



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:	May 24, 2019
EXPIRATION DATE:	June 8, 2019
REFERENCE NUMBER:	POA-2019-00229
WATERWAY:	Saint Michael Bay

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 Jason Berkner at (907) 753-5778, toll free from within Alaska at (800) 478-2712, by fax at (907) 753-5567, or by email at Jason.R.Berkner@usace.army.mil if further information is desired concerning this notice.

APPLICANT: Norton Sound Health Corporation

AGENT: DOWL

LOCATION: The project site is located within Section 25 of Township 23 South, Range 18 West, Kateel River Meridian; USGS Quad Map St. Michael B-1; Latitude 63.48° North and 162.04° West; in St Michael, Alaska.

PURPOSE: The applicant's stated purpose is to construct a new health clinic in St. Michael. The project would improve medical services for residents of St. Michael by replacing the old clinic, which is inadequate to meet the needs of residents due to size limitations.

PROPOSED WORK: The proposed project would result in a discharge of fill material into approximately 0.67-acre of wetland for the construction of a gravel pad. The primary gravel pad would measure approximately 120 feet by 150 feet with an entrance way measuring approximately 40 feet by 40 feet. The gravel fill pad would have an average thickness of five feet and side slopes would be 3:1.

The project would include construction of an emergency vehicle storage building and morgue adjacent to the new clinic. The shared gravel pad will accommodate parking for two full size vehicles and seven ATVs, accommodate required setbacks, and fuel storage tanks.

All work would be performed in accordance with the enclosed plan (sheets 1-4).

APPLICANT PROPOSED MITIGATION: Refer to the enclosed Applicant Proposed Mitigation Statement document for the Applicant's proposed mitigation measures to avoid, minimize, and compensate for impacts to waters of the United States from activities involving discharges of dredged or fill material.

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 cultural resources in the permit area and/or within the vicinity of the permit area. Consultation of the AHRS constitutes the extent of cultural resource investigations by the Corps of Engineers (Corps) at this time. The Corps has made a No Adverse Effect determination for the proposed project. This determination was coordinated with State Historic Preservation Offices (File No. 3BO-IR COE-R).

ENDANGERED SPECIES: The proposed project would occur within the historical breeding range of the Spectacled eider (*Somateria fischeria*), the current known range of the Steller's eider (*Polysticta stelleri*), and the known range of the Polar bear (*Urus maritimus*). The Corps determined the described activity may affect, but is not likely to adversely affect, these three listed species. We have initiated the appropriate consultation procedures under section 7 of the Endangered Species Act with the U.S. Fish and Wildlife Service. 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.

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:

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).

The applicant's mitigation statement, 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

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-2019-00229, Saint Michael Bay, 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.

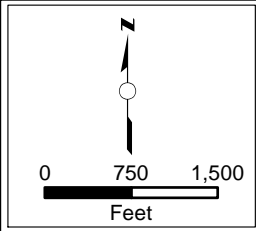
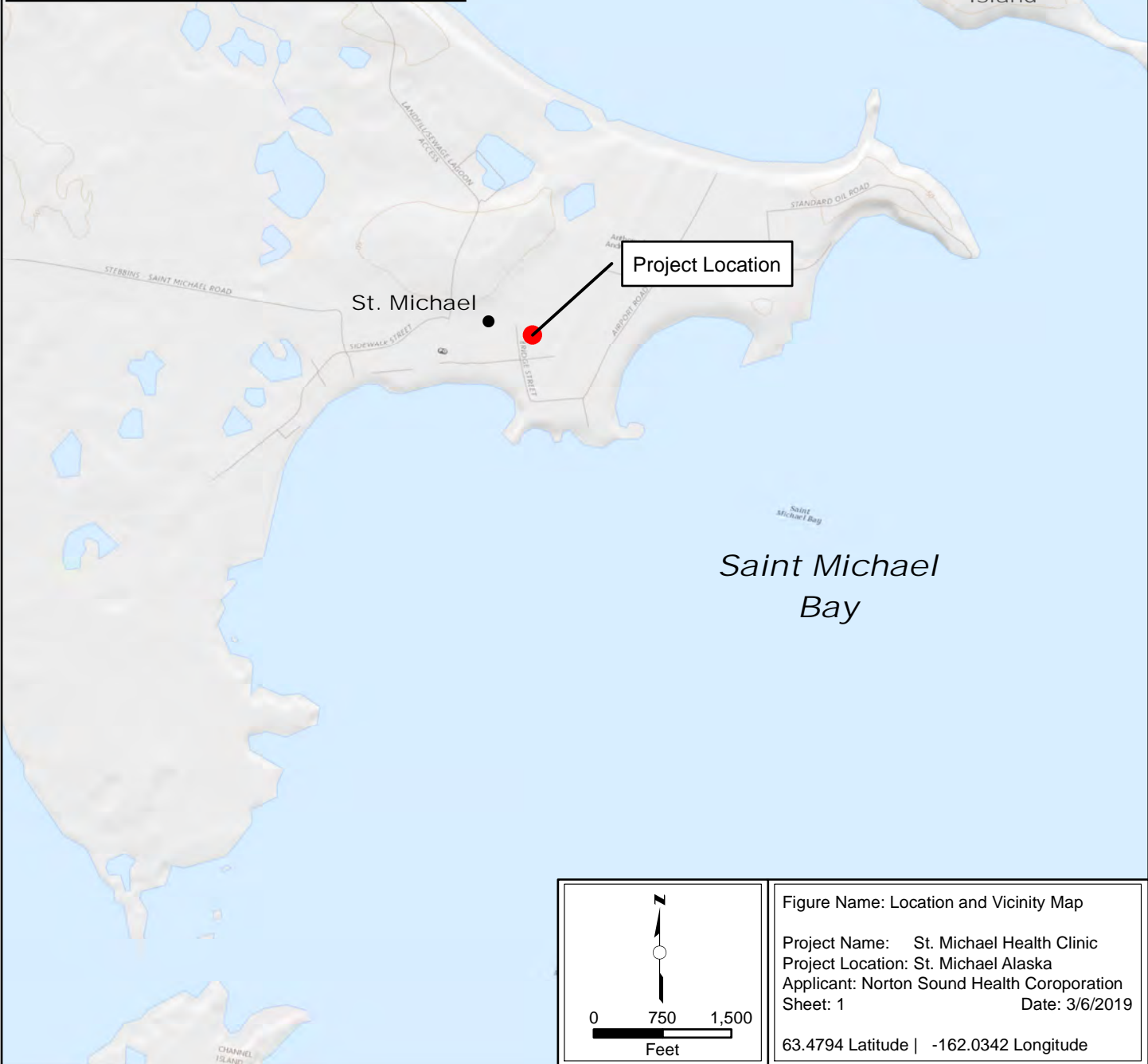
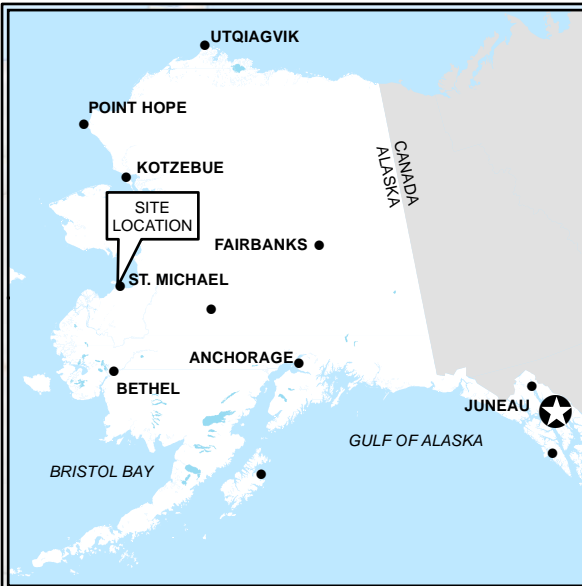
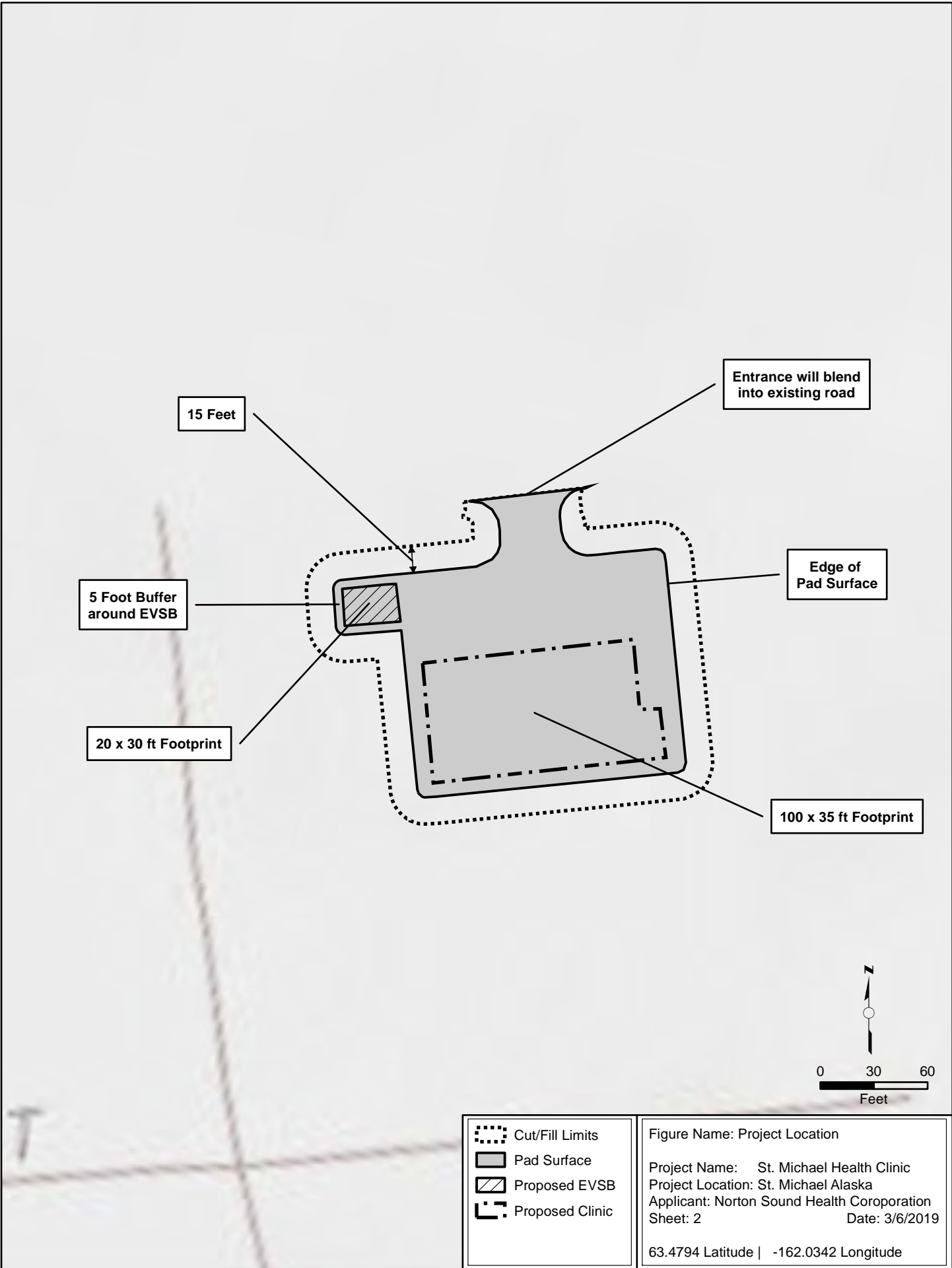
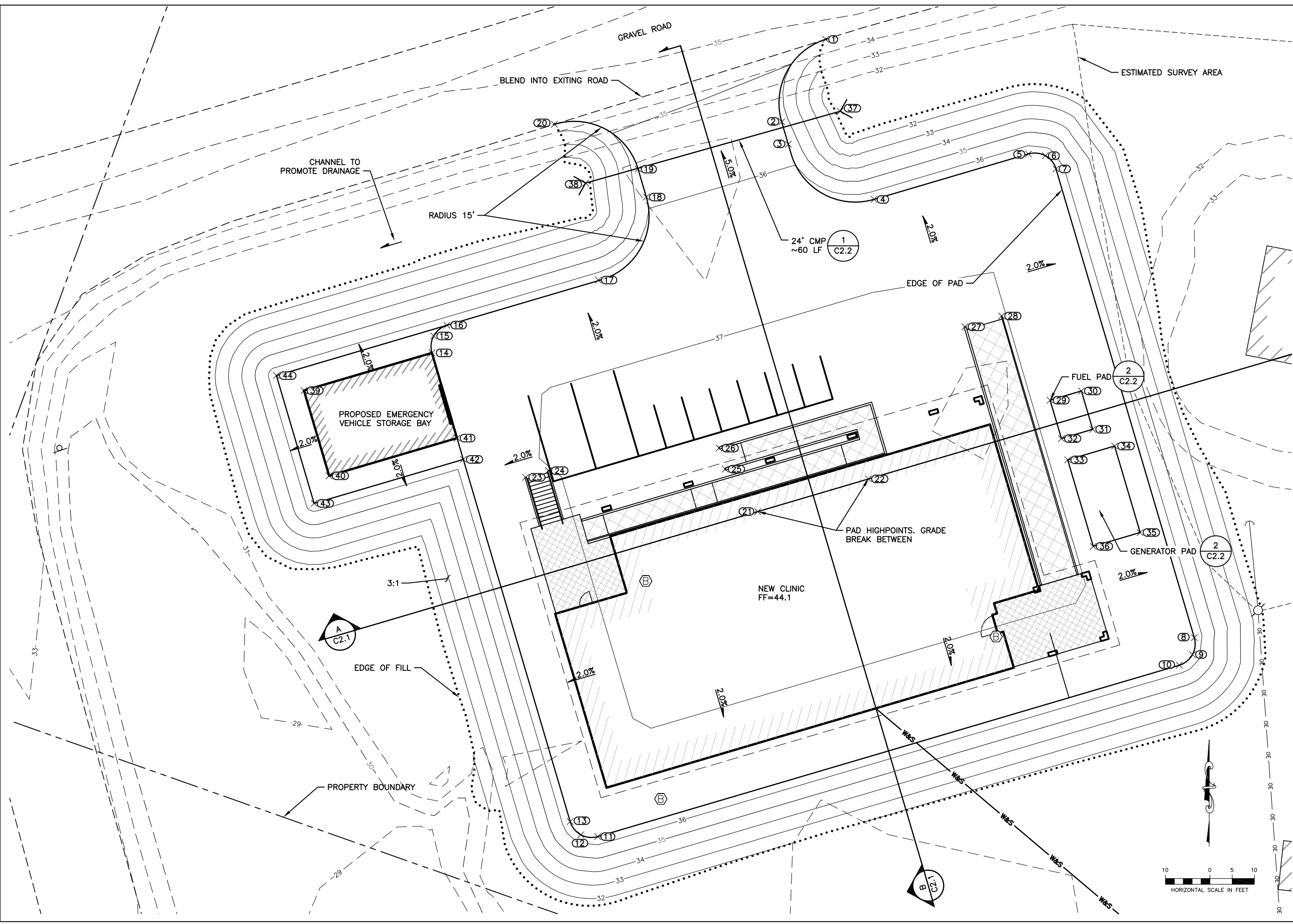


Figure Name: Location and Vicinity Map
 Project Name: St. Michael Health Clinic
 Project Location: St. Michael Alaska
 Applicant: Norton Sound Health Corporation
 Sheet: 1 Date: 3/6/2019
 63.4794 Latitude | -162.0342 Longitude



3/2/2019 2:31 PM K:\0853279005 NSHC ST MICHAEL CLINIC DESIGN - PAD WITH EYEBE MARCH 2019\3279005_C2.0 GRADING PLAN - WITH EYEBE.DWG
 IF THIS DIMENSION DOES NOT MEASURE ONE INCH (1") EXACTLY, THIS DRAWING HAS BEEN ENLARGED OR REDUCED, AFFECTING ALL LABELED SCALES



BETTSWORTH NORTH
 ARCHITECTS AND PLANNERS
 2600 DENALI STREET SUITE 710 ANCHORAGE, ALASKA 99503 907 561-5760
 212 FRONT STREET FAIRBANKS, ALASKA 99701 907 465-5760
 WWW.BETTSWORTHNORTH.COM

ST. MICHAEL CLINIC
ST. MICHAEL, AK
 NORTON SOUND HEALTH CORPORATION

CONSULTANT:

Bristol

ENGINEERING SERVICES COMPANY, LLC
 Phone (907) 563-0013 Fax (907) 563-6713
 111 W. 16th Avenue, Third Floor
 Anchorage, AK 99501
 Phone (907) 563-0013 Fax (907) 563-6713
 License Number: AECC697

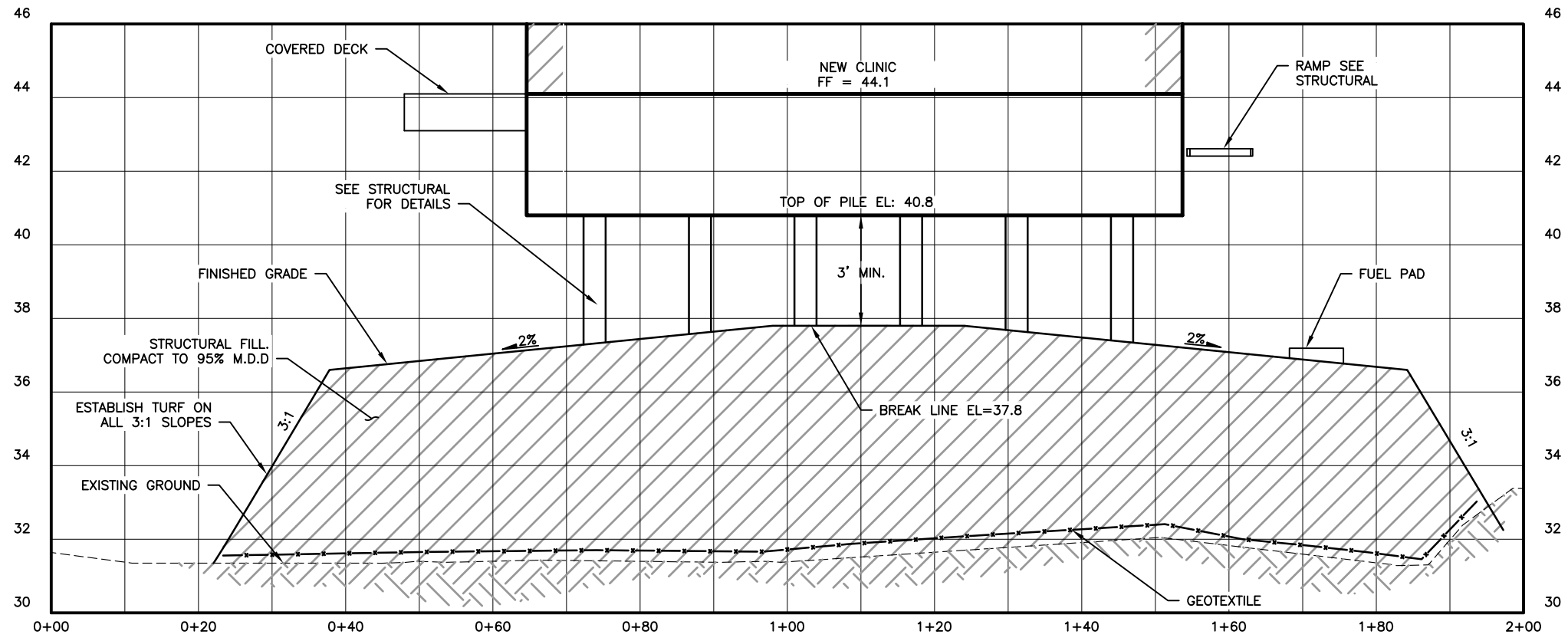
PROJECT NO: 18-128
 DATE: 2018-12-14
 DRAWN BY: DKH
 CHECKED BY: DES

Symbol	Description	Date

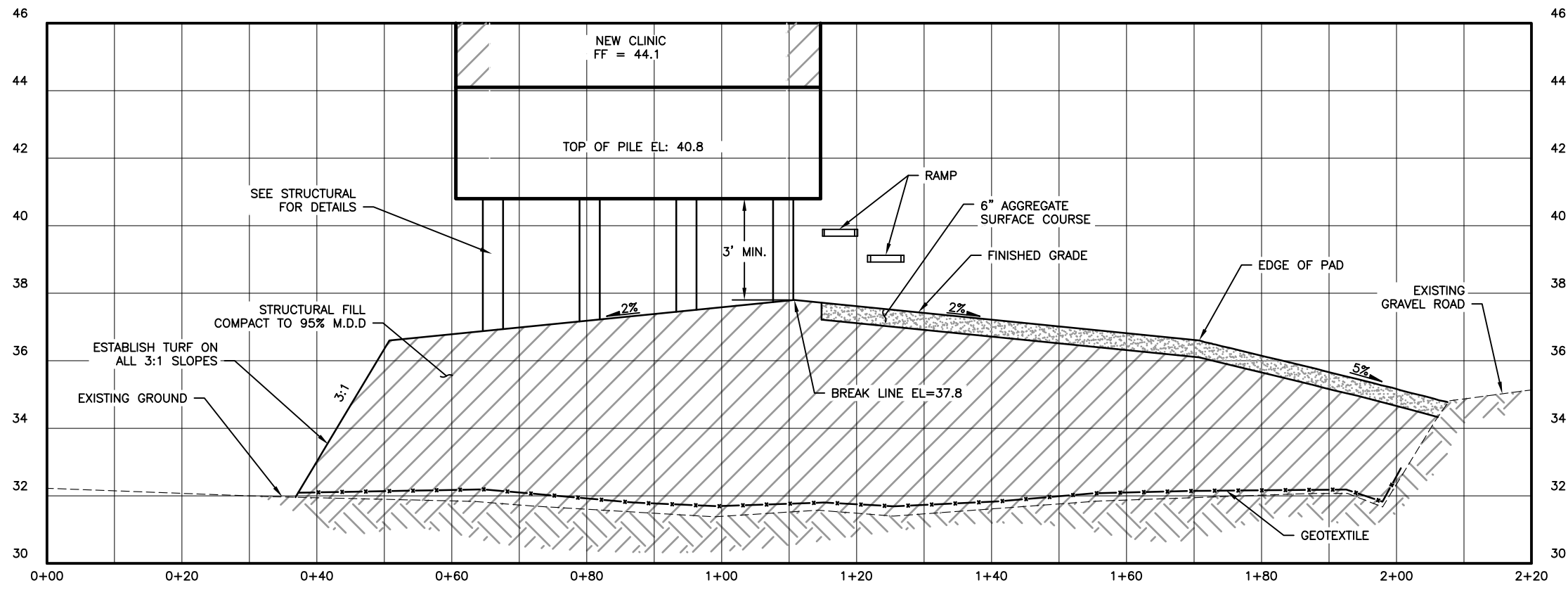
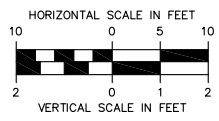
GRADING PLAN

C2.0

IF THIS DIMENSION DOES NOT MEASURE ONE INCH (1") EXACTLY, THIS DRAWING HAS BEEN ENLARGED OR REDUCED, AFFECTING ALL LABELED SCALES



A BUILDING PAD SECTION WEST TO EAST
C2.1 SCALE: SHOWN



B BUILDING PAD SECTION SOUTH TO NORTH
C2.1 SCALE: SHOWN

Point #	Elevation	Northing	Easting
1	34.9	10878.74	19852.93
2	35.5	10860.19	19843.05
3	35.8	10855.13	19844.54
4	36.6	10842.71	19863.84
5	36.6	10852.95	19898.56
6	36.6	10852.54	19902.37
7	36.6	10849.57	19904.77
8	36.6	10744.06	19935.88
9	36.6	10740.25	19935.48
10	36.6	10737.85	19932.50
11	36.6	10699.27	19801.67
12	36.6	10699.67	19797.86
13	36.6	10702.65	19795.46
14	36.7	10808.16	19764.34
15	36.6	10811.97	19764.75
16	36.6	10814.37	19767.73
17	36.6	10824.55	19801.78
18	35.9	10843.24	19812.60
19	35.5	10849.53	19810.74
20	34.6	10859.61	19791.90
21	37.8	10772.43	19837.64
22	37.8	10779.79	19862.58
23	36.8	10780.13	19785.44
24	37.0	10781.64	19790.56
25	37.6	10781.98	19830.34
26	37.5	10786.73	19828.94
27	37.2	10814.03	19884.30
28	37.0	10816.46	19892.53
29	36.9	10797.51	19903.44
30	36.8	10799.58	19910.48
31	36.8	10790.95	19913.02
32	36.9	10788.87	19905.99
33	36.9	10784.08	19907.40
34	36.7	10787.19	19917.95
35	36.7	10767.72	19923.69
36	36.9	10764.61	19913.14
37	31.9	10862.55	19856.23
38	31.4	10846.39	19798.93
39	36.7	10799.68	19735.57
40	36.7	10780.49	19741.23
41	36.7	10788.98	19770.00
42	36.6	10784.18	19771.42
43	36.6	10774.28	19737.84
44	36.6	10803.06	19729.36

BETTISWORTH NORTH
ARCHITECTS AND PLANNERS

ST. MICHAEL CLINIC
ST. MICHAEL, AK

NORTON SOUND HEALTH CORPORATION

CONSULTANT:
Bristol
ENGINEERING SERVICES COMPANY, LLC
Phone (907) 563-0013 Fax (907) 563-6713
111 W. 16th Avenue, Third Floor
Anchorage, AK 99501
Phone (907) 563-0013 Fax (907) 563-6713
License Number: AECC697

PROJECT NO: 18-128
DATE: 2018-12-14
DRAWN BY: DKH
CHECKED BY: DES

Symbol	Description	Date

GRADING PROFILE
C2.1

2600 DENALI STREET SUITE 710 ANCHORAGE, ALASKA 99503 907 561-5760
212 FRONT STREET FAIRBANKS, ALASKA 99701 907 461-5760
WWW.BETTISWORTHNORTH.COM

3/2/2019 3:31 PM K:\08532718005 NSHC ST MICHAEL CLINIC DESIGN - PAD WITH ELEV MARCH 2019\32718005_C2.1 GRADING PLAN - WITH ELEV.DWG

Applicant Proposed Mitigation Statement

St. Michael Health Clinic/EVSB

Background:

The U.S. Army Corps of Engineers (Corps) and the Environmental Protection Agency issued regulations that govern national compensatory mitigation policy for activities in waters of the U.S., including wetlands, authorized by Corps permits. The final mitigation rule was published in the federal register on April 10, 2008 and became effective on June 9, 2008. The final rule establishes standards and criteria for the use of appropriate and practicable compensatory mitigation for unavoidable functional losses of aquatic resources authorized by Corps permits (33 CFR Part 332). Additionally, the rule requires new information to be included in Corps permit applications and public notices to enable meaningful comments on applicant proposed mitigation. In accordance with 33 CFR Part 325.1(d)(7), "For activities involving discharges of dredged or fill material into waters of the U.S., the application must include a statement describing how impacts to waters of the United States are to be avoided and minimized. The application must also include either a statement describing how impacts to waters of the United States are to be compensated for or a statement explaining why compensatory mitigation should not be required for the proposed impacts." For additional information, the final mitigation rule can be viewed at: http://www.usace.army.mil/cw/cecwo/reg/news/final_mitig_rule.pdf

Mitigation is a sequential process of avoidance, minimization, and compensation. Compensatory mitigation is not considered until after all appropriate and practicable steps have been taken to first avoid and then minimize adverse impacts to the aquatic ecosystem. Please provide your proposed avoidance, minimization, and compensatory mitigation below:

Avoidance of impacts to waters of the U.S., including wetlands:

Please describe how, in your project planning process, you avoided impacts to waters of the U.S., including wetlands, to the maximum extent practicable. Examples of avoidance measures include site selection, routes, design configurations, etc...

St. Michael lies within the Yukon-Kuskokwim lowlands and is characterized by marshy lowlands underlain by permafrost. The undeveloped portions of the village are predominately wetland and only available sites are undeveloped, therefore wetland impacts are unavoidable.

Wetland impacts were avoided primarily through the decision to co-locate the EVSB with the clinic. By adjoining the EVSB to the clinic, one side of the EVSB pad is accommodated by the clinic pad and a shared driveway is used, reducing overall fill by approximately 1,282 sq. ft.

Minimization of unavoidable impacts to waters of the U.S., including wetlands:

Please describe how your project design incorporates measures that minimize the unavoidable impacts to waters of the U.S., including wetlands, by limiting fill discharges to the minimum amount/size necessary to achieve the project purpose.

Minimization of wetland impacts has been achieved by locating the proposed facility adjacent to existing roads and infrastructure. Access drives are short, and no wider than necessary to fit two vehicles side by side at the top of the slope.

Minimization measures include a installation of a driveway culvert that will be used to prevent ponding adjacent the site entrance. Side slopes have been reduced to 3:1 ratio, which is the steepest slope possible without having to install pedestrian protection and guardrails.

Material for the proposed health clinic is expected to come from the existing, previously developed material site for the village, approximately 6 miles west of the community. Expansion of the material site will not be required to accommodate the project.

Mitigation

Please describe your proposed compensatory mitigation to offset unavoidable impacts to waters of the U.S., or, alternatively, why compensatory mitigation is not appropriate or practicable for your project. Compensatory mitigation involves actions taken to offset unavoidable adverse impacts to waters of the U.S., including wetlands, streams and other aquatic resources (aquatic sites) authorized by Corps permits. Compensatory mitigation may involve the restoration, enhancement, establishment (creation), and/or the preservation of aquatic sites. The three mechanisms for providing compensatory mitigation are mitigation banks, in-lieu fee of mitigation, and permittee-responsible mitigation. Please see the attached definitions for additional information.

We propose compensatory mitigation be waived by the district engineer as the 0.67 acres of wetlands are bounded by roads on all sides, limiting adverse effects of the proposed project to aquatic resources.