



US Army Corps  
of Engineers  
Alaska District

# Public Notice of Application for Permit

ANCHORAGE  
Regulatory Division (1145)  
CEPOA-RD  
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<b>PUBLIC NOTICE DATE:</b>	<b>July 14, 2022</b>
<b>EXPIRATION DATE:</b>	<b>July 29, 2022</b>
<b>REFERENCE NUMBER:</b>	<b>POA-2009-00725</b>
<b>WATERWAY:</b>	<b>Wetlands Near Kobuk River</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 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](mailto: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 Mr. Swade Hammond at (907) 753-5556, toll free from within Alaska at (800) 478-2712, by fax at (907) 753-5567, or by email at [swade.d.hammond@usace.army.mil](mailto:swade.d.hammond@usace.army.mil) if further information is desired concerning this notice.

**APPLICANT:** Native Village of Shungnak

**AGENT:** Kuna Engineering, Rose Walker

**LOCATION:** The project site is located within Section 4, T. 17 N., R. 8 E.,  
Latitude 66.902222° N., Longitude -157.120556° W.; Village of Shungnak, Alaska.

PURPOSE: The applicant's stated purpose is to replace the old community landfill with a new one for community expansion and to alleviate local concerns with the surrounding environment of the old landfill, that has been improperly managed, is overflowing and has a destroyed fence.

PROPOSED WORK: The current phase (Phase II) of the proposed project includes the construction of the landfill access road. All work would be performed in accordance with the enclosed plan sheets, provided with the application on June 13, 2022.

ADDITIONAL INFORMATION: The Bureau of Indian Affairs (BIA), is the lead federal agency on the project and has completed an Environmental Assessment (EA) for the proposed project. USACE has requested a copy of the EA to reference the document and avoid duplication of efforts under the National Environmental Policy Act (NEPA). Other authorizations identified on the application include Title 9 Land Use Permit, Storm Water Pollution Prevention Plan, and State Historic Preservation Office (SHPO) concurrence.

APPLICANT PROPOSED MITIGATION: The applicant indicated that the project was designed in a manner that would avoid and then minimize impacts to regulated Waters of the United States. As stated by the applicant "the proposed route is limited to a minimum impact to wetlands for construction of the Phase II road segment. The road does not cross over any rivers, streams, lakes or other larger bodies of water. The closest point on the road to the Kobuk river, the nearest larger body of water, is a distance of over 2,200 feet away and over 150 feet away from the nearest stream."

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 lead Federal agency, BIA, is responsible for compliance with the requirements of Section 106 of the National Historic Preservation Act. The U.S. Army Corps of Engineers (Corps) will review BIA's documentation and either concur with their documentation or continue to work with them until any issues are resolved. A permit for the described work will not be issued until the Section 106 process has been completed and the Corps concurs with BIA's cultural resource documentation.

ENDANGERED SPECIES: The lead Federal agency, BIA, is responsible for compliance with the requirements of Section 7 of the Endangered Species Act. The U.S. Army Corps of Engineers (Corps) will review BIA's documentation and either concur with their documentation or continue to work with them until any issues are resolved. A permit for the described work will not be issued until the Section 7 process has been completed and the Corps concurs with BIA's Threatened and Endangered Species documentation.

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 Corps 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 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 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

Enclosures