**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:	**May 13, 2019**
EXPIRATION DATE:	**June 13, 2019**
REFERENCE NUMBER:	**POA-2019-00149**
WATERWAY:	**Baird Inlet**

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. 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 Janet Post at (907) 753-2831, toll free from within Alaska at (800) 478-2712, by fax at (907) 753-5567, or by email at janet.l.post@usace.army.mil if further information is desired concerning this notice.

APPLICANT: Brice, Inc. Attn: Paul Walsh, P.O. Box 70668, Fairbanks, AK 99709. Email: paulw@briceinc.com. Telephone: 907.452.2512.

AGENT: HDL Engineering Consultants, LLC, Attention: Owen Means, 3335 Arctic Blvd., Anchorage, AK. 99503. Email: OMeans@hdlalaska.com. Telephone: (907) 564-2143.

LOCATION: The project site is located within Section 9, T. 8 N., R. 87W., Seward Meridian; Latitude 60.8034º N., Longitude 164.5562º W.; in Mertarvik on Nelson Island, Alaska.

PURPOSE: The applicant is proposing to expand the existing material site named Hill 460 Quarry by 28.5 acres, impacting 14.60 acres of wetlands in Mertarvik to provide gravel for the future town-site development, including the following potential projects: Community roads, house pads, a barge landing, housing pads, airport runway and others.

PROPOSED WORK: Phased extraction of 653,700 cubic yards of material from 28.5 acres in Mertarvik, impacting 14.60 acres of wetlands. Rehabilitation of the site is set forth in the attached rehabilitation plan. All work would be performed in accordance with the enclosed plan (sheets 1-3), dated March 13, 2019.

ADDITIONAL INFORMATION: The Final Environmental Impact Statement Mertarvik Infrastructure Development Nelson Island, Alaska March 2018 was prepared for the Denali Commission by the U.S. Army Corps of Engineers, Alaska District. The link to this document is the following:

http://dot.alaska.gov/creg/PDE/projects/CFAPT00310_Mertarvik_Newtok_Airport_Relocation/Mertarvik_Infrastructure_Development_FinalEIS_March2018.pdf

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.

The applicant has stated the following on their application:

a. Avoidance: “In order to provide necessary material for future developments in Mertarvik, complete avoidance of wetlands is not practicable, as the gravel resources are located within wetlands.”

b. Minimization: “The proposed quarry expansion area is located adjacent to an existing material site. Use of existing infrastructure and access routes to the site will avoid and minimize impacts to adjacent wetlands.”

c. Compensatory Mitigation: “Wetlands that are impacted by the proposed expansion are not considered rare, and do not support critical habitat or sensitive species of fish and wildlife” [and therefore no compensatory mitigation for this project is proposed].

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 no known cultural resources in the permit area or within the vicinity of the permit area. The permit area has been determined to be the proposed project footprint of 25.5 acres with the addition of a 500 foot circumferential area. Consultation of the AHRS constitutes the extent of cultural resource investigations by the Corps at this time, and we are otherwise unaware of the presence of such resources. The Corps has made a No Potential to Cause Effects determination for the proposed project. Consultation with the State Historic Preservation Office (SHPO) is not required, however, 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.

The project area is within the known or historic range of the Spectacled Eider (*Somateria fischeri*) and Steller's Eider (*Polystica stelleri*).

We are currently gathering information regarding these species and have yet to make a determination of effect. Should we find that the described activity may affect the species listed above, we will follow the appropriate consultation procedures under section 7 of the Endangered Species Act of 1973 (87 Stat. 844). Any comments the U.S. Fish and Wildlife Service or the National Marine Fisheries Service (NMFS) 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).

No EFH species are known to use the project area.

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)(l) 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 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 of Engineers

Enclosures

MICHAEL J. DUNLEAVY, GOVERNOR

STATE OF ALASKA

DEPT. OF ENVIRONMENTAL CONSERVATION
DIVISION OF WATER
Wastewater Discharge Authorization Program (WDAP) / 401 Certification

DEPARTMENT OF ENVIRONMENTAL CONSERVATION
WDAP/401 CERTIFICATION
555 CORDOVA STREET
ANCHORAGE, ALASKA 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 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.

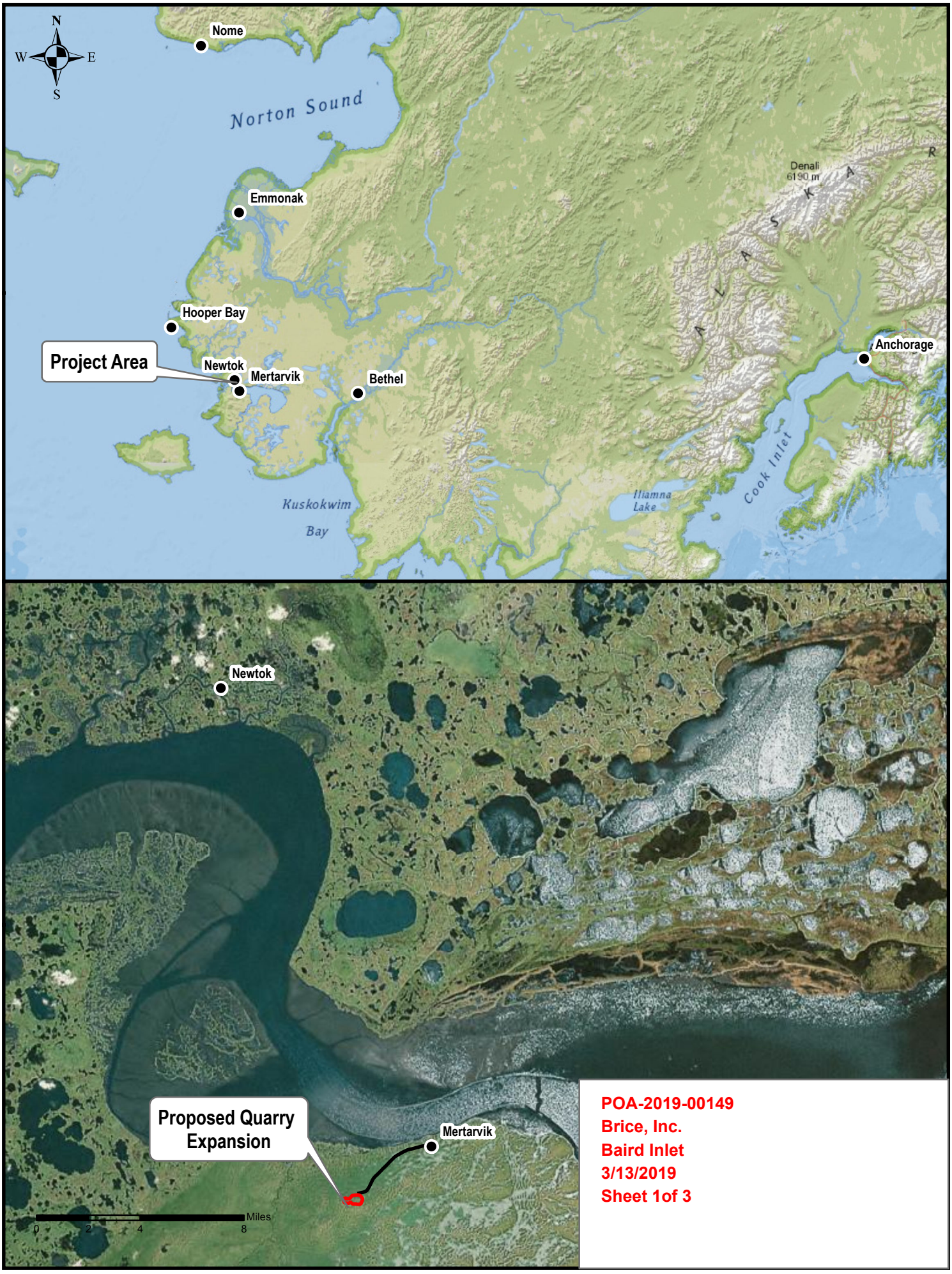
Notice is hereby given that the application for a Department of the Army Permit described in the Corps of Engineers' Public Notice (PN) Reference Number **POA-2019-00149 Baird Inlet** serves as application for State Water Quality Certification from the Department of Environmental Conservation.

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.

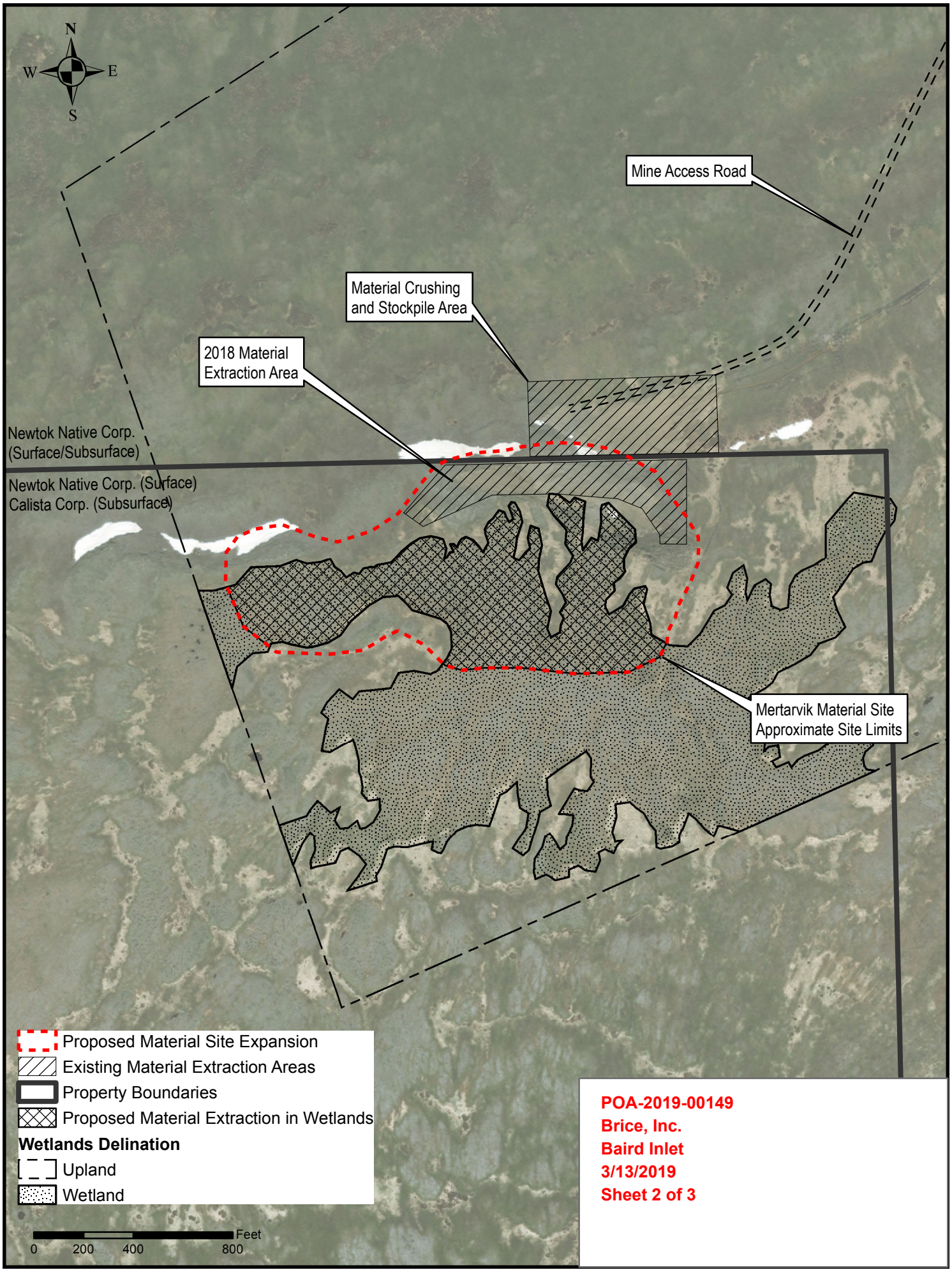
Any person desiring to comment on the project with respect to Water Quality Certification, may submit written comments to the address above or via email to dec-401cert@alaska.gov by the expiration date of the Corps of Engineer's Public Notice. All comments should include the PN reference number listed above. Mailed comments must be postmarked on or before the expiration date of the public notice.

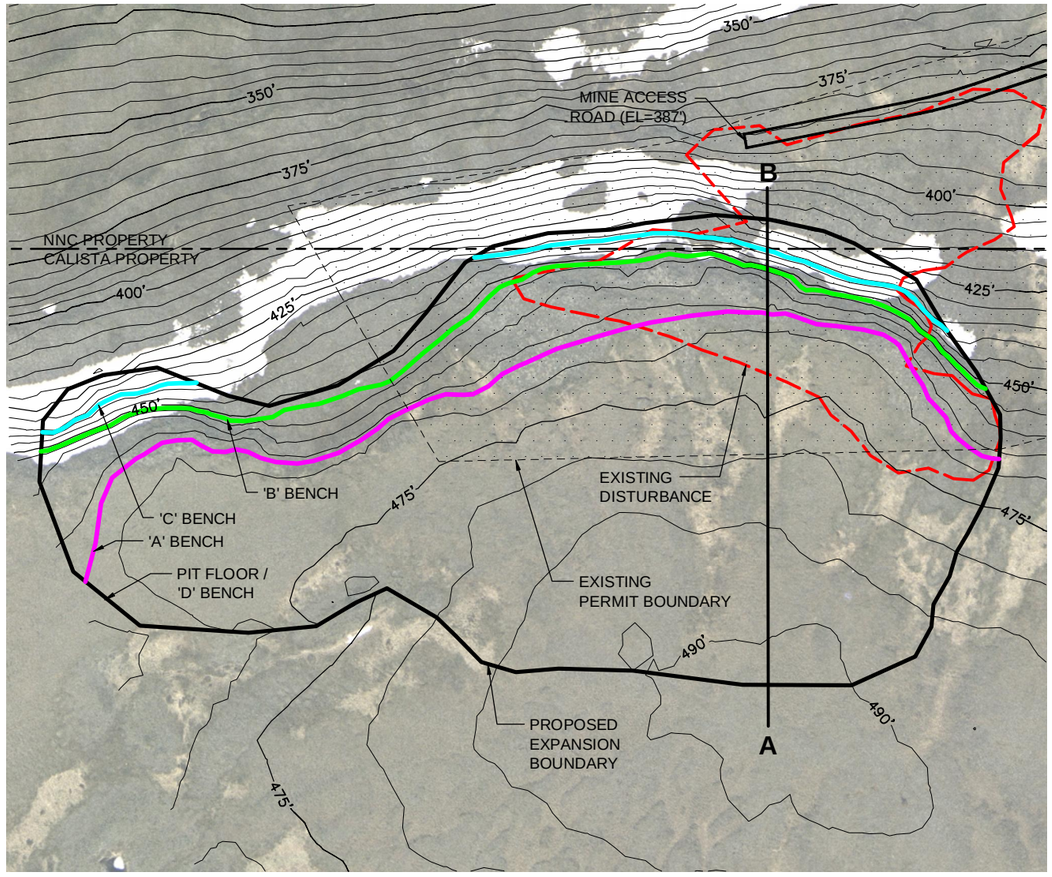
Disability Reasonable Accommodation Notice

The State of Alaska, Department of Environmental Conservation complies with Title II of the Americans with Disabilities Act 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 Theresa Zimmerman at 907-465-6171 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.



POA-2019-00149
Brice, Inc.
Baird Inlet
3/13/2019
Sheet 1of 3


N
W
E
S
Mine Access Road
Material Crushing and Stockpile Area
2018 Material Extraction Area
Newtok Native Corp. (Surface/Subsurface)
Newtok Native Corp. (Surface)
Calista Corp. (Subsurface)
Mertarvik Material Site Approximate Site Limits
Proposed Material Site Expansion
Existing Material Extraction Areas
Property Boundaries
Proposed Material Extraction in Wetlands
Wetlands Delination
Upland
Wetland
0
200
400
800
Feet
POA-2019-00149
Brice, Inc.
Baird Inlet
3/13/2019
Sheet 2 of 3

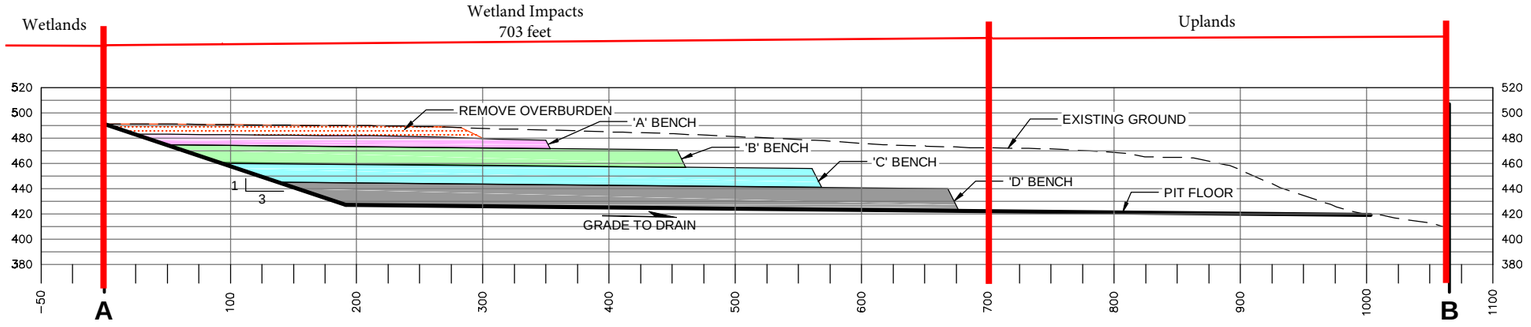


HILL 460 QUARRY PLAN VIEW
SCALE: 1"=150'

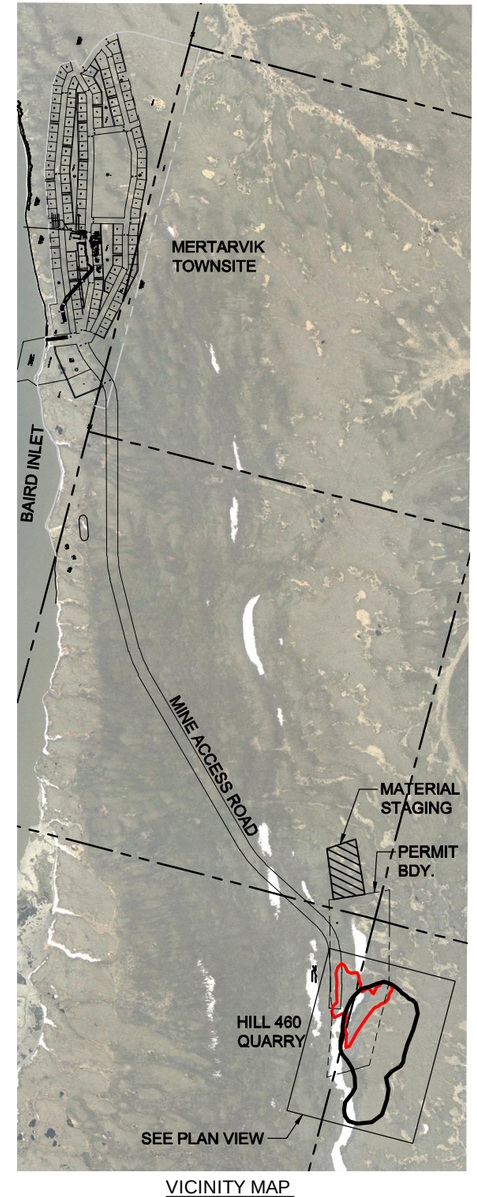
HILL 460 APPROXIMATE MATERIAL VOLUMES			
BENCH	TOTAL VOLUME (CY)	INTER-BURDEN WASTE (40%) (CY)	APPROX. USABLE VOLUME (CY)
A BENCH	131,500	52,600	78,900
B BENCH	469600	187,800	281,900
C BENCH	352,000	140,800	211,200
D BENCH	136,000	54,500	81,800
TOTAL	1,089,400	435,700	653,700

NOTES:

1. 40% INTER-BURDEN ACCOUNTS FOR UNKNOWN THICKNESS OF POOR QUALITY MATERIAL BETWEEN BASALT BEDROCK LAYERS.
2. PROPOSED BENCH HEIGHT OF 15 FEET IS BASED ON ANTICIPATED DRILLING AND BLASTING PLAN FOR 2018 DEVELOPMENT. FINAL HEIGHT AND WIDTH SHOULD BE BASED ON MAINTAINING SLOPE STABILITY AND ON THE TYPE OF EQUIPMENT USED.
3. NUMBER OF BENCHES IS BASED ON MAXIMUM ELEVATION OF PROPOSED PIT EXPANSION BOUNDARY AND 15-FOOT BENCHES.
4. PIT FLOOR SHOULD BE GRADED TO DRAIN AWAY FROM THE ACTIVE WORKING AREA SO STANDING WATER DOES NOT ACCUMULATE.
5. FINAL GRADED SLOPES ARE ASSUMED TO NOT EXCEED 3H:1V FROM EXISTING GROUND TO MAINTAIN STABILITY AND PROMOTE REVEGETATION DURING RECLAMATION.
6. ACQUIRE ALL REQUIRED PERMITS FOR DISTURBANCE OUTSIDE OF EXISTING PERMIT BOUNDARY. DISTURBANCE INTO UPLAND AREAS DOES NOT NEED TO BE INCLUDED IN USACE WETLAND PERMITS.
7. LIFE-OF-MINE PLAN IS BASED ON ESTIMATED VOLUME TO ACCOMMODATE APPROXIMATE DEMAND OF STRUCTURAL FILL FOR MERTARVIK INFRASTRUCTURE THROUGH 2021. PLAN MAY CHANGE DEPENDING ON ADDITIONAL INFORMATION, ANALYSES, OR INPUT FROM BLASTING ENGINEERS. DETAILED SHORT-TERM MINE PLANS SHOULD BE PREPARED PRIOR TO THE START OF EACH SEASON.



SECTION A-B
SCALE: 1"=60'



VICINITY MAP
SCALE: 1" = 1,000'

REVISIONS			
REV	DATE	DESCRIPTION	BY

POA-2019-00149
Brice, Inc.
Baird Inlet
3/13/2019
Sheet 3 of 3

PROJECT	622510.01
DATE	02/21/2018
SHEET	1 OF 1

Introduction

This rehabilitation plan has been prepared for the proposed expansion of the "Hill 460" gravel material site in Mertarvik, Alaska. This plan follows the protocols described in the *Mertarvik Quarry Development Plan* (QDP) prepared by DOWL in February 2018. This plan incorporates all relevant elements of the rehabilitation plan described therein without modification, and has been expanded where necessary for the purpose of satisfying requirements of the U.S. Army Corps of Engineers Section 404 permit for the material site.

Site Description

The material site is located 2.0 miles southwest of the new community of Mertarvik. Access to the site is via the gravel Mine Access Road. The material site has been under development for several years and thus far has been limited to upland areas. The current footprint of the material site's ground disturbance is approximately 20 acres. The proposed expansion would increase the footprint of the site by 28.5 acres, of which 14.6 acres are wetlands. Vegetation surrounding the site consists of a mosaic of upland and palustrine scrub-shrub tundra vegetation typical to coastal southwest Alaska. Nearby drainages support dense willows up to eight-feet high. The ridgetop at the site is covered with grassy tussock tundra comprised predominately of short grasses, mosses, and lichen.

Rehabilitation Plan

Goals / Post Mining Land Use

Post-mining land use refers to the landowner's intended use of the affected property after final site closure. It determines the baseline for interim and final rehabilitation goals. The post-mining land use for property disturbed by gravel mining activities near Mertarvik is to return the land to its pre-mining condition by reestablishing original habitat. The post-mining land use also takes into account the mitigation requirements of the Section 404 permit.

Interim Rehabilitation

Interim rehabilitation will be performed for areas that have been disturbed by mining or mining-related activities but current mining activities have temporarily or permanently ceased. Interim rehabilitation helps reduce the amount of land exposed to water and wind erosion, helps reestablish water drainageways, and expedites returning disturbed land back to the designated post-mining land use. The following are examples of situations where interim rehabilitation would be implemented:

- All mining activities have temporarily ceased at winter shut-down with the intention of restarting in the spring.
- Mining activity is temporarily postponed in an area but the miner has full intention of returning to continue production. This could occur if a project requires a specific quality or size of material or if mining in a specific location reduces haul lengths.
- Mining is completed in a portion of a larger mining area and the miner does not need to return. Reclaiming smaller portions as resources are exhausted is economical, can have higher revegetation success rates, and reduces the rehabilitation burden at the end of mining.

Interim rehabilitation of land that is expected to be re-disturbed will be handled using Best Management Practices (BMPs) from the project-specific Storm Water Pollution Prevention Plan

(SWPPP), and could include use of straw waddles, mulch, temporary seeding, equipment tracking, etc. Rehabilitation in areas where mining is complete will follow procedures of Final Rehabilitation, excluding site closure.

Final Rehabilitation

Final rehabilitation is intended to reintegrate disturbed land back to its designated post-mining land use and achieve long-term stabilization. The post-mining land use for all sites disturbed during gravel production is to return the land to pre-mining condition.

Final rehabilitation tasks include:

- Reduce highwalls to stable slopes;
- Remove or reclaim temporary stormwater control structure(s);
- Reestablish natural drainages; and
- Reestablish natural vegetation.

Final rehabilitation will occur at the completion of all mining operations. All haul roads and man-made structures, unless specifically requested by the landowner for post-mining land use, will be removed.

The final site terrain will be graded to make sure all areas blend in with the surrounding terrain. To promote ground stability, no slopes will exceed 3H:1V grades. Any available topsoil and organics from disturbed areas will be redistributed from stockpiles as evenly as possibly to help promote successful long-term revegetation.

Seeding mixtures will consist of native vegetation proven to establish quickly in similar tundra environments. Natural encroachment of vegetation onto reclaimed areas is expected and will be encouraged where possible. Vehicle and/or equipment use on newly graded and reseeded areas will be discouraged using signage and flagging where practical.

Revegetation *Plan and Standards*

Mertarvik is an Inland Coastal Zone of Western Alaska according to the *Alaska Coastal Revegetation and Erosion Control Guide* published in 2013 by the State of Alaska Plant Materials Center. This manual uses past revegetation projects as case studies to recommend successful revegetation methods by coastal region in Alaska. It can be used as a reference for procedures and techniques for site preparation, seeding, fertilization, plantings, etc.

Overburden, inter-burden, organics, and other material not useable as gravel or rock products will be stockpiled along the northern boundary of the site, within the permitted project footprint, throughout mining for use as backfill in rehabilitation. R&M Engineering, in the 2009 geotechnical reconnaissance investigation (Appendix C of the QDP), classified this material as soil type ML (silt) to MH (elastic silt) using the Unified Soil Classification System (USCS) and visual-manual methods (ASTM D2488). Recommended primary species suitable for this soil type and in this region include, but are not limited to:

- “Arctared” red fescue;
- “Norcoast” Bering hairgrass;
- “Alyeska” polargrass;

These species have good success rates in both moist and average soil profiles. Primary species will account for 80 to 100 percent of the seed mix. Secondary species, such as “Sourdough”

bluejoint reedgrass, represent a small portion of the mix but add a degree of variability for diversity, which increases success rates. Each secondary species used will not take up more than 5% of the total seed mix, with the exception of "Sourdough" bluejoint reedgrass which will represent at least 5% of the total seed mix.

The revegetation plan includes the following (after completion of earthwork):

- Fertilize the site using shoulder-held broadcast spreaders with a standard granular 20-20-20 Nitrogen-Phosphorus-Potassium (N:P:K) fertilizer applied at a rate of 450 pounds per acre;
- Seed the area with approved seed mix at a rate of 40 pounds per acre; and
- Rake the area to incorporate the seed and fertilizer into the soil.

All seed used for revegetation at the site will be purchased from State of Alaska-certified distributors (contact the Alaska Plant Materials Center at 907-745-4469 for assistance). Seeding methods are defined in the *Alaska Coastal Revegetation and Erosion Control Guide* for the Western Alaska Coast.

Annual Rehabilitation Monitoring

A Brice, Inc. representative will perform yearly monitoring at the site until performance standards are achieved. Monitoring will take place during the growing season. A summary of status of rehabilitation, including site photos, will be provided to the Corps describing the site's compliance with this plan. Anticipated rehabilitation timing and performance standards for revegetation are shown in the table below.

	Activity	Performance Standard
2019	Active mining	None
2020	Active mining; Begin interim rehabilitation in completed areas	None
2021	Active mining; Continue interim rehabilitation in completed areas	70% cover in interim rehabilitation areas
2022	Begin final rehabilitation (regrading and revegetation)	70% cover in interim rehabilitation areas
2023	Continue final rehabilitation (monitoring)	70% native perennial background vegetation cover on entire site