



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 26, 2021

EXPIRATION DATE: March 29, 2021

REFERENCE NUMBER: POA-2020-00367

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

APPLICANT: Mr. Joseph B. Dale II, Dale Construction LLC, P.O. Box 3442, Bethel, Alaska 99559, joe@daleconstructionllc.com; (907) 543-2800

AGENT: Ms. Katherine Dale, Dale Construction LLC, P.O. Box 3442, Bethel, Alaska 99559, kat@daleconstructionllc.com; (907) 543-2800

LOCATION: The project site is located within Section 11, T. 8 N., R. 72 W., Seward Meridian; USGS Quad Map Bethel D-8; Latitude 60.7946° N., Longitude 161.8674° W.; Chaney Subdivision Name, north of BIA road, in Bethel, Alaska.

PURPOSE: The applicant's stated purpose is to sell sand.

PROPOSED WORK: The authorization and retention of previously mechanized land clearing resulting in the discharge of fill material into 10.5 acres of Palustrine emergent (PEM) wetlands to expand an existing sand pit. This work was done after August 17, 2017, and required authorization from the U.S. Army Corps of Engineers (Corps). These wetlands are adjacent to Brown's Slough which is considered a water of the U.S. This was an expansion of an historical pit consisting of approximately 24.9 acres of PEM wetlands that were cleared with mechanized equipment prior to 2005. The total existing impacts to waters of the U.S., including wetlands would be 35.4 acres.

Additionally, the applicant would now like to further expand the pit by mechanically land clearing which would result in the discharge of material into an additional 4.6 acres of wetlands to bring the total size of the pit to 40 acres (represented by sheet 4 of 5). The expansion would be needed to provide the quantity of specified materials for the upcoming expansion of the Bethel Runway and Lower Kuskokwim School District projects throughout the area.

The applicant would continue to excavate 50,000 cubic yards (CY) and potentially up to 150,000 CY of sandy material annually from the pit each year.

This proposal would bring the existing sand pit into compliance with Section 404 of the Clean Water Act.

All work would be performed in accordance with the enclosed plan (sheets 1-5), dated February 22, 2021.

ADDITIONAL INFORMATION: This project occurs on a Native Allotment owned by Margaret Chaney.

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 that the project has not impacted any lakes, rivers or important open waters in the Bethel area.

b. Minimization: The project has only expanded as resources have been depleted.

c. Compensatory Mitigation: The applicant has stated that as they deliver sand to prospective customers they previously have cleaned up, and would continue to clean up, the tundra on that property of any debris in wetlands. They take it to the appropriate landfill for disposal, clearing debris from the wetlands would help to improve wetland functions and quality within the HUC 12 (190305023201) Browns Slough watersheds.

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 complete project area and the work has already occurred. 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 Potential to Cause Effects determination for the proposed project. Consultation with the State Historic Preservation Office (SHPO) is not required, however, 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.

ENDANGERED SPECIES: No threatened or endangered species are known to use the project area.

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.

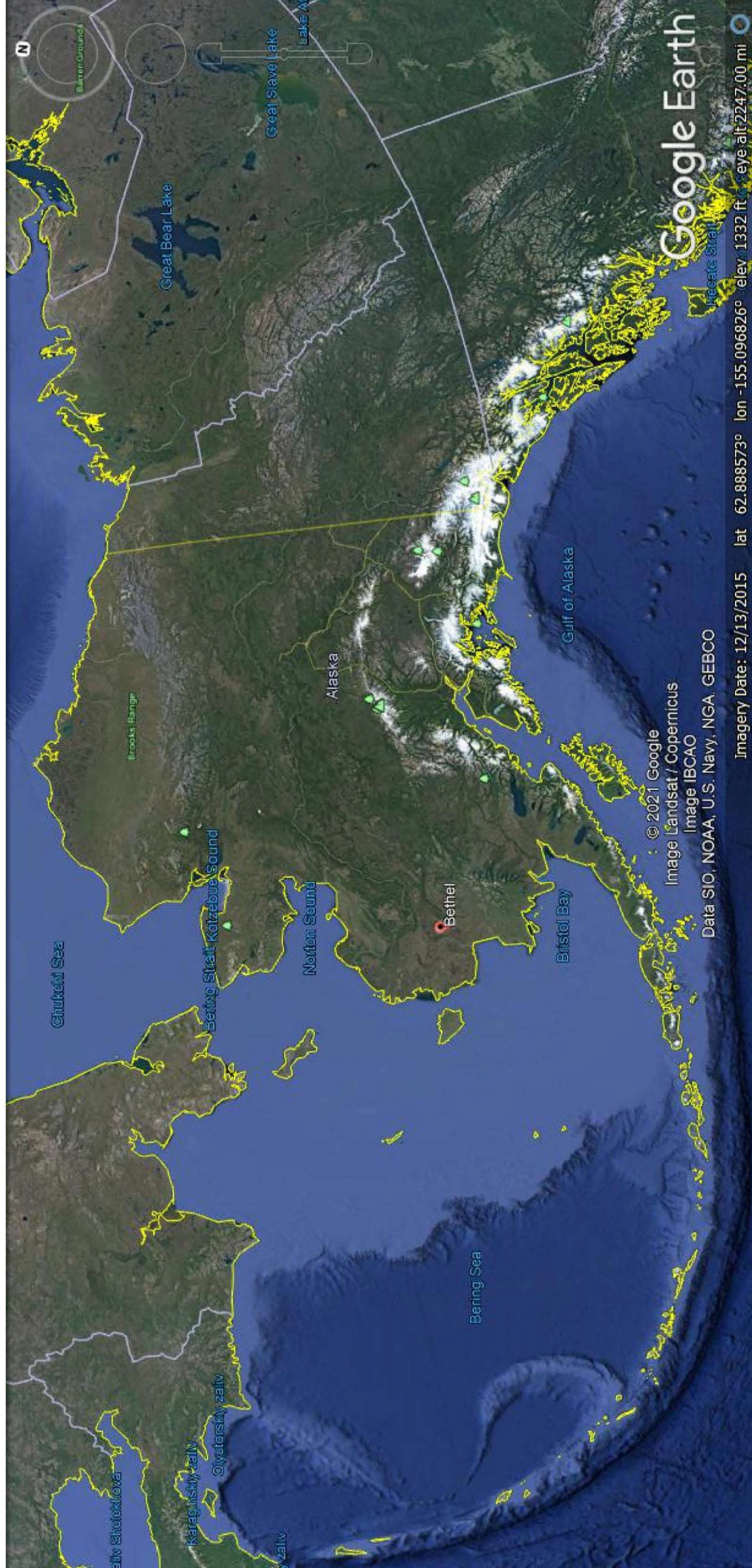
AUTHORITY: This permit will be issued or denied under the following authority:

(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).

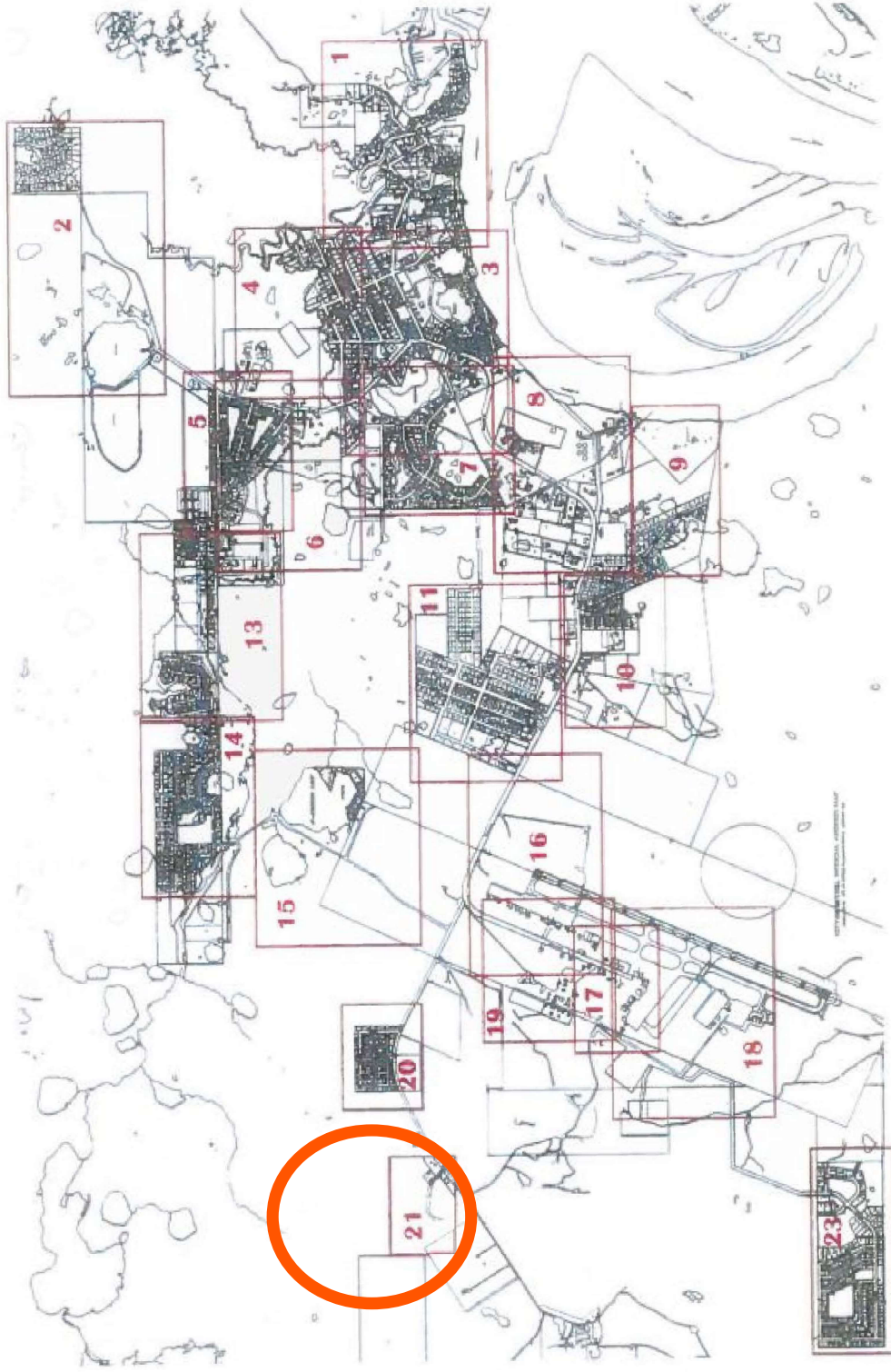
Project drawings are enclosed with this Public Notice.

District Commander
U.S. Army, Corps of Engineers

Enclosures



POA-2020-00367, Brown's Slough
 Dale Construction, Chaney Sand Pit
 Drawings dated February 22, 2021
 Sheet 1 of 5



Sheets not published in this edition 1 12 and 22 The Bethel Planning Department can be reached at 907-543-6306

POA-2020-00367, Brown's Slough
Dale Construction, Chaney Sand Pit
Drawings dated February 22, 2021
Sheet 2 of 5

A-1500 ft. B-1300 ft. C-800 ft. D-550 ft.

C

D

B

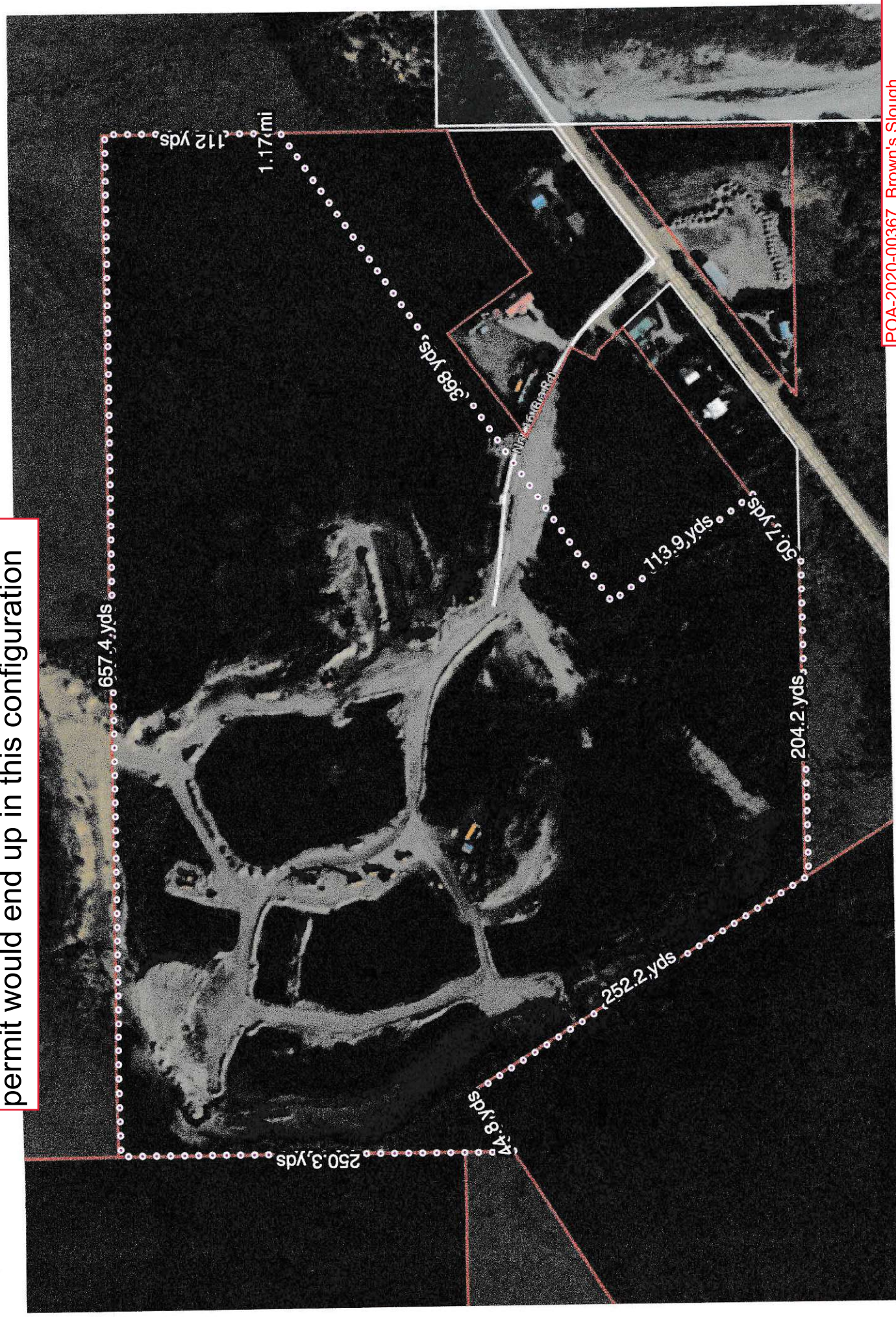
A

The areas within the yellow, green and pink areas were cleared by June 2020.

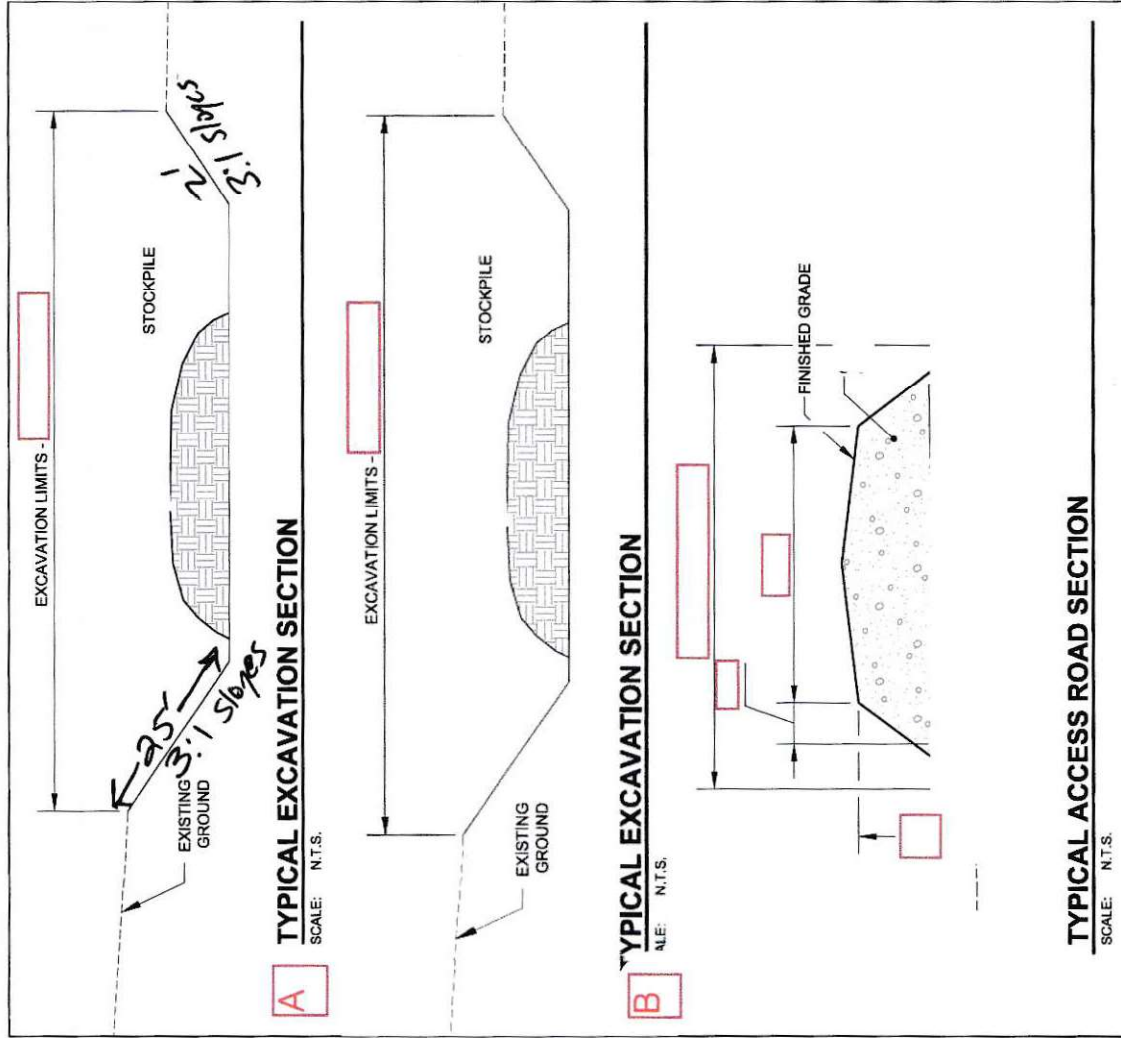
Yellow-Area that we are still removing sand.
Green-Newly stripped area that we are removing sand
Pink-Area that we would like to use in future.

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Proposed additional 4.6 acre expanded permit would end up in this configuration



POA-2020-00367, Brown's Slough
Dale Construction, Chaney Sand Pit
Drawings dated February 22, 2021
Sheet 4 of 5



POA-2020-00367, Brown's Slough
Dale Construction, Chaney Sand Pit
Drawings dated February 22, 2021
Sheet 5 of 5

* Stock piles of sand are piled up and hauled away within a couple days. The slopes around the perimeter of pit are maintained at 3:1 slopes. Sidney St. is the entrance to the pit but not part of the project.