



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

<b>PUBLIC NOTICE DATE:</b>	<b>01 June 2017</b>
<b>EXPIRATION DATE:</b>	<b>16 June 2017</b>
<b>REFERENCE NUMBER:</b>	<b>POA-2006-1982-M1</b>
<b>WATERWAY:</b>	<b>Norton Sound</b>

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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 Leslie Tose at (907) 753-5515, from within Alaska, toll free at (800) 478-2712, by fax at (907) 753-5567, or by email at [leslie.w.tose@usace.army.mil](mailto:leslie.w.tose@usace.army.mil) if further information is desired concerning this notice.

**APPLICANT:** Mr. Wilfred Katcheak, Stebbins Rock Products, PO Box 71110, Stebbins, Alaska, 99671. Email: [stebbinsnativecorporation@hotmail.com](mailto:stebbinsnativecorporation@hotmail.com), Phone: 907-934-3074

**AGENT:** Mr. Keith E. Tryck, 3060 Admiralty Bay Drive, Anchorage, Alaska, 99515 Email: [goldak49@gmail.com](mailto:goldak49@gmail.com), Phone: 907-245-4501

**LOCATION:** The project site is located within Section 33, T. 22 S., R. 19 W., Kateel River Meridian; USGS Quad Map St. Michael C-1; Latitude 63.5400° N., Longitude -162.3560° W.; near Stebbins, Alaska.

**SPECIAL AREA DESIGNATION:** The project is located outside the Yukon Delta National Wildlife Refuge, but the property is owned by the Stebbins Native Corporation.

**PURPOSE:** The applicant's stated purpose is to construct a barge landing, to support an upland quarry producing armor rock for use in the Bering Sea or Arctic Coast communities.

PROPOSED WORK: Excavate 1,200 cubic yards (cy) of material from the intertidal/ subtidal area, to construct a temporary barge landing (Dimensions:100-feet by 100-feet, 0.25 acre) water-ward of elevation +15.1 Mean Low Lower Water, to a maximum depth of 7 feet below the existing ground surface. The excavated sand and gravel, would be stockpiled on the adjacent beach above the high tide line. The barge landing would be reclaimed by pushing the stored sediments back into the excavated area, when the project is complete or at the end of the work season, whichever comes first. The rock quarry would be constructed in uplands, be approximately .25 acre in size, and provide 20,000 cubic yards of rock. All work would be performed in accordance with the enclosed plan (sheets 1-4), dated DATE.

#### ADDITIONAL INFORMATION

The proposed project was previously authorized in 2008, however, was not constructed. The permit expired in 2013. The applicant wishes to reactivate the authorization. Details of the authorization generally remain the same, however the location of project has shifted 0.4 mile south along the coast.

A wetland determination, prepared by Alaska Biological Research, Inc. in 2007, was submitted with the 2017 application. Waters of the U.S. at the project site were found to consist of regularly flooded, marine intertidal and subtidal, sandy unconsolidated shore.

Other authorizations:

Alaska DNR - LUP, tidal dredging LAS, 26666 Approved May 12, 2008 Expired 2013

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 quarry will be located in uplands.
- b. Minimization: The mine plan will follow a customary sequence of activities or phases, involving exploration, development, mining, & reclamation. The barge landing is proposed to be the minimal size necessary to support the project. The barge landing would be reclaimed by pushing the stored sediments back into the excavated area, when the project is complete or at the end of the work season, whichever comes first.
- c. Compensatory Mitigation is not proposed for this project because the avoidance and minimization measures described are appropriate and practicable to the scope and degree of the environmental impacts of the projects.

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. A Cultural Resources Survey of Proposed Material Source Development on Stuart Island, Alaska, prepared by Northern Land Use Research for the Stebbins Native Corporation was submitted with the original application in 2007. The report found that there were no cultural resources in the permit area or within the vicinity of the permit area. Consultation of the AHRS and the 2007 Report constitutes the extent of cultural resource investigations by the Corps at this time, and we are otherwise unaware of the presence of such resources. The Corps has made a No Historic Properties Affected (No Effect) determination for the proposed project. This application is being coordinated with the State Historic Preservation Office (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 final assessment of the described work. The Corps is requesting the SHPO's concurrence with this determination.

ENDANGERED SPECIES: The project area is within the range of the threatened spectacled and Steller's eiders.

Preliminarily, the described activity will not affect threatened or endangered species, or modify their designated critical habitat, under the Endangered Species Act of 1973 (87 Stat. 844). This application is being coordinated with the U.S. Fish and Wildlife Service and the National Marine Fisheries Service (NMFS). 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 for marine juvenile and marine immature Chinook (*Oncorhynchus tshawytscha*), chum (*Oncorhynchus keta*), pink (*Oncorhynchus gorbuscha*), coho (*Oncorhynchus kisutch*), and sockeye (*Oncorhynchus nerka*), salmon, as indicated on the NMFS essential fish habitat maps.

EFH is present but the project **would not adversely affect** EFH.

We have determined the described activity would not adversely affect EFH in 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)(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-2006-1982-M1, Norton Sound, 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.