



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:	August 3, 2020
EXPIRATION DATE:	September 2, 2020
REFERENCE NUMBER:	POA-2020-00086
WATERWAY:	Chukchi Sea

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 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 Mary Romero at (907) 753-2773, toll free from within Alaska at (800) 478-2712, by fax at (907) 753-5567, or by email at: Mary.R.Romero@usace.army.mil if further information is desired concerning this notice.

APPLICANT: UIC Lands, Mr. Nagruk Harcharek, PO Box 890, Utqiaġvik, Alaska 99723, Nagruk.Harcharek@UICCS.com, (907) 852-7053

AGENT: UMIAQ Environmental, 6700 Arctic Spur Road, Anchorage, Alaska 99518, Emily.McDonald@UICCS.com, (907) 677.8288

LOCATION: The project site is located within Sections 4 & 9, T. 22 N., R. 18 W., and Section 33, T. 23 N., R. 18 W., Umiat Meridian; the road starting point would be Latitude 71.2972° N., Longitude 156.7261° W.; the road end point would be Latitude 71.2797° N., Longitude 156.7101° W.; with the centroid point for the pit being Latitude 71.2781° N., Longitude 156.7108° W.; in Utqiaġvik, Alaska.

PURPOSE: The applicant's stated purpose is to develop a gravel source for Utqiaġvik and other North Slope Villages.

PROPOSED WORK: The placement of 66,365 cubic yards (CY) of gravel material for the construction of a road and operations pad into 11.41 acres of Palustrine emergent wetlands (PEM), and the mechanized land clearing of an additional 85.45 acres of PEM, for a total of 96.86 acres of wetlands impacted when all phases have been completed.

All overburden and gravel materials would be stockpiled at the bottom of the pit to allow the frozen material to thaw and drain any excess water. The applicant plans to remove up to 850,000 CY during each phase of the permit with an estimated 80,000 CY per year.

Each of the phases is expected to last 10-12 years, dependent upon need and gravels available within each cell:

Phase I

Phase I of the project would include the construction of a 6,684' long x up to 64' wide road within 9.8 acres of PEM, an approximately rectangle operations pad 306' long x 242.4' wide within 1.61 acres of PEM, and the mechanized land clearing of 25.62 acres of PEM for the development of the first cell of the gravel pit. Phase I total impacts to wetlands would be 37.03 acres.

The road and pad would be constructed at a minimum of a four foot depth and could reach up to a seven foot based on existing topography, the road width would be a maximum of 64' but in some areas would only be 56' again due to topography of the area.

The applicant plans to begin work in winter 2020/21 if permits have been granted. Work would start with the construction of a snow road adjacent to the proposed road alignment in order to construct the permanent road and operations pad which would be allowed to drain and settle for one summer season and would be available for use by the second winter season.

Phase II

Phase II would mechanically clear an additional 35.28 acres of PEM with the overburden and gravel stored within the Phase I cell. The total impacts to this point of the project would be to 72.31 acres. Additionally reclamation of Phase I would begin during Phase II.

Phase III

Phase III would mechanically clear 24.55 acres of PEM, overburden and gravels would be stored within Phase II cell. Reclamation of Phase I would be completed at this time.

All work would be performed in accordance with the enclosed plan (sheets 1-9), dated July 30, 2020.

Auxiliary shielded lighting directed away from the community would be used. Work would occur 16 hours a day and seven days a week during the winter.

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: The applicant states, “The gravel source’s proximity to town is the largest factor in avoiding unnecessary impact to wetlands. Viable gravel sources in Utqiagvik are few, and many would require several miles of gravel roadway introducing additional fill, haul truck distance, fuel use, dust generation, and safety concerns. The proposed roadway and gravel pad have been sized to safely and comfortably complete required activities while minimizing impact.

Stockpiling within the pit is another design decision made to avoid wetlands. The original design included a 180 feet by 600 feet stockpile pad where material would thaw and drain. Eliminating this stockpile pad not only reduced the impact by 2.5 acres, but will also allow silty material to drain to a settling pond at the bottom of the gravel pit avoiding sedimentation of surrounding wetlands.”

b. Minimization: Additionally the applicant said the original design for development of this gravel source was to blast and stockpile overburden around the perimeter of each mining phase in winter months. This process required a buffer for equipment space to transport, place, and eventually remove the stockpiled overburden. In order to reduce overall wetland impact, UICC has decided to eliminate overburden stockpiles outside of the extraction area. Overburden will be kept within the excavated pit. Phases 1 and 2 were expanded slightly in order to accomplish this goal. A total of 29 acres of temporary fill will be avoided due to this design change. This reduction will ensure mining can be conducted safely while placing the minimum amount of fill necessary. The previous estimate of wetlands filled was: 93.3 acres permanent fill, 29 acres temporary fill, for a total of 122.3 acres. The revised estimate of wetlands filled is: 96.86 acres.

c. Compensatory Mitigation: UIC understands the imperative need for gravel to support the community, however we are also sensitive to the threatened eider populations which nest in this area. UIC suggests teaming with the North Slope Borough (NSB) Wildlife Department and U.S. Fish and Wildlife Service (USFWS) to provide power line bird diverters, educational signage, or other equipment and educational supplies suggested by the wildlife agencies, in order to complete the compensatory mitigation requirement.

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 within the vicinity of the permit area.

The permit area has been determined to be the complete project area. 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. 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.

ENDANGERED SPECIES: The project area is within the known or historic range of the polar bear (*Ursus maritimus*), Steller's eider (*Polysticta stelleri*), and spectacled eider (*Somateria fischeri*).

We have determined the described activity may affect the polar bear, Steller's and spectacled eider. 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 National Marine Fisheries Service 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 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 authority:

(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.

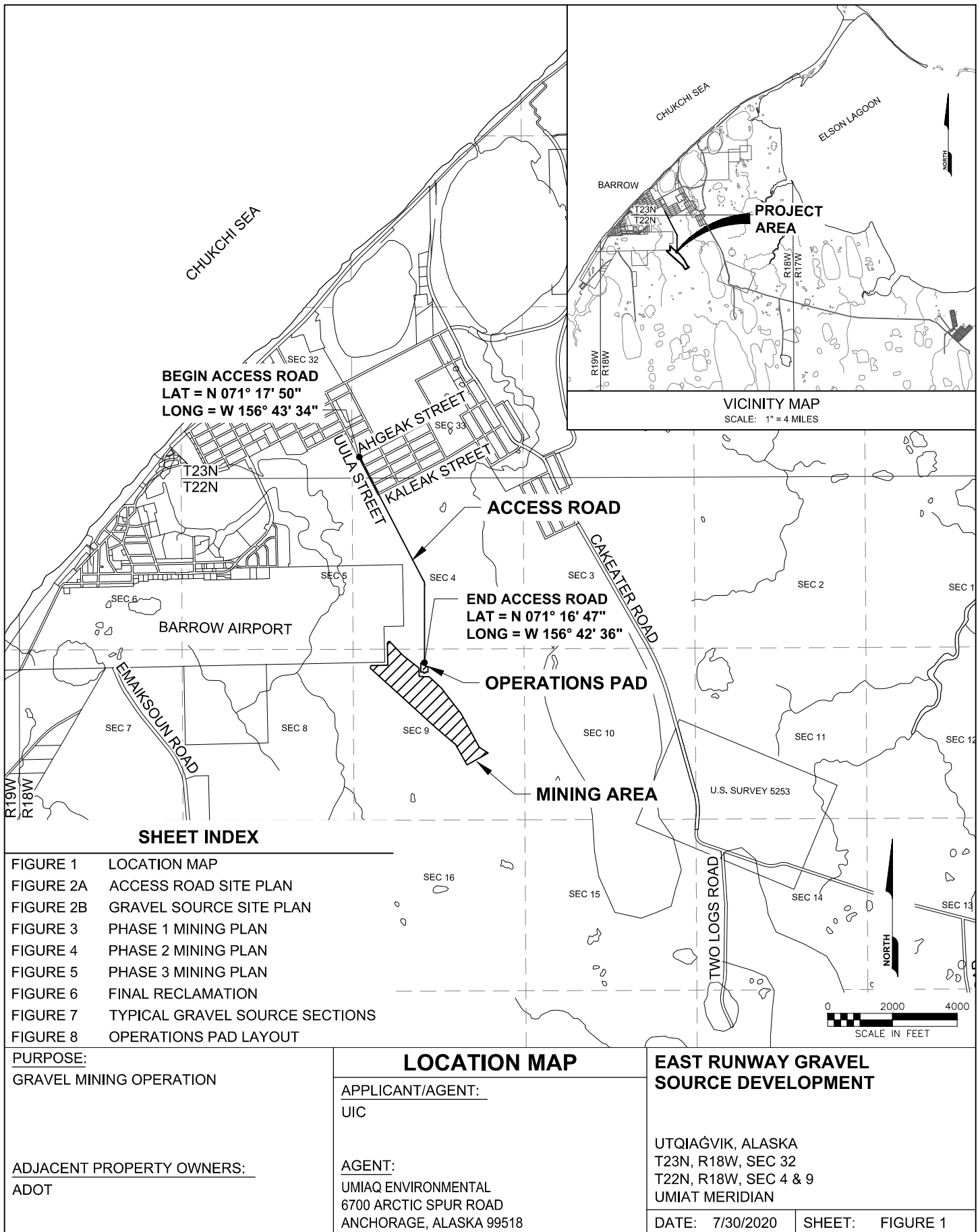
Notice is hereby given that the application for a Department of the Army Permit described in the Corps of Engineers' Public Notice (PN) Reference Number **POA-2020-00086, Chukchi Sea**, serves as application for State Water Quality Certification from the Department of Environmental Conservation.

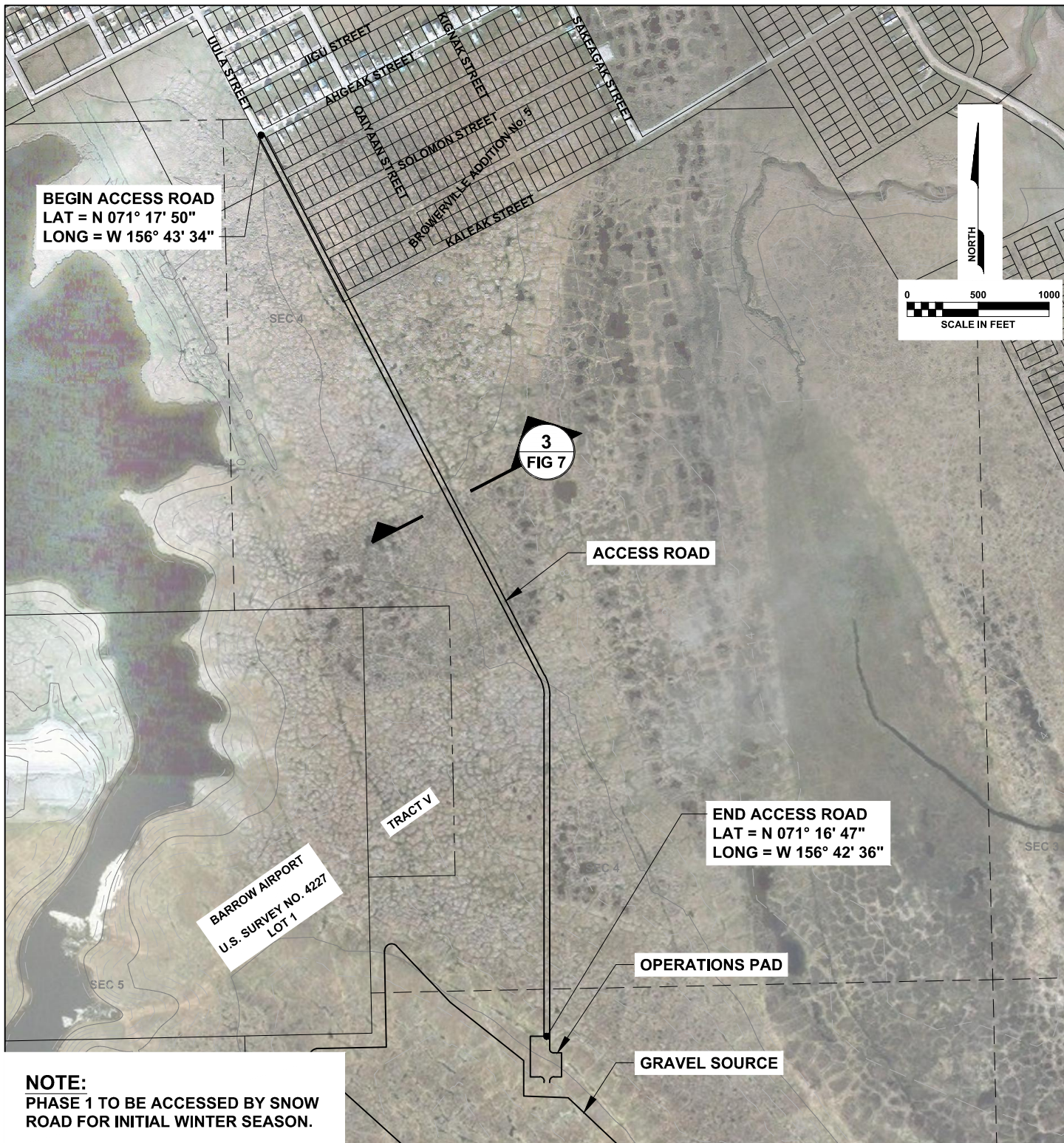
After reviewing the application, the Department may certify there is reasonable assurance the activity, and any discharge that might result, will comply with the Clean Water Act, the Alaska Water Quality Standards, and other applicable State laws. The Department also may deny or waive certification.

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.





NOTE:
 PHASE 1 TO BE ACCESSED BY SNOW
 ROAD FOR INITIAL WINTER SEASON.

PURPOSE:
 GRAVEL MINING OPERATION

ADJACENT PROPERTY OWNERS:
 ADOT

ACCESS ROAD SITE PLAN

APPLICANT/AGENT:
 UIC

AGENT:
 UMIAQ ENVIRONMENTAL
 6700 ARCTIC SPUR ROAD
 ANCHORAGE, ALASKA 99518

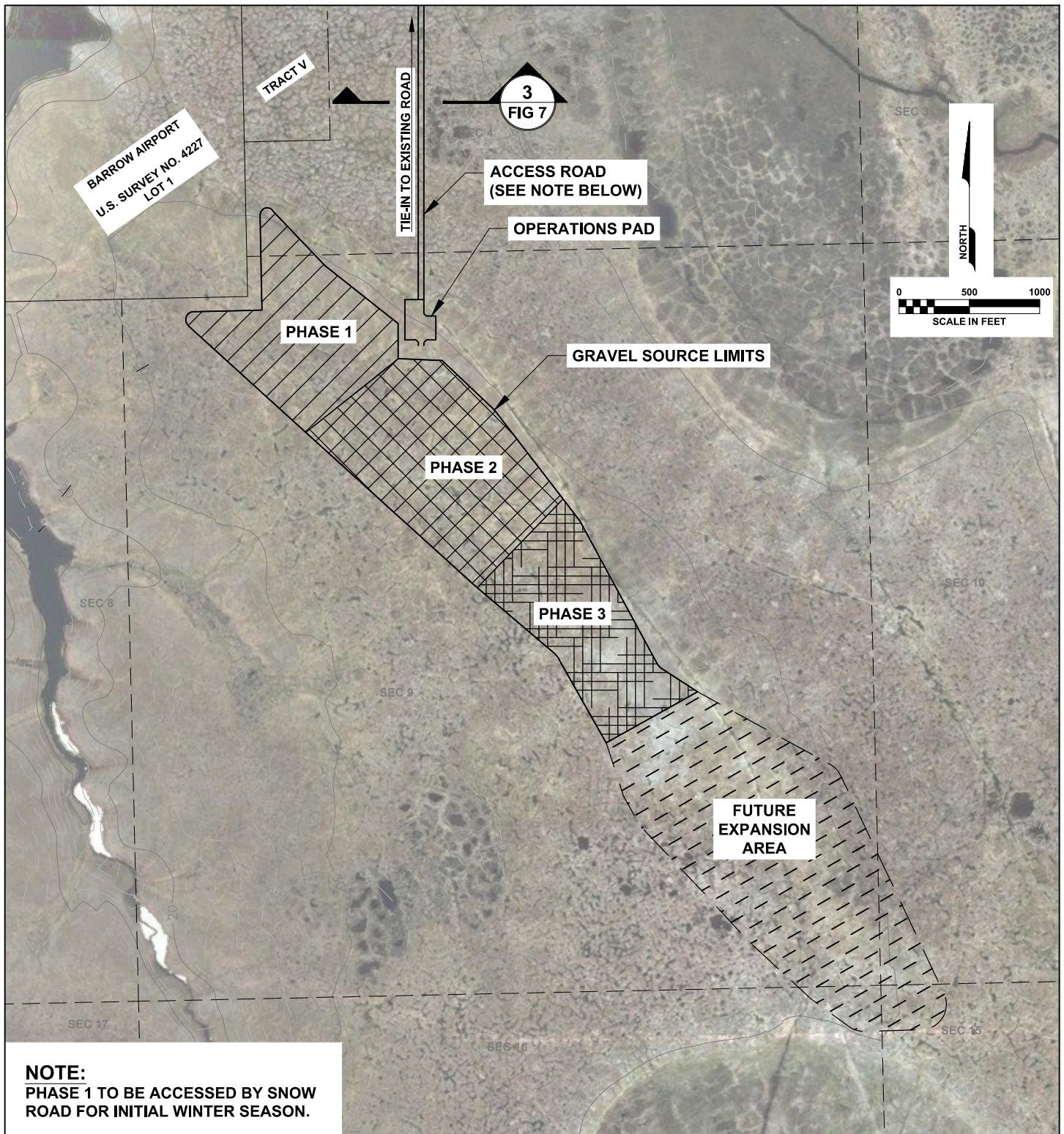
EAST RUNWAY GRAVEL SOURCE DEVELOPMENT

UTQIAĠVIK, ALASKA
 T23N, R18W, SEC 32
 T22N, R18W, SEC 4 & 9
 UMIAT MERIDIAN

DATE: 7/30/2020

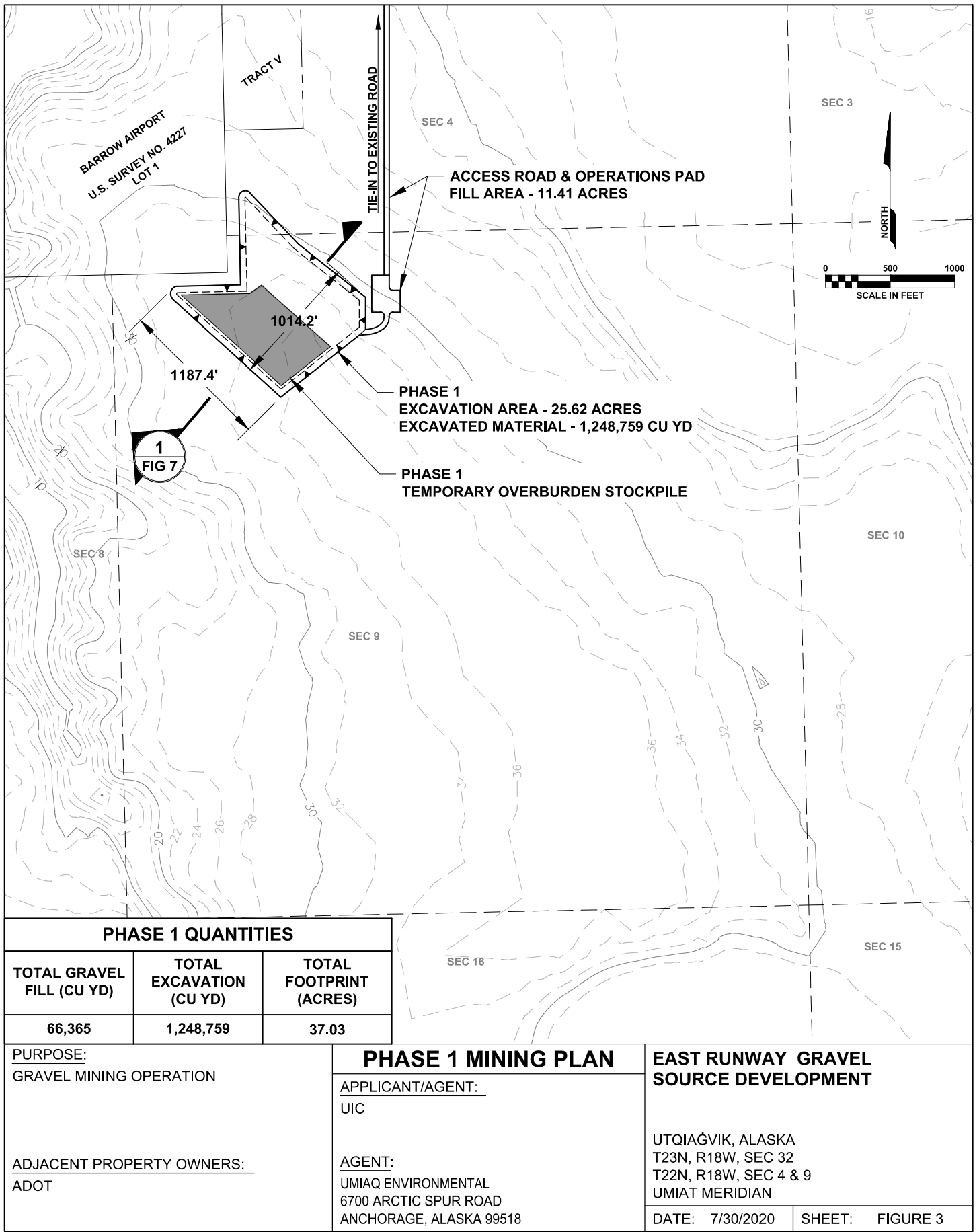
SHEET: FIGURE 2B

FILE: M:\Environmental\Projects\05-9201.01 UIC East Runway Gravel Source\CADD\70197.15 MP FIG-02-06.dwg
PRINTED: 07/30/2020 14:55 margaret.hinz-neason LAYOUT: Figure 2B XREFS: None IMAGES: None

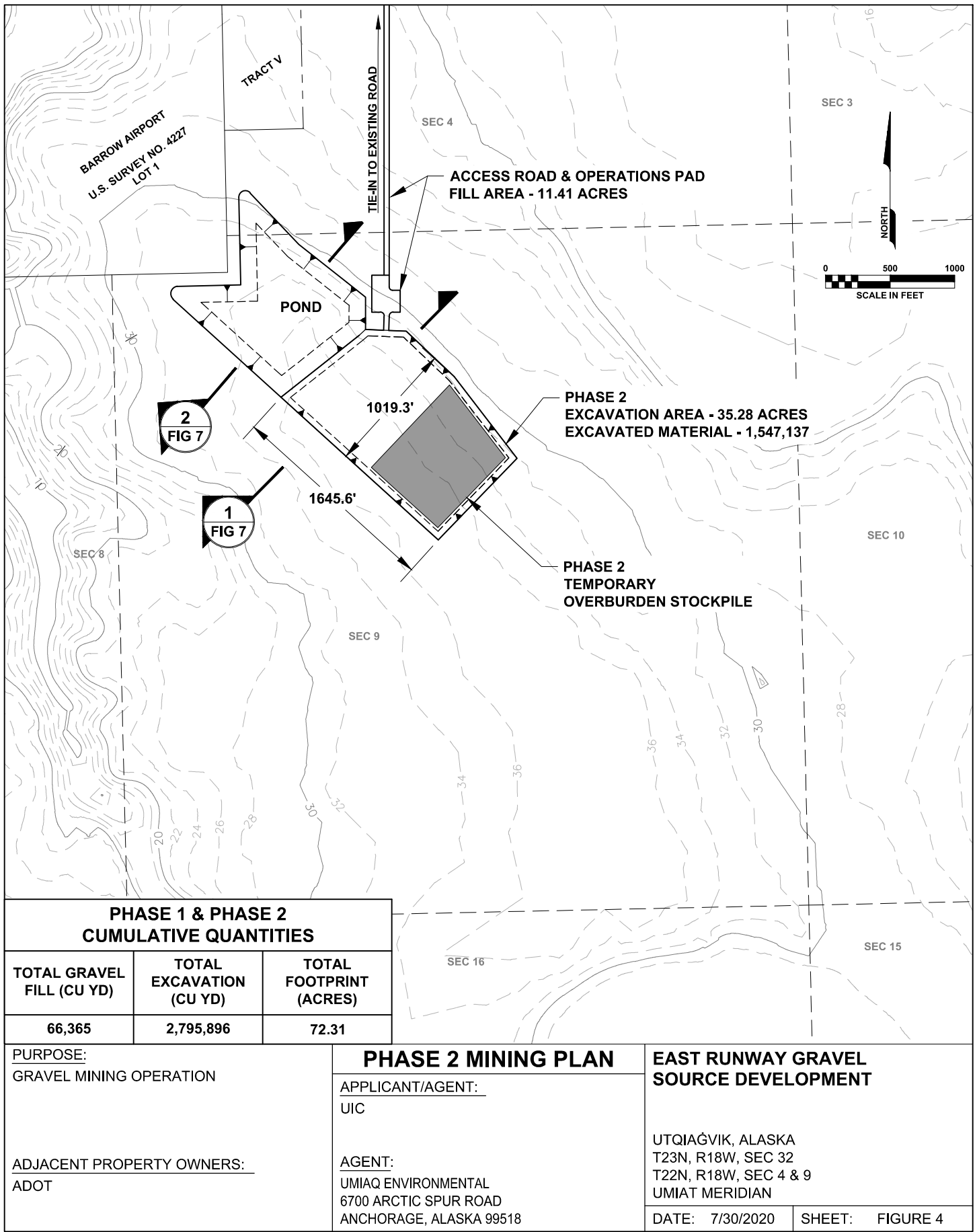


PURPOSE: GRAVEL MINING OPERATION	GRAVEL SOURCE SITE PLAN		EAST RUNWAY GRAVEL SOURCE DEVELOPMENT	
	APPLICANT/AGENT: UIC		UTQIAĠVIK, ALASKA T23N, R18W, SEC 32 T22N, R18W, SEC 4 & 9 UMIAT MERIDIAN	
	AGENT: UMIAQ ENVIRONMENTAL 6700 ARCTIC SPUR ROAD ANCHORAGE, ALASKA 99518			
ADJACENT PROPERTY OWNERS: ADOT			DATE: 7/30/2020	SHEET: FIGURE 2B

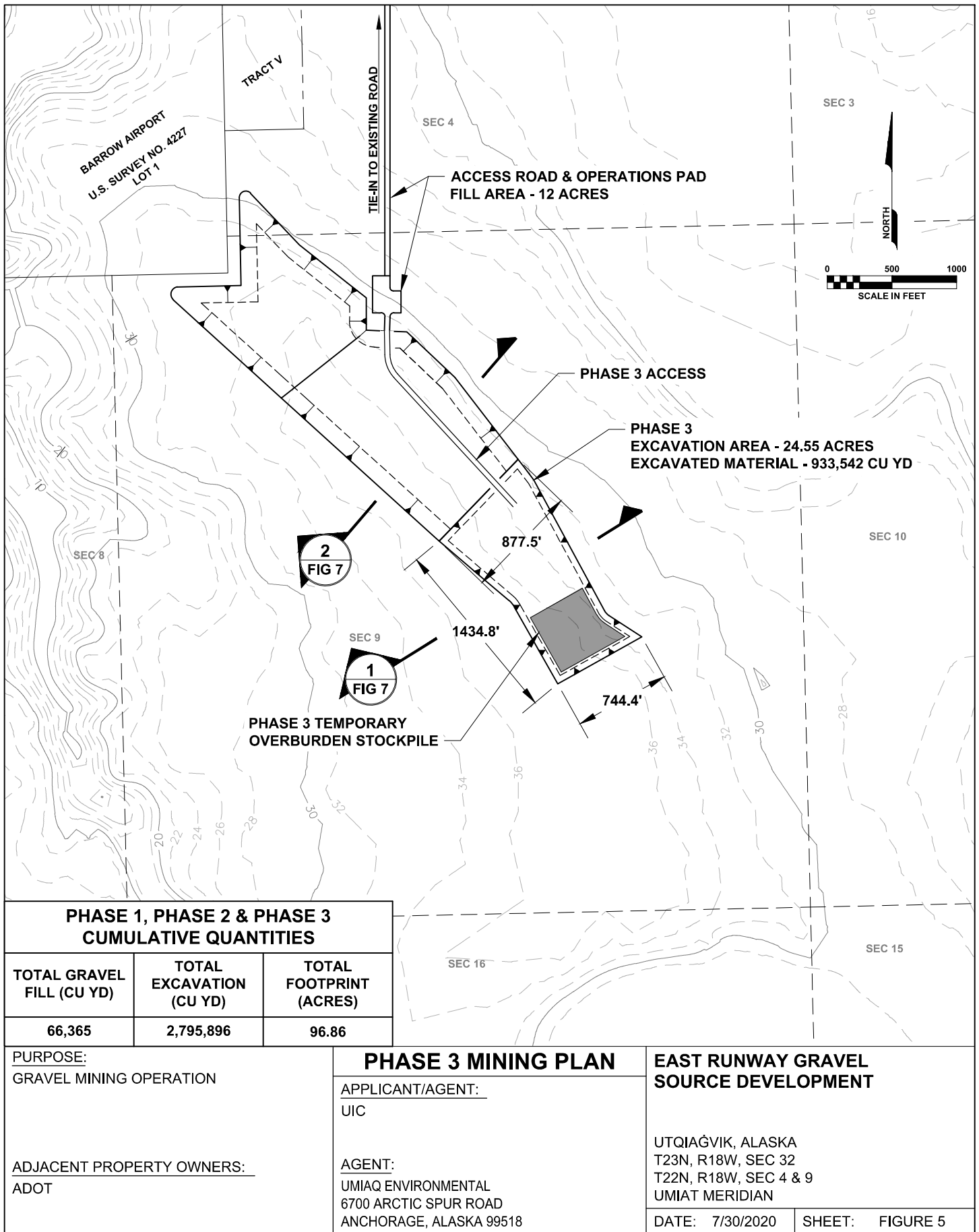
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PRINTED: 07/30/2020 14:56 margaret.hinz-neason LAYOUT: Figure 3 XREFS: None IMAGES: None



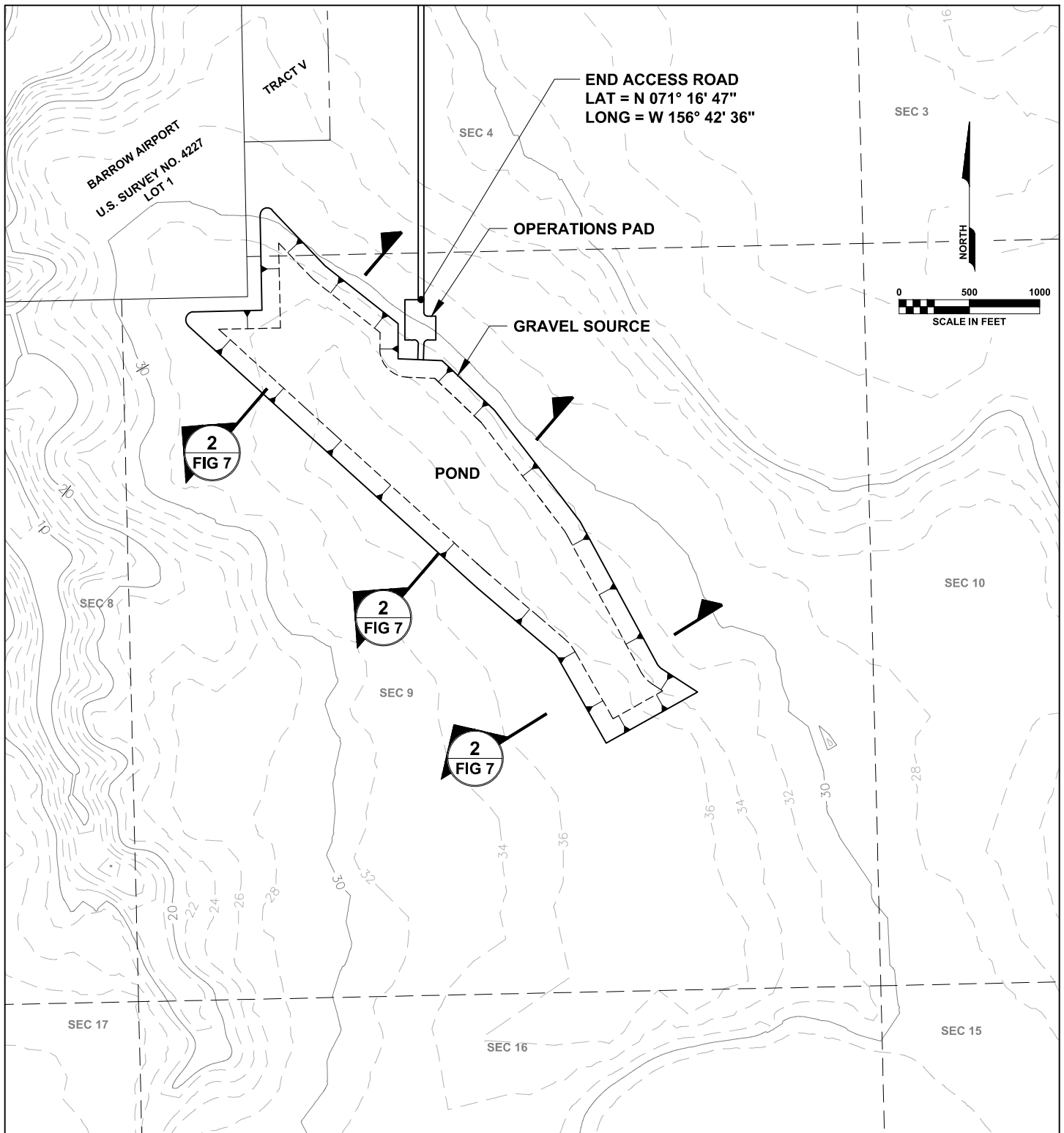
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PRINTED: 07/30/2020 14:56 margaret.hinz-neason LAYOUT: Figure 4 XREFS: None IMAGES: None



FILE: M:\Environmental\Projects\05-9201.01 UIC East Runway Gravel Source\CADD\T0197.15 MP FIG-02.06.dwg
PRINTED: 07/30/2020 14:56 margaret.hinz-neason LAYOUT: Figure 5 XREFS: None IMAGES: None

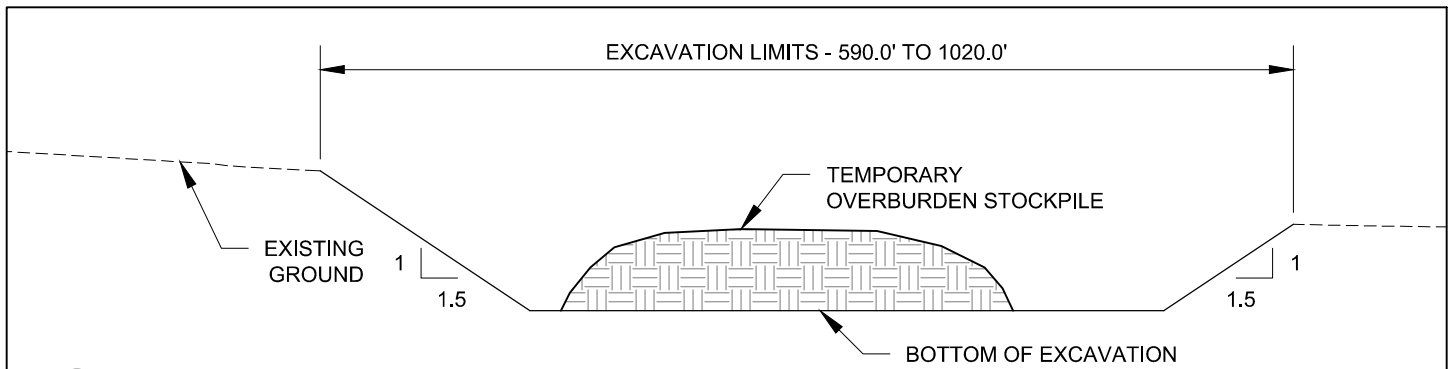


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PRINTED: 07/30/2020 14:56 margaret.hinz-neason LAYOUT: Figure 6 XREFS: None IMAGES: None

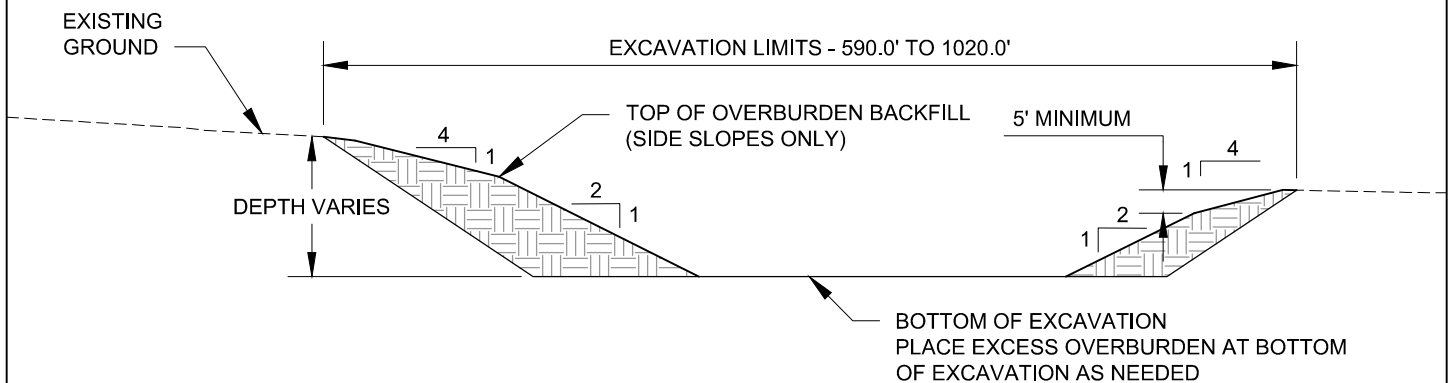


PURPOSE: GRAVEL MINING OPERATION ADJACENT PROPERTY OWNERS: ADOT	FINAL RECLAMATION	EAST RUNWAY GRAVEL SOURCE DEVELOPMENT	
	APPLICANT/AGENT: UIC AGENT: UMIAQ ENVIRONMENTAL 6700 ARCTIC SPUR ROAD ANCHORAGE, ALASKA 99518	UTQIAĠVIK, ALASKA T23N, R18W, SEC 32 T22N, R18W, SEC 4 & 9 UMIAT MERIDIAN	
		DATE: 7/30/2020	SHEET: FIGURE 6

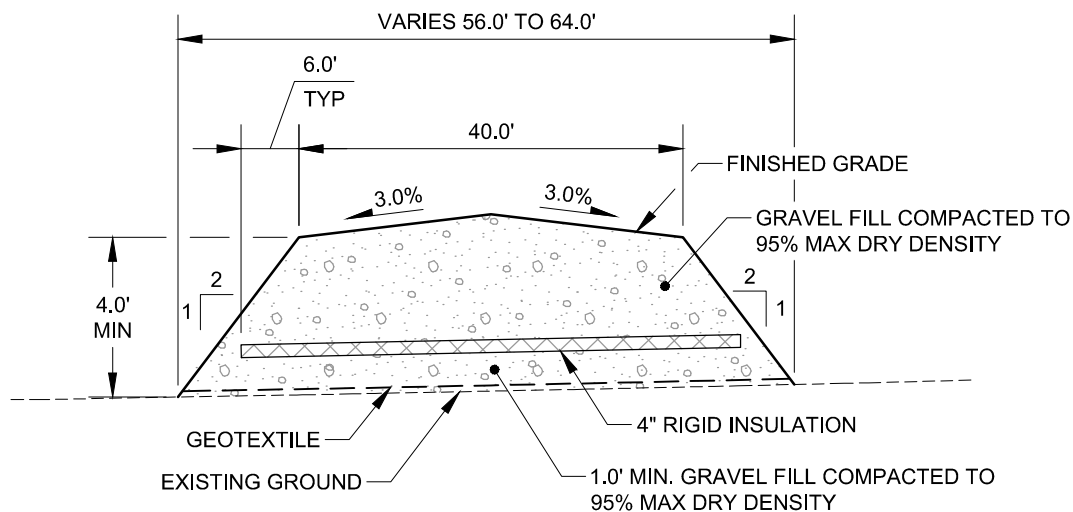
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PRINTED: 07/30/2020 14:56 margaret.hinz-neason LAYOUT: Figure 7 XREFS: None IMAGES: None



1 **TYPICAL EXCAVATION SECTION**
FIG 7 SCALE: N.T.S.



2 **TYPICAL RECLAMATION SECTION**
FIG 7 SCALE: N.T.S.



3 **TYPICAL ACCESS ROAD SECTION**
FIG 7 SCALE: N.T.S.

PURPOSE:
GRAVEL MINING OPERATION

ADJACENT PROPERTY OWNERS:
ADOT

TYPICAL GRAVEL SOURCE SECTIONS

APPLICANT/AGENT:
UIC

AGENT:
UMIAQ ENVIRONMENTAL
6700 ARCTIC SPUR ROAD
ANCHORAGE, ALASKA 99518

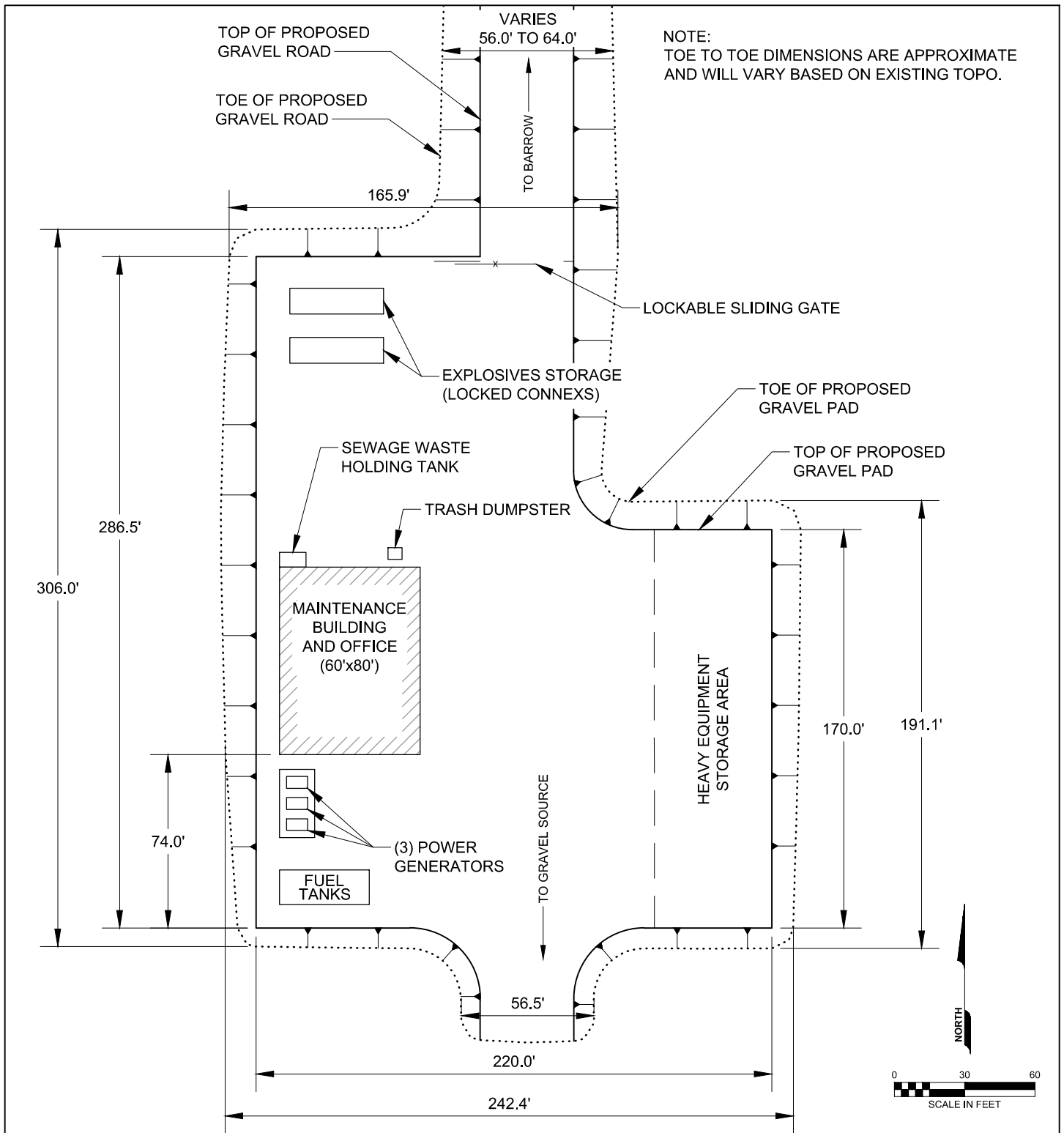
EAST RUNWAY GRAVEL SOURCE DEVELOPMENT

UTQIAĠVIK, ALASKA
T23N, R18W, SEC 32
T22N, R18W, SEC 4 & 9
UMIAT MERIDIAN

DATE: 7/30/2020

SHEET: FIGURE 7

FILE: M:\Environmental\Projects\05-9201.01 UIC East Runway Gravel Source\CADD\T0197.15 MP FIG-08.dwg
PRINTED: 07/30/2020 14:56 margaret.hinz-neason LAYOUT: Figure 8 XREFS: None IMAGES: None



PURPOSE:
GRAVEL MINING OPERATION

ADJACENT PROPERTY OWNERS:
ADOT

OPERATIONS PAD LAYOUT

APPLICANT/AGENT:
UIC

AGENT:
UMIAQ ENVIRONMENTAL
6700 ARCTIC SPUR ROAD
ANCHORAGE, ALASKA 99518

EAST RUNWAY GRAVEL SOURCE DEVELOPMENT

UTQIAĠVIK, ALASKA
T23N, R18W, SEC 32
T22N, R18W, SEC 4 & 9
UMIAT MERIDIAN

DATE: 7/30/2020

SHEET: FIGURE 8