



US Army Corps
of Engineers
Alaska District

Public Notice of Application for Permit

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

PUBLIC NOTICE DATE:	March 30, 2022
EXPIRATION DATE:	April 29, 2022
REFERENCE NUMBER:	POA-2022-00041
WATERWAY:	Chignik Lagoon

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.

All comments regarding this Public Notice 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. All comments should include the Public Notice reference number listed above.

All comments 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 Ms. Jen Martin at (907) 753-2730, by fax at (907) 420-0813, or by email at Jen.L.Martin@usace.army.mil if further information is desired concerning this notice.

APPLICANT: Native Village of Chignik Lagoon, Ms. Michelle Anderson, Post Office Box 9, Chignik Lagoon, AK 99565

AGENT: CE2 Engineers, Inc., Mr. Mike Erdman, Post Office Box 232946, Anchorage, AK 99523

LOCATION: The project site is located within Section 5, 7 and 8, T. 45 S., R. 59 W., Seward Meridian; USGS Quad Map Chignik B-2; Latitude 56.3024° N., Longitude 158.5472° W.; beginning at First and C Streets, ending at the existing Chignik Lagoon Landfill/Sewage Lagoon, in Chignik Lagoon, Alaska.

PURPOSE: The applicant's stated purpose is to provide the community safe and continual access to their landfill and sewage lagoon.

PROPOSED WORK: To discharge 95,632 cubic yards of fill material into 9.7 acres below the high tide line (7.03 foot above the 0.0 foot contour), of which 7.2 acres would occur below the mean high water (3.43 foot above the 0.0 foot contour) of Chignik Lagoon, a navigable water of the United States, for construction of a 1.2 mile access road from Chignik Lagoon to the local landfill and sewage lagoon. Fill material would consist of 69,452 cubic yards of gravel fill, 19,863 cubic yards of Class I and Class III Rip Rap, 6,269 cubic yards of filter rock and 48 cubic yards of concrete planks. The road would include a base width of 50-75 foot (depending on upland topography) with a crest supporting an 18-foot-wide driving surface. There would be three beach access ramps constructed along the road to maintain access to intertidal areas, which would have a 10-foot-wide, concrete-plank, driving surface. One anadromous stream (Nelson Creek) would be crossed, requiring the installation of a 10-foot 3-inch-wide pipe arch, 67.5-foot in length. Contingent upon funding, construction would be expected to occur between April and October of 2023-2025. All work would be performed in accordance with the enclosed plan (sheets 1-9), dated October 2021.

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: Dowl HKM investigated upland routes for this road project in 2012. Dowl HKM concluded that construction of the steep side hill areas along the proposed upland alignment would be challenging. Very steep terrain exists for the majority of the distance between the community of Chignik Lagoon and the landfill/sewage lagoon site. The existing ground slope angles approach 1H:1V (horizontal to vertical) at the steepest areas. Dowl HKM found that typical cross sections indicate that, in order to catch the existing ground at reasonable distances from the roadbed, the backslope angles would have to be at 0.75H:1V or 0.5H:1V. Soils would not remain stable at 0.75H:1V, cut slope angles and raveling would likely be excessive. There is also the potential that more significant global instability would occur further upslope as a result of the excavations. Additionally, the proposed upland route crosses numerous small drainages that flow directly through the community. Road ditch drainage will concentrate up gradient runoff flows into the existing drainages and increase historic flows down gradient. As the drainages flow directly through the community, increased flows could cause localized flooding. Upgrading drainage infrastructure through the town would be required with the upland route. Roadbed drainage is critical along portions of the roadway sited on the steep hillsides. Routing of drainage is critical, so runoff does not "pool" and saturate the roadway subgrade or cut/fill toe areas. Dependent upon geologic conditions, saturation of these zones could initiate large scale instability along the proposed upland alignment. Dowl HKM's recommendation was the existing landfill/sewage lagoon access route that is located along the shoreline and is the subject of this U.S. Army Corps of Engineers (Corps) permit application.

b. Minimization:

Minimization measures included in the project design are as follows:

The proposed roadway is the minimum length required to provide access from an existing constructable right-of-way to the wastewater lagoon and landfill. The proposed road fill is the minimum required to raise the road level sufficiently to allow reliable year-round and all-weather access.

Minimization includes construction practices as follows:

Wetlands/waterways: A Stormwater Pollution Prevention Plan will be completed and complied with during construction. Appropriate best management practices for preventing sedimentation of adjoining wetlands and waterways will be employed, and on-site environmental compliance monitored by a qualified inspector to ensure that fill limits and pollution sources are prevented from entering the surrounding wetlands and waterways.

Vegetation/Habitat: Disturbed areas will be re-vegetated using native vegetation. Upon completion, the road will provide reliable year-round and all-weather access to the community's wastewater lagoon and solid waste landfill. This access is essential to allow the community to properly dispose of refuse and to operate and maintain these facilities in a safe and sanitary manner, according to Alaska Department of Environmental Conservation regulations, preventing and minimizing impacts of sewage and refuse on the environment, including the waters of Chignik Lagoon.

c. Compensatory Mitigation: Due to the critically important nature of this project to the community, and the importance of providing safe and reliable access for the operation and maintenance of the community's wastewater lagoon and solid waste landfill, we are requesting that compensatory mitigation not be required. Should the District Engineer determine that compensatory mitigation is required, the Native Village of Chignik Lagoon proposes to utilize an in-lieu fee program.

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. There are cultural resources in the permit area and/or within the vicinity of the permit area. Consultation of the AHRs constitutes the extent of cultural resource investigations by the Corps at this time. The Corps has made a No Adverse Effect determination for the proposed project. This application will be coordinated with the State Historic Preservation Office (SHPO), federally recognized tribes, and other consulting parties under separate letter. Any comments SHPO, federally recognized tribes and other consulting parties 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 the northern sea otter (*Enhydra lutris kenyoni*) and their designated critical habitat, Steller's eider (*Polysticta stelleri*), short-tailed albatross (*Phoebastria* (= *Diomedea*) *albatrus*), Western Distinct Population Segment (DPS) Steller sea lion (*Eumetopias jubatus*), fin whale (*Balaenoptera physalus*), Western North Pacific and Mexican DPS's of humpback whale (*Megaptera novaeangliae*) and North Pacific right whale (*Eubalaena japonica*).

We have determined the described activity would have no effect on the short-tailed albatross, Steller sea lion, fin whale, Western North Pacific and Mexican DPS's of humpback whale or North Pacific right whale and would not adversely modify any designated or proposed critical habitat, under the Endangered Species Act of 1973 (87 Stat. 844). Therefore, no consultation with the U.S. Fish and Wildlife Service (USFWS) or the National Marine Fisheries Service (NMFS) is required for these species. However, 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.

We have determined the described activity may affect the threatened northern sea otter or Steller's eider. We will initiate the appropriate consultation procedures under section 7 of the Endangered Species Act with the USFWS. 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).

The project area is within the known range of the yellowfin sole (*Limanda aspera*), Alaska plaice (*Pleuronectes quadrituberculatus*), Kamchatka flounder (*Atheresthes evermanni*), flathead sole (*Hippoglossoides elassodon*), Pacific cod (*Gadus macrocephalus*), walleye pollock (*Gadus chalcogrammus*), chum salmon (*Oncorhynchus keta*), pink salmon (*Oncorhynchus gorbuscha*), coho salmon (*Oncorhynchus kisutch*), sockeye salmon (*Oncorhynchus nerka*), and Chinook salmon (*Oncorhynchus tshawytscha*).

We have determined the described activity would not adversely affect EFH in the project area.

TRIBAL CONSULTATION: The Corps 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 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.

AUTHORITY: 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).

(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).

Project drawings and a Notice of Application for State Water Quality Certification are enclosed with this Public Notice.

District Commander
U.S. Army, Corps

Enclosures



PUBLIC NOTICE

Alaska Department of Environmental Conservation (DEC)
Wastewater Discharge Authorization Program/401 Certification
555 Cordova Street, Anchorage AK 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 (CWA) 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 CWA, the Alaska Water Quality Standards, and other applicable State laws.

Notice is hereby given that a request for a CWA §401 Water Quality Certification of a Department of the Army Permit application, Corps' Reference Number POA-2022-00041, Chignik Lagoon, has been received for the discharge of dredged and/or fill materials into waters of the United States (WOUS), including wetlands, as described in the Corps public notice and project figures/drawings (18 AAC 15.180).

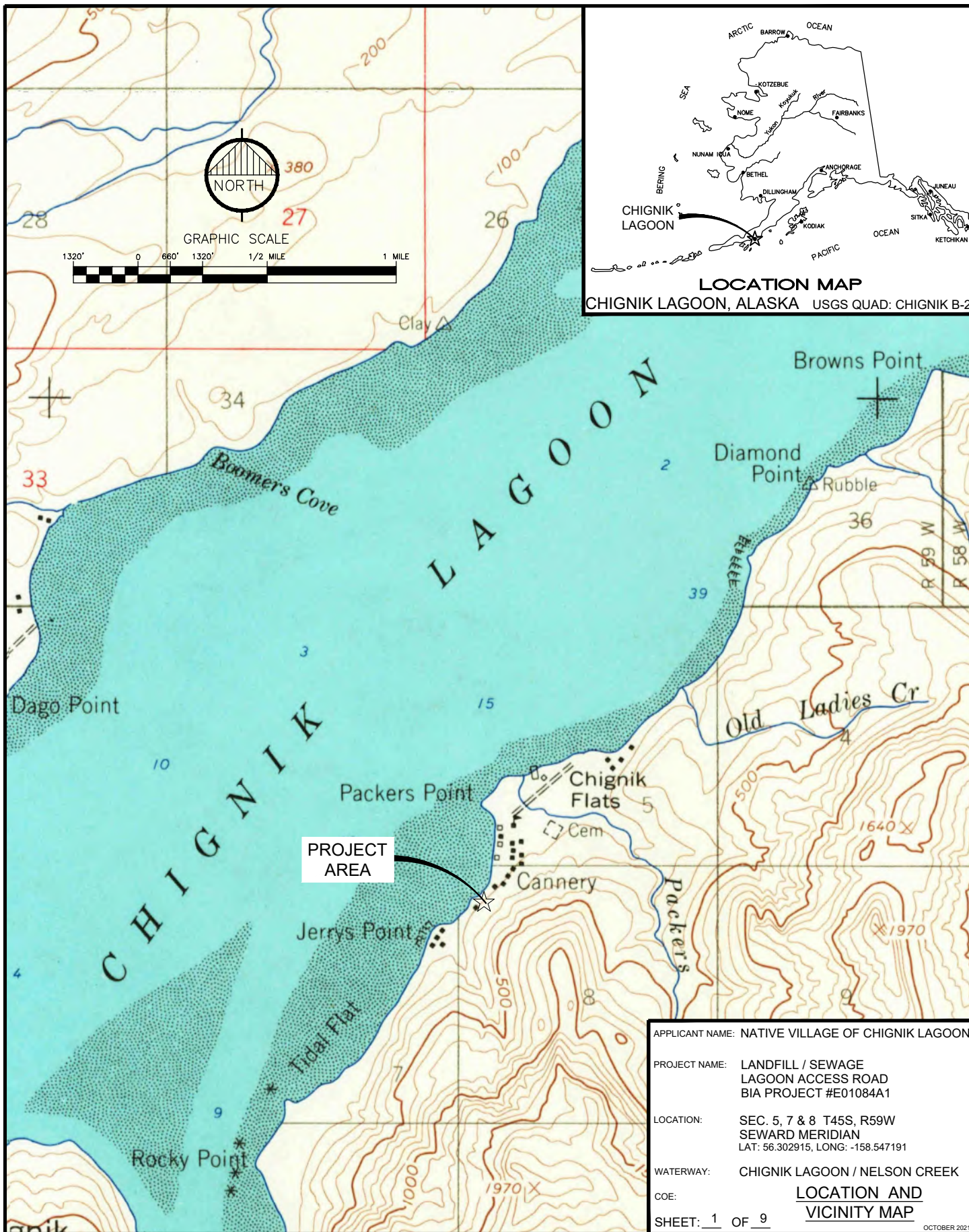
Any person desiring to comment on the project with respect to water quality, may submit comments electronically via email to DEC-401cert@alaska.gov by the expiration date of the Corps of Engineer's public notice. All comments need to include the Corps public notice reference number in the subject heading. Physically mailed comments must be postmarked on or before the expiration date of the public notice.

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

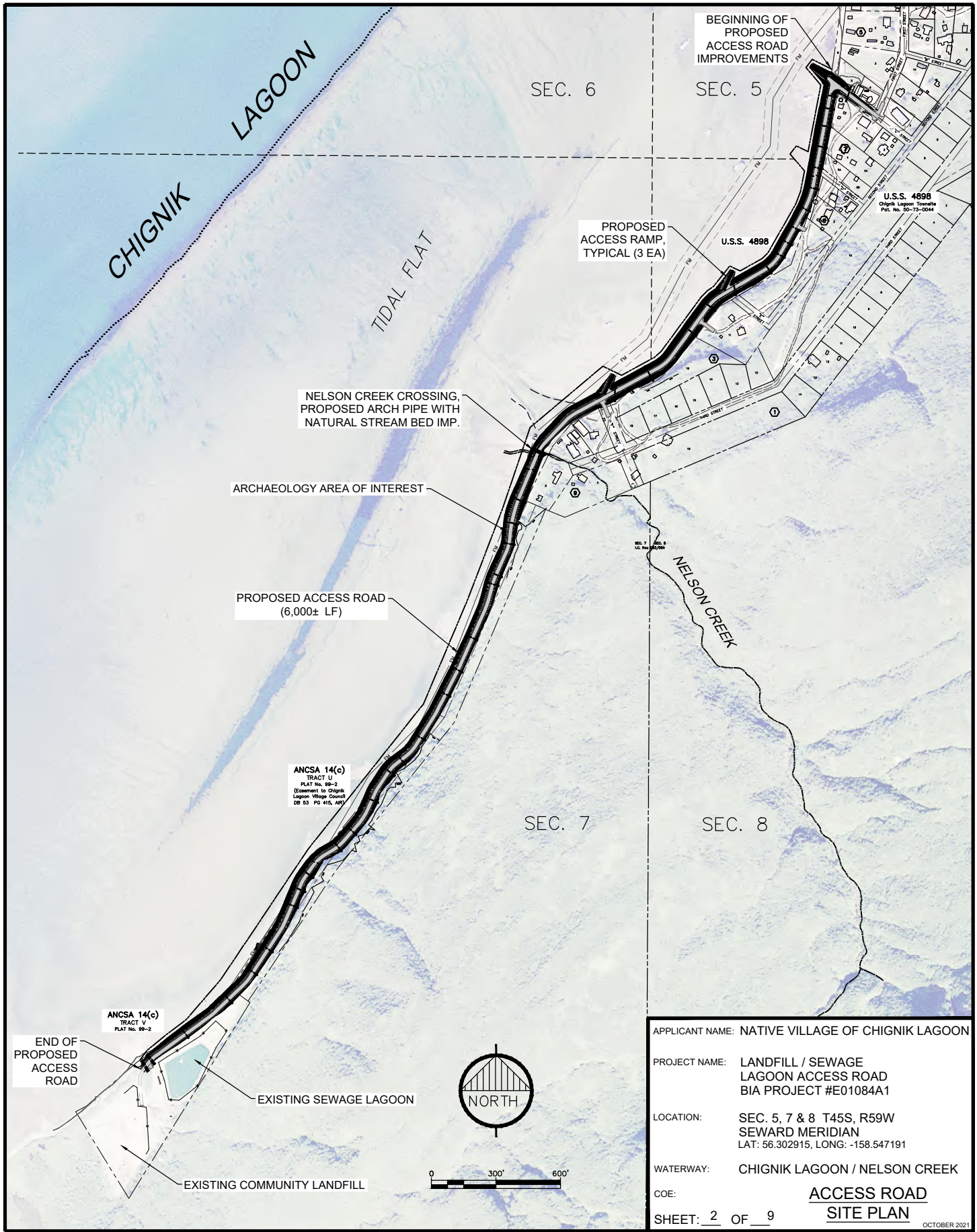
The permit application and associated documents are available for review. For inquiries or to request copies of the documents, contact dec-401cert@alaska.gov, or call 907-269-6285.

Disability Reasonable Accommodation Notice

The State of Alaska, Department of Environmental Conservation complies with Title II of the Americans with Disabilities Act (ADA) 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 ADA Coordinator Brian Blessington at 907-269-6272 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.



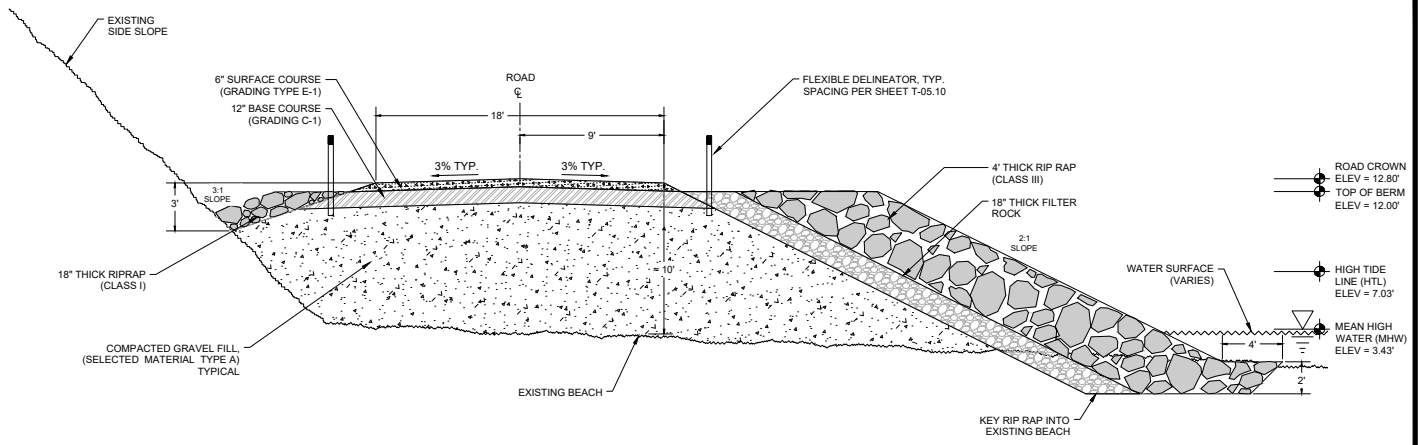
G:\ACAD\Chignik Lagoon\2019 Landfill Lagoon Access Road\COE FIGS\COE SHT_2 ROAD SITE PLAN.dwg, 10/26/2021 1:18:20 PM, cmerz, AutoCAD PDF (General Documentation).pc3



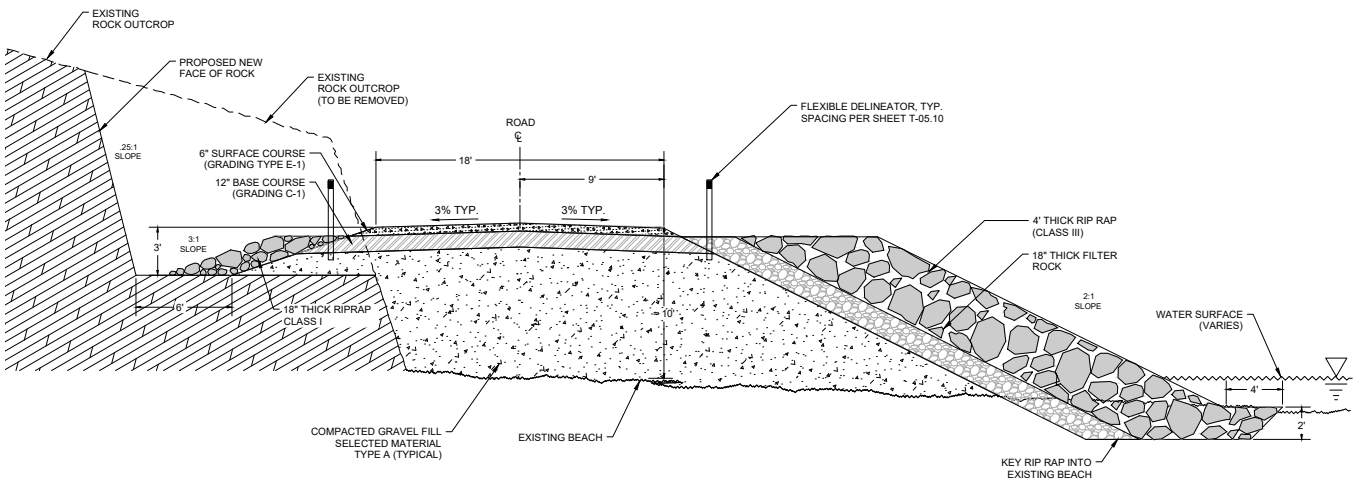
APPLICANT NAME:	NATIVE VILLAGE OF CHIGNIK LAGOON
PROJECT NAME:	LANDFILL / SEWAGE LAGOON ACCESS ROAD BIA PROJECT #E01084A1
LOCATION:	SEC. 5, 7 & 8 T45S, R59W SEWARD MERIDIAN LAT: 56.302915, LONG: -158.547191
WATERWAY:	CHIGNIK LAGOON / NELSON CREEK
COE:	ACCESS ROAD
SHEET: <u>2</u> OF <u>9</u>	SITE PLAN

OCTOBER 2021

POA-2022-00041, Chignik Lagoon

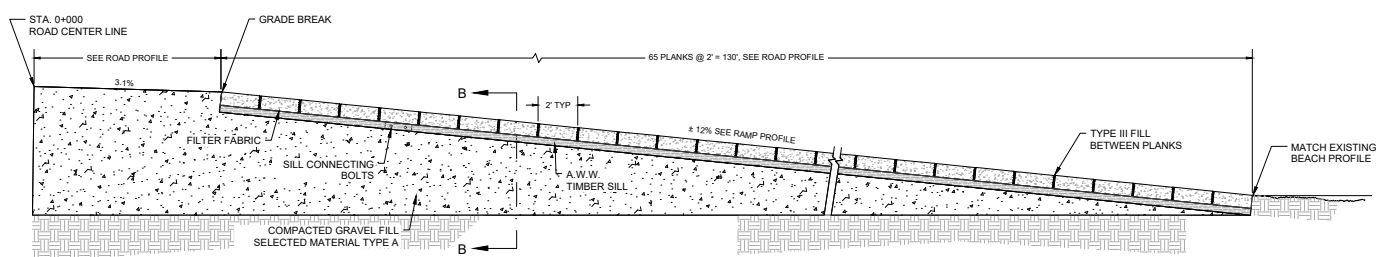
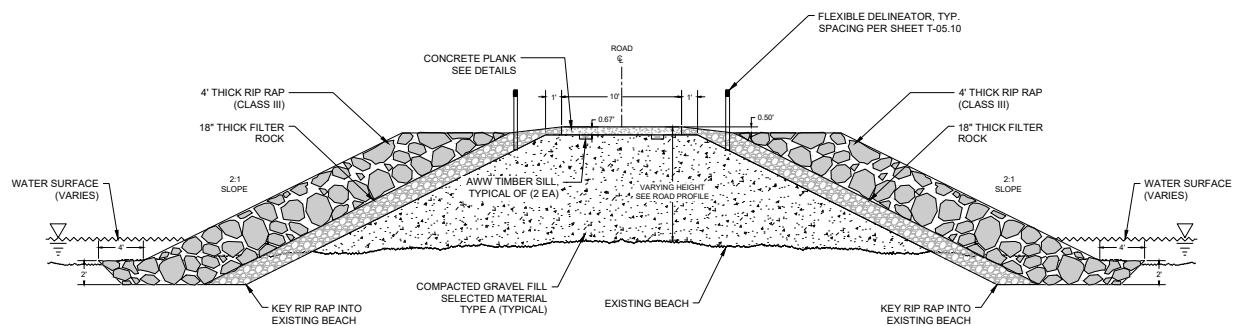
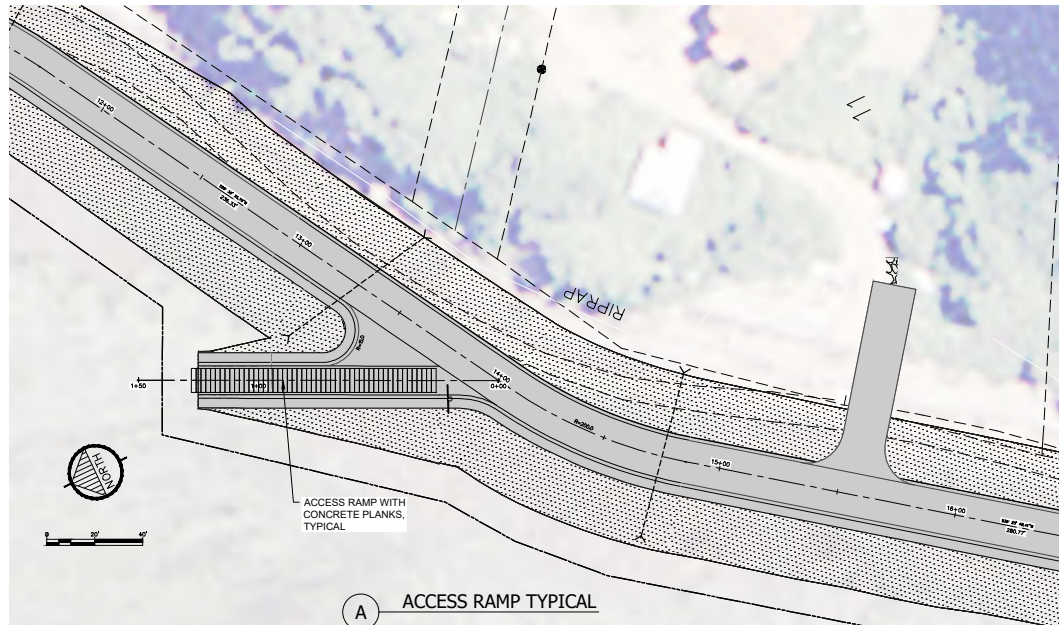


A TYPICAL TWO-LANE ROAD SECTION



B TWO-LANE ROAD AT ROCK OUTCROPPINGS

APPLICANT NAME:	NATIVE VILLAGE OF CHIGNIK LAGOON
PROJECT NAME:	LANDFILL / SEWAGE LAGOON ACCESS ROAD BIA PROJECT #E01084A1
LOCATION:	SEC. 5, 7 & 8 T45S, R59W SEWARD MERIDIAN LAT: 56.302915, LONG: -158.547191
WATERWAY:	CHIGNIK LAGOON / NELSON CREEK
COE:	ROAD SECTIONS TYP.
SHEET:	3 OF 9



APPLICANT NAME: NATIVE VILLAGE OF CHIGNIK LAGOON

PROJECT NAME: LANDFILL / SEWAGE
LAGOON ACCESS ROAD
BIA PROJECT #E01084A1

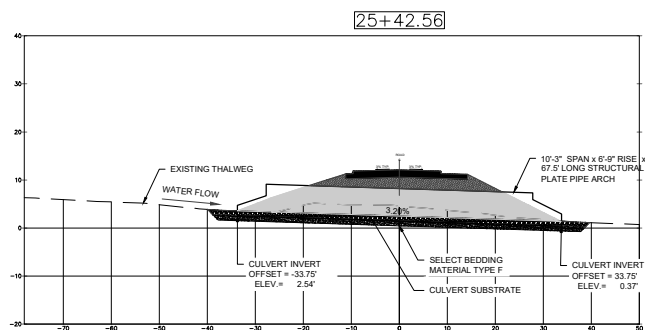
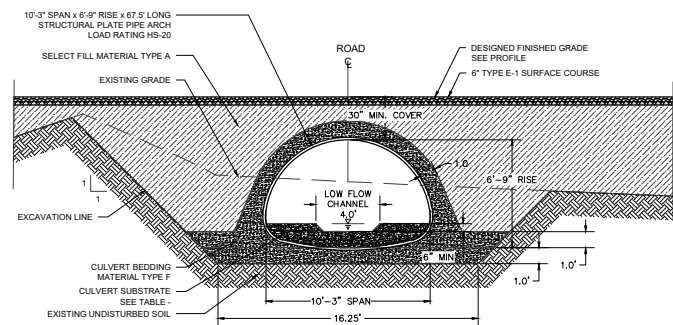
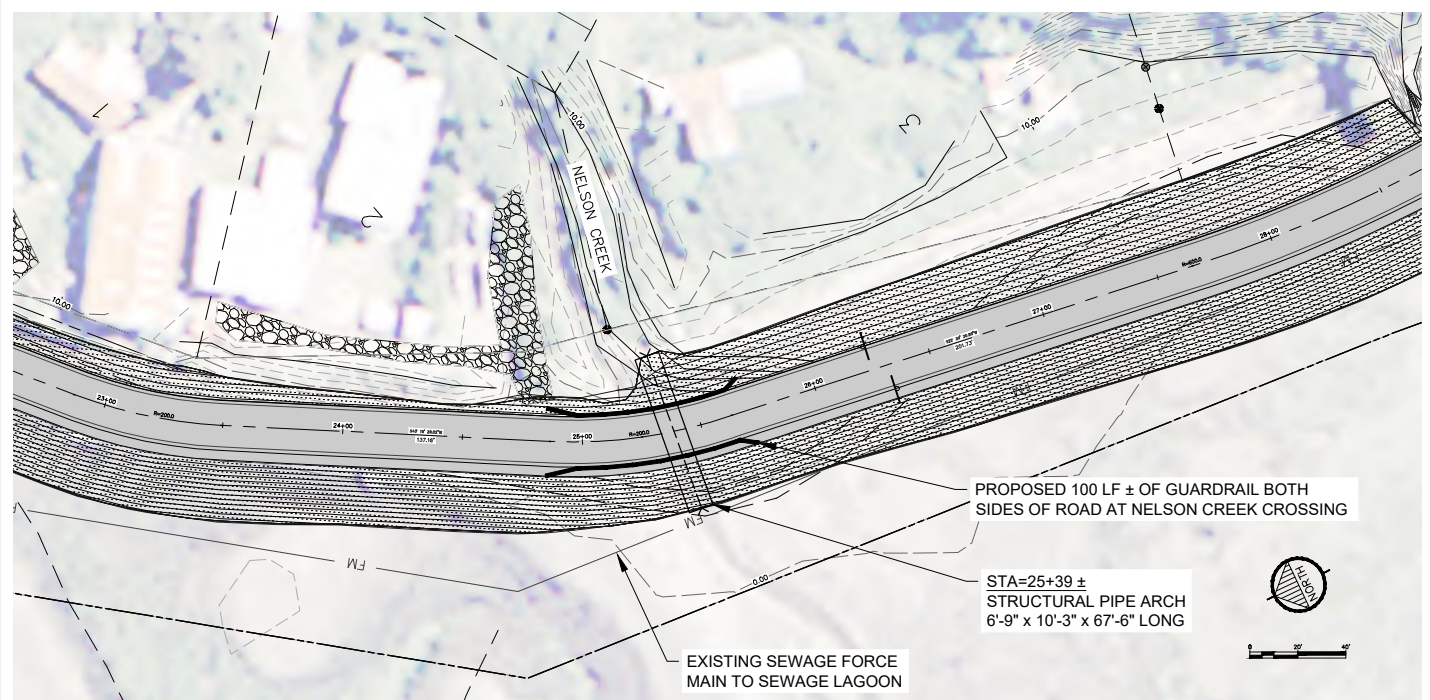
LOCATION: SEC. 5, 7 & 8 T45S, R59W
SEWARD MERIDIAN
LAT: 56.302915, LONG: -158.547191

WATERWAY: CHIGNIK LAGOON / NELSON CREEK

COE: ACCESS RAMP TYP.

SHEET: 4 OF 9

POA-2022-00041, Chignik Lagoon



APPLICANT NAME: NATIVE VILLAGE OF CHIGNIK LAGOON

PROJECT NAME: LANDFILL / SEWAGE
LAGOON ACCESS ROAD
BIA PROJECT #E01084A1

LOCATION: SEC. 5, 7 & 8 T45S, R59W
SEWARD MERIDIAN
LAT: 56.302915, LONG: -158.547191

WATERWAY: CHIGNIK LAGOON / NELSON CREEK

COE: NELSON CREEK
SHEET: 5 OF 9 PIPE ARCH

SHEET: 5 OF 9

POA-2022-00041, Chignik Lagoon

30+00.00

UNDISTURBED CLIFF FACE

PROPOSED LAGOON ACCESS ROAD FILL

EXISTING TOE OF CLIFF FACE

PROPOSED TOE OF ROAD FILL

30+50.00

UNDISTURBED CLIFF FACE

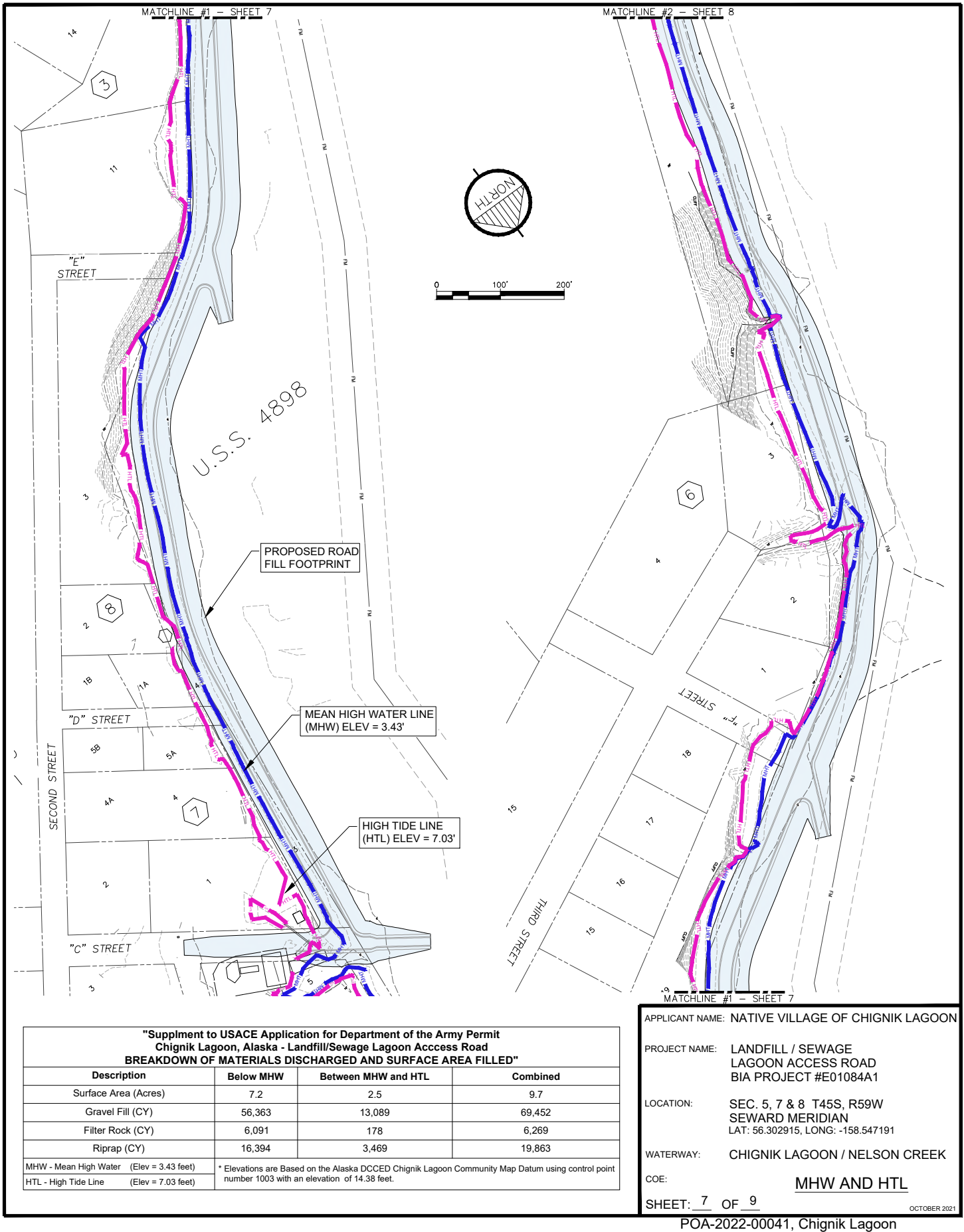
PROPOSED LAGOON ACCESS ROAD FILL

EXISTING TOE OF CLIFF FACE

PROPOSED TOE OF ROAD FILL

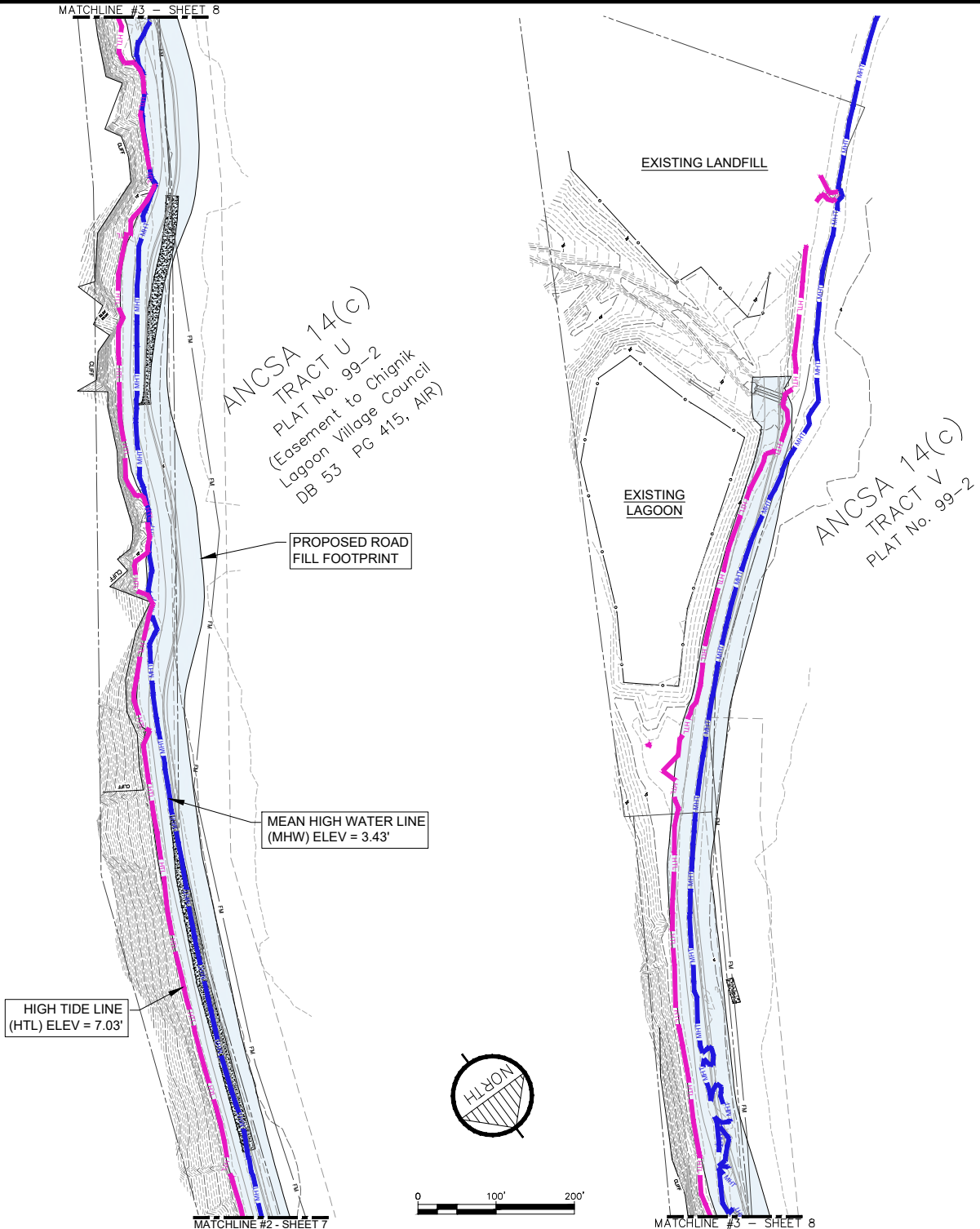
POA-2022-00041, Chignik Lagoon

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MATCHLINE #3 - SHEET 8



**"Supplement to USACE Application for Department of the Army Permit
Chignik Lagoon, Alaska - Landfill/Sewage Lagoon Access Road
BREAKDOWN OF MATERIALS DISCHARGED AND SURFACE AREA FILLED"**

Description	Below MHW	Between MHW and HTL	Combined
Surface Area (Acres)	7.2	2.5	9.7
Gravel Fill (CY)	56,363	13,089	69,452
Filter Rock (CY)	6,091	178	6,269
Riprap (CY)	16,394	3,469	19,863
MHW - Mean High Water (Elev = 3.43 feet)	* Elevations are Based on the Alaska DCCC Chignik Lagoon Community Map Datum using control point number 1003 with an elevation of 14.38 feet.		
HTL - High Tide Line (Elev = 7.03 feet)			

APPLICANT NAME: NATIVE VILLAGE OF CHIGNIK LAGOON

PROJECT NAME: LANDFILL / SEWAGE
LAGOON ACCESS ROAD
BIA PROJECT #E01084A1

LOCATION: SEC. 5, 7 & 8 T45S, R59W
SEWARD MERIDIAN
LAT: 56.302915, LONG: -158.547191

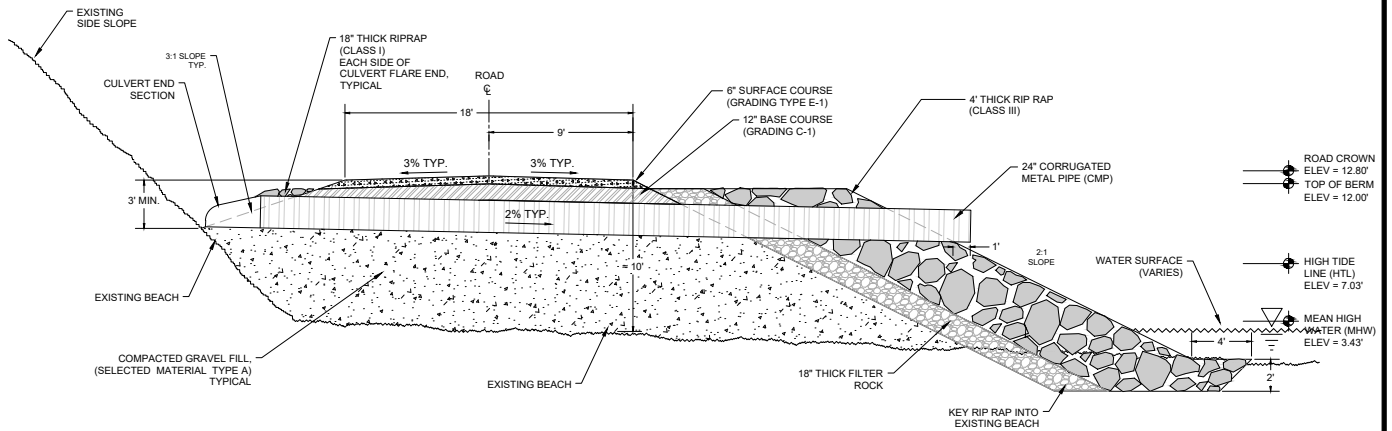
WATERWAY: CHIGNIK LAGOON / NELSON CREEK

COE: MHW AND HTL

SHEET: 8 OF 9

OCTOBER 2021

POA-2022-00041, Chignik Lagoon



A TYPICAL TWO-LANE ROAD CULVERT SECTION

APPLICANT NAME: NATIVE VILLAGE OF CHIGNIK LAGOON

PROJECT NAME: LANDFILL / SEWAGE
LAGOON ACCESS ROAD
BIA PROJECT #E01084A1

LOCATION: SEC. 5, 7 & 8 T45S, R59W
SEWARD MERIDIAN
LAT: 56.302915, LONG: -158.547191

WATERWAY: CHIGNIK LAGOON / NELSON CREEK

COE: CULVERT SECTION

SHEET: 9 OF 9

POA-2022-00041, Chignik Lagoon