



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

PUBLIC NOTICE DATE:	August 18, 2017
EXPIRATION DATE:	September 18, 2017
REFERENCE NUMBER:	POA-2017-403
WATERWAY:	Kuskokwim River

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.

Comments on the described work, with the reference number, 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 Jeremy Grauf at (907) 753-2798, toll free from within Alaska at (800) 478-2712, by fax at (907) 753-5567, or by email at Jeremy.Grauf@usace.army.mil if further information is desired concerning this notice.

APPLICANT: Forest Button, Alaska Village Electric Cooperative (AVEC), 4831 Eagle Street, Anchorage, Alaska 99503, 907-561-1818, fbutton@avec.org

AGENT: Robin Reich, Solstice Alaska Consulting, Inc., 2607 Fairbanks Street, Ste. B, Anchorage, Alaska 99503, 907-929-5960, robin@solsticeak.com

LOCATION: The project site is located within Bethel, Alaska, off of the Old BIA Road, at Latitude 60.78029° N., Longitude 161.88598° W.

SPECIAL AREA DESIGNATION: The project is located within the Yukon Delta National Wildlife Refuge.

PURPOSE: The applicant's stated purpose is to install a wind turbine in Bethel to provide renewable, clean, and affordable energy for Bethel, Oscarville, and Napakiak.

PROPOSED WORK: The proposed project would place approximately 3,162 cubic yards of locally available fill material, into approximately 0.72 acre of wetlands, to develop a fill pad and access road, in order to build a wind turbine. The wind turbine tower would be 246 foot tall with traditional horizontal axis-design that would produce 900 kW of energy. The turbine would reach 348 feet high and turn at a standard speed of 90 to 120 miles per hour. All work would be performed in accordance with the enclosed plan (sheets 1-6), dated July 2017.

APPLICANT PROPOSED MITIGATION: The applicant proposes the following mitigation measures to avoid, minimize, and compensate for impacts to waters of the United States from activities involving discharges of dredged or fill material.

a. Avoidance: The Bethel area is within the Yukon Delta National Wildlife Refuge, and contains approximately 87% aquatic resources. Therefore, avoidance of impacts to waters of the United States is not possible in the Bethel area, because any alternative that would meet the proposed project purpose would have impacts to waters of the United States.

b. Minimization: To minimize impacts to waters of the United States, the following measures would be implemented:

1. Construction limits would be staked and clearly demarcated.
2. Natural vegetation will be retained wherever possible. Topsoil, seeding, and vegetation would be placed to rehabilitate disturbed areas.
3. Clean fill will be used for construction.
4. The construction pad will be stabilized to minimize erosion and sedimentation into wetland areas; it will be watered to reduce dust from construction activities; and pad materials will come from an existing, permitted borrow site.
5. Wetland water quality would be protected during construction through best management practices including:
 - Temporary and permanent stabilization measures, including slope tracking, seeding, and mulch would be initiated as soon as practicable by the contractor, but within at least 14 days on portions of the site where construction activities have temporarily or permanently ceased.
 - Sediment prevention measures (i.e., silt fence or other means) would be placed and maintained. These would remain in place until fill and other exposed earthwork attributable to the project are stabilized and revegetated.
6. Vegetative clearing, excavation, and placement of fill on or over functional bird habitat will not be done between May 5 and July 25.
7. If cultural resources are encountered during construction all ground disturbing activities shall cease in the immediate area, and the contractor will notify the State Historic Preservation Officer right away (within one business day of discovery).

c. Compensatory Mitigation: Due to the small impact area of the proposed project and high proportion of aquatic resources within the Bethel area, AVEC is not proposing compensatory mitigation.

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, but there is one cultural resource within the vicinity of the permit area. The permit area has been determined to be the entire project area. 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 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 of Engineers 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 of Engineers 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 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 of Engineers

Enclosures

STATE OF ALASKA

DEPT. OF ENVIRONMENTAL CONSERVATION
DIVISION OF WATER
401 Certification Program
Non-Point Source Water Pollution Control Program

ANCHORAGE

DEPARTMENT OF ENVIRONMENTAL CONSERVATION
WQM/401 CERTIFICATION
555 CORDOVA STREET
ANCHORAGE, ALASKA 99501-2617
PHONE: (907) 269-7564/FAX: (907) 334-2415

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 No. **POA-2017-403, Kuskokwim River**, 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 by the expiration date of the Corps of Engineer's Public Notice.

File Number: POA-2017-403
Waterway Name: Kuskokwim River

APPLICANT: Forest Button, Alaska Village Electric Cooperative (AVEC), 4831 Eagle Street, Anchorage, Alaska 99503, 907-561-1818, fbutton@avec.org

AGENT: Robin Reich, Solstice Alaska Consulting, Inc., 2607 Fairbanks Street, Ste. B, Anchorage, Alaska 99503, 907-929-5960, robin@solsticeak.com

ADJACENT PROPERTY OWNERS:

- **Bethel Native Corporation**
P.O Box 719, Bethel, AK 99559
- **Bethel Utilities Corporation**
3380 C Street, Ste. 210, Anchorage, AK 99503
- **Calista Corporation**
5015 Business Park Blvd., Ste. 3000, Anchorage, AK 99503
- **City of Bethel**
P.O. Box 1388, Bethel, AK 99559
- **Unicom, Inc. including United Utilities, Inc. and United KUC, Inc.**
5450 A Street, Anchorage, AK 99518-1291
- **United States Air Force**
21685 2nd Street, Joint Base Elmendorf-Richardson, AK 99505
- **Yukon Delta National Wildlife Refuge**
P.O. Box 346, Bethel, AK 99559
- **Bethel Broadcasting, Inc. including KYUK**
P.O. Box 468, Bethel, AK 99559

MUNICIPAL OFFICIALS:

Oscarville, Napakiak, Bethel Census Area

CONGRESSIONAL OFFICES:

Representative Young Office - catherine.petty@mail.house.gov

Senator Sullivan Office – carrie_keil@sullivan.senate.gov

Senator Murkowski Office – services@murkowski.senate.gov

FEDERALLY RECOGNIZED TRIBES:

- **Bethel Native Village**
gpeltola@nativecouncil.org,
- **Bureau of Indian Affairs (BIA)**
Anchorage Agency, 3601 C Street Suite 1100, Anchorage, AK 99503-5947
- **Oscarville Tibal Council**
mstevens@avcp.org
- **Oscarville Native Corporation**
PO BOX 6085
Napaskiak, AK 99559
- **Native Village of Napakiak**
naparyaraq@hughes.net
- **Native Village of Napaskiak**
fjenkins@napaskiak.org

MAILING LISTS USED:

<u>List Used</u>	<u>Date of list used</u>	<u># on list</u>
Master list (Paper)	(Dated 7 Mar 2016)	4
Master list (email)		

CHOOSE APPROPRIATE PAPER LIST(S) BELOW:

Southcentral	(Dated 8 March 2016)	03
North	(Dated 13 Jan 2015)	02
Southwest	(Dated 16 Jul 2014)	01

CHOOSE APPROPRIATE EMAIL LIST(S) BELOW :

PN South Central
PN Northern