



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 20, 2013  
**EXPIRATION DATE:** September 23, 2013  
**REFERENCE NUMBER:** POA-2012-549  
**WATERWAY:** Kobuk River

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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 Keith Gordon at (907) 753-5710, toll free from within Alaska at (800) 478-2712, by fax at (907) 753-5567, or by email at Keith.Q.Gordon@usace.army.mil if further information is desired concerning this notice.

**APPLICANT:** Alaska Department of Transportation and Public Facilities (DOT).

**LOCATION:** The project site is located within Sections 19, 20, 21, 29, 30 and 31, T. 20 N., R. 5 E., Kateel River Meridian; Ambler River A-4; Latitude 67.101° N., Longitude 157.859° W.; near Ambler, Alaska.

**PURPOSE:** The applicant's stated purpose is to meet FAA safety standards, as well as improve safety, reliability, and operational efficiency of the airport.

**PROPOSED WORK:**

1. Lengthen main runway 18/36 from 3,000 ft to 4,000 ft and widen it from 60 ft to 75 ft;
2. Lengthen the main runway safety area (RSA) to 4,600 ft and widen it to 150 ft;
3. Improve site visibility by leveling uneven terrain and clearing vegetation;
4. Grade and overlay operational surfaces and embankments;
5. Install airport lighting and navigational aids (NAVAIDS);
6. Realign 1,240 ft of airport access road (Waring Street) to accommodate the new, extended RSA;
7. Rehabilitate and resurface 2,750 ft of Waring Street;
8. Acquire approximately 160 acres of land for Airport expansion;
9. Expand the existing apron and construct a new Snow Removal Equipment Building (SREB);
10. Construct a material site access road and develop a material site.

All work would be performed in accordance with the enclosed plan (sheets 1-8), dated May 9, 2013.

**ADDITIONAL INFORMATION:** Construction is expected to begin either late summer 2014 or spring 2015 depending on the Kobuk River water levels and the contractor's ability to barge equipment in. Construction is expected to conclude in 2016. Fill for the new runway embankment would be placed in the summer months (July-September) when the ground is thawed. The construction schedule beyond the preceding basic schedule and the expectation that most earthwork would be done during summer months would be up to the contractor to determine.

**APPLICANT PROPOSED MITIGATION:** The applicant has described their efforts to avoid, minimize, and compensate for impacts to waters of the United States from activities involving discharges of dredged or fill material as follows:

a. Avoidance: "The project has been planned and designed to avoid impacts to wetlands and other waters wherever practicable through measures such as material site placement, access route selection, and planning of construction methods. A suitable upland-only route for the access road to the material site is not available due to the surrounding landscape. The material site identified by the Alaska Department of Transportation and Public Facilities (DOT&PF) for use was selected because it is predominantly upland and has the potential to yield non-NOA material for the project and future use by the community. The material site is set back 300 feet from the Ambler River to avoid potential impacts from overburden storage. The limits of the material site will be staked and sediment control measures will be implemented to ensure that impacts do not extend beyond the permitted area.

About 1,240 feet of Waring Street, the airport access road, would be realigned to the southeast around the expanded Runway Safety Area (RSA), beginning approximately at the existing airport property boundary and extending to the apron. The new road section would remain within the Runway Protection Zone (RPZ), which is not recommended by Federal Aviation Administration (FAA) standards, but would avoid impacts to high value riverine wetlands. Relocating the access road outside of the new RPZ would require a longer road and a new crossing of Grizzly Creek.

The alternative southern material site corridor, while more direct than the proposed northern route, would impact 2.3 more acres of wetland than the northern access route. The DOT&PF also coordinated with the Alaska Department of Fish and Game to discuss the impacts of potential access corridors. This resulted in the removal of the southern access corridor from selection due to its crossing of an un-catalogued fish stream that likely provides rearing habitat for Ambler River and Kobuk River stock juvenile salmonids. The southern route would also impact a greater area of wetlands with high functions and values associated with this stream. Figures 10-15 in the Jurisdictional Determination Report (Attachment D) show that fewer Category I and II wetlands are found in the northern material site access route compared to the southern route.

b. Minimization: "...The following minimization measures have been incorporated into the planning and design of the Ambler Airport Improvements Project:

- The material site access road has been designed to cover the minimum footprint necessary to provide a stable road base for industrial vehicles and projected use.
- Temporary construction impact areas will be limited to 15 feet on each side of the access road and runway improvements.
- Drainage culverts will be installed through the embankment at appropriate sites to maintain the natural flow of surface water.
- Stream crossing culverts will be properly sized to maintain hydrology
- On-site, non-NOA material will be used as source material for embankments and runway improvements.
- Materials would be stockpiled within the project fill footprint, or developed/upland areas, to avoid impacting additional ground.
- Cut slopes would be seeded or otherwise stabilized to prevent erosion.

- Erosion and sedimentation control measures will be used during construction and permanent stabilization will be implemented as early as possible in construction.
- Staking will be done to delineate the planned outside limits of disturbance prior to construction to ensure that impacts will be limited to that area.
- Sedimentation basins will be use as necessary during construction.
- 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.
- Spill response equipment will be readily available and construction personnel should be trained in spill response to contain any accidental leaks of oil or fuel from construction equipment.”

c. Compensatory Mitigation: “The project will permanently impact a total of 30.52 acres of wetlands and other waters of the U.S. through the construction of the various project components. Temporary impacts will be limited to 15 feet around all cut and fill limits, and total 5.37 acres. Areas of temporary impact will be restored to their previous condition. In accordance with the Alaska District Regulatory Guidance Letter (RGL) No. 09-01, the DOT&PF proposes to provide compensatory mitigation for unavoidable impacts to the wetlands and other waters of the U.S. applying ratios described in RGL No. 09-01 (see Table 1), DOT&PF proposes to provide The Conservation Fund (TCF), a Corps of Engineers approved in-lieu fee program provider for the Northwest Arctic Borough area, with sufficient funds to permanently preserve 48.5 acres of wetlands.

Wetland Functional Category	Acreage of Impact	RGL 09-01 Ratio for Preservation	Credits Needed from TCF
Category I	0.05	3:1	0.14
Category II	5.24	2:1	10.49
Category III	25.23	1.5:1	37.84
Total	30.52		48.46

Table 1. Compensatory Mitigation Credits Needed.

A final compensatory mitigation plan will be prepared and submitted to the Corps of Engineers during the permit application review period.”

**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 by the Alaska Department of Transportation for the presence or absence of historic properties, including those listed in or eligible for inclusion in the National Register of Historic Places. There are no listed or eligible properties in the vicinity of the worksite. DOT contractors conducted ground surveys of all areas except the permanent access road route to the proposed new gravel source. DOT staff in consultation with an archaeologist subsequently determined that the proposed permanent road route held little potential to harbor cultural resources. On March 20, 2013 the Alaska State Historic Preservation Officer (SHPO) determined that the project as proposed would affect no known historic properties. The U.S. Army Corps of Engineers (USACE) is incorporating by reference Alaska DOT’s efforts on behalf of the Federal Aviation Administration (FAA) and the results of the SHPO’s analysis of the potential for the project to affect known cultural resources. Other than providing a copy of this public notice to the Alaska SHPO’s office no further Section 106 National Historic Preservation Act (NHPA) coordination is required unless a discovery is made before or during construction. Any comments SHPO may have concerning presently unknown archeological or historic resources or data that may be lost or destroyed by work under the requested permit will be considered in our final assessment of the described work.

**ENDANGERED SPECIES:** The project area is within the known or historic range of both the Spectacled Eider (*Somateria fischeri*) and Steller's Eider (*Polysticta stelleri*).

We are currently gathering information regarding these species and have yet to make a determination of effect. Should we find that the described activity may affect the species listed above, and/or their designated critical habitat, we will follow the appropriate consultation procedures under section 7 of the Endangered Species Act of 1973 (87 Stat. 844). Any comments the U.S. Fish and Wildlife Service 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).

We have determined the described activity would not adversely affect EFH because neither EFH nor EFH species are present.

**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-2012-549, Kobuk 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.