

US Army Corps of Engineers Alaska District

## JUNEAU FIELD OFFICE Regulatory Division (1145) CEPOA-RD Post Office Box 22270 Juneau, Alaska 99802-2270

## Public Notice of Application for Permit

PUBLIC NOTICE DATE:	August 22, 2019
EXPIRATION DATE:	September 5, 2019
REFERENCE NUMBER:	POA-2001-00060-M3
WATERWAY:	Granite Creek

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. 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 Matthew Brody at the address shown above, (907) 790-4493, or by email at: <u>Matthew.T.Brody@usace.army.mil</u> if further information is desired concerning this notice.

<u>APPLICANT</u>: City and Borough of Sitka – Mr. Stephen Weatherman

AGENT: Mr. Ryan Cooper – Stantec Consulting Services Inc.

<u>LOCATION</u>: The project site is located within Section 15, T. 55 S., R. 63 E., Copper River Meridian; USGS Quad Map Sitka A-5; Latitude 57.101938° N., Longitude -135.389215° W.; in Sitka, Alaska.

<u>PURPOSE</u>: The applicant's stated purpose is to provide for continued disposal of bio-solids authorized under State of Alaska Permit SW3A047-21. The existing bio-solids receiving cell in Sitka is full. The proposed construction is required for continued operation of the Sitka Bio-Solid Landfill.

<u>PROPOSED WORK</u>: The applicant is proposing to expand the existing bio-solids landfill in Sitka, Alaska by expanding the landfill and constructing new containment berms. Specifically the work includes the placement of 14,700 cubic yards of classified type II rock and gravel fill material into 1.21 acres of wetlands to construct the containment berm. The containment berm would encompass a 0.95 acre area that would be lined with a geotextile fabric and filled with bio-solid waste. Overall the proposed project would result in the placement of fill material into 2.16 acres of wetlands. All work would be performed in accordance with the enclosed plan (sheets 1-7), dated August 15, 2019.

<u>ADDITIONAL INFORMATION</u>: 0.25 acres of uplands would also be impacted by the proposed project, however, this work would not require DA authorization.

<u>APPLICANT</u> 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 proposed project has been designed to tie into the existing biosolids disposal facility and avoidance of impacts to wetlands was not possible because the adjacent areas to the existing facility are forested wetlands. By constructing the proposed project adjacent to the existing facility additional infrastructure such as access roads, utilities, or material sites are not needed.

b. Minimization: The applicant has sized the proposed expansion to meet the needs of the community and has proposed the smallest footprint practicable to meet their purpose and need. The proposed project location and configuration utilizes existing infrastructure that minimizes the overall impacts to the aquatic environment. Granite Creek runs along the Northern and Western boundaries of the facility and supports anadromous fish populations. The applicant maintains a 150 linear foot buffer from Granite Creek to minimize impacts to the riparian areas. The applicant has also proposed the following Best Management Practices to further reduce the impacts of the proposed work:

- Upgradient surface runoff will be intercepted by ditches and routed around the disposal area.
- Any on-site natural drainage will be routed through an appropriately sized conveyance to Granite Creek.
- The boundaries of the site will be surveyed and clearly staked to limit the landfill operations to the permitted footprint, and not encroach upon the 150-foot Granite Creek buffer zone.
- All fill materials along the landfill containment berms will be placed and dressed in a controlled manner to ensure that the finished face is properly graded and compacted.

- All finished fill surfaces will be seeded annually as necessary to control surface erosion and to restore ground vegetation and surface hydrologic conditions. Appropriate seed mixes for the local environment will be selected.
- Site grading will be designed to avoid flow concentration and to maximize the natural filtration properties of the existing vegetation located between the landfill and Granite Creek.
- The Bio-Solids landfill is constructed to complete an existing contained waste treatment facility. The exterior berms and internal solid waste area of the facility fill the minimum area of wetlands necessary to consult the wetlands to an upland waste disposal and containment facility.
- c. Compensatory Mitigation: The applicant has proposed no compensatory mitigation.

<u>WATER QUALITY CERTIFICATION</u>: 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. SIT-00778 is located within the permit area, however, it has been determined not eligible by the SHPO. The permit area has been determined to be the footprint of the proposed work located within waters of the U.S. consisting of 2.16 acres of wetlands. 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 Historic Properties Affected (No Effect) determination for the proposed project because there are no unevaluated, eligible, or designated cultural resources included in the National Register of Historic Places located within the permit area and the proposed work would not involve ground disturbing activities. 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.

<u>ENDANGERED SPECIES</u>: No threatened or endangered species are known to use the project area. The Corps has determined the action area for Section 7 of the Endangered Species Act to be the footprint of the proposed work within waters of the U.S. consisting of 2.16 acres of wetlands. 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) because no species are known to occur within the action area and there is no designated

critical habitat within the action area. 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.

<u>ESSENTIAL FISH HABITAT</u>: 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, therefore, we have determined the described activity would not adversely affect EFH in the project area.

<u>TRIBAL CONSULTATION</u>: 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.

<u>PUBLIC HEARING</u>: 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.

<u>EVALUATION</u>: 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 conservations 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)(I) 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 PN.

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: <u>dec-401cert@alaska.gov</u>

## 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-2001-00060-M3**, **Granite 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 <u>dec-401cert@alaska.gov</u> 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.













