



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

<b>PUBLIC NOTICE DATE:</b>	<b>JULY 29, 2013</b>
<b>EXPIRATION DATE:</b>	<b>AUGUST 29, 2013</b>
<b>REFERENCE NUMBER:</b>	<b>POA-2009-1156</b>
<b>WATERWAY:</b>	<b>SNAKE RIVER (NOME)</b>

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](mailto:patricia.l.lora@usace.army.mil), if further information is desired concerning this notice.

**APPLICANT:** Alaska Department of Transportation and Public Facilities (ADOT&PF), 2301 Peger Road, Fairbanks, Alaska 99709; contact is Mr. Brett Nelson at (907) 451-5212.

**LOCATION:** The project site is located at the Nome Airport, Nome, Alaska, within Sections 21, 22, 23, 26, 27 and 28, T. 11 S., R. 34 W., Kateel River Meridian; centered on Latitude 64.5120°N., Longitude -165.4424°W.; and which can be noted on USGS Quad maps Nome B-1, Nome C-1, and Nome C-2.

**PURPOSE:** The applicant's stated purpose is to bring the Nome Airport into compliance with Federal Aviation Administration (FAA) Regulations (14 CFR Part 139) adhering to a congressional mandate to improve runway (RW) safety areas. Neither the main or crosswind runways at the Nome airport meet current FAA design standards. Please note that Nome Joint Utility Service (NJUS) and Nome Gold Alaska Corporation have projects adjacent to and within this project area. Applications for their proposed projects are being submitted separately and are not considered a part of this PN.

**PROPOSED WORK:** Widen and lengthen the Runway Safety Area (RSA) on both the main runway (Runway 10-28) and the crosswind runway (Runway 3-21) at the Nome Airport. RSA expansion would require shifting the Snake River channel further west so that the river is not constricted by Runway 10's RSA expansion area, as illustrated on the enclosed plan sheets 1-14, dated July 2013. The "Total Wetlands Impacted" table, on page 3, sites the acreage and cubic yardage, for both moderate to low and high value wetlands, within each segment of the project area.

- **Runway 10-28 (Main Runway):** Existing cleared areas along the north and south sides of the runway would be filled and graded to create a 500-ft wide RSA along the entire paved runway, with only minor deficiencies in width on the southwest end of RW 10 and a threshold of RW 28, to minimize impacts to the Snake River and wetlands. Threshold RSAs would be constructed at the east and west ends of the runway and a 1,000-ft long RSA would be built beyond the eastern end of the runway by grading and extending the existing cleared area, (Sheets 2-5 & 7-8). A new 221-ft long embankment off the western end of RW 10 would provide for a 201-ft long RSA equipped with an Engineered Materials Arresting System (EMAS), which consists of a bed of high-energy-absorbing, cellular cement material that is designed to stop an aircraft that may overshoot a runway without causing structural damage to the aircraft. The EMAS bed would be 170-ft wide by 158-ft long and constructed on the paved RSA surface beyond the

west threshold, with a 35-ft setback, 56.67-ft block ramp, and 101.25-ft main block bed. This RSA includes a 20-ft wide paved access off the west end of the EMAS and a 15-ft wide paved access on the north and south sides of the EMAS needed for emergency vehicle and personnel access, safe passenger egress from aircraft, and maintenance, and will extend approximately halfway across the existing channel of the Snake River.

- **Snake River Realignment:** To accommodate the RSA's western embankment extension at RW 10, the Snake River would need to be shifted further west so that the river is not constricted by the RSA expansion area, by excavating a modified channel at a meander bend on the river's west side and in an area that's been mined in the past, located at river miles 2.1 and 2.3, (Sheet 3). This modified channel would be 900-ft long, be approximately 100 feet wide at its center with a maximum excavation depth of 25 feet. During excavation of the modified channel the work will be isolated from the river's flowing water by leaving a temporary berm of natural bed/bank material between flowing water and excavation activity, to be removed once the new channel excavation is complete. Channel modification activities would generate approximately 24,000 cubic yards (cy) of excavated material, which 93% of this material would be excavated from an upland area (mine tailings). The remaining 7%, roughly 1,570 cy, would come from the Snake River's shoreline, impacting 0.9 acre of high value wetland. Surface water infiltrating through the berm that separates the work area from the river and groundwater seepage through the tailing pile is expected and will be directed to a sump area within the excavation and then transferred via centrifugal pump into a bermed infiltration area in uplands. Because of variables associated with rainfall amounts, river levels, flow rates, and soil infiltration rates (about 0.5 inches per hour to diminish over time as siltation occurs), a contingent overflow area has been incorporated into the design of infiltration retention pond and would impact 0.6 acre of an area delineated as disturbed wetland. (Sheets 3, 3b and 7).
- **Crosswind Runway 3-21:** The RSA would be widened to the standard 500 feet, except on the south end of the runway where it would follow the existing embankment to avoid additional impacts to the Snake River. Thresholds would be shifted 600 feet to the north for RW 3 operations, providing a 600-ft non-standard RSA south of RW 3 to eliminating airspace obstructions and ensuring nighttime approach procedures continue. The safety area on the north end would be extended beyond the new RW 21 threshold by 1,000 feet, but will still continue use of the existing Navigational Aid System (NAVAIDS), (Sheets 6 and 9-12). The NAVAIDS for RW 3 would be relocated and the new 600-ft runway and shoulder surface would be paved. This proposed action would also require relocation of a section of the Center Creek stream channel (see Draining Improvements below), and a segment of a water utility line (see Utility Relocation below). An existing drainage ditch west of the crosswind runway would also need to be realigned further west to allow widening of the safety area. Approximately 280,000 cy of excavated material would be generated from the threshold shift, RSA extension, and drainage improvements. Usable material would be placed as fill on the new embankments of the main and crosswind RSA. Unusable excavated material would be stockpiled in an upland location, (discussed below under Stockpile Area).
- **Utility Relocation:** The extension of the crosswind runway embankment to the north would require relocation of a Nome Joint Utility System's (NJUS) waterline, which currently runs east of the crosswind runway, diverting under the existing RW 21 RSA and follows along the existing Construction Road alignment. This utility would need to be relocated to allow for the extension of the crosswind runway embankment to the north. NJUS's construction activities in this project are not part of this permit request. They will be submitting their own application for any impacts to wetlands resulting from the utility relocation. DOT&PF acknowledges the waterline relocation as a cumulative impact resulting from this project.
- **Drainage Improvements:** The applicant proposes to shift Center Creek channel, which currently flows towards the northern threshold of the crosswind runway from the east and then meanders to the south within a constructed ditch that follows the eastern border of airport development. Shifting this channel east will provide a buffer between the creek and the new crosswind embankment to prevent aufeis buildup and/or future flooding problems. A new road would be constructed immediately west of the rerouted ditch to provide access to aufeis management and a 10-ft tall dike will be constructed along the northern end of the ditch ensuring aufeis flows away from airport surfaces. Additional drainage improvements along Center Creek would be necessary near the threshold 28 end of the proposed main RSA to move drainage away from the area that would be filled by the proposed embankment extension and eventually reestablish the ditch to connect flow to the Snake River. (Sheets 2, 5, 6 and 14).
- **Construction Road Relocation:** About 1,500 feet of Construction Road, a service road north of the existing threshold 21, would need to be relocated to allow for the crosswind runway RSA expansion and threshold shift, (Sheets 2, 6b and 13).
- **Stockpile Area:** A 15-acre stockpile site is located on an upland area (tailings pile) for all unused excavated material generated from the project. Upgrades will need to be made to the existing stockpile's access, via Construction

Road, to include widening the road in select areas and installing a culvert, (Sheets 2 and 6b). The stockpile will be permanently stabilized and graded to eliminate potential ponding of water to reduce the attractiveness of the site to nesting migratory birds, and for supporting development and growth objectives of the Nome Airport.

- **Wetland Impacts:** The proposed Nome Airport Runway Safety Area Improvements project would impact **71.6 acres** of waters of the United States. The table below summarizes the anticipated impacts the proposed project would have to wetlands and other waters of the U.S., including estimated acres of impact and fill quantities for each project component.

<b>Proposed Action Component</b>	<b>Moderate to Low Value Wetlands</b>	<b>Impact Area (acres &amp; cubic yards)</b>	<b>High Value Wetlands</b>	<b>Impact Area (acres &amp; cubic yards)</b>
Main Runway RSA Improvements and EMAS	Palustrine Scrub Shrub Dominated	<b>1.0</b> (2,665 cy)	Riverine	<b>2.3</b> (8,810 cy)
			Flooded Pond	<b>0.2</b> (533 cy)
	Disturbed Wetlands	<b>0.3</b> (800 cy)	Palustrine Emergent Dominated	<b>4.4</b> (11,728 cy)
Crosswind Runway RSA Improvements	Palustrine Scrub Shrub Dominated	<b>30.5</b> (76,481 cy)	Riverine	<b>2.7</b> (6,770 cy)
	Disturbed Wetlands	<b>0.2</b> (502 cy)	Palustrine Emergent Dominated	<b>1.7</b> (4,263 cy)
Construction Road Relocation and Haul Route	Palustrine Scrub Shrub Dominated	<b>13.2</b> (8,664 cy)	Palustrine Emergent Dominated	<b>0.3</b> (197 cy)
	Disturbed Wetlands	<b>1.0</b> (656 cy)		
River Realignment			Riverine	<b>0.9</b> (1,565 cy)
Infiltration Overflow Pond	Disturbed Wetlands	<b>0.6</b> (227 cy)		
Drainage Improvements	Palustrine Emergent Dominated	<b>0.6</b> (684 cy)	Riverine	<b>0.3</b> (342 cy)
	Palustrine Scrub Shrub Dominated	<b>9.3</b> (10,600 cy)	Flooded Ponds	<b>0.1</b> (114 cy)
			Palustrine Emergent Dominated	<b>1.3</b> (1,482 cy)
Stockpile Area and Road Widening	Disturbed Wetlands	<b>0.5</b> (8,261 cy)	Palustrine Emergent Dominated	<b>0.1</b> (1,652 cy)
	Palustrine Scrub Shrub Dominated	<b>0.1</b> (1,652 cy)		
<b>TOTAL</b>	<b>Moderate to Low Value</b>	<b>57.3</b> (111,192 cy)	<b>High value</b>	<b>14.3</b> (37,456 cy)
<b>Total Wetland Impacts - 71.6 Acres (148,648 cy)</b>				

**ADDITIONAL INFORMATION:** The applicant's Notice of Availability of Finding of No Significant Impact and Environmental Assessment for Nome Airport Runway Safety Area Improvements DOT&PF Project No. 61413, may be found online at: <http://dot.alaska.gov/nreg/nomeairport/>.

**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. Design options for expanding the RSAs, particularly the main runway, were limited because of cultural and natural features, i.e., the city cemetery is located at the end of RW 28 and the Snake River is located at the end and adjacent to RW 10 and RW 3. The following commitments will be included in the project to reduce environmental impacts.

### **AVOIDANCE AND MINIMIZATION:**

#### **Air Quality:**

- Measures to control fugitive dust such as pre-watering sites prior to excavation, applying a dust palliative, controlling construction traffic patterns and haul routes, and covering or otherwise stabilizing fill material stockpiles will be implemented during construction.

#### **Water Quality:**

- The contractor will be required to comply with the APDES CGP and prepare and implement a SWPPP (subject to DOT&PF approval and based on DOT&PF's Erosion Sediment Control Plan).
- BMPs will be followed, which includes placement of a turbidity curtain in the Snake River before in-water construction begins; use of only clean fill material (10 percent in fines) for the construction of the embankments; temporary installation of silt fencing during construction of embankments within wetlands; and re-vegetation of disturbed areas with native species.
- Work will be isolated from the flowing river as much as practicable, silt curtains will be used, and the lowest segment of bank-armoring revetment will be placed first to minimize sediment release.
- In-water work will be limited to low-flow periods in the Snake River to minimize sediment discharge.

#### **Construction:**

- Advance notice of construction and detours will be provided to airport users, and traffic will be re-routed around the construction area to the extent feasible.
- Haul routes, staging, and stockpiling will be planned to avoid and minimize impacts to airport users and local residents.
- Access via the Snake River will be coordinated locally and accommodated as much as possible to allow continued local user access to areas upstream of the construction.
- DOT&PF will coordinate with NMFS and ADF&G to establish appropriate mitigation for the temporary, construction-related impacts to EFH.
- DOT&PF will consult with ADEC to determine the most appropriate land-based dewatering method to avoid discharge of arsenic contaminated groundwater into the Snake River. If land-based methods are found to be impracticable, discharge would be in an ADEC-approved manner and may include a permitted mixing zone for arsenic and sediment to safely introduce the discharge into an existing mining dredge pond on site or other approved water body (not within a public drinking source or fish habitat).

#### **Aircraft Operations:**

- An air traffic control plan will be developed and implemented during construction.
- The construction contractor will notify the DOT&PF Project Engineer of any activities that would change available landing surface or NAVAIDs so this information can be broadcast to airport users. The Project Engineer will inform the DOT&PF Airport Manager who will coordinate and issue all required Notices to Airmen.
- Construction activities will be staged to minimize delays to aircraft or passengers.
- During construction periods that do not require partial runway closures, the construction contract will require the contractor to conform to FAA safety guidelines and avoid delays to aircraft or passengers.

#### **Hazardous Waste, Pollution Prevention, and Solid Waste:**

- DOT&PF will require the construction contractor to develop a Hazardous Materials Control Plan (HMCP) to address storage and handling of hazardous materials, including fuel and lubricants, and spill response.
- Construction contracts will include a provision that if contaminated soil or groundwater is suspected or encountered during construction activities, the construction contractor will contact the DOT&PF Project Engineer and stop the work, so that the DOT&PF can coordinate with ADEC in accordance with 18 Alaska Administrative Code 75.300. All contamination will be handled and disposed of in accordance with an ADEC-approved corrective action plan.

- All solid wastes generated during construction will be disposed of at a permitted landfill.
- Material excavated in previously mined areas will only be used in an upland; non-environmentally sensitive location and will not be placed within 100-ft of water wells, surface waters and drainage ditches.

**Historical, Archaeological, and Cultural Resources:**

• The construction contract will contain the provision, “*Should cultural or paleontological resources be discovered as a result of this activity, all work that could impact these resources will halt and the DOT&PF Project Engineer and SHPO will be notified immediately.*” Work will not resume at these sites until Section 106 consultation is conducted with FAA and SHPO.

**Fish, Wildlife, Plants, and Subsistence:**

• DOT&PF will comply with the Migratory Bird Treaty Act by either adhering to the USFWS’s recommended bird timing window of May 20<sup>th</sup> to July 20<sup>th</sup> or by sufficiently altering vegetated sites before migratory birds arrive so that they do not provide nesting habitat.

• If an active eagle nest is encountered during construction, intrusive activities such as clearing will not proceed in the vicinity of the active nest until fledging occurs. If construction activities appear to disturb eagles, the USFWS Regional Office would be contacted. The proposed project will be conducted in compliance with the Bald and Golden Eagle Protection Act and the Migratory Bird Treaty Act.

• Impacts to fish will be minimized by using ADF&G-stipulated timing windows, using only clean fill, and isolating work areas where practicable.

• The instream flow rates specified in the ADF&G Snake River water reservation would be adhered to, in order to protect fish, wildlife habitat, migration and propagation.

Finished slopes would be stabilized with rock or seeded with native grasses or other vegetative plantings. Seeding with native grasses or other vegetative planting in disturbed areas would reduce the risk of bank erosion and mimic existing conditions of the floodplain.

**Wetlands:**

• The project footprint will be staked prior to construction and maintained for the duration of the project to avoid additional impacts to wetlands from construction activities.

• Embankment fill material will be stockpiled within the project fill footprint or upland areas of the airport to avoid impacts to wetlands.

• Setbacks from water channels and standing water will be maintained for refueling and vehicle maintenance activities to avoid impacts to the water bodies from an accidental spill.

**COMPENSATORY MITIGATION:**

• The applicant proposes participation in the In-lieu fee program and compensatory mitigation ratios based on wetland functional value and Appendix B of the Alaska District Regulatory Guidance Letter, RGL ID No. 09-01, and at a rate established by the Conservation Fund. The proposed project would permanently impact 71.6 acres of waters of the U.S. To offset these unavoidable impacts the applicant purposes a compensatory mitigation rate of 1.5:1 acres ratio for moderate to low value functional ranking of Category III or IV, of which this project impacts **57.3** acres; and a compensatory mitigation rate of 3:1 acres ratio for high value functional ranking of Category I or II, of which this project impacts **14.3** acres.

**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 Federal Aviation Administration (FAA) is the lead Federal agency and is responsible for compliance with the requirements of Section 106 of the National Historic Preservation Act.

On February 28, 2012, DOT&PF, on behalf of the FAA, sent Section 106 Findings of Effects letters to the SHPO, Bering Straits Native Corporation, King Island Native Corporation, King Island Native Community, Sitnasuak Native Corporation, Nome Eskimo Community, Kawerak Incorporated, the Carrie M. McClain Memorial Museum, and the City of Nome. The letters provided a description of the proposed project and defined its Area of Potential Effect (APE), outlined the efforts made to identify historic and cultural properties, described each identified property and provided a determination of eligibility for inclusion in the NRHP, stated the finding of effect of the project on historical properties, and requested that the consulting parties provide concurrence with the finding or comments. DOT&PF determined that no historic properties would be adversely affected by the proposed project.

On March 22, 2012, SHPO responded to the Findings of Effects letter. SHPO concurred that Dredge No. 6 (NOM- 241) and Nome Dredge No. 6 Historic District (NOM-243) are eligible for the NRHP, that NOM-239 and NOM-240 are eligible to NRHP as contributing features to the Nome Dredge No. 6 Historic District.

In April, 2012, DOT&PF consulted with members of the Nome community likely to be knowledgeable about the Samuelson Trail (NOM-244) and gathered oral history about the trail. On May 3, 2012, DOT&PF sent a Section 106 Findings of Effect letter to the SHPO and interested parties. The letter provided a description and historic context of the Samuelson Trail, and provided a determination of eligibility for inclusion in the NRHP, stated the finding of effect of the project on the trail, and requested the SHPO provide concurrence with the findings. DOT&PF determined that while NRHP eligible properties are present within the APE, the proposed project would not adversely affect the characteristics that qualify the Samuelson Trail (NOM-244), Dredge No. 6 (NOM-241), or the Nome Dredge No. 6 Historic Mining District (NOM-243) for inclusion in the NRHP. On May 14, 2012, the SHPO concurred with DOT&PF finding of no adverse effect and had no objection to the FAA *de minimis* finding.

**Direct, Indirect, and Cumulative Impacts:** While NRHP eligible properties are present within the APE, DOT&PF has determined, on behalf of FAA, that the proposed project would not adversely affect the characteristics that qualify the eligible properties for inclusion in the NRHP. SHPO concurred with the finding of no adverse effect and did not object to a *de minimis* impact finding.

**ENDANGERED SPECIES:** DOT&PF's informal consultation with USFWS, as mandated by the Section 7 of the ESA, concluded that the proposed project may effect, but not likely to adversely affect any ESA-listed species present in the project vicinity.

**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 Snake River is a catalogued anadromous stream (ADF&G Stream No. 333-10-11200). The project area is within the known range for all five species of Pacific salmon as well as resident Dolly Varden (*Salvelinus malma*), two species of white fish (*Coregonus* spp.), and is considered EFH. The Snake River chum salmon has been designated as a stock of yield concern (as defined in the *Policy for the Management of Sustainable Salmon Fisheries*, 5 AAC 39.222(f)(42)) since 2007 when it was down-listed from a management concern. In addition to providing habitat for salmon, whitefish, and Dolly Varden, the Snake River supports Arctic grayling (*Thymallus arcticus*), burbot (*Lota lota*), ninespine stickleback (*Pungitius pungitius*), and slimy sculpin (*Cottus cognatus*) for a portion of, or all of their spawning, incubation, rearing, and passage of life phases. ADF&G holds instream water flow reservation rights for the Snake River for the purpose of maintaining specified instream flow rates to protect fish and wildlife habitat, migration, and propagation. The water reservation of the river includes all connected sloughs, side channels, floodplains, and potential future diversions/redirections for the first 10 miles of the Snake River ending at the confluence of the Snake River and Russell Creek (DNR, 2011). Juvenile salmon from the Snake River may use the nearshore and Nome Harbor area during their spring outmigration, feeding along marine shorelines before moving into offshore waters. Nome Harbor provides EFH for juvenile and adult salmon on their migrations between freshwater and marine habitats, and likely provides EFH for red king crab, cottids, and possibly other fish species.

**Direct and Indirect Impacts:** No permanent effects to EFH or EFH-managed species are expected since the realigned channel segment would be relatively small, roughly equivalent in length to the existing channel, and would be engineered to mimic the existing floodway cross section and to resist erosion. No impacts to adult salmon migrations and spawning are expected. The only potential adverse impacts to EFH and EFH-managed species are related to construction of the Proposed Action and adverse effects to EFH managed salmon would be localized to Snake River stocks, affect only a single year class, and would be minor in severity. The Proposed Action is not expected to decrease water flow in the Snake River. The instream flow rates specified in the ADF&G Snake River water reservation would be adhered to, in order to protect fish, wildlife habitat, migration, and propagation.

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 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

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-2013-273, Snake 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.