



US Army Corps
of Engineers
Alaska District

Regulatory Division (1145)
CEPOA-RD
Post Office Box 6898
JBER, Alaska 99506-0898

Public Notice of Application for Permit

PUBLIC NOTICE DATE:	August 30, 2018
EXPIRATION DATE:	September 14, 2018
REFERENCE NUMBER:	POA-2018-00303
WATERWAY:	Archuelinguk 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 (U.S.) as described below and shown on the enclosed project drawings.

All comments regarding this Public Notice (PN) should be sent to the address noted above. If you desire to submit your comments by email, you should send it to the Project Manager's email as listed below or to regpagemaster@usace.army.mil. All comments should include the PN reference number listed above.

All comments should reach this office no later than the expiration date of this PN 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: City of Mountain Village, Mr. Peter M. Andrews, PO Box 32085, Mountain Village, Alaska 99632, matt99632@yahoo.com, 907.591.2929

AGENT: Herschleb Consulting LLC, 440 E. 56th Ave., #A, Anchorage, Alaska 99518, POC Anne Herschleb, (907) 301-4892, or anne@anneherschleb.com

LOCATION: The project site is located within Section 12, T. 23 N., R. 79 W., Seward Meridian; USGS Quad Map Kwiguk A-4; Latitude 62.1024° N., Longitude 163.6823° W.; approximately 1.5 air miles northeast of Mountain Village, Alaska.

PURPOSE: The applicant's stated purpose is to continue developing a gravel material source in an area that has been used for this purpose for the last several years.

PROPOSED WORK: This proposal seeks to bring into compliance an active gravel material source that has been utilized since about 2014. The previously mechanized land clearing and stockpiling of material occurred within approximately 21.3 acres of Palustrine wetlands, and the new proposal would mechanically land clear an area where material is currently stockpiled (the current site is approximately 21.3 acres in size and all newly proposed gravel extraction would occur within this area).

In 2018, the city hopes to excavate an additional 5,520 cubic yards of gravel from the site. The city expects to extract 5,520 cubic yards of gravel from the borrow site for at least one additional year before reclamation is started. All work would be performed in accordance with the enclosed plan (sheets 1-7), dated August 14, 2018.

APPLICANT PROPOSED MITIGATION: The applicant proposes the following mitigation measures to avoid, minimize, and compensate for impacts to waters of the U.S. from activities involving discharges of dredged or fill material.

a. Avoidance: The applicant has stated that this site has been in use for several years, without a Corps of Engineers (Corps) permit, to avoid using this site would mean opening an additional gravel pit in another wetlands area, as the whole surrounding area is classified as wetlands. This would be counter-productive.

b. Minimization: The applicant says no stormwater runs offsite, therefore a Stormwater Pollution Prevention Plan is not legally required, however, Best Management Practices are used in all operations to protect and minimize damage to wetlands on and off site.

c. Compensatory Mitigation: The applicant says the surface estate owner of the property, Azachorok Corporation, indicated they prefer the land be reclaimed by making it as close to the original condition as possible. This would be accomplished by filling in the pit with stockpiled overburden and seeding as necessary. No compensatory mitigation is being 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 cultural resources in the permit area or within the vicinity of the permit area. The permit area has been determined to be the complete project area. Consultation of the AHRs constitutes the extent of cultural resource investigations by the Corps at this time, and we are otherwise unaware of the presence of such resources. The Corps has made a No Historic Properties Affected (No Effect) determination for the proposed project. 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. The Corps is requesting the SHPO's concurrence with this determination.

ENDANGERED SPECIES: No threatened or endangered species are known to use the project area.

We have determined the described activity would have no effect on any listed or proposed threatened or endangered species, and would have no effect on any designated or proposed critical habitat, under the Endangered Species Act of 1973 (87 Stat. 844). Therefore, no consultation with the U.S. Fish and Wildlife Service or the National Marine Fisheries Service (NMFS) is required. However, any comments they 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 PN 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 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 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 U.S. – 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

Wastewater Discharge Authorization Program (WDAP) / 401 Certification

DEPARTMENT OF ENVIRONMENTAL CONSERVATION

WDAP/401 CERTIFICATION

555 CORDOVA STREET

ANCHORAGE, ALASKA 99501-2617

PHONE: (907) 269-6285 | EMAIL: dec-401cert@alaska.gov

**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.

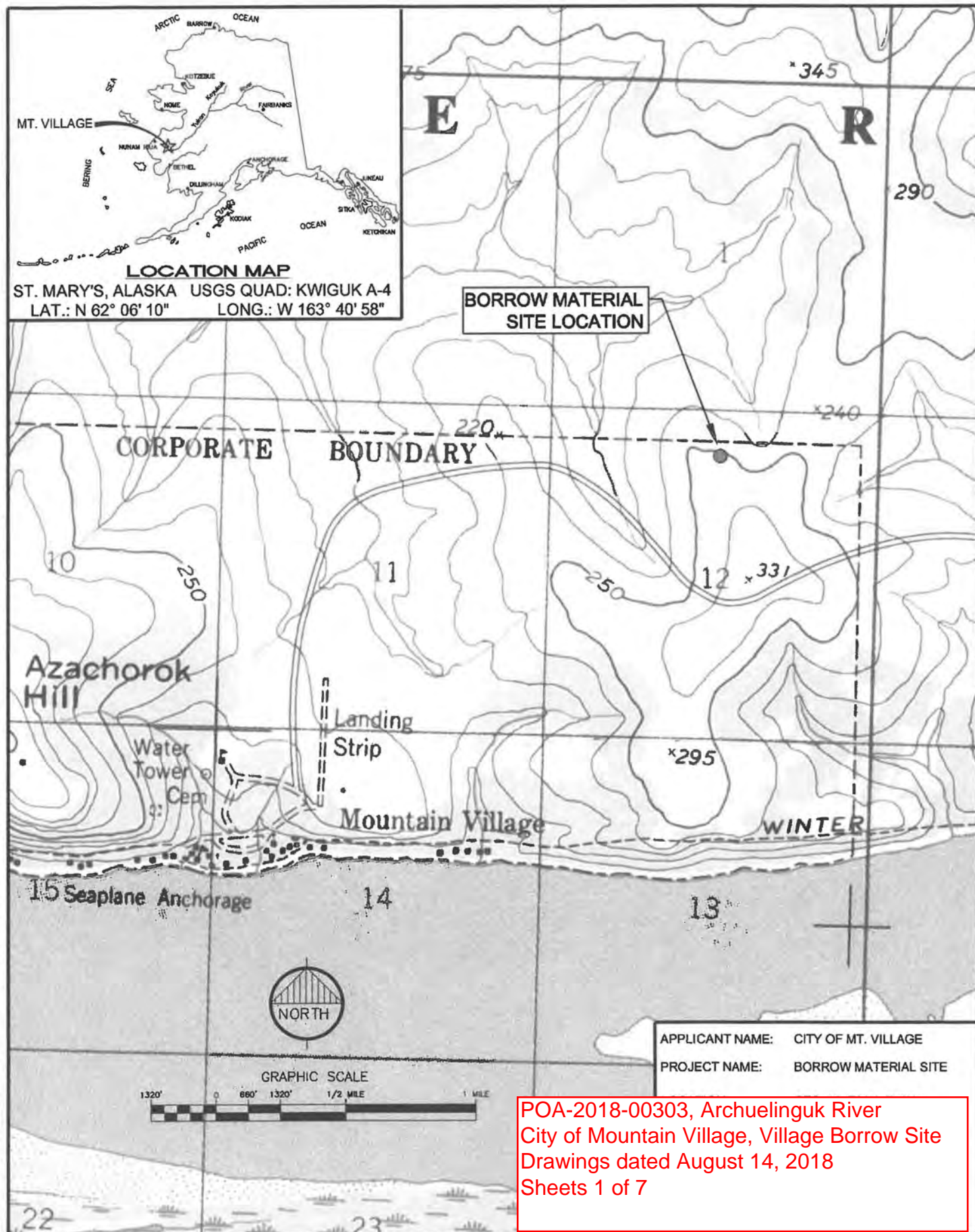
Notice is hereby given that the application for a Department of the Army Permit described in the Corps of Engineers' Public Notice (PN) Reference Number **POA-2018-00303, Archuelinguk River**, serves as application for State Water Quality Certification from the Department of Environmental Conservation.

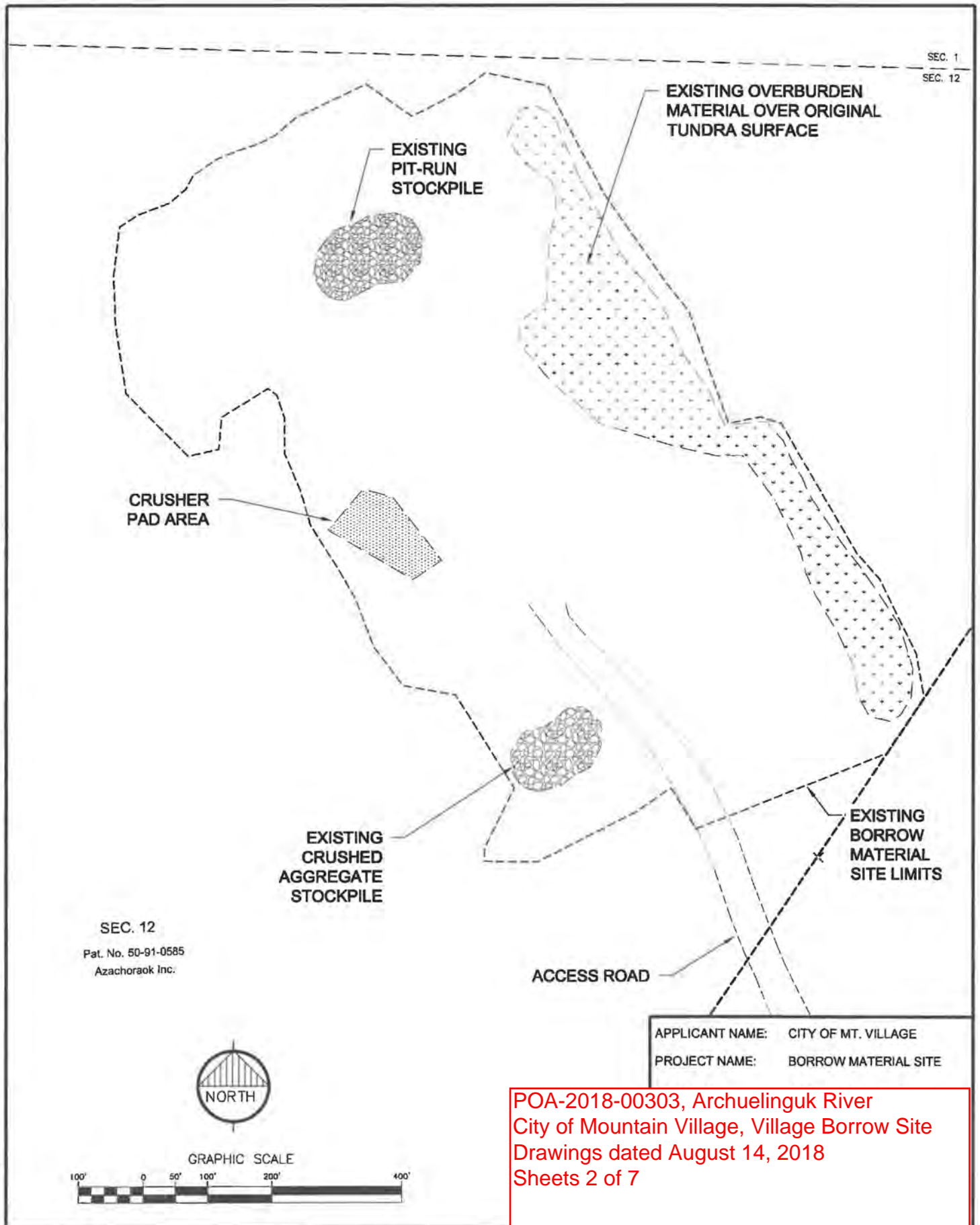
After reviewing the application, the Department may certify there is reasonable assurance the activity, and any discharge that might result, will comply with the Clean Water Act, the Alaska Water Quality Standards, and other applicable State laws. The Department also may deny or waive certification.

Any person desiring to comment on the project with respect to Water Quality Certification, may submit written comments to the address above or via email to dec-401cert@alaska.gov by the expiration date of the Corps of Engineer's Public Notice. All comments should include the PN reference number listed above. Mailed comments must be postmarked on or before the expiration date of the public notice.

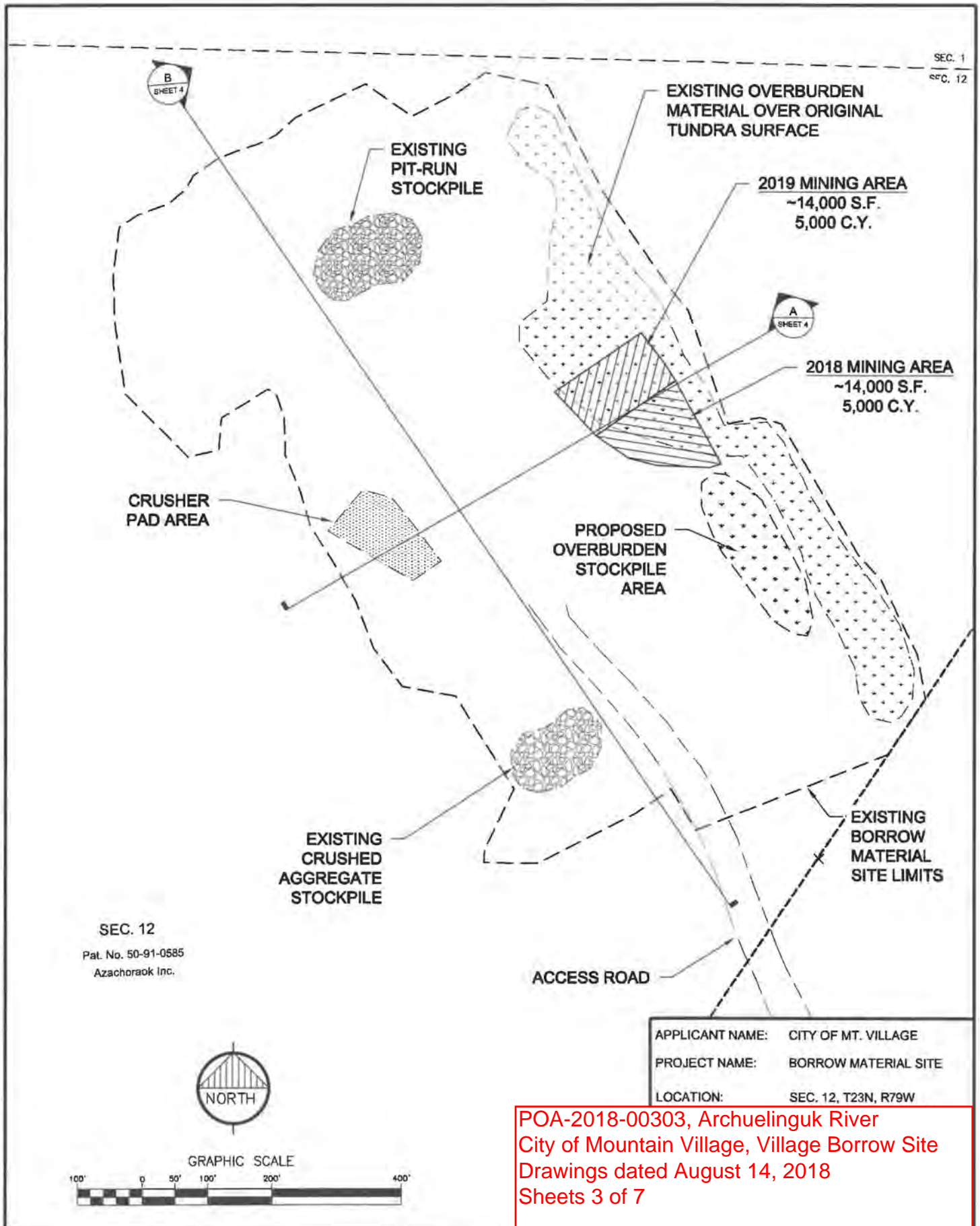
Disability Reasonable Accommodation Notice

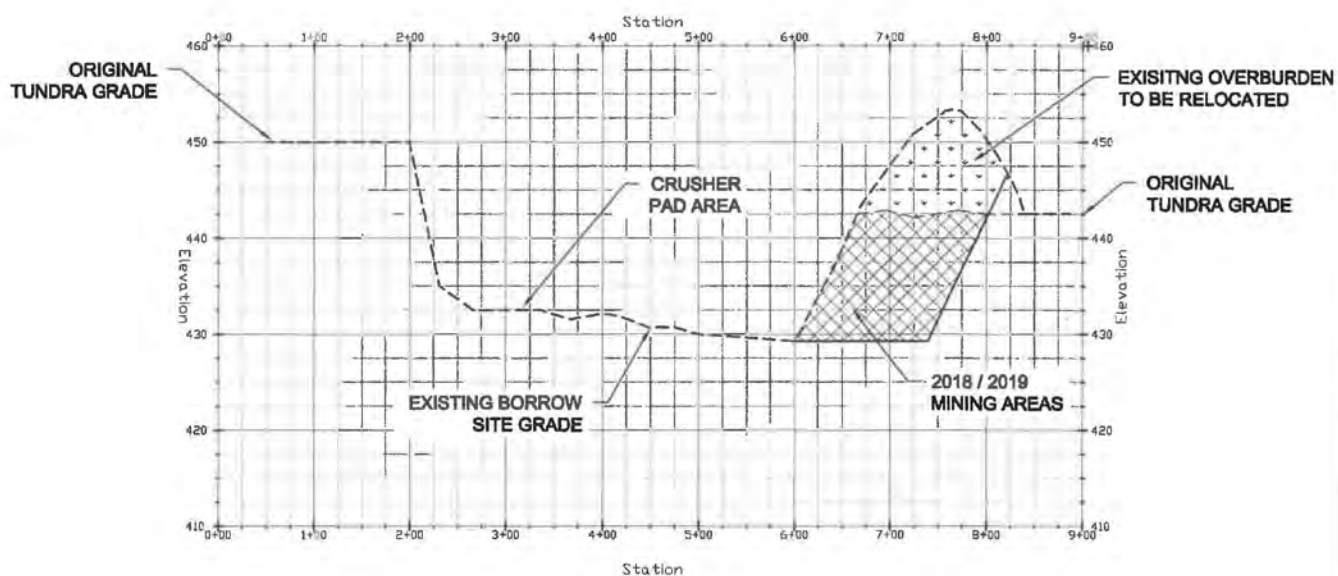
The State of Alaska, Department of Environmental Conservation complies with Title II of the Americans with Disabilities Act of 1990. If you are a person with a disability who may need special accommodation in order to participate in this public process, please contact Theresa Zimmerman at 907-465-6171 or TDD Relay Service 1-800-770-8973/TTY or dial 711 within 5 days of the expiration date of this public notice to ensure that any necessary accommodations can be provided.



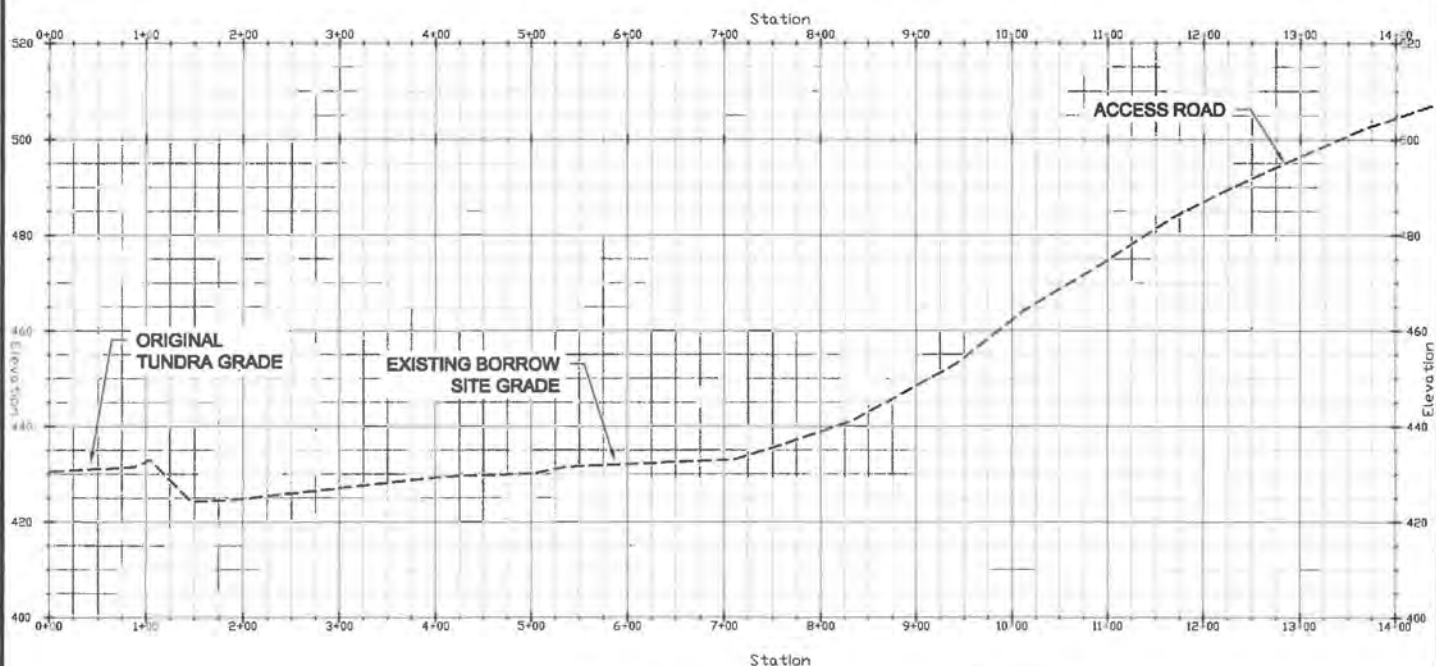


POA-2018-00303, Archuelinguk River
City of Mountain Village, Village Borrow Site
Drawings dated August 14, 2018
Sheets 2 of 7





A **SECTION A**
SCALE: 1"=200' HORZ. / 1"=20' VERT.



B **SECTION B**
SCALE: 1"=200' HORZ. / 1"=40' VERT.

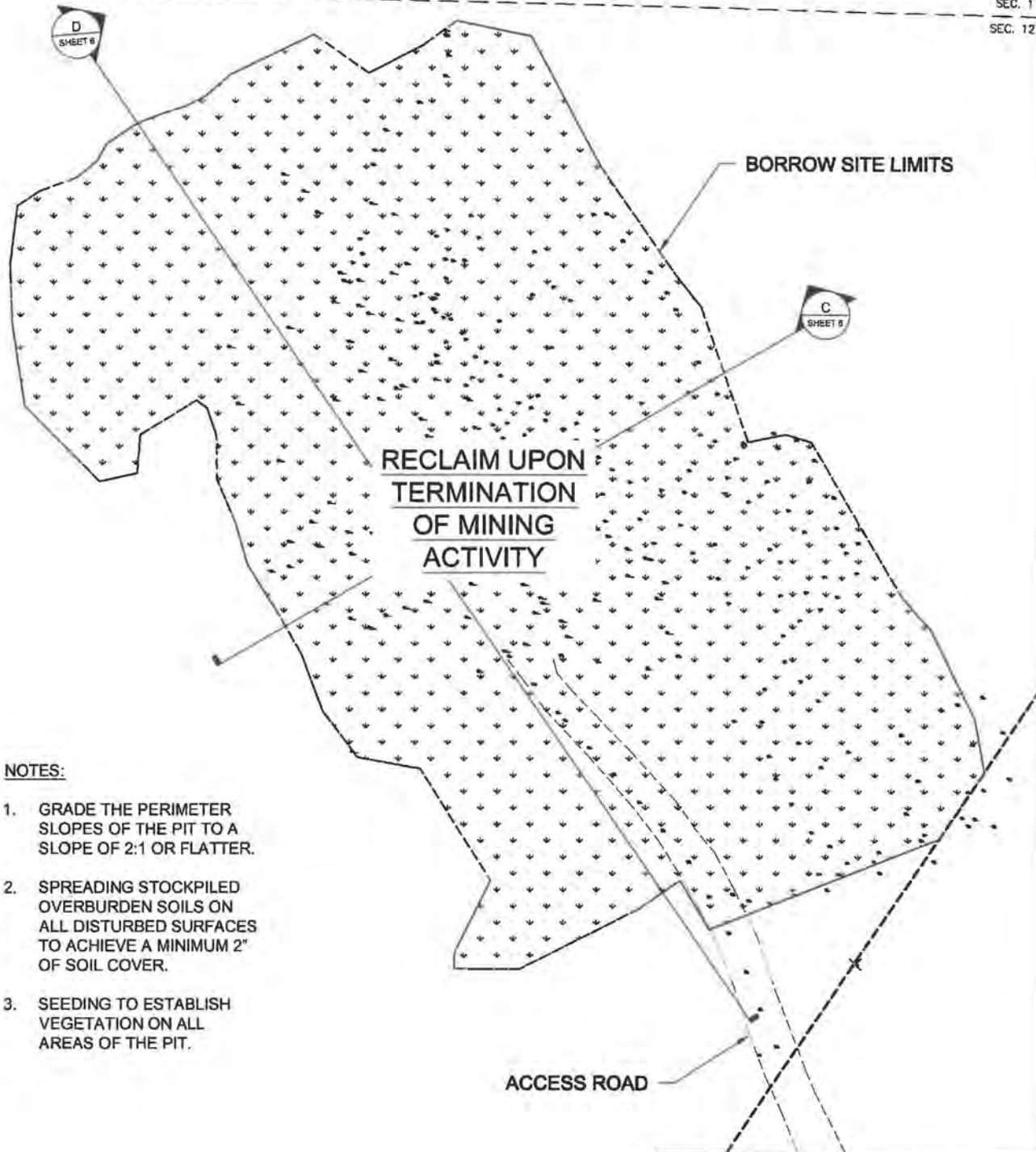
APPLICANT NAME: CITY OF MT. VILLAGE
PROJECT NAME: BORROW MATERIAL SITE
LOCATION: SEC. 12, T23N, R79W

NOTE:

ELEVATIONS REFERENCE AN
ASSUMED VERTICAL DATUM

POA-2018-00303, Archuelinguk River
City of Mountain Village, Village Borrow Site
Drawings dated August 14, 2018
Sheets 4 of 7

SEC. 1
SEC. 12



NOTES:

1. GRADE THE PERIMETER SLOPES OF THE PIT TO A SLOPE OF 2:1 OR FLATTER.
2. SPREADING STOCKPILED OVERBURDEN SOILS ON ALL DISTURBED SURFACES TO ACHIEVE A MINIMUM 2" OF SOIL COVER.
3. SEEDING TO ESTABLISH VEGETATION ON ALL AREAS OF THE PIT.



GRAPHIC SCALE

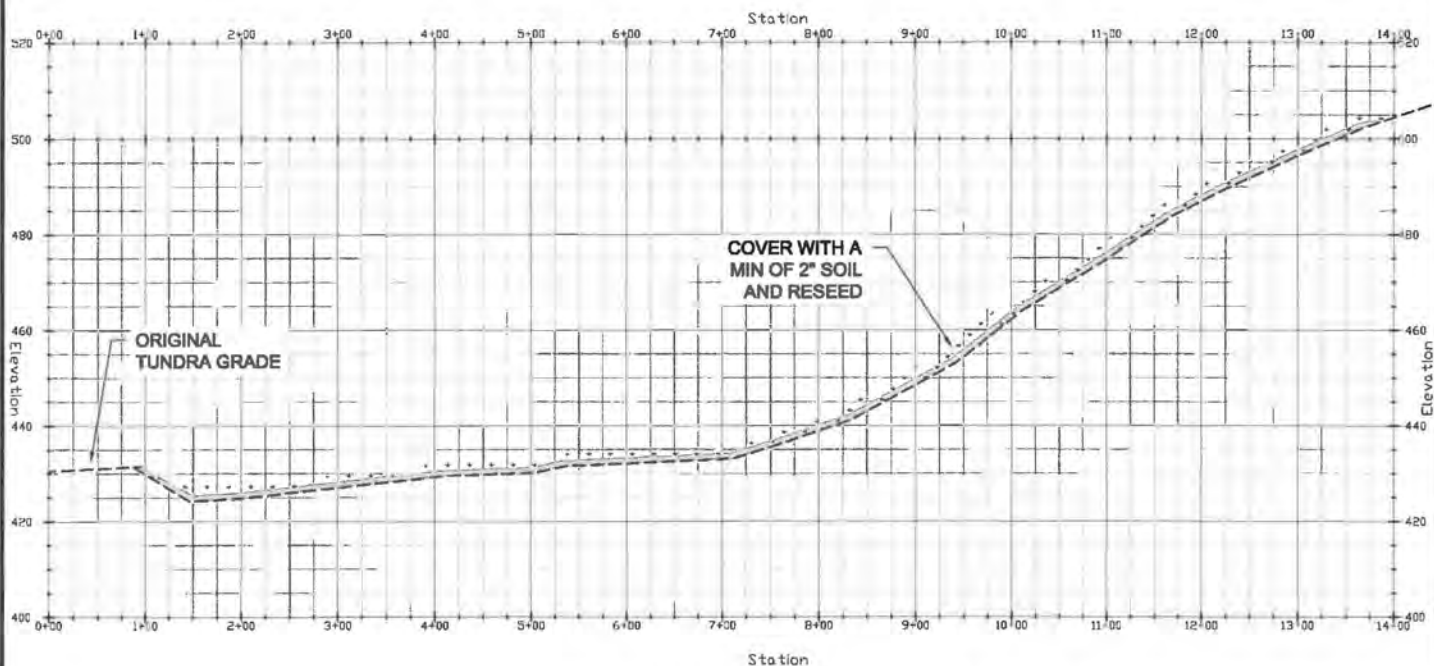
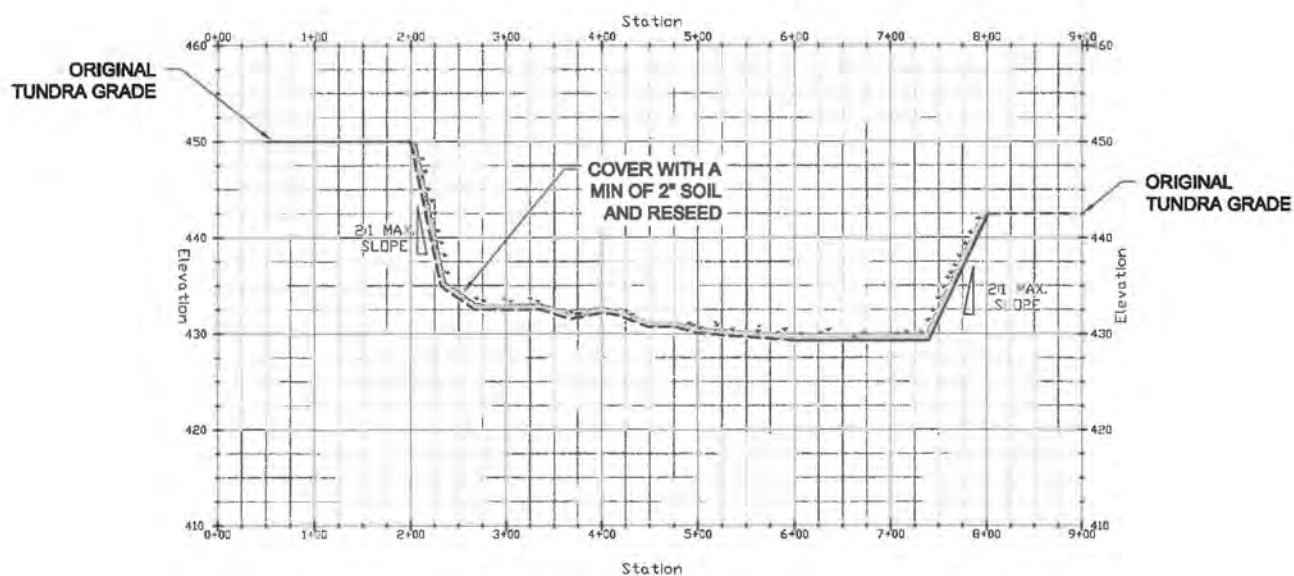


SEC. 12

Pat. No. 50-91-0585
Azachoraok Inc.

APPLICANT NAME: CITY OF MT. VILLAGE
PROJECT NAME: BORROW MATERIAL SITE
LOCATION: SEC. 12, T23N, R79W
SEWARD MEDIAN, AK

POA-2018-00303, Archuelinguk River
City of Mountain Village, Village Borrow Site
Drawings dated August 14, 2018
Sheets 5 of 7



NOTES:

1. GRADE THE PERIMETER SLOPES OF THE PIT TO A SLOPE OF 2:1 OR FLATTER.
2. SPREADING STOCKPILED OVERBURDEN SOILS ON ALL DISTURBED SURFACES TO ACHIEVE A MINIMUM 2" OF SOIL COVER.
3. SEEDING TO ESTABLISH VEGETATION ON ALL AREAS OF THE PIT.

APPLICANT NAME: CITY OF MT. VILLAGE
PROJECT NAME: BORROW MATERIAL SITE
LOCATION: SEC. 12, T23N, R79W

POA-2018-00303, Archuelinguk River
City of Mountain Village, Village Borrow Site
Drawings dated August 14, 2018
Sheets 6 of 7

Narrative Mining and Reclamation Plans For Mountain Village Pit

Mining Plan:

(See Mining Plan figures 3 & 4)

The Mining Plan assumes 5,000 cubic yards of gravel mined per year for two years, beginning in September 2018, and the removal and stockpiling of approximately 520 CY of overburden each year. The accompanying figures show the Plan for 2018-2019. Gravel will be mined from the east side of the pit and overburden stockpiled southeast of that area in each year.

The pit design is such that all water runoff from the disturbed area of the pit, flows toward the excavated area. There is no off-site stormwater runoff, therefore, there is no requirement for a SWPPP for the pit operations. We do stress that the all mining and equipment maintenance operations in the pit utilize best management practices (BMPs) for runoff and containment of fuels and other hazardous materials.

Reclamation Plan

(See Reclamation Plan figures 5 & 6)

Reclamation will take place when all the gravel that is possible to mine has been mined out, not necessarily at the end of the above two-year Mining Plan. The intent is to establish a uniform pit floor elevation (above groundwater table) graded slightly to drain toward the northern corner of the pit.

Overburden from prior mining operations is currently stockpiled as shown on the attached figures. We will stockpile overburden from future mining, as well as hauled out clean spoils from future community water and sewer (and other possible) projects, for use in final reclamation. The locations for these spoil piles will assure that any runoff from the spoil piles will also flow into the pit, not onto to the tundra.

Reclamation will be completed when mining is complete and final pit floor elevation has been established. Reclamation will consist of:

1. Grade the perimeter slopes of the pit to a slope of 2:1 or flatter.
2. Spreading stockpiled overburden soils on all disturbed surfaces to achieve a minimum 2" of soil cover.
3. Seeding to establish vegetation on all areas of the pit.