



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>January 6, 2016</b>
<b>EXPIRATION DATE:</b>	<b>February 8, 2016</b>
<b>REFERENCE NUMBER:</b>	<b>POA-2013-31</b>
<b>WATERWAY:</b>	<b>Nazuruk Channel</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 Jason Brewer at (907) 753-2823, toll free from within Alaska at (800) 478-2712, by fax at (907) 753-5567, or by email at Jason.D.Brewer@usace.army.mil if further information is desired concerning this notice.

**APPLICANT:** Noorvik Native Community, Post Office Box 209, Noorvik, Alaska 99763

**AGENT:** Julia Hanson, WHPacific, Inc., 3111 C Street, Suite 300, Anchorage, Alaska 99503

**LOCATION:** The project site is located in the village of Noorvik within Section 34, T. 17 N., R. 11 W., Kateel Meridian; USGS Quad Map Selawik D-5; Latitude 66.83107° N., Longitude - 161.04444° W.; approximately 43 miles east of Kotzebue, Alaska.

**PURPOSE:** The applicant's stated purpose is to improve Noorvik's transportation network, allowing greater community connectivity between residential areas and the school, improving transportation safety, and providing access to developable land. The project will also provide a secondary flood evacuation route.

**PROPOSED WORK:** Construct four road segments in Noorvik, Alaska. The roads would all have 12" base coarse and 36" of graded aggregate (grade B with insulation board) over



geotextile fabric. See Figure 3 for typical sections for the roadway dimensions and structural sections. Routes 1130, 1160, and 1230 would each be 22-foot wide, two lane roads. Route 1260 would be a 13-foot wide, single lane road with pullouts. Other features of the project include installation of culverts and relocation of an existing force main pipeline. The four road segments would total 0.8 miles. The construction would require 28,832 cubic yards of fill material and result in impacts to 4.38 acres of wetlands. All work would be performed in accordance with the enclosed plan (sheets 1-7), dated December 2015.

**ADDITIONAL AUTHORIZATIONS:** Alaska Department of Natural Resources - Fish Habitat Permit; State Historical Preservation Office – National Historic Preservation Act; Northwest Arctic Borough

**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 village of Noorvik is located in the floodplain of the Nazuruk Channel. Avoidance is not practicable due to the extent of wetlands between the existing roads and areas proposed to be accessed.

b. Minimization: Roadway design minimizes wetlands impact by utilizing the most compact footprint that still achieves the project purpose. One route was designed as a single lane with limited pullouts for passing. Where possible, the new roads connect to existing fill embankments, including existing roads and an existing (abandoned) runway, contributing to the needed network connectivity without additional earth fill. Other minimization design measures include the roadway section and side slope values. The roadway section utilizes rigid insulation to minimize the fill height necessary to provide a stable road surface. The side slopes are 3H:1V; which is the steepest recommended value to provide a stable base while minimizing the project footprint.

c. Compensatory Mitigation: Proposed mitigation is to improve the water treatment capability of the village sewage lagoons by decreasing levels of pollutant discharge entering the Nazuruk Channel.

The village lagoon system consists of three tundra ponds connected by channels (see attached Figure 2, Rev.), which empties into the Nazuruk Channel. Effluent from Pond 1 is draining into Pond 2 too fast, carrying high levels of pollutants. It appears that the channel between them has eroded, lowering the exit elevation and decreasing the resident time in Pond 1.

As part of the Lowell Lane Extension, the applicant would build a new earth embankment between the two ponds. A culvert would be installed in the existing channel between Pond 1 and Pond 2. The culvert would be set at an elevation and size to provide the desired residence time in Pond 1 before allowing flows into Pond 2 and eventually into the Nazuruk Channel.



This plan would improve the water quality of the two downstream tundra ponds and connecting streams, as well as in the Nazuruk Channel.

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 lead Federal agency, Bureau of Indian Affairs, is responsible for compliance with the requirements of Section 106 of the National Historic Preservation Act. A permit for the described work will not be issued until the Section 106 process has been completed.

ENDANGERED SPECIES: The project area is within the known or historic range of the polar bear (*Ursus maritimus*).

We are currently gathering information regarding this species and have yet to make a determination of effect. Should we find that the described activity may affect the species listed above, 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 or the National Marine Fisheries 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).

No EFH species are known to use the project area. 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

## **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-2013-31, Nazuruk Channel**, 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.



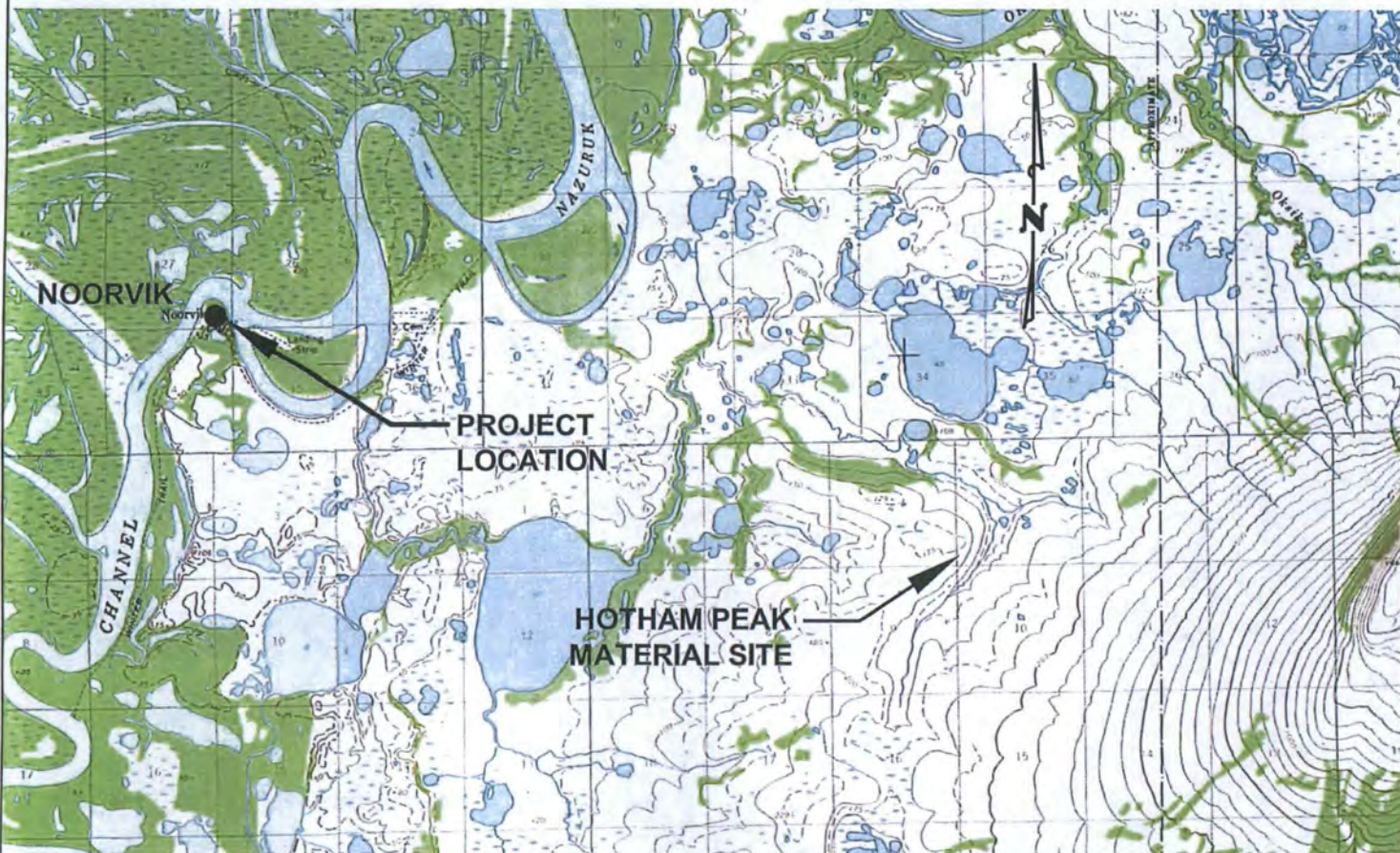
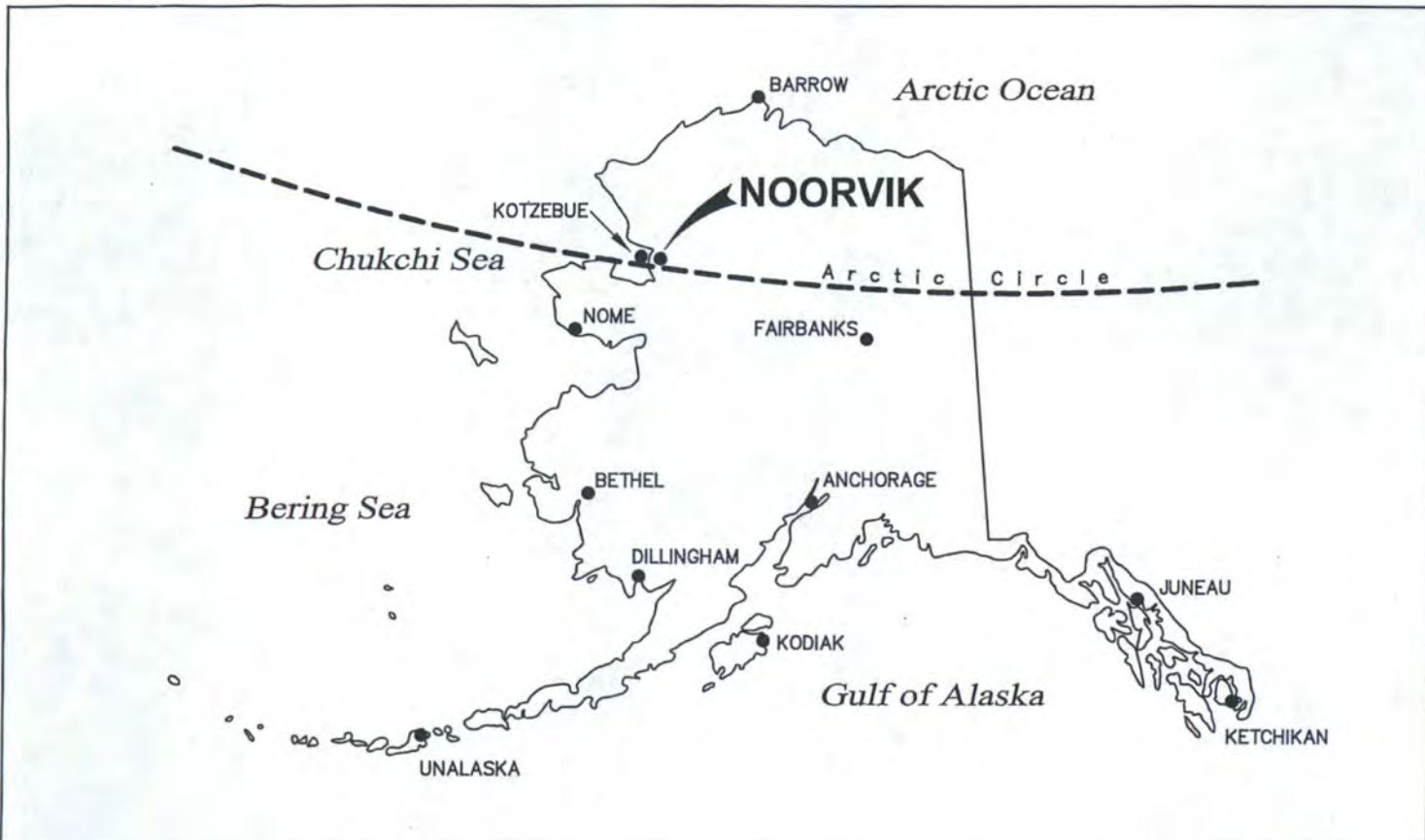
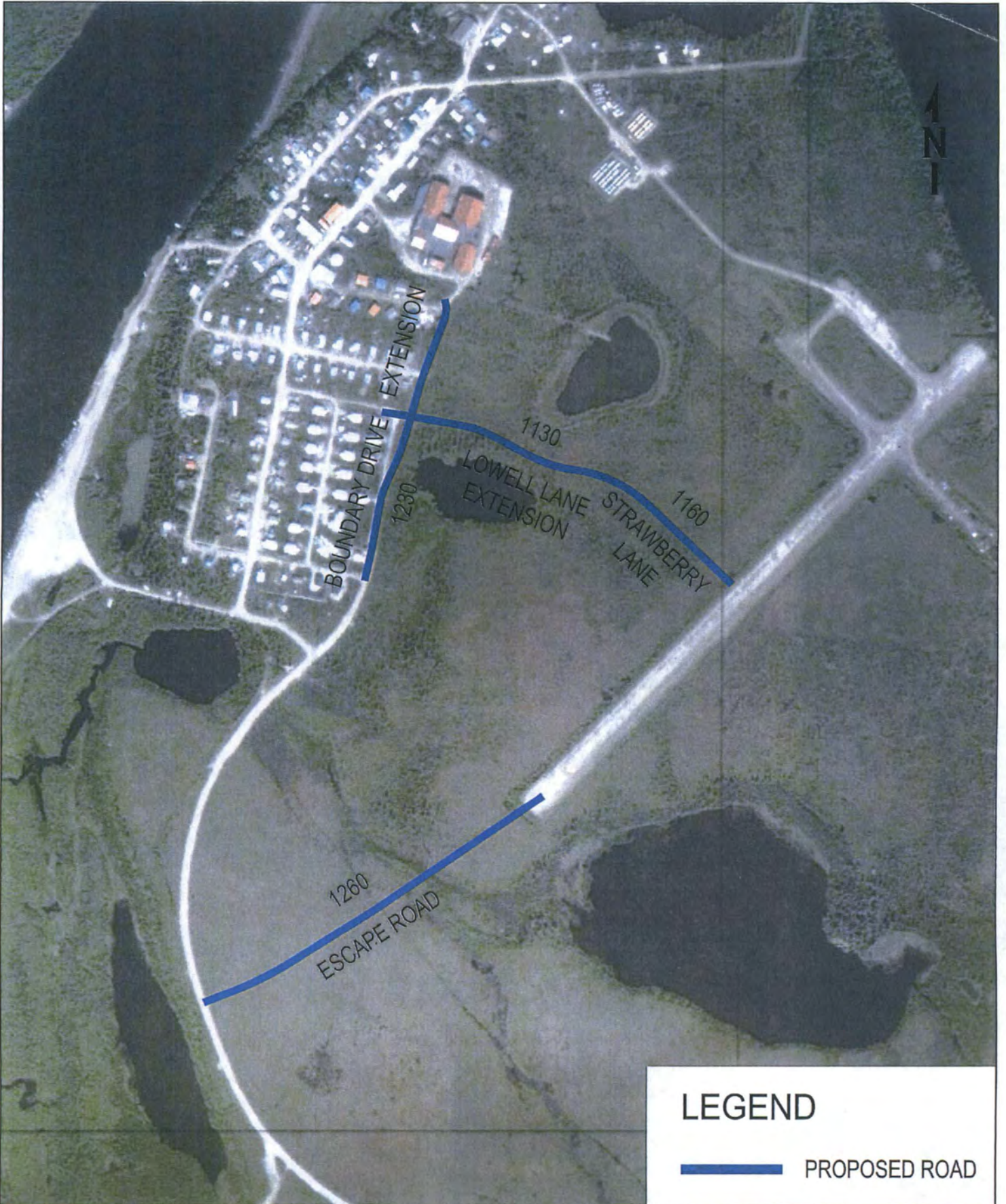


FIGURE NUMBER  1	Noorvik Native Community POA-2013-31, Nazuruk Channel December 30, 2015, Sheet 1 of 7	DRAWING INFO		SHEET INFO	
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				LAST EDIT 1/21/2015	
		NTS		PLOT DATE 1/21/2015	

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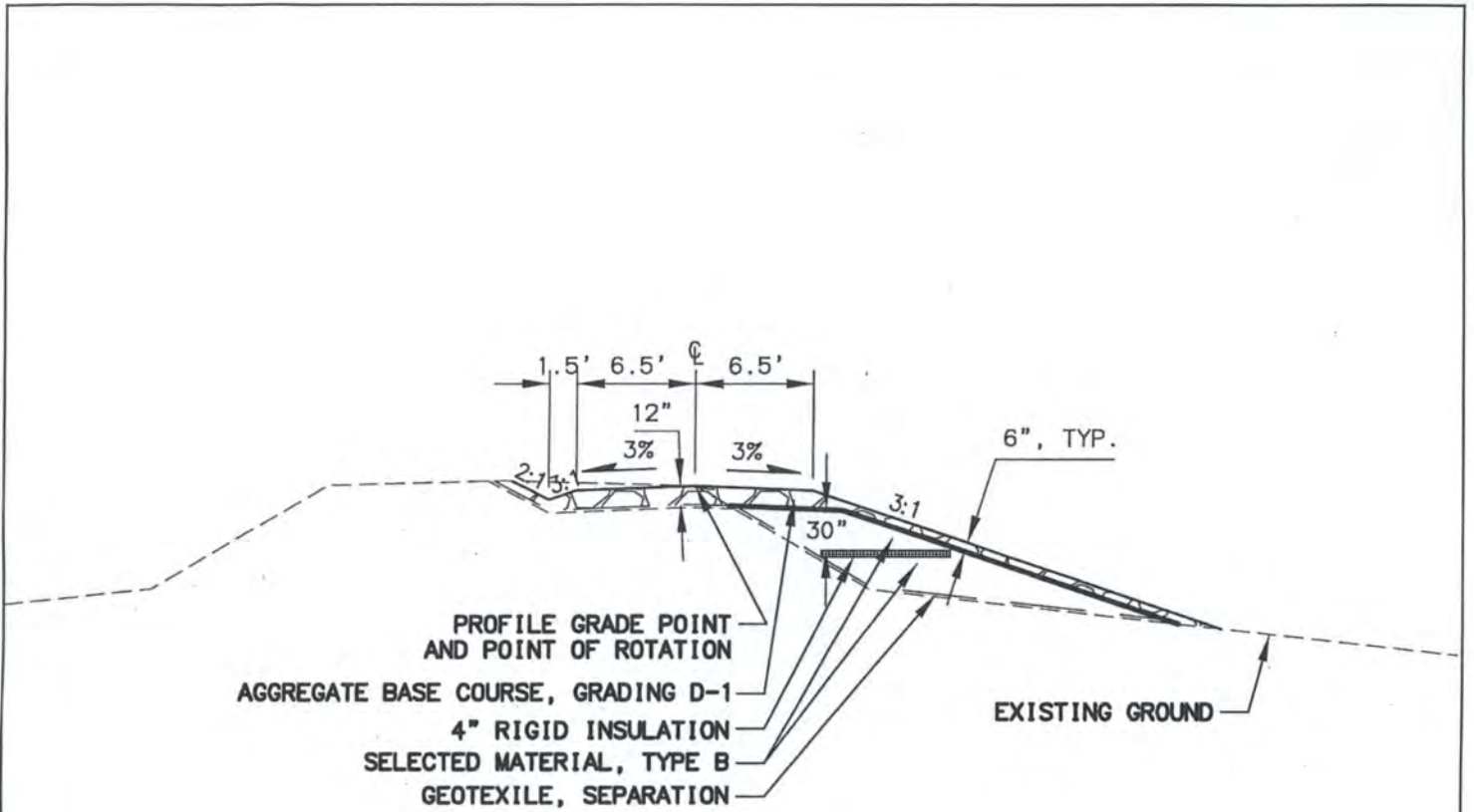
## LEGEND

 PROPOSED ROAD

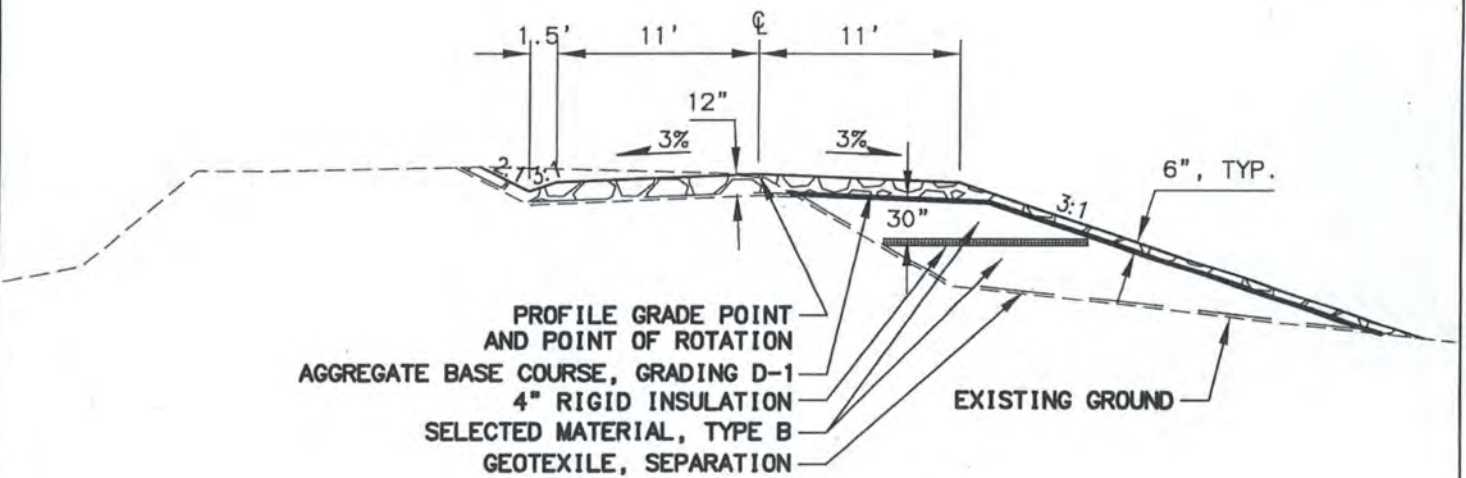
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				CHECKED	EMG	
				LAST EDIT	7/29/2015	
			NTS	PLOT DATE	8/12/2015	

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ROUTE 1260



ROUTE 1130, 1160 AND 1230

FIGURE NUMBER

3

Noorvik Native Community  
 POA-2013-31, Nazuruk Channel  
 December 30, 2015, Sheet 3 of 7

DRAWING INFO

P000900W

NTS

SHEET INFO

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CHECKED	EMG
LAST EDIT	12/15/2014
PLOT DATE	12/15/2014

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FIGURE 5

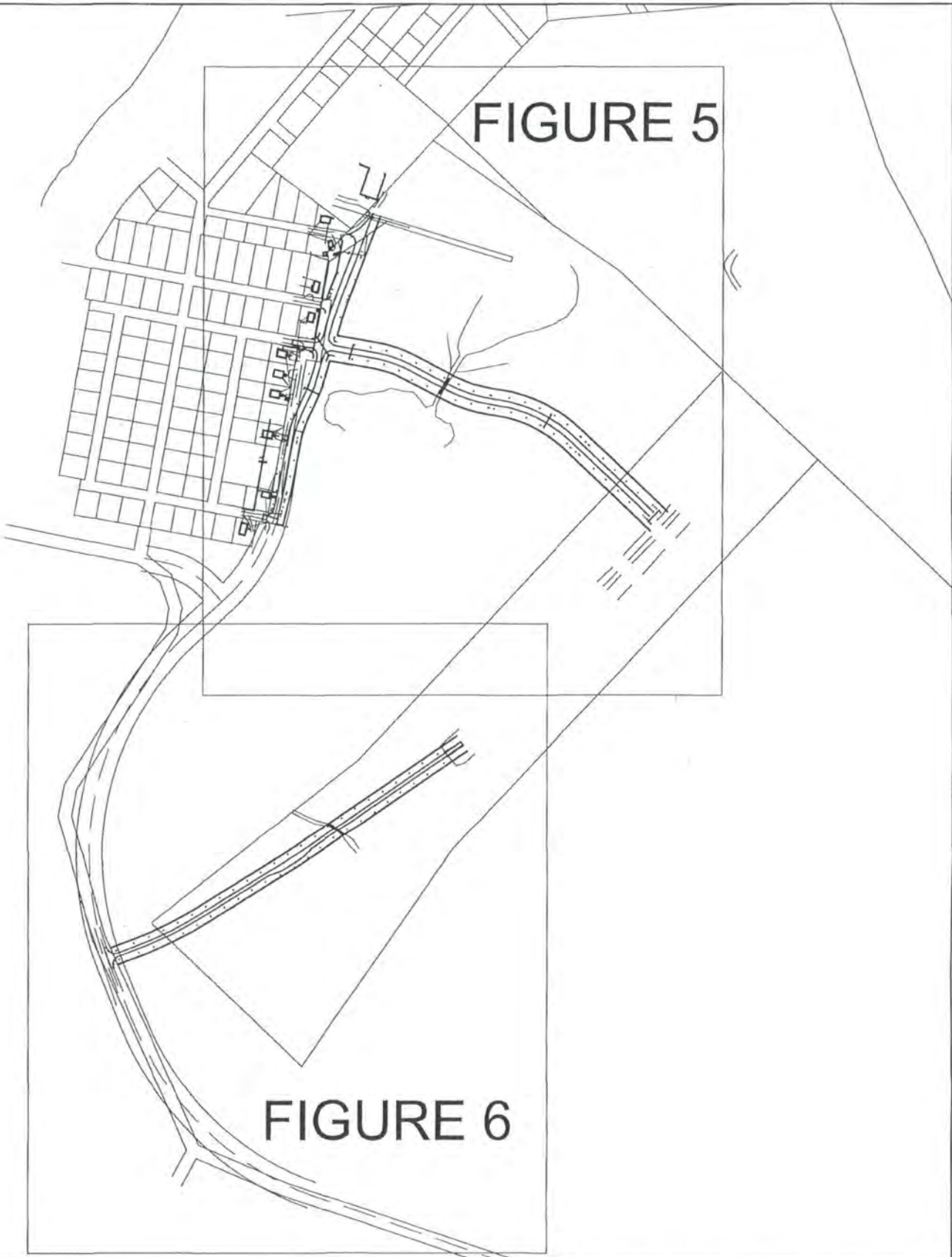


FIGURE 6

FIGURE NUMBER  
4

Noorvik Native Community  
POA-2013-31, Nazuruk Channel  
December 30, 2015, Sheet 4 of 7

DRAWING INFO  
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NTS

SHEET INFO  
DRAWN KLZ  
CHECKED JRH  
LAST EDIT 9/11/2015  
PLOT DATE 8/11/2015





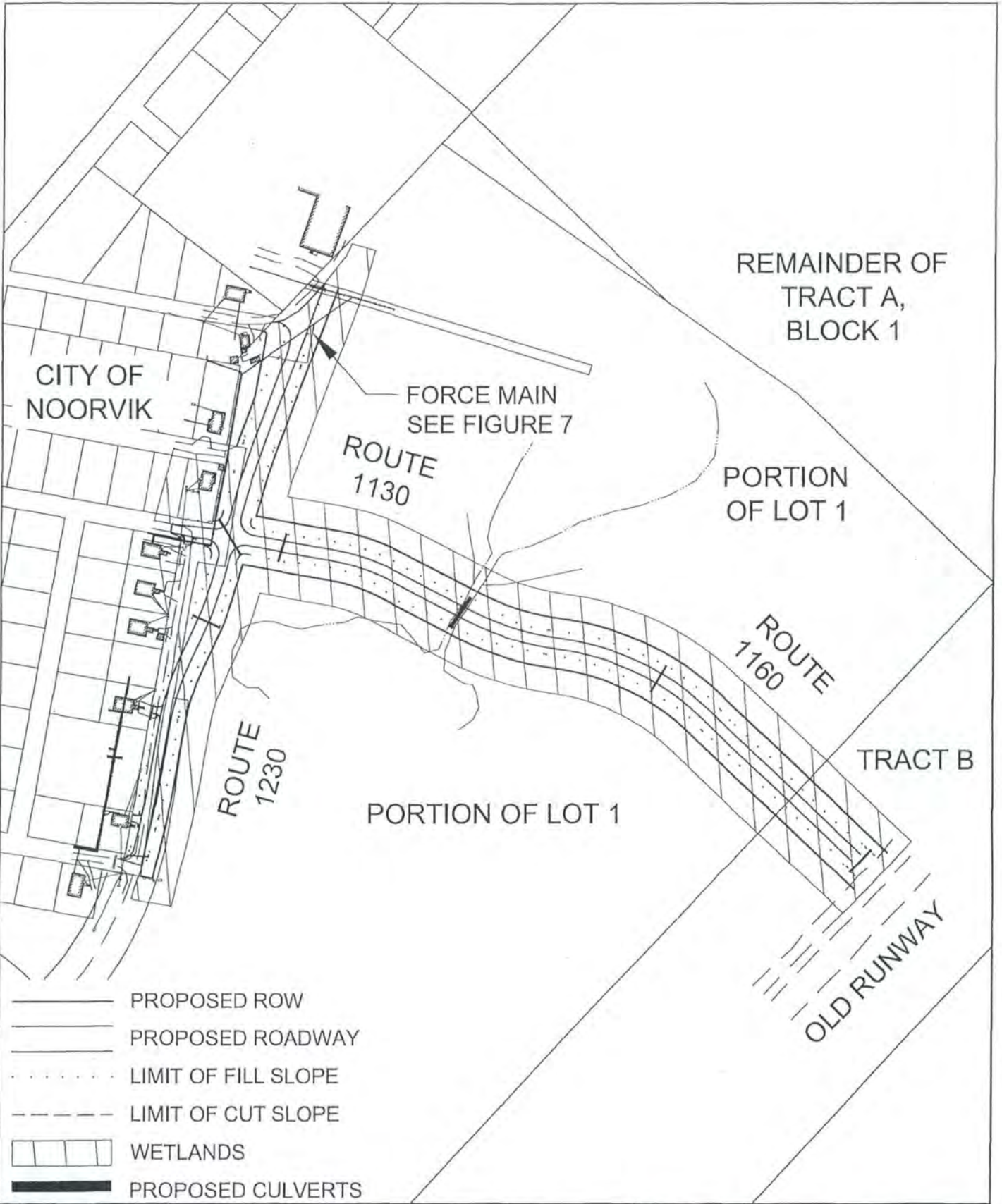


FIGURE NUMBER  
 5

Noorvik Native Community  
 POA-2013-31, Nazuruk Channel  
 December 30, 2015, Sheet 5 of 7

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 LAST EDIT 9/11/2015  
 PLOT DATE 9/11/2015





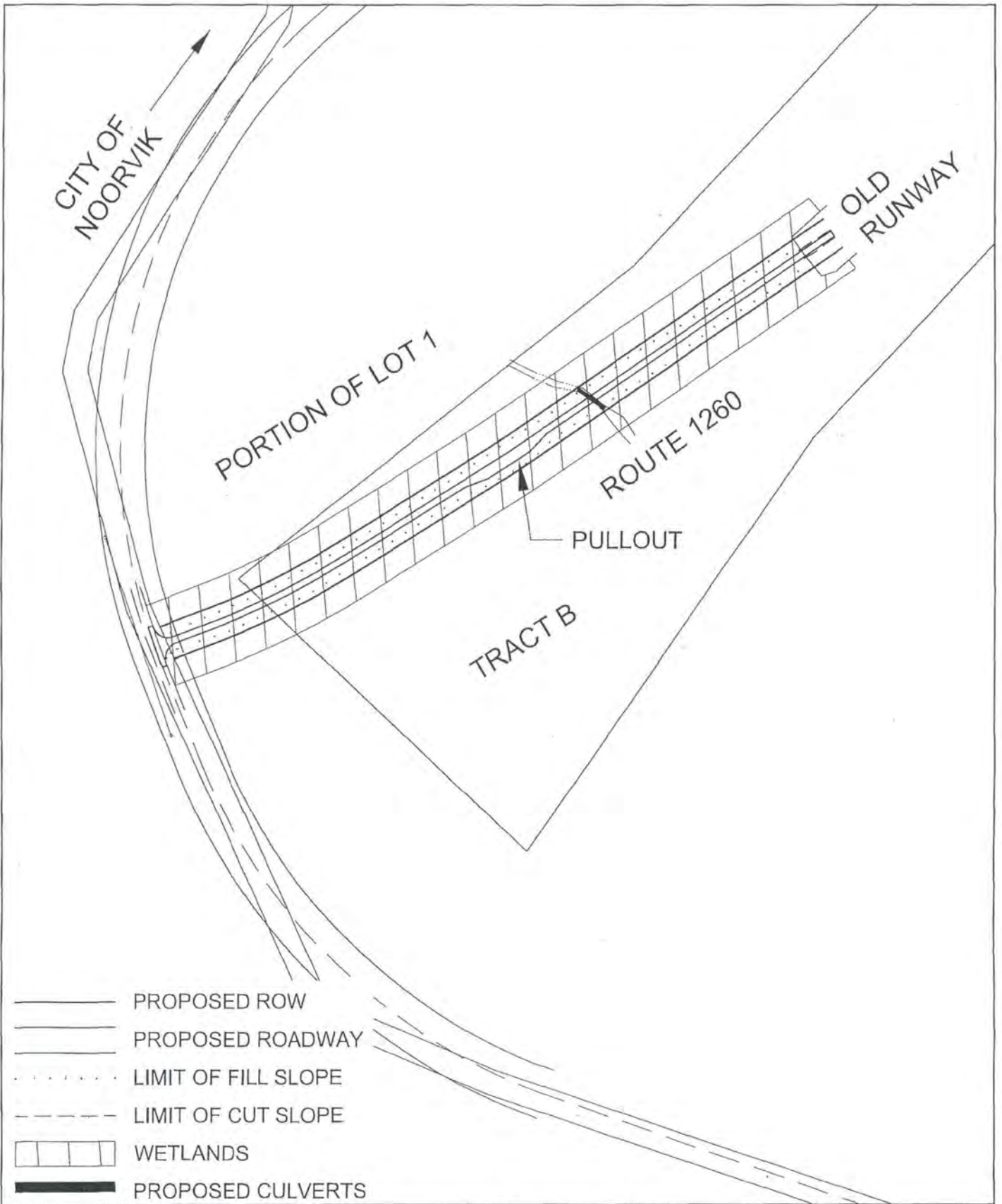


FIGURE NUMBER  
6

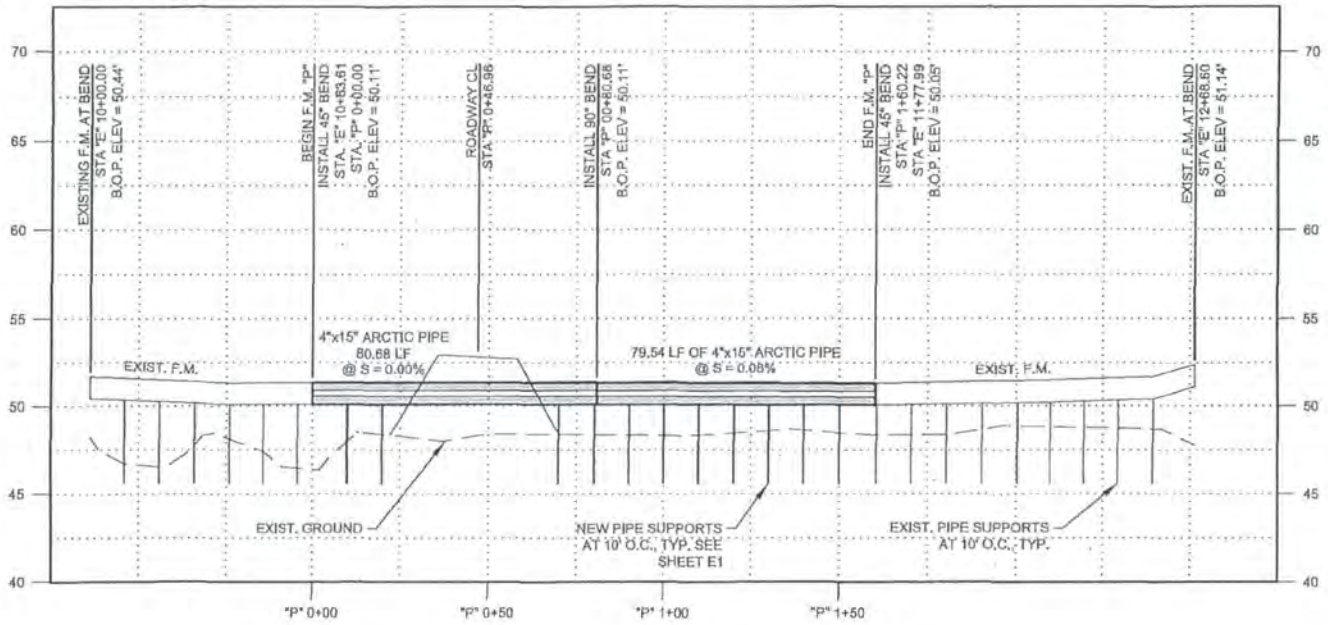
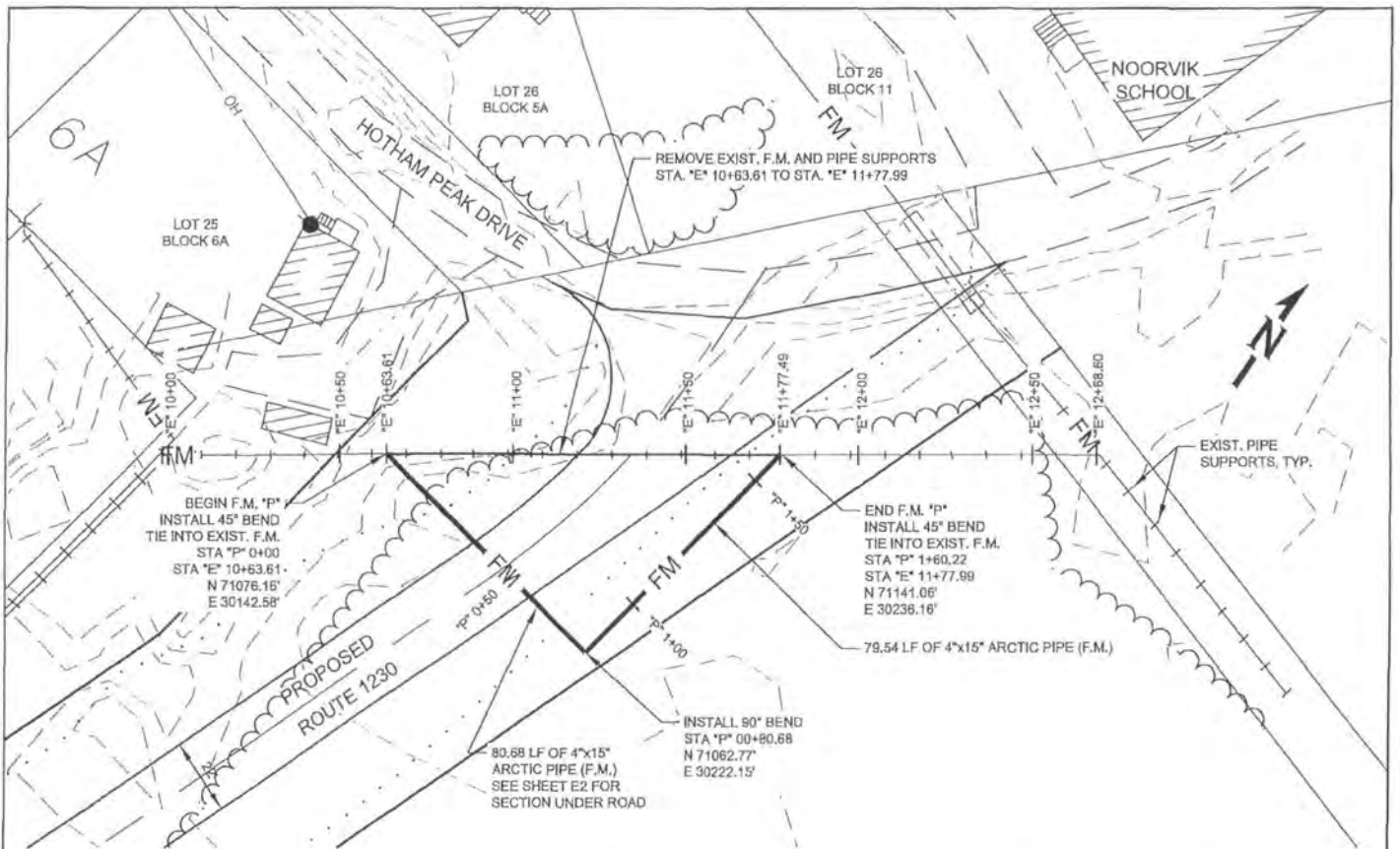
Noorvik Native Community  
 POA-2013-31, Nazuruk Channel  
 December 30, 2015, Sheet 6 of 7

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LAST EDIT	9/11/2015
PLOT DATE	9/11/2015







**NOTES:**

1. EXISTING ALIGNMENT "E" STA. 10+00.00 TO STA. 12+68.60
2. PROPOSED ALIGNMENT "P" STA. 00+00.00 TO STA. 01+60.22

FIGURE NUMBER  <b>7</b>	Noorvik Native Community POA-2013-31, Nazuruk Channel December 30, 2015, Sheet 7 of 7	DRAWING INFO	SHEET INFO	
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