



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: February 5, 2013

EXPIRATION DATE: March 5, 2013

REFERENCE NUMBER: POA-2012-627

WATERWAY: Woolley Lagoon (Bering Sea)

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 Leykom** at (907) 753-2711, toll free from within Alaska at (800) 478-2712, by fax at (907) 753-5567, or by email at **Mary.F.Leykom@usace.army.mil** if further information is desired concerning this notice.

APPLICANT: King Island Native Community, Post Office Box 682, Nome, Alaska 99762; contact Mr. Benjamin Payenna at 907 443-2209.

AGENT: Bristol Engineering Services Corporation, 111 W. 16th Avenue, Anchorage, Alaska 99501; contact Ms. Susan Luetters at 907 743-9316.

LOCATION: The project site is located 36 miles northwest of Nome, Alaska, within sections 15, 16, 19, 20, 21, T. 7 S., R. 37 W., and sections 22, 23, 24, 27, 28, 29, T. 7 S., R. 38 W., Kateel River Meridian. East end of the road (at the Nome-Teller Highway) is at Latitude 64.878° N., Longitude -166.148° W.; west end of the road (at Woolley Lagoon) is at Latitude 64.856° N., Longitude -166.400° W.

PURPOSE: The applicant's stated purpose is to improve safety along the road and create better access to traditional subsistence use areas for communities in the Bering Straits Region.

PROPOSED WORK: Rehabilitate and resurface the 8-mile Woolley Road. The road would be graded and material added to create a uniform 14-foot wide driving surface. Vehicle turn-outs would be sited every 5,000 feet. The 44,000 cubic yards (cy) of required fill material would be mined from an existing borrow pit 2 miles north on the Nome-Teller Highway. New fill, extending beyond the existing road footprint, would impact an additional 3.62 acres of wetland. Existing culverts would be replaced and/or extended, and additional culverts would be added to improve

drainage near the road. All work would be performed in accordance with the enclosed plan (sheets 1-10), dated January 2013.

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: Improving the existing road impacted fewer new wetland acres than any alternative alignment.

b. Minimization: The road was minimized from two-lanes to a one-lane road with pull-outs, to reduce new wetland impact. New culverts and directional ditches and dikes would be added to correct drainage issues.

c. Compensatory Mitigation: The applicant proposes an in-lieu fee to the Conservation Fund at a 2:1 ratio for the permanent loss of 3.6 acres of wetland.

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 six known archaeological or historical sites in the vicinity of the Woolley Road project. An archaeological survey of the project area was conducted in August 2009 and a report prepared: "2009 Archaeological Survey of the Woolley Lagoon Road Improvement Project". Based upon the findings in the report, the Alaska State Historic Preservation Officer concurred with a "No Historic Properties Affected" determination on April 30, 2010. 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 the following threatened or endangered species: spectacled eider (*Somateria fischeri*), Steller's eider (*Polysticta stelleri*), and polar bear (*Ursus maritimus*).

The applicant conducted an informal consultation with the U.S. Fish and Wildlife Service (USFWS) in 2012 regarding the above-listed species. The USFWS made the determination that proposed project activities are "not likely to adversely affect" either eider species or polar bears. USFWS provided a "Human-Polar Bear Interaction Plan" for the project, providing guidelines to ensure Woolley Road construction activities are conducted in such a way as to avoid conflicts between bears and humans. The applicant has agreed to adopt the Plan. Any further comments they may have concerning endangered or threatened wildlife or 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 arctic char (*Salvelinus alpinus*). Specifically, Crete Creek, which lies near the proposed Woolley Road project, supports rearing of arctic char. Because the project avoids direct impacts to the creek, and protects against secondary impacts by replacing drainage culverts and eliminating erosion and sedimentation towards the creek, 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) Discharge 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 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.

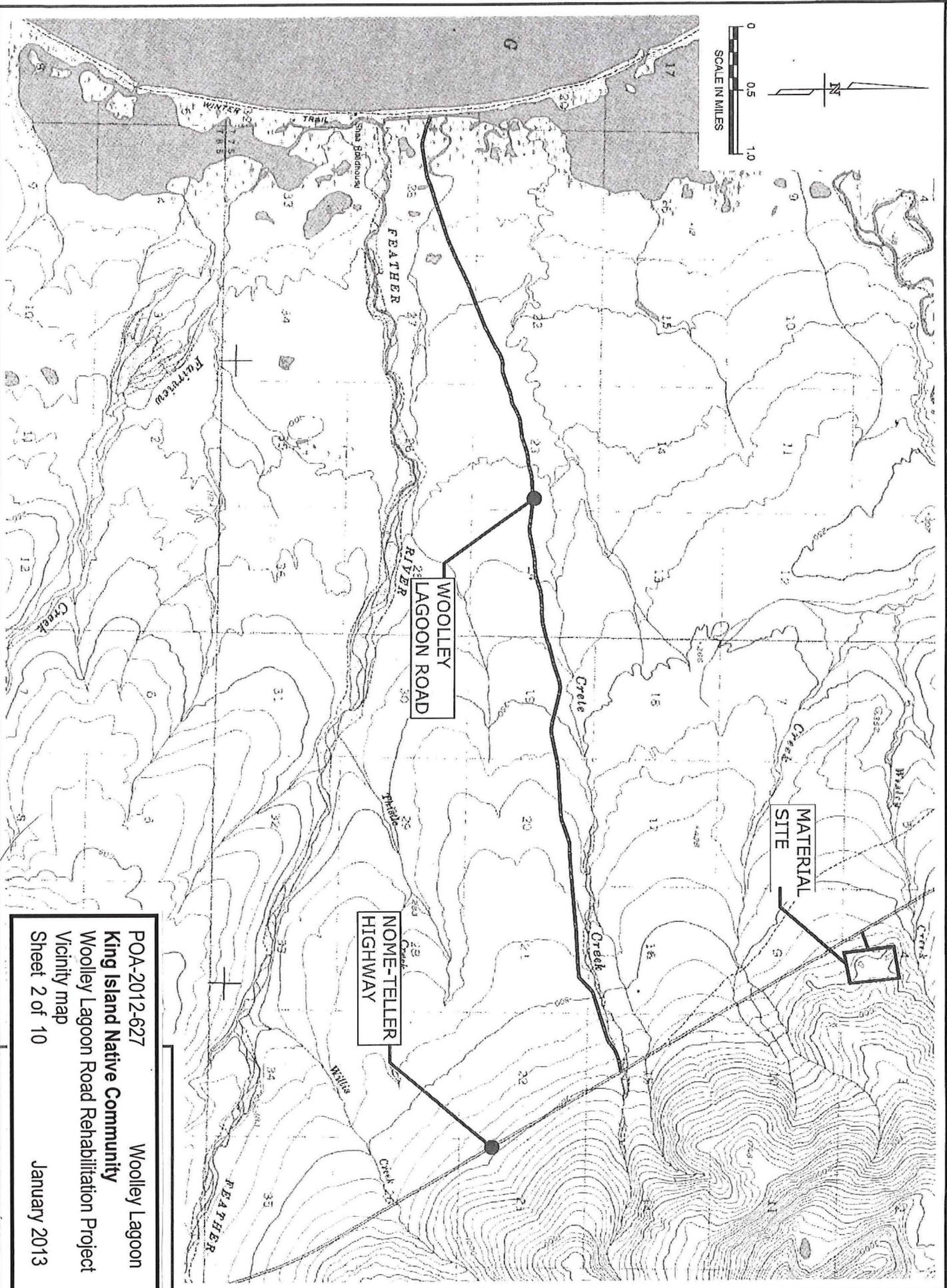
Notice is hereby given that the application for a Department of the Army Permit described in the Corps of Engineers' Public Notice No. POA-2012-627, Woolley Lagoon Road, serves as application for State Water Quality Certification from the Department of Environmental Conservation.

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.

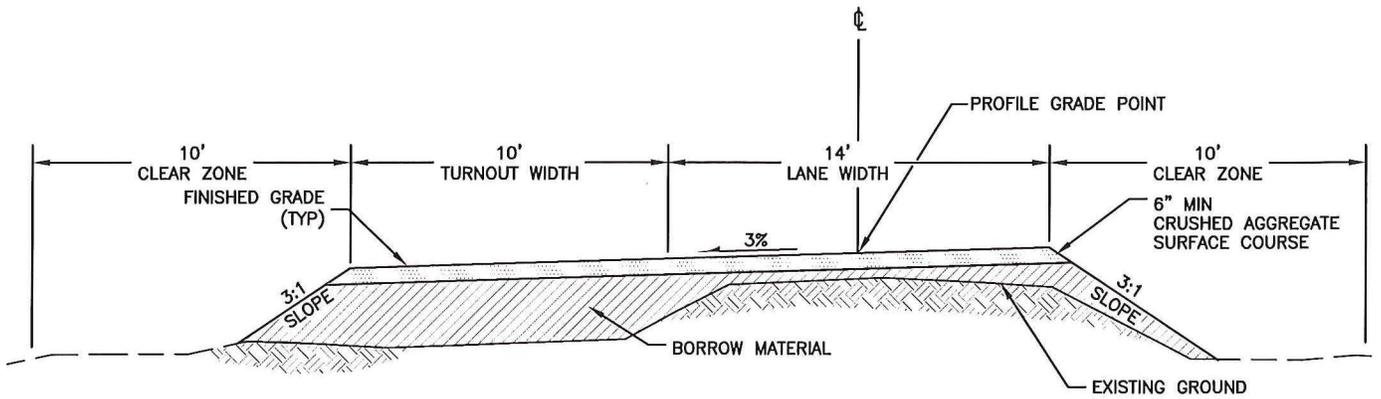


POA-2012-627 Woolley Lagoon
King Island Native Community
Woolley Lagoon Road Rehabilitation Project
Location maps
Sheet 1 of 10
January 2013

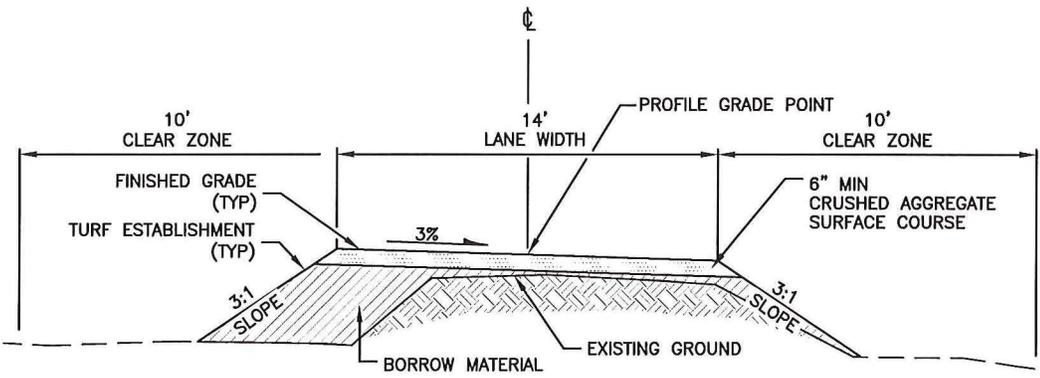


POA-2012-627 Woolley Lagoon
King Island Native Community
Woolley Lagoon Road Rehabilitation Project
Vicinity map
Sheet 2 of 10 January 2013

Drawing: K:\JOBS\32120019 WOOLLEY ROAD\ACAD-ENVIRO\CORP\32120019_FIGS_1-5.DWG - Layout: FIGURE 3
User: PPEARSON Jan 10, 2013 - 4:19pm Xrefs: COE_B5X11.DWG COE_B5X11P.DWG - Images: ALASKA_MAP_E.TIF NOME_C2.TIF NOME_C3.TIF NOME_D2.TIF NOME_D3.TIF



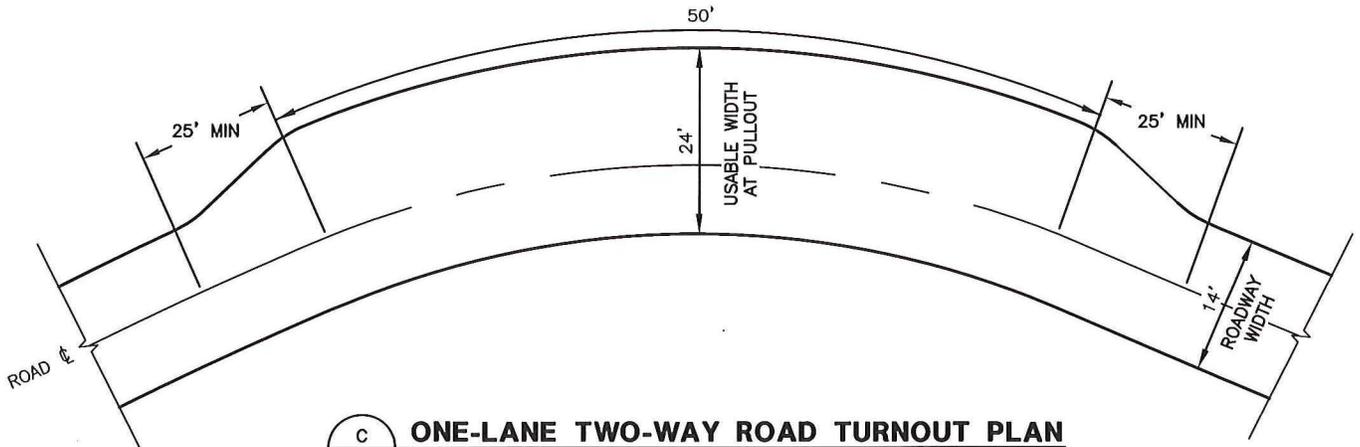
A ONE-LANE TWO-WAY ROAD TURNOUT
SCALE: NTS



B ONE-LANE TWO-WAY ROAD SECTION
SCALE: NTS

POA-2012-627 Woolley Lagoon
King Island Native Community
Woolley Lagoon Road Rehabilitation Project
Typical Sections for road and turn-outs
Sheet 3 of 10 January 2013

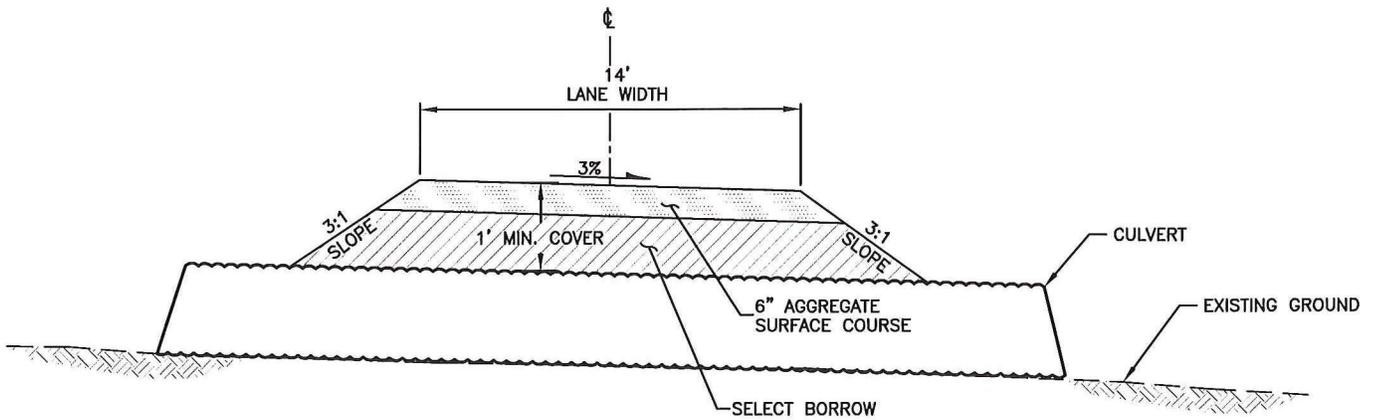
Drawing: K:\JOBS\32120019_WOOLLEY ROAD\ACAD-ENVIRO\CORPS\32120019_FIGS_1-5.DWG - Layout: FIGURE 4
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C ONE-LANE TWO-WAY ROAD TURNOUT PLAN
SCALE: NTS

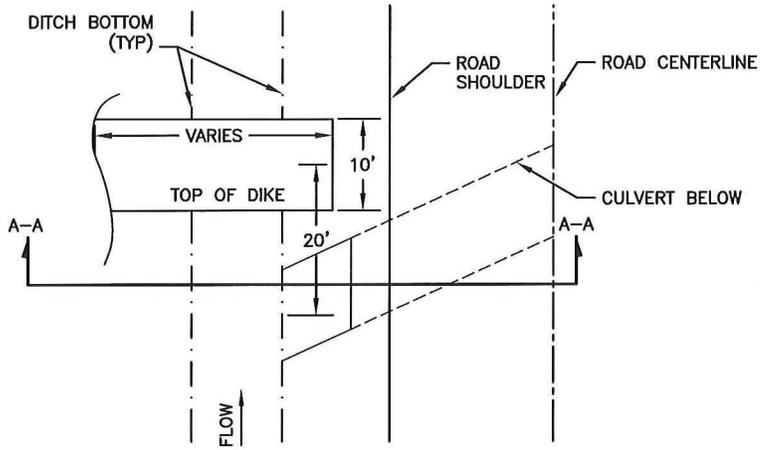
NOTES:

1. THIS TURNOUT MAY ALSO BE USED ON STRAIGHT AREAS ALONG THE ROAD CORRIDOR.

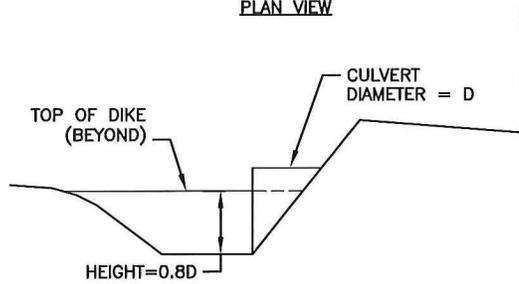


D TYPICAL CULVERT SECTION
SCALE: NTS

POA-2012-627 Woolley Lagoon
King Island Native Community
Woolley Lagoon Road Rehabilitation Project
Vehicle turn-out plan and culvert section
Sheet 4 of 10 January 2013



PLAN VIEW

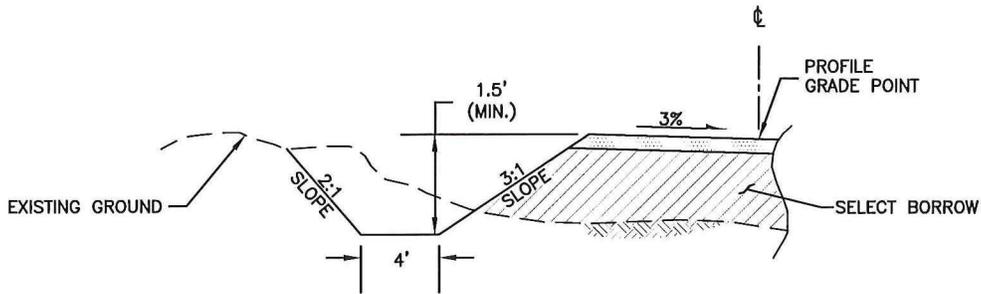


SECTION A-A



TYPICAL DIKE

SCALE: NTS

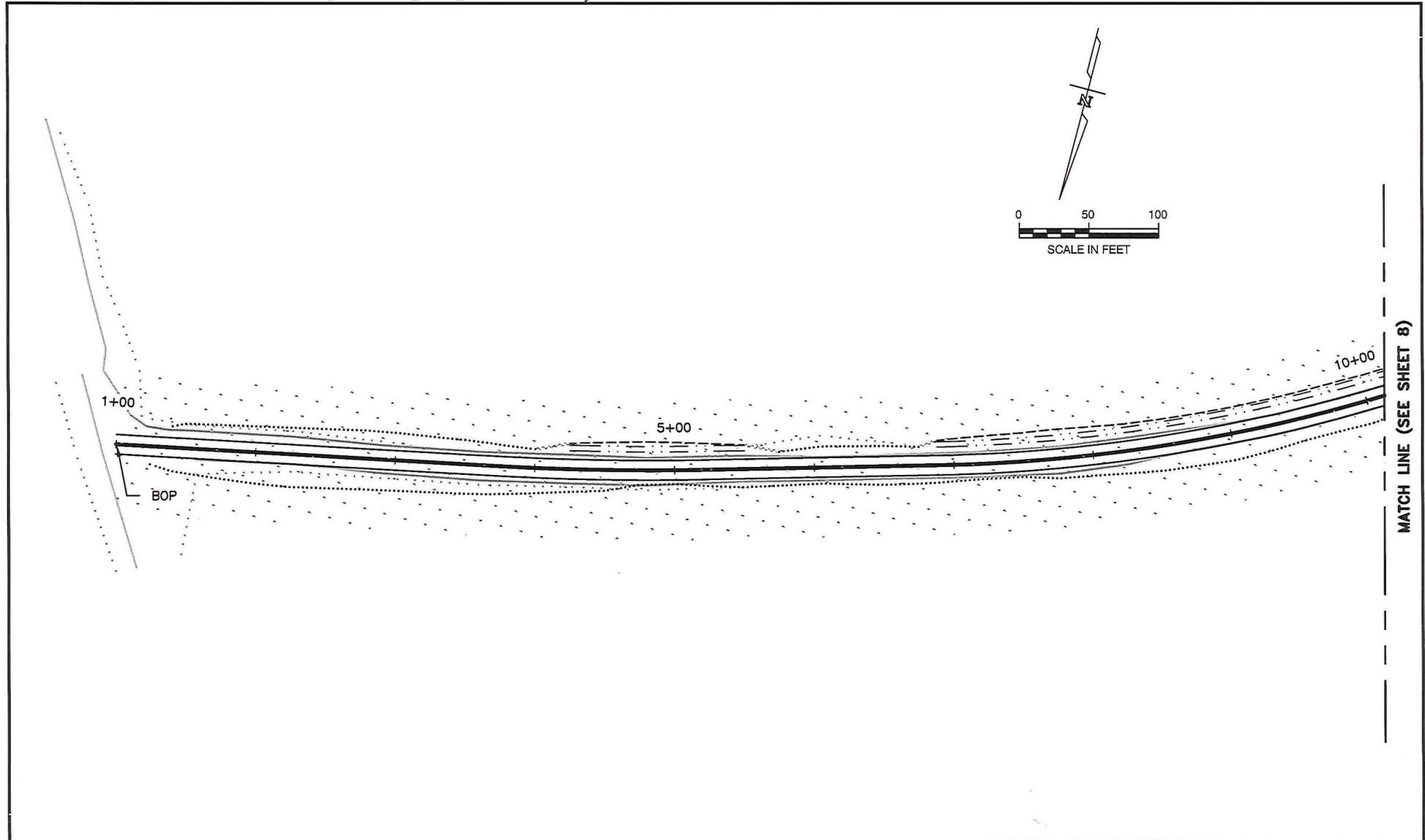


TYPICAL DITCH SECTION

SCALE: NTS

Drawing: K:\JOBS\32120019 WOOLLEY ROAD\ACAD-ENVIRO\CORPS\32120019_FIGS 1-5.DWG - Layout: FIGURE 5
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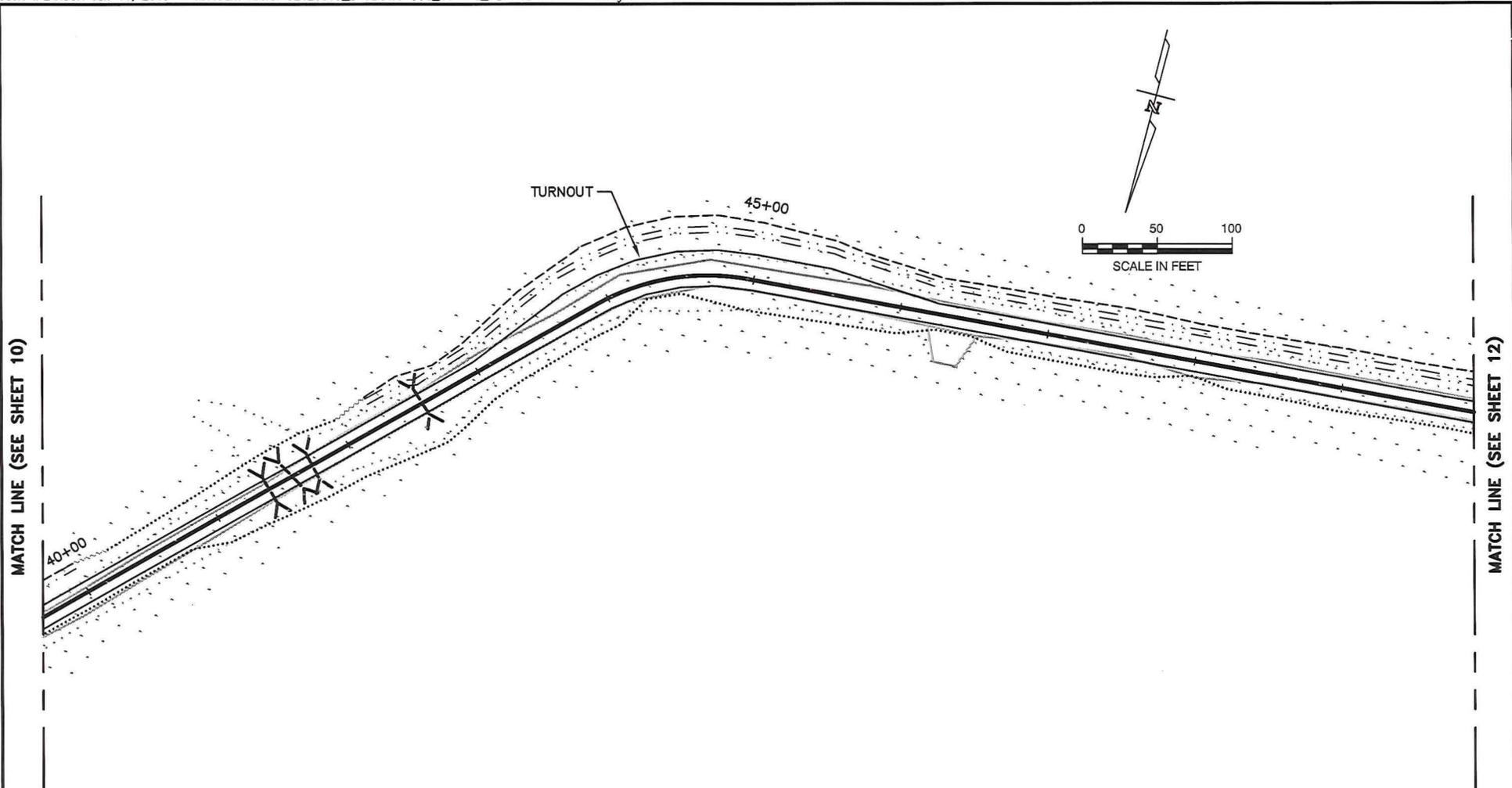
POA-2012-627	Woolley Lagoon
King Island Native Community	
Woolley Lagoon Road Rehabilitation Project	
Typical ditch and dike sections	
Sheet 5 of 10	January 2013



LEGEND

PROPOSED ROAD TOE OF FILL	.....	EXISTING ROAD TOE OF FILL	.....
PROPOSED ROAD TOE OF CUT	----	EXISTING ROAD SHOULDER	----
PROPOSED ROAD DITCH BOTTOM	== :: == :: == ::	PROPOSED CUT/FILL TRANSITION	-----
PROPOSED DIKE TOP	=====	PROPOSED CMP	Y-----Y
PROPOSED ROAD SHOULDER	=====	LENGTHEN EXISTING CMP	Y-----Y
PROPOSED ROAD CENTERLINE	=====	EXISTING CMP TO REMAIN IN PLACE	Y-----Y
		WETLANDS	.....

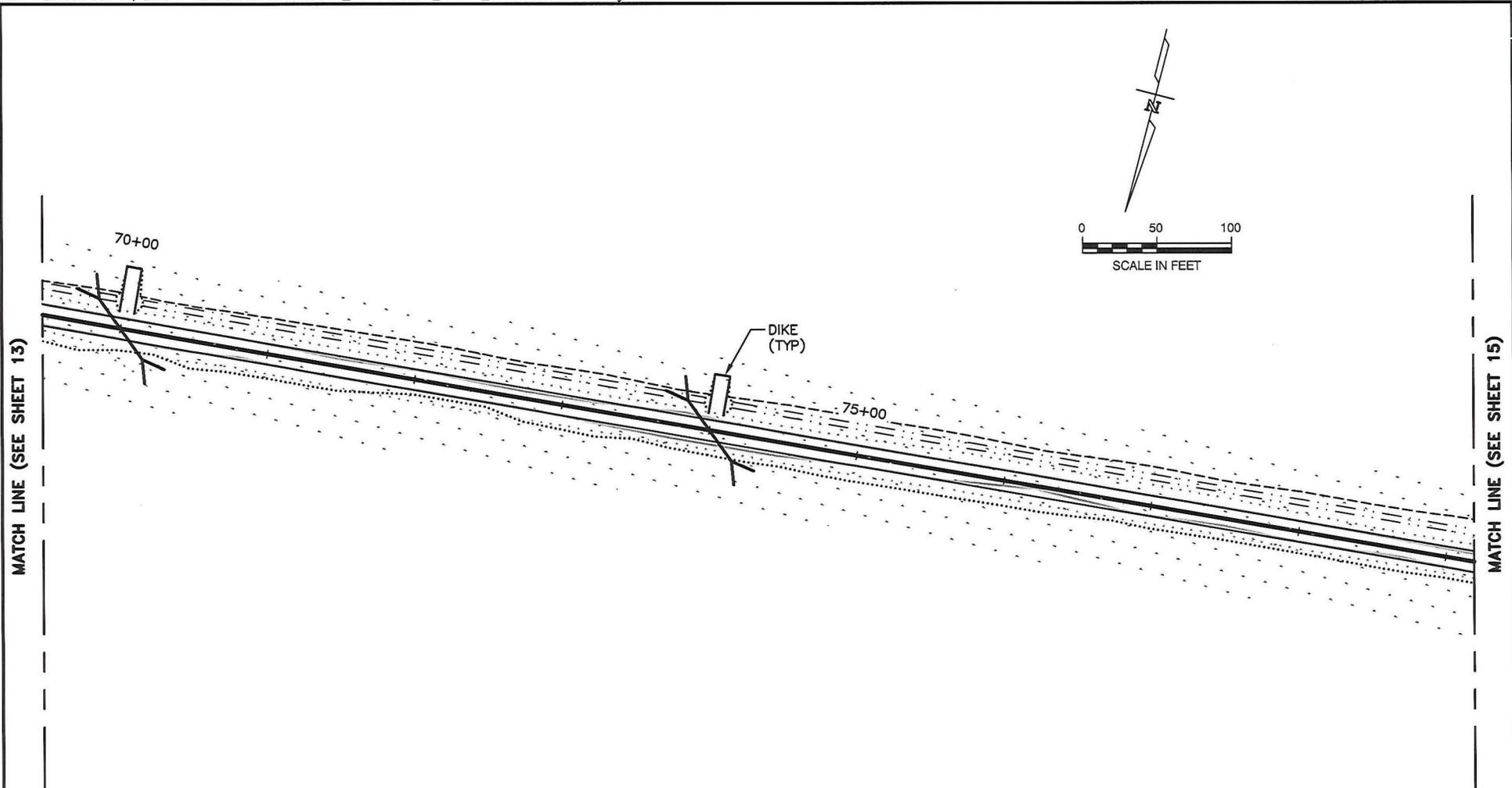
POA-2012-627 Woolley Lagoon
King Island Native Community
 Woolley Lagoon Road Rehabilitation Project
 Beginning of project at Nome-Teller Hwy.
 Plan view
 Sheet 6 of 10 January 2013



LEGEND

PROPOSED ROAD TOE OF FILL	.....	EXISTING ROAD TOE OF FILL	.....
PROPOSED ROAD TOE OF CUT	-----	EXISTING ROAD SHOULDER	-----
PROPOSED ROAD DITCH BOTTOM	== :: == :: == ::	PROPOSED CUT/FILL TRANSITION	-----
PROPOSED DIKE TOP	-----	PROPOSED CMP	-----
PROPOSED ROAD SHOULDER	-----	LENGTHEN EXISTING CMP	-----
PROPOSED ROAD CENTERLINE	-----	EXISTING CMP TO REMAIN IN PLACE	-----
		WETLANDS	.....

POA-2012-627 Woolley Lagoon
King Island Native Community
 Woolley Lagoon Road Rehabilitation Project
 Plan view typical turn-out
 Sheet 7 of 10 January 2013

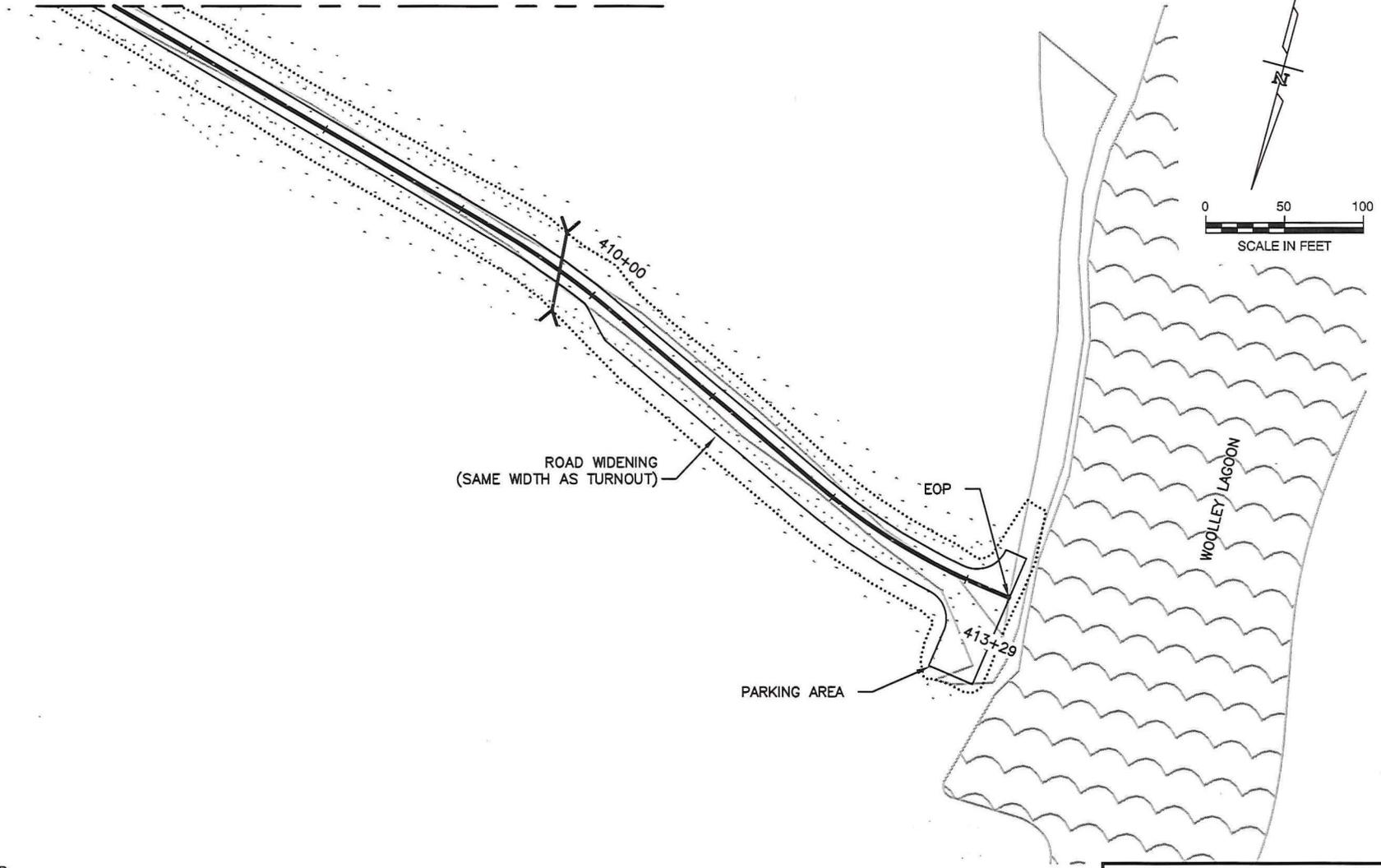


LEGEND

- | | | | |
|----------------------------|-------------------|---------------------------------|---------|
| PROPOSED ROAD TOE OF FILL | ..... | EXISTING ROAD TOE OF FILL | ..... |
| PROPOSED ROAD TOE OF CUT | ----- | EXISTING ROAD SHOULDER | ===== |
| PROPOSED ROAD DITCH BOTTOM | == :: == :: == :: | PROPOSED CUT/FILL TRANSITION | ----- |
| PROPOSED DIKE TOP | ===== | PROPOSED CMP | Y-----Y |
| PROPOSED ROAD SHOULDER | ===== | LENGTHEN EXISTING CMP | Y-----Y |
| PROPOSED ROAD CENTERLINE | ===== | EXISTING CMP TO REMAIN IN PLACE | Y-----Y |
| | | WETLANDS | ..... |

POA-2012-627 Woolley Lagoon
King Island Native Community
 Woolley Lagoon Road Rehabilitation Project
 Dike and culvert, plan view typical
 Sheet 8 of 10 January 2013

MATCH LINE (SEE SHEET 48)



LEGEND

PROPOSED ROAD TOE OF FILL	.....	EXISTING ROAD TOE OF FILL	.....
PROPOSED ROAD TOE OF CUT	-----	EXISTING ROAD SHOULDER	=====
PROPOSED ROAD DITCH BOTTOM	== :: == :: == :: ==	PROPOSED CUT/FILL TRANSITION	-----
PROPOSED DIKE TOP	=====	PROPOSED CMP	-----
PROPOSED ROAD SHOULDER	=====	LENGTHEN EXISTING CMP	-----
PROPOSED ROAD CENTERLINE	=====	EXISTING CMP TO REMAIN IN PLACE	-----
		WETLANDS	.....

POA-2012-627 Woolley Lagoon
King Island Native Community
 Woolley Lagoon Road Rehabilitation Project
 End of project, Woolley Lagoon, plan view
 Sheet 10 of 10 January 2013