



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: November 29, 2017

EXPIRATION DATE: December 29, 2017

REFERENCE NUMBER: POA-2017-531

**WATERWAY: Unnamed Tributary Of The Kobuk
River**

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 choose to submit your comments by email, please send to the Project Manager's email listed below. All comments should include the reference number shown 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 Ms. 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: Berenda Newlin, Noorvik Native Community, Post Office Box 209, Noorvik, Alaska 99763, Tel. 907-636-2144, email: transportation@nuurvik.org

AGENT: Lucas Gasek, DOWL, 4041 B Street, Anchorage, Alaska 99503 907-562-2000, Tel. 907-562-2000, email: lgasek@dowl.com

LOCATION: The project site is located within Section 3, T. 16N., R. 10W., Kateel River Meridian; USGS Quad Map Cape Flattery; Latitude 66.8112° N., Longitude 160.8174° W.; near Noorvik, Alaska.

PURPOSE: Expand the mine site to supply the community of Noorvik with more material to maintain and develop their infrastructure.

PROPOSED WORK: The material site was first opened by the Noorvik Native Community and mined for gravel that was used in the construction of village infrastructure and residential housing. Subsequently, in the 1980's, the State of Alaska Department of Transportation and Public Facilities further mined the material site to construct the Noorvik Airport Relocation and Hotham Peak Road projects. This application is for the entire 39.1-acre material site, including the previously mined, currently mined, and future proposed mining areas.

MINING PHASE	ACRE	CUBIC YARDS	YEAR	DISTURBANCE
Phase 1	13.4	68,000-72,000	<2015	Disturbed
Phase 2	5.0	82,450	Currently used	Disturbed
Phase 3	1.2	35,000	2018	Undisturbed
Phase 4	4.5	88,000	2019-2021	Undisturbed

Overburden, Other	15.0		<2015 - Current	Disturbed
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TOTAL	39.1
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All work would be performed in accordance with the enclosed plan (sheets 1-2), dated October 9, 2017.

ADDITIONAL INFORMATION: The Native Village of Noorvik assisted by the NANA Regional Corporation prepared a Mining Plan of Operations and Reclamation ("Plan") that was approved by the State of Alaska Department of Natural Resources on September 15, 2017. The Plan will be attached electronically to this public notice, located on the US Army Corps of Engineers (Corps) public website.

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: Best Management Practices are used to minimize impacts to surrounding wetlands including earthen berms that are regularly inspected and maintained. The material site is overall convex in shape to reduce the chance of runoff impacting surrounding water bodies.
- b. Minimization: The overburden was pushed to create a natural vegetated buffer between the material site and the unnamed stream to the east. Interim reclamation will occur throughout mining, and final reclamation is expected to be complete in the end of 2022. The material site will be graded/backfilled with no greater than 3:1 slopes and then topsoil, as available, will be spread evenly over the area. Seeding will occur in spring or fall if necessary.
- c. Compensatory Mitigation: No compensatory mitigation has been proposed by the applicant.

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. 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.

ENDANGERED SPECIES: The project area is within the known or historic range of the Polar bear (*Ursus maritimus*).

We are currently gathering information regarding this 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. Accordingly, we have determined the described activity would not adversely affect EFH.

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 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
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-2017-531, WATERWAY**, 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.

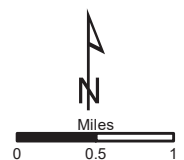


Applicant: Noorvik Native Community
 File No.: POA-XXXX-XXXX
 Waterway: Unnamed Tributary to the Kobuk River
 Proposed Activity: Material Site Expansion
 Sec 3, T 16 N, R 10 W Kateel River Meridian
 Lat.: 66.811291° N Long.: -160.817479° W
 Sheet: XXX

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 Noorvik Native Community
 Unnamed Tributary, Kobuk R.
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Date: 10/9/2017

-  Project Area
-  Hotham Peak Road



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Project Area

PHASE 4
(Planned
2019-2021)

PHASE 1
(Mined 2011-2015)

PHASE 2
(Mined 2016-2017)

PHASE 3
(Planned 2018)

Unnamed Creek





Hotham Peak
Road



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 Unnamed Tributary, Kobuk R.
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Date: 10/9/2017

PHASE

-  1
-  2
-  3
-  4

-  Project Area
-  Hotham Peak Road

