into waters of the U.S., the application must include a statement describing how impacts to waters of the United States are to be avoided and minimized. The application must also include either a statement describing how impacts to waters of the United States are to be compensated for or a statement explaining why compensatory mitigation should not be required for the proposed impacts." For additional information, the final mitigation rule can be viewed at: [http://www.usace.army.mil/cw/cecwo/reg/news/final\\_mitig\\_rule.pdf](http://www.usace.army.mil/cw/cecwo/reg/news/final_mitig_rule.pdf)

Mitigation is a sequential process of avoidance, minimization, and compensation. Compensatory mitigation is not considered until after all appropriate and practicable steps have been taken to first avoid and then minimize adverse impacts to the aquatic ecosystem. Please provide your proposed avoidance, minimization, and compensatory mitigation below:

## Applicant's Proposed Mitigation (attach additional sheets as necessary):

### 1. Avoidance of impacts to waters of the U.S., including wetlands:

*Please describe how, in your project planning process, you avoided impacts to waters of the U.S., including wetlands, to the maximum extent practicable. Examples of avoidance measures include site selection, routes, design configurations, etc...*

The project is on high grounds and is not on any wetlands. I spoke to state DNR and they told me I don't need a wetlands permit. I also spoke to Dept. of Fish and game and also state that I am not on wetlands I am high above ground.

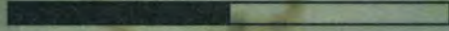


# Commack Allotment Location Map

- ▲ Survey Monuments
- ✻ Photograph Location
- ✕ Test Pits



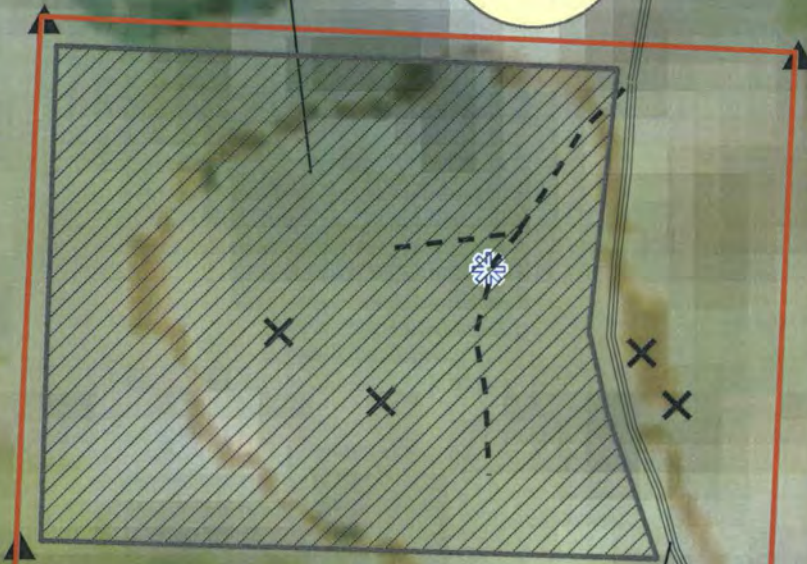
0 300 600 Feet



**Proposed Mining Area  
Roughly 11 acres**

City Gravel Pit

City Dump



Trespass Road to City Cemetery



POA-2017-28, Kobuk River  
Mr. Harry Commack, Commack Gravel Pit  
Location: Sec. 17, T. 17 N., R. 8 E.,  
USGS Quad Shungnak D-3, Kateel River Meridian  
Lat: 66.8778° N., Longitude 157.1715° W.

VICINITY MAP



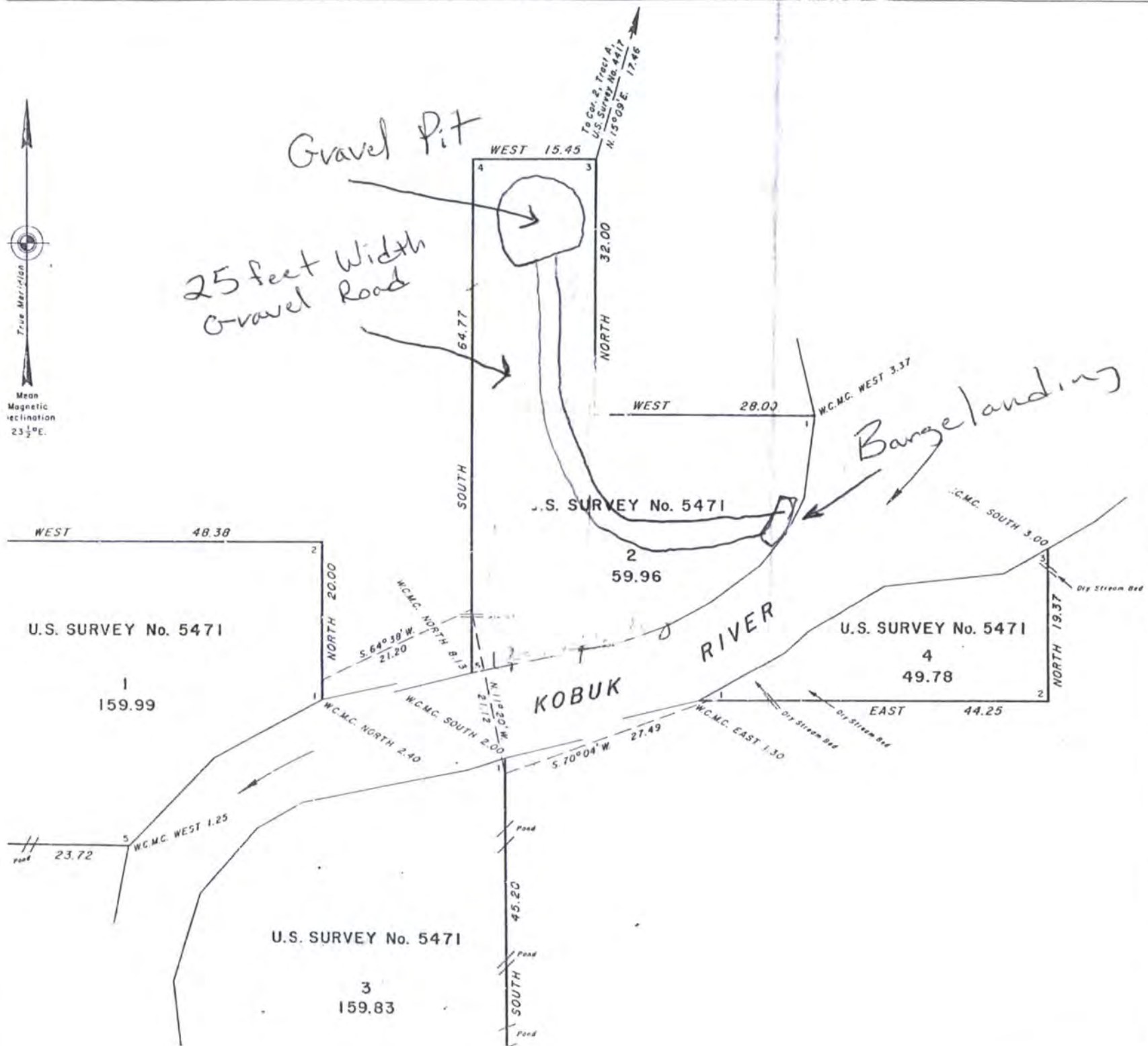


KEY	
	Wetlands
	Uplands
	Property Boundary

POA-2017-28, Kobuk River  
 Mr. Harry Commack, Commack Gravel Pit  
 Location: Sec. 17, T. 17 N., R. 8 E.,  
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JD MAP  
 Page 2 of 4

27 Jan 2017



POA-2017-28, Kobuk River  
 Mr. Harry Commack, Commack Gravel Pit  
 Location: Sec. 17, T. 17 N., R. 8 E.,  
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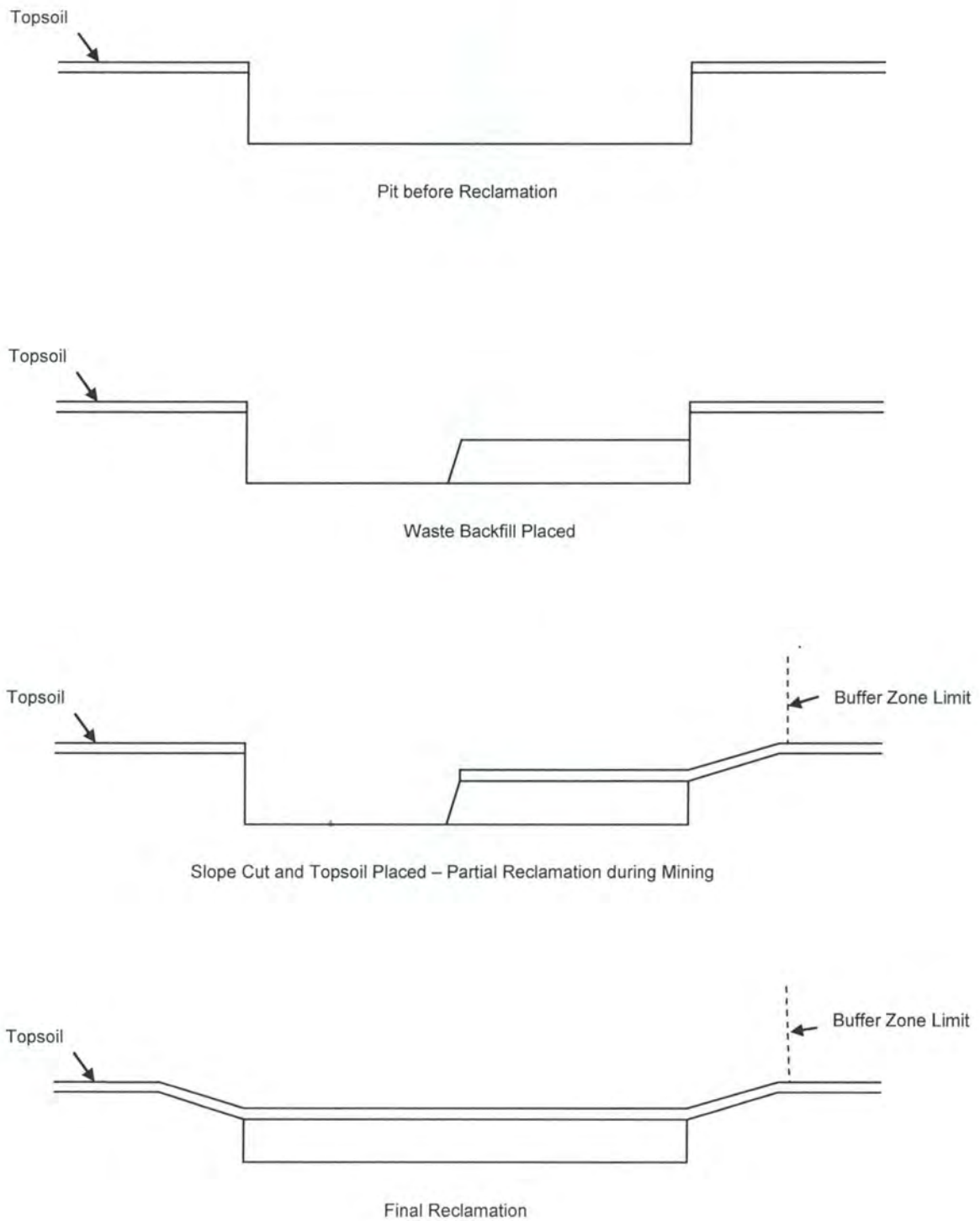
PLAN VIEW  
 Page 3 of 4

HAROLD D. CORBIN, CAD  
 JULY 15 THROUGH AUG  
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 JULY 1, 19

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27 Jan 2017





**Figure 2: Reclamation Procedure – Not to Scale**

POA-2017-28, Kobuk River

Mr. Harry Commack, Commack Gravel Pit

Location: Sec. 17, T. 17 N., R. 8 E.,

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Lat: 66.8778° N., Longitude 157.1715° W.

VICINITY MAP

Page 4 of 4

27 Jan 2017