



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

<b>PUBLIC NOTICE DATE:</b>	<b>July 31, 2018</b>
<b>EXPIRATION DATE:</b>	<b>August 15, 2018</b>
<b>REFERENCE NUMBER:</b>	<b>POA-2018-00240</b>
<b>WATERWAY:</b>	<b>Alstrom Creek</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 (U.S.) as described below and shown on the enclosed project drawings.

All comments regarding this Public Notice (PN) 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 PN reference number listed above.

All comments should reach this office no later than the expiration date of this PN to become part of the record and be considered in the decision. Please contact Mary Romero at (907) 753-2773, toll free from within Alaska at (800) 478-2712, by fax at (907) 753-5567, or by email at [mary.r.romero@usace.army.mil](mailto:mary.r.romero@usace.army.mil) if further information is desired concerning this notice.

**APPLICANT:** City of St. Mary's, PO Box 209, St. Mary's, Alaska 99658, POC Walton Smith, (907) 438-2515, or [waltonksm@yahoo.com](mailto:waltonksm@yahoo.com)

**AGENT:** Herschleb Consulting LLC, 440 E. 56th Ave., #A, Anchorage, Alaska 99518, POC Anne Herschleb, (907) 301-4892, or [anne@anneherschleb.com](mailto:anne@anneherschleb.com)

**LOCATION:** The project site is located within Sections 27 & 28, T. 23 N., R. 76 W., Seward Meridian; USGS Quad Map Kwiguk A-3; Latitude 62.0558° N., Longitude 163.2083° W.; approximately 1.2 miles northwest of St. Mary's, Alaska.

**PURPOSE:** The applicant's stated purpose is to continue developing a gravel material source in an area that has been used for this purpose since 1985.



PROPOSED WORK: This proposal seeks to bring into compliance an active gravel material source that has been utilized since 1985. The mechanized land clearing previously occurred within approximately 17.5 acres of Palustrine wetlands and a new proposal would involve the mechanized land clearing of an additional 1.3 acres of wetlands for a total impact to 18.8 acres of wetlands to continue developing a material gravel source in the St. Mary's area.

Each year for the next five years the city plans to extract 25,000 cubic yards of material for projects around the community. All work would be performed in accordance with the enclosed plan (sheets 1-12), dated July 25, 2018.

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

a. Avoidance: The NWI map indicates most of the area around St. Mary's is wetlands. The City of St. Mary's plans to leave a wide greenbelt between the pit and Alstrom Creek so no runoff would go into the creek.

b. Minimization: The pit would only be expanded to the extent necessary to excavate gravel for projects in the community.

c. Compensatory Mitigation: The City of St. Mary's would be leveling and sloping material from the overburden stockpiles to make certain there is no erosion or sediment upon completion of reclamation of the pit. They will also make certain that there are no standing pools of water. Compensatory mitigation is not offered.

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 cultural resources in the permit area or within the vicinity of the permit area. The permit area has been determined to be the complete gravel material borrow site as previously developed and including the new proposal. Consultation of the AHRs constitutes the extent of cultural resource investigations by the 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). 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 Corps is requesting the SHPO's concurrence with this determination.



ENDANGERED SPECIES: No threatened or endangered species are known to use 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).

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 PN 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 of Engineers

Enclosures



**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](mailto: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-2018-00240, Alstrom Creek**, serves as application for State Water Quality Certification from the Department of Environmental Conservation.

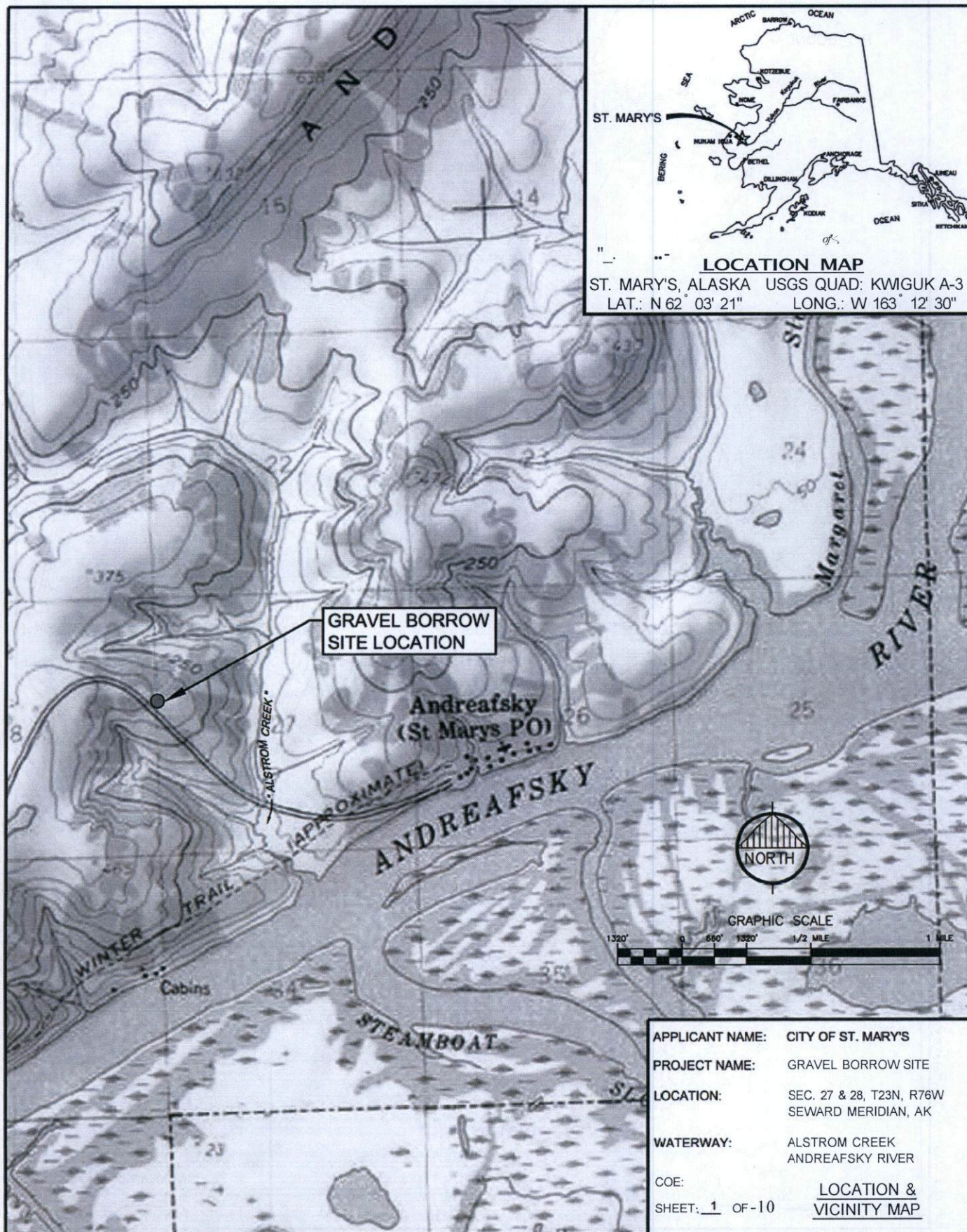
After reviewing the application, the Department may certify there is reasonable assurance the activity, and any discharge that might result, will comply with the Clean Water Act, the Alaska Water Quality Standards, and other applicable State laws. The Department also may deny or waive certification.

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](mailto: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**

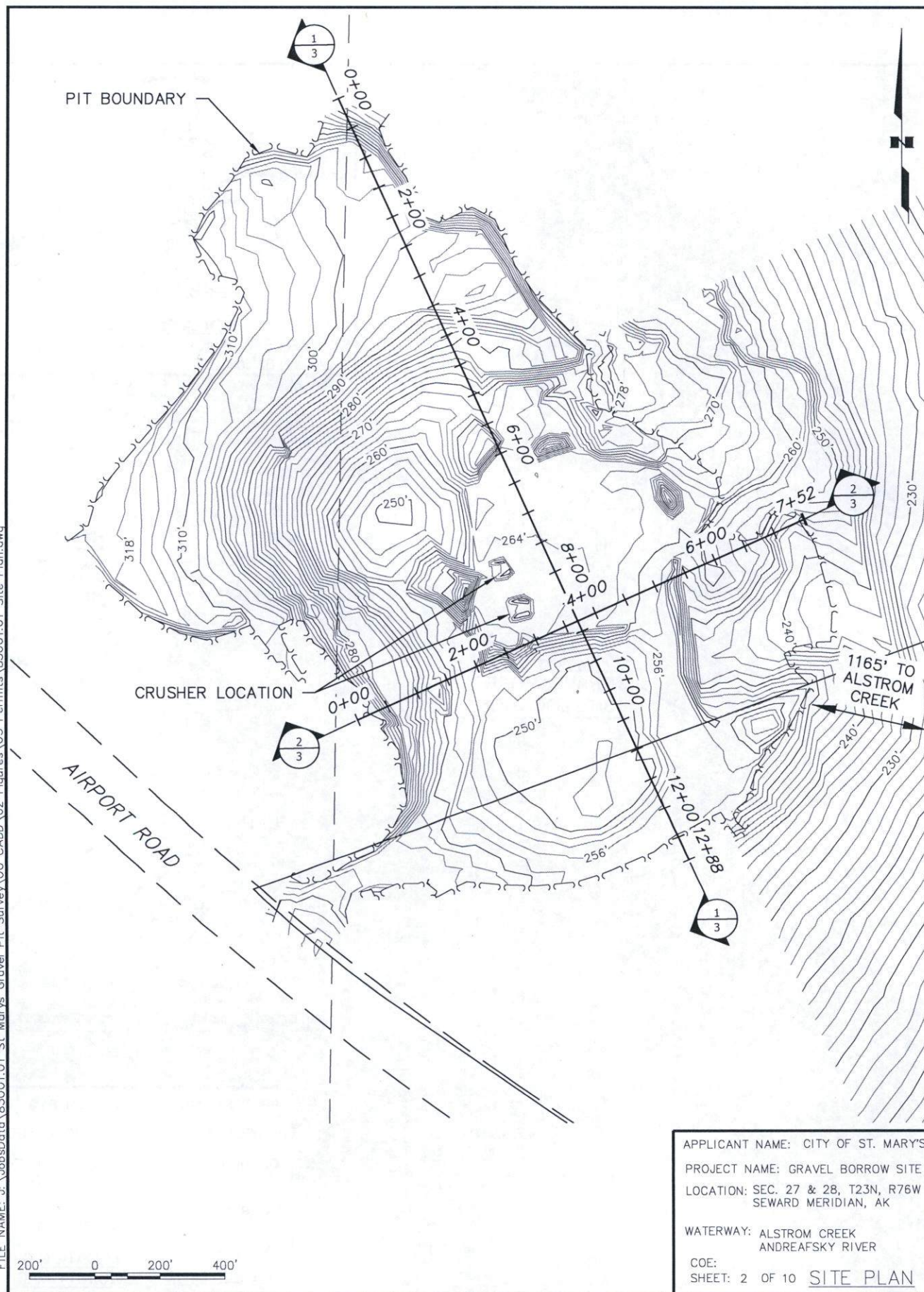
The State of Alaska, Department of Environmental Conservation complies with Title II of the Americans with Disabilities Act of 1990. If you are a person with a disability who may need special accommodation in order to participate in this public process, please contact Theresa Zimmerman at 907-465-6171 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.





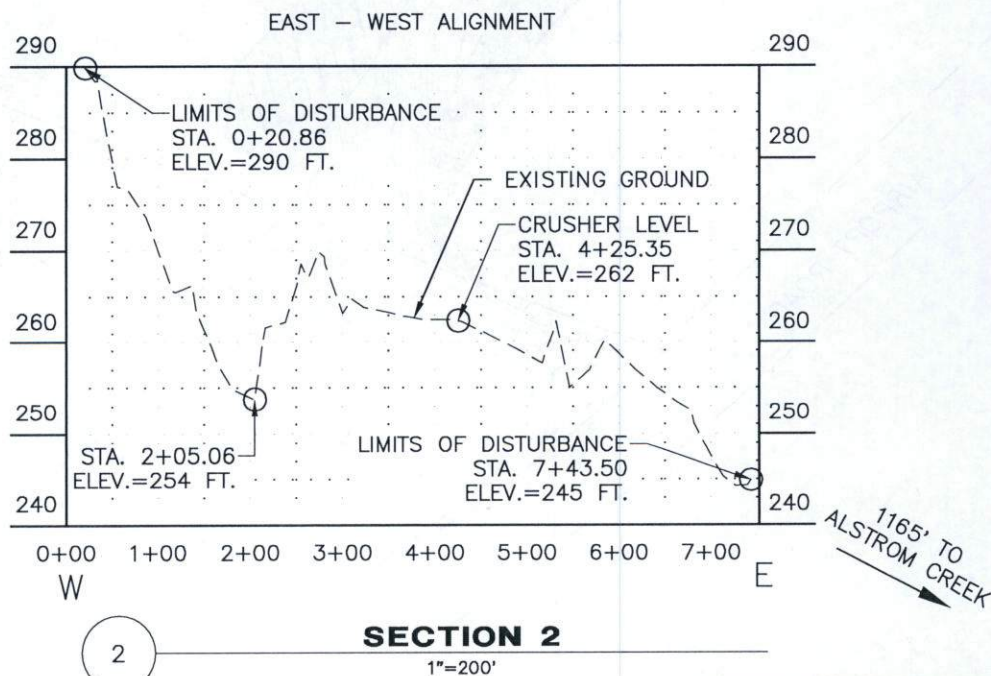
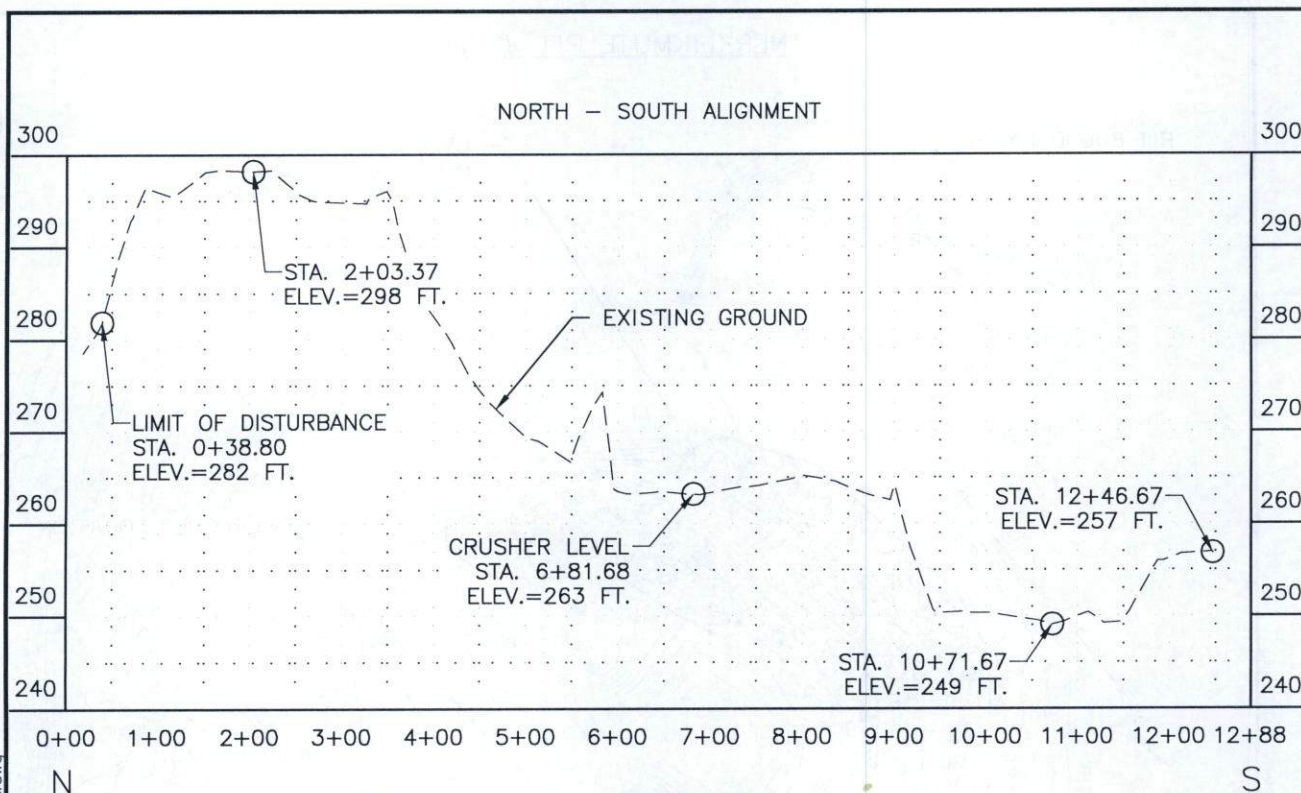


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APPLICANT NAME: CITY OF ST. MARY'S  
PROJECT NAME: GRAVEL BORROW SITE  
LOCATION: SEC. 27 & 28, T23N, R76W  
SEWARD MERIDIAN, AK  
WATERWAY: ALSTROM CREEK  
ANDREAFSKY RIVER  
COE:  
SHEET: 3 OF 10 SECTIONS

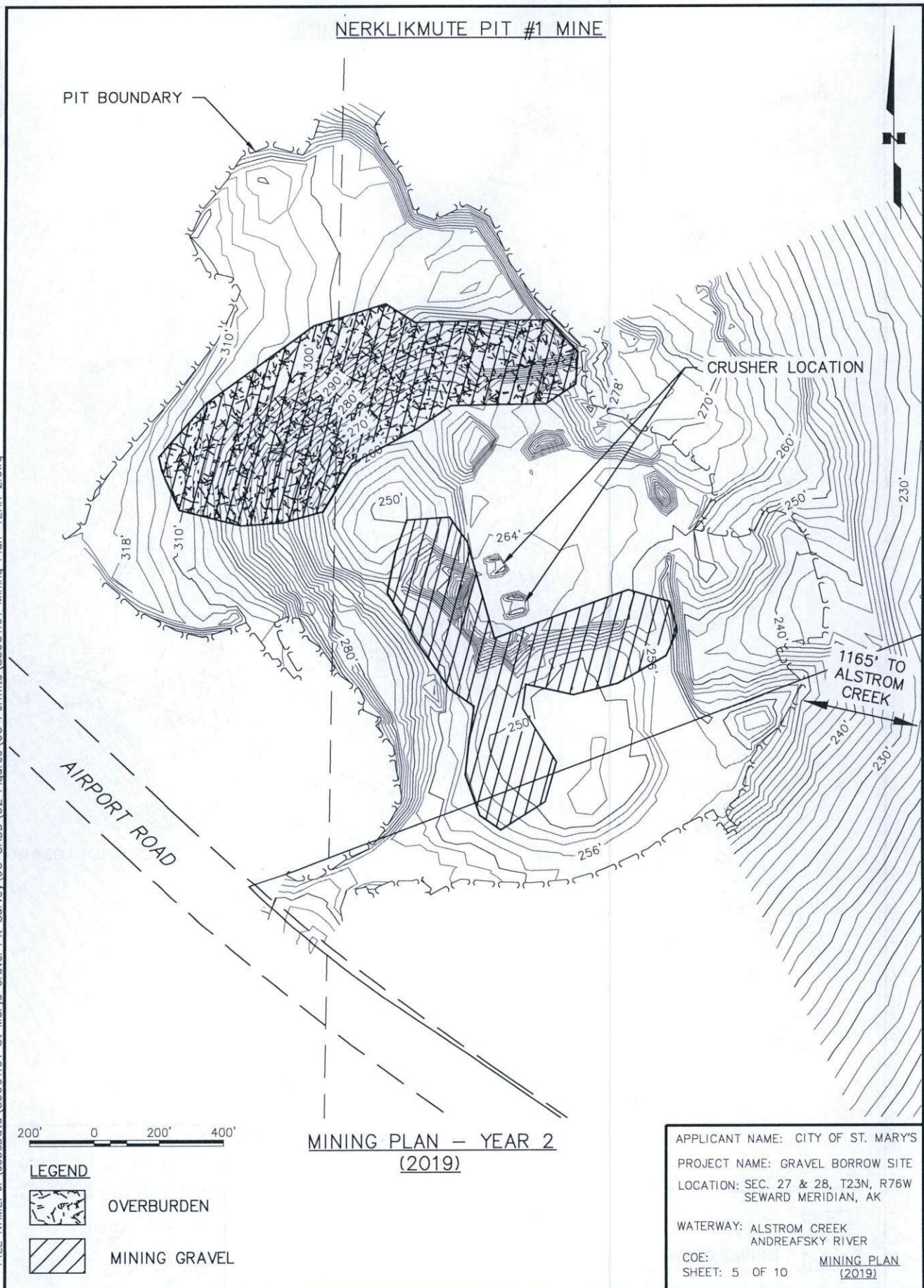


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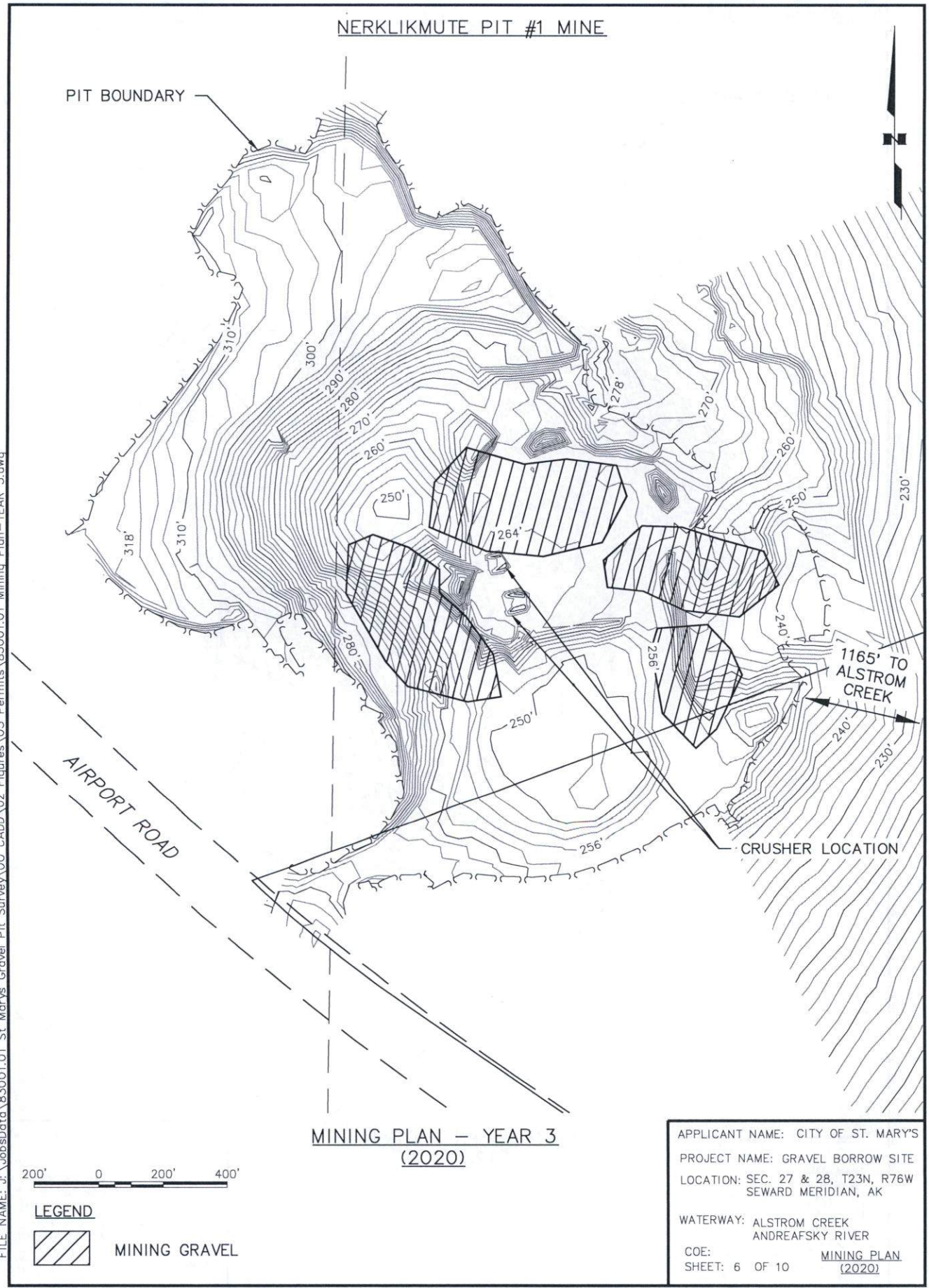


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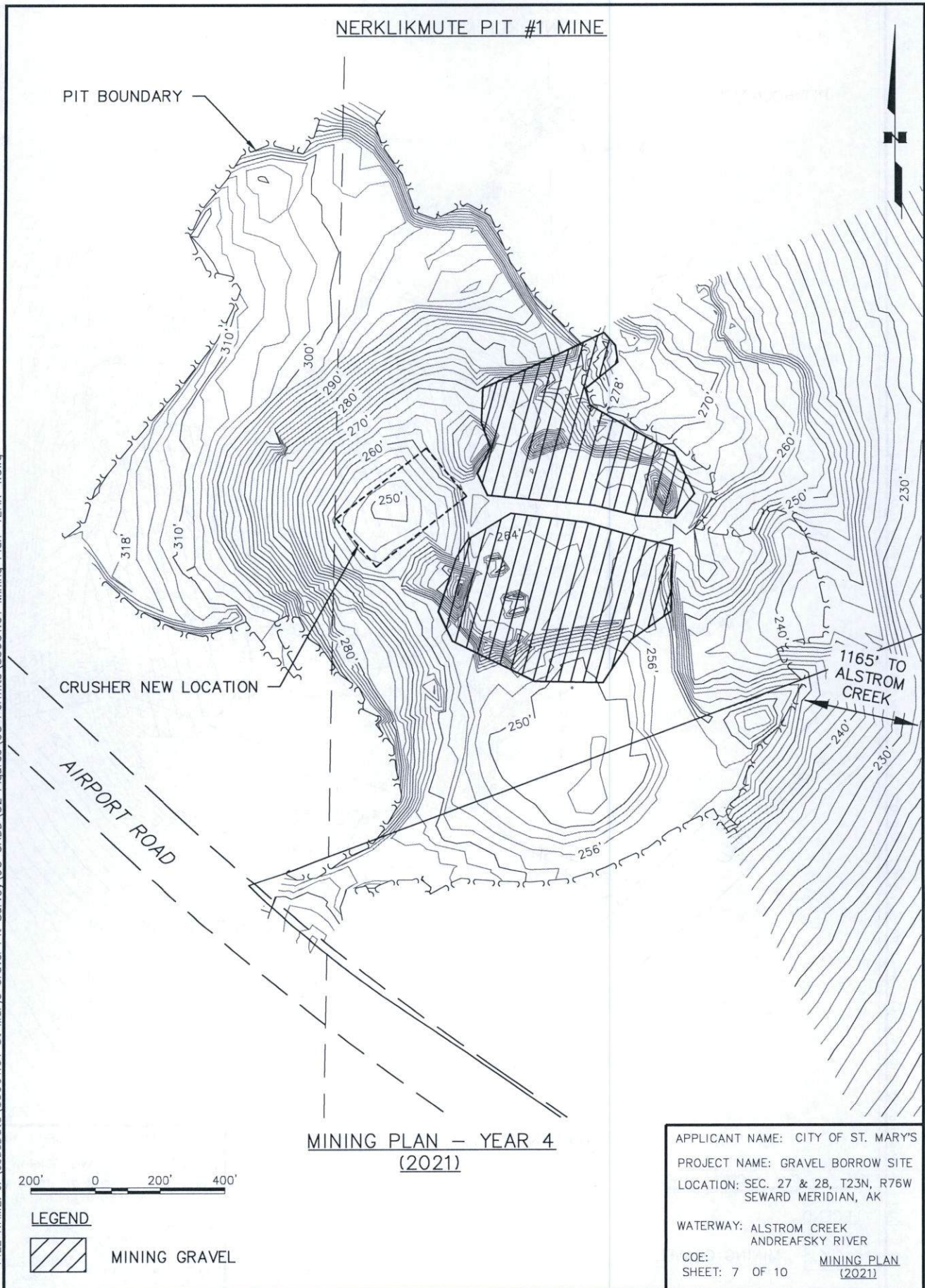
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APPLICANT NAME: CITY OF ST. MARY'S  
PROJECT NAME: GRAVEL BORROW SITE  
LOCATION: SEC. 27 & 28, T23N, R76W  
SEWARD MERIDIAN, AK  
  
WATERWAY: ALSTROM CREEK  
ANDREAFSKY RIVER  
COE:  
SHEET: 6 OF 10  
MINING PLAN  
(2020)

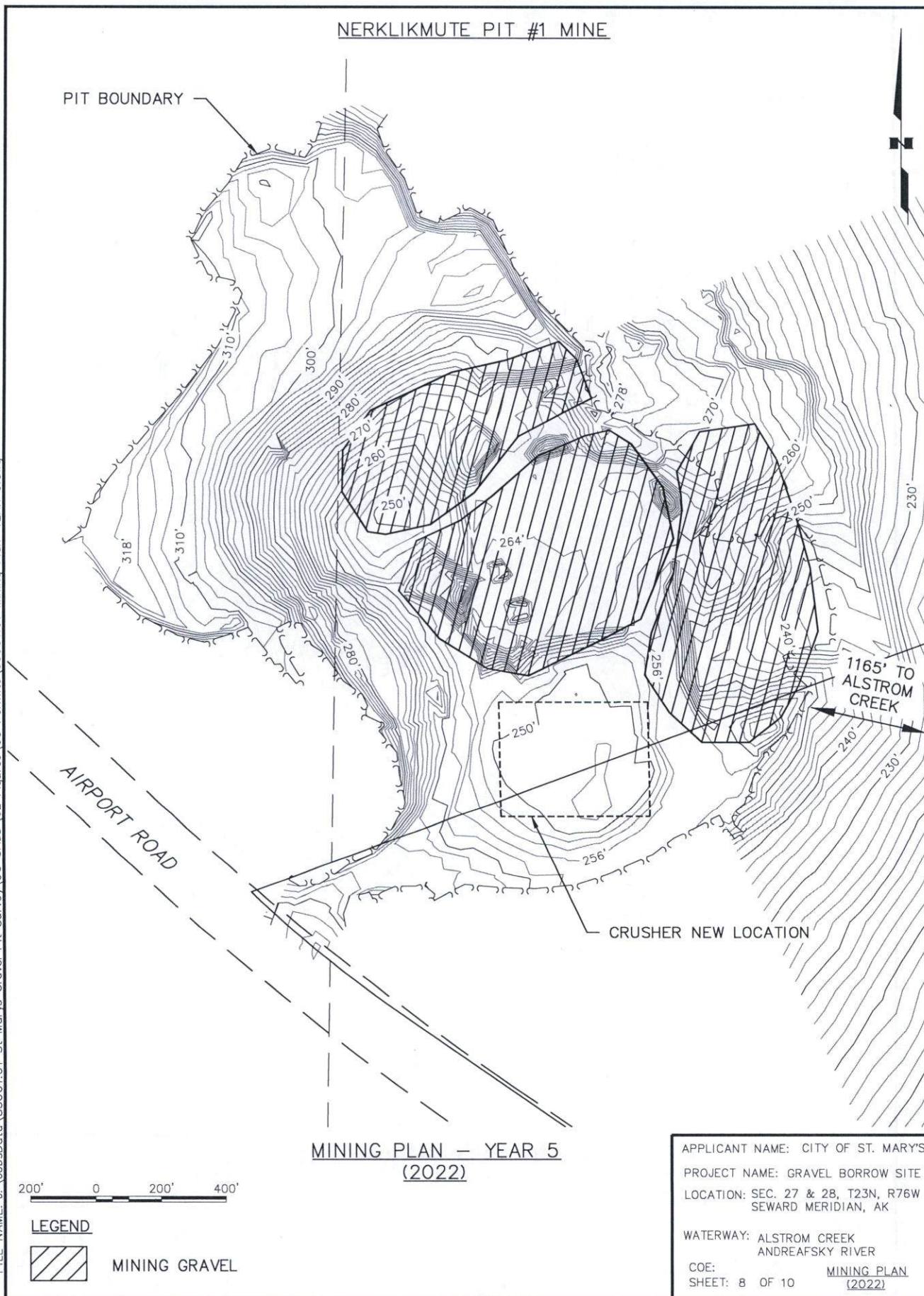


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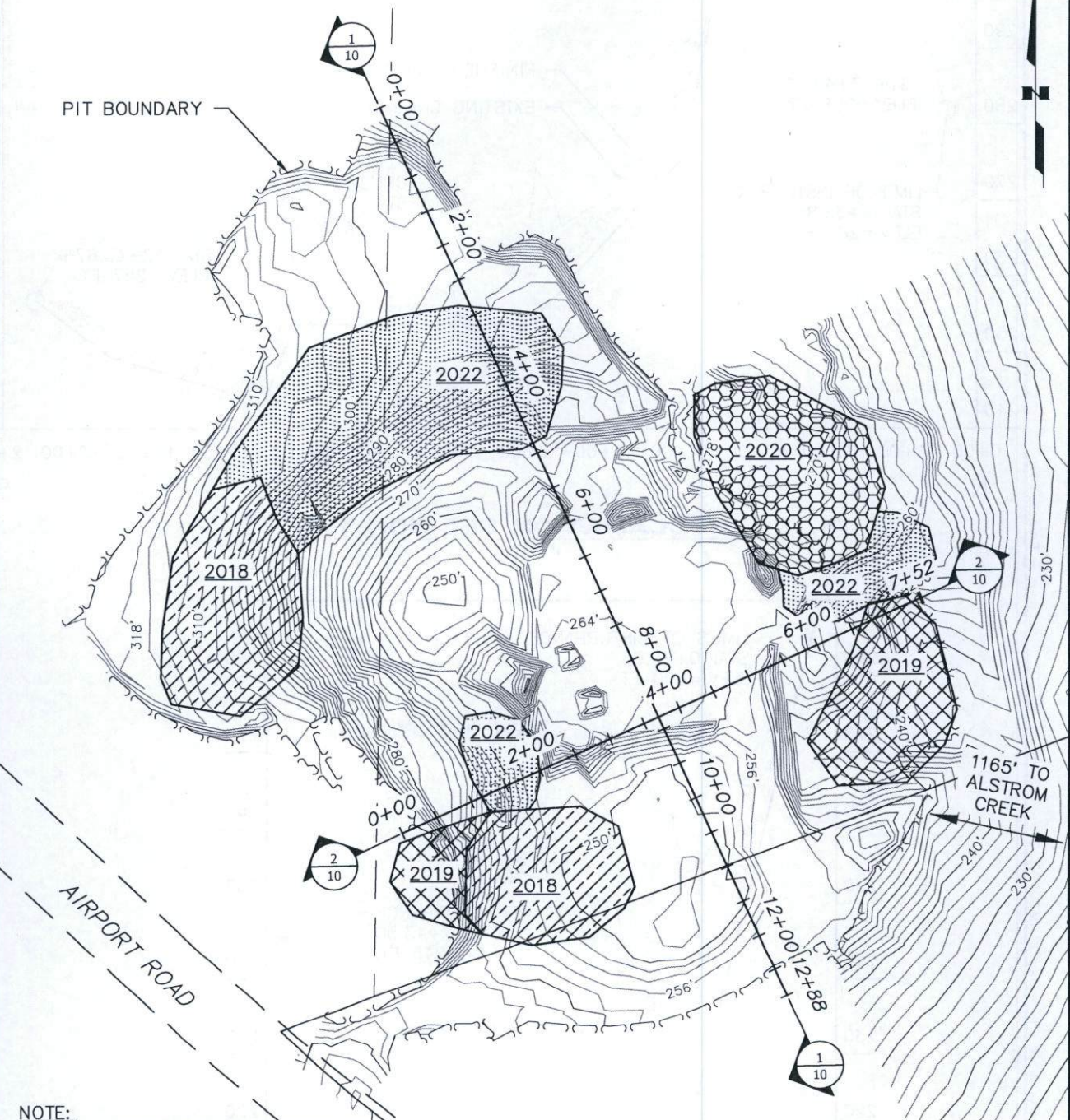
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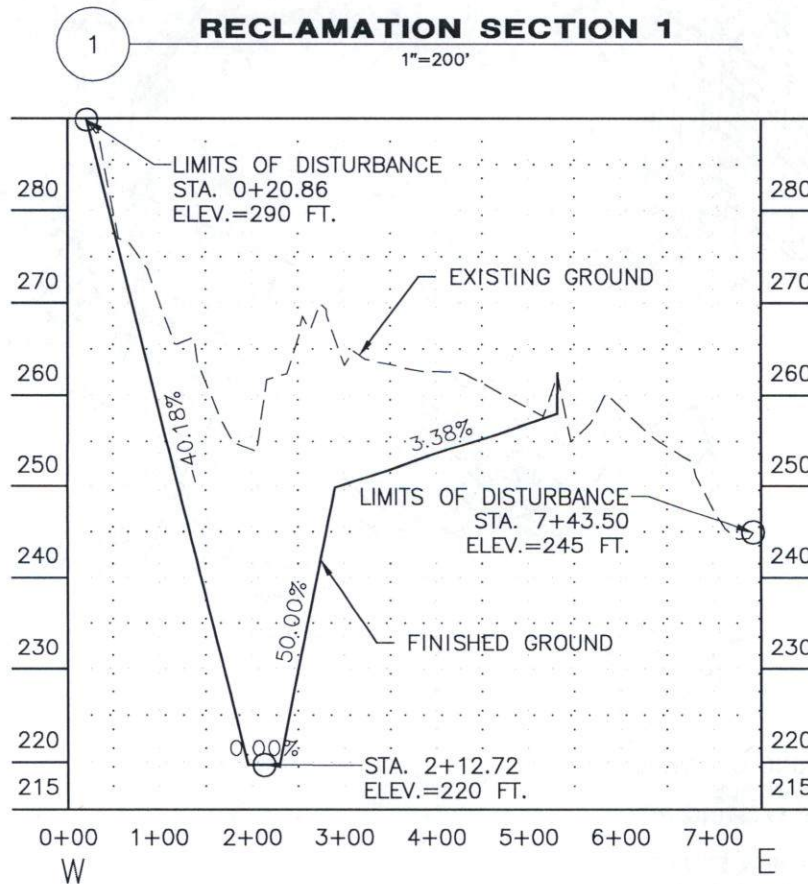
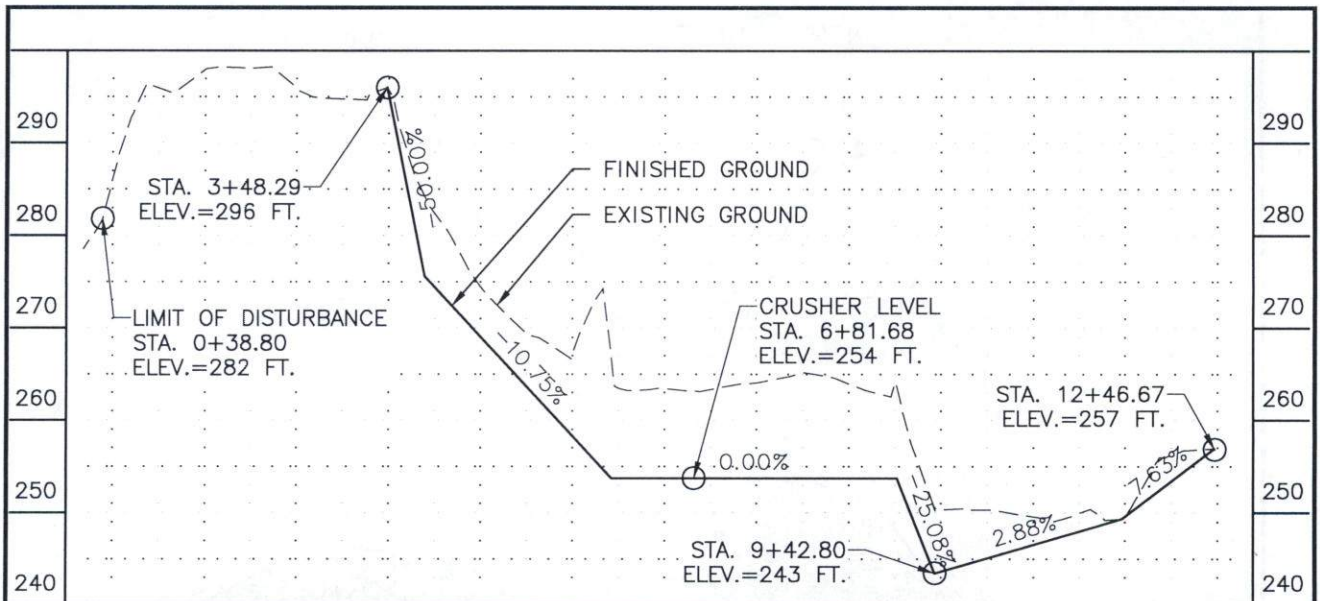
# NERKLIK MUTE PIT #1 RECALAMATION

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APPLICANT NAME: CITY OF ST. MARY'S  
PROJECT NAME: GRAVEL BORROW SITE  
LOCATION: SEC. 27 & 28, T23N, R76W  
SEWARD MERIDIAN, AK  
WATERWAY: ALSTROM CREEK  
ANDREAFSKY RIVER  
COE:  
SHEET: 10 OF 10 SECTIONS



City of St. Mary's, Alaska

P.O. Box 209

St. Mary's, AK 99658

(907) 438-2515 Fax (907) 438-2719

July 10, 2018

**Mining and Reclamation Plans  
For Nerklikmute Pit #1**

**Mining Plan:**

(See Mining Plan figures, attached)

The Mining Plan assumes 25,000 cubic yards mined per year for five years. The accompanying figures show the Plan for the 2018-2022.

The City of St. Mary's gravel pit is located on a hillside; the deepest point in the pit is approximately 15' below the crusher level. We plan to remove more gravel around the low-point in the pit and move the crushers to the lower area by 2021. This will enable gravel to be pushed downhill to the crusher, as we continue to bench this area of the pit. The current disturbed area is approximately 18.8 acres.

The pit design is such that all water runoff from the disturbed area of the pit, flows toward our excavated area. The pit does not retain water during or after spring breakup. It percolates through the lowest level of rock in the pit. Additionally, the disturbed area is over 1100' distant from the closest water body, Alstrom Creek, which is the City's water source. The 1100' buffer area is a very thick mat of tundra vegetation between the pit and Alstrom Creek consisting of moss, lichens, willows, and dwarf birch. There is also a slight rise or ridge between the pit and the creek that would act to divert any water flowing from the pit. Even if stormwater was allowed to run toward the creek, the vegetative buffer and the ridge would prevent the runoff from reaching the creek. There is no off-site stormwater runoff, therefore, is no need for a SWPPP for the pit operations. We do stress that the all mining and equipment maintenance operations in the pit utilize best management practices (BMPs) for runoff and containment of fuels and other hazardous materials.

**Reclamation Plan**

(See Reclamation Plan figures, attached)

Reclamation will take place when all the gravel that is possible to mine is mined out, not necessarily at the end of the above five year Mining Plan. The intent is to develop a large flat benched area to the limits of the pit with a 2:1 sloped area to the north and west of the existing pit. We will be actively storing overburden as well as hauled out clean spoils from future community water and sewer (and other possible) projects prior to final



reclamation. The locations for these spoil piles will be such that any water flowing off the spoil piles will also flow into the pit, not onto to the tundra.

Reclamation will be completed when we have the mine at a single bench. We will continue to bench down the disturbed area of the pit until such time as we reach the level of our present excavation low point, or until we cannot move any more gravel from the pit. Given the depth of overburden we are now at, we will have more than enough to cover the area pit with 8" or more of soil.

Notes:

1. Our surveyed plan and profile sheets are existing profiles as of June 30, 2018. The profiles include many thousands of cubic yards of overburden. Therefore, our next profile will reflect not only gravel removal, but the removal and stockpiling of overburden.
2. The pit is located over 2,600 linear feet from the nearest occupied structure, and our stationary diesel generates about 250KW. Therefore, our air quality permit requirements are not extensive.