



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:	August 28, 2015
EXPIRATION DATE:	September 30, 2015
REFERENCE NUMBER:	POA-2006-203
WATERWAY:	KOTZEBUE SOUND

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 Steve Moore at (907)753-5713, toll free from within Alaska at (800) 478-2712, by fax at (907) 753-5567, or by email at Stephen.A.Moore2@usace.army.mil if further information is desired concerning this notice.

APPLICANT: Kikiktagruk Inupiat Corporation

POC Larry Daniels
1500 W. 33rd Ave
Suite 105
Anchorage, AK 99503
907-277-7884
ldaniels@kikiktagruk.com

AGENT:

Stantec Ltd.
POC Sara Lindberg
2515 A Street,
Anchorage, AK 99503
907-343-5250
sara.lindberg@stantec.com

LOCATION: The project site is located within Section 2, T. 17 N, R. 18 W., Kateel River Meridian; USGS Quad Map AK-Kotzebue D-2; Latitude 66.90354° N., Longitude 162.56988° W., Kotzebue, Alaska.

PURPOSE: The applicant's stated purpose is to maintain and expand the barge landing site at the Kotzebue Tech Center to allow larger, more economic loads to be hauled to Kotzebue.

PROPOSED WORK: The proposed work is to dredge 1,400 cubic yards of material from the existing landing in an area approximately 200' long by 80' wide to an average dredge depth of -3'. The expansion area dredging for the new landing would remove a similar amount of material, with a 50' buffer between the two sites. The total area dredged would be 0.74 acres. Two (2) 50' long by approximately 20' wide loading ramps will be constructed on uplands adjacent to the dredge sites. All work would be performed in accordance with the plans labeled KIC BARGE LANDING IMPROVEMENTS, sheets 1-3 (attached).

ADDITIONAL INFORMATION: ADNR DMLW – Land Use Permit (Pending)

APPLICANT PROPOSED MITIGATION: **The applicant provided the following statements (*in italics*) regarding proposed measures to avoid, minimize, and compensate for impacts to waters of the United States from activities involving discharges of dredged or fill material. The Corps has not evaluated the applicants proposed mitigation statements (below) at this time:**

a. Avoidance: *The project is located in an area that would not cause impacts to protected resources. Half of the dredging would occur in a previously disturbed area (existing landing) and the other half would occur within 50' of this previously disturbed area. Activity in uplands associated with the dredging would occur in previously disturbed areas, consisting of unvegetated gravel, unloading ramps, transient storage, stockpile areas, and parking for the surrounding industrial activities.*

b. Minimization: *All excavation within the project area would occur in the smallest footprint practicable to maintain the existing landing and create an adjacent second landing area. A fifty foot buffer would be left between the two landing sites. No vegetation clearing would be necessary for the maintenance or expansion phases of the project.*

c. Compensatory Mitigation: *The nature of the proposed work does not involve permanent impacts to wetlands or waters of the United States. Based on the lack of fill within wetlands and waters of the United States, and the avoidance, minimization, and mitigation measures implemented as part of this project, KIC does not propose any compensatory wetland mitigation under this permit modification.*

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 three threatened species, the Polar bear (*Ursus maritimus*), Steller's eider (*Polysticta stelleri*), and Spectacled eider (*Somateria fischeri*).

We have determined the described activity may affect the Polar bear, Steller's eider, and Spectacled eider. We will initiate the appropriate consultation procedures under section 7 of the Endangered Species Act with the U.S. Fish and Wildlife Service. 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). 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 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) Perform work in or affecting navigable waters of the United States – Section 10 Rivers and Harbors Act 1899 (33 U.S.C. 403).

District Commander
U.S. Army, Corps of Engineers

Enclosures

File Number: POA-2006-203

Waterway Name: Kotzebue Sound

APPLICANT: Kikiktagruk Inupiat Corporation
POC Larry Daniels
1500 W. 33rd Ave
Suite 105
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AGENT: Stantec Ltd.
POC Sara Lindberg
2515 A Street,
Anchorage, AK 99503
907-343-5250
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ADJACENT PROPERTY OWNERS:

AK DOT&PF 2301 Peger Road Fairbanks, AK 99709	Northwest Arctic Borough School District PO Box 51744 E. Third St. Kotzebue, AK 99752
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MUNICIPAL OFFICIALS:

City of Kotzebue, Northwest Arctic Borough

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NATIVE VILLAGE OF KOTZEBUE
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CLERK
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KOTZEBUE AK 99752-1110

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CONGRESSIONAL OFFICES:

Representative Young Office - catherine.petty@mail.house.gov

Senator Sullivan Office – carrie_keil@sullivan.senate.gov

Senator Murkowski Office – services@murkowski.senate.gov

MAILING LISTS USED:

<u>List Used</u>	<u>Date of list used</u>	<u># on list</u>
Master list (Paper)	17 JUL 2014	8
Northern	17 AUG 2011	4
	CONCUR	
	CEPOA-RD	
	MOORE/jae/3-2712	
	25 August 2015/(1145)	
	POA-2006-203, Kotzebue Sound	
	SAM/PN/	
	PN	