



US Army Corps  
of Engineers  
Alaska District

# Public Notice of Application for Permit

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

<b>PUBLIC NOTICE DATE:</b>	<b>August 1, 2022</b>
<b>EXPIRATION DATE:</b>	<b>August 31, 2022</b>
<b>REFERENCE NUMBER:</b>	<b>POA-2022-00153</b>
<b>WATERWAY:</b>	<b>Nushagak River</b>

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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 or to [regpagemaster@usace.army.mil](mailto:regpagemaster@usace.army.mil). 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 Tyler Marye at (907) 753-5778, toll free from within Alaska at (800) 478-2712, by fax at (907) 753-5567, or by email at [Tyler.J.Marye@usace.army.mil](mailto:Tyler.J.Marye@usace.army.mil) if further information is desired concerning this notice.

**APPLICANT:** ASRC Civil Construction, Brice Conklin, 3900 C Street, Suite 301, Anchorage, Alaska 99503. Telephone number (907) 339-5600.

**AGENT:** 3 Tier Alaska Capital, Inc., Charles Hampton, 3305 Arctic Boulevard, Suite 102, Anchorage, Alaska 99503. Telephone number (907) 522-4337.

**LOCATION:** The project site is located within Section 28, T. 8 S., R. 47 W., Seward Meridian; USGS Quad Map Cape Flattery; Latitude 59.455028° N., Longitude 157.297472° W.; in New Stuyahok, Alaska.

PURPOSE: The applicant's stated purpose is to provide material for the resurfacing of the New Stuyahok Airport.

PROPOSED WORK: The applicant is proposing to mine 7.1 acres of wetlands located on an unnamed island in the Nushagak River for approximately 50,000 cubic yards of material that will be used for the New Stuyahok Airport resurfacing project. All work would be performed in accordance with the enclosed plan (sheets 1-15), dated July 26, 2022.

ADDITIONAL INFORMATION: ASRC Civil Construction, LLC (ACCL) has obtained authorization from New Stuyahok Limited, who owns the surface rights to the property. ACCL has also obtained a material sales agreement from the Bristol Bay Native Corporation, who owns the subsurface lands within the proposed project area. The applicant has also requested an Alaska Department of Natural Resources Temporary Water Use Authorization.

APPLICANT PROPOSED MITIGATION: The applicant proposes the following mitigation measures to avoid, minimize, and/or compensate for impacts to waters of the United States from activities involving discharges of dredged or fill material.

a. Avoidance: The applicant stated an alternate upland material site was considered for this project. The alternate location was sampled and the material from this location would contain a surplus of fines, meaning that gravel would have to be screened and graded before stockpiling and use. The applicant stated this process would increase the environmental and financial impacts of the project. Furthermore, the applicant stated this alternative site would need the existing road and bridge to be rehabilitated and/or replaced to be suitable for heavy machinery. This would create additional environmental impacts which would likely include impacts to waters of the United States.

b. Minimization: The applicant proposes to keep excavation to the minimum necessary to complete the airport resurfacing project. A 50-foot vegetative buffer is proposed that will remain between the excavation site and the Nushagak River at all times to minimize any potential erosion or transport of pollutants by storm water. The material site would be transitioned to form a new pond within the island once the gravel sources have been depleted. This will include regrading, reuse of stockpiled overburden, revegetation with native species, and addition of a fish outlet channel in the Southeast corner of the project area.

c. Compensatory Mitigation: The applicant proposes no mitigation.

WATER QUALITY CERTIFICATION: If the Corp's decision is to issue a permit for the proposed project, the permit would 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 no cultural resources in the permit area or within the vicinity of the permit area. The permit area has been determined to be the area of excavation and the adjacent staging area for heavy machinery. Consultation of the AHRs constitutes the extent of cultural resource investigations by the U.S. Army 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 State Historic Preservation Office (SHPO), federally recognized tribes, and other consulting parties. 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. The Corps is requesting the SHPO's concurrence with this determination.

ENDANGERED SPECIES: No threatened or endangered species are known to occur in the project area.

We have determined the described activity would have no effect on any listed or proposed threatened or endangered species and would have no effect on 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 or the National Marine Fisheries Service (NMFS) is required. 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.

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 chum salmon (*Oncorhynchus keta*), coho salmon (*Oncorhynchus kisutch*), Chinook salmon (*Oncorhynchus tshawytscha*), pink salmon (*Oncorhynchus gorbuscha*), sockeye salmon (*Oncorhynchus nerka*), arctic char (*Salvelinus alpinus*), rainbow smelt (*Osmerus mordax*) and whitefish.

A Fish Habitat Permit has been issued on July 21, 2022, by Alaska Department of Fish and Game (FH22-II-0108).

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 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).

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





**Travis/Peterson Environmental Consulting**  
3305 Arctic Boulevard, Suite 102  
Anchorage, AK 99503  
907-522-4337

## New Stuyahok Mining

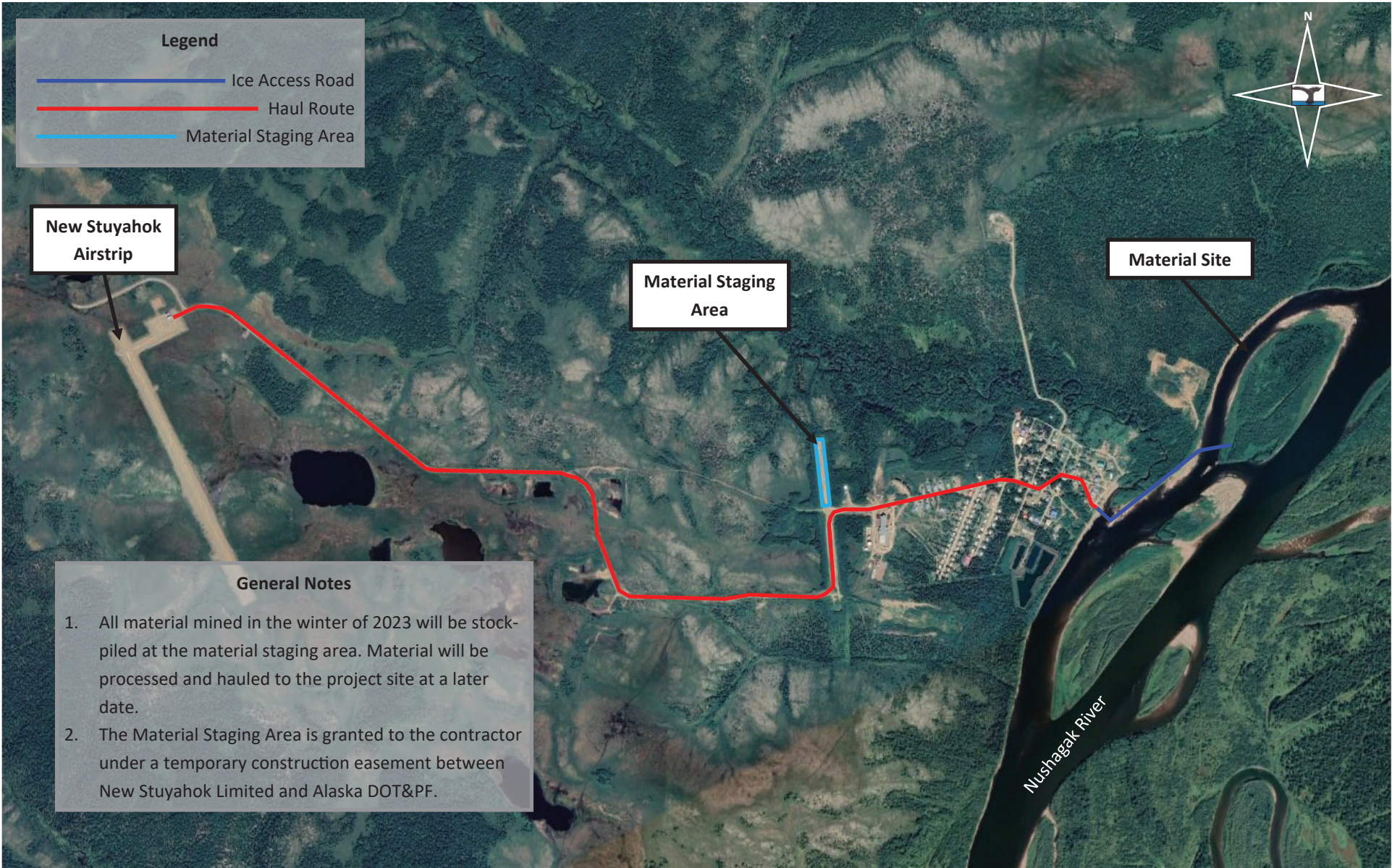
Figure 1  
General Location Map  
*(Imagery provided by Google Earth)*

Project No: 1183-53

File: \\192.168.0.10\Shared\Company\Projects\1183 - ASRC Civil Construction

Date: 5/18/2022





**Travis/Peterson Environmental Consulting**  
 3305 Arctic Boulevard, Suite 102  
 Anchorage, AK 99503  
 907-522-4337

# New Stuyahok Mining

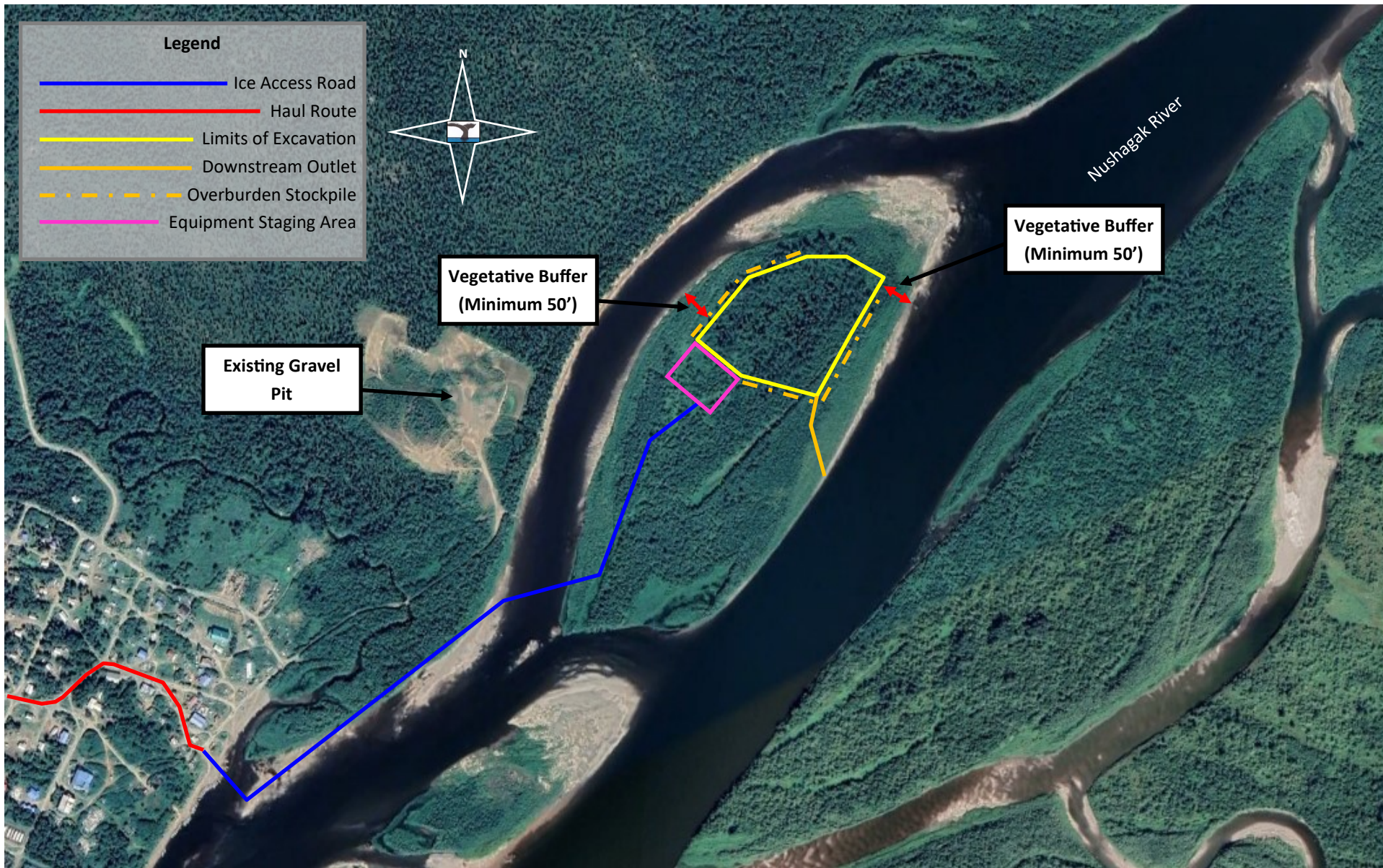
Figure 2  
 Vicinity Map  
*(Imagery provided by Google Earth)*

Project No: 1183-53

File: \\192.168.0.10\Shared\Company\Projects\1183 - ASRC Civil Construction

Date: 6/8/2022





**Travis/Peterson Environmental Consulting**  
 3305 Arctic Boulevard, Suite 102  
 Anchorage, AK 99503  
 907-522-4337

# New Stuyahok Mining

Figure 2  
 Material Site Map  
*(Imagery provided by Google Earth)*

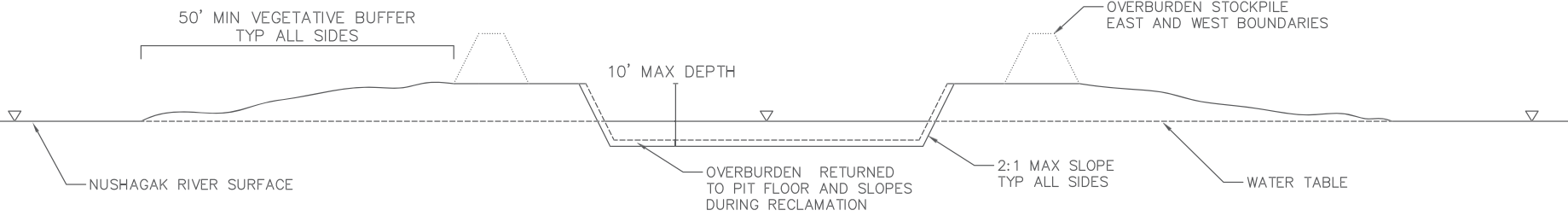
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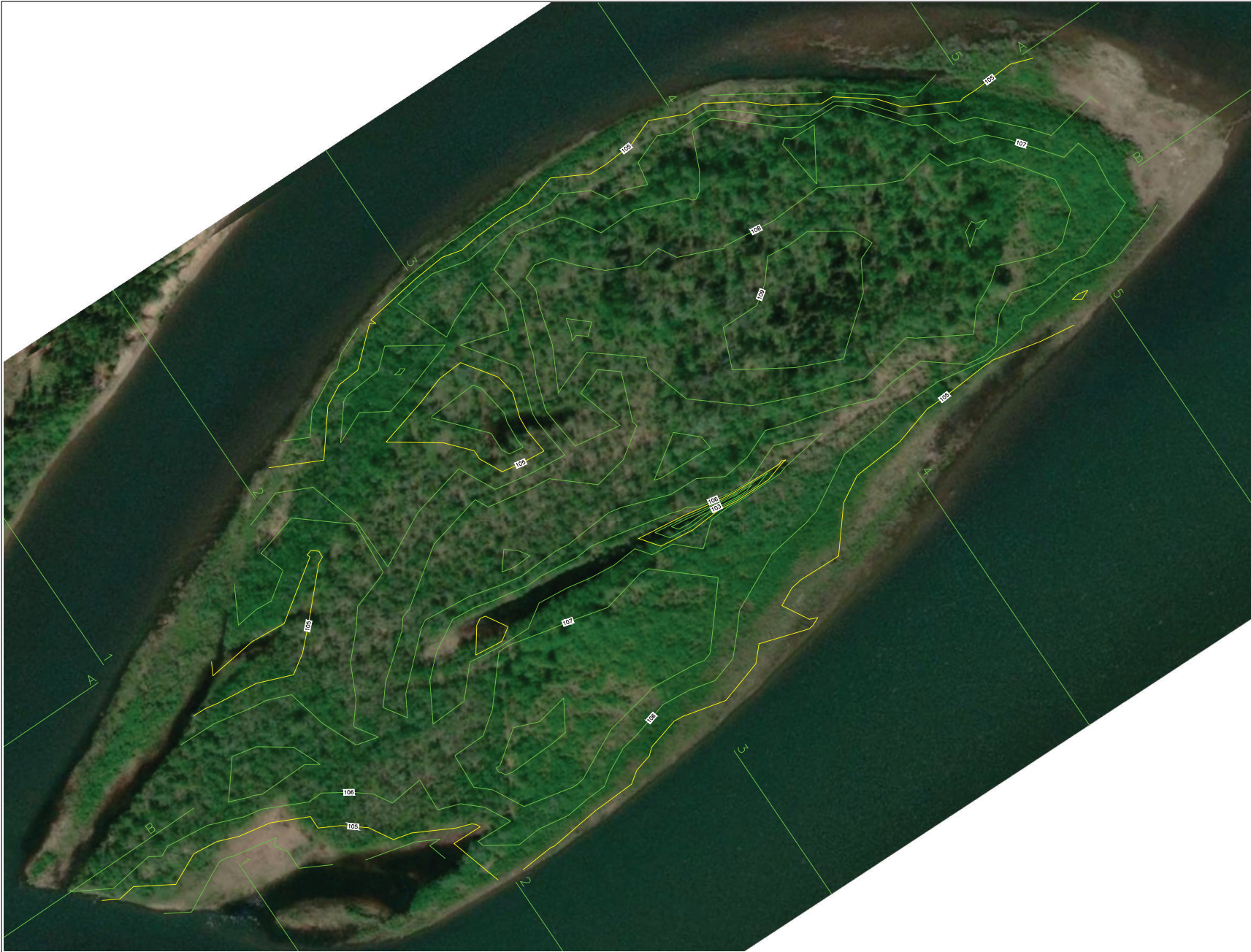


### GENERAL NOTES

1. ALL MINING AREA WILL BE CLEARED AND GRUBBED PRIOR TO MINING OPERATIONS.
2. SALVAGEABLE TIMBER WILL BE FELLED AND MADE AVAILABLE TO COMMUNITY FOR USE.
3. STRIPPED OVERBURDEN WILL BE STOCKPILED ALONG EAST AND WEST BOUNDARIES OF EXCAVATION AREA.
4. ALLUVIAL GRAVEL WILL BE LOADED WITH CAT 345 EXCAVATOR AND HAULED WITH CAT 735 AND 740 DUMP TRUCKS.

DWG. NUMBER	SHT	REFERENCE DRAWINGS	REV	DATE	REVISED	DESTROY ALL PRINTS BEARING EARLIER DATE	REV BY	CHK BY	APP'D BY
			0	5/19/2022	ISSUED FOR REVIEW BY TPEC		CHH	MDT	


DRAWN BY: CHH	 	<b>ASRC CIVIL CONSTRUCTION, LLC</b> EKWOK AIRPORT RESURFACING      NEW STUYAHOK, ALASKA	
CHECKED BY: MDT			
TRAC'G. CKD.:			
APP'D.:			
SCALE: AS SHOWN			
DATE: 5/19/2022	JOB NUMBER 1183-53	DRAWING NO. M1	SHEET 1 OF 1



80' 40' 0' 80'  
1" = 80'

**NOTES**

1. THIS DRAWING IS BASED ON FIELD SURVEY PERFORMED BY EDGE SURVEY AND DESIGN, LLC ON MAY 22 AND 23, 2022.
2. ELEVATIONS SHOWN HEREON ARE NAVARS ORTHOMETRIC HEIGHTS, EPOCH 2010.0000 US SURVEY FEET, GROUND 12B.
3. WATER LINE ELEVATIONS SHOWN HEREON ARE RELEVANT ONLY TO THE DATE(S) OF SURVEY STATED ABOVE.

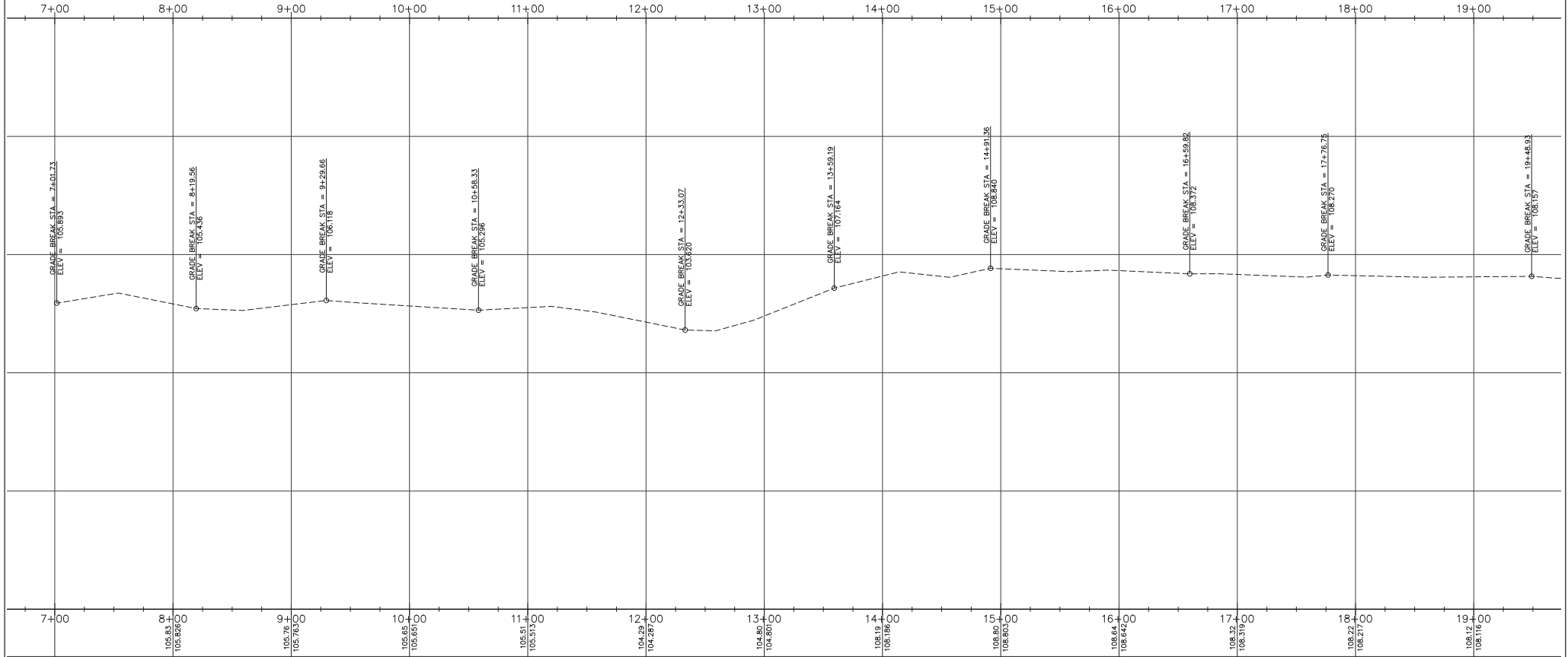
 12501 OLD SEWARD, D ANCHORAGE, AK 99515 Phone (907) 344-5990 Fax (907) 344-7794		
<b>NEW STUYAHOK - ISLAND OG</b>		
DRAWN BY: SH	DATE: 6/10/2022	FIELD BOOK: NA
CHECKED BY: RS	SCALE: 1" = 80'	SHEET: 1 OF 11

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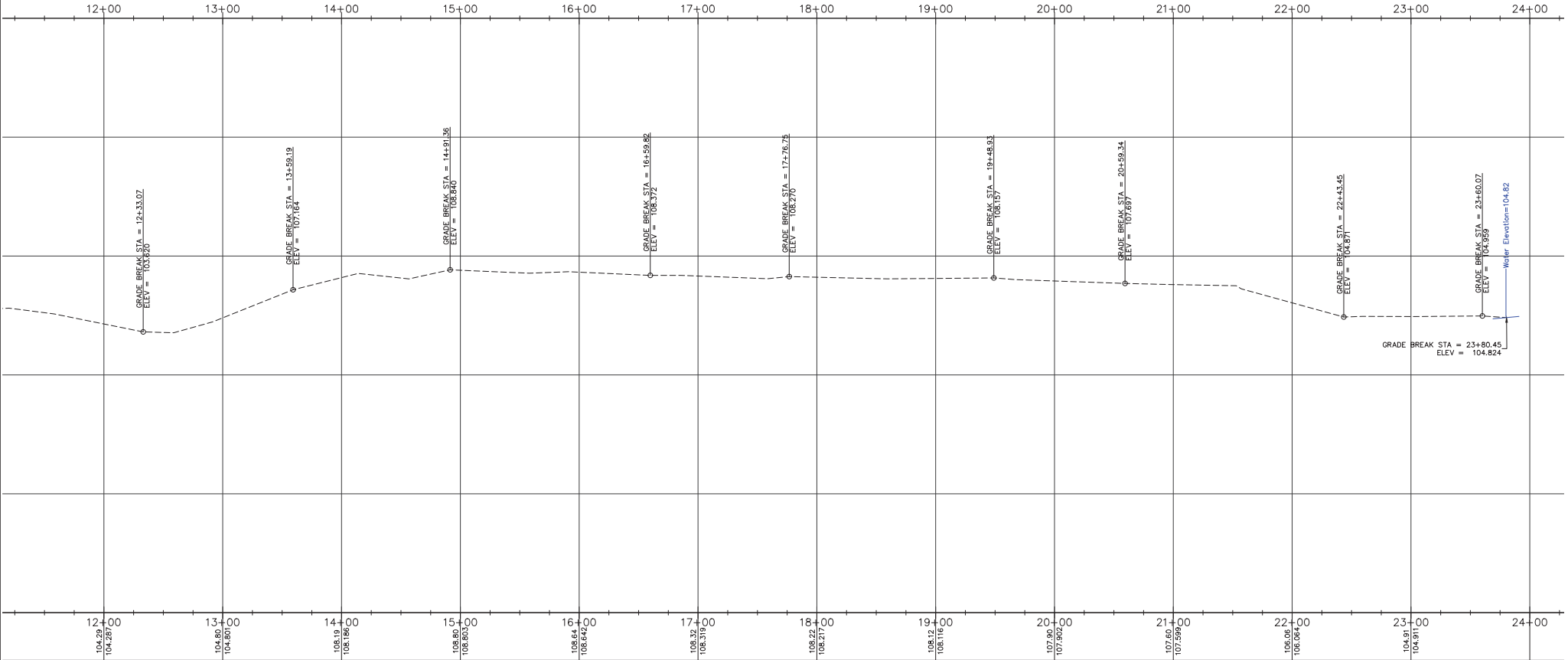
12501 OLD SEWARD, D ANCHORAGE, AK 99515  
Phone: 907.344.5900 Fax: 907.344.7794

**NEW STUYAHOK - ISLAND OG LENGTH PROFILE**


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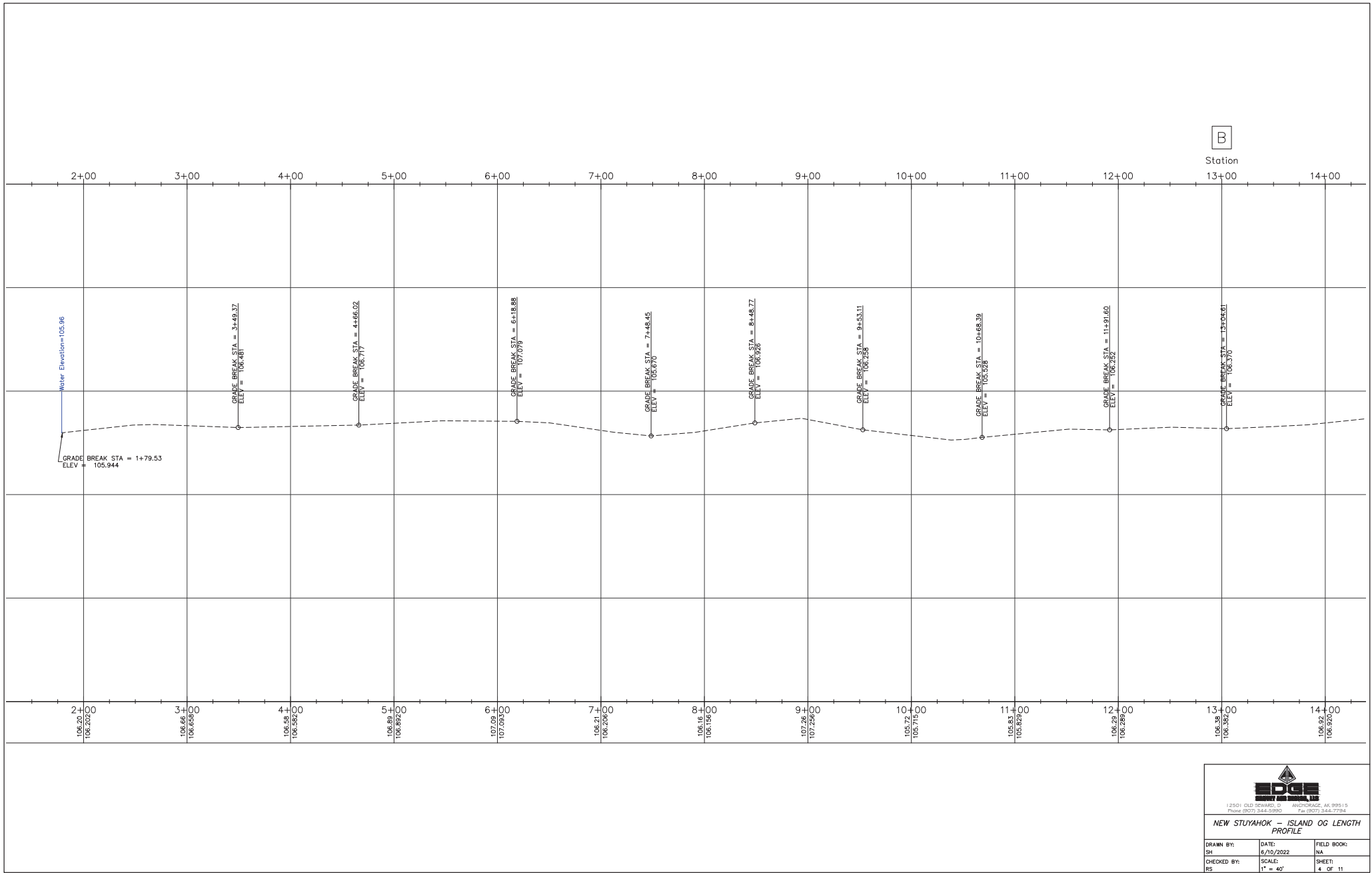
12501 OLD SEWARD, D ANCHORAGE, AK 99515  
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**NEW STUYAHOK - ISLAND OG LENGTH PROFILE**

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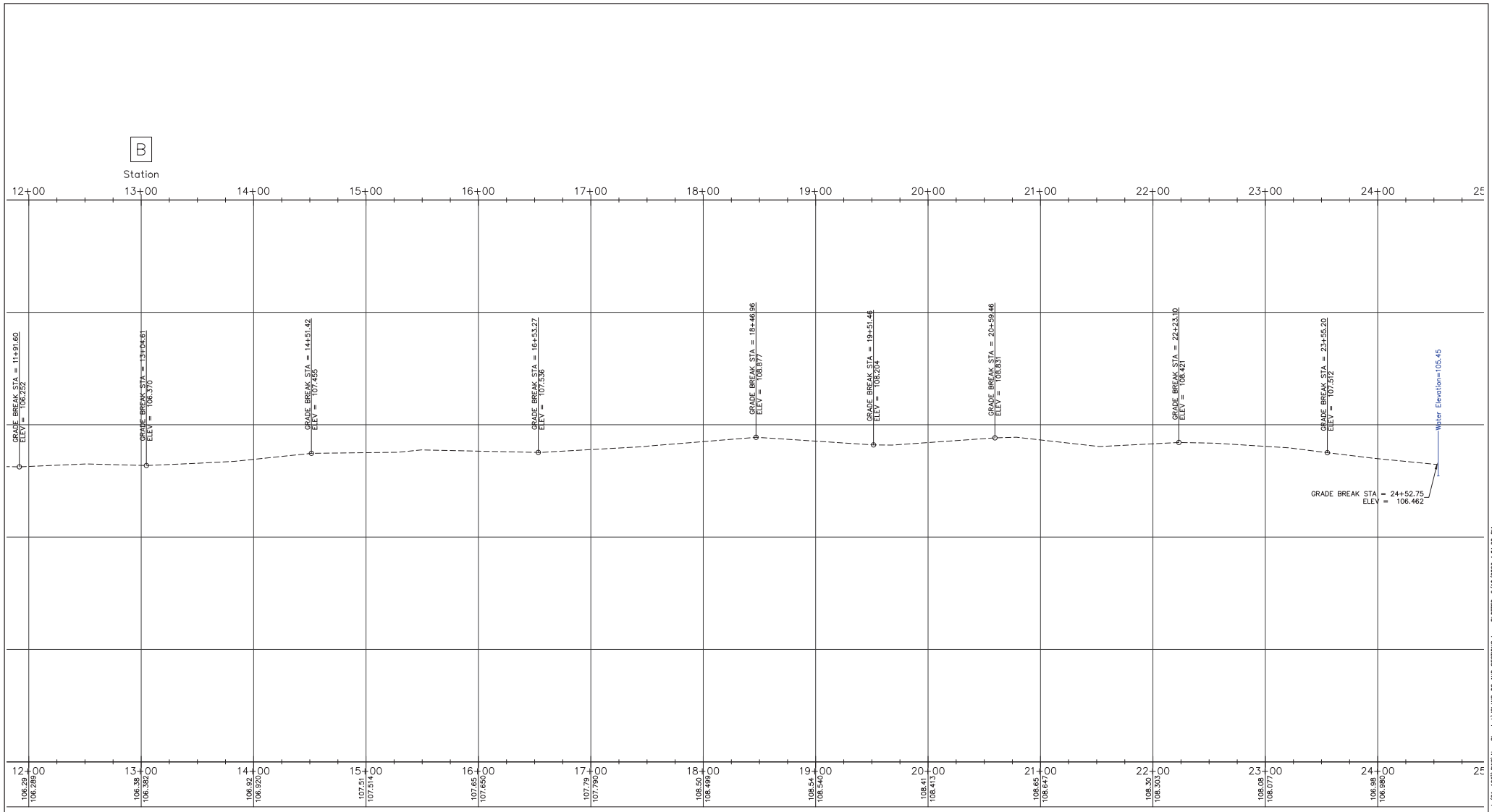

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EDGE  
12501 OLD SEWARD, D ANCHORAGE, AK 99515  
Phone (907) 544-5900 Fax (907) 544-7794

**NEW STUYAHOK - ISLAND OG LENGTH PROFILE**

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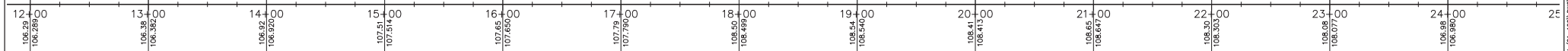
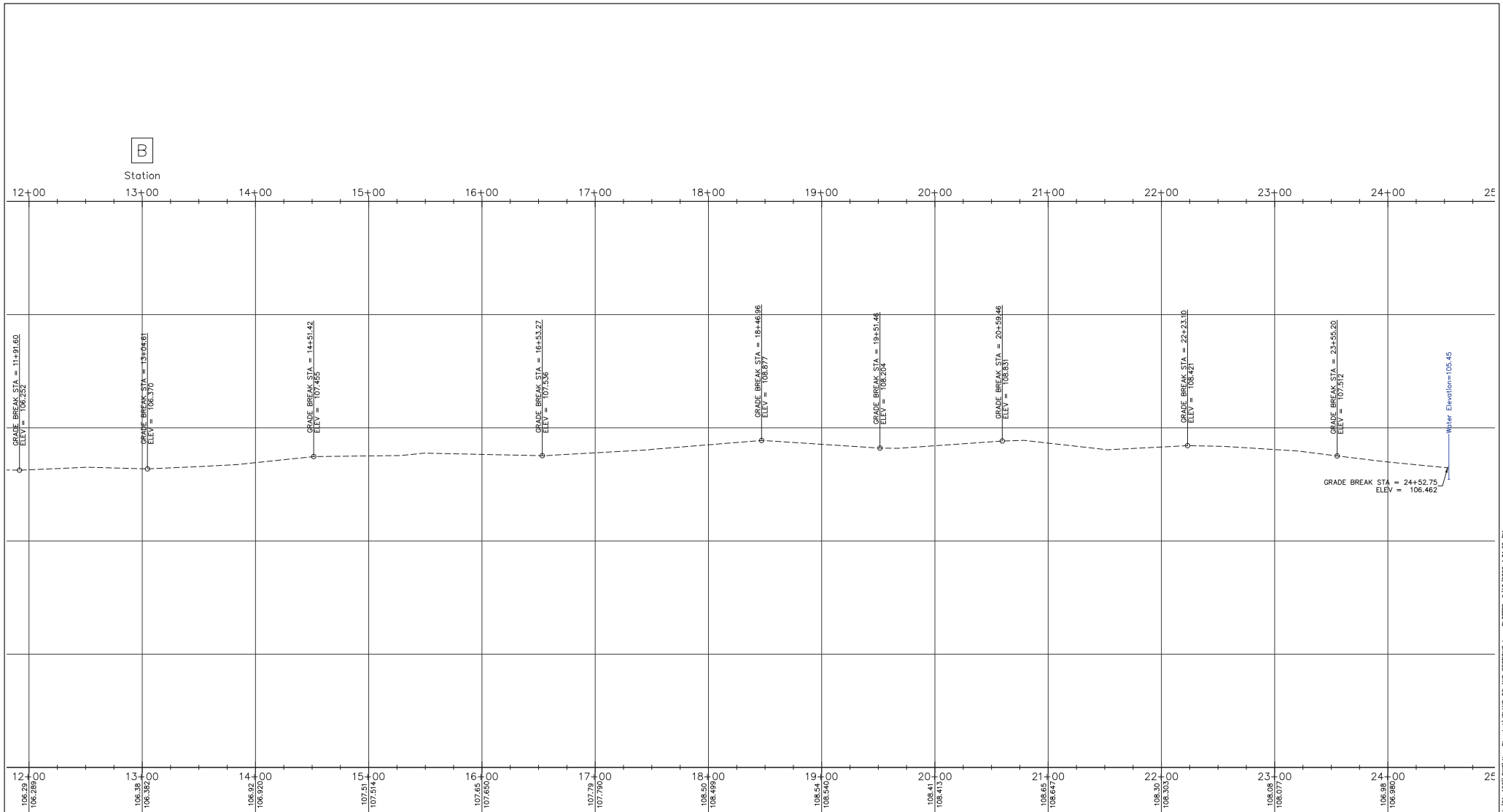
12501 OLD SEWARD, D ANCHORAGE, AK 99515  
Phone: 907.344.5900 Fax: 907.344.7794


**NEW STUYAHOK - ISLAND OG LENGTH PROFILE**

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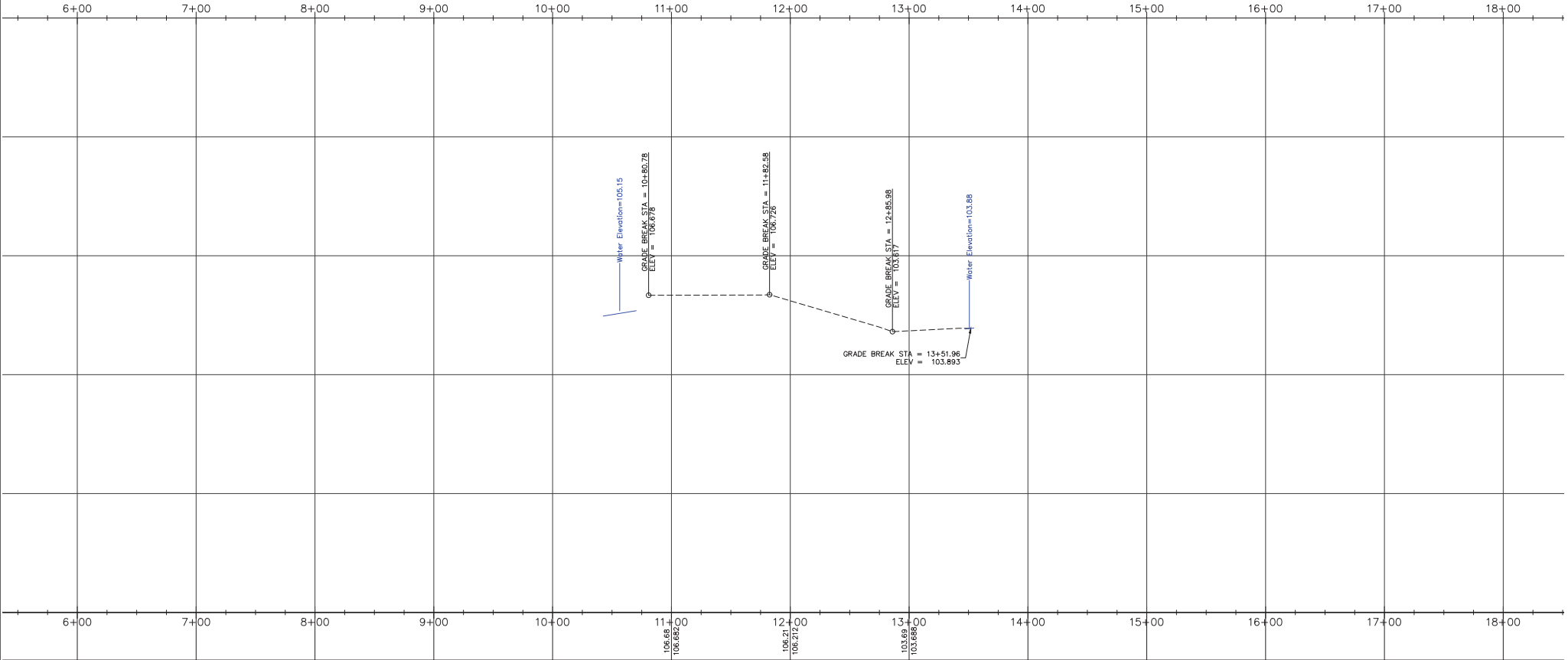
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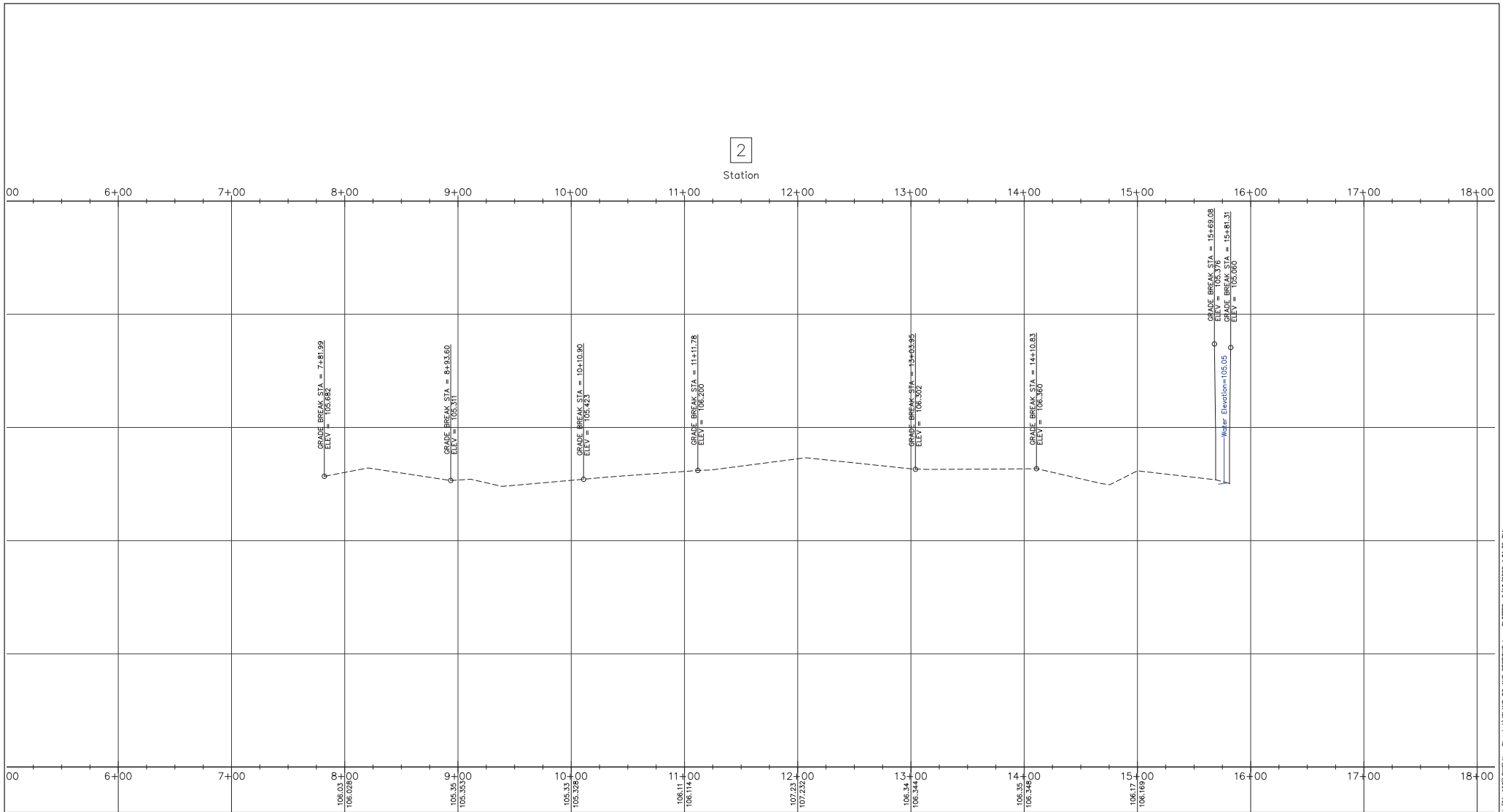
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 12501 OLD SEWARD, D ANCHORAGE, AK 99515 Phone: (907) 544-5900 Fax: (907) 544-7794		
<b>NEW STUYAHOK — ISLAND OG WIDTH PROFILE</b>		
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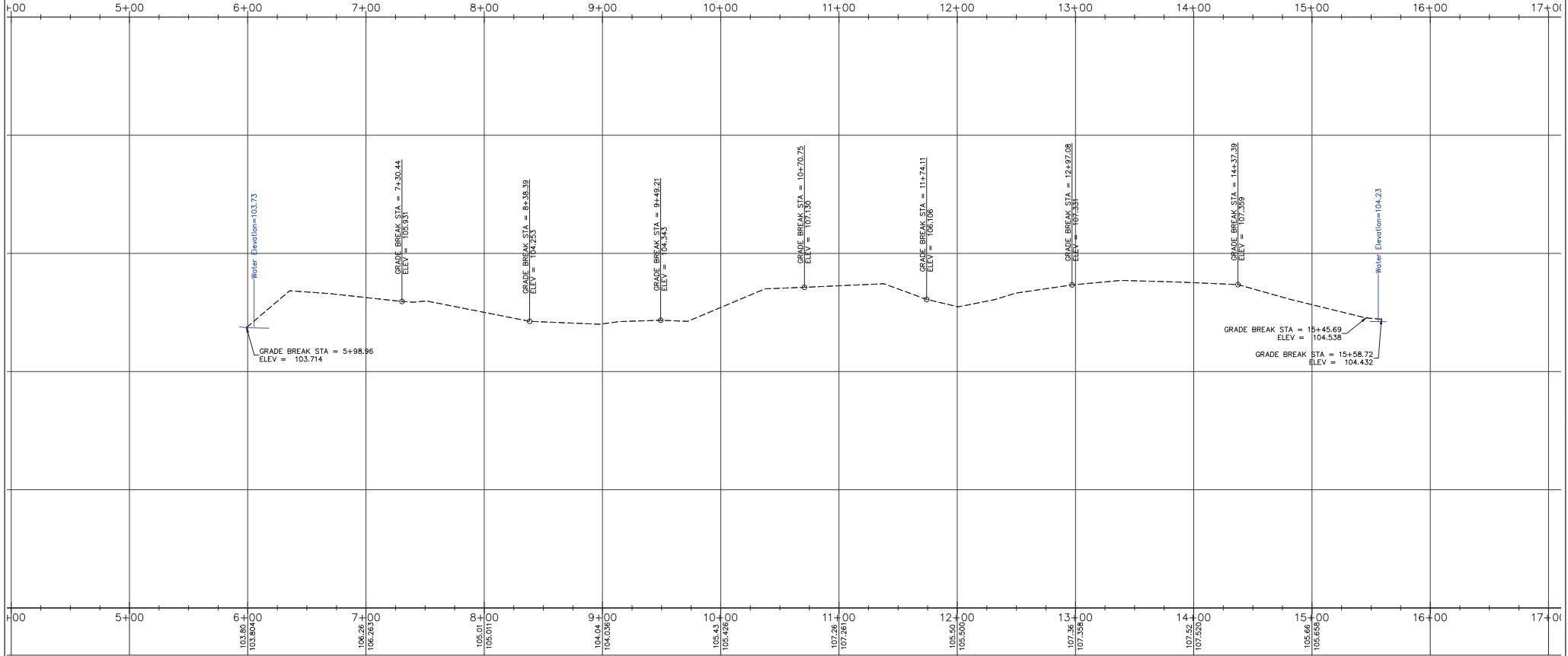
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**NEW STUYAHOK - ISLAND OG WIDTH PROFILE**

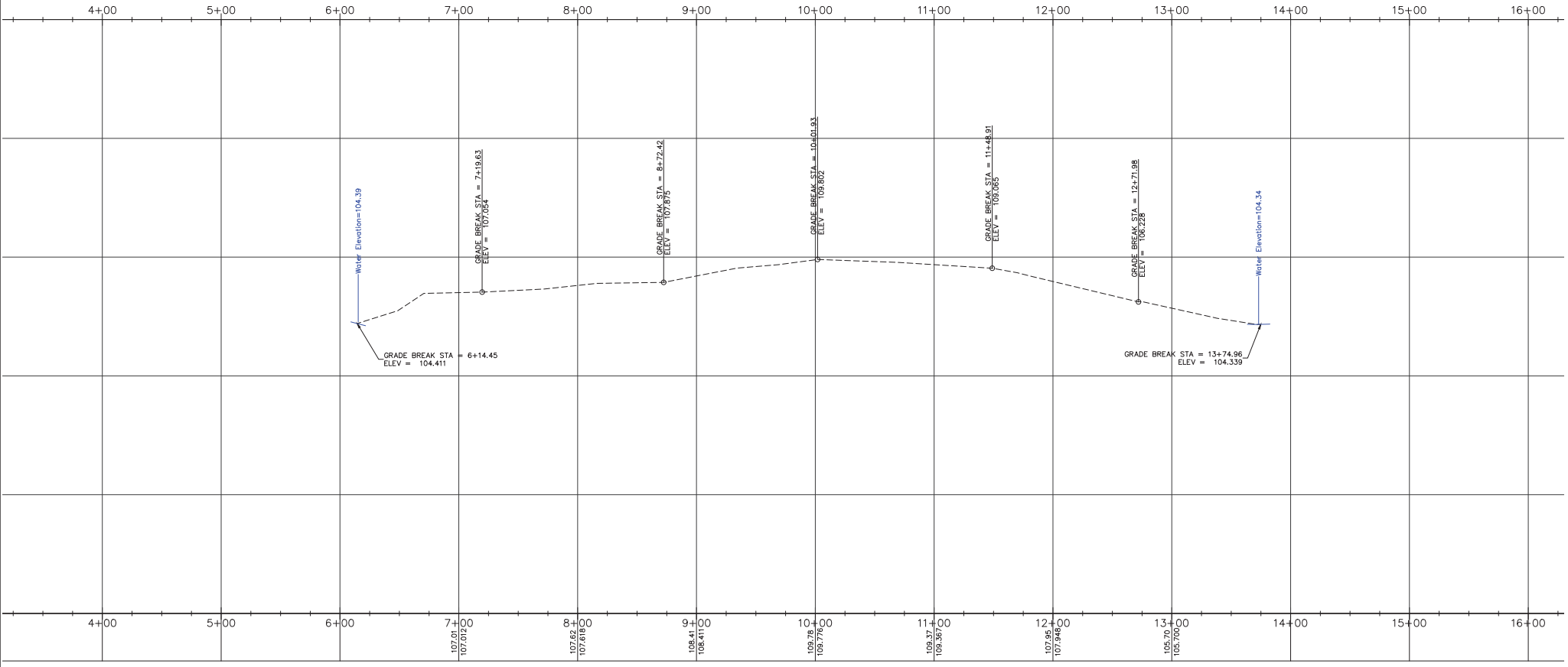

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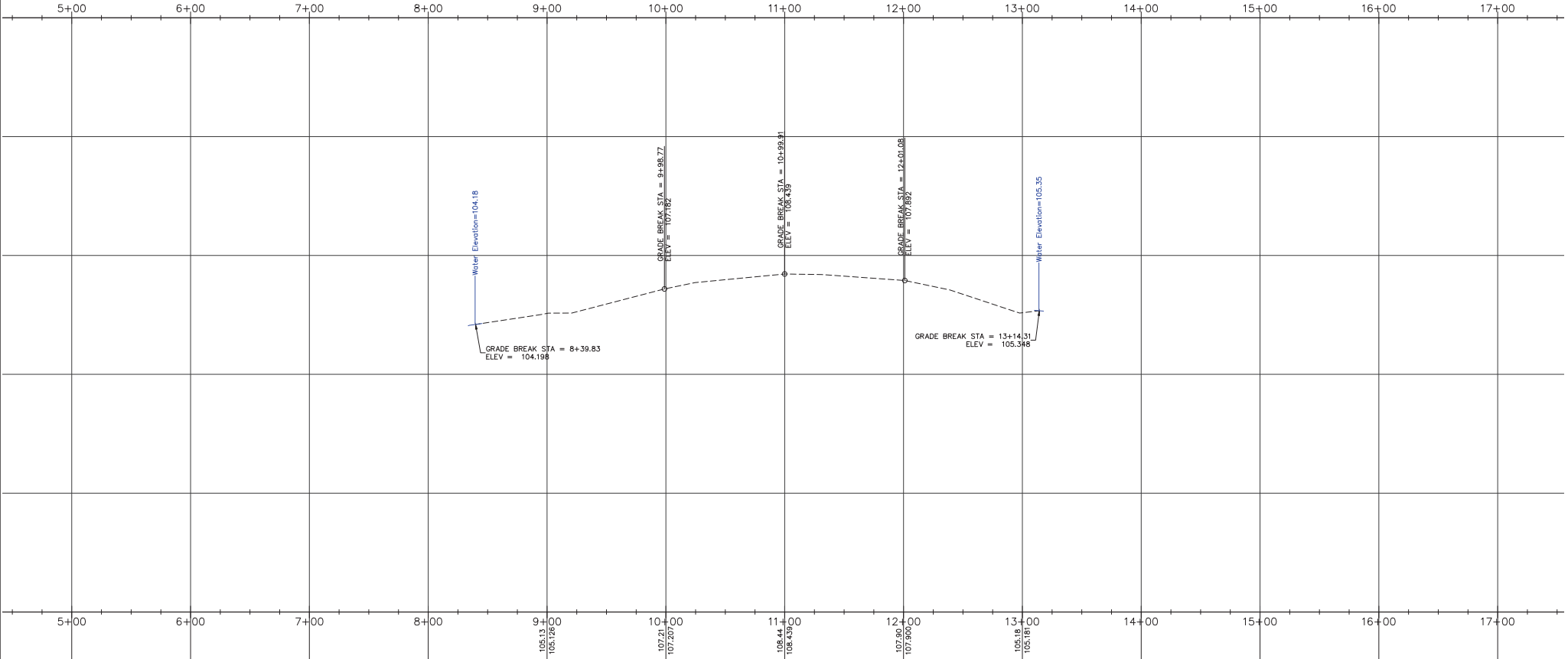
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**NEW STUYAHOK — ISLAND OG WIDTH PROFILE**

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