



US Army Corps
of Engineers
Alaska District

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

Public Notice of Application for Permit

PUBLIC NOTICE DATE:	October 30, 2023
EXPIRATION DATE:	November 14, 2023
REFERENCE NUMBER:	POA-2023-00225
WATERWAY:	Kobuk River

Public Notice Reissued

This notice was originally sent by the Alaska District Corps of Engineers Regulatory Division directly to all agencies and other interested parties who have requested to be included on our Public Notice distribution list. However, it has recently come to our attention that, through an administrative error, some public notices have been omitted from our public website beginning in August 2023. This public notice revision was unfortunately affected by the error, and therefore is now being posted to our public website to allow for a 15-day public comment period. We apologize for any confusion or inconvenience this may have caused and thank you for your interest in the Corps of Engineers Regulatory Division public notices and encourage your comments on proposed projects. 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 in the previous notice. 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 in the previous notice.

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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. All comments should include the public notice reference number listed above.

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 Steve Moore at (907) 753-5713, toll free from within Alaska at (800) 478-2712, or by email at stephen.a.moore2@usace.army.mil if further information is desired concerning this notice.

APPLICANT: Ms. Marissa Sun, City of Noorvik, 20 Fireweed Dr., Noorvik, Alaska 99763.
Phone: (907) 636-2100. Email: cityofnoorvik@gmail.com

AGENT: Ms. Karen Brown, ANTHC; 4500 Diplomacy Drive, Suite 454, Anchorage, Alaska 99508. Phone (907) 350-0453. Email: kmbrown@anthc.org

LOCATION: The proposed project is located within Section 35, T. 17 N., R. 11 W., Kateel River Meridian; USGS Quad Cape Flattery; Latitude 66.8268 N., Longitude 161.0265° W.; City of Noorvik, Northwest Arctic Borough, Alaska.

PURPOSE: The applicant's stated purpose is to construct a new sewage lagoon system to replace the existing and failing lagoon.

PROPOSED WORK: To construct a new two-cell sewage lagoon with a third sewage solids storage cell (for honeybucket and septic tank solids waste), four septic tanks and a discharge pipe; a staging area/parking pad; and an access road with a parallel aboveground sewer force main extension with a lift station. The sewer force main extension with lift station will be on piles with no fill required. There are two areas of temporary wetland disturbance. The discharge pipe will temporarily disturb wetlands during installation. A temporary excavated material holding site will also cause temporary wetland disturbance. Total wetland impact from the proposed project is 26.7 acres.

ADDITIONAL INFORMATION: Federal funding for the project will be provided by the Indian Health Service (IHS) and Environmental Protection Agency (EPA). IHS, in the role of lead federal agency, is anticipated to complete their Environmental Assessment (EA) in the near future.

APPLICANT PROPOSED MITIGATION: The applicant provided the following mitigation statement regarding avoidance, minimization, and compensation for impacts to waters of the United States from activities involving discharges of dredged or fill material:

Avoidance: Wetlands cannot be avoided. The project area and land surrounding the community is comprised almost entirely of wetlands. The project was designed to avoid wetland impacts to the extent practicable by choosing the shortest distance and best terrain and still provide adequate separation distance from the community to the proposed sewage lagoon system.

Minimization: The project boundaries will be surveyed and flagged prior to construction to avoid inadvertent encroachment on wetlands. Natural drainage patterns will be maintained along the access road using 24-inch culverts. The sewage lagoon system size was minimized to the extent practicable to provide adequate sewage disposal for the population for the next 20+ years.

Existing roads will be used to access the project area. All vegetative debris and construction material will be removed from the construction site and disposed at the permitted Noorvik Landfill. All petroleum products will be managed in accordance with state and federal regulations. Spill control equipment will be available at the staging areas and stored in all construction vehicles in case of an accidental spill or leak.

Compensation: No compensatory mitigation is proposed. The project area and community are surrounded by numerous high-quality, well-preserved wetlands. The new sewage lagoon will be fenced and gated to prevent accidental access. Construction of the access road, staging pad/parking area, sewer main extension and sewage lagoon system is needed to reduce the environmental and health risks associated with the current, failing sewage lagoon.

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 (ADEC). The applicant has made a water quality certification request with ADEC.

CULTURAL RESOURCES: ANTHC received a *No Historic Properties Affected* determination from the State Historic Preservation Office (SHPO) on July 6, 2022 (3130-3R ANTHC/2022-00736). This application is being coordinated with the SHPO and any additional comments they 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 threatened Alaska-breeding Steller's eider (*Polysticta stelleri*).

We have determined the described activity may affect this threatened species. We will initiate the appropriate consultation procedures under section 7 of the Endangered Species Act with the U.S. Fish and Wildlife Service. Any comments USFWS 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).

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 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) 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 are enclosed with this public notice.

District Commander
U.S. Army, Corps of Engineers

Enclosures

