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:	**February 15, 2013**
EXPIRATION DATE:	**March 18, 2013**
REFERENCE NUMBER:	**POA-1986-95-M1**
WATERWAY:	**Sitkalidak Strait**

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 **Heather Boyer** at (907) 753-2877, toll free from within Alaska at (800) 478-2712, by fax at (907) 753-5567, or by email at **Heather.L.Boyer@usace.army.mil** if further information is desired concerning this notice.

APPLICANT: City of Old Harbor, Post Office Box 109, Old Harbor, Alaska 99643.

AGENT: Old Harbor Native Corporation, 2702 Denali Street, Suite 100, Anchorage, Alaska 99503, Cynthia Bern-Lopez, (907)257-1823

LOCATION: The project site is located within Section 21, T. 34 S., R. 25 W., Seward Meridian; USGS Quad Map Kodiak A-4; Latitude 57.2166º N., Longitude 153.2667º W.; Old Harbor Airport, in Old Harbor, Alaska.

PURPOSE: The applicant's stated purpose is to provide safer runway conditions for increased runway use as defined in the "Airport Layout Plan Approval, Airspace Case 07AAL-203-NRA. The runway would also be expanded to accommodate larger aircraft predicted to be needed in the near future.

PROPOSED WORK: The proposed work would extend the existing runway at the Old Harbor Airport. At present the runway is a 2,750-foot by 60-foot gravel runway. The extension would extend the runway 300-foot to the south and approximately 1700-foot to the North. The work would include (a) placement of approx. 165,000 cubic yards (cy) of rock fill on approx. 2.5 acres of marine intertidal lands northeast of the end of the current runway, to include exterior armor rock; (b) placement of mixed fill (excess rock and organic soil) in 9.23 acres of terrestrial

wetlands adjacent to the airfield; (c) filling of 2,011 linear feet of three stream channels (less than 1 acre total) adjacent to the airfield in the course of expanding the airfield prism.

All work would be performed in accordance with the enclosed plan (sheets 1-41), dated December 3, 2012.

ADDITIONAL INFORMATION: Old Harbor is a community of 208 (as of 2011) on the southeastern coast of Kodiak Island. The community is not connected by road to any other community on Kodiak Island. Rugged terrain, low population densities, and federal land use restrictions are likely to forestall any road connections in the foreseeable future. The Alaska Marine Highway, the state-operated ferry system, serves Old Harbor on a very limited schedule compared with communities at the north end of the Kodiak Archipelago, such as Port Lions and Ouzinkie. Building materials, vehicles, heavy equipment, fuel, and other heavy or bulky materials are delivered by barge. Passengers, mail, and perishable food are delivered primarily by light aircraft.

The current 2,750-foot by 60-foot gravel runway was constructed in 1992. Due to the scarcity of flat ground around Old Harbor, part of the runway was carved through a hill, leaving steep embankments on either side of the middle portion of the runway. This elevated terrain close to the runway impinges on the runway safety zone and causes unpredictable, turbulent cross-winds that pose a danger to light aircraft and sometimes limit flight operations. The high terrain alongside the runway also limits the amount of land available for taxiways and aircraft parking, and for development of airfield infrastructure and services.

High costs and limited options for transportation have constrained economic activity at Old Harbor, leading to high unemployment and an out-migration of people in search of work elsewhere. The community has been developing plans for a fish processing facility and other economic improvement. The ability to accommodate heavier cargo aircraft and more frequent flights will help spur the development of local fisheries-based businesses, tourism, and other opportunities. However, the current airfield is too short to allow larger aircraft, and is hemmed in by terrain features that create potentially hazardous flying conditions and limit the expansion of facilities at the airport. The proposed project would level intruding terrain features and extend the runway to a new length of 4,700 feet.

The airport project began in 1990 with DA Permit 4-860095 and resulted in the existing airstrip. At present, the permit (Ref # POA-1986-95) was modified to allow for the cutting of the hillsides to improve safety. The existing permit action would allow for the modification of the existing runway by the laying back of steep hillsides adjacent to the airport runway during the 2012 construction season. Work in 2012 consisted of removal of overburden materials from the hillsides to be cut.

Work to date for the runway extension (occurring in 2012) has consisted of design efforts, environmental studies (fish studies), cultural resource investigations, project estimating, and coordination with IRT, project planning/engineering, equipment/supply estimates, and permitting.

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: Several alternatives were evaluated for extension of the runway: 1) the proposed northern extension (300 feet extension on the south), 2) a full

extension to the south, 3) shifting the runway to the east and 4) shifting the runway to the west. When the runway was constructed in 1992, several other site locations were evaluated, the current location was determined to be the most practical location. Of the four alternatives considered for the extension, the proposed northern extension offered the least impacts to wetlands, streams, and marine lands.

The City of Old Harbor contracted Shearwater LLC to assist in working with ADOT for planning this project. During the planning effort, careful consideration was given to the aircraft that regularly operate on the runways, as well as likely future operations. While Runway Safety Alignment (RSA) design standards (provided by FAA) are dictated by the largest and heaviest aircraft regularly operating on a runway, existing aircraft using the Old Harbor Airport runway are often smaller in size and do not require the same RSA areas. This greatly reduces the impacts to the waters of the U.S. that would have resulted from constructing RSA design standards for larger aircraft.

b. Minimization: Potential Impacts of the action would be mitigated by avoidance, minimization, and employment of best management practices to the extent practical. The action would impact streams, lakes, marine shorelines, and identified cultural resource sites. The overall project footprint is as small as possible without compromising the value of the improvements, and uplands were used to the maximum extent practicable.

The project would directly impact fish or their habitat or other important biological populations or habitats. Impacts to streams will be mitigated through re-location and in a manner to simulate those stream segments impacted.

Natural buffers, silt fencing, re-vegetation, and other measures would be employed to prevent fill material from migrating off site and increasing the impacted areas. Silt and turbidity control measures would be established in the project storm water pollution protection plan and would be enforced to protect water quality and fish habitat. Timing and monitoring would be employed to protect birds and their nests. Three cultural resource sites have been identified in the project area. The applicant is working with SHPO to develop a mitigation/research plan for the sites.

c. Compensatory Mitigation: Compensatory mitigation would be achieved by using the “permittee-responsible” mitigation approach. Several options for mitigation were considered for compensatory mitigation. Alternative stream routes for Sculpin Creek and Streams #3 and #4 are being coordinated with ADFG and USFWS. Also, possible culvert design and replacement are being considered in several locations to retain or restore the hydrologic connectivity to local wetlands that have previously impeded or cutoff local wetlands. The mitigation effort is actively being coordinated with several representatives from resource agencies. Thus far, resource agency representatives have informally expressed a preference for onsite water quality improvements by maintaining and improving the hydrologic connectivity of the local streams and wetlands located adjacent to the Old Harbor Airport and the Community of Old Harbor. A Final Mitigation Plan would be provided that will meet the twelve requirements for a permittee-responsible mitigation plan submitted prior to permit decision and/or upon completion of the ongoing multi-agency coordination effort prior to construction. To date, the following mitigation opportunities have been identified.

The City of Old Harbor has been working closely with ADFG to identify compensatory mitigation opportunities. One of, or a combination of, the following mitigation options will be undertaken to account for wetland acres loss in an effort to achieve “no net loss” of wetlands policy as required by USACE and EPA.
Sculpin Creek: It was determined that a culvert would not provide for mitigation,

would be in excess of 800 feet in length, add significant cost to the project and could add as much as a year to the construction. It was also noted that a culvert failure would result in catastrophic conditions, ponding water to over 25 feet before it would spill out along the proposed realignment. Repairs for a culvert failure could also result in more than a year of disruption of use of the runway. As a result, the culvert option for Sculpin Creek was deemed impracticable and not likely to accomplish mitigation goals to minimize runway extension impacts.

The proposed mitigation for Sculpin Creek is a realignment illustrated in the referenced drawings. The realignment provides for approximately 810 lineal feet of replacement stream. The location will be cut through a ridge located to the north of Sculpin Creek. The design process "copied" the meander of a lower section of Sculpin Creek. At the deepest point of cut, bedrock would need to be excavated (possibly blasted). Once a "rough cut" channel of the appropriate depth is achieved, the meander would be created using boulders and organic materials from the site. The new stream would include riffles and pools, overhanging banks to the extent possible and transplanting of native trees from other areas impacted by construction. The new outlet for Sculpin Creek is expected to improve the existing marine habitat where the creek would likely create a new estuarine area accounting for the loss of the 2.5 acres of marine habitat that would be filled. Monitoring of the development of this new stream alignment and resulting estuarine environment would verify adequate success to compensate for stream habitat and marine habitat loss resulting from impacts to Sculpin Creek.

Stream #3, located off the southwest corner of the current runway would have approximately 450 lineal feet impacted by runway fill. The replacement stream was designed in the same manner as Sculpin and restoration will follow the same practices for creating the meander, pool, riffle, and re□vegetation. The new alignment is approximately 500 feet in length. Outflow of Stream #3 will remain at the same location.

Stream #4 is located off the southeast corner of the existing runway and would have approximately 761 feet impacted by runway fill. A portion of this stream was realigned from the original runway project. The new stream would be approximately 780 feet in length and was designed with the same practices as used for Sculpin Creek and Stream #3. Stream #4 would also maintain the same outflow location.

In order to compensate for the 9.23 acres of terrestrial wetlands loss due to fill, one of, or a combination of, the following mitigation opportunities are being analyzed. The goal would be to restore the hydrologic connectivity to the local wetlands to the maximum extent practicable to account for the terrestrial wetland loss. Further analysis is being undertaken to determine the specifics associated with costs, as well as technical parameters associated with identifying restoring the habitat function. Continued agency coordination would be paramount to the success of this mitigation effort.

a. Kuglingcuk Creek: Twin culverts that were not embedded below the streambed. It looks like a portion of the stream flow is flowing under the culverts. ADFG personnel captured juvenile Coho salmon and Dolly Varden in the creek and adult chum and pink salmon were observed in the creek. The stream has been nominated to the Anadromous Waters Catalog. ADFG recommends replacing the culverts with a single bottomless arch culvert. A hydrologist/engineer would need to determine the specifications of a new culvert.

b. Village Lagoon: Twin culverts that are tidally influenced but may be a barrier

during low tide (ShoreZone photograph 09122) . This is a highly productive estuary and before the village road was built was open to Sitkalidak Straight. ADFG personnel recommends replacing the culverts with a bridge.

c. Stream No. 258-52-10012: This is a tidally influenced culvert that is in poor physical condition (ShoreZone photo 09136 and Stream No. 258-52-10012). ADFG recommends replacing the culvert with a single bottomless arch culvert. A hydrologist/engineer would need to determine the specifications of a new culvert.

d. Stream #3: Streams #1, #2, and #3 have the same diameter culverts and were installed when the airport was moved to the current location (photograph Stream #3). They were installed under an ADF&G Fish Habitat Permit. ADFG personnel recommend a hydrologist/biologist survey the culverts to determine if the culverts meet fish passage criteria.

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 Corps has determined that the proposed expansion of the runway would have adverse effects on three prehistoric sites described in the archaeological survey completed by the Alutiiq Museum & Archaeological Repository (Alutiiq Museum) dated July 9, 2012. The Corps, the City of Old Harbor, and the Alaska State Historical Preservation Officer (AKSHPO) have agreed these sites meet the criteria for inclusion in the National Register of Historic Places under Criterion D. The Corps has consulted with the City of Old Harbor, the Old Harbor Native Corporation, the Alutiiq Tribe of Old Harbor, the Alutiiq Museum, and the AKSHPO in accordance with Section 106 of the National Historic Preservation Act (NHPA) to resolve the adverse effects of the Project on historic properties. The Corps has prepared a Memorandum of Agreement (MOA) proposing mitigation requirements for the prehistoric sites KOD-478, KOD-580, and KOD-1130, along with mitigation and reporting requirements for unknown cultural resources that may be discovered during construction, and invited the City of Old Harbor, the Old Harbor Native Corporation, the Alutiiq Tribe of Old Harbor, the Alutiiq Museum, and the AKSHPO to sign the MOA.

ENDANGERED SPECIES: The project area is within the known or historic range of the

- Northern Sea Otter (*Enhydra lutris kenyoni*) southwest Alaska “distinct population segment” (DPS),
- Steller’s Eider (*Polysticta stelleri*),
- Kittlitz’s Murrelet (*Brachyramphus brevirostris;* candidate species),
- Yellow-billed Loon (*Gavia adamsii;* candidate species);
- Steller Sea Lion (*Eumetopias jubatus*),
- Finback Whale *(Balaenoptera physalus*),
- Humpback Whale (*Megaptera novaeangliae*).

We have determined the described activity may affect designated critical habitat for the Northern Sea Otter. We have concluded that at present, there is a no affect for other species listed above. We have initiated 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).

The project area is within the known range of:

- Walleye Pollock (*Theragra calcogramma)*
- Pacific Cod *(Gadus macrocephalus)*
- Arrowtooth Flounder *(Atheresthes stomias*)
- Rock Sole *(Lepidopsetta bilineatus)*
- Flathead Sole *(Hippoglossoides elassodon*)
- Sculpins (*cottidae*)
- Skates *(Rajidae)*
- Sharks (*Squaliformes*)
- Forage Fish Complex (*osmeridae*)
- Octopus (*Octopoda*)
- Pink Salmon *(Oncorhynchus gorbuscha*)
- Chum Salmon (*Oncorhynchus keta)*
- Sockeye Salmon (*Oncorhynchus nerka*)
- Chinook Salmon (*Oncorhynchus tshawytscha*)
- Coho Salmon *(Oncorhynchus kisutch)*

The described activity would not adversely affect EFH in the project area, because of the small extent of the project's direct impact on the marine environment, the dissimilarity between the project environment and the marine EFH descriptions for those species listed above, and the fact that it is unlikely to alter fishing practices in the Old Harbor area.

This Public Notice initiates EFH consultation with the NMFS. Any comments or recommendations they may have concerning EFH will be considered in our final assessment of the described work.

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)(l) 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

SEAN PARNELL, GOVERNOR

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-1986-95-M1, Sitkalidak Strait**, 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.