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:	**August 22, 2013**
EXPIRATION DATE:	**September 6, 2013**
REFERENCE NUMBER:	**POA-2004-493**
WATERWAY:	**EEK 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 Trish Lora at (907) 753-2797; toll free from within Alaska at (800) 478-2712, by fax at (907) 753-5567, or, by email at patricia.l.lora@usace.army.mil, if further information is desired concerning this notice.

APPLICANT: City of Eek, Mayor Carlie Beebe, cityofeek@yahoo.com, P. O. Box 9, Eek, Alaska 99578, 907-536-5129.

AGENT: CRW Engineering Group, LLC., Mr. Jon Hermon, jhermon@crweng.com, or, Mr. David Beiswenger, dbeiswenger@crweng.com, 3940 Arctic Blvd, Suite 300, Anchorage, Alaska, 99503, 907-562-3252.

LOCATION: The project site is located within Section 6, T. 1 N., R. 73 W., Seward Meridian; Latitude 60.21274°N., Longitude -162.02880°W.; and which can be noted on USGS Quad maps Baird Inlet A-1.

PURPOSE: The applicant's stated purpose is to close an existing, unpermitted solid waste facility in accordance with 18 AAC 60, as regulated by Alaska Department of Environmental Conservation (ADEC). The total impact to wetlands of fill material is **5.6 acres**.

PROPOSED WORK:

***Dump Closure*:** The existing dump site has exceeded its useful life and poses potential health, safety, and environmental hazards. The site, including the tundra pond, burn box, and segregated materials area will impact approximately **3.6 acres**. Trash is currently dumped in an uncontrolled area adjacent to a 3-acre pond. As a result, trash is accumulating in the pond and could potentially contaminate surface and ground water. Contaminants can affect public health and aquatic and terrestrial plants and animals coming in contact with the water. Additionally, there is no heavy equipment present at the dump site; therefore, the waste is not compacted or covered and it attracts wildlife including ravens and foxes. Wildlife may contract diseases from the exposed waste and may also spread it. Animals also become accustomed to this food sources and to human presence, increasing the potential for human-wildlife encounters that can lead to physical attack or disease transmission. All work would be performed in accordance with the enclosed plan (sheets 1, dated July 2, 2013 and sheets 2-4, dated August 8, 2013).

Closure of the existing dump site will include the following steps:

- Scattered and misplaced debris will be collected from the dump site area and consolidated for compaction in the closure mound. This includes the removal of trash from the pond that is near and above the water surface. It is estimated that 3,750 cubic yards (CY) of solid waste material can be consolidated into a mound at the existing dump site, prior to compaction. Sources of waste include the dump site/tundra pond (2,680 CY) and the segregated materials area (1,070 CY). The total volume of material to be placed in the closure mound, including the compacted solid wastes (2,620 CY) and the cover material (2,250 CY), will be 4,870 CY.

- Hazardous waste, if encountered, will be set aside for disposal at another location.

- The closure mound will be covered with a final cap consisting of 24 inches of material. The top 6 inches of the final cap will be seeded earthen material as needed to encourage re-vegetation of the area. The final cap and surrounding area will be graded to allow positive drainage and compacted to prevent future disturbance of the solid waste underneath.

- To enclose the pond area, berms will be constructed around the perimeter of the pond where no natural berms exist. The berms will be constructed 4 feet high with organic and inorganic silt material as fill and graded to promote positive drainage. The top 4 inches of the berms will be seeded earthen material as needed to encourage re-vegetation of the area. The total volume of material to be placed in the berms will be 1,200 CY.

- Approximately 3 feet of organic and inorganic silt material will be placed on top of the ice over the pond area in winter, and then allowed to sink and cover the existing solid waste within the pond when the ice melts in the spring. This cover will tend to keep the waste contained within the dump site closure area. The total volume of material to be placed over the pond will be 13,900 CY.

- Permanent markers, including signs and surveying monuments, will be installed to indicate the presence of a closed landfill as well as to identify the limits of the closed landfill and pond.

- Per ADEC requirements, during the 60 months immediately following closure, the owner will conduct and record visual inspections of the closed landfill at least once every 12 months.

***Borrow Source*:** There are two borrow sources for the existing dump site closure, which will impact approximately **2.0 acres** of fill in wetlands. Site 1 is located northwest of the existing dump site. It consists of a 236-foot by 240-foot (1.1-acre) by 16-foot high mound of peat, vegetative mat, and organic silt material that was stockpiled during construction of the existing sewage lagoon for future use by the City to close the existing dump site and/or honeybucket lagoon. Site 2 is located south of the existing dump site and will be approximately 240 feet by 160 feet in size and 10 feet deep. Extracting the material will include the following steps:

- Approximately 9,000 CY of previously stockpiled material will be transported from Site 1 to the dump site closure area to cover the pond.

- Approximately 2,580 CY of peat and vegetative mat material will be cleared from Site 2 and temporarily stockpiled on a geotextile mat adjacent to the borrow site.

- Approximately 7,700 CY of organic silt and silty sand material will be removed from Site 2 and used to cap the dump site closure mound, construct the berms, and cover the pond.

- Approximately 650 CY of stockpiled peat and vegetative mat from Site 2 will be used as the erosion control layer for the dump site closure mound and berms.

- The remaining 1,930 CY of peat and vegetative stockpiled material will be returned to Site 2.

***Construction Access*:** Equipment will be mobilized from the community and from the barge landing to the proposed project area after freeze up to protect wetlands outside of the borrow sites and work areas. Any leveling required for access will be develop above the frozen ground by plowing snow. No grading of the existing surface or filling of access routes will occur.

ADDITIONAL INFORMATION: *[REFERENCE: PN for POA-2013-457, Eek River, to open a new solid waste facility in the City of Eek, to be published August 2013.]*

APPLICANT PROPOSED MITIGATION: The applicant proposes the following mitigation measures to avoid, minimize, and compensate for impacts to waters of the United States (U.S.) from activities involving discharges of dredged or fill material.

AVOIDANCE, MINIMIZATION AND COMPENSATORY MITIGATION:

a. Avoidance: Eek lies within the Yukon-Kuskokwim Coastal Lowland and is on the south bank of the Eek River. The ground surface in the area is generally flat, treeless, and covered with numerous small lakes or wet, poorly-draining tundra. Eek and the entire surrounding area are classified as palustrine emergent wetlands. The proposed project includes closure of an existing dump site and developing a borrow source. Given the extent of wetlands and water bodies in the area, avoiding wetlands was not feasible. Equipment will be mobilized from the community and from the barge landing to the proposed project area after freeze up to protect wetlands outside of the borrow sites and work areas. Any leveling required for access will be develop above the frozen ground by plowing snow. No grading of the existing surface or filling of access routes will occur.

b. Minimization: The dump site closure will collect debris around the dump site and from the pond; remove hazardous waste from the area; consolidate and compact waste in a closure mound; cover the closure mound with a protective layer to control erosion and infiltration, construct berms around a portion of the pond to contain water, and place fill over the pond to keep waste spreading. Existing vegetation will not be removed or damaged unless absolutely necessary. The peat and vegetative mat from the borrow area will be cleared and stockpiled for use as the capping material for the new landfill berms. Disturbed areas will be stabilized and reseeded as soon as practicable.

c. Compensatory Mitigation: The proposed action would result in the closure of the existing dump site which will improve water quality and public health. By closing the existing dump site, waste will be kept in a controlled area and will not be exposed to humans, animals, and the environment. Contamination of subsistence resources will also be limited. Because of the long term benefits to public health and the environment, no additional compensatory mitigation is proposed.

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 a registered or eligible property in the vicinity of the worksite. It has been designated **St. Michael the Archangel Russian Orthodox Church (AHRSXBI-00028)**. A field survey was conducted in August 2010, by an ANTHC Archaeologist, Victoria Florey. Components of this field work included survey and testing in the project area of potential effect (APE), with a focus on locations with potential for containing buried cultural resources. Results of this effort were negative, and a finding of No Adverse Effect to archaeological resources in the vicinity was submitted on October 14, 2010. Concurrence with this finding was received from SHPO on November 16, 2010. Evaluations of the impact of the project to potentially historic houses in the project APE were included in the August field work, however, a request for concurrence was prepared separately for the houses, and was submitted to SHPO on November 10, 2010. A finding of No Adverse Effect of the project was concurred by SHPO on December 22, 2010. The concurred finding includes a stipulation that archaeological testing be done in the vicinity of House 156. Findings of the evaluation of the buildings in the APE indicate that although nine houses fall into the criterion of being 50 years or more in age, none meet any of the significance criteria to be listed on the National Register of Historic Places. Because it has been determined to be outside of the project area, no further action is required. [Information extracted from The Alaska Native Tribal Health Consortium's Environmental Assessment for the City of Eek, April 2011.]

ENDANGERED SPECIES: The project area is within the known or historic range of the *Spectacled eiders (Somateria fischeri)* and *Steller's eiders (Polysticta stelleri).* USFWS concurred on November 9, 2010, the proposed project would not likely to have adverse effects on threatened and endangered species, based on the project's location, which is inland and upland from marine waters used by Steller's eiders.

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.

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 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

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

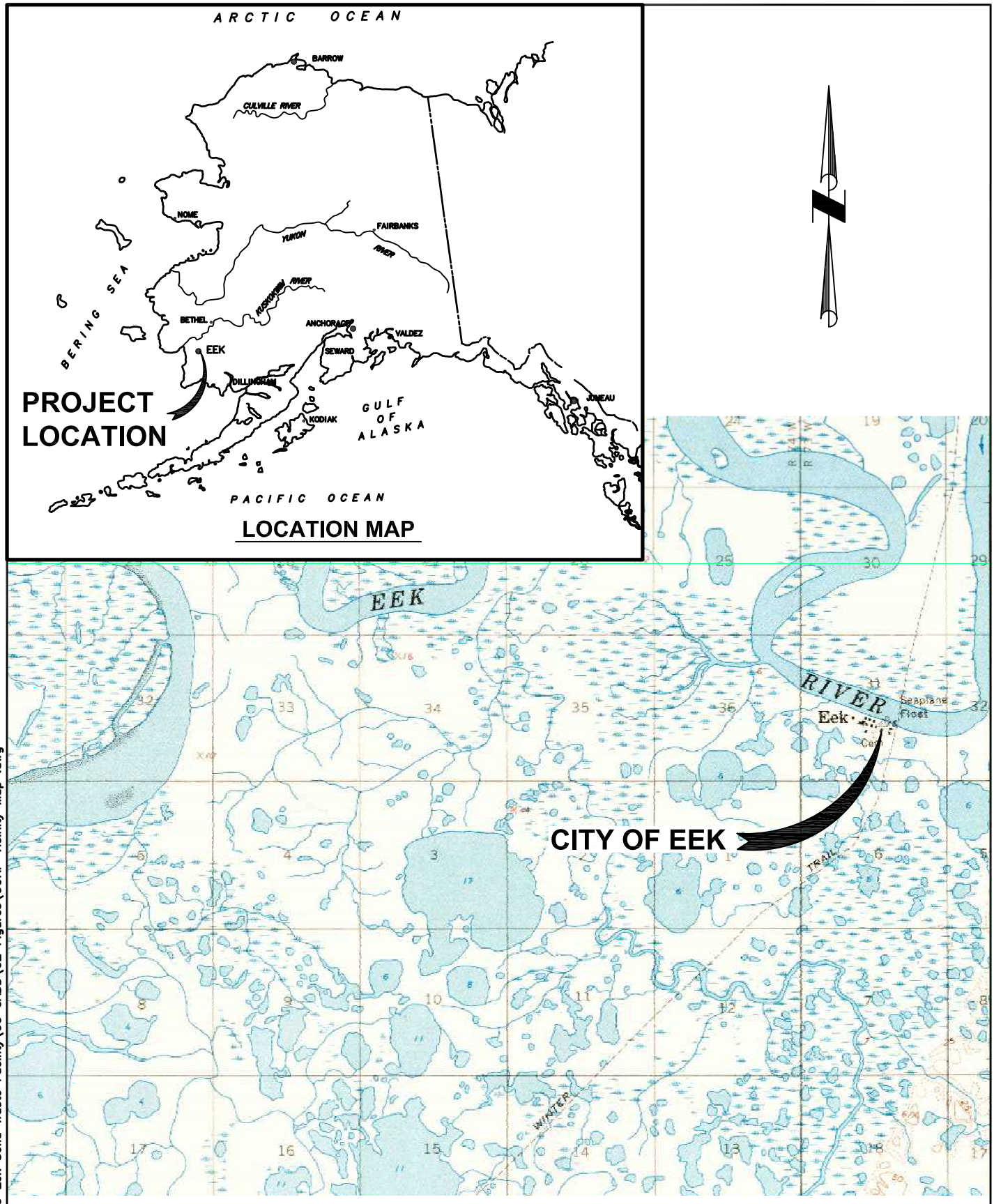
NOTICE OF APPLICATION
FOR
STATE WATER QUALITY CERTIFICATION

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-2004-493, Eek 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.



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U.S. ARMY CORPS OF ENGINEERS ALASKA DISTRICT
2204 3RD STREET
JBER, ALASKA 99506-0898

AGENT:
CRW ENGINEERING GROUP, LLC
3940 ARCTIC BLVD. SUITE 300
ANCHORAGE, AK 99503

EEK SOLID WASTE FACILITY
EEK, ALASKA

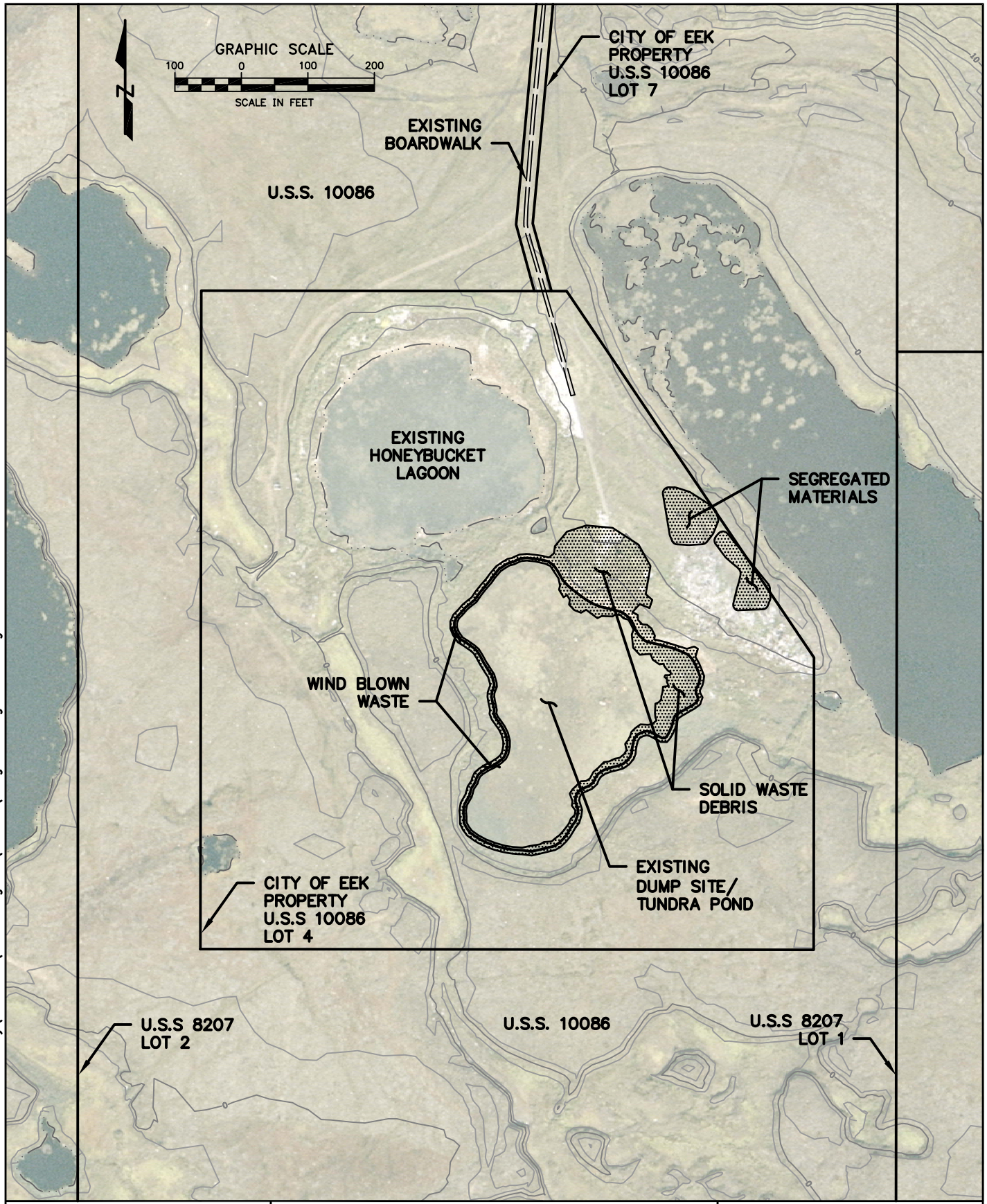
VICINITY MAP

LOCATION: EEK, AK

SEWARD MERIDIAN T2N R73W
SECTIONS 31 AND 32

STATUS: PERMITTING

DATE: 07/02/2013 | FIGURE:



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EEK SOLID WASTE FACILITY
EEK, ALASKA

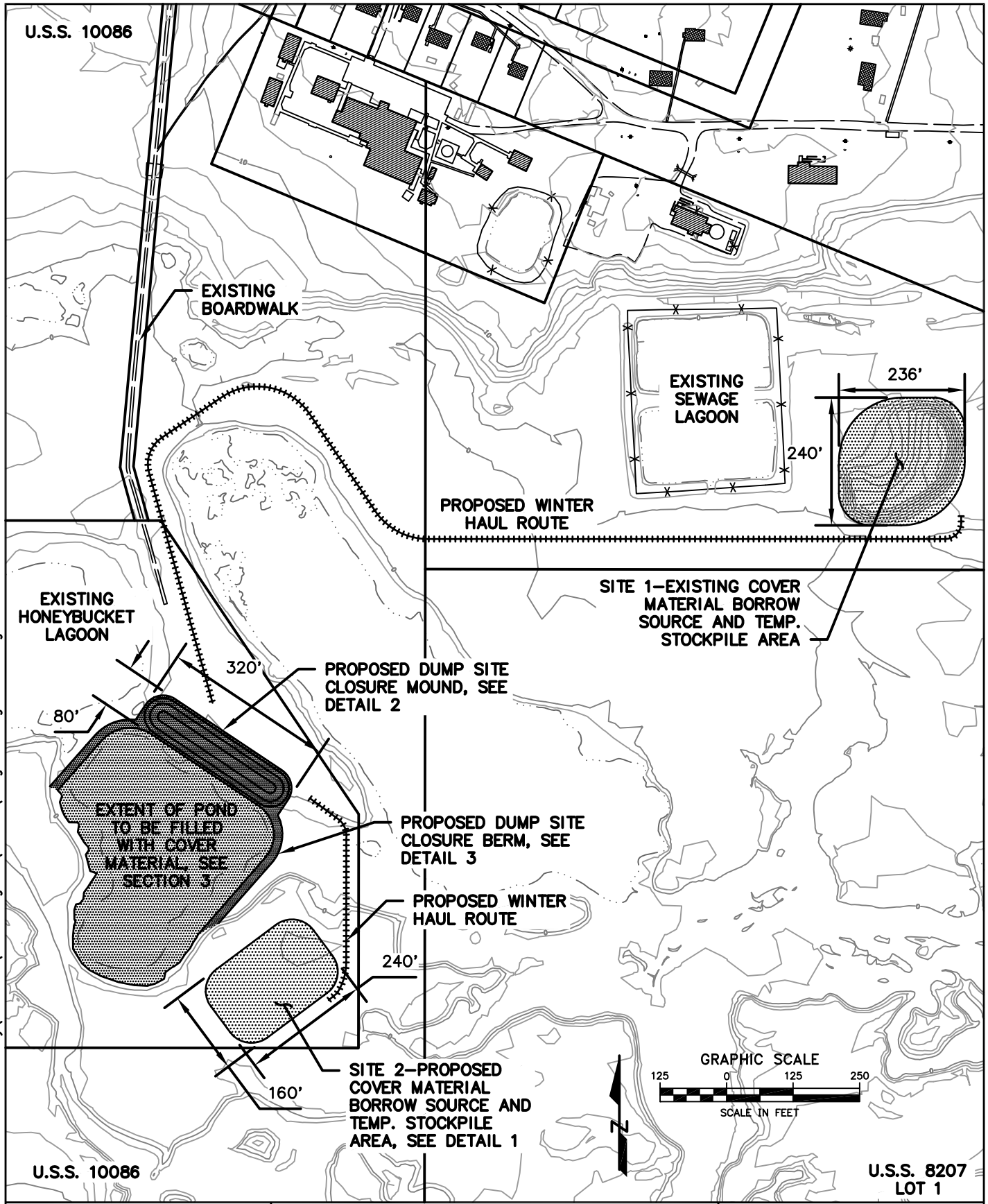
EXISTING DUMP SITE

LOCATION: EEK, AK

SEWARD MERIDIAN T2N R73W
SECTIONS 31 AND 32

STATUS: PERMITTING

DATE: 08/08/2013 | FIGURE:



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EEK SOLID WASTE FACILITY
EEK, ALASKA

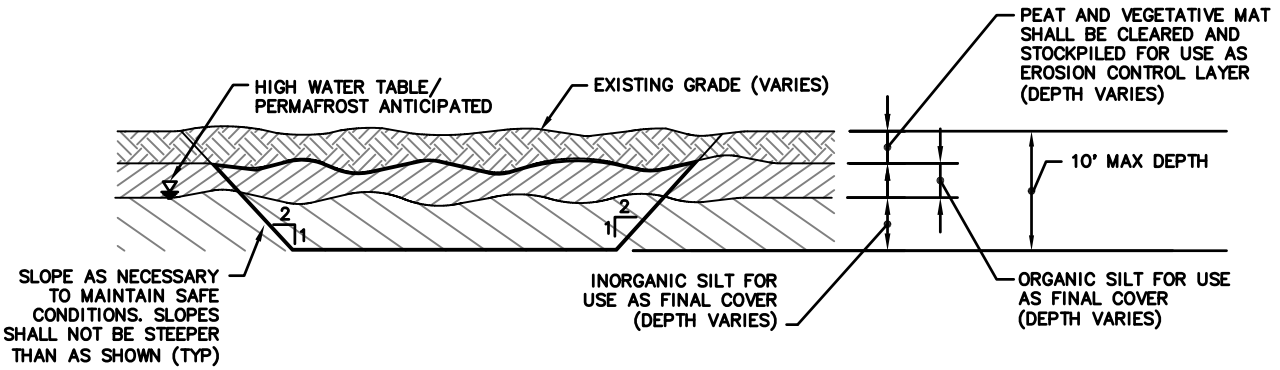
EXISTING DUMP SITE CLOSURE

LOCATION: EEK, AK

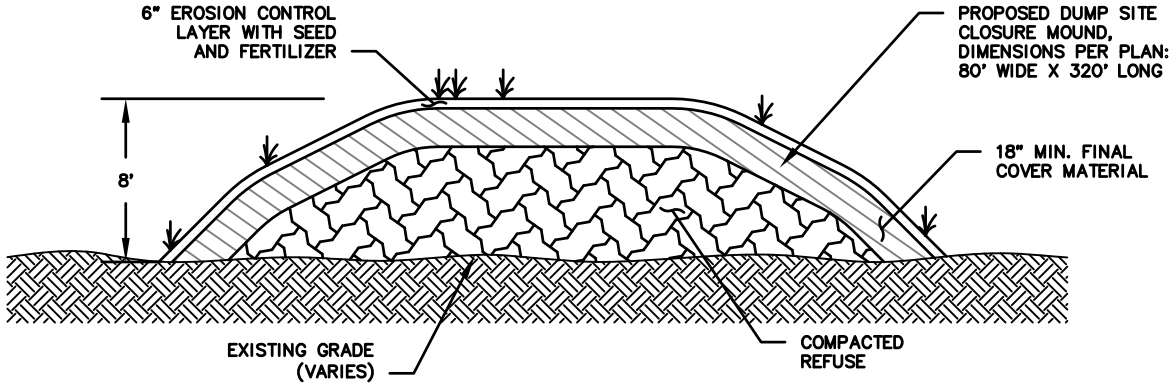
SEWARD MERIDIAN T2N R73W
SECTIONS 31 AND 32

STATUS: PERMITTING

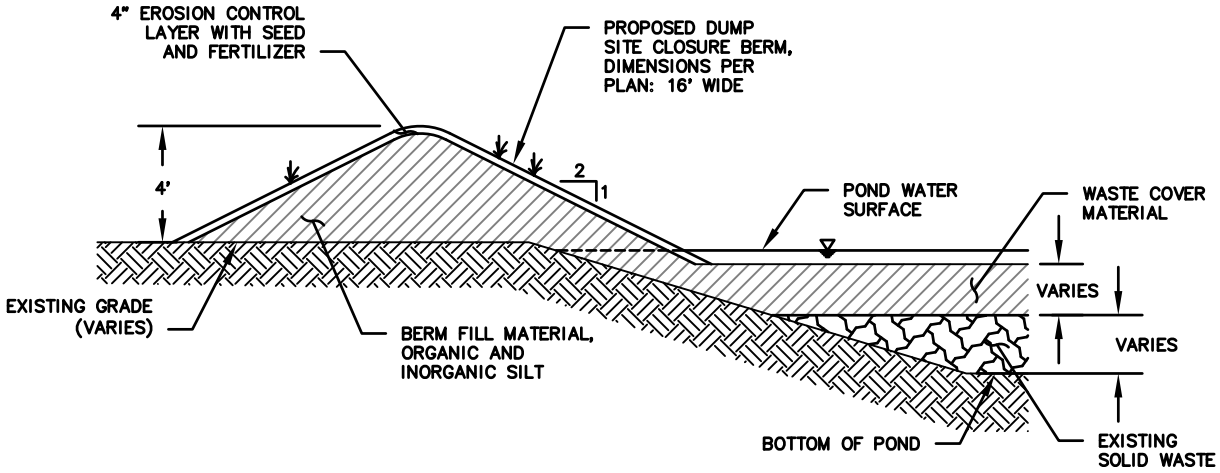
DATE: 08/08/2013 | FIGURE:



1 - COVER MATERIAL SOURCE EXCAVATION SECTION
Scale: NTS



2 - TYPICAL DUMP SITE CLOSURE MOUND SECTION
Scale: NTS



3 - TYPICAL DUMP SITE CLOSURE BERM AND POND SECTION
Scale: NTS

FILE: J:\Jobsdata\82601.00 Eek Solid Waste Facility\00 CADD\01 Working Set\01 Civil\Design Existing Landfill Sections.dwg

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EEK SOLID WASTE FACILITY
EEK, ALASKA

TYPICAL CLOSURE SECTIONS

LOCATION: EEK, AK

SEWARD MERIDIAN T2N R73W
SECTIONS 31 AND 32

STATUS: PERMITTING

DATE: 08/08/2013 | FIGURE: