



US Army Corps  
of Engineers  
Alaska District

# Public Notice of Application for Permit

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

**PUBLIC NOTICE DATE:** November 3, 2008

**EXPIRATION DATE:** December 3, 2008

**REFERENCE NUMBER:** POA-2008-1229

**WATERWAY:** Kwiguk Pass

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 Don Kuhle at (907) 753-2780, toll free from within Alaska at (800) 478-2712, by fax at (907) 753-5567, or by email at don.p.kuhle@usace.army.mil if further information is desired concerning this notice.

**APPLICANT:** City of Emmonak, P.O. Box 9, Emmonak, Alaska 99581

**AGENT:** CE2 Engineers, P.O. Box 232946, Anchorage, Alaska 99523. Point of contact is Anne Herschleb or John Klovning, telephone (907) 349-1010.

**LOCATION:** The project site is located within section 18, T. 31 N., R. 81 W., and sections 12 and 13, T. 31 N., R. 82 W., Seward Meridian; USGS Quad Map Kwiguk D-6; latitude 62.7828° N., Longitude 164.5853° W.; at Emmonak, Alaska.

**SPECIAL AREA DESIGNATION:** The project is located within the Yukon Delta National Wildlife Refuge.

**PURPOSE:** The applicant's stated purpose is to address problems associated with the current dump, which discharges leachate upstream of the community drinking water inlet. The dump is not permitted and is out of compliance with Alaska Department of Environmental Conservation (ADEC) regulations. It is located within 5,000 feet of the airport runway and along the shore of the Yukon River in an area with high rates of erosion and a high groundwater table. There is little room left for expansion and no salvage area.

**PROPOSED WORK:** Construct a new ADEC Class III permitted landfill and access road. The project would also require a new borrow area and associated temporary access road. The project would place fill material into approximately 12.2 acres of wetlands for construction of the landfill and access road. It would temporarily

place fill material into approximately 1.9 acres of wetlands for construction of the borrow area access road and would excavate 12.4 acres of wetlands for the borrow area.

The landfill would consist of a fenced multiple-berm configuration to hold the projected waste from the 20-year planning period. In addition, a 100-foot by 100-foot graveled pad would be constructed as a vehicle salvage and white goods storage area. Approximately eight acres of land and 80,000 cubic yards of local silty sand fill material would be used to construct the facility.

The landfill access road would be approximately one mile long and would have two nine-foot lanes for a top width of 18 feet. The side slopes would be 4:1, resulting in a toe-to-toe width of approximately 35 feet. Total quantity of fill for the road would be 30,900 cubic yards of local silty sand and 6,800 cubic yards of imported surface course material.

The borrow area would be approximately 12.4 acres in size, with material excavated to a depth of approximately 5 feet. The access road would be 2,820 feet long with a top width of 20 feet and a toe-to-toe width of approximately 30 feet. Total fill would be 7,500 cubic yards of silty sand. The road would be removed and the area revegetated upon completion of the landfill construction.

All work would be performed in accordance with the enclosed plan (sheets 1-5), dated September 25, 2008.

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:

Avoidance of Wetlands Impacts: Avoidance of wetland impacts is not possible for this project. Wetlands are the only land type available for development in or near Emmonak and this project is designed to serve that community. Therefore, filling and altering wetlands is the only feasible alternative.

Minimization of Wetlands Impacts: The project will seek to minimize impacts to wetlands by taking the following measures:

- The project will follow general best management practices for working in wetlands to avoid erosion and stormwater discharge and construction will be required to operate under a Stormwater Pollution Prevention Plan.
- Landfill and Borrow Site Access Roads:
  - No excavation will take place in constructing either road; they will be built on the surface of the tundra wetland. Geotextile fabric will be placed prior to fill to minimize impact of fill prism on wetlands.
  - Culverts will be installed to retain original drainage patterns.
  - Road side slopes will be vegetated.
- Landfill:
  - Landfill perimeter berms will be placed on fabric.
  - Outside slopes of the landfill perimeter berms will be vegetated.
  - Placing solid waste material to a depth of 10 feet minimizes landfill footprint.
  - Waters potentially contaminated by waste will be contained in landfill berms and will not seep into adjacent wetlands.
  - The perimeter will be fenced to contain blowing debris and operators will collect blowing debris.
  - Landfill closure plan (scheduled for after 20 years of operation) will be completed as part of design.

Compensatory Mitigation of Wetlands Impacts: The construction budget for the Emmonak Landfill contains a \$300,000 line item to close, cover, and vegetate the existing dump. This process will be accomplished as follows:

- Collect all scattered and windblown debris.
- Consolidate collected debris into as small an area as possible.
- Transport debris to new Class III permitted landfill for ultimate disposal
- Re-vegetate old dump area:
- Revegetative seeding shall take place prior to August 15th; seed mixture will consist of the following:

Seed	Name/Type	Rate	Method
Red Fescue	Arctic Red	14 lbs/acre	Broadcast
Bering Hairgrass	Norcoast	16 lbs/acre	Broadcast
Ryegrass	Annual	2 lbs/acre	Broadcast
Fertilizer	20-20-20	240 lbs/acre	Broadcast

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.

COASTAL ZONE MANAGEMENT ACT CERTIFICATION: Section 307(c)(3) of the Coastal Zone, Management Act of 1972, as amended by 16 U.S.C. 1456(c)(3), requires the applicant to certify the described activity affecting land or water uses in the Coastal Zone complies with the Alaska Coastal Management Program. A permit will not be issued until the Division of Coastal and Ocean Management, Department of Natural Resources has concurred with the applicant's certification.

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 listed or eligible properties in the vicinity of the worksite. Consultation of the AHRS constitutes the extent of cultural resource investigations by the District Commander at this time, and he is otherwise unaware of the presence of such resources. 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 spectacled eider. Preliminarily, the described activity will not affect threatened or endangered species, or modify their designated critical habitat, under the Endangered Species Act of 1973 (87 Stat. 844). This application is being coordinated with the U.S. Fish and Wildlife Service and the National Marine Fisheries Service (NMFS). 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). Preliminarily, the described activity will not affect EFH in the project area. This Public Notice initiates EFH consultation with the NMFS. Any comments or recommendations they may have concerning EFH will be considered in our final assessment of the described work.

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) 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).

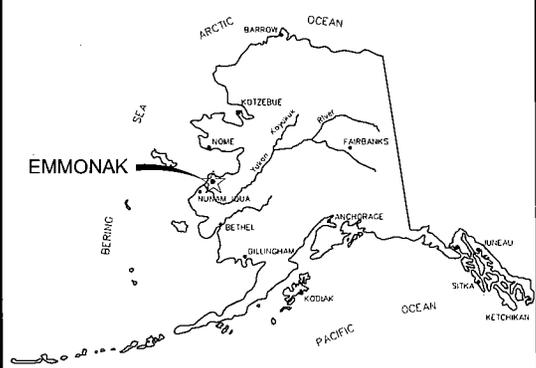
Project drawings, Notice of Application for Certification of Consistency with the Alaska Coastal Management Program, and Notice of Application for State Water Quality Certification are enclosed with this Public Notice.

District Commander  
U.S. Army, Corps of Engineers

Enclosures



T. 31 N. T. 31 N.  
R. 82 W. R. 81 W.



**LOCATION MAP**  
USGS QUAD: KWIGUK D-6  
LANDFILL: 164°34'55.97W - 62°46'58.50N

LANDFILL

LANDFILL  
ACCESS ROAD

PROPOSED TEMP.  
HAUL ROAD

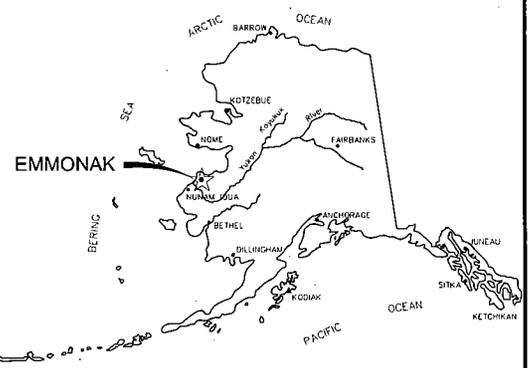
STOCKPILE VEGETATIVE  
OVERBURDEN

PROPOSED BORROW SITE,  
APPROX. 600' x 900' x 5'±

KWIGUK PASS

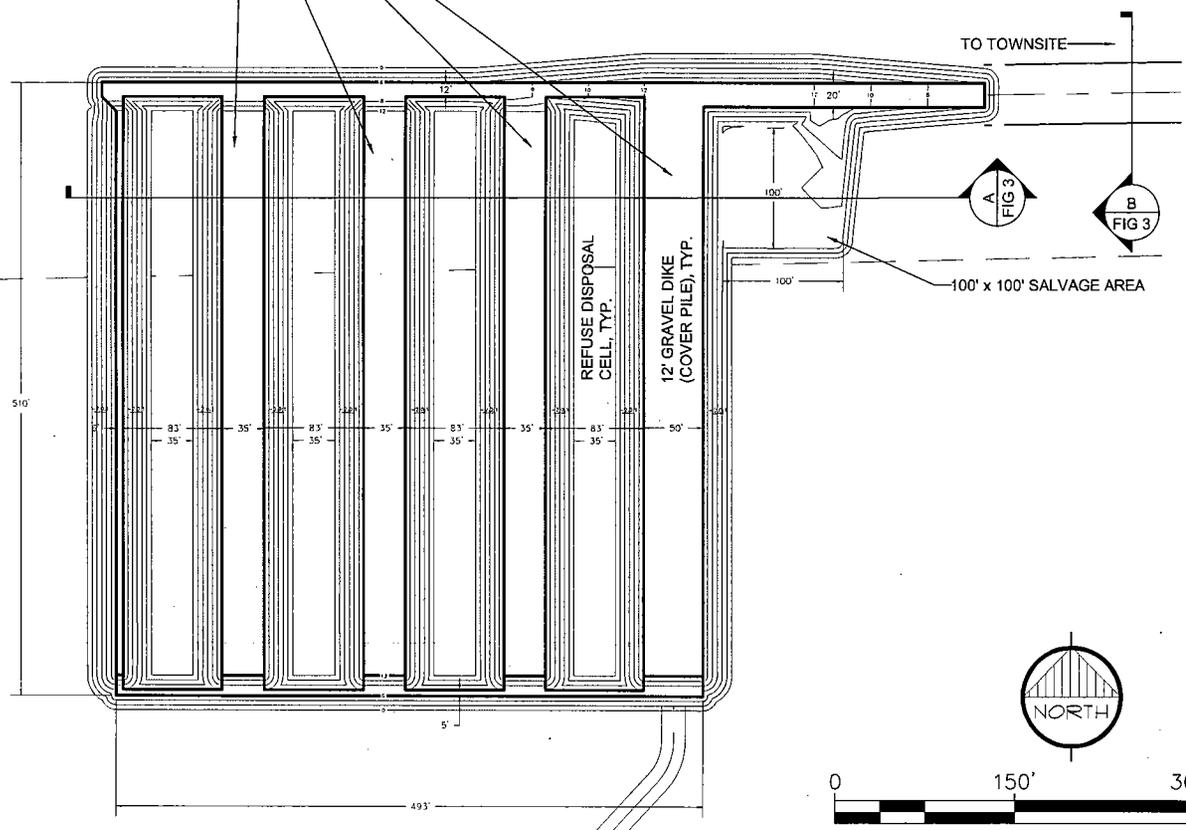
APPLICANT NAME:	CITY OF EMMONAK
PROJECT NAME:	LANDFILL
LOCATION:	SEC. 18, T 31N, R81W SEWARD MERIDIAN SEC. 12 & 13, T 31N, R82W SEWARD MERIDIAN
WATERWAY	KWIGUK PASS, YUKON R.
COE #:	POA-2008-1229
SHEET:	<u>1</u> OF <u>5</u>

REV. 9/25/08



**LOCATION MAP**  
 USGS QUAD: KWIGUK D-6  
 LANDFILL: 164°34'55.97W - 62°46'58.50N

INTERMEDIATE BERMS FOR COVER MATERIAL FOR 20 YEAR DESIGN LIFE

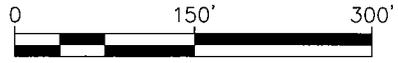


TO TOWNSITE

A  
FIG 3

B  
FIG 3

100' x 100' SALVAGE AREA



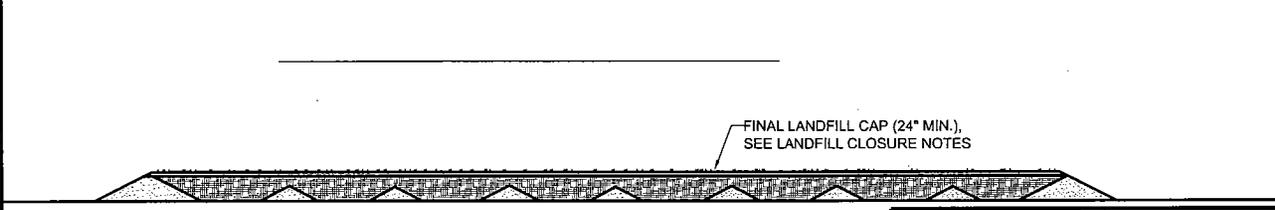
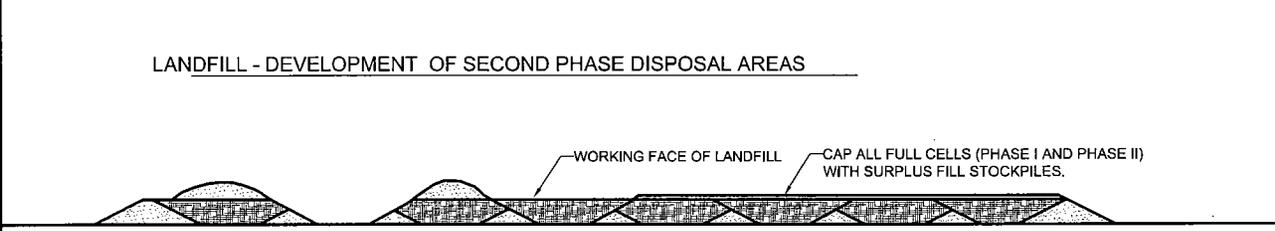
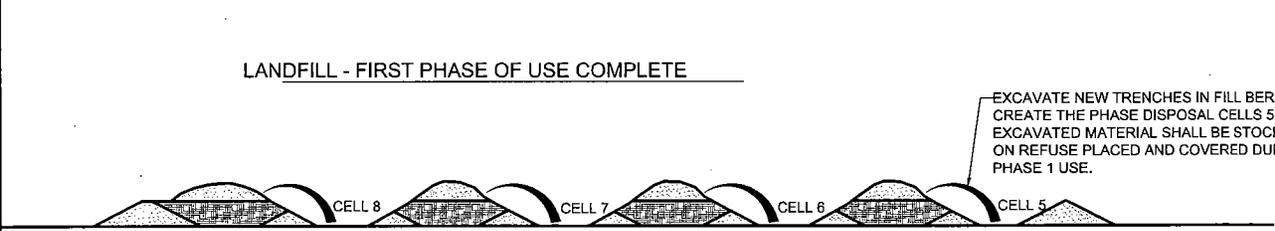
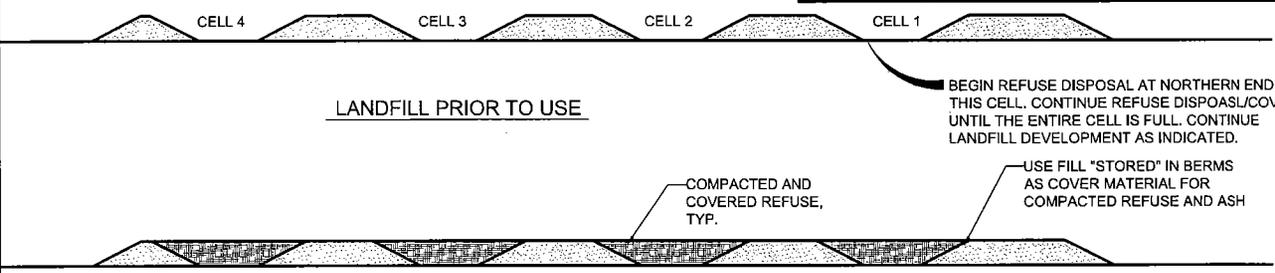
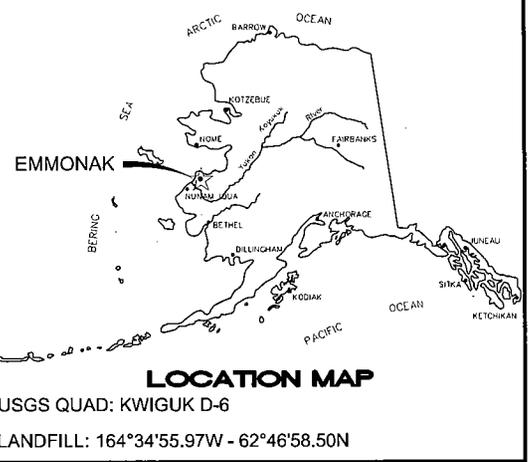
TO BORROW SITE

C  
FIG 3

1 LANDFILL SITE PLAN

APPLICANT NAME:	CITY OF EMMONAK
PROJECT NAME:	LANDFILL
LOCATION:	SEC. 12 & 13, T 31N, R82W SEWARD MERIDIAN
WATERWAY	KWIGUK PASS, YUKON R.
COE #:	POA-2008-1229
SHEET:	2 OF 5

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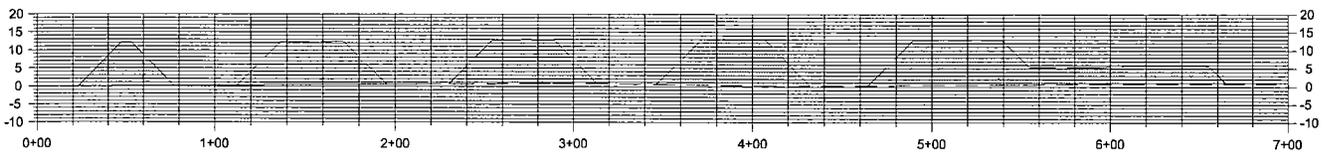
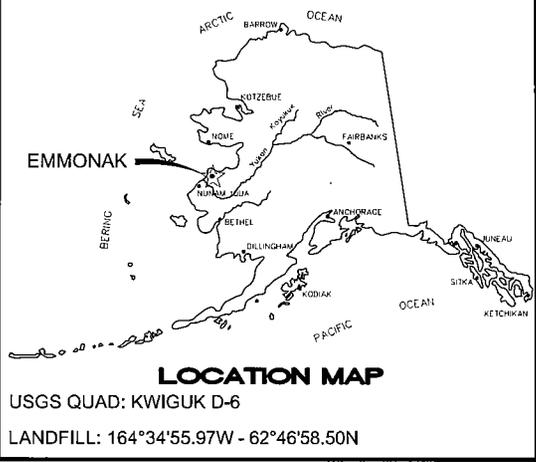


LANDFILL PROCESS

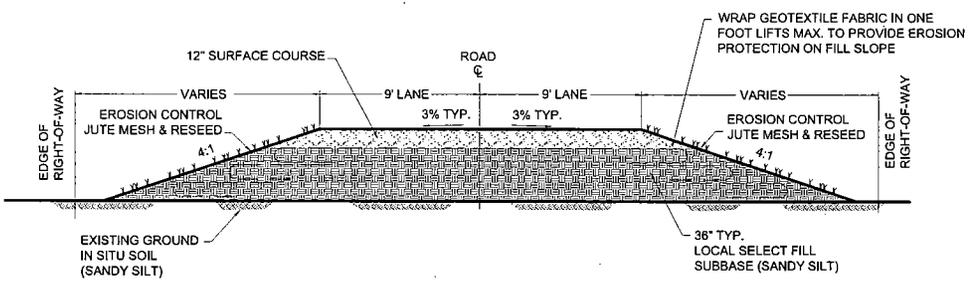


APPLICANT NAME:	CITY OF EMMONAK
PROJECT NAME:	LANDFILL
LOCATION:	SEC. 18, T 31N, R81W SEWARD MERIDIAN SEC. 12 & 13, T 31N, R82W SEWARD MERIDIAN
WATERWAY	KWIGUK PASS, YUKON R.
COE #:	POA-2008-1229
SHEET:	<u>3</u> OF <u>5</u>

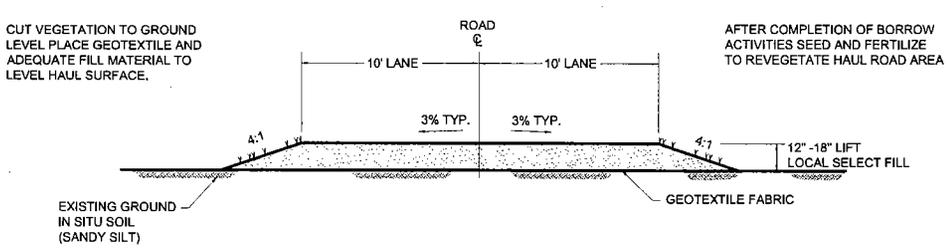
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**A LANDFILL BERM - SECTION "A"**



**B LANDFILL ACCESS ROAD - SECTION "B"**

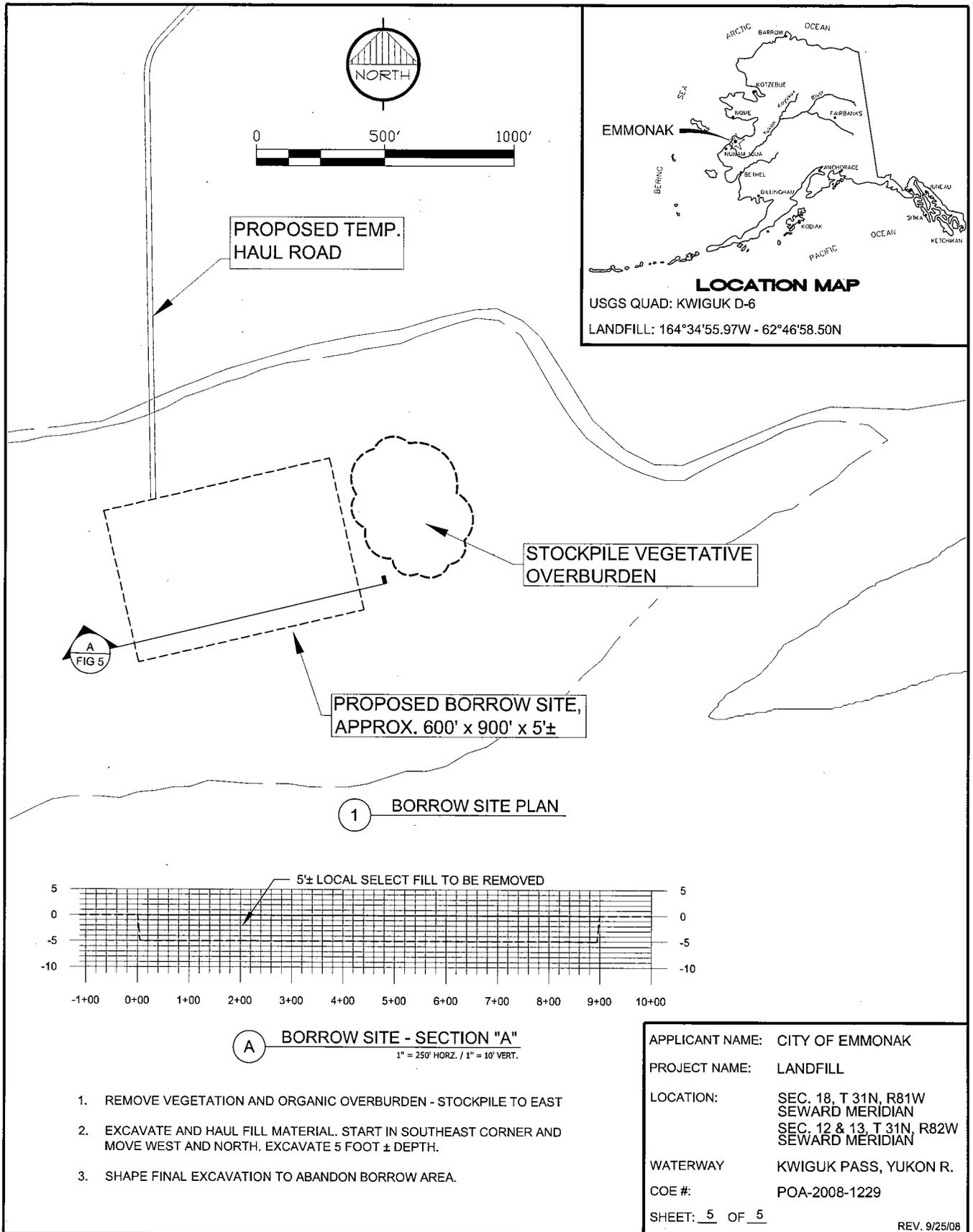


**C TEMP. WINTER HAUL ROAD - SECTION "C"**

APPLICANT NAME:	CITY OF EMMONAK
PROJECT NAME:	LANDFILL
LOCATION:	SEC. 18, T 31N, R81W SEWARD MERIDIAN SEC. 12 & 13, T 31N, R82W SEWARD MERIDIAN
WATERWAY	KWIGUK PASS, YUKON R.
COE #:	POA-2008-1229
SHEET:	4 OF 5

REV. 9/25/08

G:\ACAD\EMMONAK\880801 Solid Waste Landfill\Fig For COE (Anne)\FIG 2 & 3 & 4.dwg, 9/29/2008 10:33:47 AM, chris, Adobe PDF



1. REMOVE VEGETATION AND ORGANIC OVERBURDEN - STOCKPILE TO EAST
2. EXCAVATE AND HAUL FILL MATERIAL. START IN SOUTHEAST CORNER AND MOVE WEST AND NORTH. EXCAVATE 5 FOOT ± DEPTH.
3. SHAPE FINAL EXCAVATION TO ABANDON BORROW AREA.

# STATE OF ALASKA

DEPARTMENT OF NATURAL RESOURCES  
DIVISION OF COASTAL AND OCEAN MANAGEMENT

DIVISION OF COASTAL AND OCEAN MANAGEMENT  
550 WEST 7<sup>TH</sup> AVENUE, SUITE 705  
ANCHORAGE, ALASKA 99501-3559  
PHONE: (907) 269-7470/FAX: (907) 269-3981

**NOTICE OF APPLICATION  
FOR  
CERTIFICATION OF CONSISTENCY WITH THE  
ALASKA COASTAL MANAGEMENT PROGRAM**

Notice is hereby given that a request is being filed with the Division of Coastal and Ocean Management for a consistency determination, as provided in Section 307(c)(3) of the Coastal Zone Management Act of 1972, as amended [16 U.S.C. 1456(c)(3)], that the project described in the Corps of Engineers Public Notice No. **POA-2008-1229, Kwiguk Pass**, will comply with the Alaska Coastal Management Program and that the project will be conducted in a manner consistent with that program.

This project is being reviewed for consistency with the Alaska Coastal Management Program. Written comments about the consistency of the project with the applicable ACMP statewide standards and district policies must be submitted to the Division of Coastal and Ocean Management (DCOM). For information about this consistency review, contact DCOM at the address or phone number above, or visit the ACMP web site at <http://www.alaskacoast.state.ak.us//Projects/projects.html>.

# 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-2008-1229, Kwiguk Pass, 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.