



US Army Corps
of Engineers
Alaska District

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

Public Notice of Application for Permit

PUBLIC NOTICE DATE:	July 17, 2020
EXPIRATION DATE:	August 03, 2020
REFERENCE NUMBER:	POA-2020-00218
WATERWAY:	Bering Sea

Interested parties are hereby notified that a Department of the Army (DA) 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. 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 Leslie Tose at (907) 753-5515, toll free from within Alaska at (800) 478-2712, by fax at (907) 753-5567, or by email at: Leslie.W.Tose@usace.army.mil if further information is desired concerning this notice.

APPLICANT: Bering Straits Native Corporation, Attention: Mr. Larry Pederson, Post Office Box 1008, Nome, Alaska 99762, Email: lpederson@beringstraits.com Phone: (907) 443-4312

AGENT: Sound Quarry Inc., Attention: Shane Smithhisler, Post Office Box 2011, Nome, Alaska, 99762, Email ssmithhisler@beringstraits.com, Phone: (907) 443-4314

LOCATION: The project site is located within Section 27, T. 11 S., R. 34 W., Kateel River Meridian; USGS Quad Map Nome C-1; Latitude 64.5046° N., Longitude 165.4481° W.; in Nome, Alaska, Alaska.

PURPOSE: The applicant's stated purpose is to improve shipping infrastructure for rock and gravel export from Nome to other villages on the Seward Peninsula.

PROPOSED WORK: Discharge up to 296,296 cubic yards of gravel from Dredges 5 and 6, into 23 acres of wetlands (Dimensions 1000 linear feet (') long x 1000' wide x 4' to 8' high). All work would be performed in accordance with the enclosed plan (sheets 1-4), dated July 13, 2020.

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:
Access to the site is from an existing roadway. It is not possible to avoid wetlands. The source of the material is Cape Nome; the quarry is located 14 miles from the Port, and does not have sufficient area to store finished rock products.
- b. Minimization: Best Management Practices such as silt fence and straw waddles will be utilized during construction to minimize runoff into receiving waters. Pad slopes will be stabilized by track walking with dozer, and will be seeded when final grades are complete.
- c. Compensatory Mitigation: There are no Mitigation Banks or In lieu Fee Programs serving Nome, Alaska, and no compensatory mitigation 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 cultural resources in the permit area or within the vicinity of the permit area. The permit area has been determined to be the footprint of the project. Consultation of the AHRS constitutes the extent of cultural resource investigations by the Corps of Engineers (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 have determined the described activity would have no effect on the polar bear, 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 authorities:

(X) Discharge dredged or fill material into waters of the U.S. – 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

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.

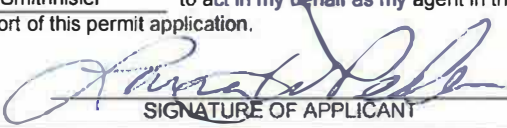
Notice is hereby given that the application for a Department of the Army Permit described in the Corps of Engineers' Public Notice (PN) Reference Number **POA-2020-00218, Bering Sea**, serves as application for State Water Quality Certification from the Department of Environmental Conservation.

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 Kate Orozco 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.

U.S. Army Corps of Engineers (USACE) APPLICATION FOR DEPARTMENT OF THE ARMY PERMIT 33 CFR 325. The proponent agency is CECW-CO-R.		Form Approved - OMB No. 0710-0003 Expires: 02-28-2022	
The public reporting burden for this collection of information, OMB Control Number 0710-0003, is estimated to average 11 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or burden reduction suggestions to the Department of Defense, Washington Headquarters Services, at whs.mc-alex.esd.mbx.dd-dod-information-collections@mail.mil . Respondents should be aware that notwithstanding any other provision of law, no person shall be subject to any penalty for failing to comply with a collection of information if it does not display a currently valid OMB control number. PLEASE DO NOT RETURN YOUR APPLICATION TO THE ABOVE EMAIL.			
PRIVACY ACT STATEMENT			
Authorities: Rivers and Harbors Act, Section 10, 33 USC 403; Clean Water Act, Section 404, 33 USC 1344; Marine Protection, Research, and Sanctuaries Act, Section 103, 33 USC 1413; Regulatory Programs of the Corps of Engineers; Final Rule 33 CFR 320-332. Principal Purpose: Information provided on this form will be used in evaluating the application for a permit. Routine Uses: This information may be shared with the Department of Justice and other federal, state, and local government agencies, and the public and may be made available as part of a public notice as required by Federal law. Submission of requested information is voluntary, however, if information is not provided the permit application cannot be evaluated nor can a permit be issued. One set of original drawings or good reproducible copies which show the location and character of the proposed activity must be attached to this application (see sample drawings and/or instructions) and be submitted to the District Engineer having jurisdiction over the location of the proposed activity. An application that is not completed in full will be returned. System of Record Notice (SORN). The information received is entered into our permit tracking database and a SORN has been completed (SORN #A1145b) and may be accessed at the following website: http://dpdd.defense.gov/Privacy/SORNs/index/DOD-wide-SORN-Article-View/Article/570115/a1145b-ce.aspx			
(ITEMS 1 THRU 4 TO BE FILLED BY THE CORPS)			
1. APPLICATION NO. POA-2020-00218	2. FIELD OFFICE CODE CEPOA-RD-N	3. DATE RECEIVED 20200507	4. DATE APPLICATION COMPLETE 20200604
(ITEMS BELOW TO BE FILLED BY APPLICANT)			
5. APPLICANT'S NAME First - Larry Middle - Last - Pederson Company - Bering Straits Native Corporation E-mail Address - lbederson@beringstraits.com		8. AUTHORIZED AGENT'S NAME AND TITLE (agent is not required) First - Shane Middle - Last - Smithhisler Company - Sound Quarry Inc E-mail Address - ssmithhisler@beringstraits.com	
6. APPLICANT'S ADDRESS: Address- PO Box 1008 City - Nome State - AK Zip - 99762 Country - USA		9. AGENT'S ADDRESS: Address- PO Box 2011 City - Nome State - AK Zip - 99762 Country - USA	
7. APPLICANT'S PHONE NOs. w/AREA CODE a. Residence b. Business c. Fax (907) 304-9148 (cell) (907) 443-4312 (907) 443-2985		10. AGENTS PHONE NOs. w/AREA CODE a. Residence b. Business c. Fax (907) 304-1498 (cell) (907) 443-4314 (907) 443-2985	
STATEMENT OF AUTHORIZATION			
11. I hereby authorize, <u>Shane Smithhisler</u> to act in my behalf as my agent in the processing of this application and to furnish, upon request, supplemental information in support of this permit application.			
 4/8/20 SIGNATURE OF APPLICANT DATE			
NAME, LOCATION, AND DESCRIPTION OF PROJECT OR ACTIVITY			
12. PROJECT NAME OR TITLE (see instructions) BSNC Port Pad			
13. NAME OF WATERBODY, IF KNOWN (if applicable) Bering Sea		14. PROJECT STREET ADDRESS (if applicable) Address City - Nome State- ALASKA Zip- 99762	
15. LOCATION OF PROJECT Latitude: °N 64.504603 Longitude: °W -165.448102			
16. OTHER LOCATION DESCRIPTIONS, IF KNOWN (see instructions) State Tax Parcel ID Municipality Nome Section - Township - Nome Range -			

17. DIRECTIONS TO THE SITE

From Nome Airport, head East on Seppala Drive to Jafet Drive. Turn right on Jafet Drive, cross the Snake River Bridge. Turn Right on Port Road. Proceed to Submarine Beach Road, turn left when you get to snake river and proceed approx 3/4 miles to the West to the Project site.

18. Nature of Activity (Description of project, include all features)

Using fill material from material sources at Dredge #5 & #6, Construct an approx. 1000'x1000' Gravel pad. Thickness of Pad will vary, depending on ground contour, anywhere from 4-8 feet.

19. Project Purpose (Describe the reason or purpose of the project, see instructions)

The completed pad will be to support any future growth at the Port of Nome. In the short term, it will be used to store rock of various sizes produced at the Cape Nome Quarry. Rock storage at the Quarry is very limited, so there is a great need for a location to store spec rock in close proximity to the Port of Nome.

Work is anticipated to start summer of 2020 and be completed by Fall 2023.

USE BLOCKS 20-23 IF DREDGED AND/OR FILL MATERIAL IS TO BE DISCHARGED**20. Reason(s) for Discharge**

Construct gravel pad for Rock storage.

21. Type(s) of Material Being Discharged and the Amount of Each Type in Cubic Yards:

Type Amount in Cubic Yards	Type Amount in Cubic Yards	Type Amount in Cubic Yards
Fill Material, Approx. 72,000 yds	Select Type A, Approx 24,000yds	

22. Surface Area in Acres of Wetlands or Other Waters Filled (see instructions)

Acres Approx 18 acres

or

Linear Feet

23. Description of Avoidance, Minimization, and Compensation (see instructions)

During construction of the pad, BMP's such as silt fence and straw waddles will be utilized to minimize runoff into receiving waters. Pad slopes will be stabilized by track walking with dozer, and seeding when final grades are completed.

24. Is Any Portion of the Work Already Complete? ☐ Yes ☒ No IF YES, DESCRIBE THE COMPLETED WORK

25. Addresses of Adjoining Property Owners, Lessees, Etc., Whose Property Adjoins the Waterbody (if more than can be entered here, please attach a supplemental list).

a. Address- Nome Joint Utility Systems PO Box 70

City - Nome State - Alaska Zip - 99762

b. Address- Arctic Gold Mining, LLC PO Box 1590

City - Nome State - Alaska Zip - 99762

c. Address- City of Nome PO Box 281

City - Nome State - Alaska Zip - 99762

d. Address-

City - State - Zip -

e. Address-

City - State - Zip -

26. List of Other Certificates or Approvals/Denials received from other Federal, State, or Local Agencies for Work Described in This Application.

AGENCY	TYPE APPROVAL*	IDENTIFICATION NUMBER	DATE APPLIED	DATE APPROVED	DATE DENIED

* Would include but is not restricted to zoning, building, and flood plain permits

27. Application is hereby made for permit or permits to authorize the work described in this application. I certify that this information in this application is complete and accurate. I further certify that I possess the authority to undertake the work described herein or am acting as the duly authorized agent of the applicant.

SIGNATURE OF APPLICANT

DATE

SIGNATURE OF AGENT

DATE

The Application must be signed by the person who desires to undertake the proposed activity (applicant) or it may be signed by a duly authorized agent if the statement in block 11 has been filled out and signed.

18 U.S.C. Section 1001 provides that: Whoever, in any manner within the jurisdiction of any department or agency of the United States knowingly and willfully falsifies, conceals, or covers up any trick, scheme, or disguises a material fact or makes any false, fictitious or fraudulent statements or representations or makes or uses any false writing or document knowing same to contain any false, fictitious or fraudulent statements or entry, shall be fined not more than \$10,000 or imprisoned not more than five years or both.

NOME GIS MAP



4/2/2020, 12:31:43 PM

Lines
 Override 1
 Override 2
 Roads
 MAJOR
 LOCAL
 LOCAL-OUTSKIRTS
 City Limits
 Access Easements
 ROADWAY
 Parcels w/Taxroll

Waterbody Polys
 Waterbody Lines

1:18,056

0 0.05 0.1 0.2 mi
 0 0.1 0.2 0.4 km

City of Nome, Duncan GIS, Source: Esri, DigitalGlobe, GeoEye, Earthstar

GIS User

Map provided for information purposes only, and does not constitute a Legal document. Copyright 2018, City of Nome, Alaska

Directions to BSNC Port Pad

POA-2020-00218, BSNC Port Pad
 Latitude 64.5046° N., Longitude 165.4481° W
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 VICINITY MAP

July 13, 2020



U.S. Fish and Wildlife Service

National Wetlands Inventory

POA-2018-00218, BSNC Gravel Pad



July 13, 2020

Wetlands

Estuarine and Marine Deepwater	Freshwater Emergent Wetland	Lake
Estuarine and Marine Wetland	Freshwater Forested/Shrub Wetland	Other
	Freshwater Pond	Riverine

POA-2020-00218, BSNC Gravel Pad

Location: Lat. 64.5046° N., Long. 165.4481° W.

P 2 of 5

WETLANDS MAP

July 13, 2020

Plan View

Submarine Beach Rd.

Oredge #6 Across Rd. →

Paul
Exit

— Load/Unload Area —

Pad ✓
Entwickler

←
Traffic
Flow

A1 + A5
Stochpik

BZ + B3
Stackpile

C1 + C2
Stackpile

NTUS Waste & Laggon

POA-2020-00218, BSNC Port Pad
Lat. 64.5046° N., Long. 165.4481° W.
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PLAN VIEW

BSNC Port Pad

Cross Sections

BSNC Port Pad

