

Public Notice of Application for Permit

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

PUBLIC NOTICE DATE: August 24, 2020

EXPIRATION DATE: September 23, 2020

REFERENCE NUMBER: POA-2020-00295

WATERWAY: Wulik 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 Janet Post at (907) 753-2831 or by email at: Janet.L.Post@usace.army.mil if further information is desired concerning this notice.

<u>APPLICANT</u>: Northwest Arctic School District, Attn: Kathy Christy, 5172 East 98th Street, Anchorage, AK 99507

<u>AGENT</u>: CRW Engineering Group, LLC. Attn: Jon Hermon, 808 South Bailey St., Suite 104, Palmer, AK 99645

<u>LOCATION</u>: The project site is located within Section 20, T. 28 N., R. 25 W., Kateel River Meridian; Latitude 67.8060° N., Longitude 164.3760° W.; near Kivalina, Alaska.

<u>PURPOSE</u>: The applicant's stated purpose is to provide a new K-12 school in Kivalina, Alaska as a replacement for the existing McQueen School, which is insufficient to meet the current and projected needs of the community. The new school will also function as an emergency rendezvous location and shelter for people evacuating the Village of Kivalina as a result of significant ocean storm events.

<u>PROPOSED WORK</u>: Construct a new school building, wastewater treatment facility, bus shelter, playground, teacher housing, water storage tank, fuel storage tanks, standby generator; water, sewer, power, add-heat and fuel utility lines; gravel access roads, parking area, and walkways. Excess soil material from excavations during construction would be stockpiled near the project site in designated areas. In addition, a monofill for disposing of inert construction debris would be located at one of the excess soil stockpile sites. The entire project would impact 12.26 acres of wetlands. All work would be performed in accordance with the enclosed plan (sheets 1-17), dated July 2020.

<u>ADDITIONAL INFORMATION</u>: Other certificates or approvals/denials received from other Federal, State or local agencies include State of Alaska Historic Preservation Office (SHPO), Nana Corp gravel mining, Nana Corp Title 9 Land use, and Alaska Department of Environment Conservation (ADEC) wastewater discharge permit.

<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: Wetlands cannot be avoided due to its ubiquitous presence throughout the region. Nevertheless, the school site is located very distant (½-mile or greater) from and considerably higher in elevation above lakes, ponds, floodplains, marine environments and riverine environments that foster the highest value wetlands and active habitats for fish and wildlife. The school's geographical and topographical setting greatly reduces the probability of adverse impacts to these areas. The existing quarry at K-Hill will be used as a gravel and rock source for the school project. It is anticipated that the quarry will function within the same area and operations as currently permitted. As the existing quarry is located substantially within uplands, material source impacts to wetlands are avoided altogether. Impacts to nearby wetlands will also be avoided, as the rock to be mined and processed would occur entirely within the confines of the currently-developed quarry area.
- b. Minimization: Gravel fill will be used only where it is needed within the school parcel for driving and walking surfaces, and for supporting new structures. Of the 17 acres established for the school parcel, approximately 6.5 acres would receive fill. The existing gravel road serving the quarry would be incorporated into the site design to reduce the amount of gravel fill needed for this project. During construction, the existing quarry road and the evacuation road will be used for the transportation of construction materials and equipment, and the existing terminus pad will be used as a construction staging area for the school project. With exception to the 4H:1V placement of riprap to reinforce a cut slope north of the school building, other embankment footprints will be minimized by using 3H:1V side slopes on gravel roads and pads.

Gravel backfill quantities will be reduced by planning for the use of 1H:1V cut slopes for excavations. The work pad needed for equipment to drive piling for the school and mechanical/vocational buildings will be incorporated into the site design by providing a stable pad for facilitating surface drainage beneath these structures. Any use of motorized equipment over tundra will be minimized with the use of ice roads during winter conditions and previously built gravel pads and roads during summer conditions. The project will minimize impacts to wildlife through construction timing windows and established protocols for inadvertent encounters. Impacts to vegetation would be minimized by incorporating culverts to maintain surface drainage through the site, and reestablishing natural vegetation to achieve long-term soil stability and rehabilitation. Stake and delineate gravel embankment footprints and associated impact areas prior to beginning construction. Stockpile construction materials within existing fills and developed staging areas to minimize construction disturbance and avoid impacting additional wetland areas. Maintain setbacks from surface water for refueling and vehicle maintenance activities to reduce the likelihood of hazardous substances entering water bodies from accidental spills and releases. Through a project Erosion and Sediment Control Plan, SWPPP and Hazardous Material Control Plan provided by the contractor. implement best management practices during construction to minimize sediment deposition and secondary impacts to adjacent wetlands.

c. Compensatory Mitigation: The reason for the proposed action is provide for the public education of children in Kivalina, and for safety of the public using the evacuation road during significant ocean storm events. Given the avoidance considerations and minimization steps described above, no compensatory mitigation is offered.

<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 ADEC.

<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 project footprint and immediately adjacent areas where heavy equipment would necessarily operate to construct the project. 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 SHPO. Any comments the 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 SHPO concurred on October 23, 2019 that no historic properties are adversely affected (3130-1R Dept. of Ed).

<u>ENDANGERED SPECIES</u>: The project area is within the known or historic range of the Polar Bear (*Ursus maritimus*), Stellers Eider (*Polysticta stelleri*), and Spectacled Eider (*Somateria fischeri*).

We are currently gathering information regarding these species and have yet to make a determination of effect. Should we find that the described activity may affect the species listed above, and/or their designated critical habitat, 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 (NMFS) 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.

<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)(l) 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 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

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.

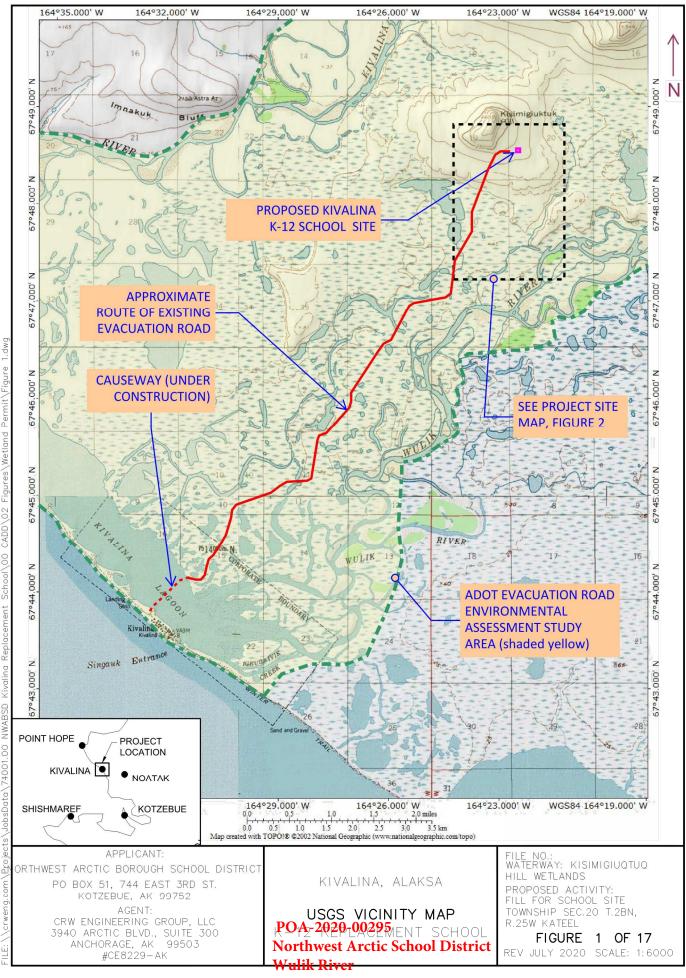
Notice is hereby given that the application for a Department of the Army Permit described in the Corps of Engineers' Public Notice (PN) Reference Number **POA-2020-00295 Wulik River**, serves as application for State Water Quality Certification from the Department of Environmental Conservation.

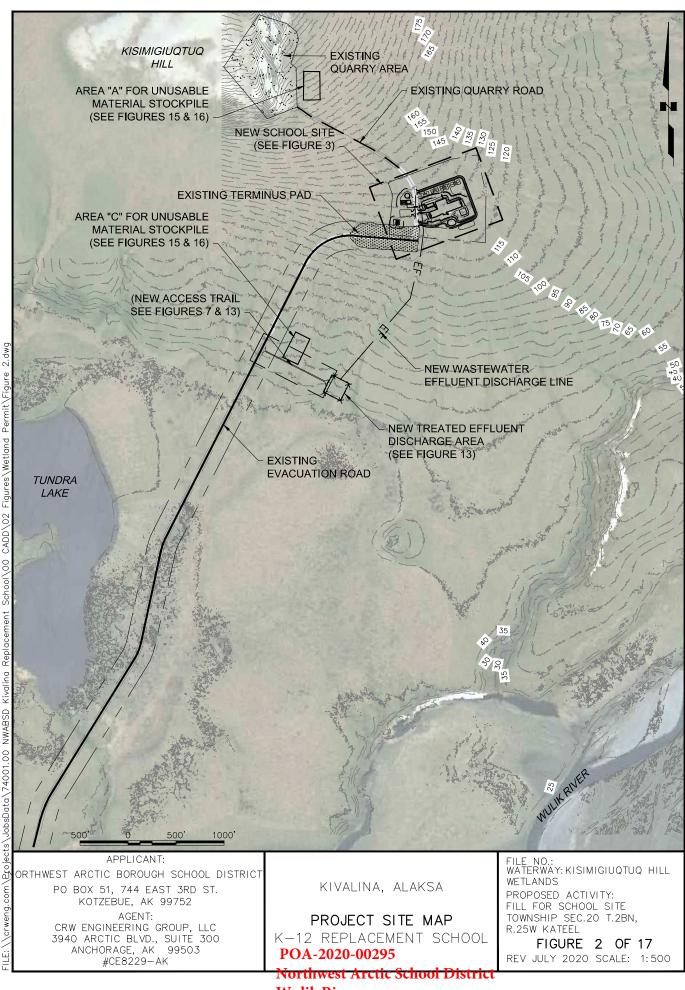
After reviewing the application, the Department may certify there is reasonable assurance the activity, and any discharge that might result, will comply with the Clean Water Act, the Alaska Water Quality Standards, and other applicable State laws. The Department also may deny or waive certification.

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

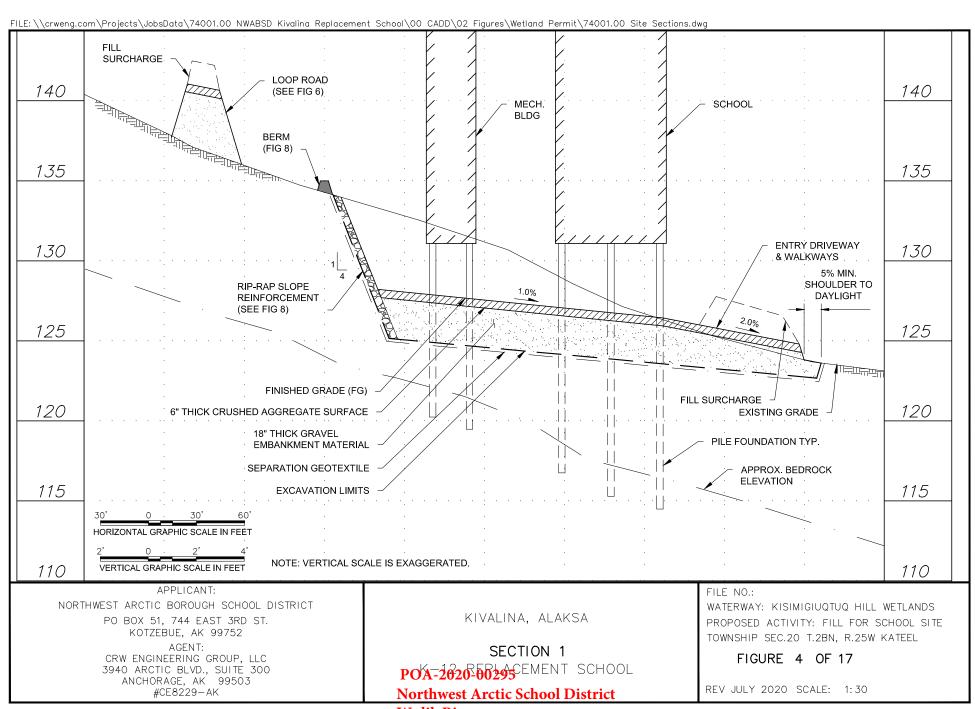
The State of Alaska, Department of Environmental Conservation complies with Title II of the Americans with Disabilities Act of 1990. If you are a person with a disability who may need special accommodation in order to participate in this public process, please contact Kate Orozco at 907-465-6171 or TDD 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.





Wulik River Sheet 2 of 17

Sheet 3 of 17



Wulik River Sheet 4 of 17

NORTHWEST ARCTIC BOROUGH SCHOOL DISTRICT
PO BOX 51, 744 EAST 3RD ST.
KOTZEBUE, AK 99752
AGENT:

AGENT:
CRW ENGINEERING GROUP, LLC
3940 ARCTIC BLVD., SUITE 300
ANCHORAGE, AK 99503
#CE8229-AK

POA-2020-00295 LINA, ALAKSA
Northwest Arctic School District
Wulik River SECTION 2
Sheet 5 of 127 REPLACEMENT SCHOOL

WATERWAY: KISIMIGIUQTUQ HILL WETLANDS PROPOSED ACTIVITY: FILL FOR SCHOOL SITE TOWNSHIP SEC.20 T.2BN, R.25W KATEEL

FIGURE 5 OF 17

REV JULY 2020 SCALE: 1:30

Wulik River Sheet 6 of 17

REV JULY 2020 SCALE: NTS

3940 ARCTIC BLVD., SUITE 300 ANCHORAGE, AK 99503

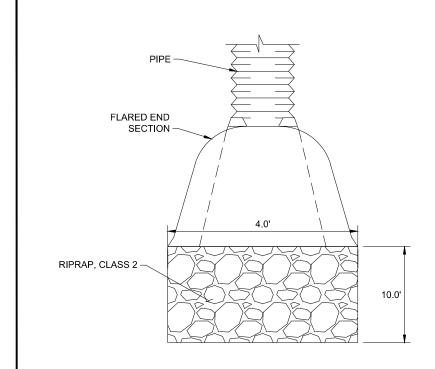
#CE8229-AK

K-12 REPLACEMENT SCHOOL

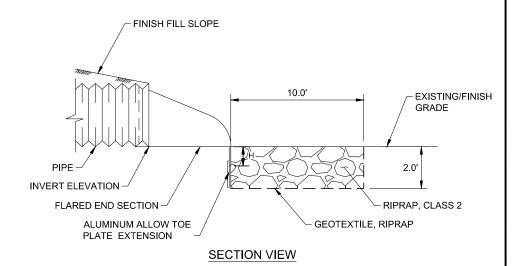
REV JULY 2020 SCALE: NTS

3940 ARCTIC BLVD., SUITÉ 300 ANCHORAGE, AK 99503

#CE8229-AK







POA-2020-00295 Northwest Arctic School District Wulik River

APPLICANT:

NORTHWEST ARCTIC BOROUGH SCHOOL DISTRICT
PO BOX 51, 744 EAST 3RD ST.
KOTZEBUE, AK 99752
AGENT:
CRW ENGINEERING GROUP, LLC

CRW ENGINEERING GROUP, LLC 3940 ARCTIC BLVD., SUITE 300 ANCHORAGE, AK 99503 #CE8229-AK

Sheet 14 of 17

KIVALINA, ALAKSA

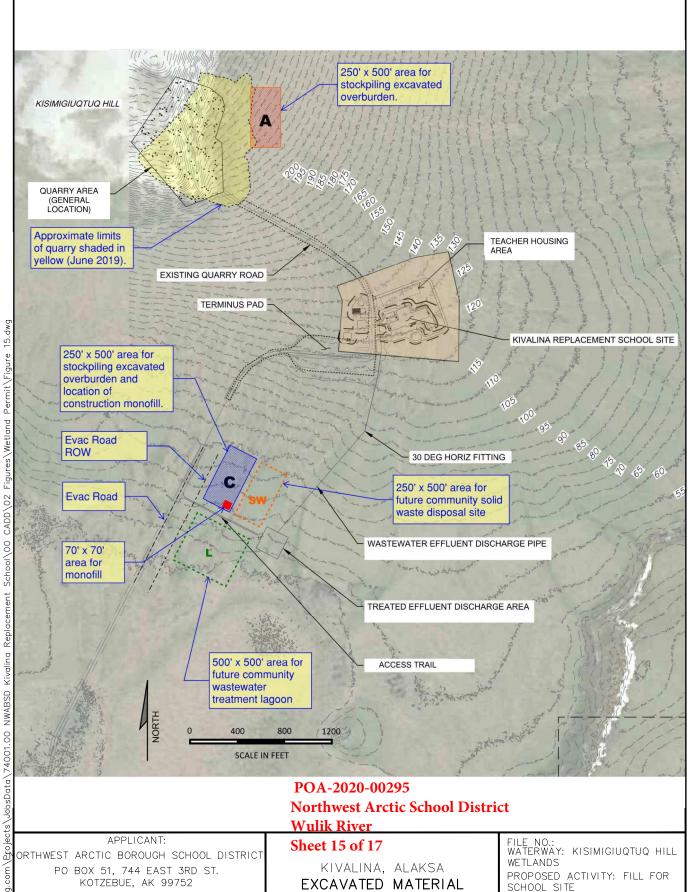
CULVERT DETAILS
K-12 REPLACEMENT SCHOOL

FILE NO .:

WATERWAY: KISIMIGIUQTUQ HILL WETLANDS PROPOSED ACTIVITY: FILL FOR SCHOOL SITE TOWNSHIP SEC.20 T.2BN, R.25W KATEEL

FIGURE 14 OF 17

REV JULY 2020 SCALE: NTS



STOCKPILE AREAS

K-12 REPLACEMENT SCHOOL

TOWNSHIP SEC.20 T.2BN,

FIGURE 15 OF 17 REV JULY 2020 SCALE: 1:6000

R.25W KATEEL

III F: \\ crweng com\Droiects

AGENT:

CRW ENGINEERING GROUP, LLC 3940 ARCTIC BLVD., SUITE 300 ANCHORAGE, AK 99503 #CE8229—AK