



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: June 29, 2018

EXPIRATION DATE: July 16, 2018

REFERENCE NUMBER: POA-2017-00051

WATERWAY: Kangirlvar Bay

PUBLIC NOTICE REVISION

On June 22, 2018, the Alaska District Corps of Engineers published a Public Notice for Department of the Army (DA) permit number POA-2017-51, KANGIRLVAR BAY for a DA permit application from Alaska Department of Transportation and Public Facilities (ADOT&PF), to rehabilitate the Toksook Bay Airport, Airport Access Road, and associated facilities and to bring the runway safety area (RSA) and taxiway safety area (TSA) to current design standards. The project site is located within Sections 4, 8 and 9, T. 5 N., R. 90 W., Seward Meridian; Latitude 60.538027° N., Longitude 165.08910° W.; in the City of Toksook Bay, Alaska.

The last page of our notice along with the "Notice of Application for State Water Quality Certification" were inadvertently left off of the original publication of the public notice. We have attached the full complete public notice to this revision notice. We have extended the public notice on account of the missing information.

All other information contained in the previous notice remains the same. Please bring this announcement to the attention of anyone you know who is or may be interested. Please contact Heather Markway at (907) 753-2797, toll free from within Alaska at (800) 478-2712, by fax at (907) 753-5567, or by email at: Heather.N.Markway@usace.army.mil if further information is desired concerning this notice.

District Engineer
U.S. Army, Corps of Engineers



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WATERWAY:	Kangirlvar Bay

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 Heather Markway at (907) 753-2797, toll free from within Alaska at (800) 478-2712, by fax at (907) 753-5567, or by email at Heather.N.Markway@usace.army.mil if further information is desired concerning this notice.

APPLICANT: Alaska Department of Transportation and Public Facilities (ADOT&PF), Central Region, P.O. Box 196900, Anchorage, Alaska 99519-6900; Contact: Kim Campo-Allen, 907-269-0533, kim.campo-allen@alaska.gov

LOCATION: The project site is located within Sections 4, 8 and 9, T. 5 N., R. 90 W., Seward Meridian; Latitude 60.538027° N., Longitude 165.08910° W.; in the City of Toksook Bay, Alaska.

PURPOSE: The applicant's stated purpose is to rehabilitate the Toksook Bay Airport, Airport Access Road, and associated facilities and to bring the runway safety area (RSA) and taxiway safety area (TSA) to current design standards.

PROPOSED WORK:

The proposed project would include the following:

- Rehabilitate the existing runway (RW) 16-34
- Rehabilitate the existing taxiway (TW)
- Extend and/or widen the RSA and TSA to meet Runway Design Code B-II safety area standards
- Extend the runway protection zones to meet FAA design criteria, including right-of-way acquisition
- Rehabilitate and stabilize the existing airport access road
- Construct a new, heated, single bay snow removal equipment building, including associated electrical work, fuel lines, and fuel storage
- Install new lighting on TW and RW 16-34
- Relocate precision approach path indicators and runway end identifier lights
- Improve, replace, or extend culverts
- Apply dust palliative to apron, RW, TW, and access road

The proposed project would permanently place 45,200-cubic yards of fill in 3.0-acres of wetlands to bring the RSA and TSA to current design and safety standards. Approximately 18,700-cubic yards of existing fill and unsuitable native material would be removed to place the new material. All work would be performed in accordance with the enclosed plan (figures 1-7), dated 12/11/2017.

ADDITIONAL INFORMATION: The U.S. Department of Transportation, Federal Aviation Administration (FAA), is the lead federal agency for this project in cooperation with Alaska Department of Transportation and Public Facilities (ADOT&PF). FAA and ADOT&PF refer to the project as “CFAP00111: Toksook Bay Airport and Access Road Improvements”. The Draft Environmental Assessment is available for viewing at:
http://dot.alaska.gov/creg/PDE/projects/CFAPT00111_ToksookBayAirportImprovements/CFAPT00111_RevisedDraftEA_01252018.pdf.

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: Impacts to wetlands and other waters of the U.S. were avoided to the greatest extent practicable; however, because the proposed project is located in a region dominated by wetlands and open waters, total avoidance of wetland impacts was not possible. Project design utilized existing embankment limits to the greatest extent practicable, which resulted in no wetland impacts along Airport Access Road and moderated wetland impacts along the runway and taxiway.
- b. Minimization: To minimize unavoidable impacts to wetlands and other waters of the U.S., the proposed project steepened side slopes to 3:1 where feasible and proposes to armor the runway and taxiway embankments to prevent future embankment subsidence. Impacts to waters of the U.S. would be further minimized by preparing a Storm Water Pollution Prevention Plan in accordance with the Alaska Department of Environmental

Conservation's Alaska Pollutant Discharge Elimination System (APDES) Construction General Permit (CGP); implementing best management practices (BMPs) to minimize erosion and sedimentation; and reseeding and stabilizing disturbed ground as soon as practicable with native species recommended for the region by the Alaska Department of Natural Resource's *A Revegetation Manual for Alaska* if species native to the site are not available. In addition, heavy equipment working in wetlands will be placed on mats, or other measures will be taken to minimize soil disturbance. Any wetlands disturbed by construction equipment will be restored to the extent practicable.

- c. Compensatory Mitigation: Toksook Bay is located adjacent to the Yukon Delta National Wildlife Refuge – which encompasses an area of more than 30 million acres – the majority of which is comprised of similar low-lying wetlands to those found in the project area. DOT&PF believes that the fraction of wetland loss for the region would be so small that it cannot be reasonably compensated for, thus compensatory mitigation is not being proposed at this time. We believe the avoidance and minimization measures implemented in project design are appropriate and practicable mitigation for unavoidable functional losses of aquatic resources. Additional rationale for this conclusion is discussed below.
- Embankment armoring* – Subsidence of embankment material has resulted in the degradation of wetlands immediately adjacent to Airport Access Road. The runway and taxiway embankments are beginning to exhibit similar subsidence issues. We believe that by armoring the runway and taxiway embankment, wetland impacts associated with subsidence of fill material will be mitigated.
- Air Quality* – The application of new aggregate surface course, dust palliative, and gravel mulch will reduce fugitive dust, limiting the opportunity for dust to settle into adjacent wetlands. Air quality will also improve for the local community with the reduction of air borne particulates.

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 lead Federal agency, FAA, is responsible for compliance with the requirements of Section 106 of the National Historic Preservation Act. The Corps of Engineers (Corps) will review FAA's documentation and either concur with their documentation or continue to work with them until any issues are resolved. A permit for the described work will not be issued until the Section 106 process has been completed and the Corps concurs with FAA's work or documentation.

ENDANGERED SPECIES: The project area is within the known or historic range of the Spectacled eider (*Somateria fischeri*). The lead Federal agency, FAA, is responsible for the appropriate consultation procedures requirements of section 7 of the Endangered Species Act of 1973 (87 Stat. 844). The Corps has reviewed the section 7 consultation documentation between the FAA and U.S. Fish and Wildlife Service and concurs with their determination that the proposed activity may affect, but is not likely to adversely affect the federally the spectacled eider or its designated critical habitat (documentation in Appendix C of the Draft EA).

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 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

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.

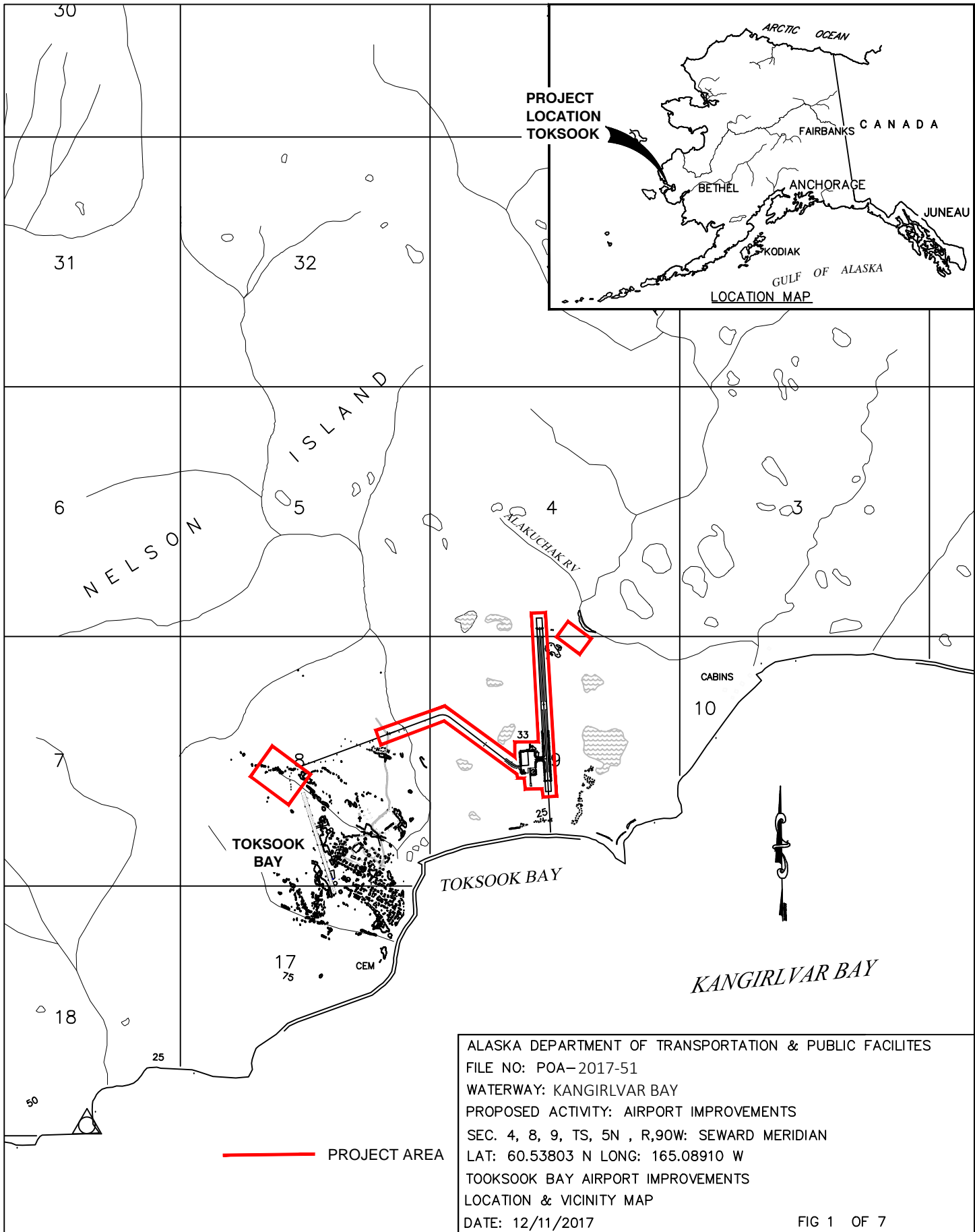
Notice is hereby given that the application for a Department of the Army Permit described in the Corps of Engineers' Public Notice (PN) Reference Number **POA-2017-51, Kangirlvar Bay**, serves as application for State Water Quality Certification from the Department of Environmental Conservation.

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.

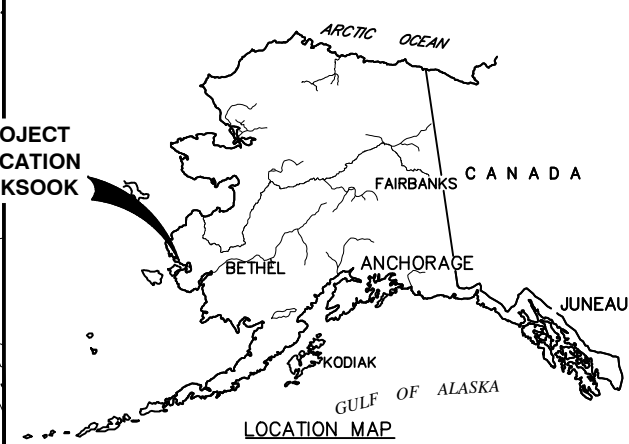
Any person desiring to comment on the project with respect to Water Quality Certification, may submit written comments to the address above or via email to dec-401cert@alaska.gov by the expiration date of the Corps of Engineer's Public Notice. All comments should include the PN reference number listed 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 Theresa Zimmerman at 907-465-6171 or TDD Relay Service 1-800-770-8973/TTY or dial 711 within 30 days of publication of this notice to ensure that any necessary accommodations can be provided.



**PROJECT
LOCATION
TOKSOOK**



NELSON ISLAND

ALAKUCHAK R.V.

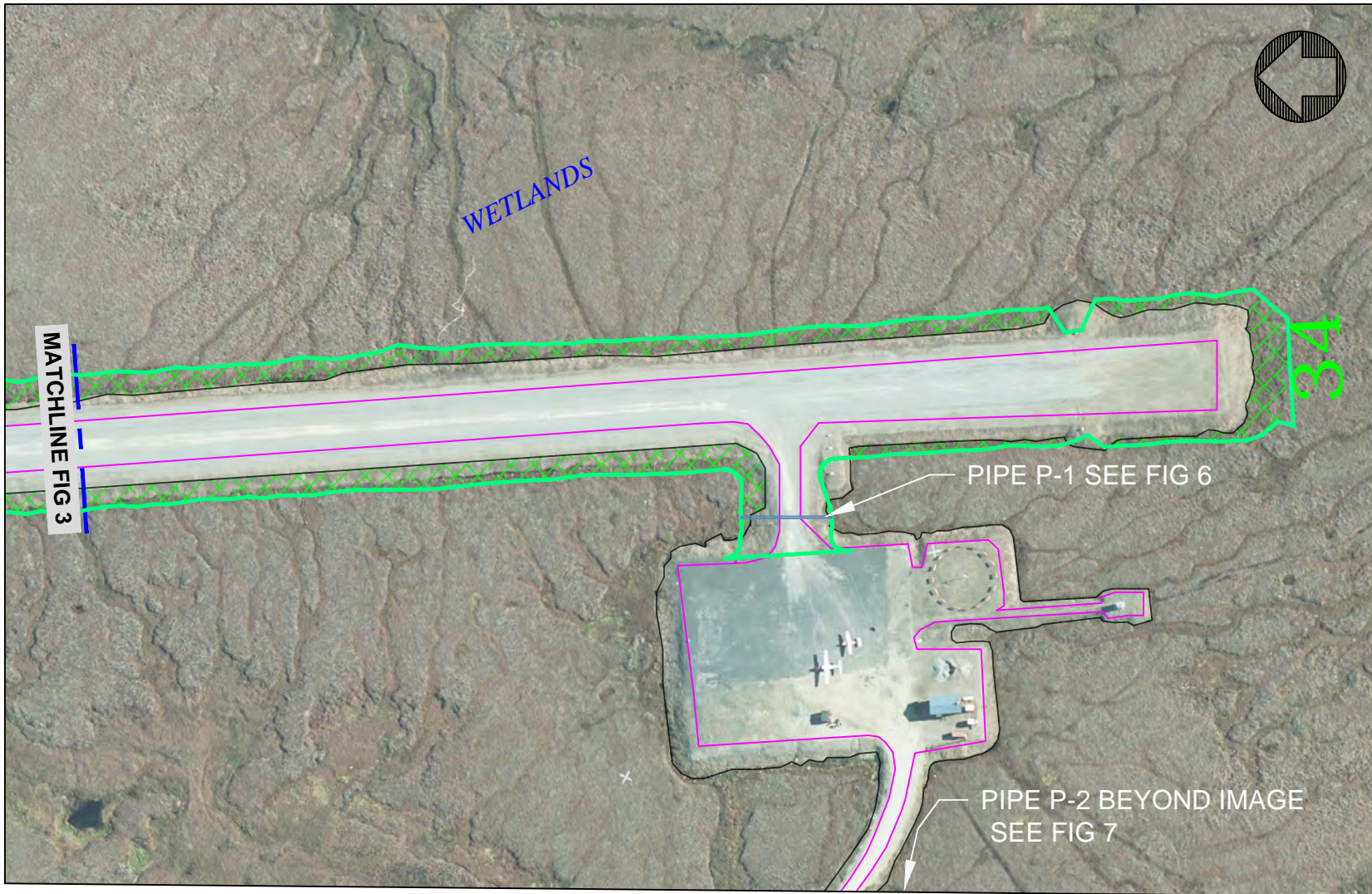
TOKSOOK BAY

TOKSOOK BAY

KANGIRLVAR BAY

— PROJECT AREA

ALASKA DEPARTMENT OF TRANSPORTATION & PUBLIC FACILITES
 FILE NO: POA-2017-51
 WATERWAY: KANGIRLVAR BAY
 PROPOSED ACTIVITY: AIRPORT IMPROVEMENTS
 SEC. 4, 8, 9, TS, 5N , R,90W: SEWARD MERIDIAN
 LAT: 60.53803 N LONG: 165.08910 W
 TOKSOOK BAY AIRPORT IMPROVEMENTS
 LOCATION & VICINITY MAP
 DATE: 12/11/2017

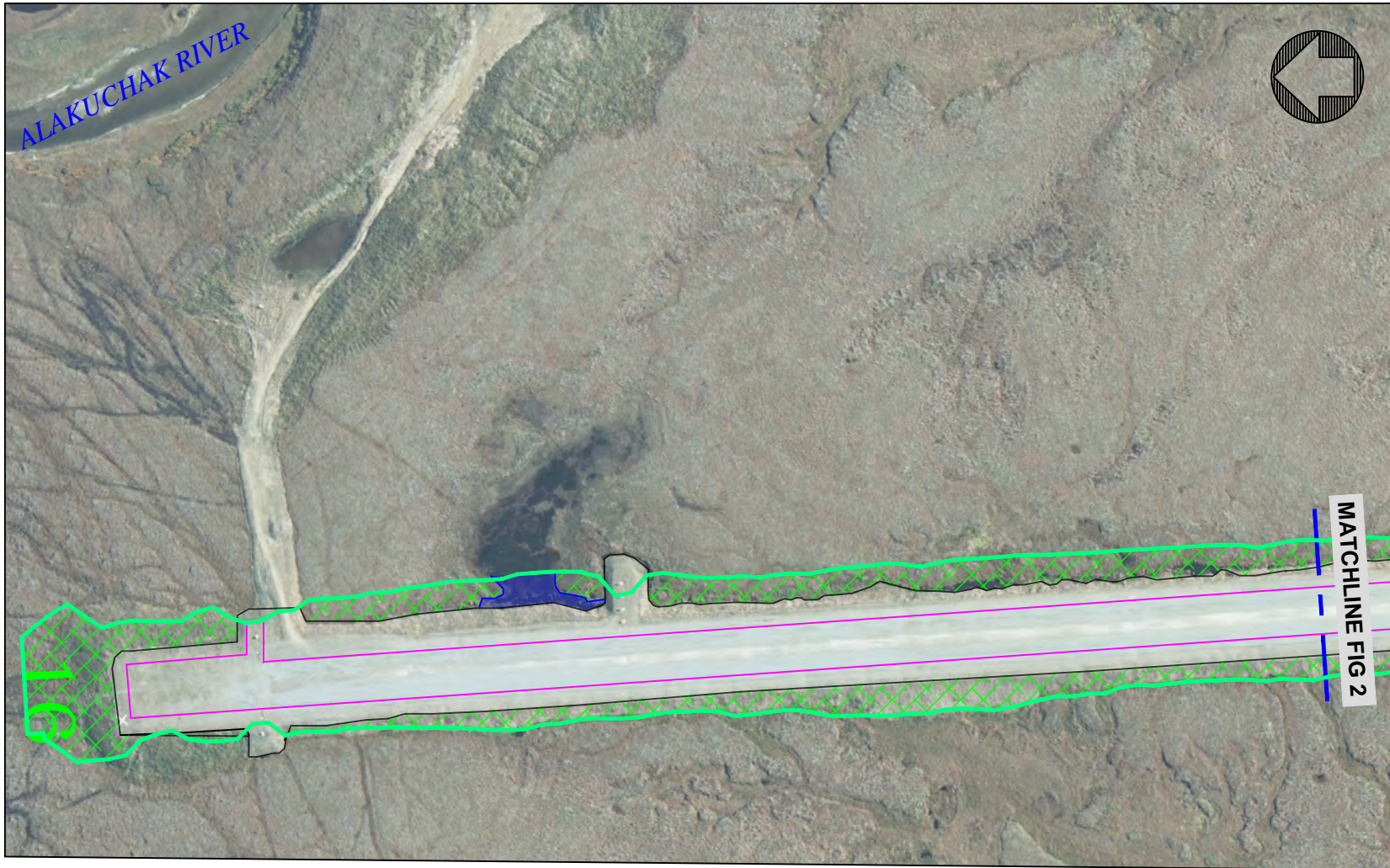


ALASKA DEPARTMENT OF TRANSPORTATION & PUBLIC FACILITIES
 FILE NO: POA- 2017-51
 WATERWAY: KANGIRLVAR BAY
 PROPOSED ACTIVITY: AIRPORT IMPROVEMENTS
 SEC. 4, 8, 9, TS, 5N , R,90W: SEWARD MERIDIAN
 LAT: 60.53803 N LONG: 165.08910 W
 TOOKSOOK BAY AIRPORT IMPROVEMENTS
 PLAN VIEW WETLAND IMPACT
 DATE: 12/11/2017

FIG 2 OF 7

LEGEND

-  **WETLAND IMPACTS**
-  **OPEN WATER IMPACTS**

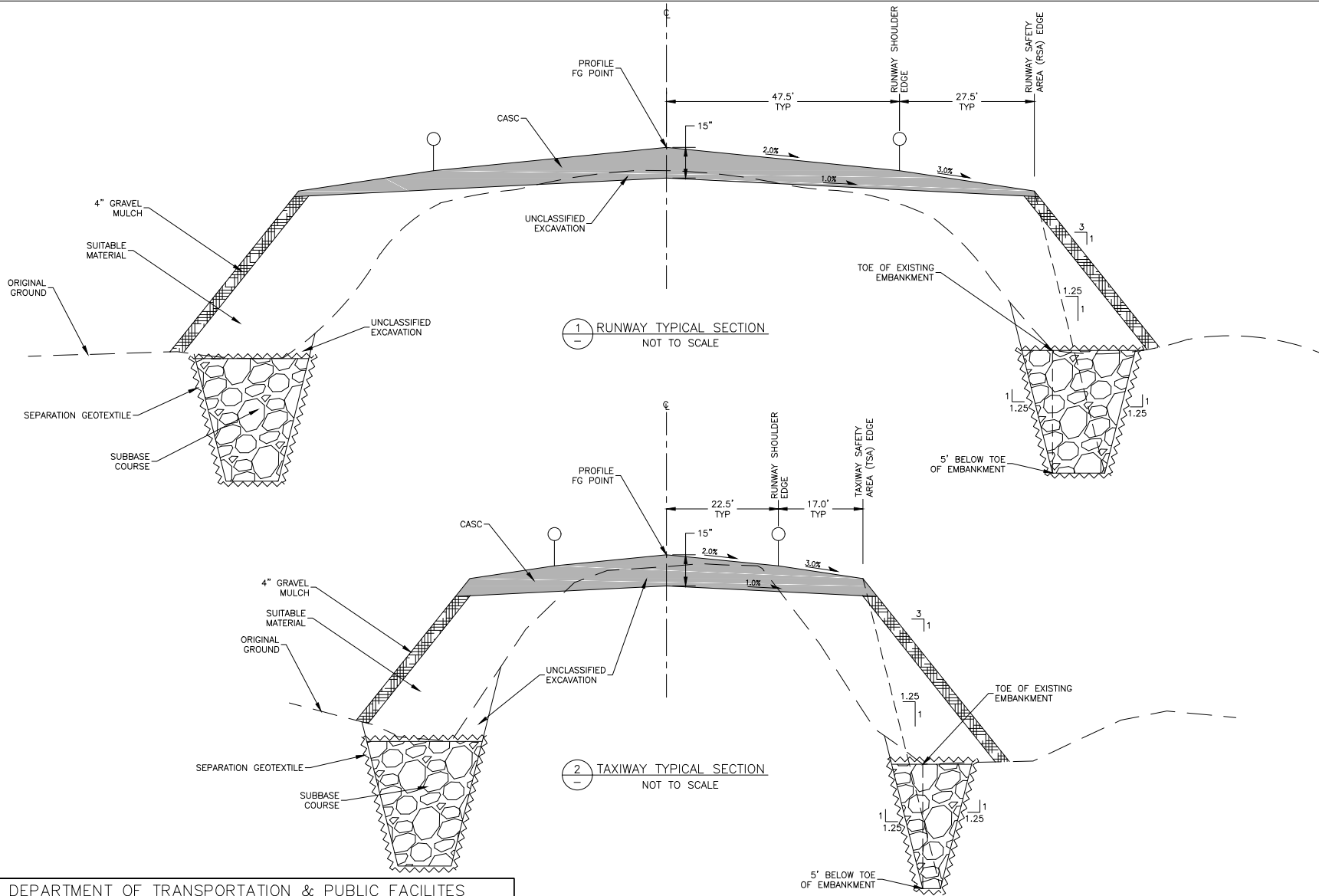


ALASKA DEPARTMENT OF TRANSPORTATION & PUBLIC FACILITIES
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 PLAN VIEW WETLAND IMPACT
 DATE: 12/11/2017

FIG 3 OF 7

LEGEND




-  WETLAND IMPACTS
-  OPEN WATER IMPACTS

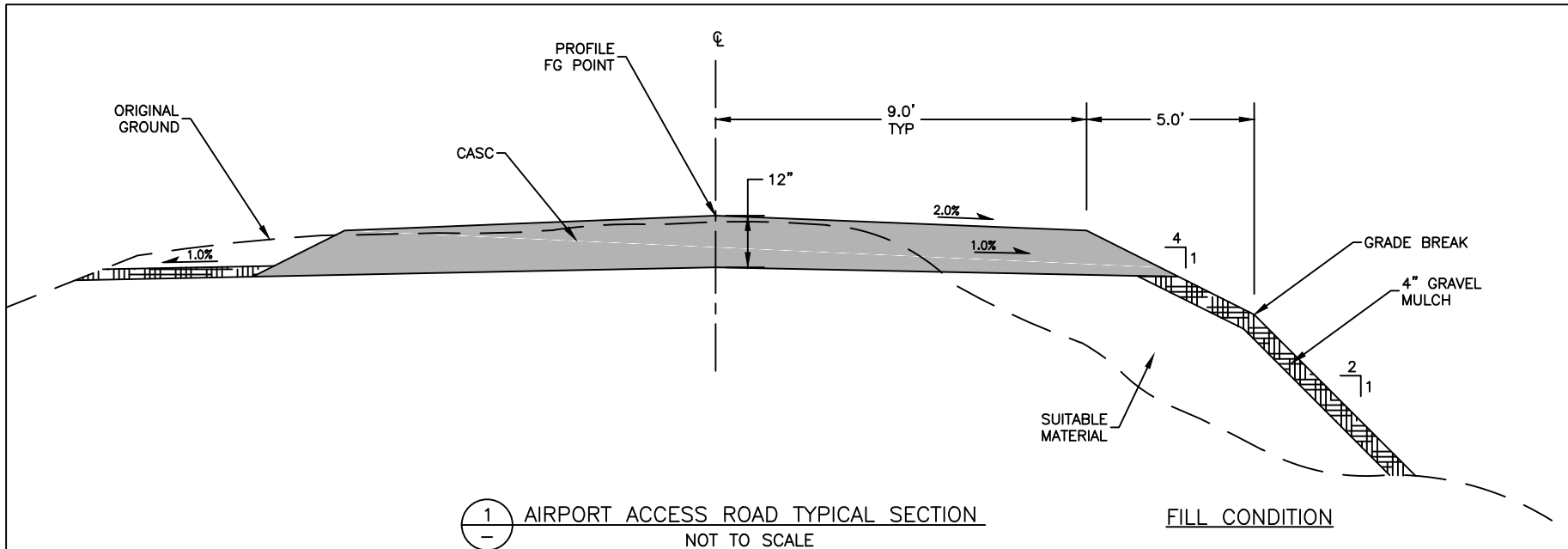


ALASKA DEPARTMENT OF TRANSPORTATION & PUBLIC FACILITIES
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 WATERWAY: KANGIRLVAR BAY
 PROPOSED ACTIVITY: AIRPORT IMPROVEMENTS
 SEC. 4, 8, 9, TS, 5N, R, 90W: SEWARD MERIDIAN
 LAT: 60.53803 N LONG: 165.08910 W
 TOOKSOOK BAY AIRPORT IMPROVEMENTS
 ROAD SECTION AND CULVERT DETAILS
 DATE: 12/11/2017



FIG 4 OF 7

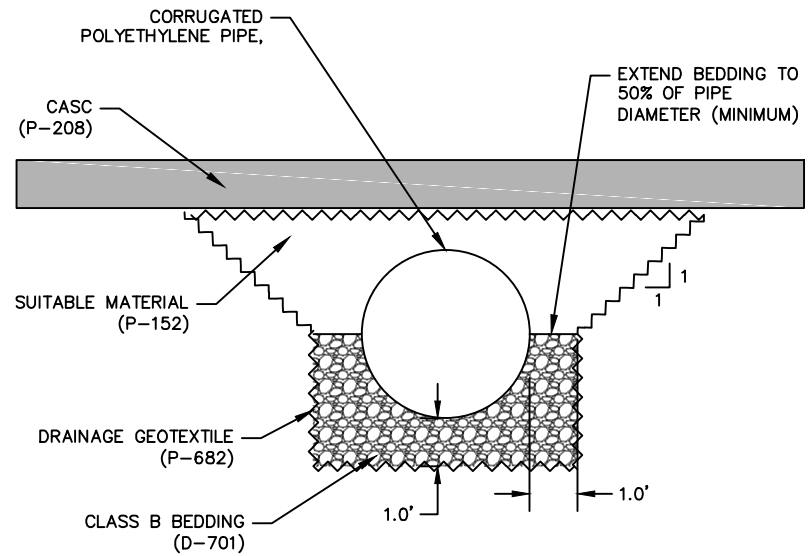
LEGEND

-  CRUSHED AGGREGATE SURFACE COURSE (CASC)(P-208)
-  SUBBASE COURSE (P-154)
-  GRAVEL MULCH (T-908)

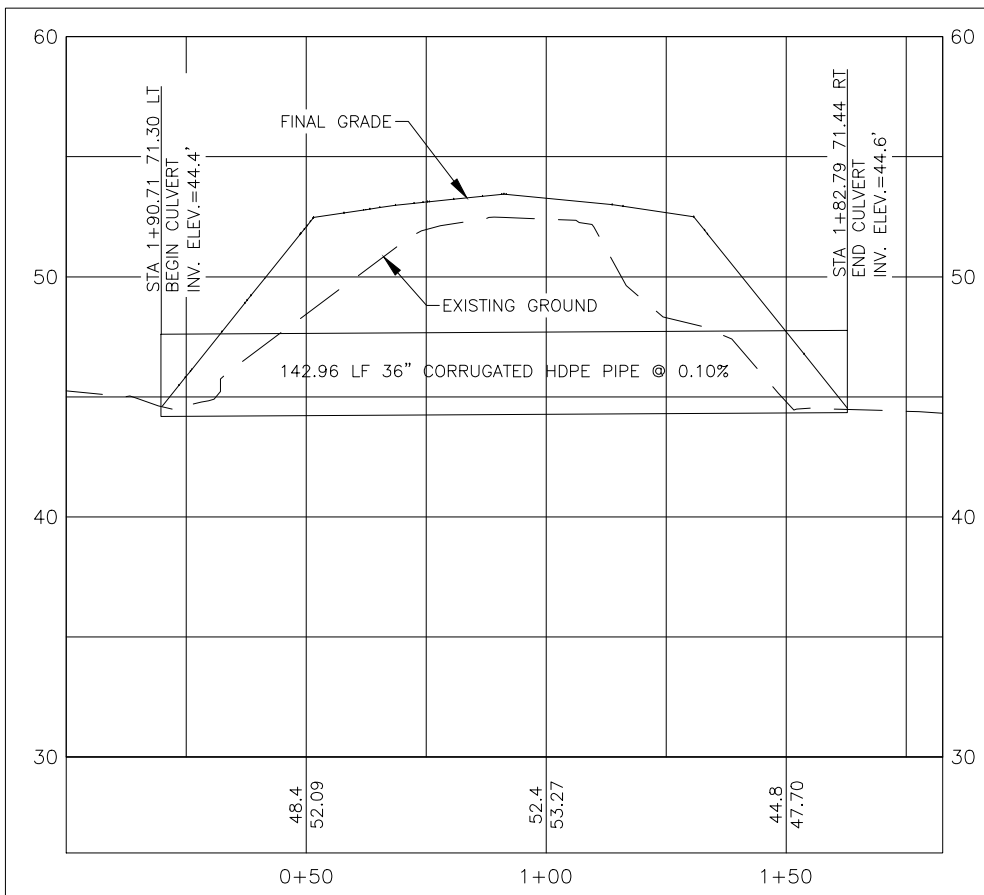
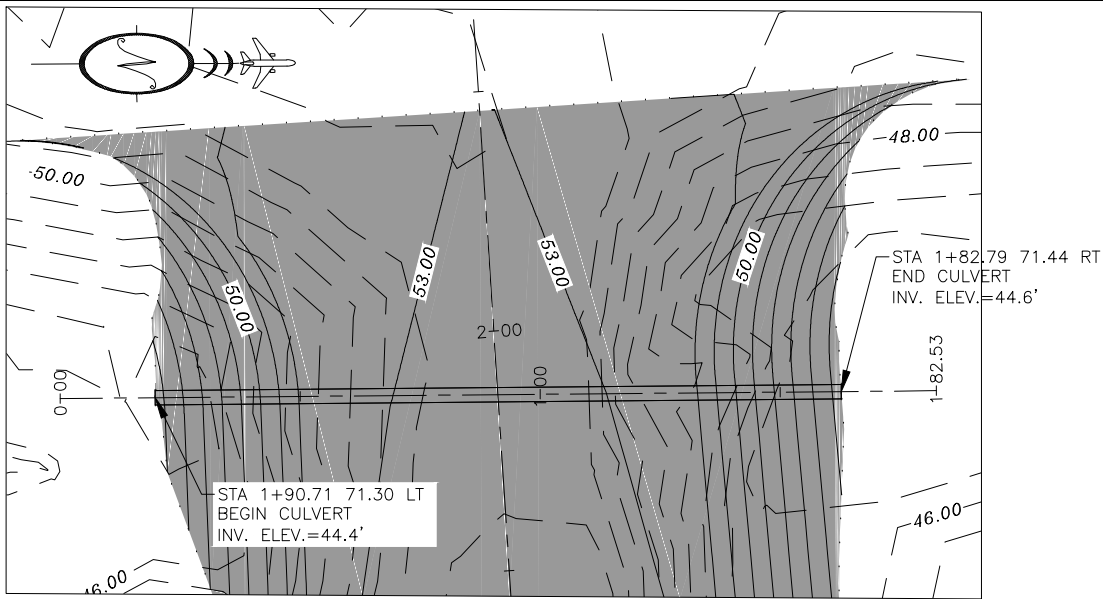


LEGEND

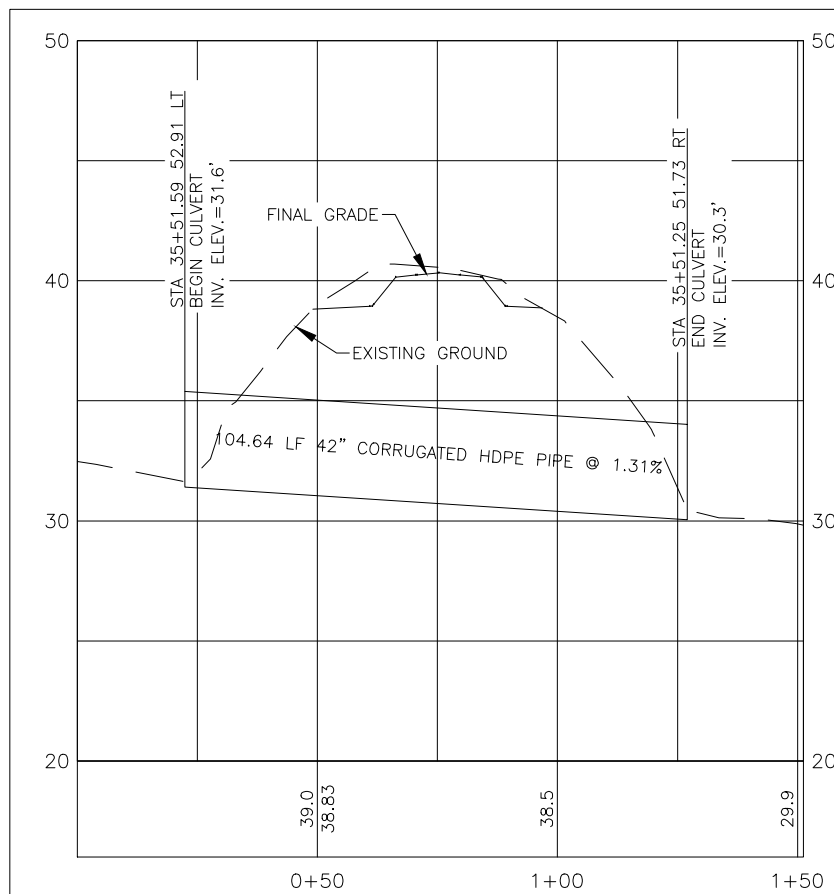
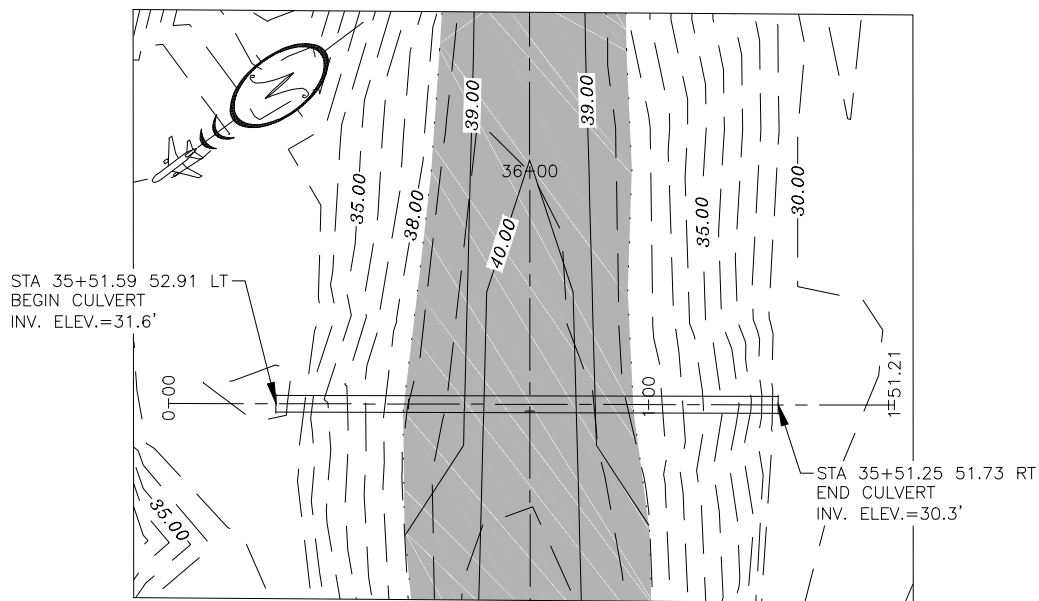
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ALASKA DEPARTMENT OF TRANSPORTATION & PUBLIC FACILITIES
 FILE NO: POA- 2017-51
 WATERWAY: KANGIRLVAR BAY
 PROPOSED ACTIVITY: DRAINAGE IMPROVEMENTS
 SEC. 4, 8, 9, TS, 5N , R,90W: SEWARD MERIDIAN
 LAT: 60.53803 N LONG: 165.08910 W
 TOOKSOOK BAY AIRPORT IMPROVEMENTS
 PIPE P-1 PLAN AND PROFILE
 DATE: 12/11/2017



ALASKA DEPARTMENT OF TRANSPORTATION & PUBLIC FACILITIES
 FILE NO: POA- 2017-51
 WATERWAY: KANGIRLVAR BAY
 PROPOSED ACTIVITY: DRAINAGE IMPROVEMENTS
 SEC. 4, 8, 9, TS, 5N, R, 90W: SEWARD MERIDIAN
 LAT: 60.53803 N LONG: 165.08910 W
 TOOKSOOK BAY AIRPORT IMPROVEMENTS
 PIPE P-2 PLAN AND PROFILE
 DATE: 12/11/2017