



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: February 11, 2013
EXPIRATION DATE: March 13, 2013
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 Leykom** at (907) 753-2711, toll free from within Alaska at (800) 478-2712, by fax at (907) 753-5567, or by email at **Mary.F.Leykom@usace.army.mil** if further information is desired concerning this notice.

APPLICANT: Olgoonik Corporation, 3201 C Street, Suite 700, Anchorage, Alaska 99503; Contact: Ms. Teresa Clark at (907) 562-8728.

LOCATION: The project site is located 6 miles southeast of Wainwright, Alaska, on the Kuk River, within SW $\frac{1}{4}$ Section 11, T. 14 N., R. 31 W., Umat Meridian; at Latitude 70.577° N., Longitude -159.830° W.

SPECIAL AREA DESIGNATION: The project is located within the outside 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 material pit by excavating a 200-foot by 300-foot pit 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 edge of the pit for reclamation. Excavated material would be loaded directly into trucks for haul over shore-fast ice to an existing storage area 2.1 miles northeast of Wainwright. All work would be performed in accordance with the enclosed plan (sheets 1-4), dated February 2013.

ADDITIONAL INFORMATION: Excavation in the pit would be taken down to -15 feet below the lowest elevation of original ground. After the required 60,000 cubic yards of material is removed, a channel between the pit and the Kuk River would be excavated to provide potential fish over-wintering habitat.

The existing stockpile storage pad is located near the Wainwright landfill within SW ¼ Section 8, T. 15 N., R. 31 W., at Latitude 70.665° N., Longitude -159.967° W.

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 excavation during frozen conditions minimizes impacts to surface soils and vegetation. No camp would be constructed or fuel stored on site to reduce potential for adverse impacts to adjacent waters.

c. Compensatory Mitigation: Compensatory mitigation would not be required because total fill placed in waters of the U.S. would be limited to the stockpiled overburden; occurring in less than 0.1 acre.

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 Alaska Heritage Resources Survey (AHRs) was unavailable to us at the time this Public Notice was prepared. We will consult the survey as soon as available, for the presence or absence of historic properties, including those listed in or eligible for inclusion in the National Register of Historic Places. 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

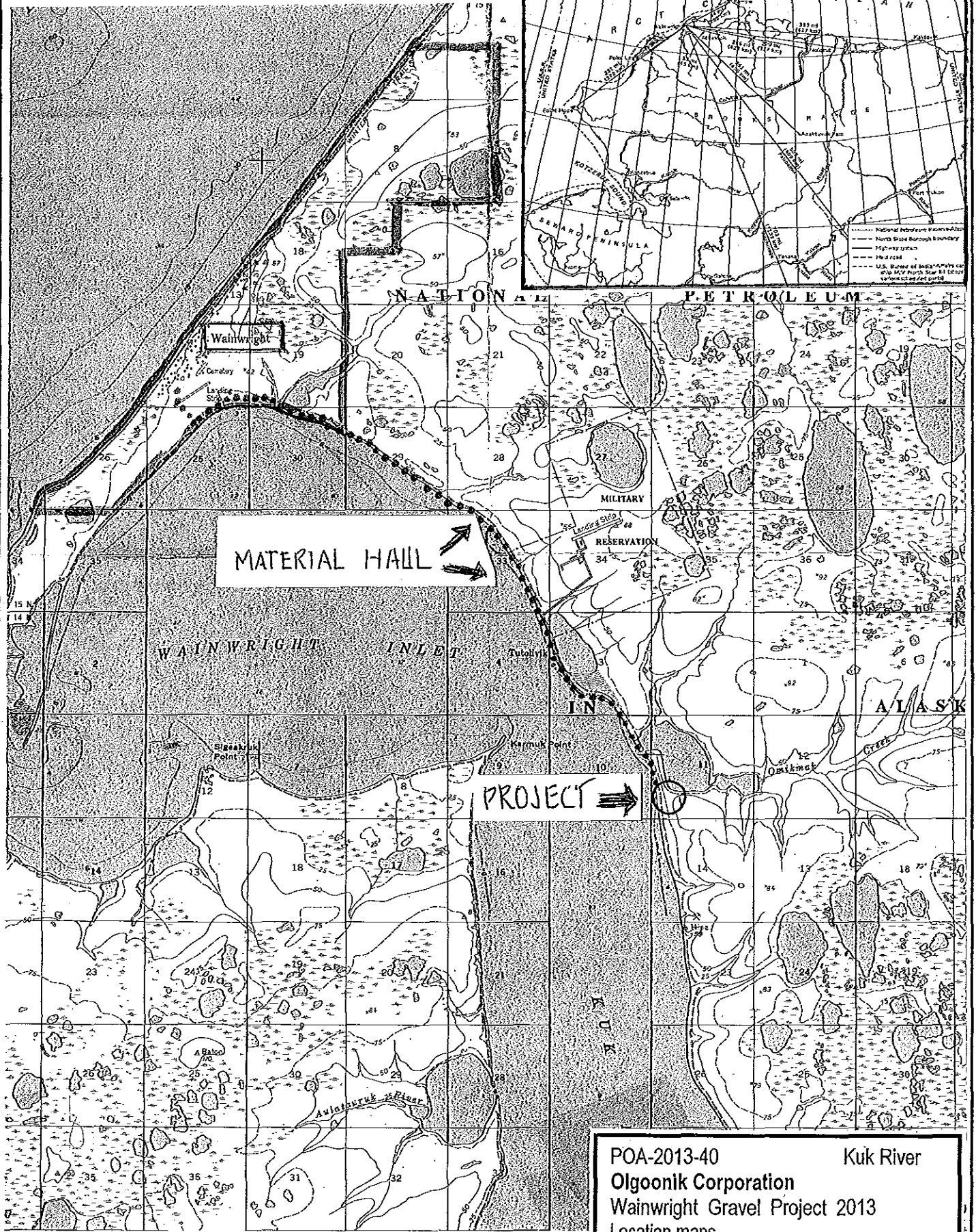
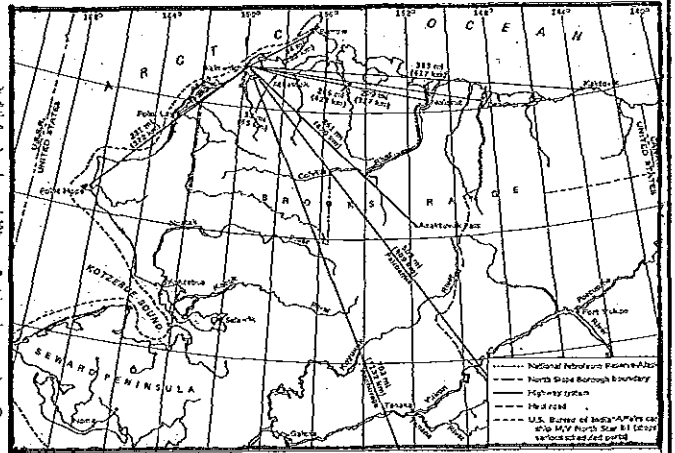
NOTICE OF APPLICATION
FOR
STATE WATER QUALITY CERTIFICATION

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.

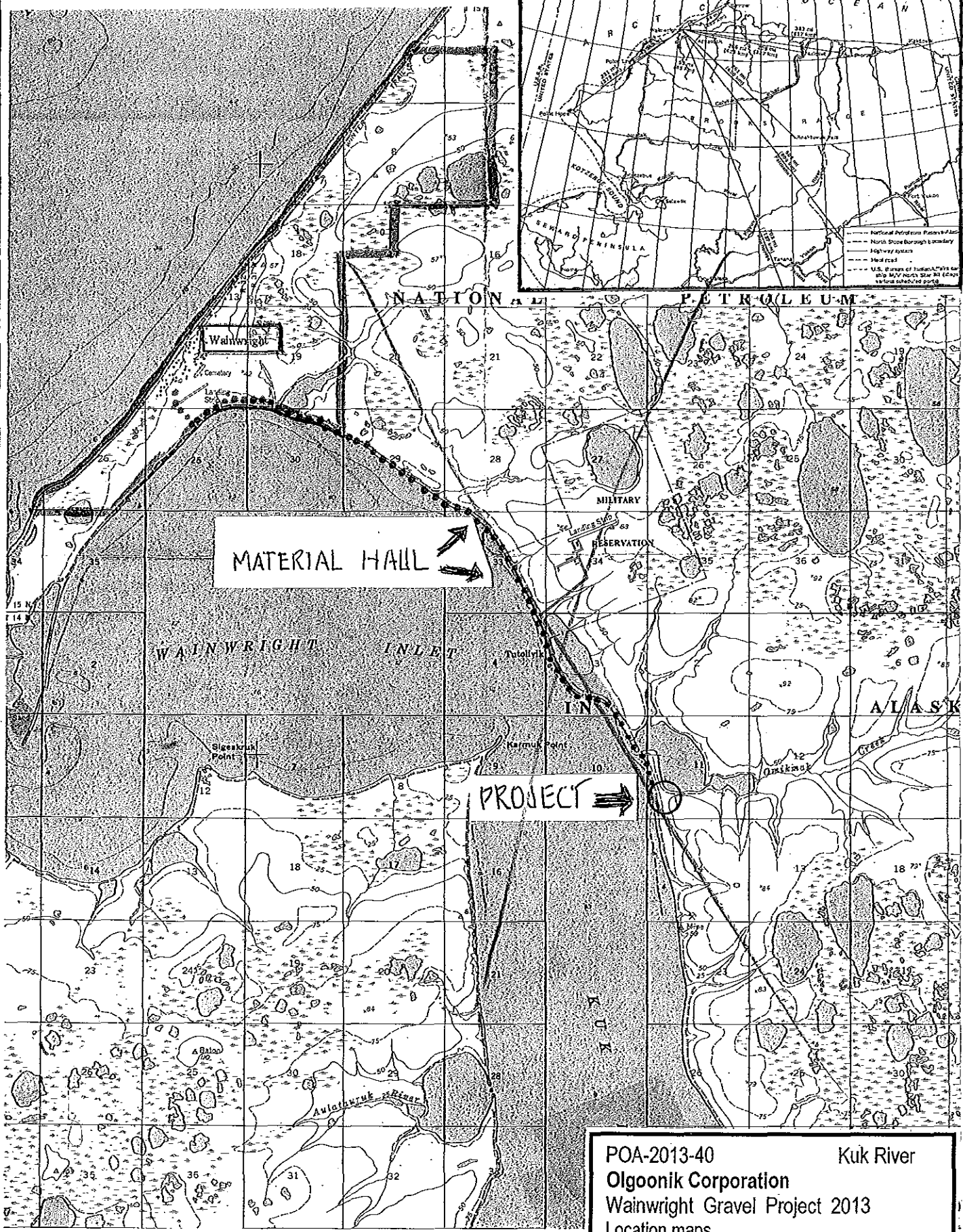
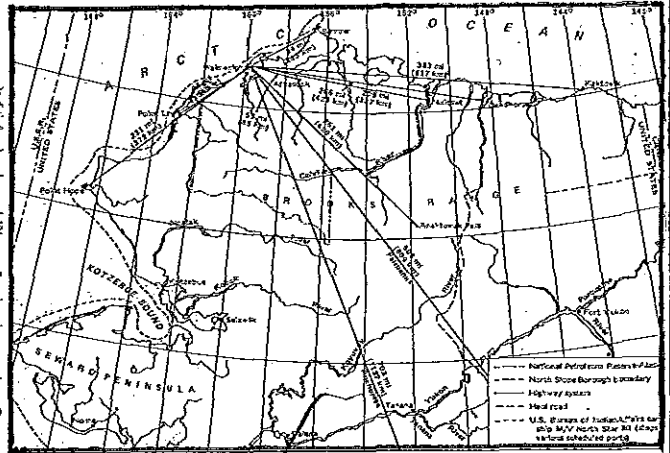
Any person desiring to comment on the project, with respect to Water Quality Certification, may submit written comments to the address above by the expiration date of the Corps of Engineer's Public Notice.



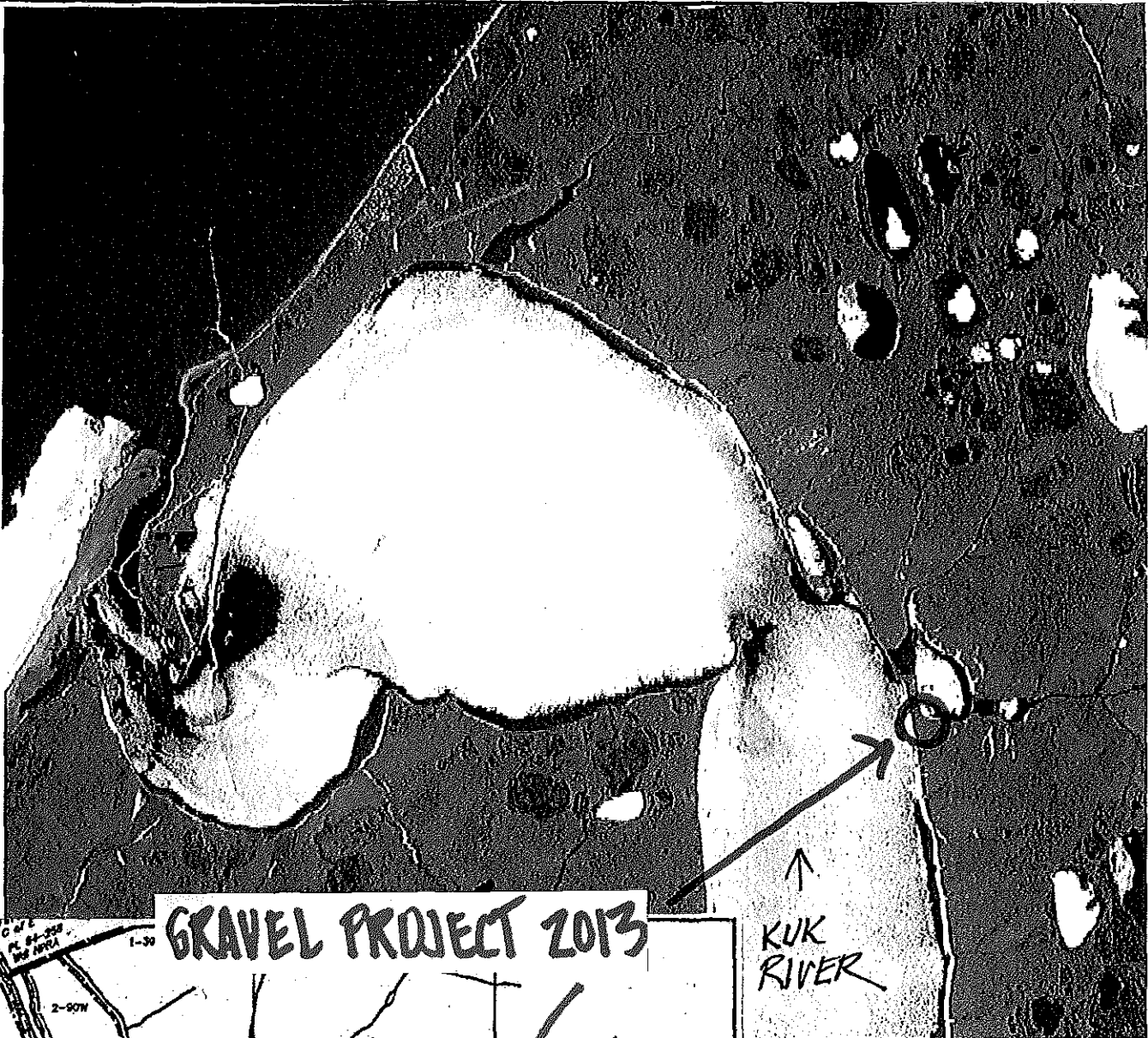
MATERIAL HALL

PROJECT

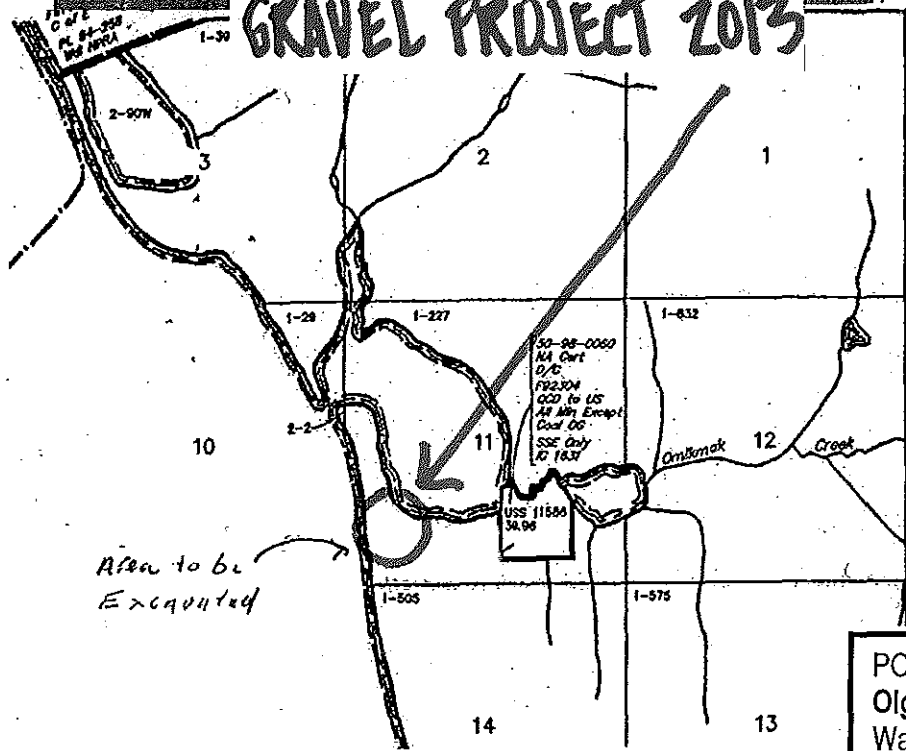
POA-2013-40
 Kuk River
 Olgoonik Corporation
 Wainwright Gravel Project 2013
 Location maps
 Sheet 1 of 4
 February 2013



POA-2013-40 Kuk River
 Olgoonik Corporation
 Wainwright Gravel Project 2013
 Location maps
 Sheet 1 of 4 February 2013



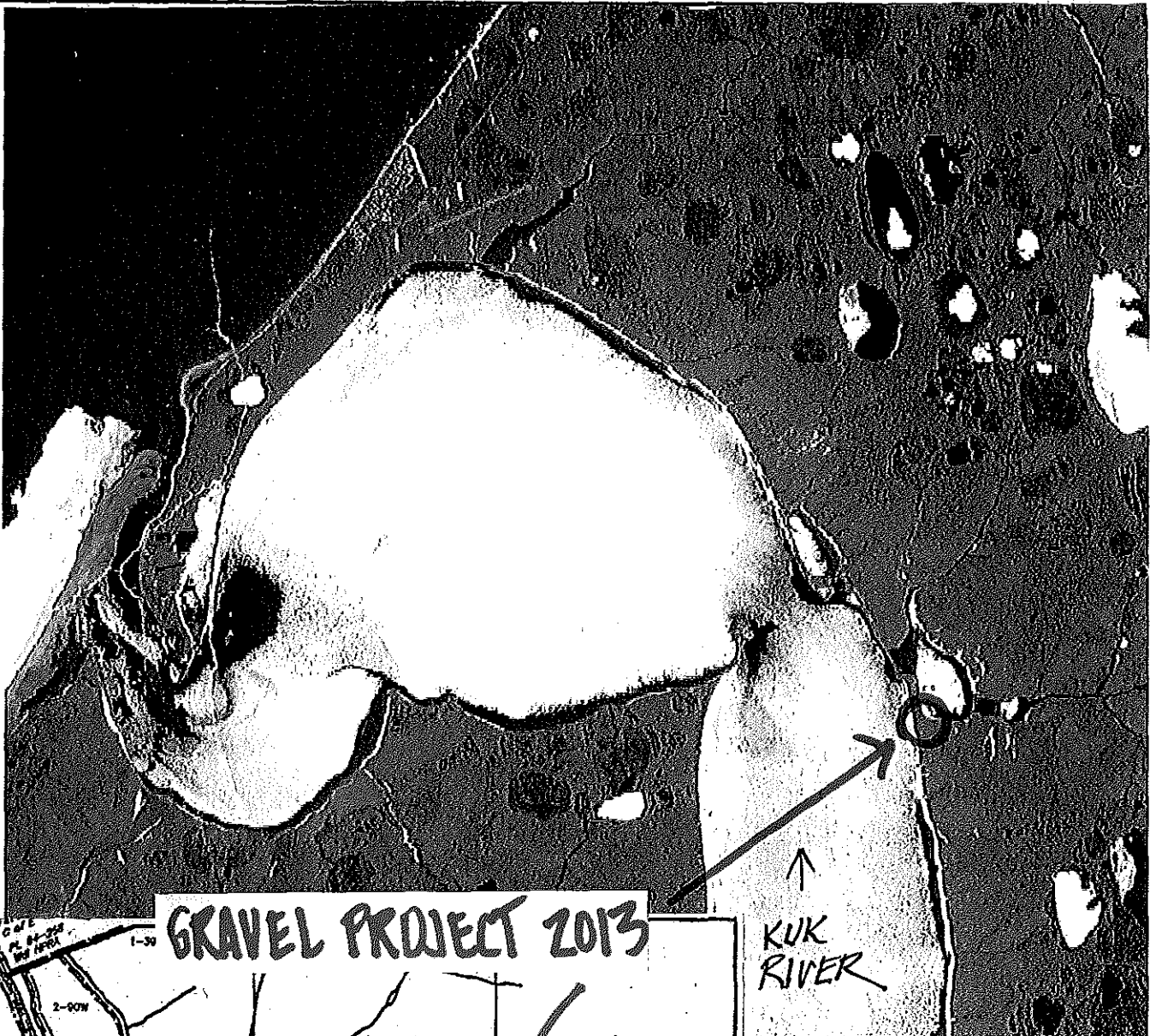
GRAVEL PROJECT 2013



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KUK RIVER

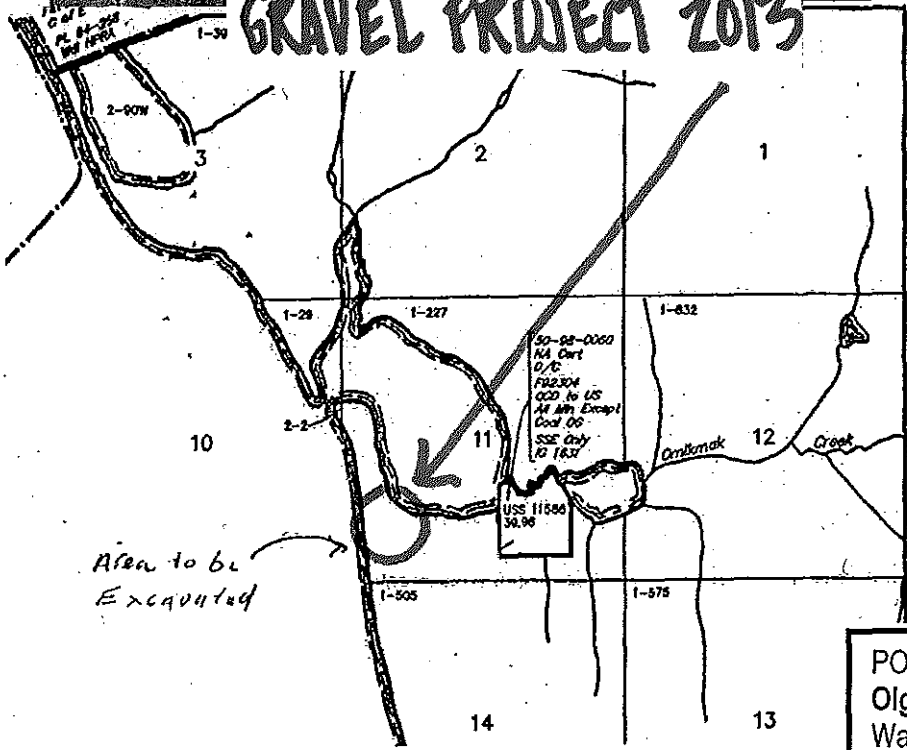
Area to be Excavated

POA-2013-40 Kuk River
 Olgoonik Corporation
 Wainwright Gravel Project 2013
 Aerial photo & plat map
 Sheet 2 of 4 February 2013



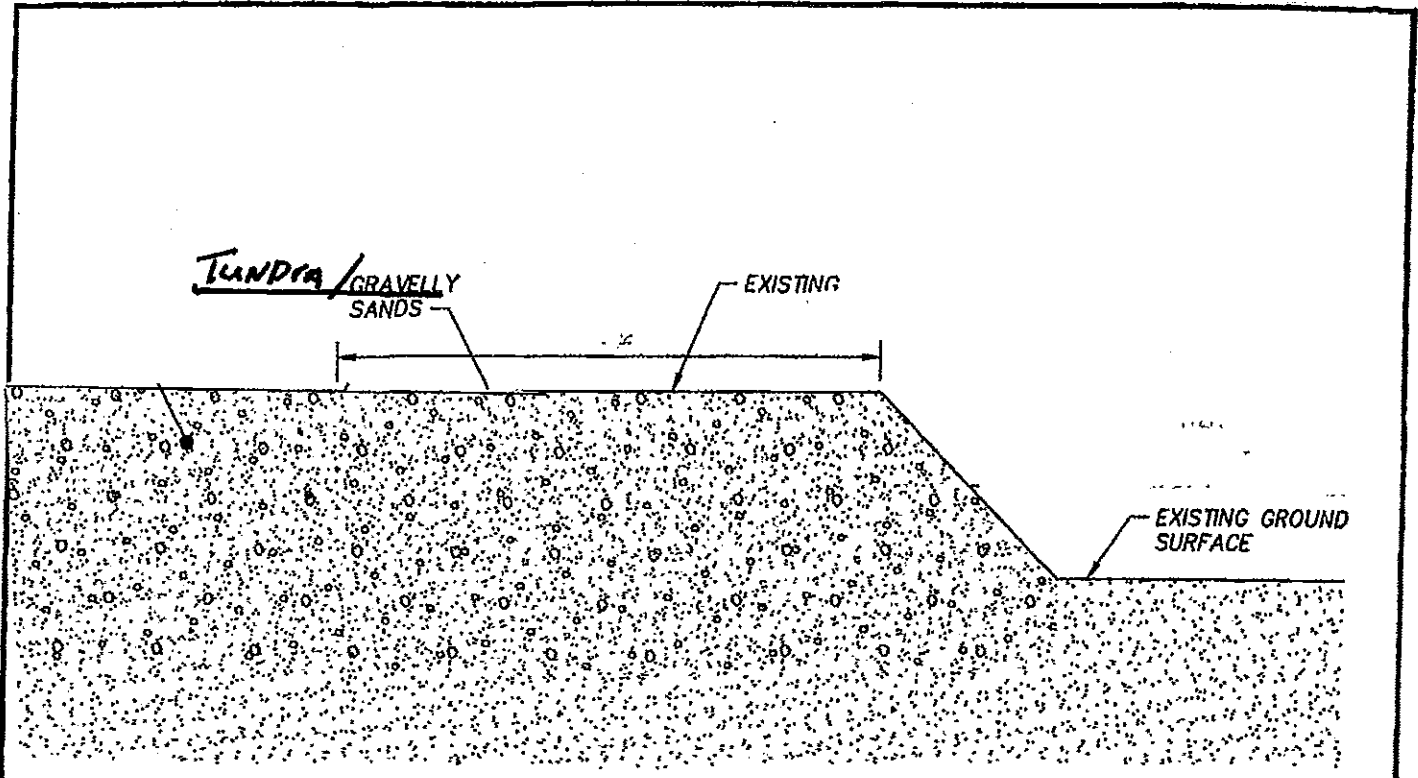
GRAVEL PROJECT 2013

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KUK RIVER



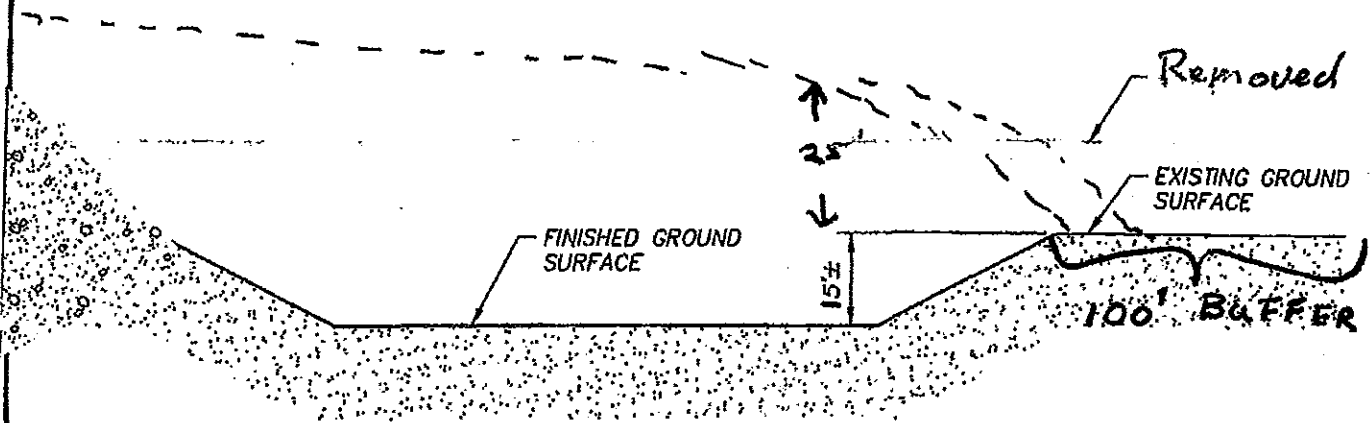
POA-2013-40 Kuk River
 Olgoonik Corporation
 Wainwright Gravel Project 2013
 Aerial photo & plat map
 Sheet 2 of 4 February 2013

PLOTTING DATE: 7/18/08 (11:57) BY: mroyer



SECTION: BEFORE EXTRACTION

SCALE: NOT TO SCALE



SECTION: AFTER EXTRACTION

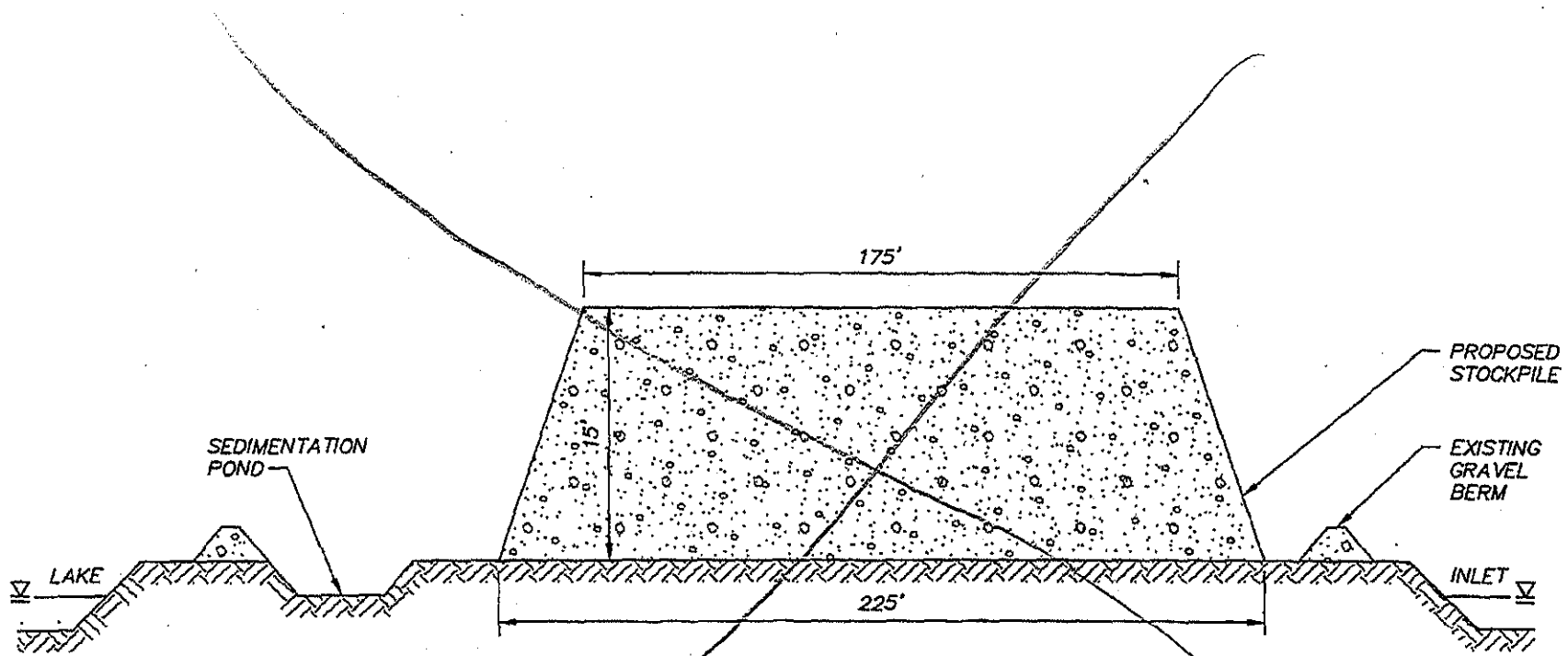
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AUTOCAD DRAWING NAME: Detail.dwg



OLGC	
WAINWRIGHT	
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POA-2013-40 Kuk River
 Olgoonik Corporation
 Wainwright Gravel Project 2013
 Excavation typical
 Sheet 3 of 4 February 2013



STOCKPILE SECTION

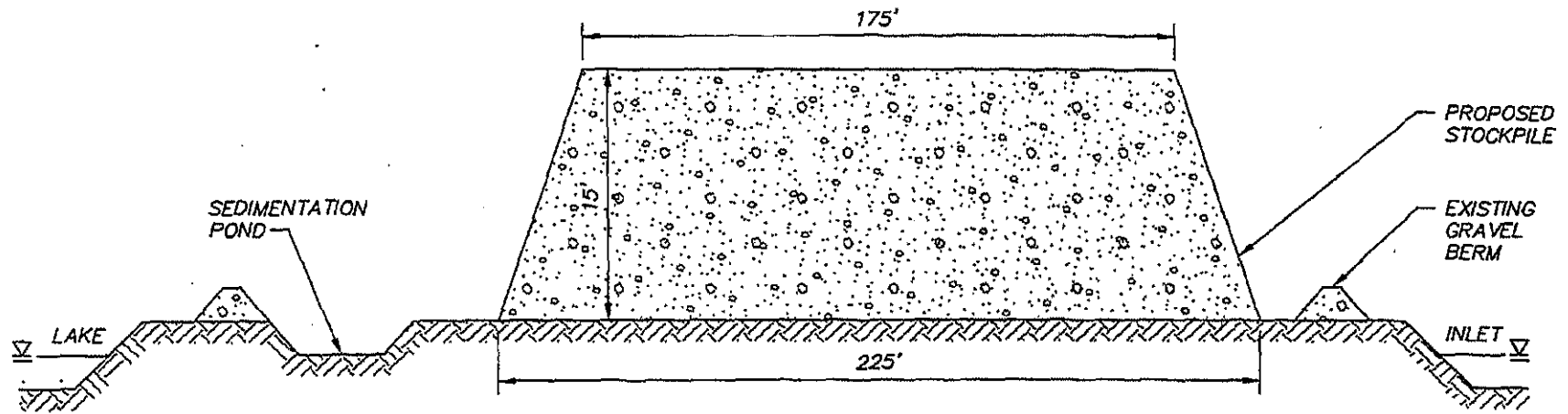
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OLGOONIK CORPORATION
WAINWRIGHT GRAVEL EXTRACTION
 WAINWRIGHT, ALASKA

DATE: 07/16/08	DRAWN BY: MAR	SHEET:
SCALE: AS SHOWN	CHECKED BY: DAR	W.O. No: 08

POA-2013-40 Kuk River
 Olgoonik Corporation
 Wainwright Gravel Project 2013
 Gravel stockpile on existing pad
 Sheet 4 of 4 February 2013



STOCKPILE SECTION

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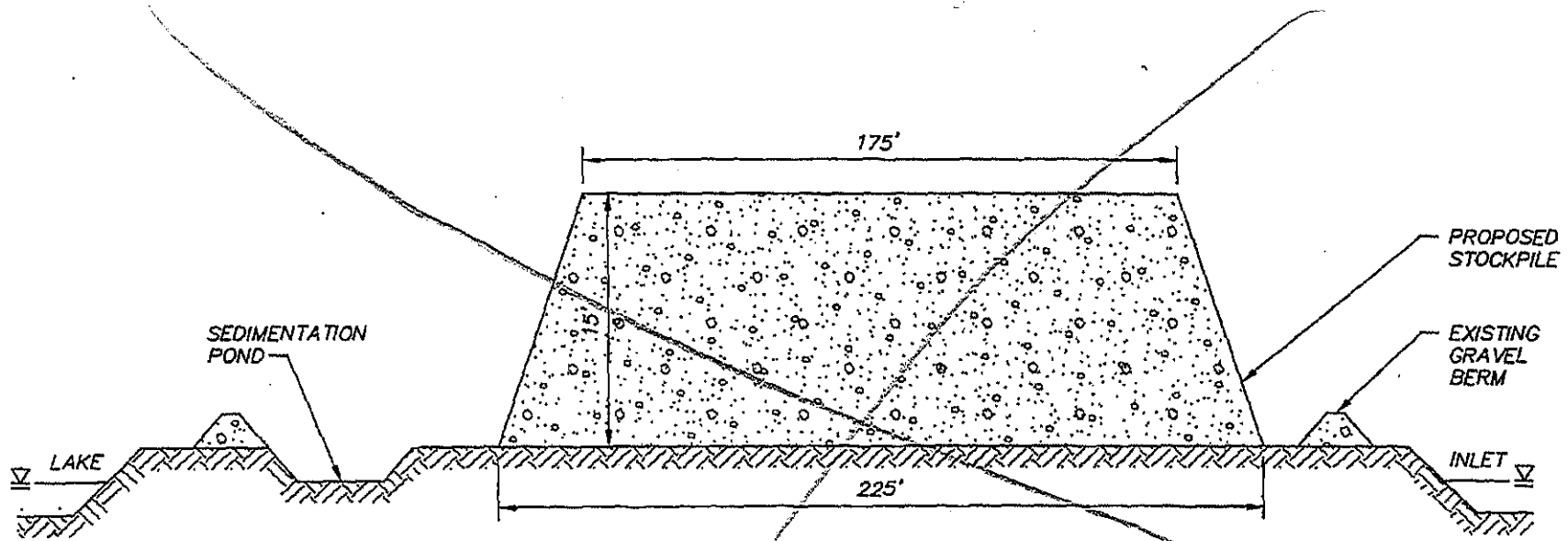


**OLGOONIK CORPORATION
WAINWRIGHT GRAVEL EXTRACTION**

WAINWRIGHT, ALASKA

DATE: 07/16/08	DRAWN BY: MAR	SHEET:
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POA-2013-40 Kuk River
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WAINWRIGHT GRAVEL EXTRACTION
 WAINWRIGHT, ALASKA

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POA-2013-40 Kuk River
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 Sheet 4 of 4 February 2013