

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

Public Notice of Application for Permit

PUBLIC NOTICE DATE:

November 18, 2020

EXPIRATION DATE:

December 3, 2020

REFERENCE NUMBER:

POA-1979-00036-M12

WATERWAY:

Kuskokwim 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 Joshua Moffi at (907) 753-2708, toll free from within Alaska at (800) 478-2712, or by email at Joshua.H.Moffi@usace.army.mil if further information is desired concerning this notice.

APPLICANT: City of McGrath, Post Office Box 30, McGrath, Alaska 99627

AGENT: Sarah McClellan, City Administrator, City of McGrath

<u>LOCATION</u>: The project site is located within Section 18, T. 33 N., R. 33 W., Seward Meridian; USGS Quad Map McGrath D-6; Latitude 62.943262° N., Longitude 155.612524° W.; and is located at the southern end of Sand Island, near McGrath, Alaska.

<u>PURPOSE</u>: The applicant's stated purpose is to excavate sand and gravel of the near shore side of the sandbar on Sand Island.

<u>PROPOSED WORK</u>: The project will see the annual excavation of up to 10,000 cubic yards (CY) of sand and gravel of the near shore side of an accretion sandbar which occurs on Sand Island. This sand and gravel bar are replenished each year by the Kuskokwim River during the high-water events. All excavation activities will take place during low water flows of the Kuskokwim River, and the area is dry, as the water level of the river will be below the elevation of the work area. All work would be performed in accordance with the enclosed plan (sheets 1-3), dated October 10, 2020.

<u>ADDITIONAL INFORMATION</u>: This is the twelfth modification to the permit, which was originally issued on July 18, 1979, for the excavation of 100,000 CY of sand and gravel annually. Since then, the next eleven modifications were time extensions and saw the annual excavation limited to 10,000 CY of sand and gravel. This modification will allow another 5-year extension to the excavation activities and will have the annual excavation limit cap of 10,000 CY of sand and gravel.

<u>APPLICANT PROPOSED MITIGATION</u>: 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 is proposing that excavating and stockpiling activities will take place in locations that have previously been used for these activities for many years. Thus, avoiding any new impacts. The applicant is proposing that excavating and stockpiling activities will take place during times of low water, thus eliminating any in water work.
- b. Minimization: While the yearly limit of material excavated and stockpiled would be capped at 10,000 the applicant has stated that they would only excavate the materials needed for that year. Both of these factors would minimize impacts.
- c. Compensatory Mitigation: The City of McGrath is not proposing compensatory mitigation for the proposed project. Gravel excavation off the near shore side of the sand and gravel bar on Sand Island will not alter the shape or function of the Kuskokwim River, and may provide some benefit by reducing future sedimentation from downstream transport as the excavated area has been shown to replenish in highwater flow. There area has been excavated annually since 1980 and to be excavated has never been vegetated; thus, there will be no changes to the conditions of the river.

<u>WATER QUALITY CERTIFICATION</u>: 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.

<u>CULTURAL RESOURCES</u>: 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 area of the sand and gravel bar where excavation occurs, the area of the sand and gravel bar used for equipment access, and the area used to stockpile the materials excavated from the sand and gravel bar. Consultation of the AHRS constitutes the extent of cultural resource investigations by the Corps of Engineers (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.

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

<u>ESSENTIAL FISH HABITAT</u>: 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 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.

<u>PUBLIC HEARING</u>: 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)(I) 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.

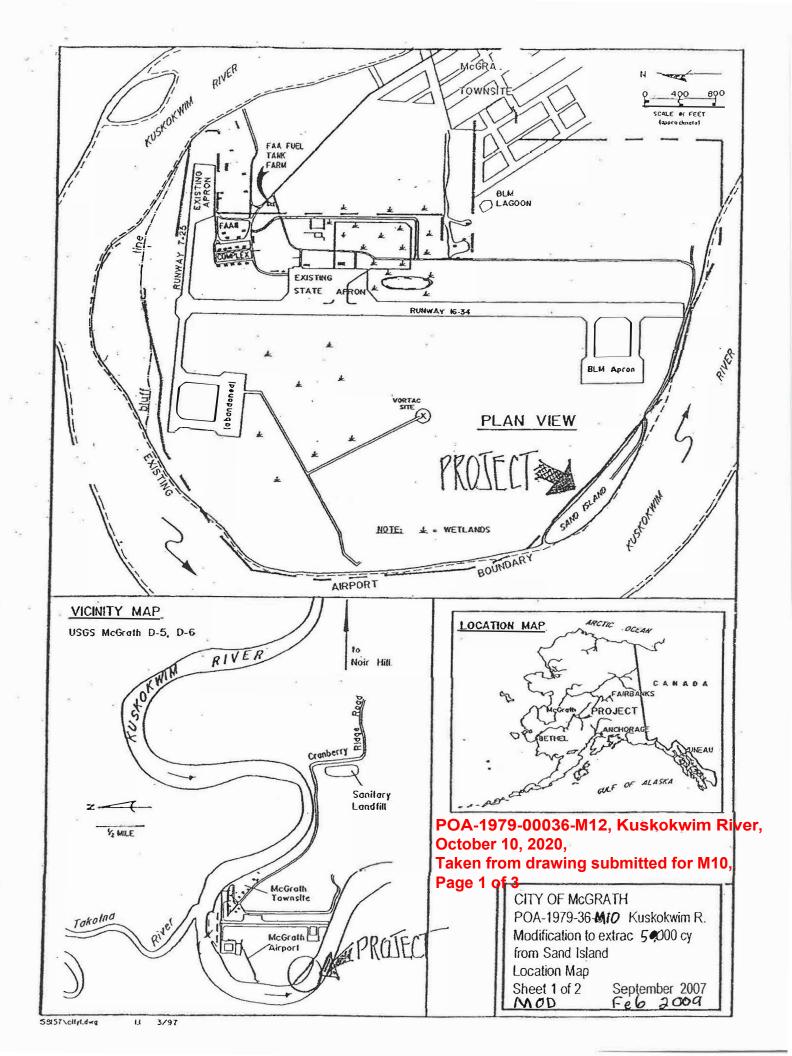
<u>AUTHORITY</u>: This permit will be issued or denied under the following authorities:

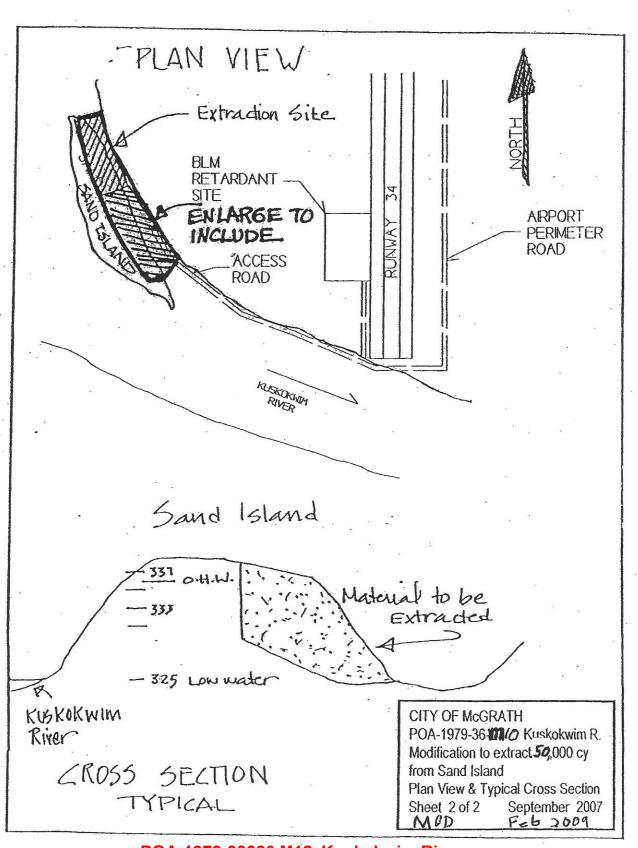
(X) Perform work in or affecting navigable waters of the United States – Section 10 Rivers and Harbors Act 1899 (33 U.S.C. 403).

Project drawings are enclosed with this Public Notice.

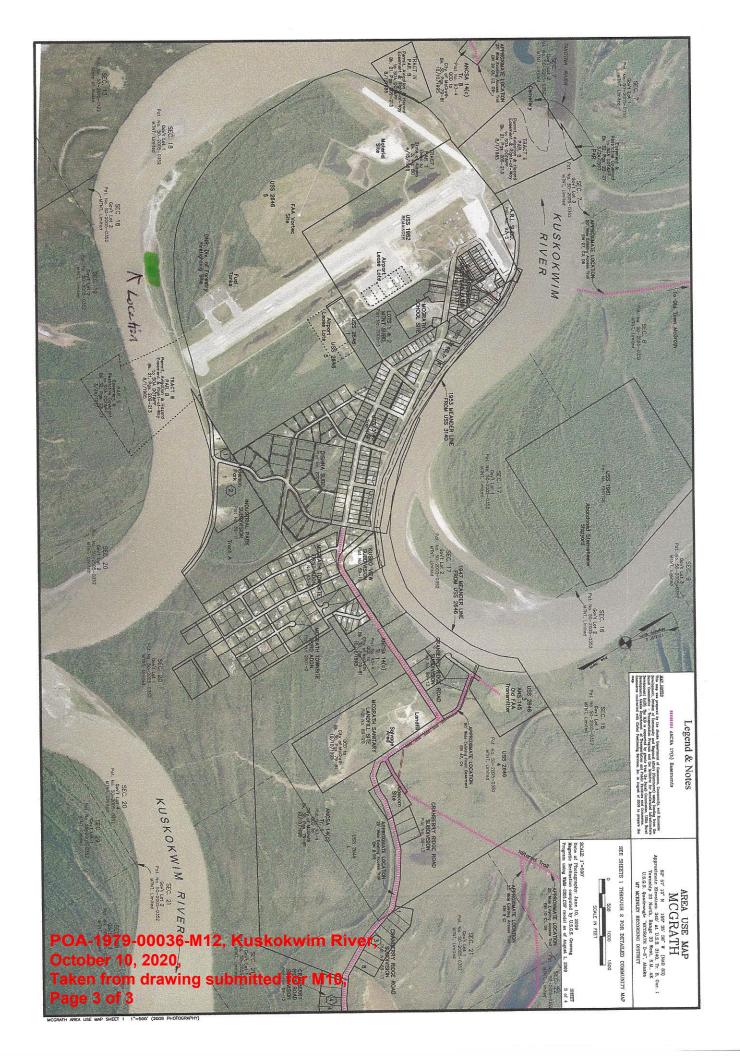
District Commander U.S. Army, Corps of Engineers

Enclosures





POA-1979-00036-M12, Kuskokwim River, October 10, 2020, Taken from drawing submitted for M10, Page 2 of 3



U.S. Army Corps of Engineers (USACE)

APPLICATION FOR DEPARTMENT OF THE ARMY PERMIT

33 CFR 325. The proponent agency is CECW-CO-R.

Form Approved -OMB No. 0710-0003 Expires: 02-28-2022

The public reporting burden for this collection of information, OMB Control Number 0710-0003, is estimated to average 11 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or burden reduction suggestions to the Department of Defense, Washington Headquarters Services, at whs.mc-alex.esd.mbx.dd-dod-information-collections@mail.mil. Respondents should be aware that notwithstanding any other provision of law, no person shall be subject to any penalty for failing to comply with a collection of information if it does not display a currently valid OMB control number. PLEASE DO NOT RETURN YOUR APPLICATION TO THE ABOVE EMAIL.

PRIVACY ACT STATEMENT

Authorities: Rivers and Harbors Act, Section 10, 33 USC 403; Clean Water Act, Section 404, 33 USC 1344; Marine Protection, Research, and Sanctuaries Act, Section 103, 33 USC 1413; Regulatory Programs of the Corps of Engineers; Final Rule 33 CFR 320-332. Principal Purpose: Information provided on this form will be used in evaluating the application for a permit. Routine Uses: This information may be shared with the Department of Justice and other federal, state, and local government agencies, and the public and may be made available as part of a public notice as required by Federal law. Submission of requested information is voluntary, however, if information is not provided the permit application cannot be evaluated nor can a permit be issued. One set of original drawings or good reproducible copies which show the location and character of the proposed activity must be attached to this application (see sample drawings and/or instructions) and be submitted to the District Engineer having jurisdiction over the location of the proposed activity. An application that is not completed in full will be returned. System of Record Notice (SORN). The information received is entered into our permit tracking database and a SORN has been completed (SORN #A1145b) and may be accessed at the following website: http://dpcld.defense.gov/Privacy/SORNsIndex/DOD-wide-SORN-Article-View/Article/570115/a1145b-ce.aspx

System of Record Notice (SORN). The informa and may be accessed at the following website:	tion received is entered into our p http://dpcld.defense.gov/Privacy/S	ermit tracking of ORNsIndex/DO	database and a SORN hat OD-wide-SORN-Article-V	is been co	mpleted (SC /570115/a11	ORN #A1145b) 145b-ce.aspx			
(ITEMS 1 THRU 4 TO BE FILLED BY THE CORPS)									
1. APPLICATION NO. 2. FIELD OFFICE CODE			3. DATE RECEIVED	4. DATE	APPLICATION	ON COMPLETE			
(ITEMS BELOW TO BE FILLED BY APPLICANT)									
5. APPLICANT'S NAME AND TITLE (agent is not required)									
First - Sarah Middle -	Last - McClellan	First -	Middle -		Last -				
Company - City of McGrath			Company -						
E-mail Address - administrator@cityofmcgrath.org			E-mail Address -						
6. APPLICANT'S ADDRESS:		9. AGENT'S ADDRESS:							
Address- P.O. Box 30		Address-							
City - McGrath State - AK	Zip - 9962 Fountry -	City -	State -	Zij	p -	Country -			
7. APPLICANT'S PHONE NOs. WAREA COD	10. AGENTS PHONE NOs. w/AREA CODE								
a. Residence b. (9979°524-3825 c. Fax none		a. Residence b. Business c. Fax							
STATEMENT OF AUTHORIZATION									
11. I hereby authorize, n/a to act in my behalf as my agent in the processing of this application and to furnish, upon request, supplemental information in support of this permit application.									
Sarach McClellan 9-21-20 SIGNATURE OF APPLICANT DATE									
N.	AME, LOCATION, AND DESCRI	PTION OF PRO	DJECT OR ACTIVITY						
12. PROJECT NAME OR TITLE (see instructions) Sand for Infrastructure projects									
13. NAME OF WATERBODY, IF KNOWN (if a	applicable)	14. PROJEC	T STREET ADDRESS (if	applicable	e)				
Kuskokwim River		Address Within City Limits							
15. LOCATION OF PROJECT 62.94326	52, -155.612524	Cit.	-0	State- A	V	Zip- 99627			
Latitude: •N 62.947 Longi	tude: •W -155.619	City - M	cGrath ^S	State- A	.r.	33021			
16. OTHER LOCATION DESCRIPTIONS, IF KNOWN (see instructions)									
State Tax Parcel ID Municipality McGrath, AK									
Section - 18 T 33N R 37 Whiship	-	Rang	je -						

17. DIRECTIONS TO THE SITE							
Drive west on the Airport Road. Right on Sand Island Road.							
18. Nature of Activity (Description of project, include all features)	ave and temperarily steelsnile if necessary and from						
This request is to provide the City of McGrath with the ability to rem the sand berms across from Sand Island for infrastructure projects removed from the riverbank or the actual island.	and This area is referred to as Sand Island. Sand is not						
10. Project Durnons (Describe the reason or purpose of the project, and instructions	\ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \						
19. Project Purpose (Describe the reason or purpose of the project, see instructions) Typical uses of the sand would be to make road repairs and use for fill after excavation for underground drinking water pipe and waste water pipe repairs.							
USE BLOCKS 20-23 IF DREDGED AND/OR FI	LL MATERIAL IS TO BE DISCHARGED						
20. Reason(s) for Discharge							
n/a							
	_						
21. Type(s) of Material Being Discharged and the Amount of Each Type in Cubic Ya	ırds:						
Type n/a Type Amount in Cubic Yards Amount in Cubic Yards	Type Amount in Cubic Yards						
7 Willouth III Gusto Fullas	, and an easier raide						
20 Ourfers Associated and the College Market Street							
22. Surface Area in Acres of Wetlands or Other Waters Filled (see instructions) Acres n/a							
Acres n/a or							
Linear Feet							
23. Description of Avoidance, Minimization, and Compensation (see instructions)							
Sand will only be removed from the area designated by							
	previous permits (See Pian View attachment).						
	previous permits (See Plan View attachment).						
	previous permits (See Plan View attachment).						

24. Is Any Portion of the Work Already Complete? Yes No IF YES, DESCRIBE THE COMPLETED WORK								
This is an on-going reques	et to continue a per	rmit that has bee	en granted to the C	ity since 2003.				
25. Addresses of Adjoining Property Owners, Lessees, E	tc., Whose Property Adjoins	s the Waterbody (if more th	nan can be entered here, please atta	ch a supplemental list).				
a. Address-								
City -	State -		Zip -					
b. Address-								
City -	State -		Zip -					
c. Address-								
City -	State -		Zip -					
d. Address-								
City -	State -		Zip -					
e. Address-								
City -	State -		Zip -					
26. List of Other Certificates or Approvals/Denials receiv	red from other Federal, Stat	e, or Local Agencies for	Work Described in This Ap	plication.				
AGENCY TYPE APPROVAL*	IDENTIFICATION NUMBER	DATE APPLIED	DATE APPROVED	DATE DENIED				
* Would include but is not restricted to zoning, building,	and flood plain permits		('5 the table information in	this application is				
Application is hereby made for permit or permits to a complete and accurate. I further certify that I possess thapplicant.	ie authority to undertake the	d in this application. I co	or am acting as the duly au	this application is thorized agent of the				
Sarah McClellan SIGNATURE OF APPLICANT	9-21-20	- SIGNATU	DE OF ACENT	DATE				
SIGNATURE OF APPLICANT	DATE	SIGNATURE OF AGENT						
The Application must be signed by the person wh authorized agent if the statement in block 11 has	been filled out and signe	ed.						
18 U.S.C. Section 1001 provides that: Whoever, i knowingly and willfully falsifies, conceals, or cover statements or representations or makes or uses a statements or entry, shall be fined not more than	rs up any trick, scheme, any false writing or docur	or disguises a materia ment knowing same to	o contain any false, fictiti	e, notitions of fraudations				

ENG FORM 4345, FEB 2019

