



US Army Corps  
of Engineers  
Alaska District

# Public Notice of Application for Permit

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

<b>PUBLIC NOTICE DATE:</b>	<b>April 1, 2020</b>
<b>EXPIRATION DATE:</b>	<b>May 1, 2020</b>
<b>REFERENCE NUMBER:</b>	<b>POA-2020-00160</b>
<b>WATERWAY:</b>	<b>Crooked Creek</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 (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](mailto: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 Jason Brewer at (907) 753-2823, toll free from within Alaska at (800) 478-2712, by fax at (907) 753-5567, or by email at: [Jason.D.Brewer@usace.army.mil](mailto:Jason.D.Brewer@usace.army.mil) if further information is desired concerning this notice.

**APPLICANT:** Brice Incorporated; Derek Gilbertson, [derekq@briceinc.com](mailto:derekq@briceinc.com), 907-452-2512

**AGENT:** Stantec; Victor Ross, [victor.ross@stantec.com](mailto:victor.ross@stantec.com), 907-352-7809

**LOCATION:** The project site is located at Latitude 61.86919° N., Longitude 158.12372° W.; travel west from the airport for 0.4 miles and project is on your right, just before the bridge over the creek in Crooked Creek, Alaska.

**PURPOSE:** The applicant's stated purpose is to provide adequate quality and quantity of mineral material for the Crooked Creek Airport Improvements Project in Crooked Creek, Alaska.

PROPOSED WORK: Mechanically clear 8.0-acres of land to expand an existing pit, and then excavate the area to deepen the pit to reach the underlying sand and gravel layers. Separate topsoil and organic material from the useable gravel and sand layers, and stockpile each separately. The majority of the expansion would be in non-jurisdictional uplands. In order to obtain adequate amounts of material (400,000 cubic yards of sand and gravel), the pit expansion would also impact approximately 0.27-acres of ponded habitat and 1.71-acres of riverine wetlands, this portion is the only part of the project under the U.S. Army Corps of Engineers (Corps) authority. After the useable material has been used or stockpiled in uplands, the wetland and pond area would be reclaimed using the stockpile wetland topsoil and organic material. The reclaimed area would be contoured and topsoil would be spread over the top. The reclamation effort is anticipated to result in a 6.0-acre pond upon completion, which would be a 4.02-acre increase in waters of the United States (WOUS). All work would be performed in accordance with the enclosed plan (sheets 1-3), dated March 20, 2020.

ADDITIONAL INFORMATION: State of Alaska Department of Environmental Conservation (DEC) - Stormwater Pollution Prevention Plan

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: To avoid impacts to wetlands the applicant stated all available material sources were considered. However, complete avoidance of wetlands is not practicable. Crooked Creek is a rural community located on the banks of the Kuskokwim River. The village is surrounded by wetlands and WOUS. The only other existing quarry for the community supplies rock, which is unsuitable for use at the airstrip. The logistics and costs associated with bringing in a processing plant to crush and screen the rock are not practical. The pit expansion would retain use of the existing access road, eliminating impacts to wetlands from a construction of a new access road.

b. Minimization: The applicant stated the preferred alternative material site was then sized to provide adequate volume of high-quality material. The distance to the airport reduces the amount of fugitive dust during transport, reduces truck exposure to the villagers, and reduces impacts to adjacent wetlands. A vegetated buffer of four acres of uplands and wetlands was established around in the mine site to isolate the final pit from Crooked Creek.

Vegetation clearing for the proposed pit will be scheduled to occur outside the migratory bird nesting season and be consistent with the United States Fish and Wildlife Service (USFWS) guidance. Boundaries will be clearly marked to prevent disturbance outside the established boundary. Cut vegetation will be piled within the pit limits in uplands, so as not to block surface water flows or adversely affect nearby WOUS.

The active work area will be reclaimed while access roads and culverts will remain in uplands. The pits will be reclaimed as follows: The pit walls will be reclaimed when future development is not required. Overall side slopes will be shaped at a 3(H):1(V) or flatter. Stockpiled organics, overburden or unusable material will be used for final grading. Available organics will be spread over re-graded slopes. The available organics will be spread on the

surface to re-establish native species. Overburden berms will be flatted and seeded with plants native to region. Vegetation and organic soils will be stockpiled for use in reclamation.

c. Compensatory Mitigation: The applicant the avoidance and minimization measures above would be incorporated as Best Management Practices for the mine site. Gravel mining would be done by working in cells to minimize the risk of sediment release and cell breach. Crooked Creek is protected from erosion and sedimentation by a natural buffer. This buffer minimizes impacts to WOUS. There will be no sediment release to flowing open water or to wetlands. In addition, only temporary storage of material takes place in the excavated WOUS. All permanent material storage will be in uplands. After mining, reclamation and regrading is completed the mine area will flood due to the shallow groundwater and adjacency to Crooked Creek.

The resulting 6-acre pond will include a littoral edge around the bank for birds and wildlife. The 6-acre pond (originally 4 acres of uplands and 2 acres of wetlands/pond) replaces 2 acres of WOUS, and more than adequately compensates for the wetland loss in this rural location.

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 DEC.

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. Based on the AHRS database, numerous cultural resource surveys have been conducted in this general area for other projects, including road improvements and an airport improvement project. No cultural resources have been found in the permit area or within the vicinity of the permit area. The permit area has been determined to be boundary of the proposed pit expansion. Pit expansion would be clearly marked prior to construction to prevent disturbance outside the boundary of the project area. Additionally, Crooked Creek would act as a physical barrier to prevent movement of equipment into any off-site cultural resources. Consultation of the AHRS constitutes the extent of cultural resource investigations by the 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: No threatened or endangered species are known to use the project area.

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). 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 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](mailto: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-2020-00160**, 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](mailto: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.



158.1333° W 158.1306° W 158.1278° W 158.125° W 158.1222° W 158.1194° W 158.1167° W 158.1139° W

61.8708° N

61.8694° N

61.8681° N

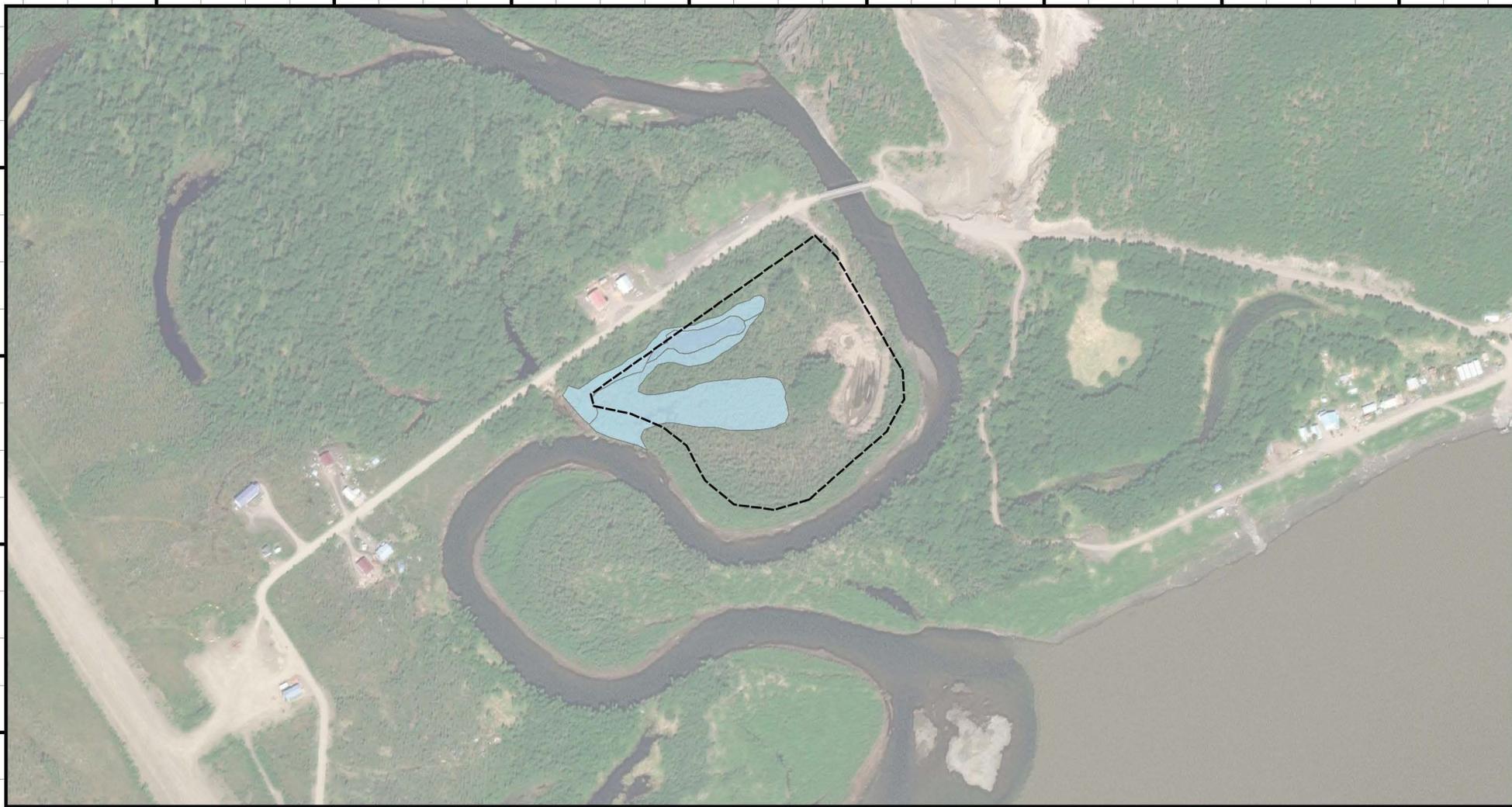
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61.8708° N

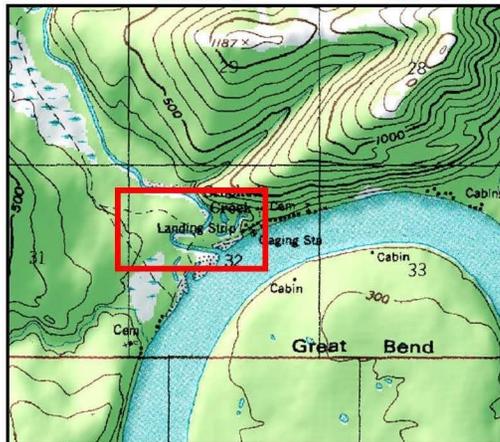
61.8694° N

61.8681° N

61.8667° N



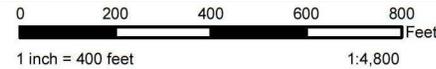
158.1333° W 158.1306° W 158.1278° W 158.125° W 158.1222° W 158.1194° W 158.1167° W 158.1139° W



-  Proposed Material Site
- Mapped Wetlands and Waters**
-  Riverine Wetland or Pond

POA-2020-00160 Crooked Creek Pit Expansion  
Lat.: 61.86919° N., Long.: 158.12372° W.  
Sheet 2 of 3 March 20, 2020

Seward Meridian, Township 21N, Range 48W, Section 32



**Crooked Creek Material Site**

**Applicant:** BRICE, INC  
PO Box 70668  
Fairbanks, AK 99707

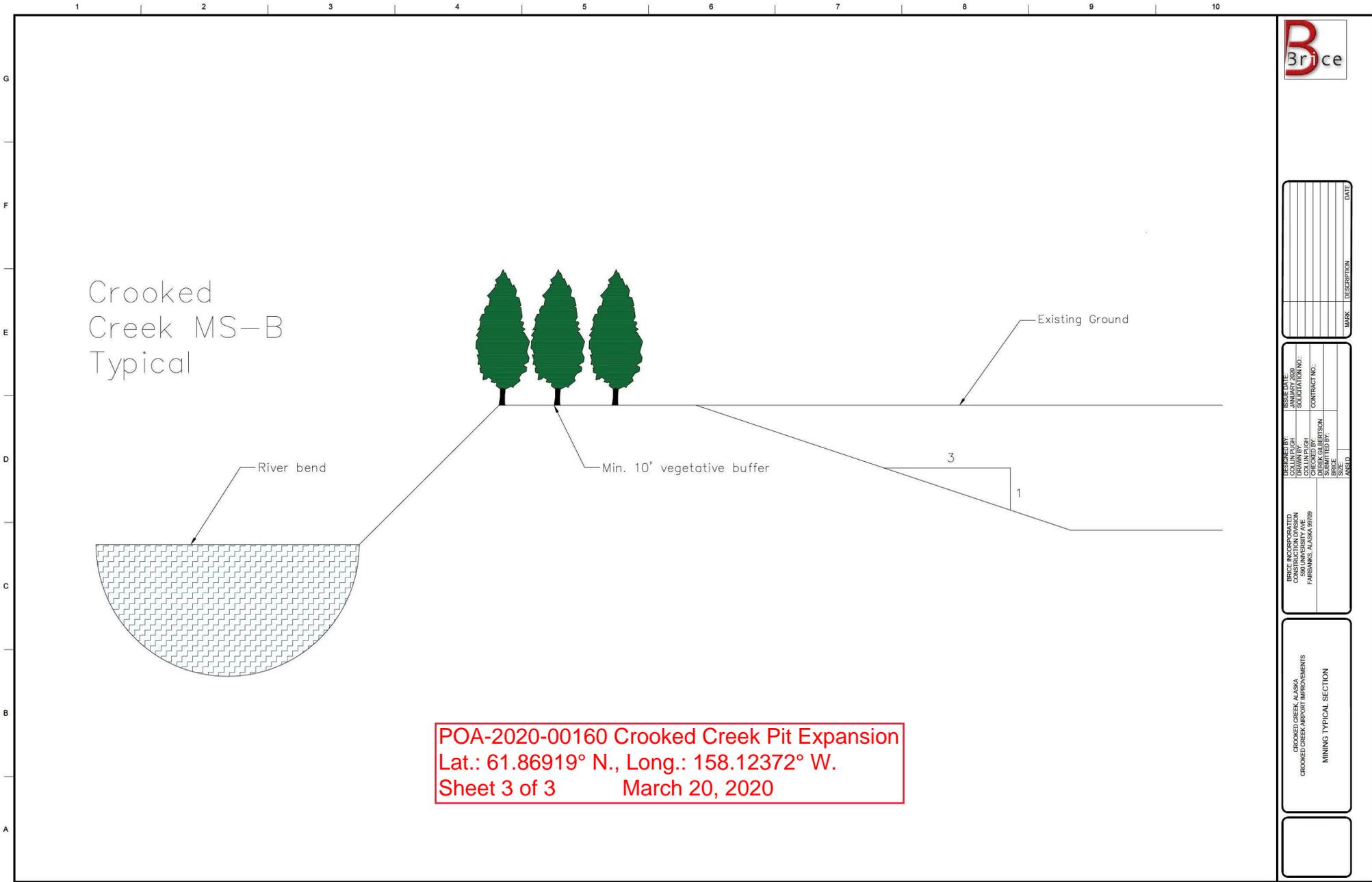
**File No.:**

**Waterway:** Crooked Creek

**Proposed Activity:** Sand/Gravel Extraction

**Date:**

**Sheet:**



NO.	DATE	DESCRIPTION

DESIGNED BY: COLIN FISH	ISSUE DATE: 	DESIGNED BY: DEREK GILBERTSON	ISSUE DATE: 
DRAWN BY: DEREK GILBERTSON	SCALE: 	APPROVED BY: 	DATE: 
BRICE INCORPORATED CONSTRUCTION DIVISION FAIRBANKS, ALASKA 99709	PROJECT NO.:	CONTRACT NO.:	

CROOKED CREEK, ALASKA  
 CROOKED CREEK AIRPORT IMPROVEMENTS  
 MINING TYPICAL SECTION

