



US Army Corps
of Engineers
Alaska District

Public Notice of Application for Permit

JUNEAU FIELD OFFICE
Regulatory Division (1145)
CEPOA-RD
44669 Sterling Highway, Suite B
Soldotna, Alaska 99669-7915

PUBLIC NOTICE DATE:	MAY 13, 2016
EXPIRATION DATE:	JUNE 13, 2016
REFERENCE NUMBER:	POA-1993-528-M5
WATERWAY:	YAKUTAT BAY

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 Mr. Jamie Hyslop at (907) 753-2670, by fax at (907) 420-0813, or by email at jamie.r.hyslop@usace.army.mil if further information is desired concerning this notice.

APPLICANT: Ms. Hilary Lindh, Alaska Department of Transportation and Public Facilities (ADOT&PF), 6860 Glacier Highway, Juneau, Alaska, 99811, (907) 465-6564

LOCATION: The project site is located within, Section 9, T. 28 S., R. 34 E., Copper River Meridian; USGS Quad Map AK-Yakutat C-5; Latitude 59.5067° N., Longitude 139.6610° W.; in Yakutat, Alaska.

SPECIAL AREA DESIGNATION: The project is located within the Tongass National Forest.

PURPOSE: The applicant's stated purpose is to improve the Yakutat Airport runway visibility zone's unobstructed line of sight in accordance with Federal Aviation Administration (FAA) design standards per AC 150/5300-13 503b.

PROPOSED WORK: The applicant would mechanically level topographical high points within a 35 acre section of the Yakutat Airport line of sight triangle (LOS). This would result in the discharge of 2,833 cubic yards (cy) of material into 3.9 acres of jurisdictional wetland and 16,000 cy of material into 1,850 linear feet of jurisdictional stream. The streams proposed to be filled are manmade as a result of past excavation and ditching of the project site. All work would be performed in accordance with the enclosed plan (sheets 1-6), dated May 2016.

ADDITIONAL INFORMATION: POA-1993-528, Yakutat Bay, was issued to the ADOT&PF on June 27, 2003, and authorized the discharge of 101,700 cy of fill into 15.6 acres of wetlands, the excavation of 31.6 acres of wetlands, discharge 13,800 cy of fill within streams immediately adjacent to the primary runway and relocate 6,300 linear feet of stream in order to construct two new taxiways, raise the southeast end of the Runway 11-29 and create the approach runway safety area (RSA), and create RSA's at runways 11, 20 and 29.

The original permit has been modified 4 times. Modification number 3, issued August 27, 2004, authorized the discharge of 80 cy of fill material to construct a 155 foot long by 22 foot wide dike within 0.1 acre of wetland, and the discharge of 450 cy of material to fill 350 linear feet of stream.

Modification number 4, issued October 26, 2004, authorized the discharge of 2,950 cy of rock in 2.2 acres of wetlands associated with the glide slope operation, and the discharge of fill into 1.2 acres of wetlands by grading the LOS.

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: Project activities cannot be relocated to non-wetland areas as the purpose of the project is to create a clear and uniform level terrain within this unit of land. Additionally, the removal of material to an off-site location would be less cost beneficial as the nearest potential site is over five miles away and the need for other heavy equipment and transportation would exponentially increase project cost. Regardless of whether material is placed elsewhere on or off airport property, the remaining wetlands would still pose as obstacles for maintaining the LOS in the long term. Potential concerns would still be the need to clear riparian overgrowth in order to maintain the LOS. These areas are also considered attractive bird habitat. Birds are a nuisance, a threat to aircraft safety, and must be kept away to the best extent practicable. Therefore, avoiding the chosen site is not possible as the necessary long-term maintenance of the LOS, in association with keeping to FAA design and safety standards, outweighs leaving impacted wetlands and streams in place.

b. Minimization: The LOS area encompasses 87 acres in all. The majority of the project involves cut and grading operations within upland areas. Total disturbance has been reduced from 87 acres to 35 in all (about 40% disturbance of the total area). The project minimizes total impacts to wetlands and other waters in the project area by avoiding approximately 1.35 acres of wetlands and 3.75 acres of other waters. (See Sheet 3 and 4).

c. Compensatory Mitigation: The applicant proposes that compensatory mitigation is not appropriate for the unavoidable impacts to 3.9 acres of wetland and 1,850 linear feet of stream. This rationale is based on these wetlands being common types for this area within the Yakutat Foreland; the pre-existing natural ecosystem has been segregated and compartmentalized due to historical human activities, thereby compromising its continuity; original military presence and facility construction for the airport included stripping and removing all wetlands under the projects footprint, the deposition of large quantities of fill from the runways, roads, taxiways and defensive revetments, and the installation of artificial drainages, ditches and canals for water conveyance; and many of the wetlands and streams to be impacted are the remnant depressions and ditches of previous mechanical excavations.

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. AHRs lists two properties within the permit area, YAK-091 and YAK-092, as contributing properties to the Yakutat Landing Field Historic District (YAK-072). During project planning the ADOT&PF consulted with SHPO in a letter dated September 1, 2015. The ADOT&PF coordinated a finding of no adverse effect to either YAK-091 or YAK-092, and no adverse effect to the Yakutat Landing Field Historic District (YAK-072). The SHPO concurred with the finding of no historic properties adversely affected on September 17, 2015. The Corps received confirmation of this finding from the SHPO on April 15, 2016. 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: No threatened or endangered species are known to use the project area.

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. Therefore, we have determined the described activity would not adversely affect EFH.

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 authorities:

(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).

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
410 WILLOUGHBY AVENUE
JUNEAU, ALASKA 99801-1795
PHONE: (907) 465-5321/FAX: (907) 465-5274

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-1993-528-M5, Yakutat Bay**, 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.