



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: January 29, 2015
EXPIRATION DATE: February 27, 2015
REFERENCE NUMBER: POA-2013-40
WATERWAY: Kuk 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 **Mary Romero** at (907) 753-2773, toll free from within Alaska at (800) 478-2712, by fax at (907) 753-5567, or by email at mary.r.romero@usace.army.mil if further information is desired concerning this notice.

APPLICANT: Olgoonik Corporation, 3201 C. Street, Suite 700, Anchorage, Alaska 99503, Mr. Bill Culbertson, (907) 562-8728

AGENT: Sara Lindberg, Stantec, 2515 A Street, Anchorage, Alaska 99503, Telephone (907) 343-5250.

LOCATION: The project site is located within Section 11, T. 14 N., R. 31 W., Umiat Meridian; USGS Quad Map Wainwright C-2; Latitude 70.5771° N., Longitude 159.8301° W.; six miles southeast of Wainwright, Alaska.

SPECIAL AREA DESIGNATION: The project is located within the boundaries of the Naval Petroleum Reserve Alaska.

PURPOSE: The applicant's stated purpose is to excavate and stockpile gravel to be used for constructing and maintaining Wainwright's roads, housing, public facilities, and airport.

PROPOSED WORK: Develop a gravel material pit by mechanized land clearing of 16 acres of jurisdictional wetlands, the pit would be utilized for projects within the community of Wainwright. The pit would be linear in shape with the upper portion being 2000' x 175' and the lower portion being 1000' x 350'. The western side of the pit would have a minimum 25' buffer from the Kuk River and the eastern side would also have a 25' buffer from the pond. The pit would be developed during frozen soil conditions. Side slopes would be graded to 2H:1V. Overburden would be stored within a 60-foot by 60-foot area on the inside edge of the pit for reclamation. Excavated material would be loaded directly into trucks for haul over shore-fast ice to an existing upland storage area 2.1 miles north of Wainwright. All work would be performed in accordance with the enclosed plan (sheets 1-4), dated October 2014.

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: Winter excavation and material haul would avoid erosion and sedimentation into adjacent waters and wetlands.

b. Minimization: Gravel pit development during frozen conditions minimizes impacts to surface soils and vegetation. No camp would be constructed or fuel stored on site to minimize adverse impacts to waters.

c. Compensatory Mitigation: Applicant states no compensatory mitigation is offered.

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 are no listed or eligible properties in the vicinity of the worksite. Consultation of the AHRS constitutes the extent of cultural resource investigations by the District Commander at this time, and he is otherwise unaware of the presence of such resources. 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.

ENDANGERED SPECIES: The project area is within the known or historic range of the following threatened or endangered species: spectacled eider (*Somateria fischeri*), Steller's eider (*Polysticta stelleri*), and polar bear (*Ursus maritimus*). We have determined the described activity would have no effect on either eider species because work would be limited to winter when the birds are not present.

Polar bears are commonly seen in the Wainwright area although denning does not occur within five miles of the community. The applicant, Olgoonik Corporation, has developed a Polar Bear Avoidance Plan for this project. 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).

The project area is within the known range of the freshwater species: pink salmon (*Oncorhynchus gorbuscha*) and chum salmon (*O. keta*), and marine species: arctic cod (*Boreogadus saida*) and rainbow smelt (*Osmerus mordax*).

We have determined the described activity would not adversely affect EFH in the project area. Excavation would be on land, separated from Kuk River waters until the work is complete, when a connecting channel is excavated.

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

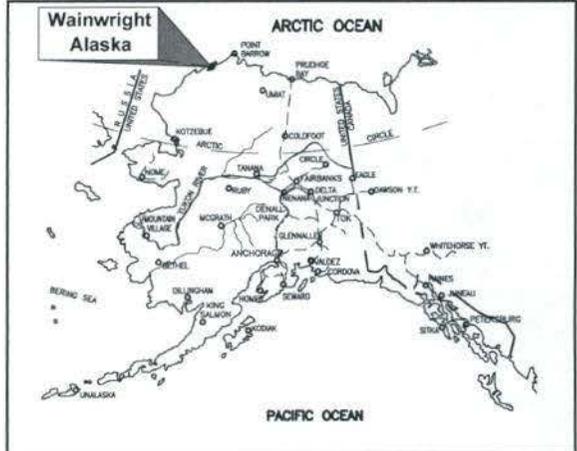
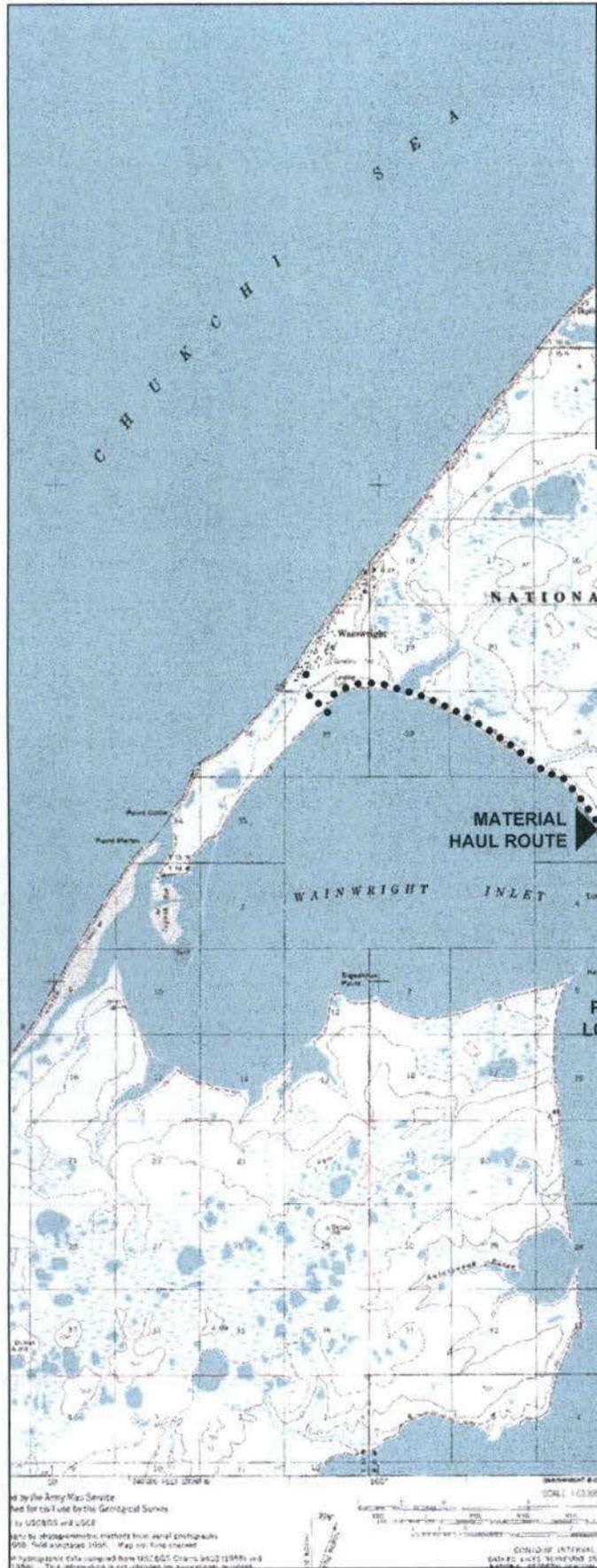
NOTICE OF APPLICATION FOR STATE WATER QUALITY CERTIFICATION

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-2013-40, Kuk 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.

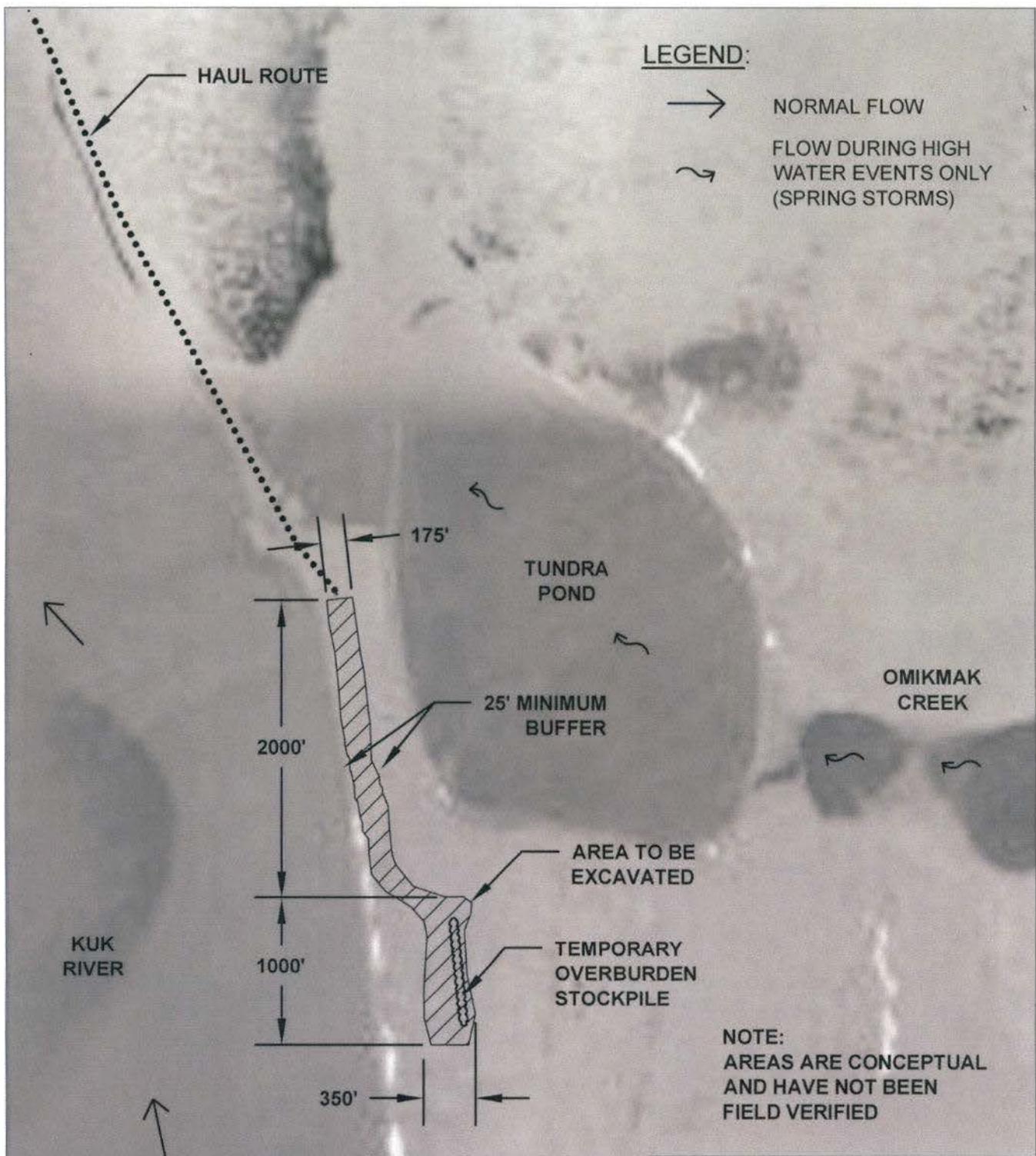
Any person desiring to comment on the project, with respect to Water Quality Certification, may submit written comments to the address above by the expiration date of the Corps of Engineer's Public Notice.



LOCATION & VICINITY MAP

Project: Wainwright Gravel Projects - KUK Site
 Application by: Olgoonik Corporation
 Project No.:
 POA-2013-40
 Location: 6 miles southeast of Wainwright, Alaska
 Sections: within SW 1/4 Section 11, T14N, R31W, Umiat Meridian
 Lat: 70 577°N Long: -159 830°W
 US POA-2013-40, Kuk River
 WA Olgoonik Corporation - gravel pit
 DA Drawings dated October 2014
 Sheet 1 of 7

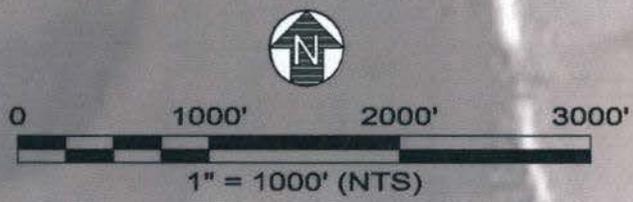
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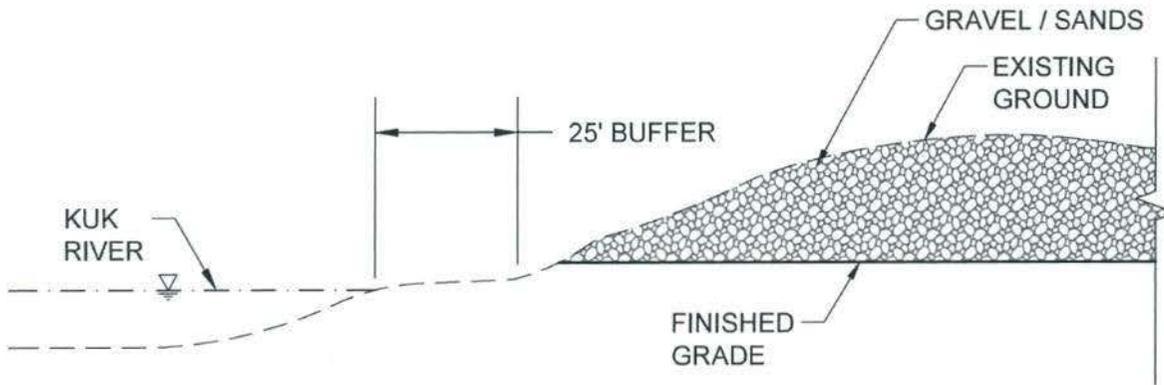


SITE PLAN

Project: Wainwright Gravel Projects - KUK Site
 Application by: Olgoonik Corporation
 Project No.:
 POA-2013-40
 Location: 6 miles southeast of Wainwright,
 Alaska
 Sections: within SW ¼ Section 11, T14N,
 R31W, Umiat Meridian
 Lat: 70.577°N Long: 159.830°W

POA-2013-40, Kuk River
 Olgoonik Corporation - gravel pit
 Drawings dated October 2014
 Sheet 2 of 7





TYPICAL SECTION
NOT TO SCALE

TYPICAL SECTIONS

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POA-2013-40, Kuk River
 Olgoonik Corporation - gravel pit
 Drawings dated October 2014
 Sheet 3 of 7

Mine Narrative

Wainwright Gravel Extraction Source- Kuk River

Detailed Project Description

The project consists of excavating approximately 250,000 cubic yards (cy) of gravelly sands from approximately 16 acres (approximately 225' x 3,000' along the edge of the Kuk River). Gravelly sands extend 5-15 feet below the surface. The quantity of recoverable material in the sands has not been determined and is an estimate based on past extraction yields in the area. Materials will be extracted with an excavator and hauled 6 miles to an upland stockpile site in Wainwright. No excavated material will be temporarily stockpiled on site. Frozen overburden, taken from the surface where applicable prior to excavation, will be temporarily stockpiled along the edge of the excavation towards the southern end of the site, and will be spread along the exposed slopes after excavation activities are complete. This temporarily stockpiled overburden will not exceed 0.4 acres at any given time. All activities will take place during the winter months; no permanent fill in wetlands is anticipated. Equipment will be stored overnight in Wainwright following completion of daily work. No storage of equipment, fuel, or other materials will take place on the site.

To ensure excavation activities do not interfere with the communities' subsistence resources, Olgoonik Development (Olgoonik) will coordinate all explorations with the community. Extraction activities will take place between November and May each year until the resource has been exhausted. Work will occur when the tundra is frozen and has sufficient snow cover to allow a low ground pressure, track mounted drill rig to access the permitted excavation sites.

Wetlands and Waters of the U.S.

The project area is comprised of a sparsely vegetated gravelly sand bar, and vegetated tundra that is periodically inundated with water due to storms. The Kuk River is adjacent to the sand bar on the west side of the work area. The photo on the following page and in the attached gravel exploration reports depict the typical ground cover found at the site.



The following table summarizes impacts to wetlands and waters:

Project Element	Excavation	Temporary Fill*
Gravel Extraction	16 acres, 250,000 cy	0
Temporary Overburden Stockpile	0	0.4 acres
Total Area of Impact	16 acres	0.4 acres

*Activities will only take place during the winter months under frozen conditions as any temporary stockpiles of overburden are not anticipated to permanently impact wetlands.

Fish Habitat

Omikmak Creek flows through a tundra pond east of the project site. Based on local traditional knowledge, this creek and tundra pond are not known to support fish and do not provide overwintering habitat. The tundra pond at the project site is approximately 2-5 feet deep and freezes solid in the winter. The Kuk River, west and adjacent to the project site, is an anadromous water body; however, excavation will not take place in the Kuk River. A minimum

25 foot buffer will be kept between the excavation and the Kuk River and tundra pond at all times. No impacts to fish habitat are anticipated.

Avoidance, Minimization, Mitigation, and Environmental Commitments Summary:

The proposed project will adhere to the same environmental commitments outlined under other permitted gravel sites in the area and the resulting environmental commitments from past USFWS coordination and North Slope Borough permitting, including but not limited to the following:

Winter Travel:

- To minimize disturbance of wetlands and tundra, excavation activities will be restricted to the winter months, between November and May.
- Vehicles shall be operated in a manner such that the vegetative mat of the tundra is not disturbed and blading or removal of tundra or vegetative cover is prohibited unless specifically approved via permit.
- Snow ramps, snow/ice bridges or cribbing shall be used to cross frozen water bodies to preclude cutting, eroding, or degrading of their banks. Snow ramps and snow/ice bridges shall be removed or breeched after final use prior to breakup, whichever occurs first.
- Existing roads and trails shall be used wherever possible.
- Movement of equipment through willow stands shall be avoided where possible.
- Solid waste, including incinerator residue, shall be backhauled to an authorized waste disposal facility.
- Only those vehicles approved for summer/winter travel by the State of Alaska Department of Natural Resources, Division of Mining, Land and Water will be used.
- Winter on-tundra travel will begin when six inches of snow cover and twelve inches of frost depth conditions exist.
- Crossing rivers and streams will be restricted to only those areas where ice is frozen solid to the river/stream bed to avoid impacts to potential fish over wintering areas.

Protection of Historic Resources:

- Olgoonik shall conduct a village concerns meeting in Wainwright to collect residents' concerns and tailor the project accordingly.
- Olgoonik will work with the North Slope Borough to identify known historical and archeological remains to be avoided by the operations under the terms of a confidentiality agreement between the North Slope Borough and Olgoonik.
- Olgoonik will avoid all graves and archaeological sites by creating a buffer of 200-feet from known sites in the operating field.

- Should any cultural, archaeological, or paleontological resource materials (including but not limited to artifacts, house mounds, grave sites, ice cellars, and fossilized animal remains) be discovered in the course of activities conducted under this permit, the site shall not be disturbed and the North Slope Borough Inupiat History, Language and Culture Commission shall be promptly notified.

Threatened and Endangered Species and Migratory Birds:

- Olgoonik will prepare and implement a Polar Bear Interaction Plan to minimize conflicts between polar bears and humans, including measures to minimize attraction of bears to the project site, organize the layout of the site to minimize human/bear interactions, warn personnel of bears in or near the project vicinity and proper procedures to take if a bear is spotted, and provide contingencies in the event that bears do not leave the site or cannot be deterred by authorized personnel.
- To avoid impacts to threatened spectacled eiders and other migratory birds, no excavation, clearing, or fill placement will occur between June 1 and July 31.

Erosion and Sediment Control and Spill Response:

- Olgoonik will develop and implement a Stormwater Pollution Prevention Plan (SWPPP) under the guidelines of the Alaska Department of Environmental Conservation Multi Sector General Permit which includes minimizing erosion and sedimentation to wetlands and waterbodies during construction through the use of Best Management Practices.
- Frozen overburden, taken pond prior to excavation, will be temporarily stockpiled along the edge of the excavation, and will be spread along the exposed slope after excavation activities are complete.
- All disturbed areas will be stabilized with mulch from the available overburden prior to spring break-up. Areas will be checked the following season to ensure adequate vegetation growth for stabilization.
- Olgoonik will have an approved spill response and contingency plan.
- Drip pans will be placed under vehicles parked over 5 minutes.
- Spills of fuels, hydrocarbons, or chemicals shall be cleaned up thoroughly prior to break up to prevent damage to the underlying tundra.

Applicant's Proposed Mitigation Statement:

The nature of the proposed work does not involve permanent impacts to wetlands or waters of the U.S. Based on the lack of permanent fill within wetlands and waters of the U.S., and the avoidance, minimization, and mitigation measures implemented as part of this project, Olgoonik does not propose any compensatory wetland mitigation under this permit.