



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: JANURAY 14, 2013
EXPIRATION DATE: FEBRUARY 12, 2013
REFERENCE NUMBER: POA-1993-192-M4
WATERWAY: NUSHAGAK 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 **Mary Leykom** at (907) 753-2711, toll free from within Alaska at (800) 478-2712, by fax at (907) 753-5567, or by email at **mary.f.leykom@usace.army.mil** if further information is desired concerning this notice.

APPLICANT: Alaska Department of Transportation and Public Facilities, Post Office Box 196900, Anchorage, Alaska 99519; phone Teresa Zimmerman at 907 269-0551.

LOCATION: The project site is located in Koliganek, Alaska; within Sections 22-24, T. 5 S., R. 47 W., Seward Meridian; at Latitude 59.789° N., Longitude -157.257° W.; and which can be noted on USGS Quad map Dillingham C-4.

PURPOSE: The applicant's stated purpose is to reconstruct and extend the Koliganek Airport runway to meet current Federal Aviation Administration (FAA) and State standards for a Community Class Airport. Structural and drainage issues that have developed would also be resolved.

PROPOSED WORK: Place 140,000 cubic yards of gravel fill material into 1.9 acres of wetlands at the Koliganek Airport. Improvements include extending the runway and runway safety area 300 feet to the east; extending the apron 100 feet to the south and relocating 800 feet of the airport access road. Construct a new snow removal equipment building and locate it outside the object-free-zone on a new pad. Other improvements include upgrading airport lighting, and navigation aids. The proposed material site is an island in the Nushagak River one mile to the west. The island has been previously used for material extraction and an access road and stockpile area exists. All work would be performed in accordance with the enclosed plan (sheets 1-8), dated September 2012.

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: The Koliganek area is dominated by wetlands including the existing airport location, so wetlands could not be avoided. Open water areas and wetlands of higher value were avoided.

b. Minimization: Project improvements were designed to meet requirements using the minimum fill footprint. Side slopes of new fills would be 4:1 (v:h). The contractor would be required to implement construction best management practices to minimize impacts to areas outside the fill footprint.

c. Compensatory Mitigation: The applicant intends to compensate for the 1.9 acres of unavoidable impacts by directing in-lieu fees to The Conservation Fund.

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 is one unevaluated property in the vicinity of the worksite. It has been designated DIL-00030 and corresponds to the new village of Koliganek. On July 13, 2011, the State Historic Preservation Officer (SHPO) concurred with the applicant's determination that no historic properties would be affected by the proposed project. Consultation of the AHRS constitutes the extent of cultural resource investigations by the District Commander at this time. This application is being coordinated with 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 assessment of the described work.

ENDANGERED SPECIES: No threatened or endangered species are known to use the project area. The described activity would have no effect on any listed or proposed threatened or endangered species **or** any designated or proposed critical habitat, under the Endangered Species Act of 1973 (87 Stat. 844). No further consultation with the U.S. Fish and Wildlife Service or the National Marine Fisheries Service 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 proposed material extraction site, an island in the Nushagak River, is within the known range of all five species of Pacific salmon: Chinook (*Oncorhynchus tshawytscha*), sockeye (*O. nerka*), silver (*O. kisutch*), chum (*O. keta*) and pink (*O. gorbuscha*). We have made a preliminary determination, with guidance from the Alaska Department of Fish and Game, that the proposed project would not adversely affect these species. Material extraction can be designed and timing windows imposed which would protect salmon and their habitat in the river.

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).

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-1993-192-M4, Nushagak 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.