



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: February 4, 2021

EXPIRATION DATE: February 19, 2021

REFERENCE NUMBER: POA-2021-00052

WATERWAY: Manayagavik Slough

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 Nicholas Lucore at (907) 753-5783, toll free from within Alaska at (800) 478-2712, by fax at (907) 753-5567, or by email at Nicholas.Lucore@usace.army.mil if further information is desired concerning this notice.

APPLICANT: City of Hooper Bay

AGENT: Summit Consulting Services

LOCATION: The project site is located within Section 22, 23, 26, T. 7 N., R. 93 W., Seward Meridian; USGS Quad Map Hooper Bay C-3; Latitude 61.549521° N., Longitude 166.105670° W.; in Hooper Bay, Alaska.

PURPOSE: The applicant's stated purpose is to construct an updated wastewater lagoon to address the deficiencies in the existing smaller single-cell wastewater lagoon.

PROPOSED WORK: The applicant has proposed to discharge 114,600 cubic yards (CY) of dredged material into 27.5-acres of palustrine emergent, scrub shrub and aquatic bed wetlands for the construction of a double cell wastewater lagoon. The construction of the internal berm and cells of the lagoon will impact 25.5-acres of wetlands and the outer organic berm will impact an additional 2-acres of wetlands. All work would be performed in accordance with the enclosed plan (sheets 1-3), dated January 28, 2021.

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: Avoidance of wetlands is not possible due to the abundance of wetlands both in and around the community of Hooper Bay.
- b. Minimization: The design of the lagoon and elevated force main/boardwalk seeks to minimize construction in waters of the U.S. to the best extent possible. The extent of the project, both the lagoon and elevated force main/boardwalk, will be delineated and marked prior to construction in order to minimize any impacts to wetlands. A project specific SWPPP will be established to protect surrounding wetlands from and sediment runoff.
- c. Compensatory Mitigation: Due to the pressing need for the project, the inability of the community to avoid construction in wetlands, and the relatively minimal negative impacts to wetlands the project is expected to have, 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 proposed project which would occur only in waters of the U.S., including 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. 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 Spectacled Eider (*Somateria fischeri*).

We have determined the described activity may affect the endangered Spectacled Eider. We will initiate 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.

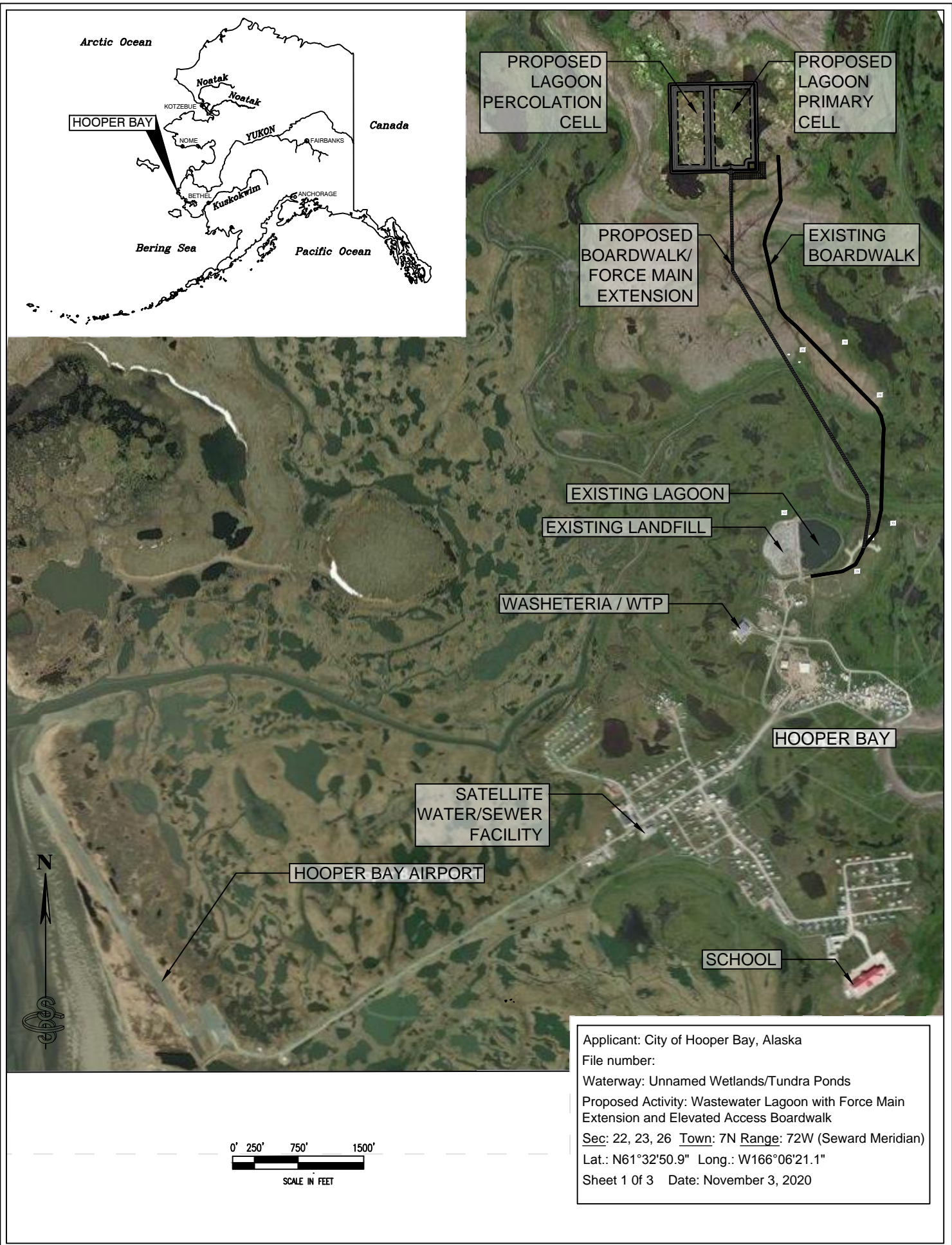
AUTHORITY: This permit will be issued or denied under the following authority:

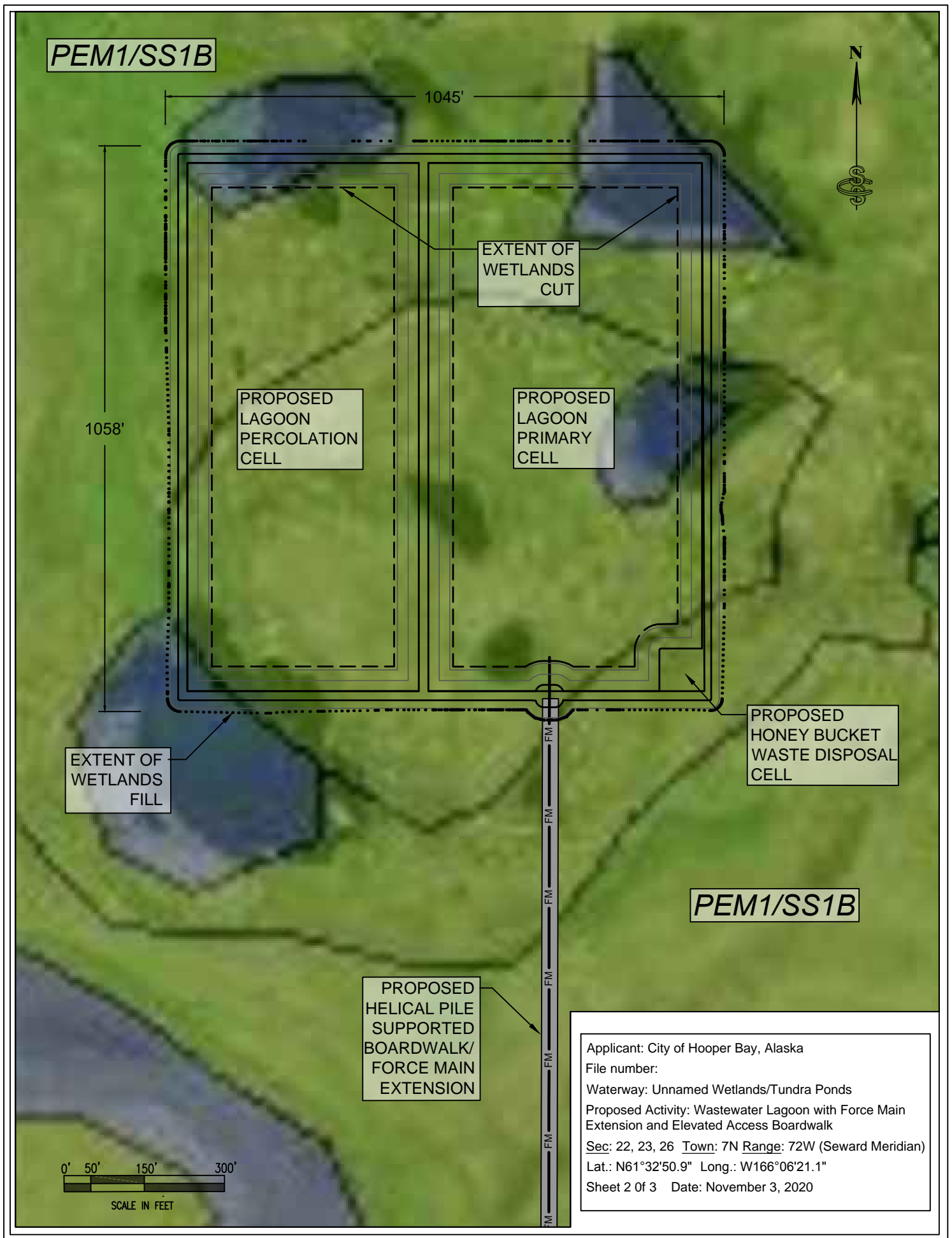
(X) Discharge dredged or fill material into waters of the U.S. – Section 404 Clean Water Act (33 U.S.C. 1344). Therefore, our public interest review will consider the guidelines set forth under Section 404(b) of the Clean Water Act (40 CFR 230).

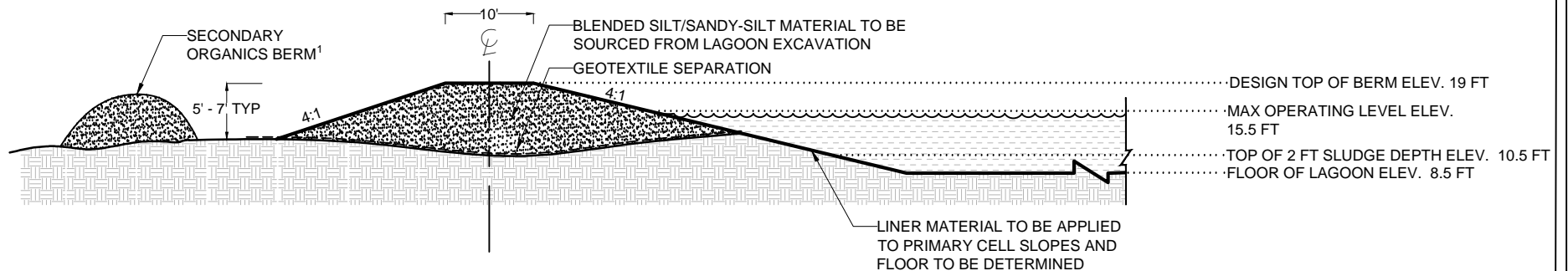
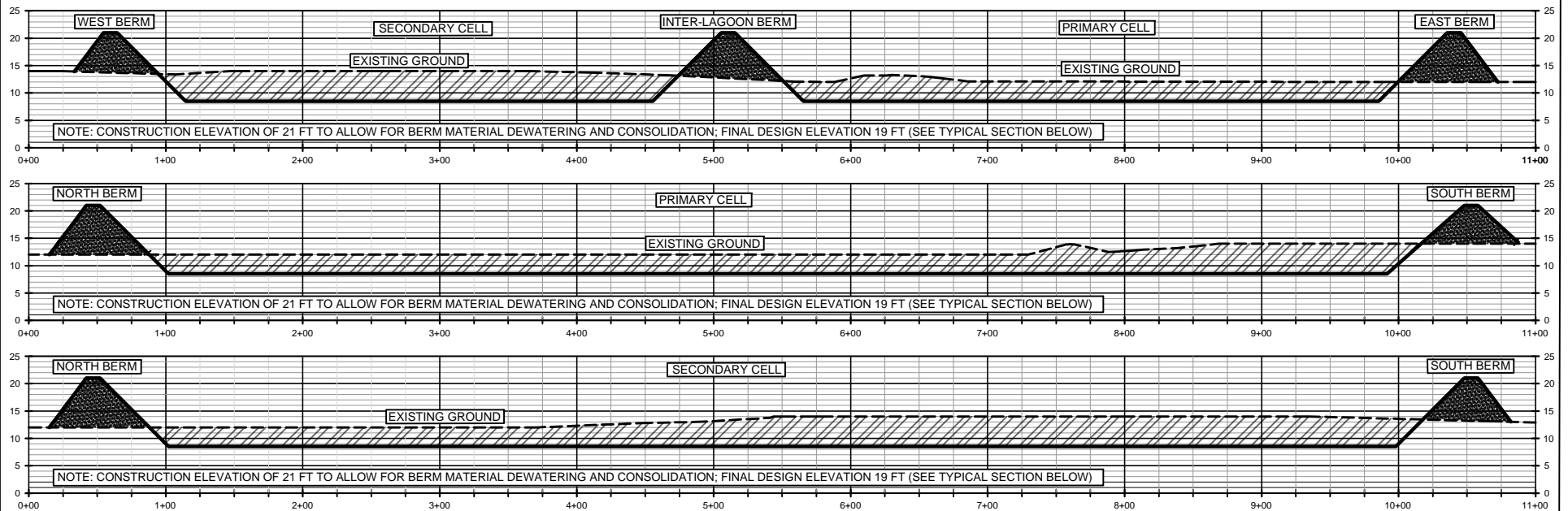
Project drawings are enclosed with this Public Notice.

District Commander
U.S. Army, Corps of Engineers

Enclosure







TYPICAL FINISHED LAGOON BERM SECTION VIEW

NOT TO SCALE

NOTES: 1. GRUBBED MATERIAL WILL BE USED TO CREATE A SECONDARY BERM THAT WILL SERVE AS STORM WATER PROTECTION DURING CONSTRUCTION AND AS A LONG-TERM SECONDARY BARRIER TO STORM SURGES, FLOOD WATERS, AND POTENTIAL ICE FLOES

Applicant: City of Hooper Bay, Alaska
 File number:
 Waterway: Unnamed Wetlands/Tundra Ponds
 Proposed Activity: Wastewater Lagoon with Force Main Extension and Elevated Access Boardwalk
 Sec: 22, 23, 26 Town: 7N Range: 72W (Seward Meridian)
 Lat.: N61°32'50.9" Long.: W166°06'21.1"
 Sheet 3 of 3 Date: November 3, 2020