



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:	May 19, 2016
EXPIRATION DATE:	June 20, 2016
REFERENCE NUMBER:	POA-2014-121
WATERWAY:	Smith Creek

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 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: Mr. Kevin Moto, The Native Village of Deering (NVD), PO Box 36089, Deering, Alaska 99736; (907) 363-2138

AGENT: Mr. Eric Lindeen, Bristol Engineering Services Corporation, 111 W. 16th Avenue, Third Floor, Anchorage, Alaska 99501; (907) 743-9377

LOCATION: The project site is located within Sections 19 & 30, T. 8 N., R. 19 W., Kateel River Meridian; USGS Quad Map Kotzebue A-2; Latitude 66.0743° N., Longitude 162.7463° W.; near Deering, Alaska.

PURPOSE: The applicant's stated purpose is to construct an emergency evacuation route from the village of Deering, Alaska to their airport.

PROPOSED WORK: The placement of 25,800 cubic yards (cy) of fill material and 2,300 cy of aggregate surface course material into 6.86 acres of jurisdictional wetlands to create a 5,280' x 50' road to the Deering Airport, the road would include a bridge over Smith Creek (avoiding 0.019 acre of R2UB waters) and would provide an evacuation route from the community often stranded when seasonal flooding overflows or washes out the existing road to the airport.

The bridge would be a 65' single span structure, with earthen abutments and 125' approaches on either side. The bridge would allow a minimum of 9' of vertical clearance from ordinary high water and a 42.6' navigational opening. Grubbing of the project would take place either before May 20th or after July 20th in order to not disturb potential migratory bird nests. Placement of fill is expected to take place from June through September 2016 with completion of the project in 2017.

All work would be performed in accordance with the enclosed plan (sheets 1-14), dated May 17, 2016.

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: It is not possible or practicable to locate this portion of the proposed project within an upland area as the community of Deering lies in an area of thaw lakes and sinks that are connected by a maze of waterways. The proposed road and bridge have been designed, redesigned, and sited to be the most efficient size possible while avoiding wetland impacts to the greatest extent practicable.

Avoidance of impacts to wetlands includes:

- The proposed road improvements were shaped/reshaped during the design phase to avoid wetland impact to the greatest extent practicable.
- The proposed bridge was designed and sited to avoid the placement of fill into wetlands and placement of fill below OHW.

b. Minimization: The minimization of unavoidable impacts to wetlands has been addressed primarily in the project design. Project components including minimizing side slopes, road shape through wetlands, and bridge location were reduced/sited/resited during the design phase to decrease the project footprint. The proposed road location through wetlands was designed and sited with as minimal footprint as practicable to maintain safety, comply with construction standards, and to minimize impacts to wetlands.

On the south side of Smith Creek the proposed road will follow the historic trail, which is the most direct route to the traditional crossing. On the north side of Smith Creek the road will not follow the traditional route that curved along the banks of Smith Creek because it is not the most direct route, nor would it avoid wetlands and it would be much more expensive to construct. Instead, the road will extend off to the northwest from the Smith Creek crossing and will terminate at the City garage.

Minimizations of unavoidable impacts to wetlands include:

- The proposed road improvements were designed to minimize overall wetland impacts
- Culverts will be placed along the existing road to facilitate overland water flow and to maintain the hydrologic regime and minimize impacts to wetlands. No culverts will be placed in fish bearing streams.
- The proposed road was sited to follow the original trail south of Smith Creek and then on the north side of the creek is taking a more direct route than the old trail.

All construction activity will incorporate Best Management Practices. Additionally, to minimize impacts to wetlands adjacent to the proposed area, all construction activity will be limited to the proposed road footprint.

c. Compensatory Mitigation: The unavoidable wetlands impacts within the proposed corridor include the permanent loss of 6.8 of wetland habitat. Construction of the West Airport Road and bridge will create visual impacts to the veivscape and unavoidably impact the following wetland types:

Wetland Type	Permanent (AC)	Temporary (AC)	Total (AC)
PAB3E	0.0139	-	0.0139
PAB3H	0.0437	-	0.0437
PEM1B	0.2653	0.0159	0.2812
PEM1E	0.1336	0.0395	0.1731
PEM1-SS1B	6.0407	0.0184	6.0590
PSS1-EM1B	0.1007	-	0.1007
PUBH	0.1794	0.0019	0.1813
R2UB	0.0193	-	0.0193
Total	6.80	0.08	6.88

Deering, like most small communities in Alaska, has been developed entirely on wetlands. The wetlands in Deering are either developed or they are not; comprised wetlands in need of restoration or remediation are just not present. There is little opportunity for wetland restoration,enhancement, establishment (creation), and/or the preservation of aquatic sites. To satisfy the compensatory mitigation requirements of Executive Order 11990, we are proposing the following efforts:

- During the time of the site visit a considerable amount of refuse and debris was observed within, and adjacent to, the project area wetlands surrounding the City Maintenance Shop, located near the beginning of the proposed road corridor. Numerous empty fuel drums were stored in proximity to wetlands. We are proposing to cleanup and dispose of debris, consisting of but not limited to sorbent pads, trash, refuse, and numerous empty fuel storage drums adjacent to the City Maintenance Shop. The proposed cleanup would provide environmental lift to the larger area through the removal of debris and dilapidated equipment and improve the quality of wetlands directly adjacent to the proposed project corridor, and mitigate potential degradation of wetlands throughout the larger area.
- The proposed project would remove an approximately 7,700 square-foot section of existing road, located at the southwest terminus of the proposed road, adjacent to the Inmachuk River. The area is prone to seasonal flooding events and washouts during storm surges. The removal would mitigate the likelihood of washed out fill material entering the Inmachuk River during these flooding events and improve the overall hydrologic regine, downstream from the existing road section.

- Removal and disposal of abandoned equipment/vehicle located near the southern terminus of the proposed alignment, in proximity to the proposed intersection with Deering Road. The removal and disposal would mitigate the risk of potential contamination to area wetlands and possible runoff migrating to the Inmachuk River.

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 lead Federal agency, U.S. Department of the Interior Bureau of Indian Affairs, Alaska Region, is responsible for compliance with the requirements of Section 106 of the National Historic Preservation Act. A finding of “No Historic Properties Affected” for the proposed project was completed October 6, 2014, and the State Historic Preservation Office provided concurrence on October 10, 2014.

ENDANGERED SPECIES: The project area is within the known or historic range of the following threatened or endangered species: spectacled eider (*Somateria fischeri*), Steller’s eider (*Polysticta stelleri*), and polar bear (*Ursus maritimus*).

We have determined the described activity may affect the spectacled eider (*Somateria fischeri*), Steller’s eider (*Polysticta stelleri*), and polar bear (*Ursus maritimus*). We have initiated 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). No EFH species are known to use 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) 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
555 CORDOVA STREET
ANCHORAGE, ALASKA 99501-2617
PHONE: (907) 269-7564/FAX: (907) 334-2415

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-2014-121, Smith Creek**, 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.